SQUARING THE CIRCLE: WEST EUROPEAN TERRORISM, EC/EU COUNTER-TERRORISM AND LIBERAL DEMOCRATIC ACCEPTABILITY

by

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We accept this thesis as conforming to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA

December 1994

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Vancouver, Canada

Date 22/12/1994
This dissertation is concerned with an analysis of the dynamic of West European terrorism and European Community/Union (EC/EU) counter-terrorism as it has evolved since the late 1960s. The first half of the study is devoted to an investigation of the nature of the terrorist phenomenon itself; the factors that were primarily responsible for its escalation from the late 1960s onwards; the new and continuing trends that are likely to affect the future course of terrorism within Western Europe into the 1990s. The main focus of the second half of the project centers on an examination of the effectiveness and appropriateness of the latest EU provision to counter terrorism (and other major threats to internal security) - the Maastricht third "pillar." This assessment is made from a perspective that takes into account questions of both operational anti-terrorist proficiency and liberal democratic acceptability.

Police and security forces throughout the EU have strongly endorsed the third pillar as providing an efficient response to serious criminality. However, from a liberal democratic point of view, the Maastricht provisions raise critical questions concerning the underlying ideological rationale that appears to be guiding the Twelve's evolving internal security cooperation, the lack of public debate surrounding this coordination and the absence of any effective means to control closer EU judicial and law enforcement action.
All this poses a serious problem for the future of EU counter-terrorism cooperation. Close coordination between the EU member states is absolutely necessary if the continuing threat of terrorism in Western Europe is to be effectively quashed in the 1990s. However, one cannot realistically expect this to happen if fundamental fears exist over the desirability and legitimacy of establishing ever closer internal security cooperation. It is therefore vital that in the headlong rush to provide for an enhanced international operational capacity to deal with terrorism critical considerations of democratic control and acceptability (both of which the EU as well as individual member states are sworn to uphold by virtue of their "status" as a liberal democratic entities) are not lost by the Union Twelve.
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<td>Association of Chief Police Officers</td>
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<tr>
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<td>Action Direct (Action Directe)</td>
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<td>AIS</td>
<td>Islamic Salvation Army</td>
</tr>
<tr>
<td>ANO</td>
<td>Abu Nidal Organization</td>
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<td>ANS</td>
<td>Actiefront Nationaal Socialisten</td>
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<td>APLA</td>
<td>Azanian People's Liberation Army</td>
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<td>ARM</td>
<td>Animal Rights Militia</td>
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<td>ASALA</td>
<td>Armenian Secret Army for the Liberation of Armenia</td>
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<td>Automatic Search Facility</td>
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<td>BfV</td>
<td>Bundesamt fur Verfassungsschutzamt</td>
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<td>Bundeskriminalamt</td>
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<td>Black Liberation Army</td>
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<td>Red Brigades (Brigate Rosse)</td>
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<td>Brigade Speciale</td>
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<td>Combat 18</td>
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<td>CELAD</td>
<td>Comite Europeen de la Lutte Anti-Drouge</td>
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<td>CHM</td>
<td>Commando Holger Mains</td>
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<td>CIREA</td>
<td>Centre for Information, Discussion and Exchange on Asylum</td>
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<td>CIREFI</td>
<td>Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration</td>
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<td>CIS</td>
<td>Commonwealth of Independent States</td>
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<td>Centrale Recherche Informatiediense</td>
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<td>Counter Revolutionary Wing</td>
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<td>DA</td>
<td>German Alternative</td>
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<td>Dev Sol</td>
<td>Devrimci Sol</td>
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<td>DFLP</td>
<td>Democratic Front for the Liberation of Palestine</td>
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<td>Direction de la Surveillance du Territoire</td>
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<td>DVU</td>
<td>German People's Union</td>
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<td>EC</td>
<td>European Community</td>
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<td>Abbreviation</td>
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<td>ECPHRFF</td>
<td>European Convention for the Protection of Human Rights and Fundamental Freedoms</td>
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<td>Revolutionary People's Struggle</td>
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<td>National Organization of Cypriot Combatants</td>
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<td>Red Army for the Liberation of Catalonia</td>
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<td>Europol</td>
<td>European Police Office</td>
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<td>FANE</td>
<td>Federation d'Action Nationale Europeene</td>
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<td>FAP</td>
<td>Free German Worker's Party</td>
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<td>FBI</td>
<td>Federal Bureau of Investigation</td>
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<td>FCO</td>
<td>Fighting Communist Organization</td>
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<td>Islamic Salvation Front</td>
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<tr>
<td>FLN</td>
<td>National Liberation Front (Front de Liberation Nationale)</td>
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<td>FLNC</td>
<td>Corsican National Liberation Front (Front du Liberation National Corse)</td>
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<td>FLQ</td>
<td>Front for the Liberation of Quebec (Front de Liberation de Quebec)</td>
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<td>GAFI</td>
<td>Groupe d'Action Financiere Internationale</td>
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<td>GCHQ</td>
<td>Government Communications Head Quarters</td>
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<td>GDR</td>
<td>German Democratic Republic</td>
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<td>GEO</td>
<td>Grupo Especial de Operaciones</td>
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<td>GIA</td>
<td>Armed Islamic Group (Groupe Islamique Arme)</td>
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<td>GIA</td>
<td>Groupe Interforce Antiterroriste</td>
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<td>GIGN</td>
<td>Group d'Intervention de la Gendarmerie</td>
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<td>Acronym</td>
<td>Description</td>
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<td>GIS</td>
<td><em>Groupe Interventionale Speciale</em></td>
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<td>GRAPO</td>
<td>October 1st Anti-Fascist Group</td>
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<td>GSG-9</td>
<td><em>Grenzschutzgruppe 9</em></td>
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<tr>
<td>HEU</td>
<td>Highly Enriched Uranium</td>
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<tr>
<td>ICPC</td>
<td>International Criminal Police Commission</td>
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<td>INLA</td>
<td>Irish National Liberation Army</td>
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<tr>
<td>IRA</td>
<td>Irish Republican Army</td>
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<td>JRA</td>
<td>Japanese Red Army (aka. United Red Army of Japan/URA)</td>
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<td>KGB</td>
<td>Committee for State Security (<em>Komitet Gosudarstvennoi Bezopastnosti</em>)</td>
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<td>LARF</td>
<td>Lebanese Armed Revolutionary Faction</td>
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<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
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<td>MAD</td>
<td>Mutually Assured Destruction</td>
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<td>Mutual Assistance Group</td>
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<td>MCO</td>
<td>May 19th Communist Organization</td>
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<td>MNR/RENAMO</td>
<td>National Resistance Movement</td>
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<td>MPSB</td>
<td>Metropolitan Police Special Branch</td>
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<td>NAR</td>
<td>Italian Armed Revolutionary Nuclei</td>
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<td>National Central Bureau</td>
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<td>National Criminal Intelligence Service</td>
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<td>NOCS</td>
<td><em>Nucleo Operativo Centrale di Sicurezza</em></td>
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<td>OIRA</td>
<td>Official Irish Republican Army</td>
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<td>PAF</td>
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<td>PIOS</td>
<td><em>Persone, Institutionen, Objekte, Sachen</em></td>
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<td>PKK</td>
<td>Kurdish Worker's Party (<em>Pesh Merga</em>)</td>
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<td>PLF</td>
<td>Palestine Liberation Front</td>
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<td>Palestine Liberation Organization</td>
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<td>PLOTE</td>
<td>People's Liberation Organization of Tamil Eelam</td>
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<td>PNV</td>
<td>Partido de Avana</td>
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<td>Police Working Group on Terrorism</td>
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<td>QMV</td>
<td>Qualified Majority Vote</td>
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<td>RAF</td>
<td>Red Army Faction (Rote Armee Fraktion)</td>
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<td>RAID</td>
<td>Reserche, Assistance, Intervention, Dissuasion</td>
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<td>Revolutionary Anti-Racist Action</td>
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<td>RO-17 November</td>
<td>Revolutionary Organization of 17 November</td>
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<td>RPG</td>
<td>Rocket Propelled Grenade</td>
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<td>RZ</td>
<td>Revolutionary Cells (Revolutionarer Zellen)</td>
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<td>SAM</td>
<td>Surface to Air Missile</td>
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<td>Special Air Service</td>
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<td>Systems Customs Enforcement Network</td>
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<td>Students for a Democratic Society</td>
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<td>Treaty on European Union</td>
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<td>Free Land</td>
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<td>TREVI</td>
<td>Terrorism, Radicalism, Extremism, International Violence</td>
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<td>TSFN</td>
<td>TREVI Secure Fax Network</td>
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<tr>
<td>UCLAF</td>
<td>Unite de la Coordination de la Lutte Anti-Fraude</td>
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UDA  Ulster Defence Association
UDR  Ulster Defence Regiment
UFF  Ulster Freedom Fighters
UN  United Nations
UNITA  National Union for the Total Independence of Angola
UNSO  Ukrainian People's Self-Defence Association
US  United States
USSR  Union of Soviet Socialist Republics
UVF  Ulster Volunteer Force
VAPO  People's Extra Parliamentary Opposition
VMO  Vlaamse Militante Orden
WP  Warsaw Pact
WUO  Weather Underground Organization
PREFACE

This thesis represents the culmination of three years research in the field of West European terrorism and EC/EU counter-terrorism. The dissertation is predicated on the belief that terrorism in its various manifestations poses a fundamental threat to the freedoms and principles enshrined in the liberal democratic political systems of Western Europe. However, it is equally stressed that some of the potential responses to terrorism could pose an equal, if not greater, threat to democratic norms than does terrorism itself. It is hoped that the words which follow will provide a sense of perspective and understanding that both contributes to a more sophisticated understanding of the nature of the terrorist phenomenon itself as well as stimulates informed debate with respect to the need for appropriate and balanced responses.

There are many people to thank. In particular, I would like to extend my gratitude to the following for their input and help in the writing of the text: Martin Baldwin-Edwards of the Queen's University of Belfast, Northern Ireland; Dr Monica den Boer, formerly of the University of Edinburgh and now at the Nederlands Studiecentrum Criminaliteit en Rechtshandhaving, the Netherlands; James Cooney of the Department of International and Public Affairs, Placer Dome Inc., Vancouver; Christopher Groves of Control Risks Ltd., London; Dr James Dingley of the University of Ulster, Northern Ireland; Superintendent Bill Emerton of the Metropolitan Police (UK) Special Branch, New Scotland Yard, London; Detective Superintendent Ken Grange of the Metropolitan Police's Directorate of Performance Review, New Scotland Yard, London; Donald Kerr of the International Institute of Strategic Studies, London; Dr Mike King of the Centre for the Study of Public Order, the University of Leicester; Dr Alasdair Stewart of the University of Aberdeen, Scotland; Professor Paul Wilkinson of the University of St Andrews, Scotland; and Dr Rachael Woodward of the Centre for the Study of Public Order, the University of Leicester.

A special debt of thanks is owed to my dissertation supervisor, Professor Brian Job, for his tireless efforts in guiding me through the often harrowing experience of writing a thesis. His many insights and comments on the various drafts of the manuscript are much appreciated and greatly contributed to the final product that is contained in the pages that follow. Needless to say, however, the thoughts contained herein are those of my own and I consequently take full responsibility for any errors or faults that might occur in the text.

Finally, but certainly not least, I would like to thank my wife, Tasha, for the patience, support and encouragement that she has given me since I first undertook to write this academic study. It has been said that the only thing worse than writing a thesis is living with someone writing a thesis. I can only hope that the experiences of the past three years have not done too much to confirm this in her mind!
INTRODUCTION

"- that all power is a trust - that we are accountable for its exercise - that, from the people, and for the people, all springs, and all must exist." [Benjamin Disraeli, Vivian Grey, book vi, chapter 7].

"- so tyranny is the exercise of power beyond right, which nobody can have a right to. And this is making use of the power any one has in his hands; not for the good of those who are under it, but for his own private separate advantage." [John Locke, The Second Treatise of Government, Chapter XVIII].

We are living in an age where organized violence has become a tool that is increasingly available to sub-state actors and groups. The basic division between the government, army and people - the bedrock of the trinitarian concept of conventional warfare - has collapsed as a result of the production and diffusion of armament technology. This de-structuring, rooted in the mass production and proliferation of basic combat weapons, has made it increasingly difficult for the state to monopolize violence in its own hands and has given a variety of organizations options that were formerly reserved only to the government and its armed forces.\(^1\) Moreover, in an age where large scale inter-state conventional war is constrained both by the costs of modern armaments (one fighter aircraft today costs what an entire squadron did in World War Two)\(^2\) and the awesomely destructive nature of nuclear weapons (which makes the Clausewitzian concept of total war non-sensical), "war by proxy" - the use of military capabilities up to, but not including, sustained combat between regular forces\(^3\) has become the preferred means of conflict for the vast majority of states in the
contemporary international system. This has led to what the former US Secretary of the Army, John Marsh, once described as the "twilight battlefield." Indeed, any current issue of the New York Times will provide ample evidence of the death and destruction that has resulted from conflict which falls short of the conventional level.

One aspect of "modern warfare" that has become progressively more prevalent at the lower end of the conflict spectrum is terrorism. This is due not only to the fragility and vulnerability of modern civilization to disruption but also to the success that this mode of violence has had in generating publicity for a cause. As Connor Gearty notes: "We follow with horrified interest the fate of the hostages in each new hijack or kidnap drama. We wonder not only at the terribleness of the deeds but also about the personalities and the causes that underpin them." Although terrorism is a phenomenon that exists throughout the international system, its development has been especially marked in the West European context. Indeed, between 1969 and 1988, the number of international terrorist acts in the region totalled 3,629 - 33.2% of the worldwide share (see tables one and four in appendix).

Terrorism is certainly not something that is new to Europe. As far back as the Middle Ages, European maritime states were known to have employed pirates and to have officially sanctioned the practise of privateering against their enemies and those engaged in trading with them. During the French Revolution, the term "terror" was used to describe the "regime de la terreur" of the Jacobins between 1792 and 1794. And throughout the latter part of the nineteenth century, a
variety of indigenous nationalist and anarchic European groups, resorted to violent terrorist type tactics to attain some higher goal. The most well known example was the Narodnaya Volya, an anarchist movement which operated in Russia between 1878 and 1881 and which was responsible for carrying out a systematic terrorist campaign against the Tsarist authorities that included the assassination of Alexander II in 1881. Other terroristic groups that were active in the nineteenth and early twentieth centuries included the Russian Boevaya Organisatsia, the Irish Invincibles, the French Illegalistes and the Spanish Pistoleros.

Despite these early instances, it was not until the late 1960s that terrorism became more or less a permanent feature of political life in Europe, especially in the West. In part, this can be explained by the general rise in world-wide terrorist activity that took place at this time as a result of the increasingly urbanized nature of guerrilla warfare as well as the broad historical, political, ideological and technological changes that were occurring. These developments coincided with a number of crucial regional-specific developments that combined to produce a rapid intensification of terroristic violence in the West European area. The most important included the emergence of indigenous radical separatist movements in Northern Ireland and Spain which were reacting to a heritage of past violence and the excesses and provocations committed by their respective governments and police forces; the rise of persistent extreme left-wing organizations which claimed allegiance to revolutionary brotherhoods dedicated, for the most part, to Third World national liberation, the overthrow of the "imperialist
bourgeoisie", or both; and the rapid developments in West European technology, communications and transport facilities which considerably enhanced the region's value, to both indigenous and foreign-based terrorist organizations, as a favorable tactical environment in which to carry out their operations.

Unfortunately, the positive military and political developments that have swept across the globe since 1989 in the wake of the collapse of the Soviet Eastern bloc¹⁰ are not likely to reduce the threat of terrorism in Western Europe for three reasons. First, sectarian violence and militant Islamic fundamentalism, two major sources of West European terrorism in the 1970s/80s that remain independent of East-West considerations look set to continue as a major source of instability during the 1990s. Second, the collapse of the bi-polar superpower structure that has dominated global politics for the past five decades carries with it a number of profound consequences that are likely to exacerbate considerably both the motivation for, and potential destructiveness of, terrorism in the region. These include the collapse of authoritarian rule in Eastern Europe, the disengagement of the superpowers from many areas of unresolved ethnic and territorial tension and increased population movements. Third, the commitment by the member states of the European Community (EC), renamed the European Union (EU) after the 1992 Treaty on European Union (TEU), to create a unified internal market will result in the loss of border controls that were formerly designed to combat a wide range of offences, including terrorism. This will dramatically increase the freedom
of movement opportunities available to indigenous and foreign-based terrorists, opening up a "target of opportunity" that constitutes one of the most densely populated and industrialized areas in the Western world.

The reality of the continued existence and potential escalation of terrorism in Western Europe has not been lost on the states of the region. Particularly in the context of the EU, policy efforts have been increasingly directed at the implementation of measures that are designed to combat this threat in a more effective and meaningful manner. Indeed, a fundamental feature of the (TEU), signed in the Netherlands on February 7 1992, was the provision by the Twelve for extensive cooperation on matters of justice and home affairs - the so-called Maastricht third "pillar." Its purpose is to provide the liberal democratic states of the newly formed Union with the means necessary to initiate a more structured, coherent and rationalized response to such destabilizing threats as terrorism, drug trafficking and serious organized crime.

The recent initiatives taken by the EU member states at Maastricht represent the beginnings of what den Boer refers to as a "European security network." Though still in its infancy stages, it has now become apparent that, henceforth, the EU will aim to combat major threats to its internal security with the same means and instruments on a single, Union-wide basis. Whilst this represents an important step forward in European anti-terrorist cooperation by providing an administrative framework for internal security and formalizing much of
the work presently undertaken by non treaty-based forums such as TREVI (Terrorism, Radicalism, Extremism and International Violence), it also raises extremely serious questions concerning civil rights, legitimacy and accountability.

In essence, the Maastricht provisions represent a form of transitory cooperation that is neither nationally nor supranationally based. On the one hand, EU member states have, for the first time, made interior policy a matter for intergovernmental cooperation - creating a formalized, treaty based executive body, the "K4 Committee", in which to coordinate their efforts. On the other hand, because such collaboration is lodged in an intergovernmental framework of cooperation, it both reduces the jurisdictional effectiveness of national courts and parliaments and remains beyond the purview of official EU institutions of oversight such as the European Court of Justice and European Parliament. As a result a "democratic deficit" has grown up whereby decisions that have the potential to affect a great number of people can now effectively be taken without reference to either national parliaments or elected EU institutions. This is a serious problem. As John Benyon points out:

*Police cooperation in Europe is developing at various levels...Whether the initiatives are inspired by ministers or generated by police officers, there appears to be a widespread neglect of mechanisms to ensure political and social accountability. Politicians, officials and police officers seem to have seriously underestimated the importance of workable and visible structures of accountability. These are necessary to secure legitimacy and public consent, both of which are vital for effective policing in open, democratic societies.*
If domestic remedies for accountability are rendered ineffective without providing for alternatives at the European level, there is a very real danger that liberal democratic norms of legitimacy will be violated in the process of internationalization. This runs directly counter to the underlying rationale that guides EU integration, namely that it should respect and build upon the constitutional customs and traditions which are common to all member states, philosophically defined as liberal democratic polities - which is, itself, a fundamental requirement of Union membership.

There can be little doubt that the potential threat of terrorism within the EU in the coming years demands a joint response that is structured, efficient and coordinated. The internal security provisions of the Maastricht Treaty at least begin to provide the Twelve with the means by which such a strategy could emerge. However, if the EU is to build on this progress, it is vital that such operational development be accompanied by adequate mechanisms to ensure democratic accountability and political responsibility. In other words, cooperative arrangements have to be regarded as socially legitimate. If they are not, fears will inevitably arise that closer law enforcement and judicial collaboration, far from serving to protect the democratic process, actually serves to damage it and is, thus, not warranted.

With these points in mind, the conceptual parameters of the thesis can now be set. Its aim is to address the issue of EU anti-terrorist collaboration in the post-Cold War era from a perspective that takes into account questions of both operational efficiency and democratic
acceptability. It argues that while the internal security provisions of the Maastricht TEU have the potential to enhance considerably the Union's operational capacity to deal with terrorism, they could, in the final analysis, be self-defeating in that they fail to secure the public support and consent that is so vital to any democratic response to this mode of violence.

Chapter one seeks to ascribe a coherent meaning to "terrorism" - defining the concept by reference to the nature of the act rather than the identity of the perpetrators. Such an approach proceeds from the belief that terrorism is a particular type of subversion which can be differentiated from other modes of organized violence. Accordingly, rather than abandoning the attempt to conceptualize terrorism as a hopeless semantic exercise, the practise will be classified into a unique analytical category by reference to the essential attributes that are seen to constitute the practise.

Chapter two analyzes the underlying political and strategic reasons that account for the upsurge in worldwide terroristic activity from the late 1960s onwards. Five factors in particular appear to have played a critical role: The shift in Latin American revolutionary strategy away from conventional guerrilla tactics; the rise of Palestinian extremism abroad as a result of the defeat of the Arabs at the hands of the Israelis in the 1967 Six Day War; the emergence of the New Left; the development of modern mass media networks; and the increasing use of war by proxy as a result of the strategic constraints placed on conventional conflict in the nuclear age.
Chapter three traces the development of the terrorist phenomenon within Western Europe up to and including 1989, the year many consider to mark the beginning of the end of the Cold War.15 The region is unique in that it is an area of the world which has experienced terrorism that has originated from both nationalist and ideologically inspired organizations, as well as from indigenous and international groups. The answer as to why this development occurred lies in a combination of underlying historical, political and socio-economic considerations which, given certain environmental characteristics of the region, caused a whole variety of "home grown" and extra regional groups to seek their objectives through terroristic means.

Chapter four examines how terrorism within Western Europe is likely to develop in the post-Cold War era. If anything, the incidence and lethality of this form of organized violence are expected to rise. Not only does the restructuring of East-West international relations not affect the major underlying political causes for indigenous and extra regional terrorism within Western Europe, new threats are also being created by the forces of nationalism and the breakdown of central order in Eastern Europe. Moreover, the commitment by the Twelve to eliminate their internal borders as part of the program to create a unified internal market will likely heighten the "value" of the region as a favorable tactical environment in which to carry out terrorist operations.

Chapter five develops a model of counter-terrorism that is consistent with liberal democratic norms and principles of legitimacy. Political, social and ethical values that are common to all liberal
democratic polities require that terrorism be classified as an illegitimate mode of non-state sanctioned violence. However, in countering this normatively defined problem it is essential that liberal polities do not sacrifice the very principles that make a democratic way of life possible in the first place. In other words, remedies have to be both effective and acceptable. Any coercive response that is initiated must be congruent with such democratic maxims as the rule of law and political accountability. It is precisely this which gives liberal counter-terrorist policies their acceptable quality, as distinguished from the more hardline solutions that are characteristically favored by totalitarian regimes - which clearly fall into an unacceptable category (from a liberal democratic standpoint). The following general requirements will be highlighted as crucial to any liberal democratic response to terrorism: limitation, credibility and accountability.

Chapter six traces the development of EC/EU anti-terrorist cooperation as it has evolved since 1970. It will analyze the measures that were adopted prior to the incorporation of a separate "pillar" of judicial and home affairs cooperation in the TEU in 1992. The 1992 initiative will be assessed, in purely practical terms, in relation to the measures that were adopted prior to its inception. In very general terms, the major importance of the Maastricht third pillar lies in its horizontal coordination of the Twelve's customs, policing, judicial and immigration services. Hitherto, these arrangements had been dealt with in a largely ad-hoc, un-integrated and disparate manner. This represents an extremely important development in EU anti-terrorist
cooperation. By bringing these separate areas together under one over­arch­ing forum, it will now be far easier to achieve the level of international inter-service coordination that is so necessary for any effective joint action in this area. Moreover, the provisions provide an administrative framework for the future development of EU anti-terrorist collaboration, establishing in the process a "solid legal basis for future European police [and judicial] cooperation".16

Chapter seven evaluates the Maastricht provisions from the perspective of the liberal democratic model developed in chapter five. Police and security forces throughout the EU have strongly endorsed the Maastricht provisions as providing "an efficient European response to criminality."17 One aspect that they especially seem to favor is the fact that decisions and the collection/dissemination of information will, henceforth, be taken "without bureaucracy, immediately and complete."18 However, from a civil libertarian perspective, the Maastricht provisions raise extremely serious questions concerning human rights, critical public debate, data protection and systems of accountability in the EU. These concerns pose a serious problem as one cannot expect to gain the type of public consent that is crucial for democratic acceptability if fundamental fears exist over the legitimacy and desirability of ever closer law enforcement and judicial cooperation.
THE LITERATURE ON TERRORISM

Some General Remarks.

The literature on terrorism is comparatively young, with the vast majority of books (85%) being written in the years since 1968. It is not the product of a single discipline. Scholars from fields as diverse as political science, history, military studies, psychology, philosophy, sociology, religious studies, criminology, law and communications sciences have all, in one way or another, contributed to it. A fully integrated and comprehensive multi-disciplinary approach to the study of terrorism is extremely important. The subject is not merely complicated; it is complex. It represents a nexus of issues, a methodological whole that cannot be treated by separation into its various component elements. Leaving aside any single factor, let alone a whole dimension of the problem amounts to, at best, a partial or, at worst, an irrelevant analysis that could have possibly catastrophic results on policy formulation.

Nearly all who write on terrorism are neither advocates of the practise nor have they been directly involved in or affected by its application. This has lead to a somewhat lopsided academic discourse which lacks a degree of intellectual balance and "hands on" experience. Exceptions are rare. Robert Kupperman, David Long, Dennis Pluchinsky and G. Davidson Smith are examples of four authors who have been associated with both the academic and government operational sectors in North America. Richard Clutterbuck and Benjamin Netanyahu are both
practitioners turned intellectuals with considerable para-military counter-insurgency experience. J. Bowyer Bell and Eugene Walter are two of the few scholars who have taken the trouble to go to places such as Northern Ireland, the Middle East and Latin America to talk to terrorists and revolutionaries. This gives their work a rare authenticity, the value of which should not be underestimated.  

Despite the growing interest shown by governments and the media with terrorism, such attention has not, by and large, been reflected in academia. In most universities and research institutes terrorism studies are reduced to a small scale/peripheral concern and in some instances are excluded altogether. Few of the authors to have written on terrorism have gone beyond publishing one or two articles on the subject. Even fewer have dedicated a significant part of their research time to this field of study. According to Schmid, as much as 80% of the entire literature on terrorism is not research-based in any real sense, being, instead, narrative, impressionistic, superficial and pretentious. Real specialists in academia are still few.  

Scholars working extensively in this area tend, therefore, to find themselves on their own, relying on, if anything at all, "shoestring" research grants. One major consequence of this is that the type of team-based high cost research projects normally found in other areas of the social sciences (such as the Correlates of War (COW) project) has not been present in the study of terrorism. As Wilkinson observes, this in part helps to explain the lag in developing high quality data banks, statistical analysis and operational research applications. Mickolus,
Schmid, Jongman and Jenkins (in his capacity as a research analyst at the RAND Corporation in Santa Monica) are perhaps the only scholars who have managed to make any real effective headway in these areas.22

Finally, as with all aspects of the social sciences, research on terrorism should, ideally, be based on an objective and balanced analysis. Even if one intends to approach the subject from a particular viewpoint (which, if so, should be made explicit from the outset), it is nevertheless vital that any ensuing study proceed in a consistent and even handed manner. However, the emotive nature of the subject matter does not readily lend itself to such analysis. Often moral outrage and the eagerness to condemn thwart attempts to arrive at more sophisticated and indepth understandings of the phenomenon at hand, especially in the context of definition and response. Coherence and consistency is as necessary to the study of terrorism as it is to any aspect of politics and/or international relations in general. It is, however, the lack of such congruity which serves as the major characteristic of a significant portion of the current literature on terrorism.

The Major Works on Terrorism.

It is possible to categorize the essential literature on terrorism into the following main categories: conceptual works; definitional works; the strategy of terrorism; case studies; state sponsored terrorism; international terrorism; international responses; and dilemmas of response in a liberal democracy.
The conceptual works on terrorism concentrate on the development of various theoretical and methodological approaches to the study of terrorism. The aim is to produce an adequate research framework that allows for a comparative analysis of the socio-political context of individual incidents and events. This "scientific" literature aims to be both apolitical and amoral, adopting an objective neutral posture which avoids any skewed focus or research bias. It sees its role not in fighting terrorism per se but in explaining the underlying root causes of the phenomenon in all its various forms and contexts.\textsuperscript{23}

Definitional works on terrorism set out with the more modest aim of trying to identify, rather than explain, the phenomenon at hand. These works define/conceptualize terrorism by reference to the essential characteristics that are seen to constitute the practise. In many instances, typologies are developed, providing for more precise definitions of subgroups of terrorism. As with the scientific literature on terrorism, these authors seek to minimize the subjective content of their analysis (with certain exceptions such as Wilkinson) in an attempt to maximize the possibility of achieving consensual agreement.\textsuperscript{24}

There are a number of researchers who deny that it is possible to arrive at a widely accepted generic definition/conception of terrorism. Some authors stress the careless and indiscriminate way in which the term is used, maintaining that this not only artificially inflates statistics but also makes identification of the specific character of terrorism very difficult.\textsuperscript{25} Others reject the possibility of arriving at a definition in principle, arguing that the very process of denotation is, itself, part of
the wider conflict between political objectives, ideologies and social reality.26

The literature that deals with the strategy of terrorism essentially concerns itself with terrorism as a mode of revolutionary warfare. Analysis generally centers around the historical development of terrorism as a strategy; the assumptions on which the terror weapon is based (such as the psychology of fear and publicity/political communication); terrorism's relation to and difference from other forms of political violence (such as guerrilla warfare); trends in terrorism; the effect of technological advances in terms of both means (weapons) and ends (targets); and the short and long term (dis)advantages of this mode of violence.27 A rapidly growing sub-set of this literature is devoted to the specter of nuclear terrorism. These works look at the opportunities and constraints that are serving to increase/decrease the probability of terrorists exploiting nuclear weapons of mass destruction as part of their wider repertoire of violence.28

Case studies are an extremely important component of the terrorist literature. As Wilkinson observes, "context is all in the study of political violence."29 Rather than concentrating on the development of general theoretical models to explain terrorism, these studies aim to discern the underlying root causes, determinants and development of particular campaigns and organizations. This is done through analysis of the specific social political, economic and cultural backgrounds of terrorist conflicts as well as the personalities and ideas of relevant leading figures. These studies have yielded some interesting results in areas
such as the motivations/self-perception of terrorists, the organization and strategy of particular groups and the crucial determinants of the success or failure of certain campaigns.\textsuperscript{30}

A considerable sub-literature has grown up around state support/sponsorship of terrorism. These works aim to provide definitive evidence of direct or indirect involvement by state actors in acts of terrorism. Most works have attributed sponsorship activities either to particular countries in the third world and/or to the states of the former Soviet bloc. A number of these have developed elaborate "conspiracy theories" maintaining that a master cell exists allegedly controlling the activities of terrorist groups around the world.\textsuperscript{31} On the other side of the coin there are also a number of scholars who maintain that there has been extensive Western complicity in terrorism, particularly from the US in Central America.\textsuperscript{32} Finally there are those who look, not at state sponsorship of surrogate actors, but at the direct use of terror as an official means of repressive state enforcement.\textsuperscript{33}

A huge literature now exists on the phenomenon of international terrorism. These analyses approach the subject from a global perspective, looking at terrorism as a problem of international relations. Most works concentrate on identifying the primary geo-political, strategic, economic and technological causes for the spread of terrorism throughout the international system; elucidating the linkages that are alleged to exist between terrorist groups and/or state actors; and forecasting future trends with respect to targets and levels of incidence/destructiveness.\textsuperscript{34} Given the prominence of Middle Eastern
terrorism in Western Europe, certain researchers have also devoted considerable attention to this particular area.\textsuperscript{35}

Equally as prominent in the field is the literature that deals with responses to terrorism. These works concentrate on a number of approaches for the management and control of terrorism. Those that deal with international initiatives generally emphasize the need for effective international legal structures to facilitate the arrest, trial and extradition of terrorists; comprehensive sharing of terrorist intelligence information to help prevent terrorist attacks before they occur; and a commitment to uphold and enforce joint economic and diplomatic sanctions against states that sponsor terrorism.\textsuperscript{36} An extremely influential offshoot of this sub-set of literature are works that concentrate on the development of legal and police cooperation in Western Europe to counter terrorism. The importance of, and interest in this particular body of research has been significantly heightened by both the prospect of increasing instability in the post-Cold War era and the judicial and law enforcement aspects of closer EC/EU political and economic integration.\textsuperscript{37}

The most important works that deal with national responses to terrorism are essentially studies devoted to the dilemma of the liberal state in countering terrorism. These analyses concern themselves with questions of the democratic society and the balance between security and freedom. For these authors the real issue is not control of terrorism per se. Rather it is how to contain terrorism without paying the unacceptable price of sacrificing the open society which one seeks to
The aim of this body of research is to relate and reconcile practical considerations of anti-terrorism with the moral, theoretical and philosophical imperatives of liberal democratic acceptability.\textsuperscript{38}

The Place of the Dissertation in the Literature on Terrorism.

This dissertation seeks to complement two of the above bodies of research: studies which deal with the developing West European cooperative response to terrorism; and works which analyze counter-terrorism from a liberal democratic philosophical perspective. Drawing on and incorporating sociological, international relations, comparative legal, historical and philosophical approaches, the thesis aims to provide a comprehensive overview of the dynamic of West European terrorism and EC/EU counter-terrorism, analyzing the recent developments made in EU judicial and law enforcement cooperation from both a practical and philosophical perspective.

Since the collapse of the Soviet Eastern bloc and with the prospect of a borderless Europe fast becoming a reality, terrorism's status as an important topic of research in Western Europe has been considerably heightened. Academic and policy makers alike have expended a great deal of time and effort in trying to ascertain how the end of the Cold War is likely to affect the development of this mode of violence and what steps can and should be taken to counter it.

However, much of this literature is incomplete in that it deals with the problem of joint counter-terrorist measures in essentially a technical manner - favoring a standard setting, atheoretical pragmatism. Indeed,
with the exceptions of the comprehensive study made by Benyon et al. in 1994 and the edited volume put out by Anderson and den Boer, again in 1994, almost no systematic attempt has been made to extend philosophical questions of democratic acceptability to the wider perspective of integrated EU law enforcement and internal security cooperation. This is an important shortcoming. It is just as vital for a community/union of liberal states to ensure that democratic values and safeguards are not damaged in their response to terrorism as it is for the single liberal state. This is especially so when, as is now happening with the EU member states, certain aspects of interior/internal security policy are to be taken out of a purely national context and, hence, out of its accompanying system of checks and balances.
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6 Ethan Nadelmann, "Global Prohibition Regimes: The Evolution of Norms in International Society," *International Organization* 44(4) (Autumn 1990): 487. The practice of privateering originated in the thirteenth century when Henry III of England sanctioned privately owned English vessels to attack and loot French ships so long as half the captured bounty was turned over to him.

7 Gearty, *Terror*, 20.


10 These include the termination of US/USSR ideological rivalry, nuclear disarmament, the tearing down of the Berlin Wall and the democratization of East European countries.

Certain commentators deny that it is possible to arrive at a generic
definition of terrorism that is capable of soliciting more than a
superficial congruence of opinion given the fact that the label itself
is a highly value laden term that has come to mean many different
things to different people. Definitions, it is argued, if they are to
be generally acceptable, have to be broadened to such an extent
that they become essentially useless for research purposes. See
notes 25 and 26 below.

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CHAPTER ONE: THE NATURE OF CONTEMPORARY TERRORISM

PROBLEMS OF DEFINITION

"One man's terrorist is another man's freedom fighter." Although this is a much over-used and, to many, trite cliche, it does, nevertheless, capture a central problem in the study of terrorism: the failure to establish a universally accepted definition of the concept under study. Indeed, certain commentators believe there to be no definition of terrorism at all - merely a Babylonic confusion of meanings. However, if we are to frame effective counter-measures against the threat of terrorism, one requires, at the very least, an identification of the problem at hand in a form which allows it to be addressed in an acceptable fashion. The purpose of this chapter is to provide a satisfactory definition of international terrorism, conceptualizing the concept in a manner that will yield more than a superficial congruence of opinion.

The greatest obstacle hindering the development of a generally accepted definition of terrorism is the fact that the term is associated with thoroughly negative connotations. It is not that terrorism is intrinsically more difficult to define than any other political concept, merely that it has escaped definition due to the tendency to embellish its meaning with value laden statements. As Cooper maintains, the concept of terrorism "becomes invested with meaning as a result of the process of human reasoning. Reality, as it were, is filtered through the human mind and is inevitably changed in the process." In essence, terrorism has become a pejorative concept: analysts not only seek to
classify the act in purely objective terms but also to evaluate it by such designations as "extranormal", "immoral" and "extreme."

The problem with this approach is that it is a simple fact of human life that different individuals will interpret the same reality differently. As a result, subjective evaluations of objective phenomenon can hardly be expected to yield any form of general acceptance. Indeed, whilst most people would no doubt agree that terrorism essentially falls into the "wicked" category of human behavior there are also many who interpret it as a justified (and, in some cases, heroic) form of violence - an act of self defence, ethnic expression or self-determination. Terrorism, it would thus seem, becomes dependent on one's point of view.

Whilst this problem can be significantly reduced by minimizing the subjective content of the analysis, it is impossible to exclude totally a normative dimension from the discussion. At the very least, in order to be able to establish the basic criminality of terrorism, it is necessary to refer to those values and principles which have shaped the ethical and legal systems that stand opposed to the practise. For this reason, the following analysis of terrorism proceeds from a liberal democratic context and the consequential standards of behavior that are inherent in this philosophical political outlook.

A further problem is that terrorism has become a "fad" word that has been attributed to all types of violence. The range of behavior that has been categorized under the term is so diverse as to make the concept virtually useless for research purposes. A good example of this
was the definition once proffered by a former National Security Adviser to Ronald Reagan, Robert McFarlane: "terroristic acts can be defined as calculated political crimes against people." So loose and vague a definition is this that it is possible to include anything from the genocide of the Third Reich to the illegal activities of the Nixon administration during the Watergate scandal under its ambit. Most definitions of terrorism tend to be variants of a basic formula stressing political acts of violence carried out by non-state actors. However, such delineations fail adequately to differentiate terrorism from other activities such as assassination, sabotage and guerrilla warfare. Furthermore, they fail to capture certain elements that are fundamental to the practise of terrorism including its use as a symbolic and invariably indiscriminate form of psychological political communication.

A contradictory but equally debilitating problem is that sovereign states have also been reluctant to identify certain behavior as terrorist largely as a result of national self-interest. States are unwilling to base their response to terrorism on definitional criteria alone for the simple reason that foreign or domestic political considerations invariably take precedence over legal interpretations. Afro-Asian states at the UN continually stress the need to "reaffirm the inalienable right to self determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and foreign occupation" and the importance of "upholding the legitimacy of [such] struggles, in particular the struggle of National Liberation Movements." As such, any formula defining terrorism as politically
motivated violence aiming to influence the policy of a government by intimidation and/or coercion has no chance of success.\textsuperscript{7} Geoffrey Levitt has accurately captured this primary difficulty in reaching a generic definition of terrorism at the UN:

\textit{Put simply governments that have a strong stake in the promotion of "national liberation movements" are loathe to subscribe to a definition of terrorism that would criminalize broad areas of conduct habitually resorted to by such groups; and on the other end of the spectrum, governments against which these groups' violent activities are directed are obviously reluctant to subscribe to a definition that would criminalize their own use of force in response to such activities or otherwise.}\textsuperscript{8}

Even those states that are adamant about the need for effective international cooperation against terrorism, and, hence, the necessity to define the concept, are prone to undermine their own efforts by adopting double standards and "turning a blind eye" to certain acts of terroristic violence if it suits the national interest. Examples have included a deal struck by the Italians with the Palestine Liberation Organization (PLO) promising Italian non-interference and moderate political support in exchange for a guarantee exempting Italian citizens and territory from PLO operations;\textsuperscript{9} British collusion with loyalist assassination squads such as the Ulster Volunteer Force (UVF), the Ulster Defence Association (UDA) and Ulster Freedom Fighters (UFF), all of whom are opposed to the Provisional Irish Republican Army (PIRA) fighting to terminate British rule in Northern Ireland;\textsuperscript{10} repeated reluctance on the part of the French to condemn outright either hijackings by Arab terrorists or sabotage within Israel as well as
numerous instances of appeasement of Iran - a state known to sponsor terrorism;\textsuperscript{11} United States (US) support of counter-revolutionaries - "contras" (such as the Nicaraguan Democratic Force - FDN) resisting the Sandinista regime in Nicaragua;\textsuperscript{12} South African support of the National Resistance Movement (MNR/RENAMO) in Mozambique as well as alleged sponsorship of a secret "third force" - a hit squad that was alleged to be engaged in a campaign to deliberately stir up African rivalry to enable the government to rule through a policy of divide and rule;\textsuperscript{13} and most recently, a Belgian decision in 1993 to refuse extradition and grant political asylum to two \textit{Euskadi ta Askatasuna} (ETA) separatists charged with terroristic offences by the Spanish government.\textsuperscript{14}

Finally, one must not forget that those states which have recognized in terrorism a useful means for furthering their own foreign policy objectives will obviously not support efforts that aim to outlaw its use on the basis of a generic legal definition of the term.

Given factors such as these, it is hardly surprising that no acceptable definition of terrorism has yet materialized. But it is certainly not the answer to adopt the attitude of the United Nations (UN) which attempts to deal with the problem largely by ignoring it. If effective measures are going to be brought to bear against this problem, it is essential that one move away from the position of one man's terrorist being another man's freedom fighter. What is thus needed is a conceptualization of terrorism that prevents the concept from being used without qualification to mean whatever one wants it to mean.
TOWARDS A DEFINITION OF TERRORISM

As Wardlaw maintains, any serious student of terrorism must make a decision about how to treat the term. Should it be banished altogether since it may degenerate into little more than moralized "name calling", or should it be retained whilst acknowledging that some useful distinctions can be made between different types of violence so long as one approaches the subject in an even handed manner? The latter approach will be adopted here. A definition will be formulated from the salient characteristics that differentiate terrorism as a unique manifestation of organized violence. As such, terrorism will be defined by the nature of the act, rather than the identity of the perpetrators. What then are the essential features of terrorism?

1) From the outset, it must be stressed that terrorism, as dealt with in this study, is a political activity. Whatever group we are talking about, the presence of underlying political objectives is a common characteristic. Terrorism aims at more than mere criminality: its ultimate objective is not to achieve material gain but to influence political behavior. In so doing, it is differentiated from other forms of organized criminal violence such as that undertaken by the Mafia or Hong Kong Triads. Invariably politically motivated terrorism involves a deeply held grievance over some form of perceived injustice. This may be economic or social in nature, but it is, nevertheless, always blamed on the prevailing political structure and/or authority.
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groups may well be pursuing objectives that could be regarded as legitimate, it does not necessarily follow that any means, however unjust, are thereby exonerated. Terrorists reject current norms of behavior as being manipulated in the interests of the strong against the weak and a device used by the established social order to prevent change and maintain the present status quo. In this light, law is regarded as both the symbol and embodiment of the injustice and oppression that has to be removed and violence is justified as a corrective mechanism for certain types of political systems that are identified in of themselves as the equivalent of brutality. However, the basis of modern Western jurisprudence and its Judaeo-Christian values (which also form the foundation of international law) rests on the idea that change must occur peacefully and within the context of an established legal framework. To reject this standard is, in effect, to reject the right of the established community to determine the standards of civilized behavior and to advocate an extreme form of pluralism whereby all acts are legitimatized on an individualist basis. This would necessarily entail a return to the Hobbesian state of nature that is characterized by nihilism and a war of all against all where life is, at best, "brutish nasty and short."

3) Terrorism should be seen as a form of psychological warfare. The immediate objective is not to destroy but, through the use or threat of violence, to create an atmosphere of fear, anxiety and collapse, exploiting this emotional reaction to influence political behavior. Viewed in this context, terrorism is, first and foremost, a psychological tactic.
Thornton refers to this process as disorientation - the removal of the underpinnings of order in which the targets live out their daily lives. The ultimate purpose of this tactic is to destroy the structural supports that give society its strength. Terrorists aim to both show that the government is unable to fulfill its primary security function and to destroy the solidarity, cooperation and interdependence upon which social cohesion and functioning depend. Eventually the community is reduced to pockets of frightened individuals concerned only with their personal safety and, thus, isolated from their wider social context. The most psychologically damaging factor is the unpredictability of danger whereby no one any longer knows what to expect from anybody else.

4) In order to generate the desired psychological state, terrorism has to involve an inherently indiscriminate element. Indiscrimination plays an important role in the generation of anxiety responses: the more unpredictable terrorism becomes, the more disorientating its effects tend to be. This point is emphasized in one of Raymond Aron's most perceptive observations on terrorism: "An action of violence is labelled "terrorist" when its psychological effects are out of all proportion to its purely physical result...The lack of discrimination helps to spread fear, for if no one in particular is a target, no one can be safe." When terrorism becomes predictable it loses its broader character and its effectiveness as a psychologically damaging instrument vis-a-vis a "larger" audience. The utility of the terror weapon is rooted in a feeling of helplessness, that is based on actual impotence: as the attacks appear
completely irrational it precludes the possibility of responding in any rational manner. However, when one knows against whom and from where the terrorist is likely to strike, one can take the appropriate countermeasures.

The indiscriminate element of terrorism does not deny the fact that terrorist groups have a primary target audience whom they are trying to influence and against whom they will concentrate their acts of violence. However, it does affirm the assertion that they will not necessarily limit their activities to this group alone and are prepared to engage in indiscriminate violence in pursuit of their overall objectives. Indeed, by their very nature, it is impossible to ensure that bomb attacks, one of the most characteristic forms of terrorism, will only result in the deaths of selected victims, especially when they occur on board aircraft en route to international destinations. The destruction of an Air India Boeing 747 from Canada to London in June 1985 by the Dashmesh Regiment – killing all 329 aboard – is a case in point. Equally illustrative was the death of 16 Puerto Rican pilgrims who happened to be in the departure lounge of Lod Airport in Israel in 1972 when the Japanese Red Army (JRA) decided to launch their attack against "Zionist Imperialism." Furthermore, the reluctance of tourists to travel to areas of high terrorist activity, such as the UK, Middle East and Latin America, underscores the basic proposition that terrorism is a peculiarly arbitrary type of violence that ensures no one can be absolutely certain of their basic safety.
Many commentators have argued that terrorism should not be seen as an indiscriminate tactic, maintaining that to designate it as such, necessarily means excluding the activities of those that selectively target victims such as the German RAF and Commando Holger Mains (CHM). However, as long as these activities precipitate a widespread fear that others might be harmed in the future, they are terroristic. It should be remembered that it is the terrorist, operating according to his/her own specific and peculiar code of conduct, that decides who is and who is not a legitimate target. As a result, it is impossible to know who will be considered "legitimate" victims in the next attack. Given this situation, all must assume themselves to be potential future targets. As Wilkinson observes:

...even when terrorists claim to select individual targets they do so, of necessity, clandestinely and according to their own idiosyncratic codes. No one can be certain that they will not be the next victim. It is of the very nature of this kind of violence that terrorists, in order to terrorize their audience, strike like lightening in the dark.

The indiscriminate nature of terrorism, by creating fear in a larger group than the immediate victims, necessarily gives the practise a perceived threat out of all proportion to its actual effect. This, consequently, makes it a relatively efficient weapon. It only requires a few well placed bombs to explode successfully to induce a general state of panic and fear. The actions of the Azanian People's Liberation Army (APLA - the armed wing of the Pan African Congress) in South Africa in December 1992 vividly demonstrate this point. Although the attacks on a golf club and restaurant only resulted in the deaths of five whites, at
the time they precipitated a general and widespread fear of an escalating and increasingly threatening tide of black against white violence.  

6) Terrorism is essentially a form of violence that involves non-combatant civilian and military victims. The attacks perpetrated by the terrorist are nearly always carried out against the civilian population. No attempt is made to minimize such casualties. Indeed, civilians are deliberately targeted as a way of delivering a message that is designed to shock. This systematic murder of civilians completely violates the political and ethical codes of all states that uphold the sanctity of human life. The three most "spectacular" acts of international terrorism have all involved the mass murder of non-combatants: the explosions aboard the Air India Boeing 747 in June 1985, a Pan Am Boeing 747 in December 1988 and a UTA DC-10 in September 1989, resulting in the respective deaths of 329, 279 and 171 civilians. Especially in India, the civilian targeted nature of terrorism seems to have reached chronic proportions. In terms of total casualties, it ranks as one of the most terrorism-battered countries in the world, consistently being placed in the "top ten" list of nations for the last six years.

Acts that are carried out against the military can also be said to be terroristic in nature when they are directed against troops not deployed in an active combat role. When terrorists do target the military it is almost always done for the psychological rather than material effect with attacks typically occurring in a non-combatant context. Soldiers are
killed, for example, while on leave, eating out in restaurants or sleeping in their barracks. These actions violate the non-combatant immunity principle that is an inherent aspect of those articulated norms, customs, professional codes, legal precepts, religious/philosophical principles and reciprocal arrangements which shape our judgements of military conduct in the western world. The purpose of this "war convention" is to set certain classes of people outside the permissible range of warfare whereby the killing of any one of their numbers is to be regarded not as a legitimate act of war but as a crime.

Although military terminology is often used by terrorists to describe their activities against soldiers, it should be remembered that terrorists are unable to engage combat troops in a sustained counter-force strategy. As such, they follow an alternative counter-value strategy - utilizing the "politics of atrocity" similar to that characteristically adopted in "civilian" operations. The killing of non-combatant soldiers is, thus, analogous to brutal and wanton murder in the sense that it involves the targeting of individuals who, like innocent civilians, are not currently engaged in, or prepared for, the business of fighting war.

The non-combatant nature of terrorism sets it apart from other forms of low intensity conflict such as guerrilla war and wars of national liberation. Guerrilla war is a type of unconventional paramilitary operation in which hit and run tactics are employed against a far stronger active military opponent with the purpose of wearing down the enemy to the point where it is possible to engage it in conventional
warfare. Terrorism, on the other hand, is a form of psychological warfare that is used to create extreme fear through the use or threat of force against non-combatant civilian/military targets. The important point to note is that guerrillas are primarily concerned with active military enemy targets, whereas terrorists are primarily concerned with non-combatant targets. The distinction between the two has been undermined because guerrilla forces have, on occasions, attacked civilian populations while terrorists, when they do engage military personnel, tend to characterize their activity as a form of "urban guerrilla warfare." However, all that this should alert the analyst to is that terrorism, as a mode of conduct, is open to any who choose to use it. There is, thus, no need to accept the cliche stated at the beginning of this chapter that "one man's terrorist is another "man's freedom fighter." This is merely a reflection that some groups have adopted terrorism in pursuit of goals that are perceived as internationally legitimate, such as wars of national liberation.

It is very important to be able to distinguish between terrorism and other forms of low intensity conflict if one is ever to have a chance of formulating an internationally acceptable generic definition of terrorism. To this extent, there seems to be an increasing awareness at the UN, that even favored national liberation movements should not be allowed to engage in particular acts of violence against certain targets and acceptance of the norm that the deliberate targeting of civilians and non-combatant military personnel should be treated as an international crime.
7) Terrorism is systematic. It is an organized policy that aims to achieve certain political objectives through a sustained campaign of terror. This distinguishes its use from isolated acts of terror which merely aim at the calculated production of an immediate state of extreme fear. Terrorism goes beyond this. It seeks to generate a prolonged condition of anxiety with the objective of exploiting this emotional reaction to manipulate later political conduct. To realize this end, acts of violence necessarily have to be repeated. One single incident will not suffice, as, once it is over, there will be no further inducement to alter future behavior.

Wardlaw argues that it is not particularly useful to distinguish between isolated and systematic acts of terror in practice. This is because it is not possible to know how to classify a particular act until it is seen, or not seen, as part of a wider pattern. For instance, a killing that occurs today may be initially classified as a "simple" case of murder yet reclassified some months later as a more complex case of terrorism if further killings establish a pattern. Given that isolated acts of violence can come to be so easily reclassified as a systematic policy of terrorism, it is rather frivolous and pointless, argues Wardlaw, to attempt to make any such distinction.

However, it is important to remember that if one were to exclude the systematic element from a definition of terrorism, one would also lose the essential quality of the practise as a deliberate type of psychological warfare that is designed to sap the community of the will to resist through a sustained policy of terror. In this context, the
extent of the threat posed by a particular act **should** not be assessed until it is seen, or not seen, as part of a wider policy: if one has to reclassify an act at a later stage, so be it. Initially to label an isolated incident as terroristic would be to imply that it has the same coercive potential as a sustained policy of terrorism. This is a serious mistake. An isolated incident poses no further risk to society beyond its immediate danger and, hence, has no additional power to influence political behavior. A sustained policy of terrorism, however, carries with it the threat of continued aggression if certain demands are not met and, thus, has a prolonged ability to further manipulate conduct. It is just as essential to distinguish between the threat posed by isolated acts of terror and a sustained policy of terrorism as it is to differentiate between the danger posed by a single outbreak of smallpox and a general epidemic.

8) Terrorism must be seen as a means of political communication in which violent acts are committed to gain attention and/or a hearing. It is the very essence of terrorism that it be noticed. Advertising not only demonstrates the existence of a group but also serves as a reminder of its political agenda. By staging dramatic acts, terrorists are able to project themselves as a group that must be listened to and taken account of. In so doing, terrorists are able to exploit Bakunin's theory of the propaganda of the deed which conveys the following message: "We are here. Look what we can do. Heed us or worse will follow." Used in this fashion, terrorism can be employed as a means to demonstrate the inability of a ruling government to protect its subjects; to confirm the
invulnerability of the perpetrators; to justify actions; to spread terror; or to transfer guilt by blaming the consequences of all violence on the opposing government authorities. 39

By their very nature, terrorist groups are too small and ineffectual to achieve their results through a direct confrontation with the state. 40 In this context, the importance of the modern processes of mass communications acting as a vehicle for the transmission of their messages cannot be overlooked. Margaret Thatcher once referred to the media as providing the terrorist with the "oxygen of publicity." Whilst this may be an exaggeration, there is an element of truth in the statement. As Ted Koppel, ABC's nightline host, once put it: "Without [the media] terrorism becomes rather like the philosopher's tree falling in the forest: no one hears it fall and therefore it has no reason for being." 41 Maximum exposure via television, radio, satellite and newspaper ensures that the terrorist is able to carry his/her conflict right to the very heart of the audience that he/she is trying to influence. Without this publicity the terrorist could not hope to achieve the necessary emotional reaction that is required to induce a general state of fear and terror. As Laqueur argues: "The media are the terrorist's best friend. The terrorist's act by itself is nothing; publicity is all." 42 This explains terrorism's lack of success in totally closed societies where the media, and access to it, are fully controlled by the government.

9) Terrorism, as presented here, is a tactic that is carried out by sub-state organizations. This is not to deny the phenomenon of state terror itself, merely to argue that as a systematic policy it demonstrates
certain idiosyncrasies that are sufficiently significant to warrant separate study. The organizational characteristics of terrorism are, however, a source of considerable debate. Many commentators have argued that as a mode of violence, terrorism is as much a tool of governments as it is of revolutionary sub national groups. As Stohl contends:

The most important place to begin our survey of the myths of contemporary terrorism is with the myth that terrorism is the exclusive province of insurgents, dissidents or anti-governmental forces. [But this would be to deny] that there have been, are, and most likely will continue to be regimes that are dependent upon or employ terror as a basic component of their rule.43

Certainly, not only did the term "terrorism" originate with the systematic employment of violence by the Jacobin regime in revolutionary France between 1792 and 1794, there have also been numerous contemporary examples of the state engaging in the deliberate use of systematic terror either as a method of repression or as an instrument of war. The most infamous examples have included Hitler's Final Solution in Germany, Stalin's reign of Terror in the Soviet Union, Pol Pot's Killing Fields in Cambodia, Amin's despotic rule in Uganda and Hussein's "anfal" against Iraq's Kurdish population. Over and above these graphic examples there have also been numerous cases of state terror in South Africa, Haiti, El Salvador, Nicaragua, Guatemala, the Philippines, Indonesia and a variety of Black African and Latin American states. Even liberal western democracies are not exempt from the charge of using state terror to further their own interests. A good example was
the French bombing of the Greenpeace ship "Rainbow Warrior" off the coast of New Zealand on July 10, 1985.

However, despite these examples, one should not be detracted from the point that the systematic use of terror by a state's secret police and coercive apparatus acting with impunity above the law, manifests itself as a particular type of political violence which is quite different from that adopted by small clandestine groups of hit and run gunners. At the very least, one has to acknowledge that the basic outcome of the two is so unalike as to suggest that we are dealing with very different phenomena. To take the position that terrorism is essentially an ineffective weapon, that can, and often does, backfire, cannot account for its success as a means of repression in countless regimes. Most commentators go to great lengths to stress that the utility of terrorism as a political weapon is extremely limited. Wilkinson maintains that one would do well to question the strategic value of the use of terror as a political weapon - stressing that its supposed efficacy is based on a number of faulty or unproven assumptions concerning human behavior; Laqueur maintains that society will only tolerate terrorism so long as it is no more than a nuisance - stressing that it is capable of creating a "lot of noise" but essentially is ineffective as a political tactic; Berry argues that, theoretically, every terrorist action can be defeated by the target of the terror - arguing that the victim, in effect, has control of the situation; finally, Wardlaw argues that there is ample evidence to suggest that terror alone is an ineffective weapon and often results in precisely the opposite of what the terrorists wish to achieve.
remarks are to be applied to the concept of terrorism, then it cannot be terrorism, defined as the same phenomenon, that has so successfully been utilized by a variety of regimes including Mengistu's Ethiopia, Samoza's Nicaragua, Pol Pot's Cambodia, Hitler's Germany, Stalin's Soviet Union, Amin's Uganda and Hussein's Iraq.

Over and above this basic difference in outcome, there are at least three other major characteristics that, although fundamental to the practise of terrorism, do not apply to a state's systematic policy of terror.

The first has to do with the indirect nature of sub-state terrorism. One of the major points of agreement concerning the use of terrorism is that it is a specific form of violence whose perceived threat is out of all proportion to its actual effect, where the "psychology of fear" is employed in an attempt to overcome the physical weakness of the group concerned. However, when the state adopts the use of terror, it manifests itself as a very direct form of violence. This is because it has access to far greater coercive resources and, hence, has a much increased potential to destroy the targeted enemy. Thus, to the group concerned, the perceived threat is very much in proportion to the actual effect: in no way, for example, could Hitler's systematic annihilation of the Jews be described as a psychological tactic that terrorized according to the principle of "Kill one, frighten a thousand."

The second has to do with the unpredictable and arbitrary nature of sub state terrorism. In its aim to generate anxiety responses, indiscrimination plays an important role by precipitating the fear that
death may result to any at any moment. The more arbitrary and unpredictable terrorism becomes the more disorientating its effects tend to be. However, when the state uses a systematic policy of terror, it does so, albeit in a total sense, generally against more selective targets. Violence is restricted and aimed at clearly defined sectors of society with the rule of law being used as a method of oppression against internal opponents to the regime. As Eugene Walter remarked in his study of successive Zulu rulers in the nineteenth century:

The victims in the process of terror must be expendable...If the violence liquidates persons who are needed for essential tasks, or if replacements cannot be found for their roles, the system of cooperation breaks down...Cooperative relationships must survive the effect of the terror.

The important point to note is that state systems of terror cannot afford to be indiscriminate in their choice of victims. They have to practise selectivity to the extent of not eliminating those elements and structures that support the regime. As a result, state terror tends to be generally more predictable and, hence, allows the individual a greater opportunity to take specific counter actions to minimize personal risk. This should be contrasted with the unpredictable and arbitrary nature of sub state terrorism where "no observance of commands, no matter how punctilious on the part of the prospective victims, can ensure their safety." Echoing these sentiments, Grant Wardlaw has succinctly summed up this basic difference between state terror and terrorism:

State terrorism may be brutal and unjust but, in general, one knows what activities not to indulge in order to escape its immediate and personal intrusion. Individual terrorism by
contrast bears no necessary relation to one's own behavior. It appears more random and therefore more dangerous.\textsuperscript{51}

The third has to do with the communicative function of sub state terrorism. Publicity is vital to the practise if it is to be utilized as a method of psychological warfare that is designed to influence the political attitudes of a target group wider than the immediate victims. People have to know that a group exists, what it wants and what it is capable of doing if it is to have an impact on their behavior. This is why terrorist acts are necessarily high profile events and why terrorists, unlike criminals, claim responsibility for their actions. However, given the scale of destruction that the state is capable of inflicting, media coverage of its activities will be positively discouraged for fear of international reprisals. State regimes of terror definitely do not seek the glare of the public lime light to broadcast their activities to a wider audience and are certainly loathe to claim responsibility for their actions. In many instances, the actual effects of a state's systematic policy of terror only surface many years later. The scale of destruction caused by Stalin is still not fully known and we are only now beginning to realize the full extent of Hussein's campaign against his Kurdish minority - thanks largely to the discovery of newly found mass graves and documented accounts of those that escaped the execution squads, now in Kurdish hands.\textsuperscript{52}

It is reasons such as these that make the phenomenon of state terrorism sufficiently different in its defining characteristics, relative efficiency and psychological make up to warrant separate study. Indeed, the mere fact that it is argued that terrorism cannot work in societies
who themselves practise a systematic policy of terror suggests that the nature and use of this mode of violence is very different from the sub national variety. As Walter Laqueur has pointed out:

...there are basic differences in motive, function and effect between oppression by the state and political terrorism. To equate them, to obliterate these differences, is to spread confusion and to impede understanding of both.53

Although this conceptualization of terrorism excludes the notion of state terror, it needs to be stressed that states very often play a role in sponsoring terrorist organizations which espouse aims that are compatible with their own foreign policy objectives. However, the insurgents that benefit from such external support should not be confused with the bureaucratized agents of state coercion that totalitarian states routinely use to induce submission from their own citizens. They remain conceptually different in that they are organized at a sub-state level, function according to a chain of command that operates independently to that of the external sponsor, engage in actions that are defined by their own (rather than the sponsor's) political agenda and are never recognized as being part of the official state apparatus.

10) Finally, terrorism is a phenomenon that can be both domestic and international in nature. In general terms, domestic terrorism is that which is carried out within a particular group's country of origin against its own nationals. For an act of terrorism to qualify as an international event, it must involve the government, citizens or territory of more than one state - i.e. it must have clear international effects. In
addition, only actions that involve specific international dimensions as recognized by international law can be regarded as international acts of terrorism. In this context, an explosion by PIRA on mainland United Kingdom (UK) would not be considered an international act of terrorism - notwithstanding the fact that PIRA activists consider the UK to be a foreign occupying force.54

One can identify three circumstances under which terrorism becomes international in its dimension. First when it is directed against foreign citizens or property by groups operating in their own country of origin. A good example of this would be the wave of attacks that have been conducted against foreign tourists in Egypt and Algeria by Islamic extremists since 1992. Second, when it takes place beyond the national boundaries that define a group's country of origin. The various operations carried out by Middle Eastern groups in Europe during the 1970s and 1980s, such as the double bombing of the Rome and Vienna airports by the Abu Nidal Organization (ANO) in 1985, are examples. Third, when it aims to influence the policies of a foreign government. The bombing of an Athens disco undertaken by the Greek group Revolutionary Organization-17 November (RO-17 November) in 1988, carried out in support of the Palestinian cause against Israel, is a case in point.55

The phenomenon of international terrorism could not have emerged were states not linked in complex arrangements of mutual interdependence. A characterization of the international system as one that is composed of separate sovereign entities who periodically clash,
but otherwise have little to do with one another, does not accurately capture the importance of cultural, social, political and economic interactions that have become a fundamental aspect of the present international system. As Martha Crenshaw has remarked: "Were there no tourists, no diplomats and no business travellers, terrorism could certainly not have assumed the [international] dimension that it has." Increasingly, terrorist organizations have been able, and prepared, to exploit this interdependence to their advantage and operate on an international level.

**TERRORISM DEFINED**

On the basis of the above criteria, the following working definition of terrorism is proposed:

*Terrorism can be defined as the systematic use of illegitimate violence that is employed by sub state actors as a means to achieve specific political objectives - these objectives differing according to the group concerned. It is a psychological tactic that seeks to spread fear-inducing effects in a target group wider than the immediate audience through the actual or feared indiscriminate targeting of non combatant victims and property. In so doing, it can be regarded as a means of political communication that aims to influence behavior through the precipitation of a general state of fear and collapse that is exploited to alter political attitudes in such a way that will be beneficial to the group concerned. In order to effectively fulfill its communicative function, terrorism must aim to maximize publicity and the perpetrators must claim responsibility for their actions. Terrorism becomes international in its dimensions when it is carried out by beyond the borders that define the perpetrating group's country of origin; when it is aimed at foreigner nationals within a perpetrating group's country of origin; or when it seeks to influence a foreign government.*
TYPES OF SUB-STATE TERRORIST ACTOR

For analytical purposes, it will be useful to employ a basic typology of terrorism that groups together organizations according to the particular issue that they are seeking to address. Five main categories can be distinguished. First, there are nationalist/separatist groups. These organizations profess to represent either an ethnically, territorially or nationally distinct people who are seen to be the victims of some sort of political injustice. Such organizations typically seek redress that is expressed in terms of a demand for national self-determination/separation. They have nearly all received at least some form of active/passive support from regions beyond their own home areas and characteristically tend to employ a variety of political strategies to achieve their goals of which terrorism is but one (hence the expression, the "bullet and the ballot box"). Examples have included PIRA, ETA, the Corsican National Liberation Front (FLNC), al-Fatah, the Armenian Secret Army for the Liberation of Armenia (ASALA) and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

Second, there are extreme left-wing ideological organizations. These groups adhere to a universalist political "truth" and typically arise as a result of disaffection with the prevailing political structure. They tend to be highly ideologically driven and organized with well educated members. Most advocate utopian objectives and see themselves as being at the forefront of the worldwide struggle between the international proletariat and the imperialist bourgeoisie. Examples have
included BR, RAF, the Turkish *Devrimci Sol* (Dev Sol), the Japanese Red Army (JRA), the Spanish October 1st Antifascist Group (GRAPO), AD and RO-17 November.

Third there are extreme right-wing organizations. These groups generally claim to be supporting the status quo and/or defending the national interest. They tend to arise in reaction to the successes of left-wing revolutionary groups or to prevent change that is perceived as threatening to favored political arrangements. They typically receive support from those sectors of society which feel their privileged political, economic or social positions to be under attack as a result of government reform, left-wing agitation or increased immigration. They are not, generally speaking, as well organized as the left-wing groups, nor do their members tend to be as well educated. Examples have included the Belgian *Vlaamse Militante Orden* (VMO), the French *Federation d'Action Nationale Europeene* (FANE), the German Alternative (DA), the Italian Armed Revolutionary Nuclei (NAR), the United States (US) Klu-Klux Klan, the Turkish Grey Wolves and the Japanese Shield Society.

Fourth, there are religious organizations. These groups adhere to a religious dogma and generally see their "mission" in terms of a battle between the forces of good and evil. Their members typically exhibit a very high degree of dedication with many willingly sacrificing themselves as martyrs to the cause. The very strong beliefs that characterize these groups are usually based on mythologies whose origins go back many centuries. Examples have included Islamic
organizations such as Hizbollah, Palestinian Islamic Jihad (PIJ), Gama'a el-Islamiya and Hamas; Sikh organizations such as Dashmesh/10th Regiment, Dal Khalsa and Babbar Khalsa; and Zionist organizations such as Kahane Chai and the Kach Movement.

Finally, there are single-issue groups. These organizations are not interested in establishing a new society, seeing their objectives rather in terms of a single cause. They generally reflect the problems that are concerning society at any one time and arise in circumstances in which people have suffered from a loss of purpose and/or identity. Good examples would be the Animal Rights Militia (ARM) and the various anti-abortion groups that have operated in the US such as the Army of God, God's Army and The Armies of the Living God.

Use of these classificatory divisions has limitations. Given their diversity in terms of organizational structure, philosophical beliefs and group membership, no attempt to sort terrorist groups into categories will ever be entirely successful. Many nationalist groups, for example, also espouse ideological leanings such as the consistent advocation of hard line left-wing rhetoric by PIRA, ETA and the Popular Front for the Liberation of Palestine (PFLP). Equally, religious motivations can easily become bound up with nationalist or ideological sentiments. This is exemplified by Hamas' identification with the Palestinian cause, Dashmesh's advocation of an independent Sikh state of Khalistan and Kahane Chai's belief in a pure Jewish homeland. Since the above categories cannot, therefore, be regarded as mutually exclusive,
placement of certain organizations has, necessarily, been based on subjective judgement.
ENDNOTES


2 Ibid., 24.


5 Examples include: "Terrorism is the threat or use of violence for political ends" (Crozier, 1960); "terrorism is the systematic use of intimidation for political ends" (Moss, 1971); "what distinguishes terrorism from both vandalism and non-political crime is the motivated violence for political ends" (Crozier, 1974); "international terrorism embodies an act which is essentially politically motivated and it transcends national boundaries" (Fearey, 1976); "violence in order to become terrorism must be political" (Weisband and Roguly, 1976); "terrorism consists of planned acts of violence employed for explicitly political purposes directed against an established state or organizational power; and involving a relatively small number of conspirators" (Hamilton, 1978); "politically motivated behavior by a non-state group without electoral prospects in a democratic context which aims by means of violent acts against persons and or property to coerce people in order to obtain its will thereby" (Schwind, 1978); "political terrorism is the systematic use of violence for political ends directed against outsiders in a political conflict. Its increase can be seen in terms of four factors – arms, mobility, communication and money" (Tromp, 1979); "terrorism is seen as the resort to violence for political ends by unauthorized, non-governmental actors, in breach of accepted codes of behavior" (Lodge, 1982); "[international terrorism can be defined as] politically motivated acts of violence committed by non-state actors outside their home state's territory" (Thompson, 1992). Excerpts taken from John Thackrah, Encyclopedia of Terrorism and Political Violence (London: Routledge, 1987), 58-63; and Janice Thompson, "Explaining the Regulation of Transnational Practises: A State Building Approach," in James Rosenau and Ernst-Otto Czempiel, eds., Governance Without Government (Cambridge: Cambridge University Press, 1992), 202-203.

6 Declarations such as these have been incorporated in all UN resolutions dealing with terrorism.


Revelations of collusion by the Royal Ulster Constabulary with loyalist assassination squads surfaced after a Channel 4 documentary in August 1992 in which a loyalist confidential source claimed that the RUC had conspired with loyalist groups, such as the Ulster Volunteer Force (UVF), to undertake operations against the PIRA. A court order instructing Channel 4 to reveal the identity of the source was ignored. The network was subsequently fined under the Prevention of Terrorism Act which entitles courts to request the disclosure of all sources if it is believed that such information will be a meaningful and valuable contribution to the investigation of terrorist activities.

This was the conclusion reached by a 1980 European Conference on Terrorism which condemned France for "offering hospitality to certain kinds of terrorism" and ignoring their own laws on discrimination and boycotts. See "Turning a Blind Eye to Terrorism," *The Globe and Mail*, 06/02/92. France was heavily criticized by the world community in 1992 for its decision to allow George Habbash, the commander of the Popular Front for the Liberation of Palestine (PFLP) - the group that pioneered aircraft hijacking in the Middle East - to be treated in a Paris hospital and to allow him to leave the country before police anti-terrorist detectives had a chance to question him. France also has a very shaky record when it comes to dealing with Iranian terrorism. For instance, in 1990, President Mitterand pardoned the man who had tried, ten years earlier, to assassinate Shapour Bakhtiar - a former Iranian prime minister living in exile in France; and in January 1994, France sent home two Iranians who were suspected of murder, despite promising to extradite them to Switzerland. In both instances, "national interest" was cited as the reason for the decisions. See "France Sends Two Murder Suspects Back to Iran, Stirring Wide Protest," *The New York Times*, 04/01/94; "A French Surrender on Terrorism," *The New York Times*, 14/01/94; and "Appeasing Iran," *The Economist*, 15/01/94.

The "Arms for Hostages" scandal, in which it was discovered that the US was supplying Iran with arms in return for the safe release of its hostages held in Beirut and using the profits to finance contra rebels in Nicaragua, seriously rocked the foundations of the US government administration. Not only was the financing of the
contras in direct contravention of a Congressional ban prohibiting such action, it also severely damaged the credibility of the US counter terrorism strategy. One of the fundamental elements of this policy is that of "no concessions" - where the US will never pay ransoms, release prisoners or change its policies in response to terrorist demands.

Recent disclosures by the Goldstone Commission give evidence of a strategy planned by Military Intelligence's main covert operations group, the Civil Cooperation Bureau (allegedly disbanded in June 1990), to deliberately undermine the African National Congress.

See "Fear Prevents the Twelve from Becoming One," The European, 14-20 January 1994.


Wilkinson identifies three other types of terrorism - criminal, psychopathic and war. Criminal terrorism is used primarily for criminal gain. Psychopathic terror is used to express hatreds and frustrations that the perpetrators themselves may not fully understand and which generally stem from mental imbalances. War terrorism is used to paralyze an enemy with the ultimate purpose of complete annihilation. See Paul Wilkinson, Terrorism and the Liberal State (London: MacMillan, 1986), 48-49 and Wardlaw, Political Terrorism, 12-13.


Thornton identifies a linear progression of negative reaction induced by terrorism ranging from fear, through anxiety to despair. Fright, the lowest level of negative reaction, occurs in response to an event which, although frightening, is not qualitatively different from others that the affected individual is personally familiar with. As such, (s)he is able to draw on past experience of similar situations in order to deal with the present danger. Anxiety, the middle level of negative reaction, occurs in response to an event which the affected individual is reacting to the fear of the unknown. Here, the victim has no past experience to draw on and, becoming disorientated, casts about for guidance.
Despair, the highest level of negative reaction, occurs when the affected individual perceives the danger to be so severe that (s)he believes there to be no recourse available likely to bring relief. Here the victim withdraws from the situation to the maximum possible extent. See Thomas Thornton, "Terror as a Weapon of Political Agitation," in H. Eckstein, ed., Internal War (London: Collier-MacMillan, 1964), 80-81.

21 See Martha Crenshaw, "The Concept of Revolutionary Terrorism," Journal of Conflict Resolution 16(3) (1972): 388. Wilkinson argues that the psychological use of terrorism is actually built on faulty or, at least, unproven assumptions of human behavior. The fact that terror is entirely a subjective phenomenon - each individual having a different threshold - makes it nonsense, he argues, for the perpetrator to claim that he knows in advance what the psychological consequences of his action will be. In many instances a sustained policy of terrorism has resulted in a "numbing effect" or in entirely the opposite psychological reactions. See Wilkinson, Terrorism and the Liberal State, 49-50.


23 The RAF and CHM target businessmen, claiming that prominent members of the financial and industrial community are the real power that dictate policy behind the scenes in Western countries. Victims of the CHM included the death of Deutsche Bank chairman Alfred Herrhausen in November 1989 and Treuhand chief Rohwedder in 1990. Both were absolutely targeted, consciously avoiding, it is claimed, the killing of bystanders.

24 Wilkinson, Terrorism and the Liberal State, 52.

25 See "Black on White," The Economist, 12/12/92.

26 An increasingly common practise of terrorist organizations is to issue warnings (generally in the form of coded phone calls) approximately 15 minutes prior to an explosion in order to "minimize" civilian casualties. However, in no way should this detract from the basic operational nature of terrorist attacks which, characteristically, aim to inflict serious and, occasionally, maximum civilian damage. It should be remembered that warnings are generally very obscure and made in such a way as to promote the maximum confusion and panic. Indeed, these warnings seem all the more insidious when it is remembered that explosions are set to go off in places that are specifically designed to inflict the most carnage. For instance, the PIRA have shown no reluctance to place bombs at London commuter rail terminals that are set to explode during the morning and evening rush hours, or in crowded shopping streets during the busy Christmas season.
This feature of terrorism is the one most at odds with the notion of a Just War. This ethic upholds the sanctity of individual human life and seeks to set limits in times of conflict by establishing certain rules of engagement such as the immunity of non-combatants. See Michael Walzer, *Just and Unjust Wars* (Basic Books, 1992), 197-206.


Ronald Crelinsten and Alex Schmid, "Western Responses to Terrorism: A Twenty-Five Year Balance Sheet," *Terrorism and Political Violence* 4(4) (Winter 1992): 317. One of the most infamous such attacks was the 1983 suicide bombing attack by Hizbollah/Islamic Jihad of barracks housing the US Marines peacekeeping force in Beirut, Lebanon. The attack killed 241. A simultaneous bombing a few miles away also destroyed the barracks of the French paratroop contingent of the Multi National Peacekeeping Force (MNPF), killing 51. For further details of the attacks see George Rosie, *The Directory of International Terrorism* (Edinburgh: Mainstream Publishing Ltd., 1986), 51 and 119.

See Walzer, *Just and Unjust Wars*, 43-44 and 135-137.


For an account of the gradual shift in revolutionary guerrilla strategy towards terroristic tactics see chapter two.


Although terrorist organizations have, on occasions, inflicted mass casualties. The worst ever terrorist atrocity, for example, involved the deaths of 329 passengers and crew when a mid-air explosion destroyed an Air India Boeing 747 en-route from Vancouver to London. In purely military terms, however, such action will never have any appreciable influence on action. It is for this reason that Thornton argues that the political and psychological function of terrorism should be emphasized in contrast to the military role often ascribed to it. See Thornton, "Terror as a Weapon of Political Agitation," 75.


One, however, has to acknowledge cases of state terror in which it has been very difficult to ascertain exactly who is at risk in the
population. Generally such instances arise under dictatorships, in which the leader suffers from extreme paranoia and as such sees all as potential threats to his power. Perhaps the best example of such a case was the Soviet Union under Stalin who as a jealously defensive positionalist essentially wiped out any that he felt were gaining too much power regardless of whether or not they supported his rule. However, even here it was possible to identify high risk groups - members of the government and army bureaucracies. So long as one ensured against becoming too influential one had a reasonable chance of avoiding the immediate effects of the various purges.


Wardlaw, Political Terrorism, 11. For example, even in the extreme case of Nazi Germany, the vast majority of the population tended to be unaffected by the use of terror - which was directed either at opponents of the regime, or specific groups that enjoyed little sympathy from the mass of the population.

See "Mass Graves Reflect Hussein's Horror," The Globe and Mail, 14/02/92.


See Brian Jenkins, "The Study of Terrorism: Definitional Problems," in Alexander and Gleason, eds., Behavioral and Quantitative Perspectives on Terrorism, 5.


CHAPTER TWO: THE GENERAL RISE IN WORLDWIDE TERRORIST ACTIVITY SINCE THE 1960S

INTRODUCTION

As a large scale unique of mode of violence, terrorism essentially "came into its own" from the late 1960s onwards. Whilst it is certainly true that numerous instances of terrorist violence occurred well before this date (see chapter three), none reached the proportions witnessed in the last twenty five years. Between 1968 and 1989, a total of 10,925 international terrorist incidents were recorded by the US State Department. These attacks resulted in 7,915 deaths and 16,898 injuries. The average number of incidents rose from below 50 per year between 1965–68\(^1\) to 423.4 incidents per year in the 1970s to 637.3 per year in the 1980s. The overall casualty rate more than doubled from 758.2 per year in the 1970s to 1674.4 per year in the 1980s (see tables one and two in appendix). Given the modest rise in average incidents per year between the 1970s and 1980s, the dramatic increase in casualties suggests that international terrorist attacks became progressively more lethal, accurate and sophisticated during the two decades.

If one includes domestic incidents in the statistics, the numbers become far higher. Risks Information Services documents a total of 35,150 attacks occurring between 1968 and 1988. It records an average annual incident rate of 813 per year in the 1970s, rising sharply to one of 3,002 per year in the 1980s (see table three in appendix).\(^2\) Between 1970 and 1983, a total number of 47,035 casualties were reported. Of these, 28,110 were killed and 18,925 injured.\(^3\)
What caused the scale and level of destructiveness of terrorism to increase so markedly from the late 1960s onwards? The purpose of this chapter is to analyze some of the underlying strategic and political reasons that account for this dramatic rise. It will proceed by considering five significant events that appear to have played a critical role: The growing exasperation of Latin American revolutionaries with conventional guerrilla tactics as a result of the dramatic failures of the rural insurgencies in Venezuela, Bolivia and Peru; the defeat of the Arabs in the 1967 Six Day War and the subsequent rise of Palestinian extremism abroad; the rise of the New Left; the development of modern mass media networks; and the increasing use by states of "surrogate" warfare as a result of the strategic constraints placed on conventional conflict in the nuclear age.

THE SHIFT IN LATIN AMERICAN REVOLUTIONARY STRATEGY

The guerrilla methodology of warfare is perhaps most closely associated with Che Guevara and his intellectual disciple Regis Debray. Both of these revolutionary theorists rejected the Maoist concept of the "long war" and sought, instead, to develop a method of rural insurgency that did not require one to spend numerous years in the countryside establishing political credibility with the people. Drawing on the lessons learnt from the successful Cuban revolution, Guevara conceptualized three stages in a successful guerrilla struggle. The first was known as the phase of "strategic defence" in which small mobile guerrilla camps would engage the enemy with "hit and run" tactics, the aim being to
gradually wear down the will and morale of the established army. This would eventually lead to a "state of equilibrium," in which the possibilities of action between the enemy and the guerrilla unit were stabilized, so allowing for an expansion of operations onto a larger scale. This would create the conditions necessary for a revolution and lead, finally, to the crystallization of a popular army that was capable of overrunning the government in its urban centers and placing the guerrilla leaders in power.5

Whilst these tactics may have been well suited to revolutionary insurrection in predominantly rural environments, it became increasingly apparent throughout the 1960s that within the South American context they had become little more than an "heroic anachronism."6 Guevara's overriding emphasis on rural guerrilla warfare was at odds with the demographic reality of most states in the region. As many theorists of insurrectionist activity were quick to point out, in heavily urbanized states such as Argentina, Brazil and Uruguay, the decisive revolutionary battles would have to take place in the cities, not the countryside, as this was where the majority of the population were situated. Moreover, better armed and trained government forces were increasingly able to locate and annihilate guerrilla camps in the field long before they ever had the chance to expand their operations beyond the initial stage of strategic defence. Such misgivings were resoundingly confirmed by the dramatic failure of numerous rural insurgencies throughout the 1960s, with those that occurred in Venezuela, Peru, Colombia and Argentina.
only the more memorable of several failed attempts to follow up the
successful Cuban revolution.

As a result of the above factors, insurgent military thinking
increasingly began to favor more unorthodox methods of urban warfare.
Not only was revolutionary activity more likely to succeed in provoking
mass insurrection if, given the urbanized nature of many Latin American
states, it took place in the cities, such centers also offered many
potential advantages over the countryside: the city had a preponderance
of "soft" vulnerable targets which were far easier to attack than combat
hardened troops in the field; the city was where the center of
communications lay, providing the revolutionaries with a media platform
to publicize the propaganda and message of their attacks; it was easier
to hide out and lay low in the cities where the subversive could
literally disappear and be lost among the "faceless" thousands; finally
the slums and shanty-towns of the cities constituted a hotbed of civil
discontent which fed off the revolutionary slogan of social injustice and
oppression.

Whilst such operations were generally referred to as "urban
guerrilla warfare," such a term was essentially a misnomer for more
simple urban-based terrorism. Indeed, Carlos Marighela's *Minimanual of
the Urban Guerrilla* (1969), which was designed to act as a guide for the
subversive operating in a heavily urbanized context and best reflects
this shift in strategic thinking, has since become "required reading" for
numerous terrorist movements throughout the world.
Marighela's answer to the problem of how the guerrilla should go about provoking a mass insurrection in the city lay in the application of a strategy that was intended to induce an over-reaction by the government: by trapping the authorities into using counter-measures of an illegal or unconstitutional manner, the insurgents could then set themselves up as the true defenders of the rights and freedom of the people, so drawing support away from the establishment. As Marighela argued:

*As soon as a reasonable section of the population begins to take seriously the action of the urban guerrilla, his success is guaranteed. The government has no alternative except to intensify repression. The police networks, house searches, arrests of innocent people and of suspects, closing off streets, make life in the city unbearable. Political assassinations and police terror become routine...The people refuse to collaborate with the authorities, and the general sentiment is that the government is unjust, incapable of solving problems, and resorts purely and simply to the physical liquidation of its opponents...These are the circumstances, disastrous for the dictatorship, which permit the revolutionaries to open rural guerrilla warfare in the midst of the uncontrollable expansion of urban rebellion.*

He is unequivocal about the type of tactics that should be used to stimulate this reaction from the government:

*It is necessary for every urban guerrilla to keep in mind always that he can only maintain his existence if he is disposed to kill the police and those dedicated to repression, and if he is determined - truly determined - to expropriate the wealth of the big capitalists, the latifundists, and the imperialists... The urban guerrilla must become more aggressive and violent, resorting without let up to sabotage, terrorism, expropriations, assaults, kidnapping and executions.*
The gradual shift in South American revolutionary thinking towards tactics such as these struck responsive chords throughout the world and is undoubtedly a major contributing factor to the rise in the use of terroristic strategies by nationalist and ideologically motivated groups from this time. Especially in Western Europe, many separatist and leftist movements came to emulate the Marighelian notion of subversion, arguing that the spectacular act of urban violence would necessarily come to speak for itself: it would break the "barrier" with the people, awaken their revolutionary consciousness, make them aware of the inherent contradictions of the state, and demonstrate that resistance to the "present order [which] cruelly frustrates the interest of most" was certainly possible.

THE RISE OF PALESTINIAN EXTREMISM ABROAD

The vast majority of international terrorist incidents committed throughout the world since the late 1960s can be attributed to the Palestinian problem. This has been especially so in Western Europe, where, according to Wilkinson, over 90% of all international terrorist acts perpetrated in the region between 1967 and 1977 were committed by Palestinian groups or those acting on their behalf. Statistics put out by the Jaffee Center for Strategic Studies' Project on Terrorism record a total of 723 international terrorist incidents carried out by Palestinians (including attacks in the Middle East) between 1968 and 1989. Of these, 58% (418) took place in Western Europe.
Whilst the shift in revolutionary strategy in Latin America was certainly significant to the rise of terrorism from the late 1960s onwards in that it provided an intellectual framework for carrying out subversion in an urbanized context, the emergence of terrorism in the pure sense of applying random violence to terrorize an entire population is a phenomenon that shares a far more intimate relationship with the rise of Palestinian extremism as a result of the Palestinian-Israeli conflict after 1967. Already consigned by history and geography to the wings of the Arab-Jewish struggle as a result of the creation of Israel on May 15 1948 (which was, itself, formed as a result of terrorist violence – see chapter three), a further one million Palestinians found themselves under full Israeli control in East Jerusalem, Gaza and the West Bank as a result of the stunning defeat of the Arabs in the Six Day War of 1967. Losing faith in the ability of others to secure for them an independent homeland by conventional means, the failure thus far of traditional guerrilla tactics and increasingly disliked by Jordan (which eventually fought, defeated and expelled *al-Fatah* and the PLO leadership which had directly challenged King Hussein's rule and his country's unity by trying to establish a permanent state within Jordan) Palestinians in both the diaspora and Occupied Territories took matters into their own hands and seriously began to develop terrorist-type tactics as a way of augmenting traditional methods of guerrilla and conventional warfare. Moreover, numbed by the experience of past atrocities such as Deir Yassin, Qibya and Kafr Qasem, it did not require much effort on the part of the
Palestinians to overcome any moral qualms they had in resorting to such strategies. As Gearty points out, "the tragedies of their own people now inoculated them against the hurt they began to impose on others."16 From the start, al-Fatah, which was the largest and most homogeneous of the Palestinian organizations, intended this to have an international dimension:

*Our organization has decided to continue struggling against the Zionist conqueror. We are planning to operate far from the Arab states so they will not suffer Israeli reprisals for fedayeen actions. It will therefore be impossible to hold the Arab people responsible for our war. Our organization is the organization of the Palestinian people and we are united in our resolve to free our stolen homeland from the hands of the Zionists.*17

Confusion exists over exactly which groups are responsible for carrying out Palestinian terrorism and it is worth taking the time to clarify a few points here. The PLO is best understood as an umbrella organization for a variety of autonomous Palestinian resistance groups. The member organizations include the Arab Liberation Front (ALF), al-Fatah, the Democratic Front for the Liberation of Palestine (DFLP), the Palestine Liberation Front (PLF), the Palestine Popular Struggle Front (PPSF), the Popular Front for the Liberation of Palestine (PFLP), PFLP-GC and al-Sa'ïqa (Lightening Bolt). Within the PLO, the locus of decision-making for terrorist operations lies at the level of member groups rather than the organization as a whole.18

*al-Fatah*, led by Yassir Arafat, is the oldest, largest and most influential of the resistance groups - taking over the leadership of the PLO in 1969 when Arafat was elected chairman of its Executive Committee.
at the fourth meeting of the Palestine National Council. It was involved in numerous terrorist incidents during the early 1970s - the most infamous being the massacre of eleven Israeli athletes at the Munich Olympic Games in 1972, carried out by its terror squad, Black September. Whilst Arafat came to embrace terrorism early on in his career, it is important to note that, at heart, he is essentially a politician and as such has never ruled out the possibility of a negotiated settlement with Israel. Moreover, he is one of the few Palestinian leaders to realize the alienating effect the adoption of terror tactics can have with respect to international and moderate Arab opinion. As a result, al-Fatah has never become involved in terrorism to the same extent that the other more radical Palestinian groups have done. Indeed, in 1974 Arafat declared a moratorium on acts of terrorism perpetrated outside Israel and the Occupied Territories, whilst in 1988 he publicly renounced the practise altogether (although on several occasions he has failed to publicly condemn such attacks by other Palestinian groups).

The 1974 moratorium so angered Sabri al-Banna, one of Arafat's chief lieutenants, that he broke both with al-Fatah and the PLO and established his own rebel organization, officially known as the al-Fatah-Revolutionary Council, but more commonly referred to by al-Banna's nom de guerre - Abu Nidal ("father of the struggle"). The ANO is the most violent of all the Palestinian groups and is thought to be responsible for almost 1,000 deaths in twenty one countries since 1974. Pluchinsky attributes forty eight terrorist acts in Western Europe during the 1980s
to the ANO, or 13% of all Middle Eastern incidents recorded in the region during this period. Of all the attacks carried out by the group, probably the most "spectacular" were the simultaneous assaults on the El Al ticket counters at the Rome and Vienna airports in December 1985 which killed 19 people and wounded over 100.

Whilst the other major Palestinian terrorist groups remain within the overarching forum of the PLO, they do not share the same reluctance to engage in terrorism as Arafat's al-Fatah. The PFLP was established by George Habbash in the wake of the disastrous Arab defeat in the 1967 Six Day War. It has always been more radical in its approach to the Israeli-Palestinian issue than al-Fatah and especially favors well-publicized attacks on civilian targets. Throughout the 1970s the PFLP concentrated the vast majority of its energies on perpetrating terrorist incidents abroad, becoming one of the world's most notorious terrorist groups in the process. It was responsible for the simultaneous hijackings and re-routing of three international jet airliners on September 6 1970 to Dawson's Airfield in Jordan - an action which eventually resulted in the freeing of all Palestinian terrorists held in European jails in exchange for the safe release of the passengers. The day has since become known in terrorist folklore as "Skyjack Sunday," and served "notice to the world that terrorism had arrived as a major international political force." The PFLP-GC is a violent offshoot of the PFLP which was established in 1968 by a former Syrian army officer, Ahmed Jabril after he lost confidence in the leadership of the "parent" organization. It is
extremely anti-Arafat and seeks to eventually establish a rival organization to the PLO which concentrates more on fighting and less on politics. It has been involved in numerous international terrorist attacks since the late 1960s including the hijacking of an El Al flight from Rome to Tel Aviv in 1968 (the first major such act of its kind) and is still thought to have played at least some role in the Lockerbie bombing of 1988.

The creation of the PLF was the result of yet another split within Palestinian ranks - the group being formed when Abu al-Abbas broke away from the PFLP-GC in 1977. Although al-Abbas originally affiliated his group with al-Fatah, he became increasingly disillusioned with the "diplomatic" direction taken by Arafat, particularly the February 1984 agreement with King Hussein of Jordan on a joint negotiating strategy for peace talks. This resulted in an increasingly more radical position being adopted by the organization which was eventually to become involved in one of the most "spectacular" acts of maritime piracy in the modern age - the hijacking of the Italian cruise ship, "Achille Lauro," in 1985.

While Palestinian terrorism was initially provoked by the increasingly desperate events that came to surround the PLO and its member organizations during the late 1960s/early 1970s, it is apparent that it has since been maintained by the deep divide that exists over the type of tactics that should be used in pursuit of an independent Palestinian homeland. The moderate stance of Arafat and his willingness to negotiate with Israel has been passionately rejected by a whole
generation of radical groups who feel that anything short of the total elimination of the Israeli state would be tantamount to a complete sell out of Palestinian interests. One has to speculate that as long as Israel continues to exist as a separate sovereign entity within the Middle East, such groups will continue to act as a major source of terrorism (at least in the Middle East - see chapter four) irrespective of any solution to the Palestinian question that is worked out by Arafat and more moderate PLO representatives.

The PLO experience is typical of the factionalization that has occurred in many terrorist and national liberation movements. Generally speaking, splinter groups have been formed as a result of differences which have arisen over the question of whether to pursue objectives through violent or non-violent means. This tends to occur (as it did in the Palestinian case) when the original leadership decides to abandon the armed struggle, or at least to temper it with legitimate political agitation. Radical elements which reject such tactics leave the "mother" movement and form their own organizations to carry on the terrorist campaign. Three prominent, non-Palestinian examples include the formation of ETA-Military (ETA-M) from ETA (now known as ETA-Political/Military/ETA-PM), PIRA from the Irish Republican Army (IRA, now known as the Official IRA/OIRA) and the JRA from the League of Communists (Kyosando).

Splinter movements have also been formed as a result of differences over what are considered to be "legitimate" targets of aggression. A good example of this was the formation of the People's
Liberation Organization of Tamil Eelam (PLOTE) from the Liberation Tigers of Tamil Eelam (LTTE). PLOTE engaged in similar tactics as LTTE but refused to target Sinhalese civilians. Another example was the formation of the Revolutionary Cells (RZ) from RAF on account of the former's aversion to political assassination. Finally, splinter movements can be formed as a result of differences over political or religious dogmas. A good example of this was the formation of the INLA (Irish National Liberation Army), a violent off-shoot of OIRA but which was too Marxist orientated to join cause with PIRA.

THE RISE OF THE NEW LEFT

A third major contributing factor to the general rise of terroristic violence since the late 1960s was the burgeoning New Left militancy that was experienced in radical student circles throughout the United States and Western Europe. The many groups that emerged at this time formed the vanguard of what were to become a hard-core of New Left revolutionary movements across the Western world including AD, Dev Sol, JRA, the Symbionese Liberation Army (SLA), GRAPO, RAF, BR, the Communist Combatant Cells (CCC) and RZ.

The New Left was essentially a reaction against the theorizing and failure of the official traditional communist parties of the "old left." Although their members described themselves as committed Marxist-Leninists, they tended to be far more interested in deeds and actions than words and philosophical conjecture. The overriding objective was the violent destruction of the existing capitalist political-industrial-
military complex and its replacement with a new and better social system based on the free development of the individual, the emancipation of the proletariat and the introduction of a just and classless society. In such a pursuit, violent action was justified on the grounds that it was not only a necessary component of this destruction but that it was actually a virtuous and wholesome way of achieving it. In this belief, the New Left championed the words of Jean-Paul Sartre and Frantz Fanon - both of whom argued that violence was a personally positive and liberative force (see chapter three).

Whilst one can to a certain extent understand the attraction of extremist ideas to those who feel themselves to be the oppressed and exploited victims of colonialism or social injustice, it is more difficult to comprehend why individuals who do not appear to have any objective reasons for complaining about their material well being turn to violence with the aim of destroying the very society that provides them with their comfortable way of life. Yet the violent New Left groups that emerged in the late 1960s and early 1970s did not arise in colonies struggling for independence nor were they composed of the poorer elements of society. Rather, they originated in the most affluent and developed states of the Western World and their membership consisted of, by and large, the well educated children of the middle and upper classes.

The answer to this apparently contradictory phenomenon appears to lie in a combination of events that produced a deep psychological crisis in certain sectors of the affluent educated youth. Perhaps the
single most important factor in creating this situation was the psychological/spiritual void that resulted from the inherent contradictions of the modern, post World War Two era. Although significant scientific and technological discoveries ensured, on the one hand greater levels of understanding and material comfort, they also, on the other, undermined many of the psychological factors that have throughout time enabled human beings to find a meaning, place and purpose in life. Religious beliefs were shattered by new "scientific realities;" old primary group ties such as the family by a flux of tangential relations that were borne of impersonalized jobs and the constant need to prove oneself in a succession of new situations; and traditional values such as patriotism, loyalty and honesty by a society in which moral worth was increasingly measured through economic calculation and technological efficiency. By being at the forefront of the post War learning process, it was the youth who were inevitably most affected by such dislocation.

Moreover, the prosperity and affluence caused by the post War economic booms in the US and Western Europe meant that many of those who were most exposed to these negative effects of modernity (i.e. the educated young) also came from backgrounds in which the majority of their material and physiological needs had already been met. Such individuals were in need, not of further economic comfort, but of spiritual and psychological guidance neither of which were readily provided by post War society.
At the same time, many began to experience an increasing sense of frustration and anger as a result of unfulfilled expectations and hopes. The defeat of Fascism and Nazism at the end of World War Two had already been hailed as a triumph for the forces of equality and justice - as a victory that would bring with it an era of unprecedented peace. Now scientific progress appeared to have the potential to provide answers to many of societies more enduring and complex problems. As a result, many started to expect to see the birth of a bright new world order in which such things as war, disease, famine and injustice would no longer exist. The realities of the 1960s, however, quickly dispelled such hopes. Anti-colonial wars of national liberation were raging from Asia to Africa; racial discrimination and civil inequality were alive and well in what was supposed to be the most just and moral of all nations - the US; thousands of poor and homeless existed on the streets of New York, Paris and Berlin; and, underlying all of this was the constant threat of nuclear war - a factor that brought into question the very existence of humankind. The impatient temperament of many young people, together with their tendency to see the world in highly idealistic and simplified terms (largely as a result of an education that is not enriched by practical experience), meant that the protracted and complex nature of problems that either re-surfaced or appeared for the first time in the post War era would be most vexatious to the younger elements of society.

These effects reached a peak during the mid-to-late 1960s. The rate of technological and scientific change experienced at this time was
unparalleled in history, and as such, the alienating effects that it tended to produce were far more marked than in previous eras. At the same time, the number of people affected by these influences was greater in the 1960s than it had ever been in the past. The post War "baby boom" together with the constant and overriding emphasis on progress and discovery led to a dramatic proliferation of "megaversities" with enrollment mushrooming far faster than administrators could handle. Students typically came from well-to-do middle class backgrounds and, not needing to worry about the day to day realities of "getting by," found they had an excess of leisure time with which they were not prepared to cope. Bureaucratization and depersonalization became rife in universities - further exaggerating the alienation felt by many young people who now began to conclude that contemporary existence seemed to consist of little more than "making money, spending money and having fun" - a life in which the ideals of equality, peace and dignity had been betrayed for the sake of owning two cars, a plot of land and a large house. Beset by this growing sense of purposelessness/anxiety and seeking to give their lives new meaning, students began to identify with all embracing left-wing ideals which had begun to gain an increasing prominence as a result of the time's glaring examples of social injustice. Not only did these dogmas provide a sense of purpose for otherwise bored and undirected intellectuals, they also satisfied an idealism and need for prompt action that was derived from a youthful impatience "with the frustrating and confusing complexity of the real world [and] its paucity of hope."
The Vietnam War and the increasingly questionable nature of US involvement in this conflict was the final catalyst that caused some radicals to embrace the full logic of New Left programs and cross the threshold from civil disobedience to extremist violence. Already susceptible to dogmatic agendas as a result of the considerable dislocation and frustration experienced in the post War era, certain student elements also began to argue for the necessity of violence. Indeed Horst Mahler, the co-founder of the German RAF, argued back in 1977 that it was the slaughter of Vietnamese peasants by the US war machine and the passivity of the German government viz-a-viz the atrocities that finally drove himself and his colleagues to violence and revenge:

*It was our moralism which led us to terrorism. Many of us (in any case Ulrike Meinhof and Gudrun Enslin) came the same way. The German nation again was passive. How could we escape from the...society which once again mixed itself in a war: that of Vietnam? We had nothing to identify with the West, so we identified with the Third World...From now on we observed the simple antithesis: we were on this side, the police were on the other. We did not see by which lines of communication the people identified with the state.*

In the United States, it was the Weathermen who first appeared to champion the cause of the destruction of US imperialism and the subsequent achievement of a classless socialist world. The organization emerged as a faction of the Students for a Democratic Society (SDS) at the SDS's National Convention in Chicago in 1969. It saw the US as an oppressor nation which had internally colonized American blacks and interpreted its involvement in Vietnam as evidence of the bourgeoisie
commitment to frustrate the imminent proletariat world revolution. The Weathermen subsequently formed into the Weather Underground Organization (WUO) which has since spawned a number of violent, though small and in most cases largely ineffectual, US groups that have combined black nationalist objectives with Third World Marxist ideological sentiments. Examples include the Black Liberation Army (BLA) and May 19th Communist Organization (MCO). These organizations affirm that "revolution is the main trend in the world, and [that] revolution is being led, ideologically and on the battlefield, by the national liberation struggles for proletarian power." 

In Western Europe, it was the Baader-Meinhof gang which emerged to wage the anti-imperialist struggle on behalf of the aggrieved and oppressed masses. Born in 1968 and named after its two founders, Andreas Baader and Ulrike Meinhof, the movement (which was renamed RAF after the violent release of Baader from prison by Meinhof and Horst Mahler on 14 May 1970) is of considerable importance to the political motivation and justification of a whole variety of subsequent New Left terrorist movements which have operated in Western Europe. Its two main ideological tracts - namely, urban guerrilla warfare and class struggle - have heavily influenced the linguistic and operational style of such groups as AD, BR, JRA and CCC. Indeed, the original theses of Ulrike Meinhof (see below) formed the main ideological underpinnings of these groups, all of whom shared a common hatred of the United States and its allies, a commitment to the violent overthrow of the bourgeoisie capitalist system and claimed allegiance to a
"revolutionary brotherhood dedicated to solidarity" with liberation movements around the world.43

The armed anti-imperialistic struggle aims at destroying the imperialistic feudal system, politically, economically and militarily. The anti-imperialistic struggle is being conducted in international actions against the defence allies of the United States - in particular NATO - and the German Armed Forces. Nationally, the struggle is conducted against the armed forces of the state apparatus, which represents the monopoly of power of the ruling class, that is the police, the Federal frontier police and the security services. Also as targets are the power structures of the multinationals, that is, state and non-state bureaucracies, the parties, trade unions and the media.44

THE DEVELOPMENT OF MODERN MASS MEDIA NETWORKS

A fourth causal factor that is undoubtedly associated with the dramatic rise of terrorist violence since the 1960s is the remarkable progress that has been made in telecommunication technology over the past three decades. As Isaac Asimov once commented, whereas it took five months for Queen Isabella to learn of Columbus' voyage, it took two weeks for Europe to learn of President Lincoln's assassination and only 1.3 seconds for the world to witness Neil Armstrong's first step on the moon.45 The progress made since this historical landing has been equally, if not more, prominent. Modern cable and satellite telecommunication technology has ensured that anyone can now watch real life events happening on the other side of the globe from the comfort of their own living rooms. Indeed, it is estimated that by the end of 1994, total broadcasting and cable television sales in the US will
approach $194 billion - making it one of the largest industrial sectors in the American economy. 46

The development of this modern media industry has impacted on the contemporary growth of terrorism in three important respects. First, information technology has greatly enhanced the ability of groups to spread terror and so achieve the desired emotional responses that make this particular mode of violence such a psychologically effective weapon. The advent of cable and satellite television, not to mention the accompanying massive expansion that has occurred in newspaper publication as a result of the arrival of the modern printing press, has, in effect, led to a "new age of terrorism." Whereas in the nineteenth century terrorists had a very limited ability to affect audiences not directly harmed by their actions, one single act of violence carried out today has the potential to cause widespread anxiety and fear in individuals far removed from the terrorists' immediate operational arena. Modern media networks have provided terrorists with a ready made communications channel that allows them quickly and effectively to spread their messages of death, destruction and mayhem to watching, listening and reading audiences both at home and abroad. 47

It is this modern potential that has encouraged so many disaffected groups to take up the terror weapon over the last three decades. Organizations, which are otherwise too weak to achieve the upper-hand in a direct "hand-to-hand" confrontation with the state, have found that in an age of mass telecommunications they are able to overcome their relative weakness by staging symbolic and representative
attacks. Undermining stability and order according to the maxim of "kill one, frighten a thousand" these groups can now portray themselves as organizations that must be both listened to and taken account of. As Bowyer Bell observes: "We live in times where technology has made possible...the magnification of violence. It has [thus] become far more alluring for the frantic few to appear on the world stage of television than remain obscure guerrillas of the bush."

Second, transglobal news networks - which in the modern age of intense increasing media competition cannot afford to ignore "live action spectulars" - have provided an effective publicity platform for even the most far flung and isolated terrorist groups. By capturing the world's headlines with dramatic acts, terrorists have been able to project themselves, and their cause(s) to the forefront of global public opinion time and time again. The willingness (and in some cases outright eagerness) of the media to cover acts violence, bloodshed and suspense is, undoubtedly, a critical factor that has encouraged many in the belief that the best way to keep issues alive and on the current political agenda is to crash through the ongoing arrangements of newsmaking with highly visible acts of terrorism. This is as true for blacks in South Africa and Palestinians in the Middle East as it is for Catholics in Northern Ireland, Basques in Spain and Kurds in Turkey.

Because terrorists are able to capture the attention of the media and its viewing, listening and reading public simply by staging violent acts, many have concluded that a symbiotic relationship must inevitably exist between terrorism and the modern mass media. Terrorists, fully
aware of the inability of news organizations to ignore "emotion-generating" events, will specifically concentrate on carrying out this very type of incident - so becoming as dependant on the media for publicity as the media becomes on it for news. Again Bowyer Bell:

There is simply no way that the Western media can ignore an event that has been fashioned specifically for their needs. Television terrorists can no more do without the media than the media can resist the terror-event. The two are in a symbiotic relationship, so that any restriction on one narrows the bounds of the other.  

Third, the reporting and televising of spectacular terrorist incidents has almost certainly had a contagion effect on other disaffected groups. There is overwhelming anecdotal evidence to suggest that various types of media portrayals are immediately followed by "copycat" commissions of such events. As Clutterbuck notes: "ideas travel...through the normal news media...people watching and listening to the reports get ideas about doing the same things themselves." Although there is nothing new or unusual about the news of one violent action triggering another, the likelihood of this actually occurring has been considerably heightened by the introduction of mass communications. The logic of group proportionality dictates that a large congregation of people will inevitably contain a far higher relative degree of hate, violence and lawlessness that is ready to spill out when properly stimulated than a small, more localized group. There is, thus, a greater probability that aggressive images will find in the former an audience which is both receptive and ready to emulate the action(s) being portrayed. As Michael McEwen observes:
Typical reporting of a terrorist event here in the United States might reach an audience of, say, conservatively, forty million people. What's the chance that it may come to the attention of some borderline psychopath who may be stimulated to take part in some future episode? If we were to consider that just one-tenth of one percent of the audience were borderline psychopaths, that would be forty thousand potential maniacs. If we took one-thousandth of one percent we've still got four hundred. If we took one-hundred-thousandth of one percent we would still have the four that are necessary to carry out a typical terrorist episode.54

Terrorism is above all propaganda by the deed. In being able to rely on the immediate and extensive coverage of television, radio and newspapers, terrorists have found it possible to fulfill effectively the propagandizing objectives that are so critical to this mode of violence - namely to instil fear whilst, at the same time, ensuring that the outside world is aware of the specific grievances that provoke violence in the first place. Moreover by its very nature, terrorism is a form of "worldwide theatrical attraction." As such, the probability of it encouraging other angry and frustrated groups to undertake similar actions as a way out of their helplessness and alienation cannot be ignored.55 Given this situation, one should at least question the wisdom of continuing to allow unrestricted news coverage of major terrorist incidents, especially at a time when the age of "multimedia"56 is becoming an increasing reality. For not only does this enhance the overall effectiveness of the terrorist weapon (so encouraging others to adopt it), it also compels terrorist organizations (in competition with others) continually to step up the scale of their attacks in an attempt to keep public attention and capture the "big headlines."57 A major
dilemma for the modern liberal state is how to limit such negative consequences without raising the equally problematic specter of government censorship (see chapter five). The difficulty has been succinctly summarized by Bowyer-Bell in the Columbia Journalism Review:

> Of all the foundations of a free democratic society, that most basic - the freedom to know, to be informed - has guaranteed that such knowledge and such information can be fashioned by the fanatic through the conduit of the media eye. To close that eye would erode a fundamental right, would close an open society. Yet not to do so assures future massacres, further terrorist events with little hope of audience saturation.58

THE INCREASING USE OF WAR BY PROXY

A final factor that appears to have played a significant role in the upsurge of terrorism since the late 1960s has to do with the increasing tendency of states to sponsor unconventional surrogate "armies" to fight wars on their behalf. In the vast majority of cases, such third parties are groups which have utilized terrorism as either a primary or auxiliary mode of their wider repertoire of violence. There can be little doubt that without such sponsorship, terrorism would almost certainly not have gained the international dimension that it has in the modern age. Certainly, without access to training facilities, weapons caches, financial support, intelligence material, and secure safe havens, the ability of many groups to carry out the type of elaborate national and international terrorist operations that the world has increasingly witnessed since the late 1960s would have been greatly curtailed.
Whilst the use of surrogates to fight wars is anything but new, its incidence has been dramatically increased over the past three decades by the strategic constraints that have been placed on contemporary conventional conflict. States have found time and time again that, by working through irregular third party client groups, they are able to bypass many of the obstacles that are borne of the prohibitively expensive and destructive nature of modern weaponry, and which have prevented them from otherwise influencing states by conventional means. In explaining specifically why states chose to engage in this type of irregular and indirect conflict, it is helpful to distinguish between the Superpowers on the one hand and smaller, more regional, states on the other.

As far as the US and Union of Socialist Soviet Republics (USSR) were concerned, two factors in particular proved to be of crucial importance for this shift to low intensity conflict. First were the constraints placed on conventional warfare as a result of the introduction of nuclear weapons. As James Adams, former defence correspondent for the London Sunday Times, points out, "just as the introduction of the tank saw the elimination of the cavalry as an effective weapon of war, so nuclear weapons changed, and limited, the options available to military and political strategists." The nuclear factor represents a qualitative change in both the destructiveness and predictable consequences of war. As Steve Weber argues, for the first time in the history of the modern states system, a great power's use of total force against its nuclear armed adversary would absolutely ensure
a redistribution of capabilities that is unfavorable to both. A nuclear war would lead to the destruction of both superpowers and the end of their immediate participation in the system.60

Such a realization, enshrined in the doctrine of Mutually Assured Destruction (MAD) which began to replace strategies based on massive retaliation in the 1960s once nuclear parity became an increasingly apparent reality, forced both the US and the former USSR, together with their allies, to abandon the use of all-out war as a useful tool of statecraft. At the same time, given the fact that any direct confrontation could always escalate across the nuclear threshold, conventional wars fought immediately between the Superpowers were similarly ruled out, so obliging both the US and USSR to find new ways of settling their differences. The result was the introduction of war by "proxy," whereby both sides attempted to pursue their territorial, economic and political goals through surrogate actors, which, in certain cases, included the active support of terrorist organizations.

The switch to such indirect forms of engagement by the Superpowers was encouraged by a second, equally important, development - the strategic lessons learnt by the US in Vietnam. When America first became embroiled in this conflict, its Army continued to operate according to methods that had served it so well in previous conventional wars: engaging the enemy directly in set piece battles and relying exclusively on the massive deployment of troops and military technology to overwhelm any and all opposition.61 However, it quickly became apparent that such tactics were not well suited to the politico-
strategic environment of Vietnam. The Vietcong rarely engaged US troops directly on open ground, preferring, instead, a gradual war of attrition that was carried out by small mobile bands that were sustained by a large civilian base, and consisting of hit and run raids in remote areas complemented by the continual sabotage of communication facilities and supply lines. As Van Crevald observes, using conventional tactics in what was clearly an unconventional war, proved to be ultimately self-defeating:

*Designed as they are for conventional war, the command structures of modern armed forces tend to be too tall, battle procedures too cumbersome...In the jungles of Vietnam...forces on foot were often as mobile tactically as their mechanized opponents. They were also capable of making much better use of the terrain, with the result that it was always the conventional forces who were pinned down or blown up. The nimble guerrillas got away, usually suffering heavy casualties only on those occasions when they chose to stand and fight. Attacked by swarms of gnats, all the conventional forces could do was flounder about in helpless fury, destroying the environment and themselves. They are about as relevant to war in our age as Don Quixote was in his.*

Moreover, the fact that the Vietcong thought of victory in terms of years rather than months or days, progressively infected the US military with a growing sense of frustration and futility. Believing ultimate success to be inevitable, the North Vietnamese were quite prepared to wait for as long as it took for victory to arrive, regardless of the number of casualties that they suffered in the process. By contrast, the US expected that its forces, on which so many resources had been lavished, would be able to quickly overcome what appeared to be no more than a poorly trained and equipped rabble army. It thus
became increasingly irritating, not to mention disturbing, when such a victory did not materialize and where, by total contrast, the scale of involvement, and thus by implication the calculation of "acceptable losses," had to be progressively increased.63

The failure of the conventional US war machine in Vietnam, together with the enormous cost of the conflict in terms of casualties, impressed two lessons that were to have a substantial impact on later Superpower foreign interventionism (although one could argue that it was not until the USSR's totally disastrous campaign in Afghanistan between 1979 and 1989 that these lessons were fully learnt by the Soviets):64 first, wars in the Third World were not winnable by conventional means alone; second, the casualties caused by such conflicts were unacceptable to Western domestic public opinion. This second point was especially important to later US governments which, due to the American democratic political structure, were reliant on popular electoral support.

The overall result of these two lessons was the gradual emergence of a "low intensity conflict" doctrine. Instead of direct military intervention, both the US and USSR began to engage in an alternative practise of supporting insurgency/counter-insurgence forces (depending on whether the objective was to overthrow or sustain a particular client regime), trained in techniques of unconventional warfare by "local military advisors."

The concept of low intensity conflict (see introduction for brief definition) embraces a wide range of conflictual activity and can include
anything from psychological subversion, through guerrilla warfare and sabotage to terrorist tactics. Whilst the tendency in US government (not to mention academic) circles has been to argue that it was the USSR which was primarily responsible for supporting client groups that engaged in terrorism the reality is, of course, somewhat different. Both the USSR and US supported and trained groups which have either exclusively relied on terrorism or, at least, resorted to the use of such tactics at some stage in their operational life. Indeed, any claim that the US government is largely innocent from supporting the cause of terrorism since the 1960s is quickly dispelled by reference to the many subversive groups, directly or indirectly supported by Washington, that have utilized this particular *modus operandi*. National Union for the Total Independence of Angola (UNITA) rebels in Angola, RENAMO bandits in Mozambique, *Mujahideen* Resistance fighters in Afghanistan and Contra counter-revolutionaries in Nicaragua. Moreover, considerable evidence now exists that Washington knowingly supplied both the El Salvadorian and Guatemalan (until 1978) governments with a considerable amount of military aid to finance "death squads" against left-wing guerrillas. These organizations routinely engaged in mass murder and assassinations and are thought to be guilty of carrying out some of the worst cases of human rights abuse in Central America during the 1970s and 1980s.⁶⁵

Despite these prominent examples, it is probably true, however, that the Soviet Union did play a greater role in the support of groups that were *overtly* terrorist in nature (i.e. those which tend to rely exclusively on the terror tactic). Although the extent to which the USSR
reportedly controlled the activities of such organizations around the world is almost certainly overstated. Considerable evidence does appear to exist that they at least exercised some degree of involvement. Perhaps the best proof we have of this are the various testimonies given by those in the forefront of either providing or receiving Soviet assistance. For instance, Klaus Reiner Roehl, the husband of Ulrike Meinhof, claimed some years ago that the Komitet Gosudarstvennoi Bezopastnosti (KGB) funded the Baader-Meinhof gang through the German Democratic Republic (GDR). Moreover, numerous high ranking defectors from the former Eastern Bloc have consistently made statements linking the USSR and its allies to the support of a variety of terrorist organizations - a fact exemplified by the following extract of a testimony given by Ladilav Bittman, a former member of the Czechoslovak Intelligence Service, Statni bezpecnost (StB):

Terrorist organizations would not be able to survive for long periods without outside support. The Soviet Union, the German Democratic Republic, Czechoslovakia, Bulgaria and Cuba have all provided various kinds of assistance to terrorists including weapons, ammunition and explosives, military training, financing and sanctuaries, where they could plan their operations undisturbed or communicate safely with other terrorist groups.

Arguably, a far more important reason for the rise of surrogate warfare in the guise of state-sponsored terrorism has to do with the prohibitively expensive nature of modern day conventional conflict. One aircraft fighter costs today what an entire squadron did in World War Two, and even equipping a platoon with basic infantry equipment has become beyond the budgets of most states. A good example of the
expenditure necessary for a full-scale war in the modern age was provided by the 1990/91 Gulf Conflict: it has been estimated that the entire cost of the Allied operation came close to a staggering US $150 billion. Moreover, deliberately belligerent action to achieve external foreign policy objectives risks international condemnation in the form of potentially ruinous sanctions, and is likely merely to result in a protracted armed struggle that achieves nothing other than permanently damaging the socio-economic infrastructure of the state concerned. By comparison, terrorism is "war on the cheap," having the additional advantages of a high yield potential and total deniability in that blood shed on behalf of the state is on the hands of the surrogates rather than itself. By using terrorist groups as "mercenaries" to conduct proxy wars against enemy states, sponsors can pursue and achieve foreign policy objectives without the accompanying risk of becoming involved in an exorbitant and prolonged exchange of hostilities. This was vividly demonstrated in October 1983 when an Iranian surrogate group, Hizbollah, succeeded in achieving the full-scale withdrawal of US forces from Lebanon with one truck bombing - an action which left 241 American Marines dead.

The covert and cost-effective nature of terrorism is perhaps the single most important reason why states, other than the Superpowers, have chosen to become involved in this form of surrogate warfare. In a world where conventional war was fast outgrowing its usefulness as an effective tool of statecraft, certain states began to recognize terrorism as a promising alternative method of pursuing their foreign policy
objectives. Libya, Syria, Iraq and Iran are the states most closely involved with providing outside support for terrorism. Motivating influences appear to have included anything from seeking to undermine and/or wreak vengeance on rival/enemy powers, to silencing/intimidating exiled political dissidents, to forcing (or at least attempting to) other states to modify their actions or policies.  

A good example of just how much assistance terrorist organizations are able to receive from external state backers was provided by the discovery of a secret Libyan/PIRA arms link in 1987. In the course of one year, PIRA took delivery of nearly 120 tonnes of arms and explosives from the Tripoli government that included AK47 rifles, Webley pistols, rocket propelled grenade (RPG) launchers, surface to air missiles (SAMs) hand grenades, ammunition, detonators, fuses and SEMTEX-H explosive. Moreover, had this link not been discovered, PIRA would have been able to take delivery of an additional inventory of armaments that was to include AK47 rifles, more than one million rounds of ammunition, 430 grenades, 1000 mortar bombs, 120 RPGs, 12 Russian anti-tank missile launchers, 2000 electric detonators, 4700 fuses, 20 SAM-7 missiles and two tonnes of SEMTEX-H explosive.  

Such support as this has proven central to the ability of terrorist groups to operate at a successively higher and more lethal level of violence around the world. Moreover, together with the provision of intensive training programs as well as generous financial backing it has ensured that the face of terrorism has been changed forever. Gone are the days when operations consisted of little more than isolated
gang-style killings carried out by inexperienced and uncoordinated
groups of civilians. Typically composed of experts in intelligence,
counter-surveillance, communications, explosive construction,
assassination and murder and having access to a vast array of
destructive devices, the modern day terrorist organization can now be
expected to have the ability to launch extremely elaborate, long range
attacks against a variety of targets virtually anywhere in the world.
Such is the legacy of the emergence of what John Marsh, the former US
Secretary of the Army, called the "twilight battlefield."\textsuperscript{76}

Whilst all of the above features help to explain why terrorism in
general increased so rapidly from the late 1960s onwards, they do not,
by themselves, account for why the phenomenon manifested itself so
markedly within the West European context. Indeed, between 1968 and
1989, this region emerged as the area most severely afflicted by
international terrorism, incurring a total of 3,629 attacks compared to
2,862 for the Middle East, 2,310 for Latin America and 1,090 for Asia (see
table one in appendix). These incidents amounted to 33.2\% of the
worldwide total for the period 1968-1989 (see table four in appendix).
When domestic figures are included, only Latin America averages more
occurrences of this type of political violence (between 1970 and 1986)
with 53\% of the worldwide total compared to 24\% for Western Europe (see
table four in appendix) - though between 1970 and 1978 the latter again
emerges as the most severely affected area with 47.15\% of the worldwide
share (see table five in appendix). What exactly was it about Western
Europe that caused terrorism to become such an endemic feature of its political life during the 1970s and 1980s? It is to this question that I now turn in chapter three.
ENDNOTES


2. The dramatic increase that Risks International records in the in the 1980s almost certainly reflects the upsurge of domestic terrorist activity that was experienced in Latin America at this time.


4. It should be noted, however, that Guevara's theory of revolutionary war is essentially a carbon copy of that of Mao. In his famous essay, *On Protracted Conflict*, Mao also divides revolutionary warfare into three stages: the first phase involving the insurgents' strategic defence in which guerrilla tactics are secondary to conventional mobile warfare; the second and longest phase, involving the insurgents' preparation for the counter-offensive where guerrilla tactics rise to a position of primacy; and the third phase, involving the insurgents' actual counter-offensive where conventional warfare once again takes precedence over guerrilla tactics. Mao, however, stresses that these military considerations must always be overshadowed by psycho-political tactics and the need to ensure the insurgents' political credibility with the populace. He argues that it is only by doing this that the revolutionaries will be able to socialize and mobilize the populace into backing their cause. It is these psycho-political considerations that Guevara thought could be by-passed by the successful application of the three staged revolutionary war. For a good account of Mao's views on revolutionary warfare see Mao Tse-Tung, *Selected Works of Mao Tse-Tung* (Peking: Foreign Language Press, 1967), 113-83.


8. Ibid.

9. It should be noted, however, that although guerrilla theorists have long acknowledged terrorism as a tactic that can be used as part...
of their wider repertoire of violence they have also stressed that it can, and should, never assume a decisive role in the revolutionary struggle. This is because of the recognition that terrorist tactics may backfire over the long run, leading to the alienation of the revolutionaries and their cause with the populace becoming more willing to support the counter-insurgency efforts of the government. Theorists such as Guevera, Marighela and Debray have, therefore, warned of the abusive use of such tactics — especially when they are generated at elements of the general population. For further details see Grant Wardlaw, Political Terrorism. Theory, Tactics and Counter-Measures (Cambridge: Cambridge University Press, 1989), 47-48; and R. Shultz, "A Study of the Selective Use of Political Terrorism in the Process of Revolutionary Warfare," International Behavioral Scientist 8 (1976): 43-77. A number of historical studies have been conducted which attempt to link failed insurgencies with the misuse of a policy of terror. Paret and Shy, for instance, claim that the collapse of the communist insurgency in Greece in the late 1940s can, in large part, be attributed to the mass exodus of over half a million of what should have been the insurgent's strongest supporters who were driven to the cities by the widespread use of terror. Similarly they claim that the collapse of the communist insurgency in Malaya between 1948 and 1954 can be partially attributed to the excessive use of terrorism by the insurgents. See P. Paret and J. Shy, Guerrillas in the 1960s (New York: Praeger, 1962), 5; and P. Paret and J. Shy, "Guerrilla Warfare and US Military Policy: A Study," in T. Green, ed., The Guerrilla - And How to Fight Him (New York: Praeger, 1965), 44. See also Wardlaw, Political Terrorism, 46-49.


13 The roots of the Palestinian-Israeli conflict can essentially be traced back to the First World War when the British made two irreconcilable promises to support both Arab and Jewish national aspirations in a country that did not exist from lands that they did not yet own. The McMahon Correspondence and Balfour Declaration in effect promised the territory of the Holy Land, then under the
control of the Ottoman Empire, to both Arabs and Jews in exchange for their support against the Turks in the Middle East. Following the War, the British created a mandate out of the Holy Land (calling it by the ancient name of Palestine) which both Arabs and Jews have since claimed as rightfully theirs. Arab asseverations have been based on the promise given to them in the McMahon Correspondence and the fact that they both constitute a majority of the population in the territory and have lived there for many years. By contrast, the Jews claim to have a biblical right to the Holy Land and had anyway already been guaranteed the territory in the Balfour Declaration. Some detailed accounts of the roots of the Palestinian-Israeli conflict can be found in John Amos II, Palestinian Resistance: Organization of a Nationalist Movement (New York: Pergamon Press, 1980); George Antonius, The Arab Awakening: The Story of the Arab National Movement (Philadelphia: J.B. Lippincott, 1939); Ian Black and Benny Morris, Israel's Secret Wars (London: Futura, 1992), 1-34; David Long, The Anatomy of Terrorism (New York: The Free Press, 1991), 32-43; Aaron Miller, The PLO and the Politics of Survival (New York: Praeger, 1983); and William B. Quandt, Fuad Jabber and Ann Mosley Lesch, The Politics of Palestinian Nationalism (Berkeley: University of California Press, 1973).

14 Traditional guerrilla tactics carried out by al-Fatah prior to the Six Day War had failed largely as a result of its inability to secure a base within the Occupied Territories. As Gearty notes, Palestinians within the West Bank were far less militant than those displaced by the Israelis as they still had something to lose - their land. This made it extremely difficult for the fedayeen to infiltrate and influence those communities necessary for successful guerrilla action. See Gearty, Terror, 50.

15 In 1953, the killing of a Jewish mother and two children in a grenade attack led to the destruction of the village of Qibya, resulting in the death of sixty six Arabs. In 1956, the Israeli army shot dead forty seven Arabs who had failed to comply to a curfew that had been imposed on the village of Kafr Qasem. Although the soldiers held to have been responsible for the killings were later imprisoned, they were released within a year of having been given seventeen and fifteen year jail sentences. See Gearty, Terror, 48-49.

16 Ibid., 51.

17 Statement made by Al-Asifa (The Storm), military wing of al-Fatah, in Damascus on June 22 1967. Quoted in Black and Morris, Israel’s Secret Wars, 240.

It is important to note, however, that as chairman, Arafat has virtually no power over the other groups except that of consensus. In other words, within the PLO as a whole there is relatively little organizational discipline.

The name "Black September" commemorates the defeat and subsequent expulsion of the Palestinians by the Royal Jordanian Army in September 1970. Whilst King Hussein had been prepared to tolerate international subversion against Israel from the Palestinian state within a state under his sovereign control, he was not willing to countenance the direct challenge to his rule that resulted from the Palestinian attempt to create a separate state within Jordan.

This has since been achieved, at least in principle. The deal struck between Arafat, on behalf of the Palestinian people, and Israel in September 1993 includes recognition by both of each other's right to exist, a firm commitment by the PLO to renounce all future acts of violence, and allows for initial Palestinian self-rule in the West Bank town of Jericho and the Gaza Strip as a first step towards possible Palestinian control throughout the Occupied Territories. See chapter four for further details.

This more moderate stance by Arafat over armed struggle with Israel is one of the chief causes for the lack of solidarity within the PLO and has led to the creation of a number of extremely violent splinter groups who appear to be motivated as much by anti-Arafat sentiment as they are by the Palestinian-Jewish issue.

The group has also be known by such names as Black June, the Arab Revolutionary Brigades, the Revolutionary Organization of Socialist Moslems, and the Black September Organization (BSO). See Dennis Pluchinsky, "Middle Eastern Terrorism Activity in Western Europe," in Wilkinson and Stewart, eds., Contemporary Research on Terrorism, 168-9.

See Dennis Pluchinsky, "Middle Eastern Terrorist Activity in Western Europe in the 1980s: A Decade of Violence," in Yonah Alexander and Dennis Pluchinsky, eds., European Terrorism Today and Tomorrow (New York: Brassey's, 1992), 5 and 34.


Long, The Anatomy of Terrorism, 41.

The PFLP-GC was originally the main suspect in the bombing which resulted in the deaths of 270 passengers and crew aboard Pan Am Flight 103 over Lockerbie, Scotland as well as numerous civilians in the town. It was initially thought that the group had been hired by Iran to avenge the downing of an airbus over the Persian Gulf by
the US warship "Vicennes." However, it is now believed to have been a joint operation orchestrated between Iran, Syria and Libya. Iran is thought to have put up the money and Syria its live-in terrorist group, the PFLP-GC, with Libya eventually taking over at the last minute when authorities were believed to be closing in on the terrorists.


30 Black and Morris, *Israel's Secret Wars*, 455.

31 Other, smaller, groups which have engaged in terrorism include the PFLP-Special Command (PFLP-SC) led by Salim Abu Salim, the 15 May Organization (named for the day Israel declared independence) led by the notorious bomb maker Abu Ibrahim, the Lebanese Armed Revolutionary Faction (LARF) founded by George Ibrahim Abdallah in 1979 after which it gained notoriety for several attacks on US and Israeli diplomats in France (all three were established from the remnants of the PFLP-Special Operations Group, an offshoot of the PFLP formed in 1974, after it collapsed in 1978 following the death of its leader Wadi Haddad) and the Democratic Front for the Liberation of Palestine (DFLP) led by Nayif Hawatamah, a strongly Marxist orientated splinter group of the PFLP.


New Left ideology preaches the existing world to be unjust and evil as well as insisting that the only way for a new and better society to come into being is for this order to be completely vanquished and destroyed.


The name "Weathermen" owes itself to a line, "You don't need a weatherman to know which way the wind blows," in a Bob Dylan song, "Subterranean Homesick Blues," which served as the title of the original manifesto of the group.


A good example of this occurred on May 23 1976 when South Moluccan terrorists commandeered a train at Assen in the Netherlands to demand independence for their country from Indonesia. Although the siege ultimately ended in bloodshed when
an assault led by Dutch Marines left two hostages and six terrorists dead, the action did, nevertheless, bring this previously unknown group to the attention of the West.

49 J. Bowyer Bell, *Transnational Terror* (Stanford, Calif: Hoover Institution on War, Revolution, and Peace, September 1975), 89.


53 Richard Clutterbuck, "Terrorism is Likely to Increase," *The Times*, 10/04/75.


56 This term describes the partnership of technology with the telephone, computer and television in which all three have been whirled into an extraordinary whole. See "Make Way for Multimedia" *The Economist*, 16/10/93.

57 See Brian Jenkins, "The Future Course of Terrorism," in Wilkinson and Stewart, eds., *Contemporary Research on Terrorism*, 583-84. A big debate now exists over whether or not liberal democratic governments should limit the activities of the media with respect to the coverage of terrorist incidents. Whilst some argue this would be an unjustified restriction on the freedom of the press and the public's right to know, many in the security establishment feel such action is vital if terrorists are to be prevented from exploiting the media for their own purposes.

58 Bowyer-Bell, "Terrorist Scripts and Live Action Spectaculars," 50.


As early as 1968, Sir Robert Thompson recognized the key to a successful "People's Revolutionary War" was patience - especially when it was directed against an enemy who lacked such patience. See "Squaring the Error," *Foreign Affairs* (April 1968): 442-453.

Insisting on fighting a conventional campaign in what was clearly a counter-insurgency war cost the USSR not only military victory, but, more importantly, a heavy toll in life. Estimates of the casualties inflicted on the USSR Army between 1979 and 1989 have been put at 13,833, with the Mujahideen Resistance bringing down at least one Soviet aircraft - mostly helicopters - every day between 1987 and 1988. See John Laffin, *The World in Conflict, 1991* (London: Brassey's 1992), 1. For a good account of the way in which the war in Afghanistan was conducted see Adams, *Secret Armies*, 145-59.

Widespread cases of human rights abuse committed by Salvadorian officers long supported by the US has been documented by a UN sponsored report that was issued in March 1993. It concludes that the vast majority of political violence used against the civilian population in the El Salvadorian civil conflict was carried out by forces loyal to the government, which received at least $1 billion in military aid from Washington between 1981 and 1991. The release of CIA intelligence reports in November 1993 provide strong evidence that the US not only knew about such activities, but also lied to Congress about their knowledge in order to circumvent human rights based restrictions on military aid. The papers further indicate that both the Reagan and Bush administrations sought to develop good relations with Roberto d'Abuisson, an important right-wing leader in the Salvadorian government, despite knowing that he had strong links with the death squads and had also directed the meeting that planned the assassination of Oscar Romero in 1980, the Roman Catholic Archbishop of San Salvador who had called for an end to US military aid. See "US Aware of Killings, Kept Ties to Salvadorian Rightists, Papers Suggest," *The New York Times*, 09/11/93.

There still exists considerable dispute among experts concerning the extent to which terrorism was controlled and directed by the USSR. Some observers believe that Moscow's strategic thinking called for the manipulation of terrorism as a suitable substitute for traditional warfare. By the covert use of non-military techniques, it
has been argued that the USSR was able to continue its revolutionary efforts against democratic pluralism while expanding its own influence. On the other hand, there are those who are skeptical that the USSR directly or indirectly controlled terrorist groups. Although admitting that Moscow certainly gave some assistance to what it considered "legitimate national liberation movements," proponents of this view maintain that the dynamics of modern terrorism are so uncontrollable that the USSR must have been ambivalent about the usefulness of this mode of warfare. For further details see Jonas Bernstein, "When in Need, Terrorist Groups Turned Eastward," Insight 7(3) (January 21, 1991): 18-21; Roberta Goren, The Soviet Union and Terrorism (London: George Allen and Unwin, 1984); Ernst Halperin, "Central America: The Role of Cuba and of the Soviet Union," in Uri Ra'anan, Robert Pfaltzgraff, Richard Shultz et al., eds. Hydra of Carnage. The International Linkages of Terrorism and Other Low-Intensity Operations (Toronto: Lexington Books, 1986), 125-134; Brian Jenkins, "World Terrorism - the Truth and Nothing But the Truth?" The Guardian Weekly, 24/06/81; Michael Leeden, "Soviet Sponsorship: The Will to Disbelieve," in Benjamin Netanyahu, ed., Terrorism: How the West Can Win (New York: Farrar, Straus, Giroux, 1986), 87-92; Claire Sterling, The Terror Network (New York: Holt, Rinehart and Winston, 1981); Richard Thackrah, Encyclopedia of Terrorism and Political Violence (London: Routledge, 1987), 235-236; and Grant Wardlaw, Political Terrorism, pp. 55-58.


Statement made by Ladislav Bittman at the April 1985 Conference, "The Role of the Soviet Bloc Intelligence in International Terrorism: The View from Inside," sponsored by the International Security Studies Program of the Fletcher School of Law and Diplomacy. In April 1994, Helmut Voigt - a lieutenant colonel in the East German Stasi and one of the directors of its counter-terrorism section - was found guilty of providing the explosives to Carlos the "Jackal" which were ultimately used in the fatal 1983 bombing of a French cultural center in West Berlin. The verdict marked the first time that a former Stasi agent had been found guilty of committing such a serious crime as part of his official duties. See "Ex-East German Agent Guilty in Terror Bombing," The New York Times, 12/02/94.


The Iran–Iraq War is a case in point. When hostilities broke out in 1980 (essentially over who should have sovereign control of the Shatt-al-Arab River), it appeared as though the Iraqis would quickly rout the Iranians, whose society was in turmoil as a result.
of Khomeni's revolution. However, the Iranians made a surprising recovery and the war dragged on for another eight years. The toll was enormous in terms of both lives and financial cost, yet the conflict achieved nothing. By the time a cease-fire was eventually concluded, Iraq and Iran had still not resolved the basic question of whether the border between them should pass at the center of the Shatt-al-Arab River, or as Iraq wanted, along its Eastern bank. See van Crevald, *The Transformation of War*, 16.


74 See "Arming the IRA. The Libyan Connection," *The Economist*, 31/03/90.

75 For example, Iran is reported to have channeled up to $30 million a year to finance Islamic extremists around the world whilst Libya is
known to run several training camps in and around Tripoli including Al Qalah, Seven April, Sidi Bilal Port, Bin Ghashir and Ras al Hilal.


INTRODUCTION

Since the late 1960s Western Europe has had the unenviable reputation of being one of the most severely afflicted areas of the world by the terrorist phenomenon. Between 1969 and 1988, the number of international terrorist acts in the region totalled 3,629 - 33.2% of the global share (see tables one and four in appendix). With respect to domestic incidents, the EC Twelve suffered a total of 8,842 attacks between 1980 and 1986, resulting in the deaths of some 354 people (see table six in appendix). The most complete, publicly available breakdown of international and domestic terrorist incidents in Western Europe for the period 1968-1988 are the statistics provided by Alex Jongman. He records a total of at least 80,481 incidents occurring in the five most severely affected Western European countries - the UK (including Northern Ireland), Italy, France, Germany and Spain (the figures for which are not included). These attacks resulted in 4,032 deaths of which 66% occurred in Northern Ireland, 10% in Italy, 3% in France, 3% in Germany and 16% in Spain (see table seven in appendix). In terms of incident type, a total of 455 assassinations, 1166 assassinations, 44 hijackings and 5432 bombings were suffered by the EC states between 1974 and 1985. The majority of these attacks occurred in the five aforementioned states who accounted for 85% of the assassinations, 98% of the attempted assassinations, 88% of the hijackings and 95% of the bombings (see table eight in appendix).
Most of the indigenous terrorism that occurred in Western Europe between 1968 and 1989 was related to the ethnic/separatist conflicts in Spain and Northern Ireland. The principal organizations involved in the perpetration of this violence, ETA and PIRA, were by far the most deadly of all West European terrorist groups operating during the 1970s and 1980s accounting for the respective deaths of some 600 and 1600-1700 individuals (see tables nine, ten and eleven in appendix). An important facilitating factor in the operational "success" of the two groups was the large reservoir of support that each could draw on. In contrast to other terrorist organizations who, with the exception of BR and RZ, contained fewer than 50 hardcore members, ETA and PIRA could both count on at least 200 militantly active members.

International terrorist incidents in Western Europe had two important characteristics. A great number of them were either related to spill-over violence from the Middle East or were directed against American targets. A total of 309 acts of Middle Eastern terrorism were recorded in the region during the 1980s (see table fourteen in appendix - the 309 figure represents table fourteen's total minus the numbers recorded for Cyprus and Turkey), 20% of all the international acts to occur in Western Europe during the period (see table one in appendix). Most were carried out by anti-Arafat Palestinian groups who violently opposed a negotiated settlement with Israel (see chapter two). With respect to anti-US attacks, at least 460 such incidents (25% of all international acts of terrorism in Western Europe) were recorded between 1980 and 1985. The vast majority took place in West Germany
(46%) followed by Spain (20%), Greece at (16%), Italy (12%) and France (6%). In total these attacks caused 21 deaths and 259 injuries.6

The purpose of this chapter is to examine the principal motivating and facilitating forces that appeared to drive the process of West European terrorism during the Cold War era. The analysis will be limited to the period 1968-1989, the former marking the first year that modern terrorism really "came into its own" (see chapter two), the latter being the year that is generally considered to represent the beginning of the end of the Cold War.

WEST EUROPEAN TERRORISM IN HISTORICAL PERSPECTIVE

The term "terrorism" originally appeared during the French Revolution to describe the activities of the revolutionary Jacobin regime that ruled France up until the death of Robespierre on the ninth of Thermidor. According to Laqueur, it was initially used in a positive sense by the Jacobins when writing or speaking about themselves.7 However, after the death of Robespierre which effectively ended the so called "Reign of Terror," terrorism became a term of abuse that has since been associated with thoroughly negative, criminal connotations.8

The deliberate use of terrorism as a systematic policy really only begins with the anarchist movement that swept across Europe during the second half of the nineteenth century. It found particular expression in Russia where several writers developed nihilist doctrines proclaiming the virtues of terror in pursuit of anarchist ideals. Writers such as Mikhail Bakunin and Sergey Nechayev advocated a revolutionary
philosophy which required the absolute destruction of all existing order as a prelude to a new and better society. In this belief, the use of terror was epitomized as a pure and cleansing force:

[the] present generation must in its turn produce an inexorable brute force and relentlessly tread the path of destruction. The healthy, uncorrupted mind of youth must grasp the fact that it is considerably more humane to stab and strangle dozens, nay hundreds, of hated beings than to join with them to share in systematic legal acts of murder, in the torture and martyrdom of millions of peasants.9

Just as dramatic was Nechayev's Revolutionary Catechism - one of the most famous documents of the period. Seen by many as a description of the ideal terrorist and one of the most cold blooded "instruction manuals" to have ever come out of the literature on terrorism, it emphasized above all else the need to destroy:

The revolutionary despises all dogmas and refuses to accept the mundane sciences, leaving them for future generations. He knows only one science: the science of destruction. For this reason, and only this reason, he will study mechanics, physics, chemistry, and perhaps medicine. But all day and night he studies the living science of peoples, their characteristics and circumstances, and all the phenomena of the present social order. The object is the same: the prompt destruction of this filthy order.10

A recurrent theme in the anarchist prescription for violence was the idea that a single act of destruction would do far more for a cause than could ever be achieved by political debates or publications. Arguing that the masses had little time or inclination to read literature or attend debates, anarchists such as Bakunin and, later, Peter Kropotkin claimed that it was necessary to stage a practical, highly
visible demonstration if the revolutionary consciousness of the masses
was to be awakened. This notion was encapsulated in that memorable
phrase of revolutionary rhetoric - the "propaganda of the deed" which has remained central to the terrorist strategy of fear ever since.
As Wilkinson notes:

Modern terrorists have emulated Bakunin's prescription of "propaganda of the deed" by seeking to use spectacular acts of terrorism as a dramatic and effective means of publicizing both their cause and their movement to specific governments and to world opinion...Translated into these terms the terrorist by his act of violence is telling the world: "We are here. Look what we can do. Heed us or there is worse to come."

Another major legacy of the anarchist heritage to the development of West European terrorist strategy was the dehumanizing element that was characteristic to much of their thought. As Vetter and Perlstein argue, most anarchists and nihilists of the time consistently denied that the elimination of government officials was the equivalent of murder as murder involved the willful killing of another human being - a category to which these people were not seen to belong. Such depersonalized images lie at the heart of the modern day terrorist philosophy which argues that there can be no innocents in a revolutionary struggle. As Adriana Faranda of the Italian Red Brigades argued:

And when you remove yourself from society...when you no longer share even the most basic experiences or emotions with other people you become abstracted, removed..."They" were no longer men and women with everyday emotions but a series of "functions" operating within an inimical homogeneous mass which was the enemy.
Fuelled by ideas such as these, anarchists throughout Europe took to the streets to wage systematic campaigns of terror against their respective governments. Their aim was to redress the imbalance of power between themselves and the government authorities by provoking a popular uprising through symbolic attacks on specific targets. Of all the movements, the most successful were those that operated in Russia. The *Narodnaya Volya* (1878-1881) succeeded in the assassination of Tsar Alexander II, whilst the Social Revolutionary Party, which began its wave of terror two decades later, carried out a string of high profile murders which included the deaths of the Minister of the Interior, Sipyagin, in 1902, his replacement, Plehve, in 1904, the Grand Duke Serge Alexandrovich in 1905 and Stolypin in 1911.

In Western Europe, a wave of anarchist inspired terrorism was sponsored by an "International brotherhood" which was established in London in 1881. The most significant attack took place in 1894 when the French President, Sadi Carnot, was murdered by an Italian anarchist named Caserio in revenge for the execution of Auguste Vaillant who had bombed the French Chamber of Deputies earlier that same year.

The international export of the belief in the positive virtues of terror also led other, not necessarily anarchist, organizations to take up a terrorist program. This was most apparent in Ireland where a number of militant Irish nationalists adopted the anarchist proscription of the "propaganda of the deed" in pursuit of their stated objective of freeing the country from British control. This led to the assassination in 1882 of
the two leading representatives of British rule, Lord Frederick Cavendish and T. H. Burke, in Dublin by the Irish Invincibles.\textsuperscript{17}

One should not underestimate the importance of the anarchist tradition that swept across Europe during the nineteenth century in shaping the development of modern terrorist thought in the region. Indeed, several themes in what Wilkinson refers to as "classical" anarchist terrorism\textsuperscript{18} have an extraordinarily modern ring to them: the glorification of violence as an ennobling deed; the transformation of opponents into depersonalized objects of aggression; the emphasis on terroristic violence as a way of transmitting a message of symbolic protest - the so called "propaganda of the deed"; and the belief in the possibility of fomenting an international anarchist revolution. As Wardlaw notes:

\textit{From the terrorist activities of the Irgun and Stern gangs in Palestine, to the colonial terrorist movements such as the Algerian FLN, to the Vietnamese NLF, to the contemporary terrorist organizations of the Middle East, Africa, South America and Europe can be traced a philosophical and intellectual (and in some cases an operational) debt to the Russian terrorists and anarchists of the late nineteenth/early twentieth century.}\textsuperscript{19}

Notwithstanding the importance of these early examples, it was not until the colonial struggles of the 1940s, 50s and early/mid 60s that West European governments first experienced the effects of large scale programs of deliberate terrorism. Three developments occurred during this period which have remained central to the West European terrorist phenomenon ever since. The first was a significant widening of the category deemed to be a "legitimate target of aggression." The national
liberation movements that appeared in such places as Palestine, Indochina, Indonesia, Algeria and Aden tended to take a far less restricted view of exactly who was and who was not an innocent bystander than did the anarchists and nihilists of the nineteenth century whose violence was, by and large, limited to high ranking government officials. By contrast, the anti-colonial struggles of the twentieth century typically involved conceptions of the enemy that included colonial administrators, army personnel, police, small-scale businessmen, civilian employees of the colonial government and, eventually, anyone remotely connected with the administration. Indeed, in some extreme cases such as Kenya under British rule, characterizations of the enemy were expanded to such an extent that they incorporated all those who were not actively involved in the independence struggle.²⁰ It is this blurring of the distinction between combatants and non-combatants, a legacy of the post World War Two anticolonial era, that is the essential hallmark of modern West European terrorism. Groups such as PIRA, BR, ETA, Dev Sol, PFLP-GC and JRA have shown time and time again their lack of respect for, and tolerance of, innocent civilians and neutrals through repeated arbitrary and indiscriminate attacks. As Wilkinson observes:

[it is because they believe themselves] to be waging a "Manichaean struggle with the forces of oppression and reaction, [that] there can be no toleration of neutrals: You must either be with us or against us. If you are with us, join our cause and fight against the enemy. If you are not actively with us, we will assume you are a traitor, and therefore we are entitled to kill you."²¹
Second were the attempts by Jean-Paul Sartre and Frantz Fanon to create an all-embracing philosophical justification for terror. Writing at the time of the FLN insurgency in Algeria, both sought to exonerate violence, not merely as a necessary means to an end, but as an end in itself. In his major philosophical piece, Critique de la Raison Dialectique, Sartre attempts to elevate the concept of terror to the highest position in human affairs, as the key to individual freedom and as an end in itself by arguing that without its constant threat/presence human relationships are not possible. Terror is in fact conceptualized as the very cement that holds groups, from the family to the state, together.

As Maurice Cranston has observed:

_Terror is in fact fraternity. For Terror is the guarantee that my brother will stay my brother; it binds my neighbor to me by the threat of the violence that I will use against him if he dares to be "unbrotherly._

Such sentiments were mirrored by Frantz Fanon's Wretched of the Earth, in which violence was characterized as a pure and cleansing force that is indispensable to the process of freeing the human condition from its despair, inaction and feelings of inferiority. For Fanon, violence is power, violence is equality and violence is unity:

_Violence is a cleansing force. It frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect...When the people have taken violent part in the national liberation they will no one to set themselves up as "liberators"...Illuminated by violence, the consciousness of the people rebels against pacification._
These almost mystical views of violence and terror have since been widely diffused among many revolutionary intellectuals throughout the world. Such messages have undoubtedly had a great influence on some of the more vicious contemporary terrorist organizations, where bombing and killing have literally become a way of life and where the exercise of terror is regarded almost as a "religious experience."²⁴ In these circumstances, terror tends to be carried out for its own sake rather than utilized as a calculated, rational political weapon. There are certainly many examples of contemporary organizations in which it is not at all clear whether terrorism, used as a political stratagem, is the primary motivating factor. The activities of the Baader-Meinhof gang in its latter stages is a case in point. However, perhaps the best example was the massacre carried out at Lod Airport in 1972 by the JRA. The testimony given by Kozo Okamoto at the trial for his part in the attack was mystical and confused and appeared to justify the action, not so much by political rationales, as by it being a sacramental duty:

_The incident has been reported worldwide, but it seems to me that nobody has grasped the motivation for it. But when a similar operation takes place next time what will the world think?...The Arab world lacks spiritual fervor, so we felt through this attempt we could probably stir the Arab world._²⁵

Third was the success enjoyed by three prominent anti-colonial struggles in which terrorism came to play a prominent role. These included the campaigns of the _Irgun_²⁶ in Palestine, the National Liberation Front (FLN)²⁷ in Algeria and the National Organization of Cypriot Combatants (EOKA)²⁸ in Cyprus. In each of these instances, the
anti-colonial insurgents found in terrorism an effective means to broadcast their opposition to continued colonial rule, to embarrass the colonial administration and/or to gain instantaneous worldwide attention, sympathy and support. A nexus was formed between the terrorists and a colonial/domestic/global audience which systematically succeeded in effectively neutralizing the military muscle of the colonial powers.

Although terrorism has rarely been a significant contributing factor in bringing about fundamental political change, a number of special considerations helped greatly to enhance the potency of the terror weapon in each of these instances. First was the inability of the prevailing colonial power to initiate effective responses to the respective terrorist threats that they faced. In both Palestine and Cyprus, the British response to the civil violence perpetrated by Irgun and EOKA was weak and vacillious. This can, in part, be explained by the fact that the UK had been so economically weakened by the Second World War that it was no longer able truly to live up to the standard required for world-wide commitments and responsibilities (especially in protection of an institution [colonialism] that was beginning to be viewed as immoral and a hang-over from bygone times). By contrast, the willingness of the French to initiate excessively brutal counter-insurgency operations in Algeria merely drove many hitherto apolitical Muslims into the arms of the FLN. Massacres of literally thousands of Arabs enabled the FLN to set themselves up as the true defenders of the Algerian people and so systematically to draw support away from the French colonial administration (these two considerations obviously raise the question of
the appropriateness of the state's response to terrorism - see chapter five).

Second, in all three instances the colonial power was unwilling and/or unable to withdraw its presence from the colonial territory, so aggravating the sense of occupation felt by Jews, Greeks and Arabs. In Cyprus and Palestine British withdrawal was made virtually impossible by the existence of inter-communal power struggles (Jewish/Arab in Palestine and Greek/Turk in Cyprus) which continually frustrated efforts at reaching peaceful diplomatic settlements (a factor that remains very pertinent to the current conflict in Northern Ireland - see chapter four).32 In Algeria any notion of French withdrawal was, for many years, forestalled by the military which threatened to topple an already weak Fourth Republic if any attempt were made to negotiate an agreement providing for the independence of Algeria.

Third, in all three cases the terrorist operations of the national liberation movements enjoyed solid, if not massive, support from their own ethnic groupings.33 This not only created an almost impenetrable barrier that effectively prevented any infiltration by colonial agents, it also provided a vast reservoir of support and active/passive collaboration for Irgun, EOKA and the FLN to respectively draw on.34

The mode, style and success of the Irgun, EOKA and FLN campaigns have been especially attractive to a number of prominent contemporary West European separatist/nationalist terrorist organizations. Believing themselves to be fighting a classic-style national liberation war in which they are the actual, or at least, symbolic
representatives of the will of the entire ethnic group struggling against a brutal colonial oppressor, groups such as ETA, PIRA and the FLNC have eagerly attempted to emulate the terrorist tactics employed by the FLN, Irgun and EOKA.\textsuperscript{35} Above all, at least two lessons seem to have hit home: first, acts of terrorist violence, although insignificant in terms of pure military capability, have the potential to achieve domestic and international political pressure far in excess of anything that could ever be exerted through limited military means. Second, if applied consistently enough, terrorism may well be able to bring about the complete withdrawal of a "foreign occupying power."	extsuperscript{36}

THE CONCENTRATION OF TERRORISM WITHIN WESTERN EUROPE

When dealing with the question of why terrorism came to be so concentrated in Western Europe during the Cold War era, two considerations appear to be of crucial importance - political rationales and ecological determinants.

Political Rationales.

There can be little doubt that the association of Western Europe with the following two political rationales - both of which have commonly been used to justify acts of terrorism - is one of the main reasons why Western Europe came to be so heavily affected by the terrorist phenomenon during the Cold War years: The legitimate use of violence in order to achieve national self-determination; and the use of violence as
part of the justified worldwide proletariat revolution against Western capitalist imperialism.\textsuperscript{37}

A number of highly visible, regionally concentrated, ethnic groupings are contained within Western Europe which not only perceive contemporary central state power to be working against their fundamental interests but also associate themselves with a history of past violence and repression. Such circumstances provide a fertile environment for the development of extreme ethnic elements who become increasingly prepared to resort to violent means as part of their struggle for national identity. As Raphael Zariski argues:

\begin{quote}
What seems to be at work in [both] cases is a heritage of past violence and repression... the Carlist Wars, the Civil War, and the oppressive Franco dictatorship in the Basque provinces; and centuries of civil strife in Ulster. Moreover...there was an element of reaction against the provocations and excesses committed by the respective governments, by their police forces, and (in Ulster) by their civilian auxiliaries and supporters. In the Basque country, there was...the brutal campaign conducted by the Franco regime to stamp out Basque language and culture... In Northern Ireland, the mob violence launched by Protestant extremists against the peaceful civil rights movement in the 1960s and the indiscriminate use of tear gas in civilian areas by the British army served as catalysts to help swell the ranks of the Provisional IRA.\textsuperscript{38}
\end{quote}

In the context of Cold War West European terrorism, the two areas where this was most apparent were the Basque provinces of Spain, and in Northern Ireland.\textsuperscript{39} As was noted in the introduction, terrorism attributable either to ETA or PIRA nationalism represents by far the vast majority of such violence committed by indigenous groups between 1968-1989. Influenced by the revolutionary strategic thinking that was
beginning to emerge from Latin America at this time, the examples set by Palestinian groups, and conditioned by their own respective experiences of violence and repression, both organizations engaged in serious campaigns of urban violence that included assassinations, kidnappings and indiscriminate public bombings.\textsuperscript{40}

The origins of the PIRA can be traced back to the partition of Ireland in 1922 when the six counties of the North, being predominantly Protestant, decided to remain part of the United Kingdom, and the twenty six counties of the South, who were overwhelmingly Catholic, chose independence - becoming first the Free State and then the Republic of Ireland.\textsuperscript{41} A militant faction of the Catholic population known as the IRA, who had already fought a long campaign against British rule, rejected partition and carried on armed struggle on behalf of the Catholics in the North. Following the abject failure of its 1952-62 campaign to drive the British from the province, the IRA re-emerged from its enforced period of quiescence amid the sectarian violence that accompanied the Civil Rights movement of the 1960s essentially as a Catholic defender against attacks by Protestant extremists. In 1969 the IRA split into two wings: OIRA which favored primarily a political, non-sectarian approach to the status of Northern Ireland and PIRA which was firmly dedicated to the physical use of force to drive the British out of the province and ultimately establish an all-Ireland socialist republic of Gaelic hue.\textsuperscript{42} The Provisionals also rejected the increasingly Marxist line that the OIRA was taking - arguing that such rhetoric was complicating and distorting the purity of true republican principles.\textsuperscript{43}
In January 1970, OIRA's political arm, Sinn Fein ("We Ourselves") - created in 1905 by Arthur Griffith, also split making the creation of two rival organizations complete.

The objective of PIRA was (and remains) quite simply to break the will of the British government to stay on in Northern Ireland through the force of arms. The military campaign it employed to do this during the 70s and 80s (much of which continues to form the basis of its strategy in the 1990s) can be split into three components: the economic war; the so-called "guerrilla" war; and the English campaign. The economic war aimed to undermine business confidence and commercial security in Northern Ireland by disabling commercial and social life in the Province primarily through the use of car bombs and incendiary devices. The purpose of the guerrilla war was to keep the enforcers of British law and order constantly harassed and demoralized by subjecting them to relentless attacks. During the 1980s, this strategy increasingly came to involve the targeting of off duty security service personnel, especially those of the Royal Ulster Constabulary (RUC), the RUC reservists and the Ulster Defence Regiment (UDR). Finally, the English campaign attempted to make London's involvement in Northern Ireland unacceptable to British public opinion by striking at symbolic representatives of the UK establishment on the country's mainland as well as on continental Europe. In practising and endorsing such a course of action, PIRA quite clearly believed that one well placed bomb in England would have a far greater psychological and political impact than numerous bombings could ever have had in Northern Ireland.
PIRA proved to be the most destructive and deadly of all indigenous terrorist groups operating in Western Europe between 1968 and 1989. Its campaign of political violence resulted in an enormous toll of death and destruction both within the province and on mainland UK. Although the latter years of the 1980s saw somewhat of a decline in the number of deaths attributable to Republican terrorism from the high-point reached between 1971 and 1976 (when a total of 820 were killed), the decade still managed to record a statistically significant annual fatality rate of 55.1 (see table ten in appendix). In total, of the 2,774 deaths that occurred in Northern Ireland between 1969 and 1989, at least 1,700 (61%) can be attributed to PIRA, with the majority of its victims being innocent civilians (see table nine). Moreover, its campaign of political violence additionally cost the British tax-payer an enormous bill with millions of pounds being spent each year on damages and extra-policing. PIRA also became increasingly adept at launching highly "spectacular" assaults. One of the most important near misses perpetrated by the organization was the October 1984 bombing of the Brighton hotel during the ruling Conservative Party's annual conference which nearly succeeded in wiping out the entire British cabinet.

The origins of ETA's separatist/nationalist aspirations can be traced back to the uniqueness of the region's dialect, Euskera - the roots of which are completely different to the Roman and Asian origins of other European languages. Although by the end of the nineteenth century Euskera was essentially only spoken in rural areas, many Basque people nevertheless resolutely clung to it as a way of
preserving their own particular regional identity. Under General Franco, the use of the Euskera language was ruthlessly suppressed in an attempt to eliminate a regionalism which was seen to represent a fundamental threat to the Fascist Falange objective of recreating the organic link between individual and state. This onslaught on the central feature of Basque culture led to the formation in the early 1950s of ETA. The organization was composed of a group of young nationalists who were experiencing an increasing sense of frustration and futility trapped as they were within the confines of the established Basque nationalist party, the Partido de Arana (PNV). Although at the time of its original inception ETA did not advocate armed struggle, the continuing brutal suppression of any sign of Basque cultural identity soon put the group on the offensive. As a result of this, and drawing on the lessons of various other nationalist/anti-colonial Third World revolutionaries, a commitment was made to armed struggle at the group's fifth assembly in 1966-67.52

Although ETA opened its terrorist campaign with the murder of a police chief inspector in 1968, it was not until 1973 that the group first managed to capture the world's headlines with a huge car bomb that killed Franco's Prime Minister, Admiral Carrero Blanco. The resulting show trials and suppression proved to be a "blessing in disguise" for the organization. Not only was worldwide attention drawn to the plight of Basque nationalism and the nature of the Franco regime, public support and recruitment for ETA's cause was also greatly stimulated.53 In 1974 ETA split into two wings: ETA-M, which favored a purely
military strategy, and ETA-PM, which tried to temper the adoption of armed tactics with grass roots political agitation in an attempt to broaden the base of the revolution. From then on, the initiative, as far as terrorism was concerned, lay with ETA-M (hereinafter referred to as simply ETA) and it is this faction that has since been responsible for the worst atrocities that have been committed in the name of Basque nationalism.54

ETA lies second only to the PIRA in terms of the scale of terrorism committed by indigenous West European groups during the Cold War era. Violence has been justified as a way of raising revolutionary consciousness in the Basque people, as a way of confronting its enemy in the only language it understands and as a way of giving the people a respite from the bureaucratized terror of the Spanish state.55 Deaths caused by the organization between 1969 and 1989 amounted to 600, with the vast majority occurring after the country's transition to democracy (i.e. after 1977, see table eleven in appendix), so illustrating the fact that terrorist violence is generally not something that occurs within totalitarian states (see chapter five). Of all terrorist fatalities occurring in Spain between 1968 and 1983, 75.2% were the responsibility of the ETA (see table twelve) with victims ranging from government officials to members of the military and security forces, moderate Basques and tourists.56

Despite claiming its campaign of violence to have been highly selective, inasmuch as victims were carefully chosen, a third of all ETA's victims during the 1970s/80s were civilians - either innocent bystanders
caught in the violence aimed at government/security forces, or members of the public killed by deliberate indiscriminate bombing campaigns. One of the worst such atrocities committed by the group occurred on 19 June 1987 when a car bomb exploded in a parking garage under the Hipercor supermarket in Barcelona – killing twenty one and injuring more than thirty two persons.\textsuperscript{57}

Western Europe also came to be associated with a number of indigenous doctrinal groups during the 1970s and 1980s. These organizations claimed allegiance to revolutionary brotherhoods dedicated, for the most part, to Third World national liberation, the overthrow of the "imperialist bourgeoisie," or both. The roots of these organizations can generally be traced back to the rise of the New Left and the student revolts of 1968 which were sparked off by American involvement in Vietnam and the identification of Western Europe with the US as a result of the North Atlantic Treaty Organization (NATO) alliance. The emergence of groups such as the West German Baader-Meinhoff Gang and the Italian BR at this time formed the vanguard of what was to become a whole succession of vehemently anti-US, anti-NATO, anti-imperialist and anti-capitalist terrorist movements. The most prominent such organizations included: RAF; AD; CCC; RO-17 November; the Greek Revolutionary People's Struggle (ELA); GRAPO; Dev Sol; and the Portuguese Popular Forces of 15 April (FP-25).

Although important, the threat posed by these organizations cannot be compared with that which emanated from PIRA and ETA. Each of these latter groups had a far greater and durable support base from
which to recruit and run an effective operational cell network as both were "born" amid ethnic groups that identified with deeply held historic grievances. By contrast, groups such RAF, BR and AD were essentially the product of a one time combination of events which produced a deep psychological crisis in certain sectors of the educated youth (see chapter two). In other words, they were very much an ephemeral occurrence that was both situationally and personality dependent. Not only did this result in a far smaller human resource pool for the staffing of their respective "fighting communist organizations" (FCOs) and, hence, a much lower ability to carry out extensive operations, it also meant that once compromised by state authorities, there was little hope of finding replacements willing to carry on the original group's "work." By 1987, for example, the activities of BR, CCC, AD and FP-25 had all essentially been eliminated specifically as a result of the arrest of their leading and/or original members. It can be speculated that the resulting decline on US/NATO targets that this would have necessarily entailed is also one of the reasons why Western Europe began to experience a gradual decline in international terrorist acts from 1985 onwards (see table one in appendix).

Notwithstanding this, however, the revolutionary left did manage to have a significant impact on the security of Western Europe during the Cold War years. Indeed, many of the 460 anti-US attacks that took place in Western Europe during the Cold War era (representing 25% of all international attacks during the period) were carried out by revolutionary left-wing groups who targeted the United States and NATO
as "representatives of imperialism." Specifically, at least 50 bomb attacks in France (mainly in Paris) can be attributed to AD between 1979 and 1987; of the 359 terrorist incidents in Italy that involved death or injury between 1969 and 1987, 267 (74.5%) were attributable to extreme left-wing organizations with such groups claiming 70% of all "group headings" under which terrorist attacks were claimed during this period (see table thirteen in appendix); and after its formation out of the remnants of the Baader-Meinhof gang, RAF was involved in over 100 murders, a bombing blitz in 1972, an attempted embassy takeover in 1975, the successful bombing of a US military base in 1981 and a joint bombing and murder campaign with AD between 1984 and 1986.

A number of politically significant attacks were also carried out by these groups. The most infamous included the murders of the West German Attorney General, Siegfried Buback, in 1977, the Director of the Siemens Research Department, Dr Karl-Heinz Beckurts, in 1986 and the Deutsche Bank chairman, Alfred Herhaussen, in 1989 by RAF; the assassinations of General Rene Audran, Director of International Affairs at the French Ministry of Defence and George Besse, chairman of Renault by AD; and the kidnapping and eventual killing of Christian Democratic Party leader and former Italian Prime Minister Aldo Moro in 1978 by the BR.61

Whilst a number of extreme left-wing terrorist groups sprung up in both the United States and Western Europe during the late 1960s, it was only in the latter region where they managed to survive in any meaningful sense of the word.62 In the United States, organizations such
as WUO, BLA (a splinter group that developed from the "Cleaver Faction" of the Black Panther Party in the early 1970s), MCO (a group which takes its name from the birthdays of Ho Chi Minh, May 19 1890, and Malcolm Little/aka Malcolm X, May 19 1925) either quickly disappeared or continued to exist merely as curious relics of a bygone era.

In explaining the West European anomaly, the lack of a political consensus is of crucial importance. Unlike the United States which has traditionally been essentially a two party country in which the main contenders differ little in actual substance from one another, states such as France, Spain, Italy, Greece and Germany are all highly politically polarized, containing parties that represent the extremes of the ideological spectrum primarily as a result of their experiences with Fascist/Nazi totalitarian rule. This has meant that whereas revolutionary ideas in the US faced a virtually invincible challenge from a political mindset that is born of the overriding acceptance of existing political and power structures, militant left-wing ideologies in Western Europe were able to not only survive, but actually proliferate, by exploiting the genuine hopes and anxieties that arose from political cultures still suffering from the adverse effects of deep historic crises.

Ecological Determinants.

As important as political rationales in explaining the concentration of terrorism in Western Europe during the 1970s and 1980s are ecological determinants. The region offers an extremely favorable tactical
environment in which to carry out terrorist operations. Such a reality was of crucial importance in determining the tactics of the various indigenous movements outlined above, all of whom came to recognize the utility of terrorism in the area as being an effective means to an end. Moreover, it is a factor that made the region the preferred "battleground" for a whole variety of foreign based organizations, especially those that originated from the Middle East. Black September, the PLF, ANO, PFLP, PFLP-GC, LARF, Guardians of the Islamic Revolution and Islamic Jihad (a.k.a. Hizbollah) are all examples of some of the major Middle Eastern groups to have operated in the region during the Cold War era.

According to the data base compiled by Dennis Pluchinsky, the West European analyst of the US State Department's Threat Analysis Division, 309 of the 418 (74%) acts of Middle Eastern terrorism that took place outside the Middle East between 1980 and 1989 occurred in Western Europe (see table fourteen in appendix), affecting no less than sixteen states and causing 518 deaths and some 1,933 injuries. These statistics include some of the worst incidents of terroristic violence to have ever been carried out in Western Europe such as the destruction of Pan Am flight 103 over Lockerbie, Scotland in 1988, the simultaneous attacks on the Rome and Vienna airports in 1985, and the bombings of the La Belle discotheque in Berlin in 1986, a US Army shopping center in Frankfurt in 1985 and an outdoor cafe in Rome in the same year. What exactly is it about Western Europe that caused so many terrorist groups to view it as an attractive operational arena during the
70s and 80s? Five attributes in particular, all of which continue to have major relevance today, appear to stand out as having been of central importance.

First, Western Europe offers would be terrorists a compact geographic area characterized by both excellent transport facilities and relatively easy cross-border movement in which to operate. These features are of vital importance to terrorists giving them the capacity to move rapidly to and from targets, the ability to shift their bases of operations from one state to another and the potential to create elaborate infrastructures that are capable of providing surveillance data, safehouses, arms caches and escape routes to hit teams. The possibility of being able to travel throughout Western Europe in a largely unrestricted fashion additionally allows organizations the opportunity to pick the most favorable base from which to launch their attacks. This means that terrorist groups are able to bypass the stringent internal security measures of states such as Spain, Italy, Germany and the UK by operating out of those countries known for their more lenient attitudes. It is in this context that many European governments and analysts have come to characterize the Scandinavian region as little more than a de facto terrorist safe haven. Indeed, it is maintained that one reason why numerous foreign based groups (such as the PFLP, ANO and PKK) were able to function so effectively in Western Europe during the 1970s and 1980s was their ability to maintain intensive infrastructural networks in Norway, Sweden and Denmark.
Second, Western Europe offers terrorist groups a broad and bright publicity light in which to convey the propaganda and message of their attacks. There can be little doubt that terrorism, in its modern form, has been able to take advantage of the huge progress made in telecommunications in Western Europe, especially since the development of satellite broadcast television. Indeed, this particular advance has made possible the instantaneous visual transmission of terrorist acts to an audience that constitutes, itself, one of the most densely populated areas in the industrialized world. Moreover, the functionally integrated nature of the region's media industry ensures that such news generating events will be effectively disseminated, and hence maximized, as they are emitted, not by component elements acting in a disparate, individual fashion, but by channels that have increasingly come together to form one homogeneous system.70

Ease of access to the media is certainly thought to be a definite causal factor associated with terrorism. Indeed, in a study on insurgent terrorism and the western news media, Alex Schmid and J. de Graaf documented no fewer than 32 ways in which the media could positively serve terrorists, including such benefits as the transmission of violent techniques/ideas and fear-messages.71 It is important to understand terrorism as "propaganda by the deed" (see chapter one). To many groups deprived of an effective publicity outlet for their actions, the existence of an advanced, largely unregulated and continually growing media industry in Western Europe72 has proven to be one of the region's most alluring characteristics.
Third, the highly industrialized nature of Western Europe offers an abundance of extremely visible and vulnerable potential targets for terrorists. There are numerous research centers, power plants, airports, train stations, shopping complexes, ports and embassies in the region - all of which are susceptible to attack and breakdown. These systems form an elaborate, interdependent and fragile infrastructural web that contains a number of critical choke points where major utilities come together. For example, should all embracing systems such as electrical power be seriously disrupted, it would critically effect sanitation, the water and food supply, hospitals, the manufacturing sector, transportation and anything reliant on computerized networks (such as banking and insurance) - in short, virtually every vital service of the affected area.

Of all the possible technological targets to have been hit by terrorist aggression since the 1960s/1970s, it is civil aviation that has proven to be the one most severely affected - largely as a result of the publicity that such assaults tend to attract. The two most notable attacks to have been committed in Western Europe are the simultaneous strikes on the Rome and Vienna airports in 1985 by ANO (resulting in the deaths of 19 and injury of over 100) and the mid air sabotage of a Pan Am 747 over Scotland in 1988 (killing 270). Although the frequency of airline related incidents (though not the number of actual casualties caused by these attacks) dropped from 1.4% of all incidents recorded in Western Europe between 1968 and 1980 to 0.9% for the period 1980 to 1985\textsuperscript{73} (largely as a result of greatly improved security standards), one
should not discount the attractiveness of such targets for the future. Aircraft will remain one of the most convenient targets for terrorists. Not only can highly devastating results be achieved by one well placed explosion (a fact continually exacerbated by the increasing number of people being accommodated on ever larger carriers), aircraft also bring symbols of enemy nations right to the terrorists themselves. As James E. Landry, President of the US Air Transport Association, observes: "They are a piece of America, or Britain, or France deposited on their doorstep on a regularly scheduled basis."\(^4\)

Fourth, the culturally and politically diverse nature of West European society makes it relatively easy for terrorists to "hide" in the region. Many of the indigenous groups that have operated in the area since the 1960s/1970s have had access to "natural" constituencies which they have used for sanctuary, funds and/or recruits. The most obvious examples include the Catholic and Protestant areas of Northern Ireland (with respect to the PIRA and various loyalist groups respectively), the Basque Provinces of Spain and France (with respect to ETA), the Catalonian region of Spain (with respect to the Red Army for the Liberation of Catalonia/ERCA and Free Land/TL) and the island of Corsica (with respect to FNLC).

Ideologically based groups such as RAF, CCC, BR and AD, although deprived of the advantage of having readily identifiable reservoirs of ethnic support at their disposal, did, nevertheless, manage to secure for themselves strong bases of, at least, passive (and in many cases active) assistance, especially from militant student circles. Starting with the
protests that originated with the anti-Vietnam War movement of the 1960s, radical student bodies subsequently began to enunciate spontaneous, intuitive, unstructured, non-conformist and anti-WASPish (White Anglo-Saxon, Protestant) values whilst portraying contemporary West European society as phony, superficial and hypocritical. Such sentiments and beliefs inevitably proved to be extremely susceptible to New Left terrorist propaganda and its violent championing of the "heroic" struggle against an unjust and exploitative socio-political order - particularly among the "bored and impressionable youth of affluent Western societies who longed for the excitement of action."\(^7\)

The ability to hide and utilize natural bases of support is also something which has been available to the various foreign based terrorist groups that have operated in Western Europe. Virtually all countries in the region contain large immigrant communities, which include, among others, Palestinians, Arabs, Indians, Turks and Pakistanis. Moreover, due to the combined experiences of persecution in their native countries (many are political exiles) and discriminatory treatment in their adopted societies, certain sectors of these immigrant groups have good reason to sympathize with the revolutionary aims of particular terrorist organizations. Feeling confused, disorientated and resentful many have come to actively identify with groups who they perceive as nothing less than organizations prepared to wage battles on their behalf in Europe.\(^7\) This, in addition to the number of business and tourist travellers who frequently arrive from the Middle East, the Maghreb of Northern Africa and Asia, made it particularly easy for
foreign based organizations to send in operational units who are then able to blend into, and take use of, appropriate cultural backgrounds.

Finally, one must not forget that Western Europe is characterized by certain moral and philosophical traditions that could not but help to exacerbate the effectiveness of the terrorist weapon in the region. The sanctity of life in Western Europe is of paramount importance. Liberal principles that go back to the writings of Locke and Mill have ensured that, before all else, governments are obliged to guarantee, as far as is possible, the basic safety and security of their citizens. Such an obligation, as Wilkinson explains, considerably heightens the bargaining power available to terrorists:

*Thus, paradoxically, the humanity and compassion which are part of the moral strength of liberal democracy may also be an Achilles heel in the war against terrorism. For the insolent confidence of terrorist attacks is bound to be encouraged if governments are driven by public opinion into putting the lives of hostages before all other considerations.*

Moreover, in many ways the traditions of restraint, freedom and openness that are common to all the liberal democratic states of Western Europe work to the advantage of the terrorist perpetrator. The very nature of democracy involves respect for rules when engaged in conflict/dispute and tolerance of those who think differently. By tolerating the intolerant, liberal democracies allow terrorists to plan and prepare attacks. By combating terrorists with measured, rule-based responses democracies additionally erect self-imposed "barriers" which prevent the full coercive force of the state from being brought against
an anonymous opponent which, itself, shows no, or very little, restraint\textsuperscript{79} (these issues are discussed in more detail in chapter five).

INTERNATIONAL LINKAGES

Finally, brief mention needs to be made of the international linkages that occurred between many of the groups that were operating in the region during the 1970s and 1980s. The formal and informal relationships that grew up between indigenous and extra-territorial groups during this period helped to create a "machinery of terror" that allowed organizations to undertake more extensive, sophisticated and ultimately deadly operations. The most intensive links were developed between a number of indigenous groups and a variety of Middle East organizations. These contacts quickly grew into mutually beneficial arrangements. For example, in return for the training that German, Irish and Italian terrorists received in Palestinian camps, PIRA, RAF and BR all agreed to assist groups such as \textit{al-Fatah}, PFLP and PFLP-GC with setting up intensive operational infrastructures throughout Europe. Moreover, both LARF and PKK developed ties with BR, AD and RAF for the purposes of aiding inter-terrorist group cooperation.

In addition, on a number of occasions indigenous organizations directly participated in Middle Eastern terrorist operations in Europe. For example, RAF was involved in the logistical planning of the massacre of eleven Israeli athletes at the Munich Olympic Games in 1972 by \textit{al-Fatah's} terror squad, Black September. RZ terrorists directly participated in the attempted bombing of an Israeli plane at Paris's Orly
airport in 1975 as well as the raid on the Vienna headquarters of OPEC (Organization of Petroleum Exporting Countries). Both of these attacks were led by Ilich Ramirez Sanchez (better known as Carlos the Jackal), a freelance terrorist operative who worked closely with the Palestinians. In 1976 German terrorists were again involved with a Middle Eastern operation, this time the hijacking of an Air France aircraft to Entebbee. And in 1988 RO-17 November carried out a devastating bomb attack against an Athens disco in support of the Palestinian cause.\textsuperscript{80}

Moreover, a certain amount of evidence exists that the revolutionary left managed to create a fairly effective international support network among themselves. Discussions are known to have taken place between the BR and RAF for the purpose of enhancing the fluidity in the provision of arms, safe houses and other logistic concerns between the two groups. In addition, French and Italian documents seized during a raid on a Belgian base of the CCC in 1985, suggest that there was at least tacit collaboration between the CCC, BR and AD. Stronger evidence of ideological links was provided on 15 January 1985 when RAF and AD issued a joint statement, apparently as a result of Italian inspiration, explicitly announcing the formation of a united front to combat NATO and US imperialism. Testimonies given by "repentant" BR terrorists between 1985 and 1987 later confirmed that a number of organizations had, in fact, pooled their resources in order to carry out coordinated attacks.\textsuperscript{81}

It is thus apparent that the considerable increase in terrorist activity in Western Europe from the late 1960s onwards owes itself to an
extraordinary coincidence of a whole variety of strategic, socio-economic, political and environmental factors which were both globally and regionally based. To many groups, terrorism has since become a way of life which is unlikely to be renounced even in the event of a full capitulation to their political demands. How the future course of terrorism in the region will play itself out is, of course, a matter for speculation. However, despite the positive political and military developments that have swept across Europe in the wake of the collapse of the Soviet Eastern Bloc, there is little reason to believe that the incidence and lethality of this type of violence is going to decrease. Indeed, given both the EC/EU’s commitment to fully realize the creation of its internal market and the demise of the relatively stable systemic conditions that characterized the Cold War years, many analysts in Western Europe believe quite the reverse to be true. It is to this potential threat that the thesis turns in chapter four.
ENDNOTES

1 These figures are based on a questionnaire sent to NATO countries by the North Atlantic Assembly's working group on terrorism. It should be noted, however, that the UK excluded information with respect to Northern Ireland, France did not indicate how many deaths had been caused by incidents of domestic terrorism in the country and Germany failed to answer any of the survey's questions.

2 On the basis of the questionnaire sent to it by the North Atlantic Assembly (see note above), Spain claimed to have suffered a total of 2,450 domestic incidents between 1980 and 1986. See table six in appendix.

3 The higher numbers recorded by Jongman compared to those of Risks International (which records a worldwide total of 35,150 attacks - see chapter two) almost certainly reflects the fact that the majority of domestic terrorist attacks go unreported in wider international circles. This is because states such as the UK, Germany and Italy are inclined to treat their own domestic terrorist incidents as internal problems which they do not want to be discussed outside the national setting. Moreover, data banks like Risks International generally cover only important and qualitative developments and, hence, tend to ignore much of the day-to-day violence that actually goes on. Risks itself acknowledges this with respect to data collected for Europe between 1970 and 1978. See table five in appendix.

4 Both ETA and PIRA have additionally benefited from a long border over which support can be gained and refuge sought. The Basque provinces of south-west France have long been a source of arms, explosives, cash and support for ETA militants as has the Republic of Ireland for PIRA.

5 The hardcore membership for BR and RZ was 50-75 and 100 respectively. A number of terrorist organizations could only count on a few dozen members such as GRAPO (less than 25), the Basque Armed Revolutionary Worker's Organization (Iraultza, less than 20), FP-25 (6-10) and RO-17 November (20-25). For further details of these and other group memberships see US Department of State, Terrorist Group Profiles (Washington D.C., 1988).


Ibid. Although terrorism itself is a comparatively new term, the mode of violence to which it refers is not. One of the earliest known examples of an organization which carried out terrorist type activities were the *Sicarii*, a highly organized religious sect which was active during the Zealot struggle in Palestine between AD 66 and 73.


Gearty, *Terror*, 23.


Laqueur, *The Age of Terrorism*, 16.


Gearty, *Terror*, 23.


Ibid., 44–46.


William May is representative of those who believe many terrorists engage in violence simply for its own sake, arguing that the "ecstasy factor" is the primary motivating force. See William May, "Terrorism as Strategy and Ecstasy," *Social Research* 41 (1974): 277-98.


The *Irgun* was the military arm of the New Zionist Organization. It was initially set up in the 1930s to defend Jewish settlers in Palestine against Arab attacks but subsequently came to turn its aggression on the "British conqueror" in the latter years of World War Two. It was commanded for some years by Menachem Begin, later Prime Minister of Israel. *Irgun*’s terror campaign against the British included the assassination of the anti-Semitic British Minister for the Middle East, Lord Moyne in 1944, the King David Hotel bombing of 1946 and the audacious destruction of 27 Royal Air Force fighter planes on the ground at Kastina Airport. The *Irgun* was the most effective of the Jewish groups fighting to set up the state in Israel and was matched in ruthlessness only by the smaller Lohamei Heruth Israel (LEHI). See George Rosie, *The International Directory of Terrorism* (Edinburgh: Mainstream Publishing, 1986), 149.

The FLN fought an effective two pronged campaign against the French in Algeria between 1954 and 1962 combining a guerrilla war in the countryside, terrorism in the cities and a diplomatic campaign in the capitals of Africa and Europe. One of the worst attacks committed by the FLN was the massacre of French men, women and children in the Philippeville area on 20 August 1955. Although no match for the French in purely military terms, the FLN’s campaign of terror greatly assisted in undermining French resolve to continue its presence in Algeria. Ibid., 121-122.

EOKA was a Greek-Cypriot underground movement which sought to end British rule in Cyprus and achieve enosis (union with Greece). Founded in 1955 by a Greek army officer, Colonel Georgeios Grivas, and supported by Archbishop Makarios III, it pursued a campaign of anti-British terrorism which came to a climax in 1956-7. EOKA was disbanded in 1958 after Makarios’ acceptance of Cypriot independence in 1958 rather than enosis. See Bruce Lenman and Katharine Boyd, eds., *Chambers Dictionary of World History* (Edinburgh: Harrap Publishers Ltd., 1993), 297-298.

30 Wardlaw, Political Terrorism, 45.

31 The French military, already greatly humiliated by the Nazi occupation during World War Two and desperate to maintain France's status as a Great Power, was determined to forestall the type of loss in the country's (and its) prestige that an (unwilling) loss in any of its world-wide territorial possessions would entail.

32 Wilkinson, Terrorism and the Liberal State, 51.

33 It should be noted, however, that Irgun's campaign of terror horrified many Jews outside Palestine.


35 Wilkinson, Terrorism and the Liberal State, 85.

36 Wardlaw, Political Terrorism, 45.

37 A number of right-wing terrorist groups have also operated within Western Europe since the 1970s. These organizations sprang up in reaction to the successes of revolutionary left-wing organizations, with support stemming from a fear and hatred of communism as well as a yearning for a return to the values and principles that were inherent in the Fascist/Nazi era. Examples have included the West German Aktionsgemeinschaft Nationaler Sozialisten, Deutsche Aktionsgruppen, Wehrsportgruppe Hoffman and Volkssozialistische Bewegung Deutschlands/Partei der Arbeit and the Italian Third Position and Armed Revolutionary Nuclei (NAR). However, with the exception of Italy where the threat of right-wing terrorism reached chronic proportions particularly during the 1970s, the activities of far right groups have generally been largely insignificant and easily eclipsed by those on the extreme left. The Italian anomaly can, in large part, be explained by the protection that right-wing extremism received from the Italian secret services during the early to mid 1970s (see chapter five). Among the worst atrocities committed by the Italian far right were the Piazza Fontana bombing (17 killed and 88 injured); the Piazza della Loggia bombing (8 killed and 94 injured); the bombing of the "Italicus" high speed train (12 killed and 105 injured); the Bologna railway station bombing (85 killed and 177 injured); and the bombing of the Rapido 904 train (15 killed and 134 injured). For further details see Alison Jamieson, The Heart Attacked (London: Marion Boyars), 19-25. It is only in the context of post-Cold War terrorism where the activities of xenophobic right-wing organizations, reacting to large scale immigration, have begun to pose a significant threat to the security of Western Europe. See chapter 4.

It should be noted, however, that ethnic extremism has also resulted in outbreaks of terrorism in other regions of Western Europe such as Corsica (through the FLNC), Wales (through the Sons of Glendower), Catalonia (through Free Land, a.k.a. Terra Lliure and the Red Army for the Liberation of Catalonia - ERCA), Galicia (through the Frente Popular Galego - FPG) and Breton (through the Breton Revolutionary Army - ARB).

It should be pointed out that ETA-M and PIRA are not the only two terrorist groups that operate in these areas. In Spain Iraultza has carried out a particularly violent campaign in its attempt to establish an independent Marxist Basque nation and terminate foreign, particularly American, investment in the region. See Fernando Jiminez, "Spain: The Terrorist Challenge and the Government Response," Terrorism and Political Violence 4(4) (Winter 1992): 110–130; In Northern Ireland, the INLA - a violent offshoot of the official IRA - exists as another Catholic terrorist movement, though it tends to be more Marxist orientated than PIRA. It was responsible for the assassination of Airey Neave, the Conservative Party spokesman on Northern Ireland, in 1979. On the loyalist side the two main paramilitary organizations include the UVF, which vehemently opposes any concessions to the Catholics, and the UFF, which is either an offshoot or "flag of convenience" for the UDA and which has expressed interest in an independent Northern Ireland as well as more traditional calls for devolved government within the UK. For further details see David Bonner, "United Kingdom: The United Kingdom Response to Terrorism," Terrorism and Political Violence 4(4) (Winter 1992): 171–205.

Ever since 1155, when the Pope declared Ireland subject to the Norman King of England, the native Irish have fought to retain their lands and Catholic religion from the Protestant settlers of the mainland. Bitterness was turned to hatred by the great potato famine of the mid nineteenth century when absentee British landlords failed to come to the assistance of their Catholics tenants - many of whom were then forced to emigrate to the USA, carrying their resentments with them. Anxious to be rid of an increasingly troublesome problem, the British agreed to a partition of Ireland in 1922 with the North (which is where most of the Protestant settlement occurred) deciding to remain part of the United Kingdom.

See Bonner, "United Kingdom: The United Kingdom Response to Terrorism," 175.


46 PIRA has claimed that its internal code of conduct stipulates that warnings should be given wherever possible to limit the numbers of civilian casualties "caught in the cross-fire" of this part of its military campaign. However, in many instances during the mid-late 1980s such warnings were either given too late and/or were too imprecise to allow for the effective evacuation of a targeted area. See chapter one.

47 See Aughey, "Political Violence in Northern Ireland," 91-95. PIRA terrorist operations are carried out by Active Service Units (ASUs), which are intricately organized in a compartmentalized cell structure to ensure that each activist only knows his/her fellow ASU members and the individual from whom (s)he receives orders. Each ASU is responsible to a local brigade which is in turn responsible to the "Northern Command" - the main executive authority.

48 Two reasons can be cited for the drop:
a) PIRA's large-scale bombing campaign had, by the late 1970s, begun to alienate Catholic opinion.
b) Improved security and intelligence measures forced PIRA to dramatically scale down its activity. See Aughey, "Political Violence in Northern Ireland," 92.

49 It should be noted that these figures also include a small number of deaths claimed by the INLA. No accurate breakdown of terrorism statistics in terms of Republican organizations is currently available however.

50 The bomb which caused the explosion was equipped with a 99-day delayed-action fuse. It almost succeeded in blowing up the Prime Minister, Margaret Thatcher, together with the entire British cabinet. As it was, five people died (the most prominent victim being Sir Anthony Berry) and several were seriously wounded, including the Industry Minister, Norman Tebbit, and the Tory Chief Whip, John Wakeman. See *Terrorism* VI(4) (October 1991): 10

51 This was primarily due to the lack of a sufficient vocabulary to convey the meanings of the new concepts and inventions that were associated with the European Industrial Revolution.

ETA-PM had largely become inactive by the early 1980s with many of its members being successfully re-integrated into Spanish society through a technique known as "social re-insertion." This allowed the release from prison of those ETA members who were willing to renounce the armed struggle and pursue their aims through constitutional means. See Clutterbuck, *Terrorism, Drugs and Crime in Europe After 1992*, 103. See also "Other Countries have Defeated the Terrorists. We Can Do the Same," *The Sunday Telegraph*, 09/02/92; and Paul Wilkinson, "Pathways Out of Terrorism for Democratic Societies," in Paul Wilkinson and Alasdair Stewart, eds., *Contemporary Research on Terrorism* (Aberdeen: Aberdeen University Press, 1989), 463-464.


See *Terrorism VI*(4) (October 1991): 6. This attack badly damaged ETA's public standing, serving merely to alienate potential sympathizers. This drop in support, together with the increased autonomy that the Spanish government has been prepared to grant to the Basque provinces is likely to have a significant effect on the group's activities during the 1990s - see chapter four.


Without a comprehensive and systematic breakdown of the information provided in table one, however, it is difficult to make any concrete assertions regarding the prolificity of particular group activity.


A militant Japanese left-wing group known as the Japanese Red Army also originated at this time. It was responsible for the infamous massacre at Lod Airport, Israel in 1972 in which three JRA commandos, working for the PFLP, opened fire in the airport lounge, killing twenty six persons (the majority of whom were Puerto Rican pilgrims) and wounding seventy six. However, according to Japanese intelligence the group's 48 year old leader, Fusako Shigenobu, along with twenty hardcore members, are now apparently permanently located in Lebanon's Bekka Valley - working under the umbrella of the PFLP. In 1981 the JRA began to issue a bi-weekly publication entitled Solidarity, emphasizing, appropriately enough, the need for cooperation with the PLO and its solidarity with Arab terrorists. See Takeshi Muramatsu, "Japan's Terror Groups," in Benjamin Netanyahu, ed., Terrorism. How the West Can Win (New York: Collins Publishers, 1986), 106-110. See also "Hijackers Turn from Terrorism to Tourism," The Vancouver Sun, 14/09/94.

For a good account of the origins and activities of these groups see Samuel Francis, "Terrorism in the United States: Background and Prospects," in Tucker, ed., Combating the Terrorists, 1-44.


Numerous Sikh groups, wishing to establish an independent state of Khalistan, have also conducted operations in Western Europe. Examples include the Dashmesh/10th Regiment, Dal Khalsa, Babbar Khalsa and the All-Indian Sikh Students Federation.

See Dennis Pluchinsky, "Middle Eastern Terrorist Activity in Western Europe: A Decade of Violence," in Yonah Alexander and Dennis Pluchinsky, eds., European Terrorism Today and Tomorrow (New York: Brassey's, 1992), 1. The statistics used by Pluchinsky are based on information extracted from publicly released US government documents, press and academic sources, conversations with terrorism experts in Western Europe, and publicly released judicial documents.

68 Pluchinsky, "Middle Eastern Terrorism Activity in Western Europe in the 1980s: A Decade of Violence," 3.


72 The West European media industry recorded an annual turnover in 1989 of $125 billion, making it one of the most important sectors of the region's economy.


76 Wilkinson, Terrorism and the Liberal State, 191.

77 Ibid., 192.

78 Ibid., 190.


See Jamieson, "The Italian Experience," 140-142. For an alternative perspective which rejects the notion that Europe's revolutionary left-wing organizations were able to organize themselves into an effective "internationalist anti-imperialist front" see Bonnie Cordes, "Euroterrorists Talk about Themselves: A Look at the Literature," in Wilkinson and Stewart, eds., Contemporary Research on Terrorism, 324-331.
CHAPTER FOUR: WEST EUROPEAN TERRORISM IN THE 1990s

INTRODUCTION

With the spectacular collapse of the Soviet bloc in Eastern Europe in the late 1980s/early 1990s it was confidently assumed that the international system was on the threshold of an era of unprecedented peace and stability. Politicians, diplomats and academics alike began to forecast the imminent establishment of a new world order, increasingly dominated by democratic political institutions that would develop within the context of an integrated international economic system based on the principles of the free market.\(^1\) As this "new world security order" gradually extended its influence, so it was assumed that disrupting influences to international stability would become increasingly marginalized and peripheral.\(^2\)

However, the initial euphoria that was evoked by the collapse of the authoritarian regimes of Central and Eastern Europe has now been replaced by a growing sense of unease that clashes over economic, ethnic, territorial, religious and political issues may soon occur as a result of the lifting of the "totalitarian lid" that had previously kept these tensions capped. Such concerns have been heightened by the remarkable fluidity that now characterizes international politics in which it is no longer apparent exactly who can do what to whom and with what means. As Richard Latter observes, the establishment of a new global security structure may reduce inter-state conflict only at the expense of an increased resort to sub-national force that falls below the intensity level of conventional war.\(^3\) Moreover, it appears that in this
"new world order," violence is increasingly being used by the "weak," not as a means of expressing identity, but as a means of creating it. As Martin Woollacott observes: "The readiness to risk death, the readiness to inflict it, dignify and enhance and somehow cast beyond doubt an identity, national or religious, that was a lesser...thing before." At the same time, the underlying root causes of many of the world's most protracted regional disputes either predate or have remained essentially independent of the ideological struggle between East and West and, thus, have largely been unaffected by the end of the Cold War - remaining as complex and enduring as ever.

From the perspective of terrorism, such realities have been reflected by a dramatic increase in the incidents of this particular mode of violence. Between 1989 and 1993, worldwide domestic and international levels of terrorism were higher than in any other year during the 1970s and 1980s with only 1990 recording less than 4000 incidents. 1992 was a "record" year for global terrorism, recording 5404 separate terrorist actions. Although 1993 saw a slight decline of 8.3% from 1992's total, the 4954 acts of terrorism that were carried out still represented the second highest number recorded since 1968 (see tables three and sixteen in appendix). The annual average incident rate of 4723.2 between 1989 and 1993 was considerably higher than the average of 1673.8 for the period 1968-1988 and was higher than the preceding five year average of 3243.6 between 1984 and 1988 (see table eighteen in appendix). The numbers of casualties caused by worldwide terrorism also reached all-time record levels between 1989 and 1993. Indeed, the 27499 individuals
killed during this five year period almost equalled the 28110 killed in the fourteen years between 1970 and 1983 whilst the annual average death rate more than quadrupled, rising sharply from 2007.85 (1970-1983) to 9124.75 (1989-1993). With respect to injuries, the figures are even more dramatic. The 37,010 injured between 1989 and 1993 doubled the figure of 18,925 recorded between 1970 and 1983 whilst the annual average rose by an incredible nine times, from 1351.78 to 9252.5 (see table seventeen in appendix).

In the context of West European terrorism, the trends are somewhat less clear cut. On the one hand, threats emanating from a number of groups that were formerly in the forefront of terrorist activity in the region during the 1970s and 1980s appear to be at an end or, at least, on the decline. The relevance of West Europe's far left terrorist fringe, for instance, has been systematically reduced since the Soviet Eastern bloc began its historic collapse in 1989. Robbed of their ideological raison d'être, and losing the context from which they arose (see chapters two and three) and from which they derived their legitimacy, groups such as BR as well as the RAF (who actually wrote a four page letter to the Agence-France Presse, dated 13 April 1992, declaring that the organization was ending its twenty year struggle with the German state and would reflect on what it had done wrong)7 AD, RZ, CCC and FP-25 have since experienced an increasing sense of strategic confusion and organizational isolation that has accelerated the demise of this particular strain of West European terrorism. Indeed, by 1993 only three of the nine New Left terrorist organizations that had existed in
Western Europe during the 1980s remained: GRAPO, RO-17 November and Dev Sol.8

The rapidly diminishing relevance of New Left terrorism is well illustrated by the case of Italy, traditionally one of the region's most active areas of radical left-wing terrorist activity. During the 1990-1993 period, the country only accounted for an annual average of 27 incidents (see table twenty two in appendix) as opposed to an annual average of 45 incidents for the four years between 1984 and 1987 and 768 for the period 1969-19879 (see table thirteen in appendix). Moreover, the figures for 1990-1993 include four car bomb attacks in 1993 that have no connection with left-wing violent militant activity. These incidents have been attributed to right-wing groups and/or the Mafia seeking to destabilize the country through a strategy of tension in order to destroy the process of political reform that the country was then undergoing.10

Equally, violence related to Basque separatism has declined significantly over the last four years. Since 1990, terrorism in Spain has steadily fallen from 113 incidents through 94 (1991) and 73 (1992) to 50 in 1993 (see table twenty three in appendix), the lowest number recorded since 1989. The number of deaths has similarly dropped from an annual death rate of 41 during the period 1977-1989 to 32 between 1990 and 1993 (see tables eleven and twenty three in appendix) with 1993's figure of 19 one of the smallest recorded totals since 1975.

ETA related terrorism is unlikely to re-surface as a significant threat in Western Europe for a number of reasons. First, like the new
left groups, ETA has lost much of its original *raison d'être*. Basques are no longer brutally suppressed in the way that they were under the dictatorship of General Franco and considerable autonomy has been granted to the three northern Basque provinces of Guipuzcoa, Vizcaya and Alava. Indeed, measured by political support for ETA's political front, *Herri Batasuna*, which won 18% of the votes in the last regional elections, a majority of the 2.3 million Basques have no desire for independence. It is important to remember that much of ETA's original support was due, not to the fact that it was fighting for regional independence, but because it dared to confront the Franco dictatorship. Second, much of ETA's original grassroots support has been lost as a result of disgust at the organization's increasingly indiscriminate nature and its perpetration of operations which have claimed the lives of many women and children (one of the worst attacks took place in 1987 when a bomb exploded inside a Barcelona supermarket killing 21 civilians).

Third, successful and effective police action has wiped out most of ETA's military leadership and hardcore membership. In March 1992, a joint Spanish/French police raid on a safehouse in Bayonne, France resulted in the capture of ETA's top military leadership including Francisco Mugica Garmendia (ETA's military mastermind), Santacristina (ETA's top ideologue) and Jose Maria Arregui Erostarbe (ETA's top explosive expert). In addition, at least 300 ETA suspects have been seized since 1992 including Rafael Caride Simon, the mastermind behind the 1987 Barcelona supermarket bombing.11
Finally, the infamous Palestinian groups of the 1970s and 1980s such as PFLP, PFLP-GC, ANO have virtually been unheard of since 1989. This is largely because their "traditional" state sponsors, including Syria, Libya and Iraq, have all been working open political agendas to which terrorism would be counter-productive. Libya is attempting to soften its image as a sponsor of international terrorism in order to deflect international attention away from the regime for its involvement in the Pan Am bombing over Lockerbie in 1988. Syria can ill afford any association with terrorism if it wishes to remain a key player in the Arab-Israeli peace process. And Iraq, already considerably weakened and humiliated by the Persian Gulf war of 1990/1991, has neither the resources nor the inclination to re-incur the wrath of the West as a state identified with the aims of terrorism or its perpetrators. The loss of these external state sponsors - a factor consistently identified as providing the "fuel" for Middle Eastern terrorist activity in Western Europe - has deprived Palestinian groups of the vital support necessary to enable them to carry out operations abroad. As such, any future activity carried out by the likes of the PFLP-GC, ANO and DFLP, including attempts to derail the Palestinian-Israeli peace process, will likely be contained to Israel and the Occupied Territories (attempts by militant Islamic organizations to achieve the same objective is, however, another matter - see below).  

Nevertheless, none of the above should be taken as evidence of the demise of terrorism in Western Europe. International and domestic terrorism caused a total of 2955 casualties in EC/EU member countries
between 1990 and 1993 with an annual average of 154 deaths and 585 injuries (see table twenty in appendix). The annual average incident rate in the EC/EU of 562.25 between 1990 and 1993 is largely similar to the average of 591.4 that occurred between 1974 and 1985 (see table twenty one in appendix) and is considerably higher than the average of 469 incidents for the three year period 1988 through 1990.\textsuperscript{13} Political violence exploded, literally and figuratively, during 1991-1993 with 844, 988 and 769 incidents respectively, dramatically raising the annual average to 867 (see table sixteen in appendix) - well above the 1974-1985 average. Moreover, although the average annual percentage share of international and domestic terrorist incidents in Europe has fallen from 24% between 1970-1986 to 14.55% between 1989 and 1993 (see tables four and nineteen in appendix), the annual average percentage share of international events alone has remained essentially consistent with 33.2% between 1968-1989 (table four in appendix) and 31.6% between 1990-1993 (table fifteen in appendix). During 1991 and 1992, only the Latin American region totalled more international terrorist attacks whilst 1993 saw Western Europe itself rise to the questionable "status" of most severely affected by international terrorism - accounting for a full 42% (180) of all such incidents that occurred globally for the year. This was by far the largest percentage share recorded for any region with the Middle East following at 101 attacks, 23.6% of the global share (see table fifteen in appendix).

Given the demise of the various threats outlined above, the continuing trend of terroristic violence in Western Europe might seem
somewhat surprising. However in a number of significant ways, the
general context of West European post-Cold War international politics is
not particularly conducive to the diminution of terrorism in the region.
Sectarian violence in Northern Ireland and fanatic Islamic religious
fundamentalism, two major sources of terrorism during the 1980s which
remain independent of East-West considerations, look set to continue to
act as a major source of instability well into the 1990s. At the same
time, the enormous changes and uncertainty generated by the collapse
of the Soviet bloc have created new and potential threats. Extremist
right-wing racist groups have already sprung up in reaction to the
mass influx of migrants to Western Europe triggered by the collapse of
Communism while, given its proximity to the former totalitarian states of
Eastern and Central Europe, Western Europe is also the region most
likely to be directly affected by any spillover terroristic violence that is
unleashed by ethno-nationalist forces in these areas.

In "instrumental" terms, new opportunities have additionally been
created by the region's burgeoning trade in illegal weaponry as well as
by the desire of the EU member states to create a frontier-free internal
market. The proliferation of weapons throughout Europe (which now
include anything from AK-47 rifles to Strela surface-to-air-missiles) as a
result of the dismantling of the Warsaw Pact will make it far easier for
extremist organizations to obtain the necessary sophisticated weaponry
to operate at a more lethal and destructive level. Similarly, the EU's
commitment to abolish all its internal frontiers will inevitably increase
the freedom of movement opportunities available to both existing and
potential terrorist organizations, so opening up a "target of opportunity" that constitutes one of the most densely populated and industrialized areas in the Western world.

It is the purpose of this chapter to explore the process of West European terrorism in the 1990s by analyzing the above factors. Each will be examined in the context of threats most likely to continue to impact on the security of the region in the post-Cold War era.

NORTHERN IRELAND

Of all the existing sources of terrorism in Western Europe, it is the conflict in Northern Ireland that appears to be the most "set in concrete." Between 1990-1993, the British province led the region with an aggregate of 701 terrorist incidents, 31% of the total recorded in all EC/EU states during the period. 300 people lost their lives to sectarian violence and another 701 were injured (see table twenty four in appendix). The annual average death rate for the four years 1990 through 1993 was 75 (see table twenty four in appendix), up from 67.8 during the 1980s (see table ten in appendix). Moreover, between October 23 and 31 1993, a total of 24 people lost their lives to Republican or Loyalist terrorism, making it one of the most serious weeks of violence since the troubles began and the worst since June 1976. In total some 3,114 people have been killed in Northern Ireland since 1969, a conflict that predates the Cold War by many years - tracing a volatile and tumultuous history back to the nineteenth century.
Terrorist activities in the region have been carried out by paramilitary groups on both sides of a sectarian divide, in a context in which religious affiliation and political loyalties coincide: on the one side by Republican/Catholic organizations (predominantly PIRA and INLA) fighting to terminate British rule and unite with the predominantly Catholic Republic to the South; and, on the other, by Loyalist/Protestant groups (predominantly the UVF and UDA) fighting to preserve the status-quo and maintain Northern Ireland as an integrated province of the United Kingdom.\textsuperscript{16}

The central paradox of the conflict in Northern Ireland is that the struggle between Republicanism and Loyalism is not one of right against wrong, but one of right against right: the right of the Catholic minority to exercise national self-determination and take by force the claim of the Irish people (as a whole) to be free and independent from British rule; and the right of the Protestant majority to exercise their own claim to national self-determination, to resist unification with the South and to be recognized as full and loyal British citizens.\textsuperscript{17} The 1921 treaty which established Northern Ireland created a unionist democracy that reflected the wishes of the predominantly Protestant population of the North to remain part of the UK but, confronted the desire of the Catholic minority to separate and unite with the republic to the south.

The potential for communal violence thus lies at the very core of the 1922 partition that permanently divided Ireland between North and South. The authority of the local state is derived from the majoritarian Protestant desire to remain part of the United Kingdom. It is directed
against the (perceived) questionable allegiance of the Catholic minority, whose aspiration for full Irish unity ensures that it can never give full support to the concept of a Northern Ireland, as the very raison d'etre of this political system is the prevention of such an eventuality.\textsuperscript{18} It is this reality that makes any settlement in Northern Ireland so problematic. Any negotiated deal that is worked out must take into account, and must be based on what the majority of the people in the Province want. Yet such a requirement also ensures that the wishes of the Catholic minority (who in terms of Ireland as a whole are in the majority) can never be satisfied. Moreover, given the antagonistic forces of Republicanism and Loyalism, any concessions that are made to one side will inevitably be interpreted as going against the fundamental interests of the other.\textsuperscript{19}

Such dynamics have been plain to see in the militant politics of Northern Ireland. The numerous attempts that have been worked out to try and end the violence have failed largely because any "peace formula" has to take into account the wishes of the Protestant majority, which inevitably works against the extreme Republican demand for full separation. At the same time, insofar as the deals are designed to appease the wishes of the Catholic minority (as far as is possible given the constraint of Protestant majority will), the tendency has been for immoderate Loyalist opinion to interpret all negotiated settlements as nothing short of a complete "sell out" of their fundamental interests. In short, they have been unacceptable to both militant Republicanism and militant Loyalism.
Typical of such a result was the Anglo-Irish Agreement of 1985 which aimed at reconciling the two major traditions in Ireland and isolating political violence by satisfying to a degree the wishes of both nationalists and unionists. Far from stabilizing the situation in Northern Ireland, however, the Agreement merely created an open-ended uncertainty that considerably exacerbated the volatility of the province. It was adamantly rejected by PIRA who reacted forcibly against the idea that British sovereignty in Northern Ireland was inviolable until a majority of the inhabitants there wished to change it. And as far as Loyalist paramilitaries were concerned, the Agreement merely confirmed a growing suspicion that the UK government was eagerly looking for a way to rid itself of the "Irish question" by handing over Northern Ireland to Dublin.\(^\text{20}\)

Equally as illustrative of this unerring logic was the September 1993 agreement between Sinn Fein (the political wing of PIRA) and the Social Democratic and Labour Party (a nationalist, but anti-violence Catholic party).\(^\text{21}\) In endorsing a plan brokered by the respectable and moderate SDLP, it was hoped that Sinn Fein (and thus PIRA) had finally tired of the armed struggle, had recognized that the British could never be driven out of Ulster by violence and were prepared to settle their differences through negotiation with the Protestant majority. However, in the months following the announcement by Gerry Adams (leader of Sinn Fein) and John Hume (leader of the SDLP) that they had worked out a peace plan for Northern Ireland, PIRA carried out some nineteen bomb and mortar attacks both in the province and on the mainland. The most
serious such incident occurred on October 23rd when an explosion in a fish shop in Belfast's Shankhill Road, the heart of the city's working class Protestant community, killed ten people. This continuation of PIRA violence suggests that the Republicans were still far from ready to give up their goal of a united Ireland and were not prepared either to concede that the Protestant majority had the right to be consulted in negotiations or to accept that any new form of governmental structure was dependent on their consent.

Moreover, the danger that the Sinn Fein/SDLP negotiations would be interpreted by Loyalist extremists as part of a "pan-nationalist" front designed to win British withdrawal from the North was resoundingly confirmed by the dramatic increase in Protestant extremist violence that took place after the talks were first made public. Carrying out a series of random assassinations, Loyalist paramilitary gunmen proceeded to kill construction workers, bus drivers, patrons of betting shops/pubs, individuals standing on street corners and, in one instance, a Roman Catholic pensioner in his home. One of the bloodiest attacks occurred on October 30 1993 when two paramilitaries burst into a packed pub in Londonderry, yelled "trick or treat," and proceeded to indiscriminately open fire with automatic weapons. The incident left seven people dead and six injured. Protestant gangs also targeted the police and in July (1993) fought running battles with the RUC for three consecutive nights.

The most recent attempt to negotiate a settlement in Northern Ireland, the so-called Downing Street Declaration, has, however, been
hailed as a major milestone in this landscape of otherwise failed peace initiatives. Issued by the British and Irish governments in December 15 1993, the seven page document essentially spells out the conditions under which London and Dublin would be prepared to talk with Provisionals about the future of Northern Ireland. Moreover, in an attempt to ensure against the alienation of Loyalist paramilitaries, the Irish government also went on to state that it would not seek change in the status of the North until a majority of the Province's electorate voted for it (so effectively renouncing its 70 year old constitutional demand for a unified Irish republic).\textsuperscript{25}

Is it possible that this agreement provides the key to unlocking the bitter stalemate that has so far afflicted in the Province? Certainly up until October 1994 the answer must be a categoric no. The inclusion of the clause on self-determination by the Irish government was directly responsible for \textit{Sinn Fein's} rejection of the proposal in July 1994 and for its refusal to endorse the central tenet of the agreement - a Republican cease-fire. Indeed, Gerry Adams lambasted the Declaration not only as a continuation of the status quo in Northern Ireland but as a huge step backward for Catholic aspirations, arguing that it effectively provided the Unionist's with an in-built veto that would prevent change in the Province for at least fifty years: although under sixteen years of age the proportion of Catholics and Protestants is about 50\%, it is unlikely that Catholics will actually constitute a \textit{voting} majority in Northern Ireland until the year 2060.\textsuperscript{26}
The Downing Street Declaration was "greeted" in a similar hostile fashion by Loyalists who rejected it as an anathema to all Unionists. Rather than seeing the agreement as a legitimate step on the road to a final settlement to the conflict in Northern Ireland, Protestant extremists dismissed it as a concession to PIRA terrorism and a betrayal of London's promise to maintain the status of Northern Ireland as an integral part of the UK. With such negative and, seemingly, irreconcilable, reactions at hand it was confidently assumed that the Province would once again return to the highly destructive cycle of sectarian violence and counter-violence that has characterized the region for the past twenty five years.

However in a complete about-face on August 31, PIRA suddenly announced a "complete cessation of all military operations" for an indefinite period, going on to state that it was prepared, through its political arm Sinn Fein, to enter into "inclusive negotiations" with the British and Irish governments. This was then followed on October 13 by a declaration from the Combined Loyalist Military Command (which groups together the two main Protestant groups, the UVF and UDA) that it too was willing to engage in exploratory talks and was putting into effect an immediate cease-fire of its own.

Do these two remarkable events now lend credence to the possibility that a major breakthrough has been found in the Northern Irish conflict where both sides are ready to pursue their differences through peaceful means within the framework provided by the Downing Street Declaration? Unfortunately probably not. The reason for the
change in Loyalist and Republican attitudes is almost certainly due to short-term pragmatic self-interest rather than any genuine long term interest in pursuing peaceful negotiation. Neither side is able to afford political cost of being associated with a reluctance to even explore the peace process. Republicans, already castigated in the UK as ruthless warmongers, would be endangering their credibility with the wider world (especially in the US where there is, by and large, strong support for a constitutional settlement to the conflict) while Protestants would merely be exacerbating an already growing British belief that it is they who are, in fact, the chief cause of trouble in the Province.28

Moreover, the Downing Street Declaration has not changed any of the existing procedures for pursuing all-party talks in the Province (its provisions barely differ in content from those of the Anglo-Irish Agreement) and it does not even sketch out what both governments believe should be the final political settlement in Northern Ireland. Indeed, in the months since the agreement was first announced, no one has been able to put forward a credible idea of how a final settlement might be arranged or what kind of political entity might result.29

Furthermore, before any talks can even begin a number of critical issues have still to be dealt with. Central among these are the question/status of Republican and Loyalist prisoners: the UK cannot very well release prisoners charged with terrorism (a chief demand of both Catholics and Protestants) without, thereby, implicitly recognizing the legitimacy of the violence that has been carried out in Northern Ireland; sorting out the means of managing Sinn Fein's entry into talks
with other political parties: John Major (the British Prime Minister) can certainly not force Ulster Unionists to sit at a table with people whom members of his own government continue to disdain as nothing more than terrorists; the issue of exactly how to respond to any lapse(s) in the cease-fire agreements that might occur: should they be allowed to permanently derail the peace process and, if not, how should their seriousness actually be measured; and, finally, the mechanics of implementing, verifying and enforcing a comprehensive disarmament program: neither side is likely to disarm before the other and/or, at least with respect to PIRA, until the heavily armed and mostly Protestant RUC is reorganized.\(^{30}\)

Finalizing these issues will, at best, take some time. British officials have already admitted that it could take as long as two years before talks are fully under way. Even then they believe the likely format will be bi-lateral negotiations between individual parties and ministers, rather than round table talks with all parties at the same time.\(^{31}\) The collapse of the Irish coalition Labour/Fianna Fail government in November 1994 has thrown the whole peace process into further uncertainty.\(^{32}\) The new coalition government of Fine Gael, the Labour Party and the Democratic Left has brought John Bruton into power as the new Prime Minister of Ireland. He has already criticized the speed with which the former administration embraced PIRA's political allies following the August 31 cease-fire whilst Sinn Fein has, itself, accused Bruton and Fine Gael of siding with Protestant Unionists in contrast to Reynolds' forceful advocacy of the cause of the Catholic minority.\(^{33}\)
Indeed Martin McGuiness, vice-president of *Sinn Fein*, has publicly stated that his organization would be better disposed and more trusting in peace talks towards *Fianna Fail* than *Fine Gael*.34

A long delay in starting peace talks is likely to be extremely problematical. If months pass without any form of tangible political progress, a split in Republican paramilitary ranks (*a la* the PLO experience) will almost certainly result. The Belfast and Londonderry brigades of PIRA are, for instance, "softer" than those activists on the border. The former have strong links with PIRA's political wing *Sinn Fein* and, as such, tend to be more interested in securing some kind of peaceful settlement to the Province's conflict. The latter, by contrast, being somewhat removed from the political manoeuvrings of Belfast, have consistently rejected any notion of a negotiated settlement. According to unofficial sources at Scotland Yards's Anti-Terror Squad, S013, it is these "border men" who would doubtless continue the armed struggle, possibly in conjunction with the more violent INLA.35 If this does in fact occur (at the time of writing an unauthorized PIRA attack had already taken place in the border town of Newry in County Down),36 it will almost certainly cause the Loyalists to abandon their own cessation of violence - especially with respect to the UDA who have always been less interested in a cease-fire than has the UVF.

Underscoring these difficulties remain three essential facts about the conflict in Northern Ireland that should not, and indeed can not, be overlooked. First, twenty five years of bitter sectarian violence has proven that terrorism can not be militarily defeated in the Province.
Second, PIRA will never accept anything less than total Irish unification (something that Adams re-iterated on the day he announced the Republican cease-fire). Third, Loyalist paramilitaries will never allow themselves to be subsumed into a predominantly Catholic Republic. These three facts force one brutally simple conclusion: PIRA will not cease its struggle until Ireland is united, something which Loyalist extremists will do all in their power to prevent. That was the reality in Northern Ireland twenty five years ago and that is the reality there now. As one PIRA commander recently commented when asked about the peace process in Northern Ireland:

_This is not about peace. This is about getting the referees off the playing field, about finding a way for the British to leave with some semblance of dignity. The real war has always been between us and the Loyalists. That has not changed, and that's what we're getting ready for now._

As each group in the Northern Ireland conflict is firmly rooted in its respective community and shares its traditional fears, concerns and political aspirations, it is important to understand that only a political solution that is acceptable to the vast majority of both Catholics and Protestants can hope to bring a lasting peace to the Province. However, the mere fact that making concessions to one side can only come at the expense of alienating and undermining the interests of the other suggests that finding such a constitutional balance is a delicate, indeed some might argue impossible, task.
MILITANT ISLAMIC FUNDAMENTALISM

Terrorism inspired by militant Islamic fundamentalism constituted probably the greatest Middle Eastern threat to Western Europe during the 1980s, with at least 78 incidents being attributed or linked to the activities of Islamic revolutionaries during this period. The large Muslim populations of the region, its proximity to the Middle East, the existence of numerous travel and communication links and an abundance of highly visible potential targets all made Western Europe a natural starting point for those militant Middle Eastern Islamic groups who wished to expand the geographic scope of their operations beyond their native lands. Moreover, Western Europe symbolized the epitome of what to many fundamentalists was thought to be the main corrupting force in the world - modernization. Principally under the auspices of Khomeni's Iran (a regime which pushed beyond the revolutionary transformation of Iranian society to international ideological and cultural revolution) and utilizing the infrastructural network already set up by radical Palestinian organizations, a variety of Islamic revolutionary groups came to Europe, seeking to "spread His [Allah] word and establish His Law and Justice over the world" as part of their commitment to the just and holy war of Islam.

The popular perception of Islamic fundamentalism being intrinsically violent and essentially synonymous with terrorism is far from accurate. Islam is neither a single, unified religion nor is it necessarily fundamental in nature. Furthermore, just because one is an Islamic fundamentalist, it does not inevitably mean that one also wants
to be a holy warrior or is prepared to die, if necessary, as a martyr to the faith. It is thus necessary to clarify a few points before going on to examine why militant Islamic fundamentalism is likely to continue to act as a major source of terrorism in Western Europe during the 1990s.

At the risk of gross oversimplification, both the Sunni and Shi'a traditions of Islam\(^{42}\) can be found in one of two forms in the modern world. More moderate versions do not seek the total rejection of Western concepts of development and modernization, but rather aim to transform these ideas in an attempt to make them more compatible with traditional Muslim values and beliefs. States that adopt this point of view endeavor to instill their societies with traditional Islamic principles but not at the expense of rejecting the various Westernized influences of modernity that they have absorbed during the twentieth century. Pakistan and Egypt are good examples. The more radical approach, however, completely rejects modernization as a force responsible for the wholesale and systematic corruption of the Islamic ideal. It calls for a revolutionary transformation of society and a return to the traditional classical Islamic community as being the only way to achieve true moral virtue and spiritual advancement. Iran after 1979 is the best example of a state practising/advocating this type of fundamental Islam.\(^{43}\)

Sunni and Shi'a militantism is associated with this second, anti-accomodative branch of Islam which advocates a *jihad* (literally meaning "striving in the path of God") against the "corrupt" orthodox establishment, the purpose of which is to achieve the cleansing and purification of the Islamic religion.\(^{44}\) However, whilst one may be correct
in stating that virtually all Islamic fundamentalists have a major preoccupation with the concept of *jihad*, it would be incorrect to argue that this necessarily means they also have a penchant for violence and "holy war." Islamic literature identifies a variety of ways by which the *jihad* can be pursued through peaceful means, the *al-jihad al-kabir* (regarded as the greater *jihad*),\(^{45}\) distinguishing it from the *al-jihad al-saghir* (regarded as the lesser *jihad*) which advocates legitimate forms of strife with other humans through war and violence.\(^{46}\) It is thus only possible to equate Islamic fundamentalism with a form of teaching that rationalizes the use of violence as a legitimate means to an end within the context of this second, more narrow interpretation of *jihad*.

The overall importance of Islamic fundamentalism as a unifying ideology for mobilization will almost certainly rise with the collapse of the Soviet bloc and is likely to fill the void created by the demise of communism as the principal political challenge to the West. In the absence of other viable alternatives to liberal Western concepts of development, fundamentalists throughout North Africa, the Middle East and Central Asia, have been able to gain popular, and in some cases, mass support, seizing upon a rising tide of discontent that has been fed by exploding populations, falling oil prices and general economic mismanagement. Characterizing their social ills as a direct result of the corrupting force of modernization and the growing influence of Western cultural values and beliefs, they have managed to persuade growing numbers of poor, young and credulous that only by returning to the
fundamental tenets of Islamic law and teaching will the conditions created by socio-economic hardship be alleviated.\textsuperscript{47}

As already argued, fundamentalism need not be militant in nature. However, there are two reasons why the process of Islamicization referred to above is likely to come to embrace the violence of the \textit{al-jihad al-saghir}. First is the fact that many of these movements receive direct external aid from Iran and Sudan, two Islamic states that are driven by a millenarian vision so strong that it \textit{does} regard violence as a legitimate means to an end. Since coming to power, both the Tehran and Khartoum fundamentalist regimes have taken a "rhetorical" leap beyond other Islamic revolutions, adopting the concept of the \textit{al-jihad al-saghir} as an integral part of their domestic and foreign policy. It has essentially become a \textit{raison d'etre} - a way of defining their regimes in terms of the hostility they perceive (and encourage) in the outside world.\textsuperscript{48} Iran and Sudan are now thought to have established strong financial and operational links with numerous extremist Islamic groups in the Middle East and North Africa such as \textit{Hamas} in the Israeli Occupied Territories,\textsuperscript{49} \textit{Gama'a el-Islamiya}/Islamic Group\textsuperscript{50} in Egypt, Muhammad's Army in Jordan (thought to have links with Hamas), the \textit{Al Nahada} Movement in Tunisia and the Islamic Salvation Front (FIS) in Algeria.\textsuperscript{51} Current US intelligence sources estimate that Iran supplies as much as $30 million a year in training, cash and arms to these and other extreme Muslim groups around the world. Moreover, thanks to considerable Iranian financial backing, the Sudanese regime of Hassan el-Bashir has been able to develop a beach-head for Islamic militant radicalism that is
now thought to consist of at least 25 training camps for new and established Islamic terrorist groups.\footnote{52}

Second is the legacy that has been left by the end of the Afghanistan War. After the USSR invasion of 1979, the US government (together with many secular Arab states such as Saudi Arabia) embarked on a huge covert operation to train, arm and finance rebel Muslims to resist the invading Soviet army. Washington spent $3 billion in military aid, reaching a peak of $600 million a year just before the USSR withdrew in 1989. One study estimates that, by 1987, some 65,000 tons of weapons were being transferred each year to the Afghan rebels via Pakistan.\footnote{53} Muslims from around the world were encouraged to come to Afghanistan and join in its "glorious war against the communist infidels," receiving in return sophisticated American weaponry and extensive tactical/bomb-making skills.\footnote{54} At the time, little thought was given to what would happen to these "warriors" after the war - where they would go and what they would do with their training.

Such short sightedness is now beginning to manifest itself as a very costly mistake. Over the last year, the influence of the "Afghans"\footnote{55} has proven to be a major factor behind the growing violence of many fundamentalist movements in the Middle East and North Africa. With the successful entry of the *Mujahideen* into Kabul in 1992, thousands of volunteer guerrilla fighters, who were as anti-West as they were anti-Soviet, literally became "rebels without a cause." Lacking any effective outlet for their religious zeal and military expertise, many returned home to take up the cause within the ranks of their own
fundamentalist movements against a new enemy: liberal Arab governments and their allies in the West.\textsuperscript{56} This has been most apparent in Egypt where top officials estimate that over 800 Afghan fighters are now in the country working with \textit{Gama'a el-Islamiya}. Their training and experience are said to be "radically transforming" the tactics of the group, making them much more effective and deadly than ever before.\textsuperscript{57}

According to the highly respected Control Risks Group, the Afghan influence has similarly been felt in Morocco, Tunisia, Jordan, the Israeli Occupied Territories and increasingly in Algeria.\textsuperscript{58} Indeed, it is veterans of the Islamic international brigade which fought in Afghanistan who are believed to have provided the trained cadres for some of the most violent terrorist groups in the current Algerian civil war such as the \textit{Groupe Islamique Arme} (GIA).\textsuperscript{59}

The process of militant Islamicization that is currently occurring in North Africa has already had a significant impact on Western Europe. European nationals abroad have increasingly been made the target of fundamentalist aggression, particularly in Algeria and Egypt. These attacks (in common with the US interpretation) have been regarded as a direct assault on the interests of West European governments/states themselves. Although such violence has had the underlying aim of trying to wreak havoc on the respective tourist industries of each country, its perpetration has always been justified in ideological terms: as part of a war of vengeance against "the spies of the unbelievers in the land of Islam." Indeed, Europeans have been attacked for no other reason other
than what they represent - a (perceived) association with, and projection of, western power, secularism and corruption.\textsuperscript{60}

In both Algeria and Egypt, Islamic extremists have imposed deadlines for all European foreigners to leave the country or face "sudden death." In Egypt, Islamic militants (predominantly drawn from \textit{Gama'a el-Islamiya} and \textit{al-Jihad}) began a campaign against foreign tourists in June 1992. Since then, approximately seventeen attacks have been directed against a variety of targets including tourist buses, hotels and cruise ships. A total of three Europeans have so far been killed with at least thirty four seriously injured.\textsuperscript{61} The casualty rate in Algeria has been far more serious. Since the GIA and Islamic Salvation Army (AIS)\textsuperscript{62} imposed its September 1993 deadline, at least 69 Europeans have been killed\textsuperscript{63} - a figure that almost equals the total average number of 75 people killed by terrorism in Northern Ireland between 1990 and 1993 (see table twenty four in appendix). One of the most serious incidents occurred in July 1994 when seven Italian seamen were found dead with their throats slit aboard a ship in an Algerian port.\textsuperscript{64} This was followed by a direct attack on the French consulate in Algiers the following month when nine gunmen, dressed as police officers, killed three French military guards and two consular workers while trying to plant a car bomb. As a result of the action, a widespread Muslim crackdown has been initiated in France, the Netherlands has closed its embassy in Algeria, Belgium has urged its nationals to leave the country and other European governments have announced enhanced security measures at all of their embassy and official residential complexes.\textsuperscript{65}
The rapidly deteriorating security situation in Egypt and Algeria can be measured by the dramatic increase in the levels of terrorism (almost all of which can be attributed to extremist Islamic militantism) that each country has experienced since 1991. In terms of progression, the total number of incidents and casualties resulting from terrorism in Egypt rose from 10 in 1991 to 81 in 1992 to 127 in 1993. The number of people killed followed a similar pattern with 7 in 1991, 57 in 1992 and 132 in 1993. In Algeria, the 1993 total of 311 incidents represented a 33% increase over the previous year's sum of 233 incidents and a staggering 872% increase over 1991's aggregate of 31 incidents. Deaths rose from 43 in 1991 to 240 in 1992 to 602 in 1993.66

Although Islamic groups have not yet shown the same inclination to operate in Western Europe itself as they did in the 1980s, the prospect of such organizations doing so remains a distinct danger. There is increasing evidence to suggest that growing collaboration is occurring between Islamic extremist organizations in order to facilitate overseas attacks. Hamas has been linked by Israeli intelligence to Gama'a el-Islamiya while the Egyptian government maintains to have proof that an international "conference" was held in the US in early February 1993 between representatives of Hamas, the Al Nahada Movement, Gama'a el-Islamiya and al-Jihad (the other major Islamic terrorist group in Egypt); the purpose of the alleged meeting was to plan for joint terrorist operations abroad, including Western Europe.67

Moreover, there appears to have been an increasing trend of Islamic inspired, high profile terrorist activity outside the Middle East
since 1991. In 1992, *Hizbollah* claimed responsibility for the bombing of the Israeli embassy in Buenos Aires, Argentina.\(^6\) In 1993, the New York World Trade Center was bombed by a "jihad organization" (strongly suspected to be, or connected with *Gama'a el-Islamiya*) that had its headquarters in several American cities and which was alleged to have ties with similar groups in other countries in order to punish the US for its support of Israel and other secular Arab states.\(^6\) In the same year, explanation for a synchronized series of thirteen bombs which killed in excess of 200 people in India was put down to "an international Islamic conspiracy."\(^7\) In 1994 a Lebanese based Islamic group known as the Partisans of God (quite possibly a pseudonym for *Hizbollah*) took responsibility for a bomb attack again carried out in Argentina, this time against a Jewish Community Center in which 96 people were killed, and a mid-air explosion aboard a Panamanian commuter plane which killed all 21 aboard including 12 Jewish businessmen. *Hizbollah* was also thought to be behind an attempted truck bombing of the Israeli embassy in Bangkok on June 3 (1994). Investigators have since found common technical links between the Thai bomb, the bombing of the New York Trade Center and the explosion at the Israeli embassy in Buenos Aires.\(^7\)

Finally in July 1994, two large car bombings took place within days of each other in London - injuring several bystanders and causing severe damage to neighboring buildings; responsibility for the attacks has since been attributed to *Hizbollah*.\(^7\)

This wave of destructive transnational Islamic terrorist activity has prompted many in Western Europe to speculate that one of the
greatest threats likely to face the region in the coming years is that of Islamic extremism. The Italian Interior Minister Nicola Mancino, for instance, claimed in 1993 to have evidence of the existence of an Islamic Terror International which has its sole aim the implementation of a strategy designed to subvert Europe and the West. Unofficial sources in Scotland Yard's S013 Anti-Terror Squad likewise argue that Islamic fundamentalism constitutes one of the greatest threats likely to impact on British security (outside that of Northern Irish terrorism) in the coming decade. And most recently, following a series of dawn sweeps against 40 apartments in the suburbs of Paris, the French Interior Minister Charles Pasqua announced that intelligence investigators had uncovered an "international [Islamic] West European terrorist network" that was operating out of France and which had established extensive links with the UK, Germany, Italy and the Netherlands. Lending considerable credence to Pasqua's claim was the impressive array of arms captured during the raids - a cache that included automatic weapons, hand guns, assault rifles, explosives, detonators and ammunition.

It has also recently been speculated by Western intelligence agencies that Iran has started to re-activate its terrorist contacts around the world in collaboration with Hizbollah, Hamas and PIJ in order to derail the present Middle East peace process. Indeed, the 1994 London and Argentine attacks followed on the heals of Israel's withdrawal from Jericho and the Gaza Strip as part of the peace deal reached with the Palestinians and almost coincided with Tel Aviv's
historic agreement with Jordan to end the formal state of war that has so far existed between the two countries. From the perspective of militant Islamic fundamentalism, the Arab-Israeli dispute is essentially seen in terms of an eternal battle between Muslims and Jews. The ultimate objective is, and can only be, the complete destruction of the Israeli state. As the Hamas covenant explicitly spells out: "Israel will exist and will continue to exist until Islam will obliterate it...Initiatives, proposals and international conferences are all a waste of time and vain endeavors." It could well be, therefore, that the present wave of Islamic terrorism is only just the beginning of a concerted attempt to undermine wherever and whenever possible any chance of continuing with the process to bring about a comprehensive peace between Israel, the Palestinians and neighboring Arab states.

Whether or not such suppositions bear themselves out obviously remains to be seen. However, it is noteworthy that since 1991, the level of Islamic terrorism in Europe appears to have been on the rise. The total number of terrorist incidents of Middle East origin virtually doubled from 9 in 1990, through 10 in 1991, to 17 in 1992. Given the extremely low level of Palestinian activity that has so far been exhibited in Western Europe (the other major strain of Middle Eastern terrorism in Western Europe during the 1970/80s), it is likely that the vast majority of these incidents can be put down to Islamic activity. 1993 saw a flurry of Islamic activity in Western Europe with a number of assassination squads operating in the region - carrying out successful attacks in Rome and Paris and attempting to do so in London. And
with the July 1994 double car bombing in the UK the wave of highly "spectacular" international terrorist incidents that has afflicted the international system since 1991 has now impacted directly on the security of Western Europe. With such trends at work, one would certainly not have to be considered paranoid or alarmist to recognize the possibility of an international Islamic terrorist campaign that increasingly brings Western Europe along with other western states into its front line.

XENOPHOBIC RIGHT-WING EXTREMISM

With the liberalization of Eastern Europe, the dismantling of the Iron Curtain and the political fragmentation generated by the spread of ethnic conflict in the wake of the collapse of communism, Western Europe has become the target of an unprecedented surge in immigration. Refugees, asylum seekers, re-settlers (essentially ethnic Germans from former Soviet bloc countries) and minorities displaced by/fleeing from war, famine, discrimination, poverty, repression, or all five, have increasingly come to the region seeking higher wages, better job prospects, increased standards of living and enhanced stability. In 1989, a total of 1.3 million people left Eastern Europe and the Soviet Union for the West, almost half of them being re-settlers or refugees from the former GDR. The number held steady in 1990 at approximately one million. With respect to requests for political asylum, the figures rose from 30,000 per year in 1983 to 680,000 per year in 1992.
There is little doubt that such mass influxes of migrants and refugees have had a profound impact on the perceived social and economic stability of Western Europe. Many have come to view the "arrivals" as direct competitors for local resources and are beginning to fear that they will drive down wages, create unemployment and increase the cost of housing and other goods. Others are reacting to the attempts of migrants/refugees to preserve their own cultural heritage, arguing that this presents a direct challenge to the underlying identity of the receiving state. And still others, seeing migrants as constituting nothing but a deviant population of law breakers, express the opinion that rising numbers must logically present a fundamental threat to the social stability of the state concerned. The overall effect of these fears, coming as they do at a time of serious economic recession, rising unemployment and increasing crime, has been a reduced level of tolerance for all foreigners which has directly contributed to a general revival of xenophobic racist tendencies throughout the region.

Whilst such sentiments have mostly been reflected by an increase in the racist rhetoric that has been adopted by mainstream political parties, as well as electoral successes for legal, anti-immigration far-right organizations, they have also been mirrored in a growing subculture of support for extreme, militant neo-Nazi movements. These groups portray migrants as a cultural and economic threat and justify the use of terrorist violence against foreigners (such as indiscriminate fire bombings) in the name of upholding the status quo and defending
the national interest. Given its obvious historical parallels, it is the neo-
Nazi activity in Germany that has thus far attracted most attention.
However, the phenomenon of militant racist right-wing extremism is
certainly not something that is confined to Germany alone. Indeed in
1993, the EU as a whole suffered a total of 67 racist related deaths,\(^{90}\)
10% of all fatalities caused by terrorism (615 deaths - see table twenty
in appendix) between 1990 and 1993.

In Belgium, a group known as *l'Assaut* (Assault) has emerged in
the Brussels area, composed of former VM0 and *Parti des Forces
Nouvelles* (PFN)\(^{91}\) members. It already has a record of violence against
immigrants and reportedly tries to foster good relations with racist
influenced skinheads.\(^{92}\) Several militant neo-Nazi organizations exist
within France including the *Faisceaux Nationalistes Europeenues* (FNE),
*Troisieme Voie* and the *Jeunesse Nationaliste Revolutionnaire*. All three
are active among the skin head sub-culture and have been responsible
for violent onslaughts in Lille, Brest and Rouen.\(^{93}\) In Austria, there
exists the People's Extra-Parliamentary Opposition (VAPO), an
organization established by Gottfried Kuessel - regarded as the German-
speaking world's "top" neo-Nazi.\(^{94}\) In Greece, Golden Dawn has emerged
as the country's most dangerous and violent neo-Nazi group. In the UK
Combat 18 (C18) has been identified as the country's most dangerous
neo-Nazi group. The organization has been connected with Loyalist
paramilitaries in Northern Ireland and, following a 1993 raid on its
"headquarters" at the Crown and Cushion pub in Birmingham, shown to
have access to semi-automatic rifles, handguns and ammunition. Finally,
in the Netherlands, at least two openly neo-Nazi, violent organizations exist: the Jongeren Front, a group of about 50 many of whom have been arrested for racism and illegal possession of arms; and the Actiefront Nationaal Socialisten (ANS), the Dutch wing of the banned German ANS organization, three of whose leaders have been arrested for possession of firearms and Nazi literature.95

Not withstanding the importance of these examples, it is within Germany that the rise in militant xenophobic racism has been most marked. This is almost certainly due to the fact that, of all West European states, Germany has been the target of most post-Cold War European immigration96 - its 1949 Constitution including a clause that guaranteed the automatic right of asylum to any person persecuted on political grounds. Since the end of communist rule in Eastern Europe literally thousands have taken advantage of this right.97 In 1990 the country received 120,000 requests for asylum whilst in 1991, 256,100 such applications were made. The number rose dramatically to 440,000 in 1992 and during the first five months of 1993 (after which the country's immigration law was changed)98 about 100,000 more people (principally from Romania and the former Yugoslavia) had entered Germany seeking asylum.99 Xenophobic tendencies have been most marked in the poorer eastern lands of Germany which, since unification, have become increasingly aware of their relative poverty viz-a-viz the West.

According to the German Internal Security Agency, the Bundesamt fur Verfassungsschutzamt (BfV - "Office for the Protection of the Constitution"), at least 82 "right-wing extremist organizations" were
thought to exist in the country at the end of 1992, up from 76 the previous year. Considered to be amongst the most dangerous were the German People's Union (DVU - with a membership of 22,000 it counts as one of Germany's largest right-wing extremist organizations); the Nationalist Front (NF - an organization containing approximately 130 members and one which has openly called for the creation of national commando units to fight the neo-Nazi cause); the DA (with at least 200 members mostly from the east German town of Brandenburg); the Free German Worker's Party (FAP - a strongly anti-foreigner group whose objective is the realization of National Socialism in Germany); the National Offensive (NO - an offshoot of the FAP based in Munich); and the Viking Youth (a neo-fascist group with approximately 400 members).

The threat posed by German neo-fascist organizations should not be taken lightly. Virtually all of the 442 terrorist incidents and 236 casualties reported for Germany between 1990 and 1993 (see table twenty five in appendix) can be attributed to the activities of far right groups. These incidents were of sufficient quantity to make Germany the second most severely affected nation by terrorism in Western Europe (behind the UK, including Northern Ireland) between 1990 and 1993 and the tenth most affected in the world during 1992 and 1993. Moreover, the numbers of people killed by xenophobic violence has shown a steady growth since 1990, rising from zero to 10 in 1991, 17 in 1992 and 27 in 1993 - an increase of a full 270% over 1991's total (see table twenty five in appendix). Indeed, the mere fact that Bonn has decided to create a new national police squad whose sole purpose is to fight terrorism
waged by far right groups suggests that the problem is now more widespread than many German politicians care to admit.\textsuperscript{104}

In the overall West European regional context, the danger posed by right-wing extremism similarly seems to be growing. Already several police raids throughout Europe have uncovered fairly large weapons caches belonging to neo-Nazi groups including firearms, explosives and "hit lists." Moreover, there is growing evidence to suggest that the region's neo-Nazi organizations are consolidating their paramilitary wings as they gain in popularity and effectiveness.\textsuperscript{105} According to Eckart Werthebach, head of the German BfV, there are now signs for the first time of widespread "action alliances between dozens of neo-Nazi and other far right groups," the purpose of which is to form a united European operational network.\textsuperscript{106} Finally, it should be remembered that neo-Nazi and Middle Eastern terror groups have, in the past, been prepared to put aside their racial differences and work together in support of a common cause against Israel.\textsuperscript{107} It is certainly conceivable that the present generation of neo-Nazi groups could try to resuscitate such links in an "unholy" alliance with Islamic organizations whereby they agree to attack Jewish targets in Europe in exchange for "military" training and weaponry in the Middle East.

\textbf{POTENTIAL THREATS: NEW SEPARATIST GROUPS}

Historically, the right to self-determination has been the most widely advocated justification for the use of terroristic violence. Consequently, one must recognize the possibility that the ethnic and
territorial conflicts which have been unleashed by the disintegration of the imposed artificial order of the Cold War could well be accompanied by the proliferation of armed groups who are prepared to terrorism as a way of achieving their objectives. The probability of such violence finding its way into Western Europe remains especially acute given the region's proximity to this highly volatile sphere of resurgent nationalism and ethnic separatism, not to mention its "status" as a highly favorable tactical environment in which to carry out operations (see chapter three and below).

Just as the potency of Islamic fundamentalism was enhanced by the collapse of the "illusory nature of the integrating... and cohesive power of [Soviet] ideology," so the centrifugal forces created by ethno-nationalism have boomeranged now that self-determination has become a realistic political option. Although nationalism has the positive benefits of being able to galvanize popular support and inspire feelings of loyalty, it also has the potential to create extremist, intolerant and exclusionist sentiments. This is especially so when it arises in multi-ethnic states, which have no experience of ethnic accommodation and where ethnicity itself has been suppressed as an evanescent and retroactive phenomenon. In these instances, nationalism draws upon ethnicity as a relational political concept, creating boundaries between "us" and "them," and becoming a powerful rallying call for demagogues and politicians in the process. In such circumstances, demands are commonly made to purge and purify the "ethnie" from contaminating and
alien influences through segregation, deportation, expulsion and, in some cases, extermination.¹¹¹

The structure of political conflict that commonly comes to surround ethno-nationalism obviously depends on the particular make-up of ethnic groups in individual states. However, the one most commonly associated with terrorism is the syndrome of a minority "ethnie" that, perceiving itself to be a victim of the "tyranny of the majority" (generally as a result of the exclusionary policies of the majority ethnie), demands, but is not granted the right to independence. Within the context of the threat posed by new separatist based terrorist groups operating in Western Europe, it is the activities of the minorities that have been created by the forces of ethno-nationalism in the former USSR and Yugoslav Republics that are likely to present the greatest problem. The unprecedented collapse of the Soviet and Yugoslav regimes effectively removed the straitjacket of enforced discipline that had hitherto been able to keep manifold and often conflicting regional ethnic forces in check.¹¹² A process of ethno-nationalist self-determination was consequently initiated, resulting in the new states of South-Eastern Europe and the Commonwealth of Independent States (CIS) and Georgia. Whilst this may have satisfied the nationalist aspirations of, among others, Serbs, Croats, Slovenes, Azerbaijanis and Ukrainians, it also created a myriad of states that contain politically mobilized ethnic minorities who perceive central state power to be working against their fundamental interests.
In the former Yugoslav Republic, there are numerous trouble-spots that contain ethnic groups - many of which hark back to an earlier tradition of political violence and terrorism\(^{113}\) - seeking, but not gaining independence or unification. They include Serbs in the Krajina chunks of Croatia;\(^ {114}\) Albanians in Macedonia and the Kosovo province of Southern Serbia;\(^ {115}\) Slavs in Macedonia;\(^ {116}\) and territorialized groups of Croats, Serbs and Muslims in Bosnia-Herzegovina.\(^ {117}\) To date, it is the activities of Serbian extremists that have caused most concern to Western Europe in the context of possible spill-over Yugoslav linked terrorism. Serb extremists are antagonistic towards both Germany and Austria because these states were at the forefront of international efforts that supported initial Croatian and Slovenian independence.\(^ {118}\) Moreover, they remain suspicious of the US, UK and France due to their anti-Serb posture and endorsement of UN sanctions (originally imposed as a result of Serbian atrocities in the Bosnian civil war).\(^ {119}\) Numerous Serb leaders in dislocated territories have repeatedly advocated the use of violence in an attempt to re-unite with Serbia "proper" (Vojislav Seselj, the Bosnian Serb who now leads the Radicals in Belgrade, calling for the gouging out of Croatian eyes with rusty spoons!) and/or as a way of "punishing" those who they blame for their original separation. One of the most infamous is Zeljko Raznjatovic (also known as "Arkan") who leads a Serbian paramilitary group known as the "Tigers." Raznjatovic's "troops" are suspected of being involved in the activities of numerous hit squads which have operated against Croats in Europe
and are also thought to be responsible for the murder of some 2,000 to 3,000 Muslims in the Bosnian town of Brcko in May 1992.120

In addition to the activities of Serbian extremists, terrorist threats emanating from Croats, Albanians, Slavs and Muslims are also now being recognized as a distinct possibility. Albanians in Kosovo have already carried out a series of terrorist attacks against Serbian police - killing six in the first half of 1993.121 In Macedonia threats emanate from both Albanians and Slavs. On the one hand there is the danger that increasing Slavic discrimination122 could provoke the Albanian minority into a full scale terrorist campaign which, given the country's proximity to Greece and deteriorating Greek/Albanian relations,123 could certainly spill over into Western Europe's south-easternmost state.124 On the other hand, Greek unwillingness to recognize Macedonian sovereignty,125 could drive the Slavic majority to undertake its own campaign of terrorism in an attempt to try and force the issue. This would undoubtedly focus on the Greek tourist industry - a sector that is vital to the country's economic viability - thereby inevitably involving the nationals of other West European countries who frequently vacation in the area.126

However, it is in Bosnia-Herzegovina that the situation is most serious. Both Croats and Muslims have warned of violence if international pressure is eased on Belgrade/Bosnian Serbs who, themselves, have warned of retaliation against states that are involved in any actions that are designed to limit their offensives in the country.127 In fact Bosnia's Muslim vice-president, Ejup Ganic,
specifically warned European governments in June 1993 that they could expect to face a wave of terrorism if the outside world abandoned the cause of his people to Serb aggression. Furthermore, if the Muslims, Croats and Serbs are obliged to settle for an atomized territory (which has now become inevitable since the Owen-Stottenberg peace plan - considered to be the last chance of holding the country together - collapsed in the summer of 1993), in which each respective government is unable to guarantee either the security of its own citizens or unhindered access to the outside world, there is a distinct possibility that Bosnia-Herzegovina will be transformed into another Palestine, destroying the chances for stability and peace in the region for decades to come. 

Underlying all of this is the potential that the violence currently occurring in the former Yugoslavia will provoke similar actions among rival ethnic Yugoslav communities living in Germany, Austria, the Netherlands and Northern Italy. The danger is greatest in Germany (which in 1988 had 579,073 nationals from Yugoslavia) which has already experienced a history of prolonged gang warfare between ethnic Serbs, Croats and Muslims in and around Frankfurt, Munich and Berlin. Italy, too, is becoming increasingly worried by this prospect. According to the Defence Ministry, close links exist between Italian organized crime syndicates and the flow of arms/people to and from Bosnia. The government has become concerned that this will enable extremists to enter the country and foment trouble in their respective
ethnic communities, utilizing weapons supplied by organizations such as the Mafia, 'Ndrangheta and Camorra.\textsuperscript{133}

The terrorist threats emanating from the former Soviet Union are not as immediately threatening to Western Europe as those of the Balkans given its distance from many of the trouble spots in the CIS and Georgia. However, distance alone has never protected Western Europe from international terrorism. Moreover, as a result of the lack of effective/efficient internal security structures in Central Europe, the easing of immigration controls between East and West and greatly reduced travel restrictions throughout the EU, criminal organizations from the former Soviet Union have begun quite successfully to intensify and diversify their activities in numerous areas of Western Europe.\textsuperscript{134} Although this "porous" border has thus far only been exploited by drug cartels and counterfeit/smuggling rings, there is no reason to believe that terrorist organizations will not similarly avail themselves of the opportunity to operate in the "environmentally friendly" atmosphere of Western Europe.

Four regions within the former USSR are of particular concern in the context of spawning new separatist based terrorist groups: Russia, Georgia, Ukraine and the Azerbaijan enclave of Nagorno-Karabakh. Within the Russian Federation, ethnic separatism has long been considered the main threat to political stability, containing as it does 35 separate ethnic groupings with over 100,000 members.\textsuperscript{135} Tensions have been greatest in the republics of Tatarstan and Chechen (the latter already being the home of some of Russia's most violent organized crime gangs), both
original non signers of the Russian Federal Treaty and perhaps the most assertive separatist entities within the Russian Federation. The ultranationalist posturing of Vladimir Zhirinovsky - the most dangerous politician in Russia today and leader of the Liberal Democratic Party which won the highest percentage of votes (22.79%) in the Russian State Duma elections of January 1994 - will do nothing to "cool" the nationalist ardor of these and other ethnic entities.

In Georgia, numerous acts of terrorism have come to surround the secessionist movements in the regions of Abkhazia and South Ossetia, including car bombings, assassinations and random murders. The situation has been considerably exacerbated by supporters of the deposed (and now dead) Georgian leader Zviad Gamsakhurdia who have deliberately stirred up ethnic tensions in an attempt to weaken the position of President Eduard Shevardnadze.

In Ukraine, a strong separatist movement has sprung up in the Crimea which is now pushing for independence or, failing that, unity with Russia. If their demands are ignored, it will not only anger the Crimeans themselves but also the 9.7 million Russians in eastern Ukraine. On the other hand if the Ukranian President, Leonid Kuchma, yields to pressure for separation, there is a very real risk of infuriating hardline nationalists in the west and playing into the hands of far right groups such as the paramilitary Ukranian People's Self-Defence Association (UNSO). Moreover, Crimea itself could become a highly destabilizing source of ethnic conflict should it succeed in separating; the Ukranian minority would surely resist being torn away from their mother state.
and Crimean Tartars may well be encouraged to initiate a separation campaign of their own.\textsuperscript{137}

Finally in Nagorno-Karabakh, Armenian separatists have fought a long and bloody paramilitary campaign against the Azerbaijani government for sovereign independence. This struggle has come to embrace terroristic violence as a "logical" part of the militant martyrdom that is common to many Armenian groups fighting for legitimacy and validation within the Middle Eastern/Central Asian Diaspora.\textsuperscript{138}

There is little doubt that terrorism within these regions is becoming a real problem. Between 1992 and 1993 for instance, Russia suffered a total of 54 incidents, causing 238 deaths and 880 incidents; Georgia a total of 89 incidents, causing 305 deaths and 151 injuries; and Azerbaijan a total of 22 incidents, causing 237 deaths and 40 injuries.\textsuperscript{139} Moreover, the climate of political instability is continually being exacerbated by growing food shortages, rising prices, job losses and bankruptcies not to mention the proliferation of organizations dealing in the trade of illegal weaponry/nuclear material.\textsuperscript{140} According to Donald Kerr of the International Institute for Strategic Studies in London, anything from machine guns, AK-47 rifles, mortars and surface to air missiles to uranium and plutonium have now become available, thus making it far easier for extremist organizations to obtain the highly sophisticated armories that are needed to operate at higher, more destructive levels.\textsuperscript{141}

The explosive mix of general socio-economic collapse, ethno-nationalist tension and growing lawlessness/lack of centralized order in
the Balkans and former USSR provides an extremely unstable "arc of crisis" along Europe's eastern and southeastern borders in which terrorism can, and indeed already has, flourished. In essence, the end of the Cold War has made irrelevant the strategic distinction between Western Europe's center and periphery. Many of the region's new internal security threats could well emanate from peripheral "gray areas" - huge zones where control is rapidly shifting from legitimate governments to new half-political, half-criminal powers. As Ronald Asmus, Richard Kugler and Stephen Larrabee of the RAND Corporation observe, such conflict and insecurity is unlikely to remain neatly isolated or contained. Spillover in the form of political instability and violence thus becomes a real danger.142

INSTRUMENTAL DEVELOPMENTS

1. The Proliferation of Arms Throughout Europe.

The massive proliferation of weapons in Europe that has been brought about by the demise of the former Soviet bloc will almost certainly increase the ease by which terrorists in the region are able to arm themselves. This will considerably exacerbate the threat posed by these groups (and other serious organized crime) - giving them the type of sophisticated weaponry that is needed to operate at a more lethal and destructive level. The importance of the burgeoning domestic and international illegal trade in firearms that has sprung up in Russia following the dismantling of the Soviet Army can not be overstated in this regard.143 The extent of its black market can be measured by the
fact that armed crime in Russia has risen by 64% since the collapse of the Soviet Union.\footnote{144}

According to Donald Kerr, conscripts from the former Soviet Red Army are increasingly prepared to sell off their weapons in order to supplement poor pay, overcome boredom and buy alcohol.\footnote{145} This, together with the greatly reduced size of the Russian army, has meant that there is now in existence a huge surplus of weapons. Moreover, since large units are being shifted from Central Europe and the former constituent parts of the USSR back to Russia, and given the fact that the allegiance of many other units has been transferred to newly independent republics, the records kept on these firearms and other supplies is in complete disarray.\footnote{146} All of this has been to the great benefit of the growing number of Russian organized crime rings that deal in weapons,\footnote{147} who now distribute anything from Makorov pistols (costing 1,500-2,000 rubles), gas pistols (costing 2,500-3,000 rubles), machine guns, submachine guns and grenade launchers (costing 10-15,000 rubles) to SAM missiles and army tanks (for US $10,000).\footnote{148}

Another factor that is considerably increasing the availability of weapons in the region is the fact that certain major arms producing states in Eastern Europe are beginning to lift self-imposed limitations on the export of weapons in an attempt to buttress their ailing economies. All the former Warsaw Pact (WP) states are in desperate need of foreign currency and are beginning to realize that one of the best ways to obtain it is through the trade of one of their most profitable exports - weapons. A good example of this is provided by the Slovak Republic
which, when it was part of Czechoslovakia, was one of the main arms producers in the former Soviet Eastern bloc. In 1987, the Czechoslovak weapons industry generated export earnings of roughly US $1 billion - supplying its allies in the now defunct WP as well as Libya and Syria. After the "velvet" revolutions in 1989, the administration which took over from the communists pledged to convert the Czechoslovak weapons industry to peaceful production and to halt exports. However, with foreign exchange reserves falling and unemployment at around 12.4%, the Slovak government announced in early 1993 its intention to allow arms producers to continue to sell to markets in Europe, the Middle East and North Africa. This was to include the sale of SEMTEX (already produced legally in the Czech Republic), the "explosive of choice" for most terrorists around the world.149

The dismantling of internal borders within the EU (see below) will considerably exacerbate the ease by which illegal traders in weapons can distribute their products throughout Western Europe. According to Safeworld, an independent British based think tank, a frontier-free EU could turn much of Western Europe into an "an exporters' paradise," as it will enable suppliers to evade national restrictions that they would otherwise have had to observe.150 Certainly, the failure hitherto of the Twelve to declare weapons and ammunition as "strategic goods" that cannot be transported across national borders without proper licenses, appears to be opening the way for those who wish to sell their products in forbidden West European markets.151 For example, a huge cache of arms that originated from Poland and was transported through Europe
to the UK was discovered by British authorities in December 1993. The consignment, thought to be the biggest arms seizure ever to be made in the UK, included 300 assault rifles and two tons of explosives. The UVF admitted that the consignment had been destined for it.  

The possibility of a terrorist group "going nuclear" has also been the subject of an increasing amount of speculation recently. Although it is extremely unlikely that an insurgent group would be able to steal a nuclear device (even in the former Soviet republics of Russia and Ukraine tactical and strategic nuclear weapons remain extremely well protected), it may becoming increasingly feasible that a terrorist group could build a nuclear weapon, utilizing material smuggled out of the former USSR. According to David Kay, the Secretary General of the Uranium Institute, it would only take 5-7 Kg of weapon-grade plutonium or about twice the amount of highly enriched uranium (HEU) to build a nuclear bomb. At present, the world probably contains about 250 tonnes of this type of plutonium and 1,500 tonnes of HEU. Almost none of this material is covered by nuclear accounting rules and more than half of it is inside the chaotic relic of the former USSR. It would only take a tiny fraction of 1% of this stockpile to serve as the basis for someone else's weapon: as little as four kilograms, or less than ten pounds, of weapons grade plutonium would be sufficient to construct a nuclear device. 

The possibility of nuclear material being smuggled out of Russia is continually being heightened by the growing stocks of plutonium and HEU that are being created by its dismantling program. It has been
estimated that as weapons are reduced, six tonnes of plutonium and 30 tonnes of HEU will have to pass through the "rickety" bureaucracy of Russia every twelve months for the next 15 years. Given the unpredictability that is present within the country and the fact that a proper inventory count has almost certainly never taken place, the danger of nuclear theft is clearly growing. By October 1992, German authorities had investigated more than 100 cases of smuggled nuclear materials from the former USSR, compared to 29 during the previous year. 1993 saw the number again rise with 241 investigations. Although 118 of these turned out to be swindles (people trying to sell material they did not have), 123 were for real. The smuggling of such material is not difficult: HEU can not be detected by a Geiger counter and plutonium gives off alpha radiation which can be shielded with material as simple as aluminium kitchen foil.

Notwithstanding these possibilities, it may be some time yet before the world witnesses a terrorist incident involving a nuclear weapon. Detonating a nuclear bomb is infinitely more difficult than placing a small conventional bomb aboard an aircraft or firing a car bomb by delayed fuse. Moreover, there is a much greater chance of the operation going wrong or of the terrorists themselves being caught or harmed. A more likely scenario would be that of a terrorist group utilizing fissile material itself as a weapon, so avoiding altogether the problems/dangers involved with building and exploding a nuclear device. One should not underestimate the coercive potential that would be made available as a result of a threat to release component nuclear substances, especially
plutonium. The element is one of the most dangerous materials on earth. One thirty-thousandth of an ounce inhaled into the lungs will cause cancer; one microgram is enough to kill a human being. Moreover, plutonium's lethality is measured in millenia, not decades or days with a half life of 24,000 years in its most prevalent form. Given the enormous environmental and human damage that could be caused by the release of even small amounts of this highly toxic and durable substance into, say, a city's water supply, no government could possibly afford to ignore a group who happened to have plutonium stocks in its armory.

In the final analysis, however, it is probable that most terrorist organizations realize the disastrously adverse effect that a "successful" act of nuclear terrorism (be it either a nuclear explosion or radioactive contamination) would have on world opinion. It should be remembered that terrorists are neither irrational nor insane. They utilize terror in a calculated manner in order to achieve desired results, not mass destruction. For this reason, it is more likely (though by no means certain) that terrorists will concentrate on the conventional as opposed to the nuclear opportunities that have been created by the collapse of the Soviet bloc.


As of January 1 1993, the EU officially became, at least in theory, a unified internal market. The rationale behind the move essentially stems from the practical necessity to stimulate economic growth by removing all physical barriers to trade as part of the overall strategy
to make European industry more competitive on world markets.\textsuperscript{162}
Moreover, it is also seen as the most visible way yet of giving concrete
expression to the ambitious dream made 40 years ago to bring together
the nations of Europe in one peaceful union.\textsuperscript{163} Although internal
borders have, as yet, not been fully eliminated with respect to the free
movement of people, considerable progress has been made to
substantially ease restrictions on travel throughout the EU. For example,
special channels presently exist at all ports and airports for EU
nationals who are now subject to selective rather than systematic
passport checks, and the issue of a "green disc" (available from
motoring organizations) enables tourists who do not exceed their duty
free allowance to cross the German, Belgian, Dutch, Danish, French,
Italian and Luxembourg frontiers at reduced speed but without
stopping.\textsuperscript{164}

The fact that the desire to ease (and ultimately eliminate) internal
frontiers has been driven primarily by economic/commercial and
idealistic interests has meant that the security implications of such a
move have largely been overlooked.\textsuperscript{165} Indeed, it is only within the last
couple of years that politicians have begun to wake up to the fact that
by abolishing such checks as customs and passport formalities, controls
that were formerly designed to combat a wide range of offences,
including terrorism, will be curtailed.\textsuperscript{166} As den Boer observes, "EC
member states have had to come to terms with the discovery that
somewhere on the road to an internally free Europe, a serious
miscalculation was made."\textsuperscript{167}
Given the existence of considerable instability on Western Europe's eastern and southeastern borders, not to mention the continued occurrence of both indigenous and extra-territorial terrorism, the simplification and streamlining of entry controls could have extremely serious repercussions for the future internal security of many West European states. With considerably fewer internal frontier checks to worry about, terrorists (and other international criminals) who are able to cross the external frontiers of the EU will now have an enhanced ability to freely move both themselves and their financial/logistical infrastructures in an unhindered fashion between cities as far a field as London, Munich, Madrid and Athens. This will not only avail existing international and indigenous organizations who will be able to plan and carry out international operations (such as those launched by PIRA against British army and airforce personnel in Holland and Germany) in a far more effective manner, it will almost certainly encourage other extra-territorial groups (such as organizations emanating from the former Yugoslav and USSR states) to fight their battles on West European streets. Moreover, there is also the danger that extensive inter-terrorist group cooperation will occur, leading to the development of sophisticated and elaborate international infrastructures for use throughout the region. With the availability of such potentials, the growth of a pan-"Euroterrorist" phenomena becomes a very real danger.

The lowering of internal borders is likely to be of particular concern to island states such as the UK and Ireland. Unlike continental
EU countries (all of which have extensive land borders) who rely on internal controls such as identity cards to protect public safety, the UK and Ireland have traditionally relied on strict border formalities to prevent the entry of those who are considered a threat to their national security. The easing of such controls in two states whose citizens do not carry identity cards/papers, and who would undoubtedly resent being made to do so, greatly heightens the difficulty of detecting known terrorists that enter from the continent.\textsuperscript{171}

To argue that the easing of internal borders will exacerbate the threat posed by terrorism pre-supposes that such controls are an effective way of combating this particular problem. Whilst it is certainly true that terrorists, like drug smugglers, do manage on numerous occasions to slip unobserved across national frontiers, it is also true that comprehensive immigration, passport and customs checks provide, at the very least, a minimal level of protection which has, on certain occasions, led to some significant arrests.\textsuperscript{172} Moreover, as numerous security and police specialists are quick to point out, the controlled environment of a major frontier entry point continues to produce a statistically significant opportunity to detect and retain suspect persons.\textsuperscript{173} Data put out by the UK Home Office on the operation of the Prevention of Terrorism Act (PTA) for instance, show that during 1992, significant numbers of detentions were recorded in five regional force areas with coastal boundaries: Dumfries and Galloway, Essex, Lancashire, Merseyside and Sussex. One quarter of the total detained in 1992 under the POT Act were apprehended at ports and airports (the number was
49% in 1991). As Frank Gregory points out, that the absolute numbers of persons detained at these frontiers is often very small (in 1992 for example, 36 persons were detained either in connection with Irish or international terrorism) should not detract from the basic fact that it only takes a small number of terrorists to cause a very wide-spread loss of life and damage to property.

This chapter has examined the various forces that appear to be driving the process of West European terrorism in the 1990s. In many ways the outlook is not good. Northern Irish and fanatic Islamic fundamentalism look set to continue to act as a major source of instability while, at the same time, new and potential threats have been created by the political developments that have swept across Central and Eastern Europe since 1989. Moreover in purely instrumental terms, the ease by which groups are able to carry out terrorist operations has been considerably facilitated by the burgeoning trade in illegal weaponry and the desire by the EU members to create a frontier-free internal market. The reality of this state of affairs has not been lost on the EU Twelve. Indeed, it is a significant factor that influenced the decision to incorporate a specific pillar of internal security cooperation in the 1992 TEU - a development which serves as the main focus for the second half of the dissertation which looks at both the individual and collective anti-terrorist responses that have been initiated by the EC/EU member states.
ENDNOTES

1 A detailed survey of these proposed changes is provided in World Economic Outlook, (Washington, D.C: IMF, May 1991), 26-37.

2 Many analysts argued that one of the fundamental consequences of the end of the Cold War was an increasing level of governance in the international system. With the termination of East-West ideological rivalry, it was assumed that the principles of liberal democracy would be accorded a greater degree of legitimacy in international relations, enabling the major powers to form a security community among themselves in which they neither expect, nor prepare for the use of military force. As they would no longer have to worry about competing with each other militarily, it was argued that the major powers would thus be able to mount more effective singular, or collective responses to other, outside destabilizing influences. The success of the Allied operation against Iraq in 1990/91 was taken as evidence of this development. For some interesting accounts of governance and its impact on contemporary international affairs see: James N. Rosenau, "Governance, Order and Change in World Politics," in James N. Rosenau and Ernst-Otto Czempiel, eds., Governance Without Government (New York: Cambridge University Press, 1992); Barry Buzan, "New Patterns of Global Security in the Twenty-First Century," International Affairs 67(3) (1991): 431-451; and Emanuel Adler, "Seasons of Peace: Progress in Postwar International Security," in Emanuel Adler and Beverly Crawford, eds., Progress in Postwar International Relations (New York: Columbia University Press, 1991), 128-173.


4 See "Terrorism and the Warfare of the Weak," The Guardian, 27/10/93.


6 International levels of terrorism, however, remained essentially unchanged with annual averages of 496.5 between 1968-1989 and 450.7 between 1990-1993 (see tables one and fifteen in appendix). These figures therefore suggest that the upsurge of terrorism since 1989 has essentially been domestic in nature.

Although these figures do include attacks by right-wing groups, the vast majority can be attributed to left-wing organizations. For example in purely numerical terms, of the 359 attacks which caused death and/or injury between 1969 and 1987, 74% are attributable to the far left compared to the 7.6% deemed to be the responsibility of the far right. See table thirteen in appendix.

See, for instance, "Bombers Target Italy's Reforms," The Daily Telegraph, 29/07/93.

See "Arrests May Signal the End of Basque Terrorism," The New York Times, 11/03/93; Terrorism, VIII(3) (July 1993): 20-21; and "Basque Peace Hopes Rise as the Separatists Wane," The New York Times, 28/01/94. This should not be taken to mean, however, that ETA related terrorism is at a complete end. Indeed, on 22 March 1993 the organization exploded two car bombs in Madrid which resulted in the death of seven civilians and the injury of more than twenty.

Personal interview with Superintendent Bill Emerton, New Scotland Yard Anti-Terrorist Section (S013), London, 27/04/94.


See Arthur Aughey, "Political Violence in Northern Ireland," in H. Tucker, ed., Combatting the Terrorists. Democratic Responses to Political Violence (New York: Center for Security Studies, 1988), 78-79. See also Leslie Macfarlane, "The Right to Self-Determination in Ireland and the Justification of IRA Violence," Terrorism and Political Violence 2(1) (Spring 1990): 35-53; and J. Bowyer-Bell, "The Irish Troubles Analyzed," Terrorism and Political Violence 5(1) (Winter 1993). As far as the Protestants are concerned the Union of Northern Ireland and Northern Ireland is a Union sealed in blood and is therefore permanent. In 1916, some 6,000 troops of the 36th Ulster Division (which recruited almost exclusively from the UVF)
gave their lives at the Battle of the Somme in defence of the Realm. This "blood sacrifice" is regarded as the acid test of Ulster's "Britishness," a fact further confirmed by loyalty in the Second World War while the Irish Free State remained neutral.

Aughey, "Political Violence in Northern Ireland," 79.

For an interesting alternative account of why terrorism is likely to continue in Northern Ireland see Scott Anderson, "The Price of Peace in Ulster," The New York Times, 18/01/94. Anderson links paramilitary violence to a proliferating underground economy in the Province. He argues that the continuation of violence serves the interests of Catholic and Protestant extremists as it enables them to run, and profit from, a "bewildering array of money generating schemes." He likens this shadow economy to a "tightly knit tapestry of cooperating crime syndicates" and claims it includes anything from "the selling of contraband cigarette lighters on Belfast streets, to video and computer game piracy, to smuggling bovine antibiotics into Europe from cut rate labs in Brazil."


The Social Democratic and Labour Party recognizes that a fully united Ireland is not possible, accepts that the British government has a responsibility towards the Protestant majority and acknowledges that the consent of this majority is necessary for any new governmental structure.

Other incidents included a series of thirteen car bombs in North-West London between October 2 and 8 1993; two railway bombings - one in Reading, Berkshire on October 24 1993 and one in Brill, Buckinghamshire the following day; a mortar bombing of a rural police station in Northern Ireland on December 27 1993; and three mortar attacks on London's Heathrow Airport in March 1994. See Keesings Record of World Events (October 1993), 39703-39704; Keesings Record of World Events (December 1993), 39788; and Keesings Record of World Events (March 1994), 39922.


See "British-Irish Pact Gives IRA Allies Terms for Talks," The New York Times, 16/12/93; See also "In the Shadow of the Gunmen" and "Peace in Northern Ireland," The Economist, 18/12/93.

See "At Last," *The Economist*, 03/09/94.

Statistics put out by the British Home Office in May 1994 show that Protestant groups now easily outweigh PIRA as the main killers in Northern Ireland. In 1993, 48 individuals had reportedly been killed by Loyalist gunmen compared to 38 attributed to PIRA, whilst in the first six months of 1994 the respective figures were 25 and 17. See "Protestants Top IRA as Main Killers," *The New York Times*, 22/06/94.


See "Irish Chief Says Politics Hurts Peace Effort," *The New York Times*, 14/11/94 and "Irish Coalition Government Collapses," *The Globe and Mail*, 17/11/94. Labour leader Dick Spring and his six cabinet ministers walked out of the coalition of government on November 16 in protest against the promotion of former Attorney General Harry Wheelan to President of the High Court, the second highest judicial post in the country. Spring alleged that he and his colleagues had not been consulted on the appointment by Albert Reynolds (leader of Fianna Fáil) and that it was pushed through behind their backs. Labour are critical of Mr Wheelan's office for failing to deal with Northern Ireland extradition warrants for Rev. Brendan Smyth, a priest accused of child abuse. At the time of writing

See "New Prime Minister to Push Peace Talks," *The Vancouver Sun*, 16/12/94.


At the time of writing anti-terrorist officials in the UK have publicly stated that they have concrete evidence of a "hit list," drawn up by rogue elements within PIRA, which lists assassination targets including Conservative and Official Unionist MPs, as well as selected police officers in Northern Ireland. These claims come amid rising concerns that certain sections within PIRA are still trying to purchase electronic weapon parts from the United States in order
to augment the organization's armory. See "Special Branch Warns MPs of New IRA Hit List," *The Sunday Times*, 11/12/94.


Many radical Palestinian groups established contact with Islamic revolutionaries in training camps in North Africa and the Lebanon. In some instances these contacts led to the fusing of the Palestinian issue with an Islamic agenda. PIJ and LARF are two examples.

Qur'an 9:5.

In many instances, however, the terrorist activities of these groups were also provoked by the basic division that separates the Sunni and Shi'a Muslims. Iraq has, for instance, financed numerous Sunni terrorist organizations to carry out operations against Shi'a groups essentially supported by the Tehran regime in Iran.

The Sunni, who form the vast majority of the Muslims around the world (80%), believe Muhammed to have been the final prophet of Islam, and maintain that no specific provisions were made for leadership of the Islamic world after his death. They argue that given this situation, the Qur'an and the example set by Muhammed during his life (the model of Islamic behavior) must serve as the twin basis for the future guidance of Islam. Any earthly temporal leader who upholds Islamic law (as set down in the Qur'an and by Muhammed) is thus viewed as legitimate, irrespective of whether or not they are also seen to be direct descendants of Muhammed. The Shi'a, on the other hand, maintain that a temporal leader can be challenged if it does not have divine guidance. They argue that the only truly legitimate leaders of Islam are the Imam - direct descendants of Muhammed who are also considered to be "emanations of God" (ayatollahs - Shi'a disagreements as to exactly which Imams are the true descendants of Muhammed have led to the development of numerous splits within this branch of Islam, many of which continue to this day). Moreover, the Shi'a believe the Twelfth Imam (the Mahdi), although born in 869, to still be alive and in hiding, waiting to return at the end of time. The Mahdi is the true leader of Islam and all ayatollahs/Imams must relinquish their rule to his authority when he eventually returns. For a good account of the differences between the Sunni and Shi'a traditions

43 As Khomeni commented with regards Western wealth and technology: "As the imperialist countries attained a high degree of wealth and affluence...[Iranians] lost all self confidence and imagined that the only way to achieve technical progress was to abandon their own laws and beliefs...[However] the solution of social problems and the relief of human misery require foundations in faith and morals; merely acquiring material power, conquering nature and space, have no effect in this regard." Cited in Ingersoll and Matthews, *The Philosophical Roots of Modern Ideology*, 282.


45 These include the *jihad al-lisan* ("striving of the tongue"), the *jihad al-qalam* ("striving with the pen"), the *jihad al-tarbiya* ("striving through education") and the *jihad al-da'wa* ("striving by propagating" [the faith]). For good summaries of these different interpretations of the *jihad* see Majid Khadduri, *War and Peace in the Land of Islam* (New York: John Hopkins University Press, 1955), 55-82 and Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History* (The Hague: Mouton, 1979), 117-121.


49 This exemplifies the growing Islamicization of Middle Eastern politics that was initiated back in the 1980s. Today, many radical Palestinian groups have actively come to embrace a fundamentalist Islamic agenda as a way to further emphasize their distinction (and
disatisfaction) from the largely secular, moderate Palestinian elements who are prepared to settle their differences with Israel through negotiation.

50 The Gama'a el-Islamiya-Islamic Group first gained international notoriety in early 1993 after it claimed responsibility for a string of deadly attacks against foreigners/tourists in Egypt. Suspects in the World Trade Center bombing (February 1993) have since been linked to the organization and considerable speculation now exists that the group was planning a summer campaign of terrorism in the US under the direction of its spiritual leader, Omar Abdel-Rahman. See "US Indicts Egyptian Cleric as Head of Group Plotting War of Urban Terrorism," The New York Times, 26/08/93.


52 See "US Fears Sudan Becoming Terrorists' New Lebanon," The Washington Post, 31/01/92 and "Baghdad Raid a Warning to Islamic Zealots," The Sunday Times, 04/07/93. During December 1993, Sudan played host to an international Islamic conference that included some of the most militant of all Islamic groups such as Hamas, Hizbollah and numerous "Afghan" fighters from Algeria. See "Sudan: Islamic Mediator," The Economist, 11/12/93. Egyptian and French intelligence sources are now concerned that Sudan is also helping to establish training centers for Hizbollah in northern Yemen. Such fears recently prompted the US administration to warn the Yemeni government that it may be placed on its blacklist of countries involved with supporting international terrorism. See "A Safe House," The Economist, 08/01/94.

53 See "The Covert Arms Trade," The Economist, 12/02/94.

54 See "Baghdad Raid a Warning to Islamic Zealots," The Sunday Times, 04/07/93.

55 The term "Afghan" is the term now used to describe the foreign Arab veterans of the Afghanistan War.

56 See "Soldiers in Search of a War," The Economist 05/06/93. See also "Baghdad Raid a Warning to Islamic Zealots," The Sunday Times, 04/07/93.


See "Foreigners Flee as Killers from God," The Sunday Times, 27/03/94. The GIA is the group who recently advocated the killing of all women for not wearing the veil and the targeting of houses that were equipped with satellite dishes to receive programs from "decadent" Europe.

See "Islamists Seek a Second Liberation," The Guardian Weekly, 06/02/94.


The AIS is the military wing of the Islamic Salvation Front (FIS). The FIS is dedicated to the establishment of a fundamentalist regime in Algeria. It would have almost certainly acceded to power in January 1992 had the second round of the country's parliamentary elections not been cancelled by the ruling military regime – an action supported by most West European states.

Figure quoted in "Islamic Militants Held in France," The Globe and Mail, 09/11/94.


See Builta, "The Origins and Future of Terrorist Acts." Builta claims that the present wave of Islamic inspired terrorism connects three regions: the Middle East as an inspirational area from whence the movement was born; Europe as a vital training ground; and the US as the final aim.

69 See for instance "US Portrays Wide Network of Terror in Bomb Plot Case," The New York Times, 06/05/94.

70 See "Wave of Blasts Kills 200 in Bombay," The Globe and Mail, 13/03/93.


72 See "Second Car Bomb in Two Days Rocks London," The Vancouver Sun, 27/07/94.

73 See "Italy Points Finger at Islamic Terrorists in Assassination," The Vancouver Sun, 19/03/93.

74 Personal interview with Supt. Bill Emerton, New Scotland Yard's Anti-Terrorist Section (S013) UK, 27/04/94.

75 See "The Islamic Peril," Maclean's 28/11/94. See also "Islamic Militants Held in France," The Globe and Mail, 09/11/94. France is especially worried that the Islamic revolt in Algeria will "jump" the Mediterranean and spread to its own Muslim community of 3.5 million. Since the military regime in Algeria annulled the 1992 general elections - a decision vigorously supported by Paris - 21 French nationals have so far been killed in Algeria, 34% of all foreigners to have died in the country's civil war.

76 Hizbollah could also be seeking to avenge a series of humiliating Israeli attacks on its bases in southern Lebanon. Since killing the organization's secretary general, Sheikh Abbas Mussawi, in early 1994 Israeli forces have kidnapped Mustafa Dirani, the former chief of intelligence in Amal who had defected to Hizbollah, and destroyed a prominent training camp in Lebanon killing between 26 and 50 recruits.

77 In September 1993 Yassir Arafat and Yitzak Rabin, the Israeli Prime Minister, reached an agreement whereby Palestinians living in Jericho and the Gaza Strip are to be given limited self-government as the first step towards greater Palestinian autonomy in the West Bank. It was agreed that within seven months of the signing of the agreement, the Israelis would complete all but full withdrawal from Jericho and Gaza with wide-range powers being transferred to a Palestinian authority, at first nominated by the PLO, but within ten months elected by the Palestinians themselves (including those
living in East Jerusalem). Over the next five years these arrangements would be extended to other (not specified) parts of the West Bank - although all Israeli settlers in this region are to continue to remain under Israeli authority and protection. See "Breakthrough, Maybe," The Economist, 04/09/93.

78 See "Middle-East Inspired Mayhem in Britain," The Sunday Times, 31/07/94.


80 See "The Same Goal," The Middle East Intelligence Digest 3(6) (February 1 1993): 3. Video tapes released by Hamas after the Israeli-PLO peace accord went into effect in September 1993 similarly state such violent intentions: "Our suicide operations are a message...that our people love death. Our goal is to die for the sake of God, and if we live, we want to humiliate Jews and trample on their necks." Since September 1993, Hamas has killed roughly 94 people in and around Israel to this effect. See "Videotapes Being Used to Recruit Terrorists," The Vancouver Sun, 02/12/94.


82 No publicly available analysis of the specific breakdown of Middle Eastern terrorism in Western Europe during the first half of the 1990s has yet been made.


87 This is probably due to the fact that in many cases immigrants tend to be over-represented in the prison population. For example in the UK, 15% of male prisoners and over 23% of females described themselves as black or Asian, while less than 5% of the general population come from these groups. Figures taken from the UK
The following quote from the former French Prime Minister, Jacques Chirac, is a good example: "Take a French worker who lives next door to a family whose father, with three or four wives and 20 kids, earns 50,000 francs in government payments, naturally without working. If you add to that the noise and the smell, well, the French worker goes crazy. You have to understand them." Cited in Carla Rapoport, "Them," *Fortune* 126(1) (July 1992): 19.

The support of the far right has also been enhanced by a growing sense of disenchantment with the performance of mainstream politicians who stand accused, in varying degrees, of corruption, incompetence and hypocrisy. Examples of the unparalleled electoral successes achieved by far right political parties include, the *Vlaams Blok* (VB) who in municipal elections held in the Belgian city of Antwerp during October 1994 gained the vote of one in three people making the party the dominant force on the city council (overall, the VB has 12 seats in the Belgian Parliament); the Austrian *Freiheitliche Partei Osterreichs* (FPO) which gained 23% of the vote in the Vienna municipal elections of 1992 (making it the second largest party in the city's government) followed by a staggering 22% in the country's national elections of 1994; the Norwegian Progress Party (FrP) which won 13% of the national vote in the 1989 general election to receive 22 out of 165 seats; the French National Front (FN) whose leader, Marie Le Pen, gained 14.6% in the first round of the country's last presidential election making him the most significant figure in the European extreme right; and the Italian National Alliance which won 12% of the ballot and 17% of the seats in the law-making lower house of Parliament in the country's 1994 general election, giving Italy the first government in Europe to contain neo-Fascist ministers since the World War Two (at the time of writing, the new Italian cabinet contained five neo-fascist ministers). See "Far Right Election Gains Across Europe," *Statewatch* 2(1) (January-February 1992): 3; Christopher Husbands, "The Other Face of 1992: The Extreme Right Explosion in Western Europe," *Parliamentary Affairs* 45(3) (July 1992): 267-283; "Italy's Neo-Fascists: Have They Shed Their Past?" *The New York Times*, 31/03/94; "Right Delivers Agonizing Blow to Sicily's Anti-Mafia Campaigners," *The Guardian* 31/03/94; "Dark Forces Lurk in Brave New Italy," *The Independent on Sunday*, 03/04/94; "Neo-Fascists in Italy Gain Five Seats in Government's New Cabinet," *The New York Times*, 11/05/94; and "Fed Up Voters Back Far Right at Ballot Box," *The Vancouver Sun*, 11/10/94.

The country breakdown of these fatalities is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>04</td>
</tr>
<tr>
<td>Denmark</td>
<td>02</td>
</tr>
<tr>
<td>France</td>
<td>13</td>
</tr>
<tr>
<td>Germany</td>
<td>27</td>
</tr>
</tbody>
</table>
Figures drawn from Keesings Record of World Events (1993), 39654.

The VMO, founded in 1949 by Nazi sympathizers and ex-collaborators, is one of Belgium's most notorious post Second World War fascist organizations. Before being made illegal in the early 1980s it had made connections with fascist terror organizations across Europe including the Turkish Grey Wolves, the French FANE, the Italian Ordine Nuovo and loyalist paramilitary groups in Northern Ireland. The PFN was formed in 1982 and is ideologically influenced by Robert Steukers of the Belgian new right who directs publication of the reviews of Vouloir and Orientations. The group tends to concentrate its efforts on recruiting soccer hooligans and skinheads. For further details see Glyn Ford, Report of the Findings of the European Parliament Committee of Inquiry on Racism and Xenophobia (Luxembourg: Office for Official Publications of the European Communities, 1991), 19-20. For a good account of the extreme right in Belgium see John Fitzmaurice, "The Extreme Right in Belgium," Parliamentary Affairs 45(3) (July 1992): 300-308.

See Ford, Report of the Findings of the European Parliament Committee of Inquiry on Racism and Xenophobia, 30. Many commentators have also argued that it is impossible to see the legal National Front (FN) party of Marie le Pen as a "normal" political organization. Peter Fysh and Jim Wolfreys, for instance, portray the party as a fascist organization, composed of leaders who are either psychotically racist or have records for terrorism and other forms of violence. See Peter Fysh and Jim Wolfreys, "Le Pen, the National Front and the Extreme Right in France," Parliamentary Affairs 45(3) (July 1992): 309-326.

Kuessel has publicly stated that Hitler was "one of the greatest Germans of all time." He was jailed for 10 years in November 1993 for setting up VAPO - the toughest anti-Nazi sentence handed down in Austria for over forty years. He was, however, acquitted of saying in a speech that his organization would overthrow the Austrian state by force - considered to be the more serious charge and one that could have "earned" him an additional twenty years. See Criminal Justice Europe 3(3) (November-December 1993): 2.
The appeal of right-wing extremism to east Germans has also been attributed to its similarity with communism. In particular, authoritarianism, the claim of possessing an ultimate truth, a clear "friend-enemy" dichotomy, the idea of homogeneity and fanaticism have all been mentioned as traits that are similar to both ideologies. See den Boer, Immigration, Internal Security and Policing in Europe, 14. See also Geoffrey Roberts, "Right-Wing Radicalism in the New Germany," Parliamentary Affairs 45(3) (July 1992): 339. These ideas are essentially reflections on the theory of totalitarianism as put forward by the likes of Brezinski, Friedrich and Arendt which regard fascism not as a unique phenomenon but as one variant of totalitarianism.

It should be pointed out, however, that fewer than 5% of those who apply for asylum are ultimately found to be true victims of political persecution; the rest are expelled. Nevertheless, expulsion proceedings take months and often years and in the interim refugees have to fed, housed and cared for - a bill which can reach up to $10,000 a year for each refugee.

Under the new law, which was approved by the German Parliament on 28 May 1993, any refugee that comes from a country that Germany feels is free from persecution will immediately be sent home. The list of states now considered to be safe includes those of the former Eastern bloc, including Rumania and Bulgaria - two countries that had previously acted as a major source of those seeking political asylum in Germany. See "German Lawmakers Vote to Restrict Asylum-Seekers," The New York Times, 27/05/93.

See Coping With The Rising Tide of European Immigration (Library of Congress, Washington D.C: United States Government Document Expediting [DOCES] Project, 1993). Comparable figures for other West European nations in 1991 with respect to applications for political asylum were:

<table>
<thead>
<tr>
<th>Country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria:</td>
<td>27,300</td>
</tr>
<tr>
<td>Belgium:</td>
<td>15,200</td>
</tr>
<tr>
<td>Denmark:</td>
<td>4,600</td>
</tr>
<tr>
<td>Finland:</td>
<td>2,100</td>
</tr>
<tr>
<td>France:</td>
<td>46,500</td>
</tr>
<tr>
<td>Italy:</td>
<td>31,700</td>
</tr>
<tr>
<td>Netherlands:</td>
<td>21,600</td>
</tr>
<tr>
<td>Norway:</td>
<td>4,600</td>
</tr>
<tr>
<td>Spain:</td>
<td>8,100</td>
</tr>
<tr>
<td>Sweden:</td>
<td>26,500</td>
</tr>
<tr>
<td>Switzerland:</td>
<td>41,600</td>
</tr>
<tr>
<td>UK:</td>
<td>57,700</td>
</tr>
</tbody>
</table>


101 Although according to Yaron Savoray, an Israeli journalist who passed himself off as an Australian and who spent five months living with right-wing youth groups in Germany, the leader of the NF showed him a computer print-out listing 8,000 members.

102 1991's total includes one lethal operation carried out by RAF. All 157 terrorist incidents carried out in 1992 can be attributed to the far right. 1993's sum of 198 terrorist incidents includes a small number of firebombings carried out against luxury cars and upmarket grocery stores by a little known group called "Class versus Class," and two attacks by the PKK against Turkish targets in Germany in June and November.


104 For details of the force see Don Hammontree, "New Police Force to Stamp Out Neo-Nazi Groups," Criminal Justice Europe 3(1) (January-February 1993): 17. The German government has also recently presented a new package of laws designed to combat right-wing extremist violence. The legislation, if adopted, will increase the penalty for assault from three to five years; allow judges to hold "right-wingers" temporarily without warrants; increase penalties for racist/anti-Semitic taunts; and ban symbols or gestures that imitate the already banned swastika and "Hitler salute." See "Tough Laws Introduced to Combat Rightist Thugs," The Vancouver Sun, 16/05/94.


107 For example, the now defunct Wehrsportgruppe Hoffmann, led by Karl-Heinz Hoffmann, received extensive military training from PLO officers in the Middle East during the 1980s; in 1970 twelve members of Udo Albrecht's Freikorps Adolf Hitler fought on the side of the Black September group against the troops of King
Hussein in Jordan; and in the early 1980s, one of Germany's most wanted neo-Nazi terrorists, Odfried Hepp, established links with the PLF. See Hans Horchem, "Terrorism in Germany; 1985," in Wilkinson and Stewart, eds., Contemporary Research on Terrorism, 154-156.


111 See David Welsh, "Domestic Politics and Ethnic Conflict," Survival 35(1) (Spring 1993): 66. Anthony Smith argues this is a result of three processes. The first is termed "vernacular mobilization" where intellectuals rediscover indigenous traditions, customs, memories, symbols and language and disseminate them to a wider strata of the designated population. The second is termed "cultural politicization" where the ethnie's cultural heritage is treated as a political resource. This finally leads to a third stage of "ethnic purification" where the popular vernacular heritage is injected with a belief of its own sanctity. Demands are made to preserve the culture, to guard against alien influences, to keep it unadulterated, purged and purified. See Smith, "The Ethnic Sources of Nationalism," 56-57.


114 The Croatian president, Franjo Tudjman, has publicly rejected any compromise on Kranija - insisting that it be restored to Croatian sovereignty and not be allowed to rejoin with Serbia.

115 Albanians make up 25% of the population of Macedonia and 90% of Kosovo. The Slav majority in Macedonia has repeatedly rejected demands by the Albanian minority to join with Kosovo. Moreover, Serbia has shown no willingness to grant independence to Kosovo itself, or allow it to join with Albania - arguing that the province forms an integral part of its heartland.
Although Slavs form a majority in Macedonia, their demands for independence have been opposed by Greece since 1992—see below.

The situation in Bosnia-Herzegovina is the most complex. Here Croats, Serbs and Muslims are all in conflict with one another in a series of alliances that pit Croats and Muslims against Serbs, Serbs and Croats against Muslims and Serbs and Muslims against Croats. There appears to be little willingness on the part of Serb, Croat or Muslim Bosnians to stop the fighting with all attempting to unite with their respective minorities and maximize their territorial concessions.

By mid 1991, the Austrian and German embassies in Lisbon and Ottawa had already received bomb threats from a Serb organization calling itself the Black Hand, the same group heading under which acts of Serbian political violence have been claimed in the past.


Although the Macedonian President, Kiro Gligorov, has worked hard at easing ethnic tensions between Slavs and Albanians, his government is coming under increasing attack from Macedonian nationalist hardliners opposed to his conciliatory stance. The Internal Macedonian Revolutionary Organization, led by Ljupco Georgievski, has called for the exclusion of all Albanians from the government and almost succeeded in pushing a vote of no confidence against the socialist government in November 1993.

This is principally due to illegal Albanian immigration (between 150,000 and 300,000 Albanians are thought to be currently illegally living in Greece) and accusations by Tirana that Athens has fomented ethnic Greek separatism in southern Albania. Tensions between Greece and Albania were further heightened in October 1994 when Albania convicted five leaders of the country's ethnic Greek community on charges of espionage. The episode has been widely interpreted by the international community as a political show trial (the defendants were convicted even though there was never any proof that they were in a position to know government secrets, much less to pass them on to Greek agents) that Tirana manipulated for propaganda purposes in order to try and drive Greeks out of southern Albania. See "Another Balkan Flash Point," *The New York Times*, 06/10/94.
Fears of such violence were considerably heightened by the discovery in 1993 of a large cache of arms (consisting of 300 automatic rifles and thousands of rounds of ammunition) in the Macedonian capital, Skopje, and in the towns of Tetovo and Gostivar—all of which are predominantly ethnic Albanian. Indeed, political analysts are increasingly viewing Macedonia's Albanian population as a highly unstable "time bomb waiting to explode" which could precipitate an ethnic conflict that is capable of engulfing all countries in the region with sizeable Albanian populations such as Albania, Serbia, Montenegro and Macedonia. See "Macedonia: Aha, a Plot," The Economist, 20/11/93; and "Macedonia Sees its Albanians as Biggest Problem," The New York Times, 05/05/94.

This is primarily due to the former Yugoslav's republic adoption of the name Macedonia which many Greeks consider Hellenic, the inclusion of the Greek 16 point star on the Macedonian national flag and to the pledge contained within the Macedonian constitution to protect its nationals everywhere. All this, Greece claims, point to evidence that Macedonia has territorial designs on the adjacent Greek state of the same name.

See Control Risks Information Services, Country Risk Service, April 1993, 121. Tensions between Greece and Macedonia were dramatically increased by Andreas Papandreou's decision on February 17 1994 to ban the former Yugoslav republic from using the northern Greek port of Salonika, Macedonia's nearest outlet to the sea. Three quarters of its exports and imports pass through Salonika and almost all of its oil.

Between 1992 and 1993, a total of 34 acts of terrorism were committed in Bosnia-Herzegovina. These resulted in 65 deaths and 68 injuries, the vast majority of which occurred in 1992 (58 and 60 respectively). See Pinkerton's Risk Assessment Services, Terrorism 1992-1993 (Pinkerton's Inc., 1993-1994).

The statement was made by Ejup Ganic in an interview with Reuters Television in June 1993. Such threats should not be taken lightly by European governments. Already acts of terrorism, carried out by Islamic extremists in revenge for the killings of Muslims in Bosnia-Herzegovina, have taken place outside Bosnia. For example, on December 16, Islamic militants took responsibility for killing twelve Christian Croatian and Bosnian technicians in Algiers, claiming that the attack was in revenge for the killing of Muslims in Bosnia. See "Militants Assert Role in Killings in Algeria," The New York Times, 17/12/93. Moreover, it has recently been alleged that the US has initiated a comprehensive covert program of tactical training for Muslims to aid them in their struggle against the Bosnian Serbs. If these reports do, in fact, prove to be accurate, the prospect of Islamic activity being initiated outside Bosnia-Herzegovina has been considerably heightened. One only has to consider the consequences of the similar policy undertaken to assist the mujahideen against
the Soviets in Afghanistan (see section on Islamic militantism above) to realize how potentially destabilizing this course of action might be. See "A Secret War?" Maclean's, 28/11/94.

129 At the time of writing it appears as though the world community has finally accepted the permanent dismemberment of Bosnia-Herzegovina as inevitable. The UN has announced its peacekeeping mission in the region to be a failure and appears ready both to initiate a full scale withdrawal of its peacekeeping force from the conflict zone and to accept "peace" on terms dictated by the Bosnian Serbs. See "Failure in Bosnia Threatens United Nations' Credibility," The Vancouver Sun, 02/12/94.

130 See for instance, "The Bosnian Burden," The Economist, 29/01/94.

131 See "Asylum Seekers Cost West $7 Billion Last Year," The Financial Times, 04/03/92.


134 See Joseph Serio, "Organized Crime in the Former Soviet Union: New Directions, New Locations," Criminal Justice International 9(5) (September-October 1993): 11-17. On February 26 1993, the Russian government announced that the number of organized criminal gangs with international links had more than doubled during 1992. Russian organized crime experts estimate that there are now about 800 Vory z Zakone in the world today. Vory z Zakone ("thieves in law") are the top criminal echelon in Russia and it is believed that they are seeking to coordinate criminal activities throughout Western Europe and North America in the same way that the various Italian Mafia families have done. See Country Risk Service, April 1993, 131 and "Top Echelon of Mobsters Pose Threat," The New York Times, 23/08/94.


136 On March 21 1992, Tartastan held a referendum on the federal treaty in which 61% of the electorate reportedly voted for the creation of a sovereign state. See "Tartar Area Vote Backs Autonomy Push," The New York Times, 23/03/92. Since then, debate within the autonomous republic has basically centered on nationalist
versus confederalist visions of Tartastan's future relations with Moscow – with the former advocating separation and the latter arguing for a bilateral treaty between a coequal Tartastan and Russia. The Chechen Republic unilaterally declared its independence from Russia in October 1991 and has effectively been under the secessionist government of President Dzhokhar Dudayev ever since. See McMullen, 210-211. The situation in Chechen has been made considerably more complex by the emergence of a number of paramilitary organizations, allegedly backed by Russia, opposed to secession. Violence erupted in September 1994 when at least 40 people were killed in fighting between the secessionist Chechen government and rebel forces. This has led to increasing speculation that the volatile situation in Chechen may soon deteriorate into a full scale civil war which could, in turn, ignite a whole tinderbox of ethnic tensions throughout the entire Caucasus region. See "40 Killed As Fear of All-Out War Increases in Breakaway Republic," The Vancouver Sun, 07/09/94; "Fighting Flares in Caucasus; Russia Puts Troops on Alert," The New York Times, 06/09/94; and "Yeltsin Threatens Action on Warring Secessionist Area," The New York Times 30/11/94.

In the Crimean presidential elections of January 30 1994, the separatist candidate, Yuri Meshkov, won 73% of the vote. In the referendum that he subsequently held on Crimean separation (March 27 1994), 70% voted to forge closer ties with Russia. At the time of writing a highly unstable power struggle appears to have developed between Crimea's executive and legislative branches which has further heightened tensions in the breakaway republic. Although both wings of the government support separation from the Ukraine, the Parliament strongly objects to Meshkov's appointment of political outsiders – mainly Muscovites – into important ministries. It is feared that this could provide the spark that finally sets off violent confrontation in the semi-autonomous Ukranian republic. See "Raindrops Keep Falling," The Economist, 22/01/94; "Another Crimean War?" The Economist, 05/02/94; "Ukraine's Far Right Dons Khaki for Dry Run," The Guardian, 21/03/94; "Who Owns Crimea?" The Globe and Mail, 25/05/94; "Crimean Dispute Raises War Fear," The Vancouver Sun, 13/09/94; and "Crimea Chief Scraps Parliament," The New York Times, 12/09/94.

Traditionally Armenian terrorists organizations such as the Armenian Secret Army for the Liberation of Armenia (ASALA) and the Justice Commandoes of the Armenian Genocide (JCOG) have viewed Turkey as their fundamental enemy. Their aim has been to compel the Turkish government to acknowledge publicly its alleged responsibility for the deaths of 1.5 million Armenians in 1915, pay reparations and cede territory for an Armenian homeland. However, in addition to Turkey, the USSR has also come under attack by groups such as the New Armenian Resistance (NAR) and Socialist Nationalist Movement who accused it of being a hostile "occupying"

Data drawn from Pinkerton's Risk Assessment Services, Terrorism, 1992-1993. The actual number of acts committed by ethno-separatist organizations is not given. The figures therefore have to be qualified as they undoubtedly reflect incidents carried out by other groups such as organized crime gangs seeking to influence the political process (particularly in Russia). The Ukraine has, so far, been largely free of terrorist violence suffering only 2 incidents which caused 3 deaths and 1 injury between 1992 and 1993. This situation could well change, however, as the dynamics of Crimean separation play themselves out.


Personal interview with Donald Kerr, Institute of Strategic Studies, London UK, 18/05/93.


In the first seven months of 1992, police uncovered 700 armed gangs, charged 3,000 people with illegal possession of arms and confiscated 8,000 weapons, including 135 submachine guns, 700 automatic rifles, 500 rifles, 4,000 pistols and 400,000 rounds of ammunition. See "Armed Crime in Russia Up 64%," Reuters News Service, 01/09/92. See also V. Gondusov. "Russian Police Continue Fight With Illegal Arms Dealers," TASS, 11/01/93; and "Illegal Guns Exacerbate Spread of Firearms," FBIS-Sov-90-178, 13/09/90.

Personal interview with Donald Kerr, Institute of Strategic Studies, London, 18/05/93.


It is not only Russia that has experienced an increase in criminal activity involved with the trade of weapons. For example, at least 17 incidents involving the seizure of explosives have been reported in the Czech Republic this year. The latest occurred when police seized more than 360 Kg of SEMTEX and other explosives that
officials said were intended for sale in Germany. See *Criminal Justice Europe* 3(5) (September-October 1993): 2.

"What Are We Buying Weapons For?" in *Komsomol'skaia Pravda*, 6/11/90. Direct conversion of rubles into dollars is difficult, due to rapid inflation and the wide discrepancy that exists between the legal and black market exchange rates. One practical indication of the value of the ruble given by Matti Joutsen is that the average Russian family income in 1990 was 150 rubles. The average monthly income in the US at the time was US $1,500. See Joutsen, "Organized Crime in Eastern Europe," 18.


See Alex Schmid, "Western Responses to Terrorism," *Terrorism and Political Violence* 4(4) (Winter 1992): 21. A draft Commission directive on the control of acquisition and possession of weapons does exist but as of January 1994, it had still to come into force. The effect of the directive would be to divide firearms into four main categories: Prohibited Firearms: mainly military weapons and those considered to be particularly dangerous; Firearms Subject to Authorization: these are mainly defensive weapons; Firearms Subject to Declaration: these are mainly hunting guns; Unrestricted Firearms: these are shot guns of the least dangerous class. At the time of writing, only explosives had been declared as goods that cannot be transported from one EU state to another without proper documentation and permission from national authorities. The legislation does not, however, apply to explosives used by police or military. See Commission of the European Communities, *Completing the Internal Market '92: The Elimination of Frontier Controls* (Luxembourg: Office for the Official Publications of the European Communities, 1992), 40-42; and *Criminal Justice Europe* 3(2) (March-April 1993): 3.


The hardest part of constructing a nuclear device is obtaining the necessary weapons-grade material. Much of the data needed to design a nuclear bomb is freely available, as was demonstrated in 1975 when a twenty year old undergraduate from the Massachusetts Institute designed a technically conceivable nuclear bomb as part of a physics project.


157 Ibid. See also "How to Steal an Atom Bomb," The Economist, 5/06/93.

158 See "Smugglers Sell Stolen Nuclear Materials" and "For Sale: Nuclear Contraband," The Washington Post, 29/11/92. It should be pointed out, however, that much of the material currently being smuggled out of the USSR (mostly un-enriched uranium or "red mercury") is of no use for weapons. Most of the uranium would only be of use for commercial purposes (i.e. not enriched to contain 90% of U235 isotope). Moreover, "red mercury" appears to be a code name for a mixture of metals that enhances the efficiency of a nuclear explosion but which cannot on its own generate such an explosion. Nevertheless, on October 16 1992, police in Munich Germany did seize 2.2 kg of weapons grade uranium. See Facts on File, 12/11/92.


160 Information obtained from Donald Kerr, International Institute for Strategic Studies, London, 18/05/93. See also George Perkovich, "The Plutonium Genie," Foreign Affairs (Summer 1993): 153-156.


162 According to the Cecchini Report, the cost of frontier controls are intolerably high from both the perspective of companies who have to go through them and the governments who have to administer them. The report estimates that some 25% of company profits are taken up by frontier control-related costs/delays, the equivalent of 2% of the value of each trans-frontier consignment of goods, which works out at roughly 6 billion GBP every year. See Richard Owen and Michael Dynes, The Times Guide to 1992 (London: Times Books Ltd, 1989), 65-66. For an analysis of the economic results that were achieved by the EU member states after one year as a single market see "Not The Union They Meant," The Economist, 6/11/93; and "Europe's Unemployment: Nothing for Everyone," The Economist 27/11/93.


166 Latter, Terrorism in the 1990s, 5.


168 Although the freedom of movement opportunities only apply to EU states it is important to note that the Union constitutes the vast majority of what is understood as Western Europe. Moreover, the EU is committed to expansion. Sweden, Finland and Austria are due to become members on January 1 1995 (Norway voted against EU membership in a national referendum on November 28 1994) and countries such as Cyprus, Malta, Poland and Hungary could be allowed in at a later date.

169 With the creation of the European Economic Area (EEA) on January 1 1994, the free movement of people (and goods, capital and services) was also guaranteed in an additional five states of the European Free Trade Association (EFTA) - Austria, Sweden, Finland and Iceland.


172 To cite a single example, on May 1 1986, a high-ranking member of the Japanese Red Army, Kikumuru Yu, was apprehended at Schiphol Airport in Amsterdam carrying a kilogram of high explosives and detonators disguised as a radio. Following the US bombing of Libya, Dutch border officials had been warned to watch for Palestinian and Japanese (the JRA have long identified themselves with the Palestinian cause) travellers carrying transistor radios. Two years later, Kikumuru was arrested again - this time in Manhattan.
Thinking that he was acting suspiciously, a state trooper detained him at a rest stop along the New Jersey Turnpike and discovered three large bombs that were allegedly intended for targets in Manhattan. It is thought that Kikumuru was working for Libya. See Wilkinson, "Can the European Community Develop a Concerted Policy on Terrorism?" 168; and Terrorism VI(4) (October 1993): 11.


CHAPTER FIVE: THE LIBERAL RESPONSE TO TERRORISM

INTRODUCTION

For the last twenty five years, the liberal democracies of Western Europe have been struggling with the problem of how to respond to terrorism in a manner that is consistent with their own norms of legitimacy and acceptability. One of the key foundations of the modern liberal state is the requirement that the government of the day serves to protect the security of its citizens by enacting and enforcing laws which are designed to protect their fundamental interests. Given the fundamental attack that terrorism poses to the right of the individual to exist in a setting that is free from the arbitrary coercion and violence of others, it is consequently vital that the liberal state acts against this mode of violence in a firm manner. However, since the basic task is to defend the community's liberal democratic way of life, it is essential that the manner of that defence does not undermine those very standards and traditions which make such an existence possible in the first place. Indeed, should the state start to use counter-measures of an illegal or unconstitutional manner, it runs the very grave risk of undermining its own legitimacy and, hence, creating a situation far worse than the problem it is trying to relieve. It is for this reason, that liberal democratic governments avoid the type of total and indiscriminate counter-measures that have been used so successfully by authoritarian regimes to suppress internal insurrection. By contrast, their approach has been to try and formulate initiatives which strike a balance between measures that are both effective and democratically acceptable.
It may seem that in the conflict between the absolute politics of terrorism and the compromising politics of democracies, the latter is in a "no-win" situation. Either the state concerned has to accept that it must sacrifice some of its democratic substance in order to be effective against terrorism, or it has to be prepared to endure the continuation of this particular mode of violence for the sake of upholding those civil and political traditions which are central to its way of life. However, the notion that a democratic state must necessarily abandon its defining principles in order to defeat terrorism is incorrect. An ability to deal with terrorism in a way that is widely held to be in conformity with established political and judicial principles will, in actuality, strengthen the commitment to democratic institutions and thus further isolate and weaken those who seek to destroy them.

The theme of this chapter will be to identify some of the key principles that need to guide the liberal democratic state if it is to respond to terrorism in an appropriate manner that is both effective and consistent with its own defining principles. An examination will first be made of the philosophical underpinnings/workings of the liberal state, relating how these "square" with the practise of terrorism. An analysis of the special problems inherent in the liberal response to terrorism will then be undertaken by examining four areas where the tension between liberal democratic acceptability and operational effectiveness is seen to be the greatest: the initiation of anti-terrorist legislation; the use of anti-terrorist para-military commando teams; the employment of covert intelligence gathering techniques; and government
control over the media. Finally, a model of counter-terrorism that is consistent with liberal democratic norms of social and political legitimacy will be developed.

INDIVIDUAL FREEDOM, STATE AUTHORITY AND THE RULE OF LAW WITHIN THE LIBERAL STATE

As one would expect from its name, an essential feature of liberalism is a belief in freedom of opinion and conduct. Faith in the ability of the liberated reason of each human being, acting in an autonomous and largely self-sufficient manner, to guide individual action in a way that is beneficial to both themselves and society as a whole lies at the very heart of liberal democratic notions of liberty and authority. For early classical liberals such as John Stuart Mill, the freedom to choose and act in a way that one saw fit was the very essence of humanity:

Yet to conform to custom merely as custom, does not educate or develop in him any of the qualities which are the distinctive endowment of a human being. The human faculties of perception, judgement, discriminative feeling, mental activity, and even moral preference, are exercised only in making a choice.

Mill linked his argument for individual liberty to the theory of utilitarianism which saw the purpose of political existence as promoting the greatest possible good for the greatest possible number. He maintained that by giving people the freedom to exercise individual self-government, human beings would necessarily gain the type of self worth and happiness that would ensure that they gave of their best for the
general betterment of society. The freedom to exercise originality was thus inextricably linked to social progress. An even earlier liberal philosopher, John Locke, saw individual liberty as one of the key natural rights which all human beings possessed. He rejected the Hobbesian idea that freedom of action would inevitably lead to anarchy and chaos by arguing that a set of moral principles worked to regulate the way people behaved towards one another. Just give each the freedom to learn, to think and to act, and the laws of nature (made known to all through reason) would necessarily lead to the formation of fair, just and equitable relationships:

*The State of Nature has a law of Nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, liberty and possessions.*

Although very few contemporary liberals continue to profess a belief in natural law, a trust in the capacity of human reason to order interpersonal affairs, which is derivative of that notion, remains. Such an ability is seen to exist within all human beings and springs from the humanist, Judaeo-Christian doctrine which affirms confidence in the possibility of reasoned and morally responsible self-direction. The modern liberal democrat believes that everybody is capable of exercising the power of reasoned self-direction by virtue of their humanity and should therefore be given an equal opportunity of doing so. Toleration of a variety of opinions and ways of life thus forms the very essence of liberal democratic notions of freedom. Notwithstanding this, however,
liberals have never been so naive as to assume that human nature is
inevitably virtuous and good all the time. The existence of human
fallibility is recognized as a fundamental fact of life. Some degree of
political order is thus required to make up for the realities of imperfect
knowledge, imperfect altruism and imperfect rationality. Again Locke:

_I easily grant that civil government is the proper remedy
for the inconveniences of the state of Nature, which must
certainly be great where men may be judges in their own
case, since it is easy to be imagined that he who was so
unjust as to do his brother an injury will scarce be so just
as to condemn himself for it._

A primary purpose of the liberal state has thus been to attempt to
ensure that the exercise of individual autonomy will not create a
situation where the liberty of others is adversely affected. To achieve
this, a system of criminal law enforcement and judicial sanction is used
to impose limits on personal freedom and restrict behavior that would
otherwise be injurious to others (or sometimes that of oneself). The
existence of such direct state action lies at the very heart of the liberal
democratic "contractual" conception of political obligation. In return
for accepting the security and order that is provided by the state, a
citizen bestows upon himself/herself the additional reciprocal
responsibility of being bound by the legal parameters of that same
state.

Rarely has this overall line of liberal thinking with respect to
individual freedom, law and political obligation been as succinctly
summarized as it was when John Mill wrote in _On Liberty:_
(E)very one who receives the protection of society owes a return for the benefit, and the fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct toward the rest. This conduct consists, first, in not injuring the interests of another; or rather certain interests, which either by express legal provision or by tacit understanding, ought to be considered as rights; and secondly in each person's bearing his share (to be fixed on some equitable principle) of the labours and sacrifices incurred for defending the society or its members from injury and molestation. These conditions society is justified in enforcing at all costs to those who endeavor to withhold fulfillment. Nor is this all that society may do...As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion.  

Although liberals accept the necessity of restricting individual freedom as being the most effective means to enhance the overall level of liberty in society, they are also adamant that there must be clear limits imposed on state authority and its power over the individual. The absolutist notion of "peace by subjection" that goes back to the omnicompetent philosophy of Thomas Hobbes is firmly rejected in favor of a polity that is characterized by restricted and limited government. It is the very essence of liberal democratic thought that checks and balances should form an integral component of the political system in order to constrain the power of the state and prevent abuses of its authority. As Alexis de Tocqueville argued in his commentary on democracy in America:

*In my opinion the main evil of the present democratic institutions of the United States does not arise...from their weakness but from their overwhelming strength; and I am not so much alarmed at the excessive liberty which reigns in that country, as at the very inadequate securities which exist against tyranny. If, on the other hand, a legislative*
power could be so constituted without necessarily being the slave of its passions; an executive, so as to retain a degree of uncontrolled authority; and a judiciary, so as to remain independent of the two other powers; a government would be formed which would still be democratic, without incurring any risk of tyrannical abuse.\textsuperscript{14}

Similar lines of thinking forms the basis of the political philosophies of such liberal theorists as Madison, May, Acton and Hayek - all of whom emphasize the importance of securing individual freedom from the constraints of the state by ensuring that "its power be kept within [suitable] bounds."\textsuperscript{15} Legal restraint, justly imposed on the government in the form of constitutional safeguards, thus forms an integral part of any liberal democratic polity.\textsuperscript{16} Laws must be seen to be in the general interest, must be made known to all, must be passed with the general consent of the people and must be applied impartially. These laws need to be administered by independent mechanisms of judicial and legal oversight which are protected from political control or interference.\textsuperscript{17} The doctrine of inalienable and inviolable human and political rights acts as a final safeguard against the intrusive powers of the state.\textsuperscript{18}

Although Continental versions of liberal democracy differ somewhat from the Anglo-Saxon variant outlined above,\textsuperscript{19} they all concur with respect to the two fundamental points presented here: The need to invest the state with enough power to ensure that it can effectively protect both the individual and society from harmful influences; and the need to constrain possible abuses of that power by incorporating within the political system a number of legal and constitutional safeguards. It is these features of liberal democracy that help to distinguish its system
of rule from the indiscriminate and arbitrary nature of totalitarian and authoritarian regimes which characteristically lack effective constitutional and societal checks on political power. The hallmark of modern liberal democratic government is a commitment to constitutional authority and the preservation of checks and balances which work to restrain the coercive actions and powers of the state. Indeed, the necessity of protecting the individual from the arbitrary actions of the state is a requirement that must always supercede other objectives. As Wilkinson rightly points out, "no liberal democrat is willing to pay the price of human freedom simply...to achieve total political obedience or submission."  

THE LIBERAL STATE AND THE CRIMINALITY OF TERRORISM

As was argued in the preceding section, the liberal democrat essentially sees criminal law as a necessary and desirable restraint on liberty, the business of which is, and can only ever be, the creation and protection of the individual right to be free from the arbitrary interference of others. Generally speaking, the force of this criminal code can only be used to restrict personal freedom in instances that would otherwise cause serious individual or social harm. Widespread dislike or disapproval of a particular form of behavior is not enough, on its own, to subject the practice to the sanction of criminal law. Either there has to be some demonstration of present harm done to those directly affected by the practise in question. Or it has to be shown that the behavior itself will likely bring about certain changes which
represent a long term threat to the viability of the social environment in which it takes place.\(^ {23}\)

Given this philosophical basis for its system of criminal law, terrorism is a type of behavior which cannot be tolerated within the legal context of any liberal state. Terrorism, by definition, seeks to disrupt the normal course of social interaction. Its overall aim resides not simply in the immediate destruction that it causes, but more in the long-term objective of gradually removing the structural supports which ultimately give society its strength.\(^ {24}\)

When dealing with the illegitimate nature of terrorism, one can refer both to the immediate harm that it causes and to the long term threat that it poses to any liberal society. With regard to the first, murder, bombing, maiming, kidnapping and hijacking are all types of behavior that need to be restricted under any liberal state's system of law as they all represent a serious threat to the individual right to be free from the violent coercion of others. Consequently, any mode of conduct which routinely engages in and incorporates such activities must logically, in of itself, be treated as an illegal action. It is for this reason that terrorists are regarded as criminals just as are mobsters, gangsters and serial killers.

Whilst this is no doubt true, the long term threat that terrorism poses to liberal society is, perhaps, a more profound reason for establishing its illegality. This second explanation has less to do with the specific nature of the acts themselves - concentrating instead, more on the philosophical rationale that stands behind their perpetration. As
was noted in chapter one, terrorism is, first and foremost, a psychological tactic. Its aim is not to destroy, but rather to induce a general state of fear and collapse - the ultimate purpose of which, is the eradication of the solidarity, cooperation and interdependence upon which social cohesion and functioning depend. The hope is that eventually the community will be reduced to pockets of frightened individuals concerned only with their personal safety and, thus, isolated from their social context.25 In other words, terrorism seeks to destroy the very structure that enables a liberal way of life to exist in the first place. By encouraging people to think that the government is no longer able to fulfill its primary security function, terrorism seeks to undermine that political order which, by freeing each individual from the arbitrary will of another, provides the necessary minimal condition which allows for the independent determination of the way one chooses to live one's life.

It is important to remember that for the terrorist there is no law save that of his/her own peculiar and idiosyncratic code of conduct. Indeed, law is regarded as the essential embodiment and symbol of the system that needs to be overthrown. There is, thus, nothing that an individual can do to ensure his/her safety as there is no predictable and commonly held standard by which one can attempt to come to terms with one's situation viz-a-viz the terrorist. This being said, terrorism can be viewed as a peculiar type of minority tyranny which denies the possibility of any rights that are separate from or beyond its own particular brand of politics.26 This is the true antithesis of the liberal
way of life and the prevention of such a state of affairs is, and must be, the essential purpose of its criminal penal system. As Ludwig von Mises sums up:

_The liberal understands quite clearly that without the resort to compulsion the existence of society would be endangered, and that behind the rules of conduct must stand the threat of force if the whole edifice of society is not to be continually at the mercy of one of its members._

The basis for establishing the criminality of terrorism within the liberal state is thus functional rather than moralistic. The philosophical basis for its system of criminal law rests on the idea that the coercive power of the government's law enforcement agencies should be restricted to ensuring the preservation of individual rights (especially to life and liberty) and public order. There is no notion that they should be used to intervene in the private lives of citizens (unless the requirement to uphold social stability dictates otherwise) or to enforce any particular pattern of behavior. The criminality of terrorism is a function of the immediate and long term threat that it poses to society, not to any conception of it as a form of morally sinful/wrong behavior (though many liberal democrats would undoubtedly view it as such). It is defined by the nature of the act rather than the identity of the perpetrators and cannot be "legitimated" simply by reference to a political cause (see chapter one). It is therefore vital that in working to counter this threat, liberal democratic governments strive to uphold the legitimacy of their rule of law. For to not do so would be to
undermine the very basis that establishes the criminality of terrorism in the first place. As Wardlaw points out:

To believe that depriving citizens of their individual rights and suspending the democratic process is necessary to maintain "order" is to put oneself on the same [mistaken] moral plane as the terrorists, who believe that the "end justifies the means."^{29}

COUNTER-TERRORISM AND LIBERAL DEMOCRACY: IN SEARCH OF A SOLUTION

Two points need to be stressed at the outset of this section. First, liberal democratic principles require that the state act against terrorism. Second, any response that is initiated must conform to liberal democratic conceptions of constitutional authority. The elusive ideal for any liberal democracy is thus to find counter measures which are both effective and acceptable.

Characterizations of counter-terrorism typically fall into one of two types. First there is the criminal justice model which views terrorism as a crime and where the onus of response is placed squarely within the bounds of the state's criminal legal system. Second there is the war model which views terrorism as an act of revolutionary/guerrilla war and where the onus of response is placed on the military and the use of such things as special forces, retaliatory strikes, campaigns of retribution, and troop deployment.^{30} We have seen that the typical approach adopted by liberal democracies in Europe and North America is to treat terrorism as a crime where prosecution and punishment take place within the rule of law. In other words, its response conforms to
the criminal justice model. Despite the availability of military resources, it is essentially the police who are given the responsibility of bearing the "brunt" of confrontation against terrorism through protective and investigative services. Most liberal democracies are loathe to adopt the war model for fear of implicitly acknowledging the political role of the terrorist, and thereby legitimating his/her actions. Moreover, the powers of the army in a civilian context tend to be ill-defined and could well place individual soldiers in positions of personal authority which could have serious implications for civil liberties. As a result, military resources are used as a last resort, only to be employed in times of (perceived) extreme civil unrest/emergency (such as the use of the British Army in Northern Ireland and the invocation of the Canadian War Measures Act at the height of the Front de Liberation de Quebec (FLQ) crisis in October 1970). They are regarded as an adjunct, not as a primary source of response capability and are always (supposed to be) kept under the firm control of civilian authority. The position is well summarized in the following statement made by Jeannou Lacaze in his report on European terrorism, prepared for the European Parliament's Committee on Foreign Affairs and Security:

_Terrorism is a peacetime problem, which must be tackled using peacetime remedies. Even if one is firmly convinced that this is a new type of war being waged against our remedies, there is no justification for applying wartime legislation. This would leave the way open for legal abuses, whose short term consequences would be as serious as terrorism itself...Instead the full force of law must be brought into play on the basis of existing charges to ensure that those responsible are no longer a threat to society. A terrorist is first and foremost a common criminal and should be convicted as such._
Two types of danger typically face liberal democratic polities when they confront the threat of terrorism as an issue of law and order - both of which have the potential to result in unacceptable and ultimately ineffective responses. The first occurs when state officials are provoked into making radical and unjustified departures from conventional judicial and law enforcement procedures. In short, the state over-reacts. This tends to result when politicians and/or law enforcement officials begin to perceive that the constitutional safeguards that are built into the rule of law actually serve to undermine its effectiveness. Calls are made to abandon legal restraint and the state is progressively drawn into a symmetrical grey zone of illegality which mirrors the one in which the terrorist operates. In essence, its criminal justice system is politicized into what Otto Kirchheimer calls an order of "political justice," where the rules and rights enshrined in the principle of due process are either willfully misinterpreted or completely disregarded. In instances such as these, search and arrest warrants would be obtained illegally (or not at all), charges would be laid with insufficient evidence, confessions would be extracted forcibly, and suspects would be denied access to a lawyer, detained indefinitely without being formally charged and/or interned without trial.

The second occurs when the state refuses to take any decisive judicial or law enforcement action against those who threaten its rule of law. Here the preferred policy is to rely on conciliation and accommodation in the hope that the terrorists will eventually be encouraged to adhere to accepted legal standards and practises. In
other words, an attempt is made to "buy" internal law and order with appeasement and negotiation, rather than impose it through extra-judicial means. Although such initiatives do not suffer from the type of dangers as outlined above (i.e. excessive repression), the question of their acceptability is just as problematical - especially when they merely work to undermine public security or encourage further terrorism. As Wilkinson observes:

*If a democratic government caves into extremist movements and allows them to subvert and openly defy the laws and to set themselves up as virtual rival governments within the state, the liberal democracy will dissolve into an anarchy of competing factions and enclaves.*

As was previously argued, the real issue at stake for the liberal democracy in countering terrorism is the preservation of its unique social context. Terrorism, if left unchecked, will inevitably lead to a gradual condition of lawlessness and outrage in which people systematically lose confidence in the ability of the government to provide a safe and secure society in which they are free from the arbitrary coercion of others. Eventually, a belief in the rule of law will be replaced by an extreme form of pluralism where all acts are legitimated on an individualistic basis, and where ultimately society is reduced to a "Hobbesian" state of nature that is characterized by nihilism and a war of all against all. Lebanon provides a good example of a parliamentary democracy almost completely destroyed as a result of its failure to deal adequately with the threat of terrorism. Indeed, the Bekka Valley, now home to some of the Middle East's most violent
terrorist groups, is probably one of the most dangerous and least ordered regions of the world.

There is a possible third alternative: the failure to deal with terrorism because of sheer incompetence. This generally occurs when a state initiates a response that is not applicable to the situation at hand. However, an incompetent response generally reflects an inability to make a sound balancing judgement between the need to act and the need to ensure against over or under reaction. It therefore tends to be bound up with the two dangers of too much repression and too much accommodation.

Thus there are primarily two routes by which the liberal democratic state can, using a criminal justice model of counter-terrorism, begin to threaten its own viability. Through too much repression - leading ultimately to a police state; or through too much accommodation - leading ultimately to anarchy. Both outcomes are unacceptable and, in the final analysis, self-defeating (from a liberal democratic standpoint) as each leads to the elimination of terrorism only at the expense of that which they are trying to preserve in the first place - the liberal democratic way of life. The question thus arises: "What sort of guiding principles will enable the initiation of a successful counter-terrorist policy without undermining the norms of liberal democratic acceptability?"
THE SPECIFIC STATE CONTEXT

The standards of acceptability will not be absolute. They will necessarily vary according to the extent of the terrorist threat in question. In general, one can say that the more persistent and serious the level of terrorism, the higher is the likelihood that the majority will be willing to accept greater limits on their personal freedom for the sake of enhanced security. However, it is also true that such flexibility will have its limits. Any action that is initiated has to be widely perceived as necessary and appropriate to the situation at hand if it is to be tolerated. The issue is thus one of balance and this is true of all aspects of the liberal state's response to terrorism including the enactment of special anti-terrorist legislation; the use of anti-terrorist commando teams; covert intelligence gathering techniques; and control over the media.

1. Anti-Terrorist Legislation

It is only in those West European states which have suffered protracted and destructive campaigns of terror that the existence of special anti-terrorist legislation has been accepted. Polities such as Switzerland, Austria, Luxembourg and the Netherlands - all of whom have experienced comparatively few instances of this mode of violence - have explicitly rejected the idea of initiating separate anti-terror legislation. This is because the initiation of measures that constitute a significant departure from customary methods of policing, judicial
processing and sentencing would not be publicly accepted as necessary or proportionate to the level of violence faced. Such actions would almost certainly be viewed as an unwarranted extension of the state's power *viz-a-viz* the individual and, hence, seen as constituting a serious threat to the workings of liberal democracy. Consequently on those occasions when these states have been forced to deal with terrorism, their response has necessarily had to fall within the overall ambit that is provided by their respective conventional criminal penal systems.

By comparison, states such as the UK, Germany, France, Spain and Italy have all come to have at their disposal far more repressive legal powers to deal with the various terrorist threats that they have had to face. This is essentially because all have been affected by protracted and relatively destructive campaigns of terror (see chapter three). In such circumstances, the enactment of special anti-terrorist legislation has, for the most part, been accepted as a "necessary evil" that has been forced upon society by the greater evil inherent in terrorism. This being so, infringements of individual liberty caused by departures from standard legal procedures have tended to be regarded, not as a threat to liberal democracy, but as vital for the defence and preservation of this way of life.

In the UK, the key anti-terrorist legislative initiatives adopted by the government are to be found within the PTA, first initiated in 1974 before being enacted in its current form on March 22 1989. A more extreme version of the PTA, the Northern Ireland (Emergency Provisions) Act (NIEPA), has also been in place in Northern Ireland since 1991.
Taken together the measures have had the effect of substantially enhancing the search, arrest and investigative powers of the police/security whilst simultaneously allowing for the implementation of a variety of extra-judicial, non-court orientated executive processes.³⁸

In Germany, a series of anti-terrorist statutes have been passed that have substantially altered the laws of procedure with respect to trial and imprisonment for those accused or indicted with terrorism. They include a 1974 law which prohibits joint defence in a terrorist trial and allows for the total exclusion of defence attorneys if they are suspected of being involved in the crimes of which their defendants are accused; a 1976 law which makes it illegal to belong to a terrorist organization or otherwise support/encourage the prosecution of violent crimes; and a 1978 law which gives police the right to search a whole block of flats under one warrant and further limits lawyers rights of access to their clients if they are believed to be sympathetic to a terrorist cause(s). Under the 1978 legislation, lawyers with known sympathies may also be banned from ever taking terrorist cases.³⁹

In France, legislation relating to the struggle against terrorism and attacks on the security of the state was introduced in 1986 (Law 86-1020). It established new rules regarding the jurisdiction of courts and the procedures to be applied for offences related to individual or collective attacks which aimed "at disturbing the public order by means of intimidation or terror."⁴⁰ In Spain, anti-terrorist legislation was passed in 1980 that allowed terrorist suspects to be held in preventive detention for up to 72 hours, empowered the police to search their
homes without a warrant and gave law enforcement officials the right to intercept their mail and telephone conversations. It was subsequently supplemented by Organic Law No. 8 in 1984. This statute additionally empowered judges to ban political organizations, to close down media organs that were supportive of terrorist groups and to extend the duration of detention without trial for a period of up to two and a half years.41

Finally in Italy a number of "emergency laws" were introduced between 1975 and 1980 including the "Reale" Law of 1975, Law 191 of 1978 and the "Cossiga" Law of 1980. The most important features of these statutes included making association with the aims of terrorism and subversion of democratic order a criminal offence and one that justified preventative arrest; increasing pre-trial detention for such crimes by one third (making it possible to spend 12 years in prison without a definitive verdict being passed); extending police powers to stop, search and question on suspicion; giving law enforcement officials the right to tap telephones and to hold suspects for up to 48 hours without informing the judiciary; and compelling property owners to disclose details of all rental/sales agreements from 1977 onwards.42

It is important to note the dates that the various laws outlined above were introduced. All came at a time of rising terrorist activity or in the period(s) immediately following high levels of violence. The PTA originated at a time of rapidly escalating Republican and Loyalist activity in the first half of the 1970s (see tables nine and ten in appendix). The German anti-terror laws were implemented in a period
when acts of political violence were routinely being undertaken by the RAF with the most restrictive measures being introduced immediately following the zenith of RAF terrorist activity in 1977. Law 86-1020 was instituted by the Conservative administration of Jacques Chirac in the immediate aftermath of the high-point of combined AD, RAF CCC activity in France. Anti-terrorist legislation was first incorporated as part of the permanent law of the Spanish state at the end of 1980 following three years of intense ETA violence between 1978 and 1980 (see table twelve in appendix). Finally the Italian emergency laws were introduced in a period that correlates exactly with the climax of terrorism in the country between 1975 and 1980 (see table thirteen in appendix).

This association can in part be explained by the state's desire to protect its monopoly over coercive violence. States, by their very nature, tend to be jealously positional with respect to power. Although not necessarily born of military struggle, the state in the Hobbesian world order of international anarchy and self-help typically emerges "when the accumulation and concentration of coercive means grow together." In an unorganized, anarchic international system, the major incentive of each state is to put itself in a position where it can ensure its own security. This is because in the absence of any formal law-making and enforcement mechanisms to provide protection, states cannot rely on any other entity to do so. It is therefore vital that those who control the coercive means of power assert their capacity to establish and maintain the integrity of the state within the international balance of power. This commitment, in turn, necessarily implies securing
against threats and disruptions from both within and outside the state. Hence, one can expect the state to react especially forcibly to terrorists who, unlike criminals, threaten not just the rule of law but the very foundation of the state itself - its monopoly over coercive violence.

However, this is only part of the explanation. Equally as important is the reciprocal relationship between political obligation and responsibility that lies at the heart of the liberal democratic state's system of criminal law. If liberal governments expect to retain the confidence of their citizens, it is vital that they impart a widespread trust in their ability to protect the individual from harmful influences. Consequently, when it was perceived that the normal operation of the law was insufficient to deal with the rising levels of political violence that the UK, Germany, France, Spain and Italy were experiencing, the governments of these states felt obligated to supplement standard legal procedures with additional, more restrictive measures.

It is important to remember, however, that within the context of the liberal state, all accumulations of state power have to be regarded as socially legitimate. Liberal governments are not empowered in the Machiavellian sense to use any means at their disposal to deal with threats to their rule. Extreme and radical extra-judicial procedures, even if enacted at times of exceptional violence and through the accepted constitutional framework of the state, will not be tolerated if they are deemed to go beyond what is demanded by the specific requirements of the situation at hand. A good example of this was the
attempt by the UK government to introduce internment without trial in Northern Ireland between 1971 and 1975. Even though the measure was initiated at a time of rapidly escalating Republican and Loyalist violence (1972 remaining the worst year with respect to killing in the Province since the "troubles" began in 1969), this "legal" suspension of regular liberal democratic procedure was widely castigated as a blatant example of the direct "politicization" of the criminal justice system where the rule of law was effectively used to the explicit advantage of one community (the Protestants) over another (the Catholics). Vociferous domestic and international criticism, emphasizing that the introduction of internment without trial in the absence of a public emergency that threatens the life of a nation violates Article 15 of the European Human Rights Convention, resulted in the phasing out of the draconian policy and its subsequent replacement with the PTA in the mid 1970s.

Moreover even if extra-judicial procedures are initially recognized as necessary for internal stability and order, should the effectiveness/appropriateness of such measures begin to come into question, continued acceptance is not likely. In Italy, for example, the widespread use of crime by association between 1980 and 1982 merely had the effect of increasing support for and recruitment to left-wing terrorist organizations. Directed as it was against radical, but legal opposition organizations, members of these so-called "autonomia" groups were driven to extremism as a direct consequence of the repression that they experienced and their need for logistical support while they tried to escape arrest. The \textit{a-posteriori} judgement of the policy was that it
resulted in an unacceptable degeneration of citizens' legal rights (guilt was often inferred from just one testimony or, in some instances, the ideology of the group to which one belonged) without any compensatory improvement in the efficiency in the fight against terrorism.\textsuperscript{48} This led to the adoption of a new approach from 1982 onwards which tended to concentrate less on repression and more on providing incentives for collaboration and rehabilitation.\textsuperscript{49}

2. The Use of Special Anti-Terrorist Assault Teams.

The existence of an operational police force constitutes the most visible outward sign of the internal coercive power that is available to the state. If one accepts the proposition developed in the earlier part of this chapter - that an essential hallmark of any liberal polity is the need to protect the individual from the arbitrary and harmful actions of the government - it is vital that these agents of coercion are maintained in a firmly controlled and purely defensive role, the only purpose of which is the service of the community. They must be individually held accountable for their actions and limited to proportionate and necessary actions which can only be excused as an appropriate response to threats emanating from private individuals seeking to break the law and threaten the security and rights of others.\textsuperscript{50}

Consequently within the liberal democratic state police operate according to the principle of minimum force. In essence this means using the minimum level of force necessary "to deter, restrain or, if necessary, contain violence and to preserve public order."\textsuperscript{51} The overall
objective is to protect the public, avoid the escalation of violence where possible, foster public support through visible displays of impartiality and restraint, and bring about the termination of threatening situations with the least amount of personal and physical damage. This ethos is starkly contrasted with that which governs the actions of the army. Soldiers are trained to apply the maximum level of force necessary to take an objective and eliminate an enemy. As a rule, they do not have to concern themselves with minimizing damage/a loss of life, gaining and maintaining public support or avoiding confrontation.52

Within the liberal state, it is vital that these two roles are kept completely separate. The concept of maximum force can never be used to guide the internal policing actions of a state whose philosophical raison d'etre lies in the protection of individual freedom through limited, controlled and accountable actions. It is for this reason that it is the police, rather than the army, which are used in the operational fight against terrorism (except in instances of exceptional civil unrest such as those found in Northern Ireland). As Wardlaw argues:

*It seems obvious that...the army is unsuited, both in training and doctrine, to an internal security role. In countries such as Australia and Britain where the accepted emphasis in dealing with public order disturbances is on restraint, the appearance of armed troops would indicate a new order of problem.*53

Given this situation, the militarization of the police through the development of special para-military anti-terrorist response teams within police structures obviously poses unique challenges to the liberal polity. All West European states retain such units within their respective police
forces arguing that they play a crucial role in the process of "target hardening" by being specially trained in the delicate art of breaking sieges or rescuing the victims of hijacks. The forces possess special skills that are normally not involved in routine police work and are, therefore, able to respond at very short notice to terrorist instances which their conventional counter-parts are no longer able to control/contain the situation. Prominent examples include the German Grenzschutzgruppe 9 (GSG-9) and Spezialeinsatzkommandos (SEKs); the French Group d'Intervention de la Gendarmerie Nationale (GIGN) and Reserche, Assistance, Intervention, Dissuasion (RAID); the Italian Nucleo Operativo Centrale di Sicurezza (NOCS), now eclipsed by the Groupe Interventional Speciale (GIS); the Dutch Brigade Speciale Beveilingsopdrachten (BSB); the Spanish Grupo Especial de Operaciones (GEO); and the Belgian Special Intervention Squad. The one major exception is the UK whose principal anti-terrorist commando unit is located within the military - the Counter Revolutionary Wing (CRW) of the Special Air Service (SAS). This is largely because its police structure tends to be less centralized and more pluralistic than those of Continental Europe and, therefore, not as well suited to the concept of a para-military "third force" specifically designed to deal with major civil disobedience. The RUC does, however, retain a rapid response anti-terrorist team - the Special Support Unit (SSU).

These units occupy a hybrid position between the police and army (hence the term "para-military") and, therefore, tend to blur the vital distinction that exists between army and police. Anti-terrorist
commando teams are extremely well versed in rapid assault techniques, have extensive knowledge of the use of deadly force, are isolated from the wider community in which they act and operate according to a strict military hierarchical chain of command. Moreover, because terrorism involves a unique challenge to the state's monopoly of coercive violence, the principle according to which they act is extended from one of minimum to one of sufficient force. All this has the effect of transforming the traditionally defensive, community-orientated role of the police into one that has a more overtly offensive strike force potential.

Such a process of militarization will only be tolerated within the context of the liberal state if two conditions are met: First, it must be apparent that anti-terrorist commando teams have been created for a readily identifiable and necessary purpose. Second, it must be clear that any force these units subsequently employ will only be used in a controlled and precise manner and only after all other possibilities have been exhausted. Acceptability is thus rooted in the knowledge that anti-terrorist forces can be used with precision and discrimination in much the same way as other police resources are deployed to prevent sophisticated and/or violent criminal activity.

The most pressing problem associated with para-military police forces concerns the level of force that is appropriate to democracy together with the locus and degree of accountability when excessive force is used. I have already noted that anti-terrorist units will operate according to the principle of sufficient force. But what exactly does this
mean? Obviously what is sufficient will vary according to the circumstances at hand. In some instances it may require the elimination of the terrorist (for example in hostage situations when terrorist(s) start to shoot their captives). In others, merely the threat to use force may be sufficient to persuade the terrorist(s) to surrender. Moreover, the use of force does not always have to entail deadly violence. Disabling and distraction devices such as stun grenades and CS gas can play important roles as they did in the SAS storming of the Iranian embassy in London in 1980, and the GSG 9 recapture of the Lufthansa airliner in Mogadishu in 1977.57

What is clearly beyond doubt, however, is that anti-terrorist units must act within the accepted constitutional parameters of the state. Further, the use of any force that is ultimately deployed must be proportionate to the level of threat faced. It is unlikely that there will be tolerance of actions that are seen to be excessively aggressive or those which openly flout the rule of law. Indeed, as Crelinsten and Schmid both note "when agents of the state begin to consistently [sic] shoot suspects without bothering to arrest, or to mistreat them during interrogation...then that state has move far along the road to a regime of terror."58

There have been instances where the activities of anti-terrorist commando teams have been judged to have gone well beyond what the limits of liberal democratic acceptability require. Three prime examples stand out. The first concerns the initiation of a deliberate policy to kill, rather than arrest, known members of PIRA in Northern Ireland by the
SSU and the SAS during the 1980s. The internal investigation into the affair concluded that the SSU and SAS had circumvented the rule of law by deliberately shooting dead five men. The question of whether senior police officers had been involved in the formulation of a deliberate policy of "shoot-to-kill" was left open. The scandal severely damaged the reputations of the British government, the RUC and SAS and led to repeated calls for far more vigorous judicial and parliamentary control to be exerted over the covert anti-terrorist activities of the security forces in Northern Ireland.

The second relates to the Italian NOCS. Despite gaining an excellent reputation in anti-terrorist rescue operations throughout the 1970s and early 1980s (most particularly the dramatic rescue of the US Army's General James Dozier from BR in 1982), the unit's image was badly damaged by the conviction of five of its members for torturing Red Brigade terrorists in order to force confessions. This resulted in growing pressure for the closure of all NOCS activity and, indeed, by the mid 1980s the unit had been abandoned in favor of a new organization, the GIS.

The third concerns the fatal shooting of a wounded RAF terrorist, Wolfgang Grams, by members of GSG-9 in 1993. According to eye witnesses, Grams was deliberately shot dead following a botched ambush by two GSG-9 agents as he lay wounded on a train track. The scandal devastated the near-legendary image of GSG-9 and led to widespread calls for the unit to be shut down. Moreover, it cost both the Chief Federal Prosecutor, Alexander von Stahl, and the Interior Minister,
Rudolf Seiters, their jobs. Each was accused of issuing false or intentionally misleading statements.²

3. Covert Intelligence Gathering.

At a very basic level, intelligence work can be thought of as a process that involves the collection of facts, the making of judgements through analysis and the presentation of such conclusions to policy makers.³ The mere gathering of facts, however, is not the prime distinguishing feature of the type of activity typically carried out by domestic intelligence services. Of far more importance from a conceptual point of view is the manner by which facts are obtained together with the type of information that is sought. Spy, human intelligence (HUMINT) characteristically consists in the covert acquisition of information relating to the secret intention of others who have the inclination and capacity to cause harm to the interests, values and goals of the state.⁴

It is widely recognized that current, accurate secret intelligence is indispensable for the prevention/pre-emption of terrorist actions as well as for the successful termination of terrorist incidents when they are actually in progress.⁵ It is out of the gathering of such information that data bases are created and subsequently used for the purpose of identifying perpetrators/accomplices and pin-pointing safe-houses, supply routes, sources of recruits etc. Moreover, intelligence information performs a vital role in establishing patterns of demands and methods of operation both of which greatly assist in the process of crisis decision making. Finally, intelligence helps to enhance
governmental understanding of the terrorist phenomenon by providing information on the aims, political motivations, leadership and individual members of groups who pursue their objectives through terroristic means.66

All of this has led to some considerable successes. In the UK, for instance, many terrorist operations planned and begun have been stopped by advance intelligence. According to Stella Rimmington, head of MI5, in the last year and a half more than twenty Irish Republican terrorists have been arrested and charged in Great Britain. In Northern Ireland, the security forces prevent as many as four out of every five terrorist attacks which are attempted. All told, some 700 Republican and Loyalist terrorists have been convicted and are currently serving prison sentences with many others still awaiting trial.67

The importance of the intelligence function in the fight against terrorism is further reflected by the fact that all West European states retain agencies that are specifically, or at least heavily, involved in anti-terrorist work. In France the task falls primarily to the Direction de la Surveillance du Territoire (DST) which works closely with another branch of the intelligence service involved with anti-terrorism, the Direction de Documentation Exterieur et de Contre-Espionage (SDECE). In Germany, it is the Bundeskriminalamat (BKA) that carries out most anti-terrorist investigation in conjunction with the BfV - both of which rely heavily on a centralized data base known as PIOS (Persone, Institutionen, Objekte, Sachen). The Dutch Security Service, Binnenlandse Veiligheidsdient (BVD), retains a specific anti-terrorist
capacity as does the Swiss Staatsschutz. In Spain, anti-terrorism forms an integral part of the Defence Ministry's Cesid department (which gathers and distributes intelligence inside and outside of Spain), the Guardia Civil (responsible for small towns, frontiers and rural areas) and the Policía Nacional (responsible for big cities). In Italy, the Servizio informazioni sicurezza democratica (SISDE) is almost exclusively involved in covert anti-terrorist surveillance. And in the UK, the Security Service (also known as MI5) has prime responsibility for all anti-terrorist intelligence work (accounting for three quarters of the Service's work), a role that was, until 1992, undertaken by S013 - Scotland Yard's Anti-Terror Squad.68

Whilst it is generally accepted that intelligence operations have a vital role to play in anti-terrorist activity, a major fear, nevertheless, exists within the liberal state that excessive covert intelligence activities can lead to an unwarranted intrusion in and examination of the individual's private life. Quite apart from the violation of personal privacy and concentration of governmental power that this entails, such surveillance is also said to have the effect of dramatically reducing the citizen's willingness to express opinions and/or to participate in particular socio-political organizations - both critical features of any vibrant pluralistic liberal democracy. Moreover, there is the very real danger that an uncontrolled intelligence apparatus could come to poison the entire political system by being used to discredit/undermine rival political parties and/or suppress dissenters and legitimate critics of the government.69
Consequently, in common with all other aspects of anti-terrorist activity, the issue of covert surveillance must of necessity be one of balance. An equilibrium has to be struck between the defence of institutions and democracy in the common name and the protection of individual freedoms, rights and liberties. The need for such a balance is reflected in international law and particularly in the European Convention for Human Rights. The Convention makes it very clear that, while a state has a legitimate right to establish a covert security service to protect itself, it also has a very definite responsibility to protect individual rights and liberties. At the very least, this requires evidence that intelligence operations are effective in producing results against clear and readily identifiable threats. More than this, however, there also has to be confidence that covert surveillance work will not serve to unduly threaten civil rights.

Numerous critics of intelligence services point to the potential for repression that exists when files containing sensitive information are held on many people, arguing that information collected for one purpose can easily be used improperly for another. As such, it is vital that all intelligence operations have a clear and precise mandate; are based on a solid legal basis; are only used to monitor those who the state has a legitimate reason to believe are involved in the perpetration of serious crimes; and are, therefore, accompanied by sufficient guarantees to ensure against abuse and arbitrary application.

Should it become apparent that intelligence activities are taking place in the absence of such conditions, it is extremely unlikely that the
state will be able to obtain the public support that is required for high
standards of covert criminal investigation to develop. Ironically, the
clearest indication of this comes from Switzerland, a country not
normally cited for "overstepping the mark" with respect to intelligence
activities. In a political scandal that emerged in 1989, it transpired that
the Swiss security service, the Staatsschutz, held files on 900,000
individuals - a sixth of the entire population. Much of the information
was totally worthless from a policing point of view and, in some
instances, completely wrong. The scandal subsequently led to repeated
calls for the closure of all Staatsschutz activities and resulted in the
total reorganization of the country's intelligence services.**

It could be objected at this point that the covert nature of anti-
terrorist surveillance makes it extremely difficult for elected officials to
maintain effective control over intelligence agencies. How is one to know
exactly what surveillance operatives are doing if the details of their
day-to-day functioning are, of necessity, kept secret? By their very
nature, intelligence systems have to be closed. The crucial thing that
makes information generated by such agencies so valuable is the fact
that the police and security forces posses knowledge about the aims,
organizational structures, membership, tactics and future plans of
terrorist groups unbeknown to the organizations themselves. Such
information is obviously not readily available. The only way to obtain it
is by covertly amassing data through such techniques as telephone
tapping, infiltration and surveillance. It is therefore vital that
intelligence agencies and their operatives are allowed to operate in a
secure environment in which the clandestine nature of their activity is protected.

However, although it is perfectly true that intelligence agencies are required to operate in an unorthodox and covert manner, there is no reason why they should not also be required to act firmly within the constitutional ambit of the rule of the law. Intelligence agencies can still be made fully accountable for their actions to the democratically elected government and through them to the legislature and the electorate. Rules can be constructed to guide and/or limit intelligence operations such as those enacted in the US by Attorney General Levi following the Church Committee investigations into the activities of the country's secret services in the 1970s. These guidelines adopted a step-by-step approach to investigations which involved the setting of certain benchmarks that had to be "triggered" before intelligence operations could be initiated or intensified. The rules led directly to a 95% reduction in Federal Bureau of Investigation (FBI) investigations between 1974-1977 and the curtailment of such redundant operations as the surveillance of any with communist (but non-subversive) leanings.

Intelligence activities can also be monitored and controlled via executive and/or legislative committees composed and headed by a restricted number of readily identifiable people. In Italy, for instance, intelligence services have been amalgamated into a single coordinating agency that is controlled directly by the prime minister's office and is answerable to parliament both for its activities and the use of budgeted funds. Such an approach also forms the basis of the 1989 Security
Service Act in the UK. The framework of controls provided by the Act involves government ministers, independent members of the judiciary and senior civil servants in Whitehall. Under the legislation the heads of each branch of the intelligence service (including the Security Service/MI5 - internal security; Secret Intelligence Service (SIS)/MI6 - external security; Government Communications Headquarters (GCHQ) - external security/monitoring satellite communications) are made directly accountable to the Home Secretary and, hence, through him to the general population. In addition, a Security Service Commissioner is given the responsibility for scrutinizing the propriety of warrants signed by the Secretary of State as well as for making annual reports to parliament on all the activities of the UK's intelligence services. Finally, Tribunals exist to investigate complaints from the public about the work of the secret services; these are permanently sitting and their decisions cannot be challenged by any court. The more recent Intelligence Services Act (1993) aims to enhance such control by providing for a new Oversight Committee of parliamentarians to survey the activities of all three of the UK's intelligence services. This form of parliamentary scrutiny will be similar in nature to the oversight function that is currently undertaken by official "watchdog" committees in Germany and the Netherlands (which has, in addition, a special Commissioner, appointed under the auspices of the Interception of Communications Act, with the express responsibility of monitoring all the telephone surveillance activities of the BVD in relation to the "tapping" of subversives).
The importance of retaining adequate control over intelligence services cannot be overstated. Indeed, it is absolutely essential if one is to avoid the danger of creating a "Calibean" agency which can, itself, be turned against the values, welfare and interests of liberal democracy. The example, *par excellence*, of such a development occurring is the case of the Italian *Servizio Informazioni Sicurezza Democraticia* (SID) during the early to mid-1970s. The intense wave of right-wing terrorism that the country experienced at this time can, above all, be explained by the protection that right-wing extremism received from the Italian secret services. The SID (as well as the *Servizio Informazioni della Forze Armata* (SIFAR) - the military intelligence service, both since dissolved) adopted a policy that can best be described as a "strategy of tension" which involved the exploitation of the threat of violent extremism to induce public demand for law and order. Such a tactic was carried out by means of protecting the activities of right-wing terrorist groups and, in some instances, directly participating in their attacks. Indeed, according to one study undertaken by a member of the Italian Parliament, direct secret service involvement can be traced to the most serious terrorist attacks ever to have been perpetrated on Italian soil:

*More or less relevant signs of direct action or involvement by the secret services can be singled out in all the trial records referring especially to the most serious crimes of right-wing terrorism, such as the massacre of Piazza Fontana, of Piazza della Loggia, on the train Italicus, at the Bologna railway, the attempted coup of the Rosa dei venti and Golpe Borghese.*
4. Control Over the Media.

It is generally recognized that some form of mutually beneficial relationship exists between the media and terrorism. On one hand, an intrinsic element of the terrorist phenomenon resides in its function as a form of political communication and mode of psychologically damaging warfare. On the other hand, in the modern age of intense mass communication competition, media organizations have been systematically forced to focus on high emotion-generating events in order to attract mass audiences of the type that purely informational reporting can never hope to achieve. Terrorists are well aware of this and have come to consciously "script" their activity accordingly, deliberately focusing on the perpetration of "live action spectaculars" - events that simply cannot be ignored by the news media. As a result, a type of symbiotic relationship has grown up. Terrorists provide the media with the type of news that ensures large audiences. In return, the media provides terrorists with an effective publicity platform that both enhances the emotion generating aspects of the practise and provides a means with which to transmit political demands and statements (see chapter two).

In addition to this, a danger exists that certain reporting and news-gathering techniques will have detrimental effects for the handling of specific terrorist situations. This was vividly illustrated by the case of the 1977 hijacking of a German Lufthansa jet to Mogadishu where the actions of the media led directly to the death of one hostage. During the initial stages of the hijacking the Lufthansa Captain, Jurgen Schumann, had managed to secretly supply vital information to the
authorities on the ground concerning the terrorists who had taken over the plane.\textsuperscript{82} However, before any more information could be transmitted, the terrorists learnt of the "transgressions" as a result of radio broadcasts and their leader, Zuheir Youssef Okasha, subsequently put Schumann to death "as an example to others."\textsuperscript{83}

The dilemma that faces the liberal state, then, is how to limit such negative consequences of media coverage \textit{viz-a-viz} terrorism without raising the equally problematic specter of government censorship. On the one hand it could be argued that because the media provide terrorists with the "oxygen of publicity," the government is justified in imposing restrictions on the broadcasting of terrorist political demands and/or reporting of incidents. This line of thinking typically underlines the attitude and policies of states that have been significantly affected by the terrorist phenomenon. For example, the UK PTA expressly prevents members and supporters of proscribed groups from being directly heard on the broadcasting media (although their words can be reported there as well as written in the press). Spanish Organic Law No. 8 empowers judges to close down media organs to any who are supportive of terrorism (see above). Article 129a, Section 3 of the German Penal Law prohibits the advertising of terrorist manifestos and propaganda.\textsuperscript{84} And Sections 31 (now in abeyance) and 18 of the Irish Republic's Broadcasting Act respectively ban interviews with named organizations (including Sinn Fein and any other groups proscribed in Northern Ireland) and prohibit the broadcasting of material likely to undermine the authority of the state or incite crime.\textsuperscript{85}
On the other hand, it has to be recognized that a very definite and fundamental tension exists between executive control of the media and the norms of a liberal democratic society which stress the right of the public to be informed by a source independent of any political control. Freedom of the press is essential to the healthy functioning of liberal democracy. It allows the media to act as a conduit and forum for critical public debate whilst ensuring that the role of radio, television and press is not reduced to that of a passive transmission belt for government indoctrination. Moreover, an essential function of the media in a free society is their capacity to act as a watchdog over the executive by investigating instances of official corruption and inefficiency. If the ability to gather information is impeded by some form of governmental control, the ability of journalists to fulfill the vital role of investigative reporting will be reduced. This has the potential to create a more ignorant society where those in power are subject to less independent critical scrutiny.

As a result, states that have not been subjected to a serious campaign of terrorism will tend to regard freedom of the press as an incontestable value that must always be upheld when in conflict with others. The Netherlands is a good example of a country where access to the media is practised to the fullest possible extent, even by terrorist sympathizers. Indeed in 1978, individuals associated with the *Rood Verzet Front* (Red Resistance Front) began issuing a clipping journal called *Knipselkrant*. This alternative press service produced about 35
issues a year and regularly published communiques and strategy papers from terrorist organizations such as PIRA, ETA, BR, RAF, CCC and AD. Consequently, it is vital that before any restrictions are imposed on the media, the effects of such action are carefully balanced against the extent of threat that society faces. The crucial question that needs to be addressed is "Is the public's right to know superior to all other rights – including the right of society to protect itself?" Clearly the answer must be no. In common with all other aspects of the liberal state's anti-terrorist policy, the issue is one of proportionality, not absolutes. Obviously the media must defend their right to know and systematically oppose censorship. But it is equally as important that sound judgements are made regarding instances when the need to know is legitimately constrained for the good of society as a whole.

Who, however, should exercise this judgement? Given the overriding importance that is attached to an unencumbered press in the liberal state, it is probable that government-imposed regulations do more harm than good. Even in instances of widespread terrorist activity, the tendency has been to interpret any form of government control as the thin end of the censorship wedge. For example, the media-restricting aspects of the UK's PTA have been chastised as an "odd, arguably counter-productive and unjustified restriction of the public's right to know its enemy" and have even been challenged in court. Undoubtedly a far more satisfactory solution would be for the media themselves to accept self-imposed restrictions and so avoid the need for the sort of explicit regulation which critics of this form of government interference
so fear. Regulation of this type could include such things as limitations on direct interviews with terrorists and their supporters, avoidance of inquiries that could reveal tactical police information and adherence to the traditional journalist standards of reporting in a fully researched, balanced, accurate and unsensationalistic manner.88

Ireland is a good example of a West European state that has recently begun to rely on self-imposed restrictions. Abandoning Section 31 of the Irish Republic's Broadcasting Act (see above), the government now primarily relies on the guidelines of the Radio Telefís Eireann (RTE) Authority to control media practises with respect to terrorism. These require, for example, that all interviews with proscribed organizations be pre-recorded and only included in broadcasts if first cleared by divisional heads or, if necessary, the RTE's director general.89

No doubt many in the media community would reject self-imposed restrictions on the grounds that even these subvert the principle of the public's right to know and erode popular confidence in the openness of the press. However, it is the lack of such voluntary control that has led to the type of legal restraint that journalists in the UK, Germany and Spain are now so opposed to. Moreover, the argument that the freedom of the press can only be maintained by rejecting all forms of control under all circumstances is simply not true. In order to carry out its function in a responsible fashion, the media have to retain the option of remaining silent, of "keeping off the record," of delaying the reporting of facts under certain circumstances and of respecting confidentiality. It is essential that journalists differentiate between the wars of ideas...
fought within the legitimated institutions of the community, and those struggles that take place outside such structures and which rely on violence and intimidation rather than argument and intellect. Without this judgement, the media's role becomes nothing more than that of a mere loudspeaker - a transmitter to be used and abused by any and all voices be they murderers or tyrants. As Cooper aptly sums up:

_If the freedom to publish rests, as indeed it must, upon a general public interest expressed in terms of "need to know," is this not most sensibly limited by that other public interest of denying to those who would damage the common well being the use of this potent, near irresistible force of the media? The terrorist is an urgent suitor; if he cannot get what he wants by seductive means, he will not hesitate to attempt rape. The real problem appears to be uncertainty on the part of the media whether to play coy handmaiden or harlot._

What then can be usefully concluded from this brief discussion of the specific state context? First, a tension very definitely exists between liberal democratic acceptability and operational effectiveness. Second, this tension is inversely related to the threat of terrorism. In situations where the threat of terrorism is perceived to be especially great, the standards of acceptability should be more flexible. Equally, in situations where the threat of terrorism is not perceived to be particularly serious, standards of acceptability should be more rigid. Third, in all cases, however, departures from normal legal, constitutional and policing practises have to be justified by reference to a clearly visible threat. Fourth, even when such threats do exist, the state is not then freed from all constraints on action. Finally what is deemed as acceptable will
depend on its performance both in eliminating terrorism and in
upholding the rule of law and civil rights.

THE LIBERAL DEMOCRATIC RESPONSE TO TERRORISM

Given the previous discussion of the specific liberal state context,
is it now possible to identify a number of overall guiding principles
around which liberal democratic states can, or at least should, attempt
to build their counter-terrorist strategies?

In short, yes. Any liberal response to terrorism has to rest on
one overriding maxim: a commitment to uphold and maintain the rule of
law. It is quite obvious that the threat of terrorism can be minimized, if
not entirely eliminated, by any state that is prepared to use to their
fullest possible extent the entire range of coercive powers at its
disposal. However, to do so would merely be to transplant insurgent
terrorism from below with institutionalized and bureaucratized terror
from above (as distinguished from sub-state terrorism - see chapter
one), destroying in the process, any moral or legal claim to legitimacy
that the state might have. As Carmichael points out:

*Judged from the more strategic perspective, it is simply not
true that terrorism may be suppressed by any means
whatever...[The state's response must necessarily] be
constrained by such other considerations as a concern for
the safety of the hostages (and other innocents) as well as
by a respect for the fundamental rights and political
constitution of the society...We quite properly expect the
state to respect these standards, even - an especially - in
times of crisis. Simply to ignore them, even in the name of
suppressing terrorism, would be the same savagery we
condemn in terrorism.*
However, whilst the state must certainly avoid the easy move to excessive repression, it is just as vital that it does not allow itself to be overcome by its own liberal democratic sensibilities and be drawn into the trap of initiating weak and vacillating responses. It is of no less a betrayal to liberal democratic values, beliefs and responsibilities to do too little than it is to do too much.\textsuperscript{94} The state has to be seen to be taking decisive and determined action against those which consistently threaten its rule of law, if it is not to undermine public confidence in the "contractual" commitment it has undertaken to maintain a stable and peaceful political order.

A commitment to uphold law and order/constitutional authority needs to be translated into effective action if it is to secure public support. This is most likely to occur when the following interdependent criteria are used to guide the initiation of counter-terrorist policy. First, the response needs to be limited and well defined. Any counter-terrorist action that is initiated should not go beyond what is demanded by the exigencies of the situation and should be directed only against the terrorists themselves. In other words, there should be no question of extending the anti-terrorist campaign to the families or sympathizers of terrorists - a feature characteristic of the counterinsurgency campaigns of many totalitarian and authoritarian regimes.\textsuperscript{95} A slide into general repression will inevitably alienate the government, encourage moderates to join extremist organizations and generally give rise to suspicions that the state is merely exploiting the crisis situation for the purpose of enhancing its own political powers.\textsuperscript{96}
Second, the response needs to be credible. The general populace has to be convinced that the state's action is both necessary and effective in producing results. It has to be abundantly clear that, as an immediate and long term threat to liberal society, this particular form of violence poses a challenge that is qualitatively different from that of ordinary crime and consequently manifests itself as a danger that necessitates a specifically unique response. Credibility also necessarily requires that any such action initiated is shown to be effective - both with respect to its performance in combatting terrorism and protecting civil liberties. If the government is unable to provide adequate justification for implementing/maintaining specialist anti-terrorist measures, it will suffer from a "credibility-gap" and almost certainly fail to gain the level of public support necessary for either their initial creation or continued existence.

Finally, the invocation, use and continuance of all counter-terrorist measures need to be made subject to constant parliamentary supervision and independent judicial oversight. In order to strike a balanced response that does not unduly restrict or abuse individual rights and freedoms, it is absolutely essential that the state is held publicly accountable for its actions and that adequate mechanisms exist for the redress of grievance. All anti-terrorist measures should therefore be formulated according to clear and precise rules so that all concerned are able to make an adequate assessment of their respective powers, obligations and duties. The best way to achieve this is to ensure that control of the entire spectrum of anti-terrorist policy
remains under the overall direction of civil authorities, who are
themselves responsible to the people for their actions, and who
therefore incorporate the full influence of the democratically expressed
will.\textsuperscript{98}

Quite obviously, the criteria developed above are very simplified
versions of reality. However, they are useful in that they help to
illuminate some of the fundamental principles that should guide any
liberal democratic response to terrorism if it wishes to remain true to
its underlying values and obligations. It is vital that the desire to
achieve a "quick fix" to terrorism must not be allowed to cloud long
term issues and influences - especially if liberal principles of legitimacy
are distorted and abrogated in the process.\textsuperscript{99} Ultimately, the
effectiveness of the liberal response to terrorism depends on its
acceptability. Any solution that is initiated must therefore be made with
due regard to the long term impact that it will have on the wider
process of liberal democratic political life.\textsuperscript{100}

LOOKING AHEAD TOWARDS THE EUROPEAN UNION

The third pillar of the Maastricht TEU for the first time
specifically makes justice and home affairs a matter for
intergovernmental cooperation between the EU member state
governments. Whilst not formerly included as part of the European
Parliament/Commission's competence, it is, nevertheless, included within
the wider framework of the EU - itself made up of the former
Community structure supplemented by the two new areas (pillars) of
foreign and home affairs cooperation. Its aim is to allow the Twelve to deal with major threats to their internal security (such as drug trafficking, major organized crime and terrorism) with the same means and same instruments on a single, Union-wide basis. They are legitimately included within the ambit of the TEU by virtue of the EU's role as a liberal democratic institution and its concomitant "duty of ensuring that [liberal] democratic values are fully respected...and [obligation] to combat all subversive movements and tendencies liable to present a threat to democracy, democratic values and the fundamental rights of the individual." Many of these measures will give the EU member states a substantially enhanced operational capacity to deal with terrorism (see next chapter).

Article C of the TEU also affirms the intention to achieve its objectives while respecting and building upon the *acquis communautaire*. This describes the instruments and agreements which all members are required and expected to accept, covering both legally binding conventions and intergovernmental agreements. It has developed on the basis of constitutional customs and traditions common to all member states, philosophically defined as liberal democratic polities which is, itself, a fundamental requirement of Union membership. This commitment is backed up by Article F, paragraphs 1 and 2, which state:

1. *The Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy.*
2. *The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection and Fundamental Freedoms...and as they result from the*
Articles C and F essentially reiterate several essential values that are seen to be fundamental to EU membership and which can therefore be regarded as constituent elements of an evolving "European identity." This identity has previously been defined in the Copenhagen Declarations of 1978 where the maintenance of representative democracy and respect for fundamental freedoms and human rights were laid down as essential factors of Union (then Community) membership. The European Court of Justice has also declared on many occasions that fundamental human rights are to be regarded as an integral part of Union law and that in guarding these rights, it is inspired by the common constitutional tradition of the member states.\textsuperscript{104}

In effect, what the Maastricht third pillar has done is to make anti-terrorist cooperation a legitimate matter for intergovernmental cooperation within a Union framework that requires member states to both singularly and collectively uphold liberal assumptions of constitutional authority. Given this situation, it is vital that any response subsequently initiated conforms to, and is constrained by, the overall guiding principles as developed here namely, limitation, credibility and accountability. It is these features that both (should) characterize the liberal democratic response to terrorism and, more importantly, ensure the type of public support and consent that is required for democratic legitimacy.
Authoritarian and totalitarian regimes generally do not suffer greatly from the problem of terrorism (unless they are inefficient and/or decaying in which case terrorism can pose a significant threat) as they are prepared to adopt any means to ensure its eradication. In so doing, the actions of the state are no more legitimate than those of the terrorists.


It should be pointed out that liberalism is essentially a doctrine concerning the scope and purpose of government, whereas democracy is a method concerning how the government should be run. Although both agree that the majority should determine what the law ought to be, they conflict where the democrat believes that the majority necessarily determines what is good law. Moreover, liberals tend to emphasize the importance of individual freedom over social equality in contrast to the opposing view taken by democrats. However, liberals value democracy as it is seen as the only way of achieving changes of government without violent struggles, and the most likely form of rule to produce liberty.


Ibid. See generally, 62-82.


Locke, Two Treatises of Government, 123.

Social contract theories of the state attempt to justify political obligation as an undertaking that is based on an implicit promise to obey government. State and citizen, it is argued, have entered into an agreement whereby the government has a duty to provide law and order and a right to expect obedience and where the citizen has a duty to obey the government and a right to expect its protection. Although there are many problems with such an approach - namely that the theory, in purporting to account for all bonds in society, ignores the psychological fact that the individual is by nature a "social animal" with concomitant dispositions of

11 Mill, *On Liberty*, 83-84. It should be pointed out, however, that modern liberal democratic states also retain, in varying degrees, the legal power to settle civil disputes, regulate the economy and provide for the social and moral well-being of their citizens. Such government authority is in contrast to classical liberal doctrines which were interested only with the "negative" government function of providing internal security and order. There have, however, been some recent attempts to try and reformulate a philosophical justification of the minimal state which confines itself to the old "negative" function of protecting liberty, while leaving the "positive" promotion of social and moral welfare to private initiative. Two such theorists include Robert Nozick and Friedrich Hayek.

12 This is completely at odds with the Idealist conception of the state which argues that it is only within the context of an omnicompetent state (i.e. one that undertakes any and every possible function) that true and genuine liberty can be attained. Using arguments that are derived from the philosophical writings of the likes of Plato, Hobbes (see below) and Rousseau, Idealists such as Hegel and Sorel defined freedom as a positive concept that was only attained when one realized the "true" or "higher" self. This, it was argued, could only take place when one became fully integrated within the state as only the state was capable of securing the common good - an objective which we should not only morally aim at, but one which we "actually" want. Such doctrines form the basis for the justifying arguments of totalitarian regimes.

13 For Hobbes, the greatest good was Order, defined as civil peace, and the greatest evil was internal conflict/anarchy, defined as a condition of "a war of all against all." Hobbes essentially accepted a negative conception of the human character, emphasizing its natural propensity for hostility. He argued that the only way to escape from the natural state of a war of all against all and secure lasting peace was for all individuals to submit themselves unconditionally and totally to the will of an omnicompetent Leviathan/Commonwealth. Hobbes insists on an ultra-positivist Thrasymachian position, arguing that the power of the Leviathan must be absolute as only then will it be able to guarantee civil peace. Justice, order and morality is whatever the ruler determines it to be. As such, no action taken by the Commonwealth can ever be regarded as unjust or immoral as everything decreed under its coercive power must, *ipso facto*, be regarded as just and moral. See Thomas Hobbes, "Leviathan," in Jene Porter, ed., *Classics in Political Philosophy*

14 Alexis de Tocqueville, Democracy in America (New York: Knopf, 1945), 634-635.


16 It should be noted, however, that contemporary American liberal philosophers do not view liberty simply as freedom from the constraints of the government, but more as the ability to exercise effective choice and participation in government. In this belief, they are far closer to the "constructivist rationalism" of such philosophers as Voltaire and Rousseau.

17 Wilkinson, Terrorism and the Liberal State, 17.

18 Chief among these are guarantees such as the right to life, liberty and security of the person; the right to freedom of religious belief and observance; the right to freedom of speech and of the press and of assembly; the right to petition for the redress of grievances; the right to a fair and speedy trial; the right to trial by jury; the right to be protected against ex post-facto legislation; and the right to be treated according to the "due process of law" (i.e. no arbitrary arrest/detention or torture, impartial hearings open to the public, and the presumption of innocence until proven guilty). See Raphael, Problems of Political Philosophy, 103-113; Pennock, Liberal Democracy: Its Merits and Prospects, 13-20; and Kenneth Minogue, "The History of the Idea of Human Rights," in Walter Laqueur and Barry Rubin, eds., The Human Rights Reader (New York: New American Library, 1979), 3-16.

19 Continental versions of liberal democracy differ from the Anglo-Saxon variant essentially with respect to the emphasis that is placed on individuality and the way in which personal freedom is defined. The Franco version of liberal democracy, following on from the philosophical arguments provided by Jean-Jacques Rousseau, tends to be more communitarian in content. It stresses social equality and the notion of the common good to a greater extent than does the more individualistic Anglo-Saxon account. The latter holds that the full scope of the individual character must be allowed to develop, not so much for the good of the collectivity as argued by the former, but more for the benefit of each individual's self-worth and happiness. Germanic variants, developed from rationalistic idealist conceptions as elaborated by Georg Hegel, tend to define freedom in the "positive" sense of having the ability to fulfill one's duty viz-a-viz the state rather than adopting the more "negative" (and simple) Anglo-Saxon idea of being unrestrained in doing what one wants to do. This, it is argued, allows one to
realize the true "higher self" - the only condition in which perfect freedom can be attained.

Wilkinson, Terrorism and the Liberal State, 122.


Raphael, Problems of Political Philosophy, 65.

It has been argued by some commentators that, should a particular action threaten the accepted moral standards of society, it must also necessarily be made subject to the criminal law. Lord Devlin, for instance, makes the case that a society has every right to protect its central and valued institutions from any conduct which the vast bulk of its members feel is beyond the limits of moral tolerance (such an action, for Devlin, would have to evoke feelings of indignation, intolerance and disgust) even if it does not overtly affect any other individual(s) in a detrimental fashion. He argues that the preservation of a state's moral fibre is just as crucial to its viability as is the need to ensure peaceful order. Moreover, he maintains that when legislators decide on a moral issue, the principles of democracy dictate that they must follow any consensus of moral position which the community at large has reached. Most liberals, on the other hand, tend to be skeptical of the view that failure to act against behavior that offends moral feeling, will actually unravel the whole moral fabric of society, and so of society itself. They take the position that only action which has a discernible negative effect on the smooth running of society should be made subject to the law. They accept that in many cases criminal offences may also be viewed as morally wrong (such as murder and theft), but they stress that their illegal nature is a function, not of their immorality per se, but of the threat they pose to the peaceful ordering of the state. Whilst liberals accept that the will of the majority must necessarily prevail, they have always been wary of any notion that seeks to equate majority opinion with correct opinion. As has been argued since the times of Mill and de Tocqueville, even if the majority do have some agreed moral position, such a consensus could be the result of prejudice, unsupported rationalization (i.e. superstition), personal aversion, or mere "parroting" (i.e. one accepts the prevailing view because everyone else does). If so, the principles of liberal democracy do not call for the enforcement of the consensus, for the belief that prejudices, personal aversions and unfounded rationalizations should not justify restricting another's individual freedom, is, itself, a critical feature of any liberal democratic conception of popular morality. See Patrick Devlin, The Enforcement of Morals (London: Oxford University Press, 1968), 69-94; Ronald Dworkin, "Liberty and Moralism," in Ronald Dworkin, ed., Taking Rights Seriously (Cambridge: Harvard University Press, 1977), 240-258; and

See chapter one for further details.


This approach forms the basis of the rationale that underlies the European Convention of the Suppression of Terrorism (ECST). It seeks to amend existing extradition treaties among its signatories in such a way as to ensure that the use of political defence can never be employed in relation to certain offences implicitly considered terroristic (see chapter six for further details).


Frank Gregory argues that there are usually two particular instances which lead governments to seek military help in countering terrorism: either when a specific operation requires the type of expertise that the military are typically better equipped and trained to provide than the police (an example being the use of the Royal Dutch Marines Special Forces, the *Bzondere Bystand Eenheid* - literally the "Different Circumstances Unit" - to storm a train hijacked by South Moluccans in 1977); or when a government decides that its nationals are in grave danger in another state and require the assistance of military force to protect them (an example being the use of Unit 269, a rapid-reaction counter terrorist force within the Israeli parachute regiment, to free hostages held in Entebbe in 1976 by members of the Baader-Meinhof gang and the PFLP). For further details see Frank Gregory, *Conflict Studies* 194:


36 Wilkinson, Terrorism and the Liberal State, 123.

37 Crelinsten and Schmid, "Western Responses to Terrorism," 333.

38 Key facets of the PTA include:

a) Proscription/banning of certain groups. Proscribed organizations include the IRA (both the OIRA and PIRA), the INLA, UVF, UFF and UDA. Membership and/or support for these groups constitutes a serious crime with members/supporters banned from access to the broadcasting media.

b) Stop, question and search powers for the security forces of any person/vehicle in Northern Ireland.

c) Access to all material deemed relevant for the carrying out of terrorist investigations. This includes information traditionally considered to be of a confidential nature such as that held by banks, accountants, lawyers or journalists. Generally access to such material involves a judge deciding that is in the public's interest for confidentiality to be overridden. A good example of this was the 1992 court order instructing the British television station, Channel Four, to reveal the source that had accused the RUC of conspiring with Loyalist assassination squads in Northern Ireland. The judge who issued the order argued that were reasonable grounds for believing that the information was likely to be of substantial value to an investigation of terrorist activities and would, therefore, be in the public interest. See "How Ulster's Strong Arm was Shackled," in The Times, 11/08/92.

d) Wider powers of arrest and extended detention without criminal charges being brought against suspects who can be held for up to 48 hours purely on police authorization. The period can be extended for a further five days with the approval of the Secretary of the State. This provision is confined to terrorism connected with Northern Ireland and to that of "any other description except acts connected solely with the United Kingdom or any part thereof, except Northern Ireland" (i.e. international terrorism).
e) Refusal of entry to the UK or deportation from it of aliens considered to be a national security risk (generally used with respect to international terrorists).
f) Exclusion of UK citizens from Great Britain and their containment in Northern Ireland if such persons are considered to have been "concerned in the commission, preparation or instigation of acts of terrorism connected with Northern Ireland."

Specifically the 1986 law allows for the following:
a) The investigation of crimes of intimidation/terror by a centralized office - the Parquet General.
b) Trials without jury. In such instances, the passing out of verdicts would be undertaken by a group of seven professional magistrates as opposed to ordinary jury members.
c) The prolonging of the period of arrest of adult suspects by 48 hours if questioning/investigation makes such an extension necessary.
d) The searching of homes/premises and the confiscating of pieces of evidence which might be instrumental in obtaining a conviction without the consent of the suspect whose habitat/belongings are being searched.
e) The expulsion from France of persons considered to constitute a threat to public security purely on the authority of the Minister of the Interior - i.e. without having to go through the formal legal processes of extradition. See Gilbert Guillaume, "France and the Fight Against Terrorism," Terrorism and Political Violence 4(4) (Winter 1992): 132.


See Edward Moxon-Browne, "Terrorism and the Spanish State: The Violent Bid for Basque Autonomy," in H. Tucker, ed., Combating the


This assumption forms the basis of neo-realist international theory. For neo-realists the defining feature of the international system is anarchy. This has a number of important consequences for state behavior:
- It forces states to rely on their own capabilities to ensure their survival and security. Consequently, states are motivated by a desire to avoid constraints on their behavior and to reject obligations that infringe on their sovereignty.
- It compels states to prepare for, and expect, challenges from all quarters. They, therefore, have very low mutualities of interest and are characterized in their behavior toward one another by reciprocal perceptions of suspicion.
- It causes states to be jealously positional and acutely sensitive to the gains made by others. The fundamental dictum of states is to maximize the power differential between themselves and others. Consequently, in international bargaining states will not enter into an agreement if one party should gain relatively more than itself (even if it gains in an absolute sense), since such gains could be used in a coercive manner at a later date.
- Finally, given the lack of a central enforcement mechanism, states are unwilling to take the risks typically associated with cooperation lest their trust be betrayed by a state not adhering to its commitments.

Central to this new approach was the introduction of the "Penitence Law" of 1982 which ran for nine months and the "Dissociation Law" of 1987 which ran for one month. The Penitence Law required "full confession" and "active contribution" to the cessation of terrorism (i.e. the betrayal of former companions). In return, life imprisonments would be reduced to 10-12 years with other, lesser sentences halved. Contributions of "exceptional relevance" could result in a further reduction of up to one third. The Dissociation Law required abandonment of a terrorist organization, full confession of all activities undertaken therein and formal renunciation of violence as a means of political struggle. In return life sentences would be cut to 30 years, crimes of bloodshed reduced by a quarter, more minor crimes by a third and crimes of association by a half. See Jamieson, "The Italian Experience," 17.


Wilkinson, Terrorism and the Liberal State, 43.

Wardlaw, Political Terrorism, 90-92. In light of the atrocities caused during the Second World War and more recently in Bosnia-Herzegovina, the excuse of "just following orders" is no longer taken to be a suitable defence for certain actions committed during a war, most notably those involving crimes against humanity.

Ibid., 90.

Even states that have suffered from comparatively few instances of terrorism have been prepared to form special anti-terrorist rapid response teams within their police structures. Austria and Switzerland, for example, both accept the reality that terrorist situations, when they do arise, sometimes require units that are appropriately trained in techniques not normally found within conventional police forces. However, because of the limited occurrences of terrorism in these two countries, the units do not
tend to consist of full-time anti-terrorist professionals as is the case in states such as France, Germany, Italy and the UK. Typically they are staffed by personnel who, after receiving special training, serve for a certain period with the team before being returned to normal duties. In Austria the role is performed by the *Gendarmerie-Einsatzkommando* (GEK) and *Sondereinsatzgruppen* (SEG); in Switzerland by cantonal Anti-Terrorist (AT) groups.


57 Ibid., 23.

58 Crelinsten and Schmid, "Western Responses to Terrorism. A Twenty-Five Year Balance Sheet," 335.

59 This went against the wishes of Amnesty International which had called for an independent judicial inquiry into the affair.


64 Ken Robertson, "Intelligence, Terrorism and Civil Liberties," in Wilkinson and Stewart, eds., *Contemporary Research on Terrorism*, 552-555.

65 Wardlaw, *Political Terrorism*, 145.

66 See Robertson, "Intelligence, Terrorism and Civil Liberties," 555; and Wilkinson, *Terrorism and the Liberal State*, 134.


68 For an interesting comparative analysis of the changing role of European secret services see "Secret Services Unite Against Crime," *The Financial Times*, 20/11/93.
69 Wilkinson, Terrorism and the Liberal State, 126.


72 Karel de Gucht, Annual Report of the Committee on Civil Liberties and Internal Affairs on Respect for Human Rights in the European Community, 51. Such stipulations distinguish intelligence agencies in liberal democracies from those in totalitarian states where the secret service essentially acts as an arm of the ruling party/elite. Its job is to keep the government in power by controlling virtually all aspects of life. The people themselves are seen as the main threat to the state. As such the political "thought police" watch over and regulate the activities of the entire population to ensure that any and all possible dissent will be stamped out. The all-pervasive East German Stasi with its thousands of informants is a "good" modern example.


74 Wilkinson, Terrorism and the Liberal State, 125.

75 Robertson, "Intelligence, Terrorism and Civil Liberties," 563. For an excellent account of the rise and fall of US domestic intelligence agencies see Richard Morgan, Domestic Intelligence (Austin, University of Texas Press, 1980).


See Wardlaw, Political Terrorism, 76.

Ibid., 79.

For example while the plane was being refuelled in Rome, Schumann managed to rely that four terrorists were aboard by dropping four cigars out of the flight-deck window.

For a good account of entire hijacking together with the subsequent GSG 9 rescue operation see Leroy Thompson, "GSG 9," The Elite 1 (1986): 96-100.


Schmid, "Countering Terrorism in the Netherlands," 95.

See Bonner, "United Kingdom: The United Kingdom Response to Terrorism," 181.

For a good overview of the various proposals that have been made for media self-regulation see Wardlaw, Political Terrorism, 81-86.


Wardlaw, Political Terrorism, 69.

Frequently the use of death squads form an integral component of authoritarian and totalitarian counter-terrorist campaigns. These typically target any who question the rule of the state, including
their families, and are used in an attempt to intimidate large sections of a usually hostile population. The death squads which existed in Guatemala and El Salvador during the 1970s/80s and those which are currently operating in Algeria are good examples.

96 Wilkinson, Terrorism and the Liberal State, 124.


98 See Davidson Smith, Combating Terrorism, 48; Wardlaw, Political Terrorism, 70; and Wilkinson, Terrorism and the Liberal State, 124.

99 Davidson Smith, Combating Terrorism, 231.

100 Crelinsten and Schmid, "Western Responses to Terrorism: A Twenty Five Year Balance Sheet," 332.

101 Cesare De Piccoli, Report of the Committee on Civil Liberties and Internal Affairs on the Resurgence of Racism and Xenophobia in Europe and the Danger of Right-Wing Extremist Violence (European Parliament Session Documents, A3-0127/93, 1 April 1993), 12.


103 Maastricht Made Simple (Milton Keynes: The European, 1992), 9; see also De Piccoli, Report of the Committee on Civil Liberties and Internal Affairs on the Resurgence of Racism and Xenophobia in Europe and the Danger of Right-Wing Extremist Violence, 12.


INTRODUCTION

Given the unanimity of their democratic commitments, a set of homogeneous legal norms and, above all, a common interest to suppress terrorism, one would have thought that achieving a comprehensive level of anti-terrorist cooperation within the EU would not be a particularly difficult task. However, whilst this is essentially correct, it is also true that the EU is not a single state and that achieving such a coordinated response is difficult to achieve. The purpose of this chapter is to examine the process of anti-terrorist cooperation as it has evolved among the EC/EU member states since the 1970s. It will proceed by first briefly examining the major obstacles that have served to complicate international collaboration in this field among the Twelve together with the general facilitating factors that have helped to, at least, alleviate some of these difficulties. It will then go on to analyze the informal and formal anti-terrorist measures that were adopted by the Twelve prior to the incorporation of a separate pillar of judicial and home affairs cooperation in the 1992 Maastricht TEU. The improvements the 1992 initiative makes over the cooperative networks that were implemented before its inception will, finally, be assessed from a purely practical perspective.
THE EUROPEAN RESPONSE TO TERRORISM: OBSTACLES AND FACILITATING FACTORS

The issue of perception is one of the most basic problems involved with securing effective anti-terrorist cooperation. As chapter five showed, the nature of the particular response that a liberal democratic state is prepared to initiate is very much conditioned by the level of perceived threat in that country. This is as true for international policies as it is for domestic policies. In the absence of a uniform level of danger, it is unlikely that one will find an equal reservoir of support and/or perceived need for anti-terrorist measures be they uni-, bi- or multilateral in nature. Indeed, those EU states which have experienced comparatively little in the way of terrorist violence have not developed the same sense of urgency for the type of firm measures demanded by those who have suffered extensively from this mode of violence.

Exacerbating the problem of perception is the fact that terrorism is not a uni-dimensional phenomenon. It is a means that is employed by a variety of actors who are motivated by a range of nationalist/separatist, ideological, religious and single issue considerations. Consequently, there is likely to be a difference of opinion, even among those governments which largely do accept the need for concerted anti-terrorist cooperation, over which groups/type of terrorism should be given precedence in any joint measures initiated. For instance, while countering terrorism related to the separatist/nationalist aspirations of PIRA has traditionally been the major preoccupation of the UK, it has been of far less importance in
Spain where the activities of ETA take prime place of importance. In Germany and Italy separatist related terrorism has generally not been a major problem. Rather it was the left-wing ideological violence of RAF and BR respectively which, for many years, posed the greatest terrorist threat to the two countries. With such widely differing perceptions of the national priority at play, there has inevitably been a tendency to regard terrorism at "home" as a domestic issue of overriding importance and terrorism "abroad" as, at best, something of lesser consequence to be addressed at a later date or, at worst, as another state's problem - best avoided altogether.3

The existence of different historic, political and legal traditions within each member state is a further factor that has added considerable difficulty to the securing of effective anti-terrorist cooperation. In many instances the nature of a European state's political culture and past have caused it to initiate particular anti-terrorist responses which are not conducive to the successful/effective generation of more widespread joint initiatives. For example, cooperation against Middle Eastern terrorism has frequently been frustrated by the conciliatory approach adopted by Italy - historically the most sensitive of the West European countries - to the cause of the Palestinians and the one with the best official relations with the Arab world (including PLO head Yassir Arafat and Libyan leader Colonel Qhaddafi).4 Equally, French willingness openly to negotiate with terrorists (especially those concerned with the Palestinian/Israeli issue) and accommodate their demands has greatly complicated the country's relations with its western
neighbors. Such an approach is the result of the high degree of tolerance for political violence that is found in France (itself the product of the country's violent history of political change)\(^5\) as well as the state's Gaullist determination to play a significant role in world affairs independent of the positions adopted by the US, UK and NATO.\(^6\)

However, it is with extradition - the handing over of a person from one to another sphere of sovereignty to stand trial, or where the person has escaped from prison, for completion of sentence - that political and legal differences have caused the most problems. In the divergent legislative systems of each member state, extradition has been made subject to many strict safeguards, some of which generate impediments or motives for refusal of the extradition process. Courts in France, Belgium, Ireland and Italy for instance will not, or at least are extremely unlikely to, extradite one of their own nationals to stand trial in another country if the crime for which they are accused is of a terrorist nature.\(^7\) Such resistance is due in large part to the fear that the accused will not receive a fair trial and/or an appropriate sentence in the requesting state. Ireland has repeatedly refused UK requests for the extradition of those charged with PIRA activity/membership on the grounds that the alleged offender(s) cannot receive a fair trial under British law. This is because courts in Northern Ireland operate in the absence of juries (i.e. they are conducted by judge alone) in terrorist cases (see chapter five - endnote 38).\(^8\) A case in point was the Irish Supreme Court's decision not to extradite Dermot Finuncanne in June 1990.\(^9\)
Moreover, an international concern with political persecution has led to the development in Europe of a strong attitude in favor of political asylum. All states in the region jealously guard their right to determine whether a fugitive requested for extradition is a political offender or not. Indeed, Ireland interprets Article 29 of its constitution as a *proviso* that explicitly prevents the country from extraditing those charged with political offences.\(^{10}\) Given justifications that are always made in terms of political objectives, it is easy to see how such normative sentiments can be evoked in support of an official decision not to extradite those charged with terrorism.\(^ {11}\)

Underlying all of these difficulties is the continued reality of state sovereignty. Over the centuries, countless battles have been fought across borders which divided the European continent. The history of the region has, thus, largely been determined by frontiers and the struggle for autonomy. This tradition is still deeply entrenched in the mindset of many European politicians, particularly with respect to the UK whose geographic isolation from the rest of Continental Europe has tended to exacerbate its sense of sovereign independence.

Although there has been an increasing tendency to think in international terms on certain socio-economic issues, most governments are still very much attached to their sovereignty in the administration of justice and the maintenance of public order/internal security.\(^ {12}\) Crimes are generally defined by the particular penal statutes of the state concerned which is, additionally, seen to have total responsibility for the arrest and prosecution of those who seek to break these laws.
This is especially true with respect to counter-terrorism where, because the nature of the threat to be contained presents such a specific and profound danger to the state’s stability and monopoly of violence (see chapter five), targeted states will wish to maintain the right to mount operations and determine the security context in which they are carried out as they see fit. Inevitably such considerations have led to problems over the issue of cross border law enforcement cooperation and the precise rights of police/law enforcement officials operating on foreign soil outside their own national jurisdictions.

One area where the issue of sovereignty has proven to be especially problematic is that of data/intelligence transfer. All states jealously tend to guard their own national security data for fear that such intelligence will be compromised or even destroyed in the process of international exchange. West European politicians and judiciaries are just as chauvinistic in this respect as are other states, even though they may have in common many moral and legal values. Even among long standing allies, intelligence dissemination and cooperation can be hindered by mutual suspicion and state pride/prestige, not to mention widely differing perceptions of the national interest.

In spite of all these problems, it can nevertheless be contended that the EU states have developed what can be referred to as a European policy on terrorism. The roots of this collaborative process can be traced back to the need to counter the many indigenous and extra-territorial terrorist groups that operated in the region during the 1970s and 1980s - many of which established fairly strong links between
themselves (see chapter three). There can be little doubt that the rapidly escalating and increasingly transnational nature of this mode of violence caused a growing awareness that effective regulation was not possible in a purely national context but was something that could only be achieved through the development of coordinated multilateral strategies. Even those member states which were largely unaffected by terrorism (such as Denmark and the Benelux states) recognized the need for at least some degree of anti-terrorist cooperation, appreciating that terrorists are, in the final analysis, only relatively bound like all other mortals by space limits.

This awareness has been significantly heightened by the EU's commitment to eliminate its internal borders as part of the program to create a unified single market - especially since it comes at a time where the threat of terrorism looks set to continue for at least the foreseeable future (see chapter four). There is no doubt that the proposed removal of checks such as passport and customs formalities - controls that were formerly designed to combat a wide range of offences, including terrorism - is a significant factor that has played a vital role in encouraging the Community's member states to improve their cross-border cooperation as a compensatory measure.\textsuperscript{15} Indeed, as the process of border relaxation in the EU continues to advance, it has become increasingly apparent that any terrorist act perpetrated in the region, no matter what its origins or motivations, has more and more come to be considered as an act of aggression taken against all the Union's members.\textsuperscript{16}
This strictly practical, self-interested basis for cooperation has been considerably enhanced by the existence of underlying values, norms and beliefs that are common to all EU member states. The record of successful cooperation that has already been achieved in many other fields is certainly testament to the influence that such a common outlook and interpretation of the world can have for putting complementarity ahead of competition. Shared intersubjective understandings with respect to the rule of law, the rights and freedoms of individuals and the principles of justice have allowed the Twelve (all of whom are pluralist liberal democratic polities - an essential requirement of EU membership) to collectively categorize terrorism as an illegitimate mode of violence and one that should not and cannot be tolerated within the accepted bounds of civilized behavior as defined by themselves (see chapter five).¹⁷

Nevertheless, the difficulties outlined above with respect to the coordination of anti-terrorist policy have remained very real obstacles to cooperation. Member states have tended to work together only when they have had to, striving to retain as much sovereign control in their affairs as possible. This has resulted in an intergovernmental form of anti-terrorist cooperation which has traditionally been driven primarily by reactive responses to problems as they have arisen rather than guided by long term pro-active considerations. This has inevitably led to a fragmented, ad hoc and piecemeal response which, in the absence of any visible hierarchical chain of command, has been unable to develop into the type of effective crisis management structure that is capable of
setting priorities and utilizing resources in the most beneficial way possible. The serious problems caused by this deficiency have been recognized by a variety of commentators and are succinctly captured in the following quote made by Sir Peter Imbert, former Commissioner of the Metropolitan Police:

_The greatest need for European police cooperation is to find an agency that is capable of coordinating European policing activity to give a coherent response to transnational European crime. We have various bodies at present that fulfill this task in an ad-hoc piecemeal way but at some stage we will need to find one centralized coordinating body whose function is not continually frustrated by competing spheres of interest and political agendas._

This state of affairs is one of the main reasons why the decision was made to incorporate a separate pillar of judicial and home affairs cooperation into the 1992 TEU. Its purpose is to provide the EU member states with the means necessary to initiate a more structured, coherent and rationalized response to such threats as terrorism, drug trafficking and serious organized crime - all destabilizing influences which look set to continue to figure prominently in EU calculations of internal security in the post-Cold War era. In the sections that follow, the development of EC/EU anti-terrorist cooperation will be traced as it has evolved since the 1970s. It will analyze the measures that were adopted prior to the 1992 initiative, assessing how the latter, in purely practical terms, represents an improvement over the former.
INFORMAL AND FORMAL NETWORKS AND ASSOCIATIONS FOR EC/EU ANTI-TERRORIST COOPERATION

1. Bilateral Cooperation.

A number of important bilateral cooperative links have been established between the anti-terrorist investigative and tactical units of certain European states. Although forums such as TREVI, PWGOT and Interpol do have some role to play in coordinating overall anti-terrorist responses (see below), really sensitive information will never freely be discussed in "pools" of even this size where both the reputations of certain members (for example Syria, Iran and Iraq in Interpol) and the political "ceilings" of respective governments must work to inhibit total frankness on at least some subjects.

The real value of these bodies lies in their ability to bring together anti-terrorist officials in one forum which can then develop personal contact and trust between themselves on a more individual basis. The officers of the British S013 and MI5, the German BfV and BKA, the French DST and SDECE and the Dutch BVD, for example, all know each other on a first name basis. Such contacts have been crucial in establishing a "buddy system" for the purpose of gaining information and exchanging tips. Indeed, it was information obtained from the Hamadei brothers in 1987 by the Germans and passed on to the French DST that was primarily responsible for the decimation of the French terrorist group, AD.\textsuperscript{20} Equally, it was close coordination between French and Spanish investigative forces that led to the 1992 joint police raid of a ETA safehouse in the French town of Bayonne resulting in the capture
of the organization's top military leadership. The operation precipitated a string of further arrests which have since essentially dealt the organization a fatal death blow (see chapter four).\textsuperscript{21}

Tactically, extremely close links have also been forged between various anti-terrorist commando teams through frequent training exchanges and liaison visits. For example, the CRW of the UK's SAS - generally acknowledged as the world's foremost expert in the "business" of fighting terrorism - has been involved with the training of Spain's GEO unit and greatly assisted in setting up the Italian NOCS group.\textsuperscript{22} A number of anti-terrorist operations have also involved members of two or more units. For instance in 1977 two SAS operatives took part in the successful German GSG 9 rescue of a hijacked Lufthansa aircraft in Mogadishu, Somalia; in that same year, GSG 9 commandos assisted the Dutch BSB in their retaking of a hijacked train near Glimmen, Holland;\textsuperscript{23} and during the 1982 kidnapping of General James Dozier in Italy, specialist anti-terrorist "advisers" were dispatched from Germany and the UK to assist in the planning and subsequent NOCS rescue plan.\textsuperscript{24}

2. The Terrorism, Radicalism, Extremism and International Violence (TREVI) System of Consultation.

The failure by the global polity to initiate any effective measures against the spate of international terrorism that took place during the early-mid 1970s\textsuperscript{25} - much of which was concentrated in Western Europe - was the original impetus that provoked EC member states as a group into taking more regionally orientated counter-terrorist action. Their first step was to create the TREVI\textsuperscript{26} system of consultation in 1976,
originally set up as an intergovernmental forum independent of, though loosely paralleling, the EC within the framework of European Political Cooperation (EPC). Its goal was to facilitate anti-terrorist cooperation at a practical, operational level amongst the member states of the EC. The system consists of police chiefs, Ministers of Justice and Ministers of the Interior working in a consultative procedure to discuss "matters coming within their competence in regard to law and order." The presidency of TREVI is held by the same member state which holds the ordinary EC Presidency and, as such, lasts for six months - from 1st January or 1st July each year. It has the responsibility for organizing meetings of the TREVI ministers and police chiefs in the last month of its term (i.e. December and June) to discuss issues and decide on policy priorities. These meetings ensure that regular contacts are maintained between police and intelligence chiefs which, in turn, facilitates the day to day liaison between national police coordinating bureaux.

The TREVI machinery originally brought together the professionals in anti-terrorist operations from the member states in two operational working groups: WG1, concerned with terrorism and the exchange of information/mutual assistance on terrorist activities; and WG2 to deal with training and the exchange of scientific/technical information to facilitate the fight against terrorism and mass disturbances of public order (following the Heysel stadium tragedy in 1985, WG2 was additionally tasked with the exchange of information and ideas on the best ways to cope with football hooliganism). By 1989, however, the overall ambit of TREVI had been extended to include two additional
working groups: WG3, created in 1985 and concerned with strategies for coordinating action against serious international organized crime, principally drug trafficking; and WG'92, created in 1989 and concerned with police and security relating to freedom of movement of persons and compensatory measures to combat the relaxation of intra-EC border controls.32

The TREVI standing conference on terrorism has managed to achieve some important results with respect to EC/EU counter-terrorist action: the provision of a secure communications network between member state police forces; enhanced power to trace and undermine terrorist weapons' supply; and the compilation of a blacklist of wanted terrorists and diplomats who have abused their rights by engaging in terrorism.33 Moreover, TREVI has played a valuable role in developing personal contact and trust between individual police and intelligence officers of the twelve member states. This has proven vital to the development of bilateral cooperative relationships, some of which have had some notable successes in the fight against terrorism (see above).34

3. The Dublin Agreement.

Following the murder of Lord Mountbatten by PIRA in August 1979 and in response to a rapidly escalating level of extra-territorial terrorism (primarily Palestinian) during the late 1970s, the EC was spurred into applying more concerted anti-terrorist measures. Thus, in November 1979 the Community opened up for signature the Dublin Agreement, the purpose of which was to ensure, without reservation
and/or qualification, the application of the 1977 European Convention for
the Suppression of Terrorism (ECST) among its members.35

The ECST was a Council of Europe (which includes all EU states
plus Norway, Finland, Sweden, Austria, Switzerland, Iceland,
Liechtenstein, Malta, Turkey and Cyprus) initiative which aimed to
prevent the use of the "political offence" exception that had drastically
reduced the effectiveness of many earlier international extradition
treaties. The ECST attempts to fill this loophole, not by attempting to
define terrorism per se, but by amending existing extradition treaties
among its signatories in such a way as to ensure that the use of
political defence could never be used in relation to certain offences
implicitly classified as terroristic.36 These are listed under Article 1 of
the Convention and include:
- those within the scope of the 1970 Hague Convention for the
  Suppression of Unlawful Seizure of Aircraft;37
- those within the scope of the 1971 Montreal Convention for the
  Suppression of Unlawful Acts against the Safety of Civil Aviation;38
- those which involve an attack against the life, liberty or integrity of
  internationally protected persons, including diplomats;
- those which involve kidnapping, the taking of a hostage or serious
  unlawful detention;
- those which involve the use of a bomb, grenade, rocket, automatic
  firearm or letter/parcel bomb if such use endangers other persons;
all attempts to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence; 39

The Convention imposes strict obligations on contracting states to extradite all fugitives who have committed such offences or, failing that, to submit them without exception or delay to stand trial in their own courts - the principle of "aut dedere aut judicare" (extradite or try). 40

4. The Police Working Group on Terrorism (PWGOT).

The PWGOT network was set up in response to the recommendations of a multilateral meeting held in the Netherlands in 1979 following the murder of the British Ambassador to the Hague. The conference, attended by officers of the Dutch Centrale Recherche Informatiedienst (CRI), the German BKA, the Belgian Gendarmerie and the British Metropolitan Police Special Branch (MPSB), resolved to establish a semi-permanent working group that was able to operate independently of TREVI and which would focus on practical, operational issues in dealing with terrorism. Its inception was essentially the result of a need to fill a void that existed at the time with respect to operational police cooperation against terrorism: TREVI was a ministerial initiative whilst Article 3 of Interpol's (the only other forum for the coordination of international policing that existed at the time - see below) constitution forbade any action in regard to "political, military, religious or racial" cases character (i.e. the very areas most closely associated with terroristic rationales). PWGOT's membership was to be extended to all
European forces involved in the prevention and investigation of terrorism and, at the time of writing, includes all twelve EU states plus Sweden, Norway and Finland.\textsuperscript{41}

PWGOT meets regularly every six months with delegates from the various participating agencies. Since 1980, officers have been exchanged between the different member forces for short periods of time to foster close working relationships, to learn more about differing legal, judicial and societal structures and to develop language proficiency. This system of exchange has been greatly facilitated by the European Liaison Network, a loose-knit system which operates alongside, and often through the PWGOT.\textsuperscript{42} A secure communications system has also been installed which allows information, and particularly up-to-date intelligence to be shared throughout the network via an encoded facsimile service. The major utility of the PWGOT appears to reside in its role in promoting close working relationships and personal goodwill between the different national agencies involved in the fight against terrorism. Moreover, it has enabled liaison officers to be deployed quickly to the scene of incidents in other countries as happened after the bombing of Pan Am flight 101 over Lockerbie, Scotland in 1988.\textsuperscript{43}

5. \textit{Interpol}.

Interpol is perhaps the most ambitious attempt that has ever been initiated to foster international police cooperation. It has a global membership which, at the time of writing, consists of 150 states.\textsuperscript{44} The organization was established in 1946, although its history can be traced
back to an earlier International Criminal Police Commission (ICPC) that existed between 1923 and 1938 before it was taken over by the Nazis during the Second World War. The aims of Interpol are set out in Article 2 of its constitution. Specifically they outline a commitment to:

a) Ensure and promote the widest possible mutual assistance between all criminal police authorities, within the limits of the laws existing in the different counties and in the spirit of the Universal Declaration of Human Rights;

b) Establish and develop all institutions likely to contribute effectively to the suppression and prevention of ordinary law crimes.

Article 3 of Interpol's constitution specifically bars its member states from intervention in or investigation of military, political, racial or religious matters. Such a stipulation, when taken in conjunction with the emphasis on ordinary law crimes, meant that for many years terrorism was regarded as beyond the legitimate ambit of the organization. However, attitudes began to change with the dramatic upsurge of terrorist activity from the late 1960s onwards (see chapter two). Throughout the 1970s, Interpol seemed to be moving toward a stance of regarding hijacking and other acts of terrorism such as letter bombs, terrorist murder, hostage taking and bombing as ordinary criminal offences. Resolutions passed at the 1979 Nairobi and 1982 Torremolinos ICPC General Assemblies kept up pressure on the issue.

The important turning point, however, came in 1984 when the Luxembourg General Assembly passed a resolution on "Violent Crime Commonly Known as Terrorism." Its purpose was to give practical
guidance in the interpretation of Article 3. It was resolved that crimes committed outside a "conflict area" against innocent civilians and/or their property could not be deemed as political. Furthermore, it was determined that Article 3 did not debar members from sharing technical information on terrorism so long as the information did not discriminate solely for political purposes. Members were, thus, encouraged to share anti-terrorist information as freely as their national laws allowed.

After the resolution was passed an International Terrorist Unit (headed by a US FBI agent) was created in January 1986. The purpose of the Unit was to draft a guide on practical ways of improving anti-terrorist cooperation with the main objective being to prevent terrorists from exporting their activities. The draft sets out the ground rules for sharing terrorist related information among the member states and was passed by the Belgrade General Assembly in 1986.

International criminal investigations are not conducted by, but through Interpol. The central role of the organization is to act as a communications channel by sending messages from police and/or judicial authorities in one state to another. Such information exchange is conducted on the basis of mutual assistance between the requesting and receiving National Central Bureau (NCB) of each member country. These transfers take place under the principle of reciprocity with each NCB chief typically taking decisions on the exchange of information based on their own view of the requesting NCB and perception of the state of affairs in that particular country.
Interpol provides an important forum for the coordination of anti-terrorist strategies of police and security forces in Europe. By 1994 all European states (bar Albania, but including Russia) were members of the organization. Moreover, it has installed state of the art computer and communications equipment (essentially the Automatic Search Facility - ASF) and has developed a regional sub-structure to specifically address European issues. This includes a European Regional Assembly, a European Committee and a European Bureau all located at its headquarters in Lyon.52

6. **The Schengen Agreement.**

Whilst not restricted simply to anti-terrorist cooperation, consideration of the Schengen Agreement is important as it aims to provide the level of member state standardization necessary for joint action against a whole range of illicit activities including terrorism. It arose out of the need to test the feasibility of removing formal border controls within a specifically designed zone - known colloquially as "Schengenland." It was signed by Germany, France and the Benelux countries in 1985 as a joint act of intention to scrap internal frontiers and, as a compensatory measure, to coordinate and enhance cooperation between their respective police and customs authorities, particularly with respect to the fight against serious international crime and illegal immigration.53

The agreement of 1985 (Schengen I) consisted of two parts: Part one was essentially concerned with goods and services and dealt with
short term ways of compensating for the relaxation of internal borders.\textsuperscript{54} Part two dealt with long term compensatory measures and was primarily concerned with the free movement of people. It established four working parties on the following inter-related themes: police and security; the movement of people; transport; and the movement of goods. Police and security was further divided into four sub groups covering illegal drugs, firearms and ammunition, exchange of data through a joint computerized network and illegal immigration.\textsuperscript{55}

Schengen I laid the foundation for an implementation agreement, the Convention Implementing the Schengen Agreement (Schengen II, also known as the Schengen Supplementary Agreement), which was signed in June 1990 and now includes all EU states bar Ireland, Denmark and the UK (membership is not open to non-EU members).\textsuperscript{56} As its title suggests, this instrument was used to elaborate on and clarify the provisions made in the original arrangement of 1985. The Convention covers eight titles which, though not part of Community/Union law, must, nevertheless, be compatible with it. They include Definitions; Abolition of Checks at Internal Borders and Free Movement of Persons; Police and Security; the Schengen Information System (SIS); Transport and Movement of Goods; Protection of Personal Data; Executive Committee; and Final Provisions.

With respect to internal security cooperation, three titles are of particular importance: Abolition of Checks at Internal Borders and Free Movement of People; Police and Security; and The Schengen Information System. The Abolition of Checks at Internal Borders title incorporates a
certain number of measures that are designed to harmonize asylum policy and the movement of aliens. They seek to establish joint rules concerning the crossing of common external frontiers, visa policy, and conditions governing the entry (or otherwise), movement and residence of aliens once in Schengen territory. Provisions were also included to deal with the issue of asylum policy and extradition, the criterion for which continued to be determined by the national laws of each contracting party due to an inability to reach agreement over harmonization.58

The Police and Security title is subdivided into the following broad areas of concern:
- police cooperation with the aim of assisting in the detection and prevention of criminal offences through the exchange of information/liaison officers and the initiation of authorized cross-border surveillance and pursuit;
- mutual assistance in criminal matters;
- extradition with the aim of supplementing and facilitating the implementation of the 1957 European Convention on Extradition;
- transfer of the execution of criminal judgements;
- cooperation to combat the illicit trade in narcotic drugs;
- cooperation with respect to the acquisition, possession, sale and surrender of firearms and ammunition.59

In order to facilitate and improve police and customs cooperation, the Schengen states also agreed to set up the SIS – title IV of the 1990 Convention. This is a huge centralized data base, the purpose of which
is to allow any Schengen member access to information on persons and property for use both in carrying out checks at external borders and for inspections within the countries concerned so long as they are in line with national law. SIS records can be kept on persons wanted for arrest with respect to an extraditable offence (art. 95); on aliens reported for the purposes of non-admission (art. 96); on missing persons (art. 97); on witnesses/suspects who are summoned to appear before court in connection with criminal proceedings (art. 98); and on persons under surveillance or under "pro-active observation" (art. 99). To handle the exchange of information between the Schengen states of persons included on SIS records, an additional communication structure, SIReNE (Supplementary Information Request at the National Entries) - not originally provided for by the 1990 Convention - has been proposed. It is to be a network between the central national agencies of the Schengen states who, through their own N-SIReNE groups, will be required to provide additional information to their counter-parts after the initial registration of persons in SIS.

Before Maastricht, Schengen was without doubt the most comprehensive attempt that had yet been made by the EC to facilitate cross border police and law enforcement cooperation. In a number of important ways Schengen represents a positive development in the fight against international crime and terrorism. It provides for the greater coordination of police systems; it simplifies asylum procedures and takes steps to establish uniform conditions for admission at its external borders - including a common visa and harmonized methods of
supervision and deportation; and it provides for the future possibility of greater legal assistance among different state authorities.63

SHORTCOMINGS OF THE INITIATIVES

These initiatives have some important positive benefits with respect to joint action by the Twelve against terrorism. However, in a number of significant ways, they fall far short of the type of rationalized and integrated anti-terrorist strategy that the EU now needs to deal with the threats that its member states will have to face in the post-Cold War era.

a) Bilateral Cooperation.

Bilateral links do have an important role to play in promoting anti-terrorist cooperation. However, by definition, the value of such coordination can only benefit a restricted number of parties. The new situation created by the establishment of a European area of free movement of goods, services and capital, by contrast, very definitely requires that a counterpart be found in the development of a Union-wide system of law enforcement. In the absence of standardized and integrated police and judicial arrangements that extend to all Twelve members the internal security of the EU will only ever be strong as its weakest link. Greece has, for instance, developed an infamous reputation for extreme laxity with regard to border and policing arrangements to the point that this southernmost state of the EU is now regarded as a "security sieve" for the rest of Europe. At a time of enormous change in
world affairs and growing Union integration, when terrorism looks set to continue and possibly escalate, such a situation has obviously become inappropriate.

Moreover, bilateral cooperation can actually work to restrict the process of multilateral coordination. The norms of international behavior are constantly being created and reinforced by the practices of international action. Consequently, by restricting cooperation to bilateral modalities of coordination, states may actually set up a pattern of recurring behavior which they become progressively more used to and less willing to break. Through the force of habit, bilateral links can, thus, increasingly come to be viewed as "the order of the day" while, simultaneously, the desirability/utility of extending cooperation to a more multilateral level is gradually downplayed. This is well illustrated by the case of West European aviation security cooperation. Although it is widely accepted that one of the main reasons for failing to prevent the Pan Am bombing over Lockerbie in 1988 was the lack of lack of standardized rules among European airport authorities, there has, as yet, been no concerted attempt to convert existing bilateral modalities into a more comprehensive and cooperative system of aviation security.

b) **TREVI and PWGOT.**

TREVI and PWGOT are both non-treaty based and as such, remain essentially ad-hoc, voluntaristic, and non-intrusive models of informal cooperation that have no effective power of implementation. Without a solid legal basis, their power can, in the final analysis, only ever be one
of recommendation. As Detective Inspector Philippe de Cock of the Belgian Judicial Police observed: "Although the TREVI Group has the potential to develop into a comprehensive European coordinating mechanism, it lacks...the necessary [legal] infrastructure to coordinate an exchange of information on an operational level."66

Some cynical observers (such as Spanish police officials) have gone so far as to suggest that the TREVI Group is essentially irrelevant to practical and operational levels of police cooperation, dismissing it as little more than an over-indulgent form of ministerial rhetoric or "TREVI speak." DCI Graham Mason of the UK's Anti Terrorist Squad (S013) epitomizes this generally negative perception in the following remark concerning TREVI meetings: "They were policy orientated, not very practical. In fact they were very tedious, 50 people or so. Also there was little debate, due to the size of the meeting and also to pre-agreement."67 Whilst this is perhaps a somewhat harsh interpretation of the utility of TREVI, the fact that working group meetings only take place twice a year, does seem to suggest that their ability to have any real discernible impact on operational policing is extremely limited.68 Regular access to foreign counterpart agencies is certainly needed if there is to be any real meaningful exchange of information between national law enforcement organizations.

Moreover, the exchange of ideas and information that actually does take place within TREVI and PWGOT meetings is almost certainly not as great as some enthusiasts would have us believe. Police and intelligence officials are undoubtedly restricted in the extent that they can actively
participate in discussions by "political ceilings" and the directives of their respective governments and agencies who frequently stamp information with requirements of "no foreign dissemination."\(^{69}\) Furthermore, national pride can often play a restricting factor. For instance, it is unlikely that those who are in the front line of anti-terrorist operations will be prepared to openly discuss failures in security and counter-measures when they are seen to be responsible for "allowing" successful terrorist attacks to occur.\(^{70}\)

c) The Dublin Agreement/ECST.

The effectiveness of the ECST is greatly limited by Article 13 of its statute. This allows contracting states to refuse a request for extradition on the grounds that the offence committed is of a political nature, notwithstanding the fact that it is one of the offences listed in Article 1 of the Convention (i.e. deemed to be of a non-political nature). Such a provision, as numerous commentators have been quick to point out, effectively emasculates the ECST and negates precisely what it is trying to achieve - stripping terroristic offences of the protection afforded by political defence.\(^{71}\) EU states wishing to maintain the political offence reservation under Article 13 of the ECST have only to make a further declaration under Article 3 of the Dublin Agreement that they wish to do so and lodge their request with the Irish Department of Foreign Affairs.\(^{72}\) France, Italy, Ireland, Portugal and Denmark have all duly done so.\(^{73}\) These two provisions in effect reduce the ECST and the Dublin Agreement from obligatory to permissive forms of legal
cooperation, with extradition left, in practice, to the discretion of the state concerned.

At least in theory, the right to political asylum should never be made the pretext for refusing a request for extradition within the EU. All member states are bound by the minimum rules for trial and detention procedures that are contained within the Convention for the Protection of Human Rights and Freedoms which, in addition, expressly prohibits political, religious or racial persecution. Moreover, respect for and the upholding of human rights are regarded as the very essence of Union membership with the European Court of Justice declaring on several occasions that they form the fundamental principles of Union law (see chapter five). It thus follows that one member state cannot, by invoking the right of political asylum, refuse a request for extradition from another member state as this would effectively mean that it was claiming greater independence and impartiality for its courts and was setting itself up as more respectful of human rights. Indeed, if there were ever serious reason to believe that an EU member was being disrespectful of human rights, it would be a matter of such gravity that it not only justify a refusal to extradite it would actually terminate the continuing involvement in the Union of the state in question.\footnote{74}

d) \textit{Interpol}.

Criticism of Interpol essentially centers around two main areas: formal definitional issues and the poor level of security that exists within the organization. With respect to the first issue, Article 3
continues to severely limit Interpol's ability to play an active role in terrorist matters. Although the Luxembourg General Assembly's 1984 Resolution does try to place a more liberal interpretation on the stipulation not to investigate or intervene in matters of a political, military, racial or religious nature, Interpol has in generally adhered to this principle. This is reflected by the fact that the investigation of terrorism represents only 2 to 3% of the organization's entire workload. Moreover, whatever the good intentions of Interpol's functionaries, the fact remains that there are still some aspects of terrorist activity that could fall outside its scope. As such the organization cannot be fully relied upon as a comprehensive means of international police anti-terrorist cooperation.

Secondly, and more importantly, Interpol has developed a very low reputation for security in the exchange and sharing of information. Western states have repeatedly expressed grave reservations about the ability of certain Interpol delegates to handle sensitive material in an appropriate manner, claiming that they do not have sufficient experience and/or inclination in affording the proper protection to classified material. More to the point, because Interpol's membership includes states that have been alleged to connive in, or even promote terrorism - such as Libya, Syria and Iran - the organization is not considered to offer a secure environment in which to exchange terrorist information. It is precisely for this reason that operational European police anti-terrorist intelligence has continued to take place within PWGOT rather than be transferred to the Interpol structure.
During an official inquiry conducted by the UK House of Commons Home Affairs Select Committee on practical police cooperation in the European Community, Interpol came in for severe criticism. In written evidence presented to the committee, the UK's MPSB concluded that:

*Interpol staff are not experienced in affording the proper protection to classified material, do not possess the requisite security clearances and the politics and motives of some of its member agencies are, to say the least, questionable in this context.*

In further evidence presented before the committee, the MPSB expanded on its belief that Interpol was not sufficiently secure to discuss terrorism. It expressed grave reservations about using the organization to disseminate sensitive information, arguing that this should be avoided at least until Interpol's system of security clearance was improved. Such criticism was not unique to the UK alone. Similar points were raised during discussions committee members had with the police forces in all major European capital cities. Indeed, so bad has its reputation for protecting the security and confidentiality of information now become that it has been said of the organization that "many...police officers would as soon hand over their operational information to Interflora as Interpol!"
e) **Schengen.**

The principal problem with Schengen is that it does not include all EU member states - Denmark, Ireland and the UK are not parties to the Convention. Denmark's accession into Schengen has essentially been hindered by its obligation under the Nordic Union (which allows freedom of movement between the Scandinavian countries) to retain entry controls with Germany. This is unlikely to present a long-term difficulty, however, as Norway, Finland and Sweden (along with Austria) are due to be admitted into the EU in 1995.

Far more problematic are the UK and Ireland, neither of whom ever seriously considered involvement with the Schengen arrangements. Both are island states whose internal frontiers, it is argued, give them a unique advantage in controlling the inflow of terrorists, criminals, illegal immigrants and drug traffickers. As the then Home Secretary David Waddington stated in 1990: "[I]t would be absurd to throw away the natural advantages we have from being an island...common sense dictates we should use our geographical advantage and keep our [internal] controls."\(^82\) Moreover, in the absence of any land contact with other EU states (except for the border between the Republic of Ireland and Northern Ireland and the Channel Tunnel Fixed Link between France and the UK both of which are, anyway, covered by very special arrangements),\(^83\) the UK and Ireland have not been required to develop a concerted system of "in-depth" defence (such as the mandatory carrying of identity cards) nor have they been involved in the type of cross-land police cooperation that has taken place on the continent -
both of which make the abolition of internal frontiers considerably more feasible to contemplate. Finally, both countries interpret the EU's commitment to the "free movement of people" as something that applies only to EU nationals, and thus each wants to retain the right to check all third country nationals irrespective of where they arrive from (Schengen allows free movement of people to all who are in Schengen territory whether they are EU nationals or not). The failure of Schengen to consolidate all twelve members of the Community/Union into its framework effectively creates two categories of EU state - those who are incorporated within the Convention and those who are not. This flies in the face of EU integration and is incompatible with the notion of an integrated and unified system of Union law enforcement cooperation.

Moreover, it has been argued by a number of commentators that Schengen does not provide the necessary level of police cooperation and standardization that is necessary to offset the abolition of internal frontiers. A much cited example is the issue of "cross border pursuit." Article 41 of the Convention allows officers of one contracting state to enter the territory of another contracting state whilst in hot pursuit of persons suspected of being involved with offences such as murder, manslaughter, rape, arson, counterfeiting, extortion, abduction/kidnapping, hostage taking and illegal use/trafficking of arms and explosives. However, the right of cross border pursuit is severely limited to a distance of 10km; rules of arrest differ from country to country - for example, French police have the power of arrest on Germany territory but German police do not enjoy the same privilege on
French territory; certain pro-active techniques such as undercover operations and telephone tapping are subject to different national laws and will thus give rise to legal problems if brought to court in another country; it is unclear whether or not pursuing officers can frisk apprehended persons; and an ambiguity remains with respect to whether police officers can cross a border if the precise whereabouts of the person they are pursuing is not known to them.  

Schengen has also been heavily criticized for its undemocratic nature. There has been a consistent lack of democratic debate with respect to its negotiation and implementation with national parliaments only being brought in at the last moment to reject or ratify the end result. This has caused numerous problems with the practicalities of the Convention. The French Senate's Control Committee overseeing the implementation and operation of Schengen directly cites lack of national political debate as the principal reason for the failure of signatories to establish a common visa policy for periods exceeding three months; a clear, uniform asylum and immigration policy; a joint data protection law; and for insufficient standardization of different police practises.

The lack of democracy and its practical consequences have caused consistent problems with the ratification and implementation of Schengen. It took five years before the original group of five delivered on their 1985 promise to scrap all internal frontiers between themselves. The agreement was then held up again by Chancellor Kohl's request to re-examine its provisions in light of the problems caused by re-unification with East Germany. And as late as January 1992, the Dutch Parliament
was working to reopen negotiations, criticizing Schengen for its lack of democratic control, for the lack of an independent judicial body to adjudicate disagreements over its pronouncements, for inadequate provisions on immigration and asylum and the lack of a data protection act. All this uncertainty and delay (it should be noted that Schengen cannot come into force until it has been ratified by all signatories) has effectively nullified the experimental character of Schengen and it will almost certainly be overtaken and displaced by new developments which have already been negotiated and settled at the level of the Union as a whole.

f) Lack of Integration and Coordination.

Compounding all of the above difficulties are the institutional confusions that have arisen as a result of inadequate coordination, duplication of effort and conflicting spheres of interest between each of the various initiatives concerned. This is largely due to the fact that progress in EC/EU anti-terrorist (and internal security) cooperation has been driven primarily by reactive rather than pro-active responses. Piecemeal negotiation, a concern with sovereignty and complicated historical and political considerations have resulted in a situation wherein none of these initiatives have been integrated into a comprehensive and codified form of Union-wide interstate coordination. This relatively hesitant acceptance of a more integrated approach stems from the familiarity that EU member states feel towards bilateral cooperation and the process of gradually strengthening modalities of
coordination through piecemeal, intergovernmental negotiation as and when necessary. Indeed, the efforts of those who have tried to spur the multilateral, integrated stance have generally been met with resistance in international fora because of the perception by some that national sovereignty might thereby be potentially threatened.\textsuperscript{91}

In addition, there has been little attempt to link anti-terrorist initiatives with other forms of internal security cooperation. These include those designed to combat drug trafficking – Comite European de la Lutte Anti-Drouge (CELAD), the European Group to Combat Drug Abuse and Illicit Traffic in Drugs (better known as the Pompidou Group) and the Ständigearbeitsgruppe Rauschgift (the STAR Group); those designed to combat the laundering of drug money – GAFI (Groupe d'Action Financiere Internationale); those designed to combat financial criminal offences – UCLAF (Unite de Coordination de la Lutte Anti-Fraude); those designed to combat illegal immigration – the Ad-Hoc Group on Immigration; and those designed to promote customs cooperation – Mutual Assistance Groups (MAGs). This is far from satisfactory for, as many commentators have pointed out, the contemporary terrorist phenomenon has become closely bound up with issues of organized crime, narcotics, money laundering, smuggling and illegal immigration. As one senior police analyst recently observed: "Some of the facts that we are building up in our dossiers terrify me. They link terror, crime and big money in a doomsday scenario which makes a James Bond film look innocent."\textsuperscript{92}
THE MAASTRICHT THIRD PILLAR OF JUDICIAL AND HOME AFFAIRS COOPERATION

On February 7 1992, the EU Twelve unanimously signed the Maastricht TEU, the purpose of which was to complete the commitment toward the creation of a single European market (originally outlined by the Single European Act of 1987) by transforming the European Community into a more elaborate and integrated European Union. Article A of the TEU proclaims the intention of "creating an ever closer union among the people's of Europe... [the task of which] shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and their peoples." Article B sets the following objectives for the Union: the promotion of economic and social progress through the creation of an area without internal frontiers and through the establishment of economic and monetary union; the assertion of its identity on the international scene through the implementation of a common foreign and security policy (the second "pillar"); and the development of close cooperation on justice and home affairs (the third "pillar").

Like Schengen before it, impetus for the Maastricht third pillar of judicial and home affairs cooperation initially derived from the realization that any moves made to relax internal frontiers needed to be balanced by providing for an enhanced level of Community/Union-wide cross border law enforcement and judicial cooperation. The collapse of the USSR and the ensuing instability that has been caused as a result of the dramatic transformation of the East European geo-political landscape (see chapter four), however, radically increased the
importance of achieving such a state of affairs. Maastricht provided the opportunity that the Twelve needed to re-negotiate an internal security deal that would, unlike Schengen, be able to incorporate all member states within its overall framework.

Specifically, the internal security provisions of the TEU\(^9\) (Articles K1–9) cover, on an intergovernmental basis (although the "passarelle" clause [art. K.9] of the Treaty does allow provision for European Parliament/Commission competence on any subject should the Twelve deem it desirable at a later date) and in compliance with the European Convention for the Protection of Human Rights (art. K2), the following areas of common interest (art. K1):

- asylum policy;
- rules governing the crossing of EU external borders;
- immigration policy and policy with regards nationals of third countries, including:
  a) conditions of entry and movement by nationals of third countries on EU territory;
  b) conditions of residence by nationals of third countries on EU territory, including family reunion and access to employment;
  c) combating unauthorized immigration, residence and work by nationals of third countries on EU territory;
- combatting fraud;
- combatting drug addiction;
- judicial cooperation in civil and criminal matters;
- customs cooperation;
police cooperation to combat terrorism (which for the purposes of the TEU is defined as "the use and attempt to use violence by a structured group to obtain political objectives"), drug trafficking and other international organized crime (defined as "an uninterrupted series of criminal activities committed by a group of individuals with the intention of obtaining benefits, influence or power"), including if necessary certain aspects of customs, in connection with the organization of a union-wide system for exchanging information within a European Police Office (Europol). Europol formerly started work in the Hague in February 1994.

In addition, art. K4 establishes an executive coordinating committee of senior officials (known informally as the "K4 Committee") to oversee and integrate the above areas of common interest. This structure represents the real power within the Maastricht third pillar. The Committee will have three steering groups, each with a number of working parties: "Immigration and Asylum" - working parties on asylum, immigration, visas, control of external frontiers and clearing houses on asylum and immigration (CIREA - the Centre for Information, Discussion and Exchange on Asylum and CIREFI - the Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration); "Security, Law Enforcement, Police and Customs" - working parties on counter-terrorism, public order, combatting serious crime, Europol, customs and drugs; and "Judicial Cooperation" - working parties on civil and criminal matters. In addition the Committee will have responsibility for the setting up of the two planned EU-wide computer systems - the
European Information Service (EIS) and the Customs Information Service (CIS). Membership will be made up with one official from each EU state plus one from the Commission. In practise, however, it will essentially mirror the representative make-up of the Group of Coordinators (see endnote 94) which wrote the initial report recommending its creation.\textsuperscript{100} 

The Committee was formally established when Germany completed the ratification process of the TEU in October 1993.\textsuperscript{101}

Central to the process of harmonizing rules governing the crossing of EU external borders is implementation of the External Borders Convention, signed by the Twelve in June 1991. Its main provisions include sanctions for the crossing of external borders other than at authorized times and places; "effective surveillance" of all external frontiers by member states; rigorous controls (by visa and other "requirements") on the entry of third country nationals; carrier sanctions for airlines and other passenger carriers who fail to ensure that third country nationals have the required travel documents/visas; a common list of countries whose nationals require a visa to enter the EU; the establishment of a joint computerized list, contained within an EIS (a EU-wide computer system covering immigration, asylum, security and policing),\textsuperscript{102} of "inadmissible" third country nationals who are to be refused entry to the Union; and limited "visiting rights" of re-unification with respect to family members of third country nationals already living within the Community.\textsuperscript{103} The Council of the European Union has recommended that the EU members states adopt the Convention before December 31, 1994.\textsuperscript{104}
Given the urgency of the matter, visa policy was made an immediate area of European Parliament/Commission (i.e. not intergovernmental) responsibility (art. 100c). Decisions as to which third countries will require a visa to enter the EU will be taken by the Council of Ministers (acting on proposals made by the Commission and after consulting the Parliament) on the basis of unanimity. In an emergency, however, it may act by qualified majority vote (QMV) which, after 1996, will be the rule.\textsuperscript{105}

To facilitate customs cooperation, the Twelve have committed themselves to the launch of a new EU-wide computer network, the CIS. Based on the existing encrypted message system, SCENT (Systems Customs Enforcement Network), it will link Union customs officials through 300 terminals allowing them to exchange information and intelligence on drugs, fraud and current smuggling techniques.\textsuperscript{106}

The third pillar also included political declarations on asylum policy and police cooperation. Although it proved impossible to agree on a common asylum policy at Maastricht, the Twelve did, nevertheless, stipulate it as a priority issue, committing themselves to the harmonization of certain aspects of their asylum policies by the end of 1993.\textsuperscript{107} Central to this objective is the implementation of the Dublin Convention, signed by the EC member states in June 1990. It applies the "first safe country" principle whereby asylum seekers have to make their application for political asylum in their first "safe" country of origin. This ensures that applications are, in theory, processed by only one of the Twelve so as to prevent the phenomenon commonly referred
to as "asylum shopping." To facilitate this process, a European automated fingerprint recognition system (EURODAC) allowing for the detailed exchange of information on asylum seekers with other EU countries will be set up. In effect, the Convention means that asylum seekers do not have a second chance to apply for political asylum in another EU state once they have been refused entry by their first country of application - whose decision is, thus, binding on all other member states. The Dublin Convention cannot, however, come into force until it has been ratified by all twelve EU states. By the end of 1993 only Denmark, Greece, Luxembourg, Italy, Portugal and Spain had in fact done this. The Council of the European Union is expected to express its agreement to giving priority to joint action in this matter in the latter half of 1994.

With respect to police cooperation, the Twelve also confirmed their endorsement of the general principles governing such collaboration by agreeing to consider the adoption of practical measures on information exchange and experience. These include:

a) support for national criminal investigation and security authorities in the coordination of investigations and search operations;

b) creation of data bases;

c) central analysis and assessment of information in order to "take stock of the situation" and identify investigative approaches;

d) collection and analysis of national prevention programs for forwarding to members states and for drawing up EU-wide prevention strategies;
e) collection and analysis of national measures relating to further training, research, forensic matters and criminal departments.

The decision as to whether the scope for cooperation in these areas should be extended will be made on the basis of a report to be presented to the member states in 1994.\textsuperscript{111}

THE MAASTRICHT THIRD PILLAR AND COUNTER-TERRORISM

Whilst a valid assessment of the effectiveness of the Maastricht third pillar with respect to the fight against terrorism can only be made once its performance becomes more apparent overtime, it is possible to make a number of comments in this regard. In general, the major importance of the TEU with respect to internal security lies in its horizontal coordination of customs, policing, judicial and immigration arrangements which, hitherto, have been dealt with by a variety of disparate groups and agreements. Moreover, it establishes a clearly defined authority infrastructure (vertical coordination) to oversee internal security cooperation and formalizes much of the work presently being undertaken by non-treaty based arrangements such as TREVI and PWGOT.

Specifically, one can point to a number of extremely important developments that the Maastricht third pillar provisions represent over previous EC/EU anti-terrorist/internal security cooperation arrangements. First, they incorporate the Twelve into one, Union-wide system. It will be recalled that a major debilitating feature of the Schengen Convention was the fact that it did not include all EU member
states. Ireland and especially the UK consistently refused to sign the agreement because of the requirement to abolish internal borders arguing that such a stipulation would allow access into their countries of terrorists, drug traffickers and illegal immigrants. However, unlike Schengen, the Maastricht third pillar does not start out with the a priori of abolishing all internal frontier controls as the necessary prerequisite for enhancing internal security cooperation. It merely reaffirms the objective of facilitating the free movement of peoples by providing for enhanced cooperation in the areas of justice and home affairs. This in effect means that one can still be party to the TEU's internal security provisions even if one is not prepared to fully abolish one's own border controls - something that Schengen did not allow.

For the purposes of the internal market as set out by the TEU, the UK and Ireland have been given a special dispensation that allow their ports and airports to be treated as an external frontier with respect to nationals from third countries (to be reviewed in 1995). In return, both governments have agreed to considerably reduce systematic checks on EU nationals entering their countries. A compromise position has been reached whereby Union citizens entering the UK and Ireland will, henceforth, be required to simply "wave" their passports/identity cards at frontier posts so as to identify themselves as EU nationals and thus avoid the regular immigration checks which will continue with respect to third country nationals. The greater flexibility over internal border controls undoubtedly reflects the pragmatic need for the EU to ensure that all its member states are
incorporated within the internal security framework of the Maastricht third pillar.

Second, the TEU's judicial and home affairs provisions establish the beginnings of a truly effective EU crisis management structure that brings together disparate police, customs and judicial authorities under one clearly defined, legally based, authority framework - the K4 Committee. Such an arrangement will have a greater capacity to set priorities and determine the command, control and jurisdictional parameters of effective organization. This should lead to the emergence of a more coordinated, integrated and rationalized Union-wide strategy between police, immigration, customs, narcotics and anti-terrorist officials - something that both Schengen and TREVI failed to achieve. The contemporary terrorist phenomena is closely linked to issues of illegal immigration, narcotics and smuggling. By bringing these separate areas together in one over-arching forum, it will be far easier to achieve the level of inter-service coordination that is so necessary for any effective counter-terrorist strategy. As Ron Hadfield QPM, Chief Constable of the West Midlands Police and Chair of the Association of Chief Police Officers (ACPO) International Committee observes:

*Countering [terrorism] requires a sophisticated response. It can only truly be dealt with through coordinated international action between national police, customs and immigration forces. Such a multi-agency taskforce is both necessary and vital for the region and has already been used with great effect in Northern Ireland.*
Moreover, it has encouraged certain member states to further rationalize their national counter-terrorist strategy so as to facilitate more effective international coordination with their EU counter-parts.\textsuperscript{117} For example in 1992, the UK government announced the appointment of a new "security supremo," Commander Churchill-Coleman (former head of Scotland Yard's SO13), to act as coordinator between the UK's own national anti-terror network and that of its European counter-parts. The move was part of a far reaching review that is aimed at improving anti-terrorism, both within Northern Ireland/mainland UK and on continental Europe, by establishing an integrated anti-terror unit under the overall control of the Security Service/MI5.\textsuperscript{118} Equally, in the same year the Belgian government committed itself to a program of legally sanctioning the work of the \textit{Groupe Interforce Antiterroriste} (GIA) as part of the process to prepare its police forces and law enforcement agencies for the requirements of a United Europe.\textsuperscript{119} Such formalized and centralized anti-terrorist structures already exist within France, Italy and Germany\textsuperscript{120} and it is likely that, given the demands of the Maastricht third pillar which calls for closer EU cooperation, similar developments will be initiated by the other member states over the next few years.

Third, the Maastricht third pillar provides European internal security policing with a solid legal basis. By officially recognizing terrorism (together with organized crime and drug trafficking) as a matter of common interest and providing the Council of Interior and Justice Ministers and the K4 Committee with clear areas of responsibility in this field, the Twelve are paving the way for more systematic
regulation over an area in which only sporadic progress has so far been achieved. Article K3 enables the Council to promote coordination and adopt joint measures in all those areas referred to in art. K1 of the pillar. Their action will essentially reflect the recommendations of the K4 Committee which is assigned the task of giving "opinions for the attention of the Council, either at the Council's request or on its own initiative" and contributing "to the preparation of the Council's discussions referred to in art.K1." This represents a considerable improvement over non-treaty based bodies such as TREVI and the PWGOT, both of which had no real power of initiation or implementation (given the lack of a solid legal foundation) and which were, in the final analysis, little more than glorified debating forums.

Fourth, a common visa policy and the commitment to work towards integrated immigration and asylum policies through the External Borders and Dublin Conventions respectively will contribute greatly to the strengthening of the EU's outer frontier. This, in turn, will minimize the associated risk of terrorists exploiting lenient border formalities and so gaining unhindered access to some 320 million people and a variety of highly visible and vulnerable targets in a geographical zone that stretches from Dublin to Athens. Moreover, a common immigration and asylum policy is of the upmost necessity to control the flood of migrants that the Union is expected to face (and indeed, already has) during the 1990s. Large scale immigration must be seen as one, if not the major, cause for the growth of the racist tendencies and xenophobic violence
which the EU is currently experiencing (see chapter four). As the former UK Home Secretary Kenneth Baker forewarned in 1992:

*I believe that if these [migration] flows are not checked, what you will see is a resurgence of extreme nationalist politics right across Europe. We're beginning to see it already in Germany, these appalling fascist marches which the Government of Germany has got to stop. 122*

Fifth, Europol has the potential to develop into a truly coherent intelligence initiative for serious international crime - its foundational provision envisaging a system of information exchange for the purposes of preventing and combatting terrorism, drug trafficking and other forms of serious international organized crime (art. K1[9]). Such a centralized body is crucial for dealing with transnational criminal activities such as terrorism, where single pieces of information are often meaningless until they are pieced together in a larger picture with the intelligence data from other states. Whilst there appears to be some reluctance to include the sensitive nature of terrorist intelligence in the overall ambit of Europol at present (its mandate so far has been restricted to the coordinated exchange of drug intelligence information), there is good reason to speculate that this will indeed occur. This is principally because of the difficulty of cordonning off drug related intelligence from other aspects of serious international crime - especially that of terrorism. Drug cartels have increasingly been prepared to use violence in the context of objectives that are political rather than economic such as the erosion of democratic rule and the election/intimidation of malleable politicians. 123 Such tactics are largely
used to prevent fundamental social and political change from taking place that is perceived as threatening. Equally, terrorist groups have become progressively more involved in the narcotics trade as a way of availing themselves of an extremely lucrative source of revenue: the European street value of one kilo of pure cocaine is roughly 500 times that of its production cost of $28. Moreover, the necessity of transforming drug related and other illicit/racketeering earnings into respectable hard currency has caused subversive organizations to become increasingly entangled with aspects of the money laundering "business." Numerous groups have developed links with corrupt accountants, bankers and lawyers who have been able to invest their "funds" in sound companies and financial safe havens known for their prestige and integrity. Given circumstances such as these, it appears likely that Europol's ambit will have to be extended to cover the whole continuum of EU internal security if it is not to run the associated risk of losing interesting and vital cross-connecting information.

These realities will undoubtedly not be lost on those who have responsibility for the future of EU internal security. Indeed, counter-terrorism, Europol, organized crime and drug trafficking have already been placed within the same K4 Committee steering group, suggesting a recognition at least exists that they are all, in some way, linked. This seems to be have been confirmed by the fact that the inclusion within Europol of the TREVİ Secure Fax Network (TSFN), the mechanism that was used by TREVİ WGI to transmit terrorist data, is now being
seriously discussed. As Jurgen Storbeck, a Commander in Germany's Bundeskriminalamt and head of the Europol team, stated last year:

*I think Europol will grow very quickly...At a political level they are already talking about a role on the mafia and environmental protection...I'm sure it will soon be suggested we deal with international terrorism.*

There can be little doubt that the internal security provisions of the Maastricht Treaty on European Union constitute a fundamental practical improvement over the ad-hoc and unintegrated anti-terrorist strategy that had emerged between EC states prior to its implementation. The judicial and policing arrangements contained within the third pillar provide the Twelve with the means to develop the type of structured, coherent and rationalized policy that has now become necessary to combat the contemporary threat posed by terrorism. These initiatives can be conceptualized as the most recent stage in a continually evolving process that is grounded on the following rationale: the need to provide an ever more efficient and integrated response to an activity that is itself subjectively defined as one which constitutes a collective threat to the values and stability of liberal democracy. However, because terrorism is defined as a common threat to a commonly held way of life, it is just as vital that any action taken is also seen to be philosophically acceptable. Any strategy that is ultimately adopted must therefore be consistent with liberal democratic norms of social legitimacy and, hence, be recognized as one that is upholding the rule of law and working for the common good. In short, it needs to be *both effective and acceptable.* Despite the importance of this requirement, it seems that
the Maastricht third pillar has fallen prey to the same shortsightedness that proved so problematical prior to its inception. Indeed, because the introduction of a standardized internal security system has been delayed and now lags far behind the EU's internal market program, the member states appear to have been "frightened" into hurriedly implementing measures which do not seem to have adequately taken into account fundamental democratic norms of accountability and legitimacy. This is a serious deficiency as unless critical considerations of democratic control are incorporated within the third pillar, any positive operational developments that it may have achieved will be for nought. This is because they will almost certainly fail to gain the type of public support and consent that is so necessary for effective anti-terrorist policing in open, liberal democratic societies. Schengen is a good example of how the practicalities of implementing an internal security arrangement can be greatly complicated because of concerns over democratic accountability and control. Such lessons should not be lost on EU member states with respect to the Maastricht third pillar. If the new, open European market is genuinely to offer greater liberty to its citizens, it is vital that policing and judicial institutions are accompanied by visible and effective guarantees of democratic accountability and political responsibility. It is this aspect (or more accurately, the lack of this aspect) of the Maastricht third pillar that gives most cause for concern and which serves as the subject matter for chapter seven.
ENDNOTES


2  Throughout this chapter the designations EC and EU will be used interchangeably. The term EC will be used for references prior to the 1992 TEU, EU for references after the TEU.


9  See "Supreme Court Frees Finuncanne," The Guardian, 14/06/90.

10 Article 29 of the Irish constitution provides that "Ireland accepts the generally accepted principles of international law as its rule of conduct in its relations with other states." The interpretation which consecutive Irish governments have put on this article (i.e. that it prevents the country from extraditing those charged with political crimes) has been a matter of considerable academic and political controversy.

11 Claiming "political defence" is the most obvious way by which terrorist fugitives have been able to avoid extradition and, thus, trial for their crimes. Its inclusion as a justifiable exception to the law of extradition can be traced back to a Belgian treaty of 1833 and can now be found in the overwhelming majority of national and international laws on extradition. See Juliet Lodge and David Freestone, "The European Community and Terrorism: Political and


16 Cardona, "The European Response to Terrorism," 247.

17 For some good accounts of how intersubjective understandings and common normative standards can help to foster international cooperation see: Y. Ferguson and R. Mansbach, "Between Celebration and Despair: Constructive Suggestions for Future International Relations Theory," International Studies Quarterly 35 (1991): 363-


\textcite{396}Sir Peter Imbert, comment made during the panel discussion, "Conference on Crime in Europe," Leicester University, September 23, 1993.

\textcite{397}Richard Clutterbuck, \textit{Terrorism, Drugs and Crime in Europe After 1992} (London: Routledge, 1990), 121.


\textcite{399}John Strawson, "Trouble Shooters," \textit{The Elite} 10 (1986): 2198.

\textcite{400}Clutterbuck, \textit{Terrorism, Drugs and Crime in Europe After 1992}, 122.

\textcite{401}Leroy Thompson, "NCOS," \textit{The Elite} 10 (1986): 2363.

\textcite{402}Two failed attempts that were made to combat international terrorism were the US Draft Convention for the Prevention and
Punishment of Certain Acts of International Terrorism and the West German proposal for a Diplomatic Conference on the Laws of War. Both failed because a number of Afro-Asian and East European states refused to support the measures, arguing that they could interfere with the activities of National Liberation Movements (NLMs) and failed to condemn state terror on the part of "colonial, racist or alien regimes." For further details see John Duggard, "International Terrorism: Problems of a Definition," International Affairs 50(1) (1974): 67-74; and Report of the Ad Hoc Committee on International Terrorism (GAOR, 28th Session, Supplement No. 28 A/9028).

There is much debate over the origins of the name given to the "TREVI" group. Some argue TREVI owes its name to the district in Italy where the Council of Ministers first decided to establish the Group in 1975; others claim that it is the result of a play on the name of its first Chair, Mr Fontaine and its association with the TREVI fountains in Rome. Still others (and the generally accepted view) see TREVI as an acronym for Terrorism, Radicalism, Extremism and Violence International.

European Political Cooperation (EPC) was the process by which the member states of the EC coordinated their foreign policies. It began in 1970 as a pragmatic way of achieving a political identity alongside the economic identity of the EEC. Its objective was concerned not so much with the formulation a common foreign policy per se, but with facilitating cooperation of a non-binding sort among its member states in the sphere of foreign policy. Economic and political cooperation remained parallel, but un-integrated processes until the Single European Act (SEA) of 1987 which combined in one legal text provisions for political and economic cooperation to enable the establishment of a single unified economic area by 1992. The Maastricht Treaty on European Union (TEU) further amended the EC treaties to move the Community toward greater economic, monetary and political union, including more unified foreign and defence policies. A good account of the evolution of EPC is given in Simon Nuttal, European Political Cooperation (New York: Oxford University Press, 1992); see also US Department of State, "Fact Sheet: European Community," US Department of State Dispatch 4(7) (February 1993): 87-93.

It should be noted, however, that non-EC members can be drawn into discussions by the "TREVI Troika" - a group comprising past, present and future presidents of TREVI who decide on such issues on a case by case basis. Moreover, eight states have also been given observer status within TREVI. They include Sweden, Austria, Morocco, Norway, Switzerland, Finland, Canada and the US. In addition, two further countries, Argentina and Hungary, are briefed by Spain and Germany respectively. See European Briefing Note (February 1990); and Paul Swallow, TREVI (Background paper
prepared for the Department of Politics, University of Southampton, 18/11/93), 3.


31 Clutterbuck, Terrorism, Drugs and Crime in Europe After 1992, 121.

32 See Nuttal, European Political Cooperation, 299; and Lodge, "Frontier Problems and the Single Market," 25-26. Interestingly, a total of five working groups were originally planned for TREVI. In addition to WG1 and WG2, a WG3 was intended to deal with hijacking, particularly with respect to aircraft; a WG4 was intended to deal with security issues relating to nuclear installations and transportation; and a WG5 was intended to deal with disaster emergency planning and international fire fighting. These latter three working groups never actually met largely because of the over ambitious nature of this extensive original remit. Moreover, the TREVI planners failed to acknowledge the existence of other groups working in similar fields. See Swallow, TREVI, 3.

33 See "Plugging the Holes in the Terrorism Net," The Times, 05/05/1988.

34 Clutterbuck, Terrorism, Drugs, and Crime in Europe After 1992, 121.


36 Ibid., pg. 50.

37 This expressly made hijacking an extraditable offence, either to the country of registry of the aircraft, the country where the aircraft (with hijacker on board) landed, or the country whose citizens charter a plane without chartering the crew. See Grant Wardlaw, Political Terrorism. Theory, Tactics and Counter-Measures (Cambridge: Cambridge University Press, 1989), 115-116.

38 This is mainly concerned with sabotage, requiring signatories to extradite or try in their own courts persons who sabotage or otherwise damage/destroy aircraft or endanger the safe operation of an aircraft by damaging/destroying installations and/or air navigation services. Ibid., 116.

David Freestone, "Legal Responses to Terrorism: Towards European Cooperation?" in Lodge, ed., Terrorism: A Challenge to the State, 213.


The European Liaison Network includes all the EC states plus Austria, Finland, Iceland, Norway, Sweden, Switzerland, Gibraltar and Malta.

Benyon, Turnbull, Willis and Woodward, Police Cooperation in Europe: An Investigation, ch. 6; see also Benyon, Issues in European Police Cooperation, 32-33.


Ibid., pg. 5.

Anderson, Policing the World, 143-144.


Grange, The Impact of Data Protection upon European Police Information Flows and the Specific Implications for Immigration and Asylum, 6.

Malcolm Anderson, Objectives and Instruments of Police Cooperation (Paper presented before the "Police and Immigration: Toward a Europe of Internal Security" Workshop, European Consortium for


54 This part of the agreement entered into force on January 1, 1986.

55 See Juliet Lodge, "Internal Security and Judicial Cooperation Beyond Maastricht," 8; and den Boer, Schengen: Intergovernmental Scenario for European Police Cooperation, 4.


57 It should be noted that at the time of writing, no common agreement has yet been reached with respect to either a common visa (the issue of visas for visits over three months remains the separate responsibility of each contracting state, to be made in accordance with its own national legislation) or immigration policy.


60 Ibid., pg. 12.


Citation obtained from Paul Swallow following interviews at New Scotland Yard in March 1994.

Benyon, Issues in European Police Cooperation, 27.


David Schiller, "From a National to an International Response," in Tucker, ed., Combating the Terrorists, pg. 194. At the time of writing, it appears that nearly all of the functions previously carried out by TREVI will, henceforth, be undertaken within the framework provided by the Maastricht third pillar.


Zagari, "Combating Terrorism: Report to the Committee of Legal Affairs and Citizens' Rights of the European Parliament," Terrorism and Political Violence 4(4) (Winter 1992): 295-298. This state of affairs has now been officially endorsed by the European Parliament. Following a decision taken by Belgian authorities to refuse a Spanish request to extradite two suspected Basque terrorists who had applied for political asylum, the Parliament adopted a resolution which "considers that in no circumstances may a Member State of the Union grant the status of political refugee to a citizen of another Member State." See European Parliament Briefing (PE 174.604/fin, 13-17 December 1993), 39; and "Extradition to be Made Easier," Statewatch 3(5) (September-October 1993): 10.


Ibid.; see also Anderson, Policing the World, 146; and Grange, The Impact of Data Protection upon European Police Information Flows and the Specific Implications for Immigration and Asylum, 6.
Interview with Paul Swallow, New Scotland Yard (UK), April 1994.


House of Commons Home Affairs Select Committee, Practical Policing in the European Community, xxv.


The land border between Southern and Northern Ireland is designated as a "passport free" common travel area. It is not subject to any frontier controls except for security purposes with respect to the activities of terrorist organizations in the North. The Channel Tunnel Fixed Link between France and the UK is covered by a specific bilateral treaty and intergovernmental protocols which provide for very close, permanent and juxtaposed arrangements for the work of the British and French national police, immigration and customs agencies. See Frank Gregory, Image and Reality in British Border Control Policy 1988-1993 (Paper presented before the "Police and Immigration: Toward a Europe of Internal Security" Workshop, European Consortium for Political Research Joint Session of Workshops, Madrid, 17-22 April 1994), 8.


At the time of writing, only Belgium, France, Luxembourg, Germany and the Netherlands have so far ratified the Convention. Moreover, a French decision in March 1993 to "shelve" application of the Convention's accords means that even if all remaining states do complete the ratification process, implementing it will be virtually impossible given France's geographical position at the center of the EU. See "French Balk at Open Borders," The Sunday Telegraph, 09/05/93. France again delayed the abolition of its border controls in January 1994, admitting that the new date for the implementation of the Convention, 1 February 1994, could not be kept for "technical reasons." See Europe General News, No. 6140, 3/4 January, 1994.


See "Both Law and Order on the Run," The European, February 4-7, 1993; see also de Cock, "The Operational Problems of Police Cooperation between the European Police Forces," 46. It is true that Schengen and TREVI did make attempts to redress this latter deficiency. However, Schengen does not include all EU states and its progress in any case now appears to have virtually ground to a halt. And although TREVI's ambit was extended to cover drug trafficking and organized crime in 1985 (through the creation of WG3), its involvement in these areas was essentially restricted to a study of the feasibility of setting up a European Drug Intelligence Unit (EDIU) - the forerunner of the Europol initiative (see below). Moreover, the group developed no meaningful role or expertise in the fields of illegal immigration, smuggling and financial crime.

See Maastricht Made Simple (Milton Keynes: The European, 1992), 8.
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were to give effect to the objective of establishing the free movement of goods and persons within their territory.

95 See "Trevi, Europol and Immigration," Statewatch 3(1) (January-February 1993): 11. The definition is based on the terminology that was worked out by TREVI WG3. It reflects the political component stressed in most definitions and, by emphasizing the idea of "structure," appears to accept the idea of terrorism as a deliberately planned campaign of violence - so differentiating it as an explicitly intended, systematic mode of psychological "warfare." It is noteworthy, however, that the definition excludes two major characteristics that are often included in conceptualization's of terrorism - non-combatant activity and indiscrimination. This is almost certainly due to the fact that at least two major West European terrorist groups periodically engage in acts of violence that either do not involve civilians or do not have an inherently indiscriminate element. PIRA activities in Northern Ireland are generally concentrated against British soldiers whilst the German Red Army Faction (RAF) and Commando Holger Mains (CHM) "reserve" their acts of aggression for prominent members of the financial and industrial community. By excluding the characteristics of non-combatant activity and indiscrimination from a EU definition of terrorism, both Germany and the UK are consequently able to include all actions undertaken by PIRA and the RAF/CHM as terrorist.

96 Ibid. Again this definition is based on the terminology worked out by TREVI WG3.


98 See "New European Police to Fight Regional Crime," The New York Times, 17/02/94. The final work on establishing Europol's intelligence data base has yet, however, to be completed.

99 Technically, however, the work of the K4 Committee comes under the Council of Interior and Justice Ministers and the Committee of Permanent Representatives (COREPER), the latter having the responsibility for agreeing an agenda and negotiating a consensus.


101 Germany was the last EC state to formally ratify the TEU so allowing the treaty to enter into force on November 1 1993.

102 A person can be included on the EIS if he/she has served a custodial sentence of one year or more; if there is information to
the effect that he/she has committed a serious crime; if there are serious grounds for believing that he/she is planning to commit a serious crime and/or represents a threat to the public order/national security of a member state; and if he/she has committed a serious offence in relation to the entry or residence of aliens person. A convention on the EIS is expected to be ready for ministerial signature in October 1994 under the German Presidency.

103 See "External Borders Convention," *Statewatch* 2(4) (July-August 1992): 1. Implementation of the External Borders Convention has been held up by a dispute between Spain and the UK over the status of Gibraltar: is it to be an internal or external border? The UK wishes to give the colony independence and thus to treat its frontier as an external border. Spain, however, maintains that should the British renounce sovereignty, under the terms of the 1713 Treaty of Utrecht control of the colony would pass to it, thus designating Gibraltar's frontier as an internal border.


106 The preparatory work for the CIS was carried out by the Mutual Assistance Group 1992 (MAG '92). It will incorporate standard messages such as "stop and search" and will hold information on five main categories: persons; businesses; method of transport; commodities; and trends. In each category there is a space for intelligence to be added. The effect of the CIS will be that instead of trying to watch every person or lorry crossing an EC external border, customs officials will target suspects if they fit the "profile" of a likely smuggler according to intelligence reports. Special teams of customs officers have been formed into FASTS (Flexible Anti-Smuggling Teams) to search and, if necessary, follow suspect individuals and vehicles. A convention on the CIS is being prepared for ministerial signature in June 1994 under the Greek Presidency. Information obtained from Sandy Russell during the "Conference on Crime in Europe," Leicester University, 23 September 1993; see also "New Customs Computer," *Statewatch* 3(1) (January-February 1993): 3.


109 A report given to the Council of Interior and Justice Ministers on November 29 1993 (the first meeting of the newly created council) gave the following picture of those still to ratify the Dublin Convention: Belgium - ratification expected by the end of 1993; Germany - "probably" completed by June 1994; Spain - ratification procedure has not started as Spain is awaiting confirmation from Ireland on an amendment to Article 12 in the Spanish version; France - "probably" in the first half of 1994; Ireland - "expected" by the end of 1993; Netherlands - "ratification procedure has been initiated." See "Dublin Convention," Statewatch 3(6) (November-December 1993): 9.


111 "Treaty on European Union" (March 1992), 373.


113 This also allows Denmark to meet its obligations with respect to the Nordic Union - i.e. to maintain its border with Germany - without thus having to be excluded from the Maastricht third pillar.

114 This is known as the "Bangemann wave" compromise following the agreement reached by Kenneth Clarke, the UK Home Secretary, with Martin Bangemann, Vice-President of the EC Commission for internal border controls.

115 See "Immigration," Statewatch 2(1) (January-February 1992): 4-5; "UK Borders Transitional Agreement," Statewatch 2(6) (November-December 1992); and "Trevi, Europol and Immigration," Statewatch 3(1) (January-February 1993): 10. It should be noted, however, that the UK has now said that the "Bangemann wave" compromise will only apply to its seaports. Moreover, the government has announced that it will not even introduce this measure until all the Schengen states have removed their internal controls. Given the failure of the Schengen states to agree on external frontier policy issues such as immigration, asylum and visas, the extremely slow pace by which signatories have been prepared to ratify Schengen, and France's recent "turn about" with respect to its implementation, this could, in theory, allow the UK to retain all its frontier checks with respect to both EU and non-EU nationals for many years to come.


117 Numerous commentators have argued that the Maastricht third pillar provides the stimulus needed for a general "shake-up" of the organization of European police forces and law enforcement

118 See "Other Countries Have Defeated the Terrorists. We Can Do the Same," The Sunday Telegraph, 09/09/92; "New Security Overlord to Fight Increased Ulster Terrorism," The Sunday Times, 08/03/92; and "Anti-Terror Unit to be Born of MI5 Marriage," The Sunday Telegraph, 10/05/92.


120 The function of coordinating anti-terrorist activity is fulfilled by the Unite de Coordination de la Lutte Anti-Terroriste (UCLAT) in France, the Interior Ministry (as a result of the Law of 14 February 1980) in Italy and the Bundeskriminalamt (BKA) Ateilung Terrorismus in Germany.

121 "Treaty on European Union" (March 1992), 328.


124 Italian anti-terrorism experts believe that the wave of bombings Italy experienced in the latter stages of 1993 were carried out by the Mafia precisely for this reason. According to the country's police chief, Vincenzo Parisi, the explosions - which destroyed museums and churches, killed 10 and left dozens wounded - were aimed at de-railing Italy's ever widening judicial investigation into vast official corruption and bureaucratic/government links with the "mob." He also added that evidence existed to suggest that the Mafia were obtaining logistical support from "extremist groups" in the former Yugoslav republics and other countries of Eastern Europe. See "Bombers Target Italy's Reforms," The Daily Telegraph, 27/09/93; "Italy, Worried on Bosnia, Reinforces North," The New York Times, 13/08/93; "Italy's Investigation Into Bombings Links Mafia with Groups Abroad," The New York Times, 16/08/93; "Italy in a Furor as Mata Hari Talks of Military Plot," The New York Times, 19/10/93; and Terrorism IX(1) (February 1994): 15.


See "Busted Drugs Agency," *The Guardian*, 10/03/93. DAC John Howley of the UK's Anti-terrorist squad, S013, also endorses this line of thinking. In an interview with Paul Swallow conducted in March 1994, Mr. Howley stated that Interpol was inevitably going to be replaced by the new "political" Europol, commenting that in the long run he would welcome the terrorism remit being taken over by a properly established Europol.

CHAPTER SEVEN: THE MAASTRICHT THIRD PILLAR AND LIBERAL DEMOCRATIC ACCEPTABILITY

INTRODUCTION

Maastricht provides the Twelve with the means to develop a truly integrated and coherent anti-terrorist policy. In a number of significant ways its measures represent a considerable practical improvement over the ad-hoc and piecemeal response that was initiated before its inception. However, as chapter five made clear, for a liberal anti-terrorist policy to be truly effective, it also has to be regarded as socially legitimate. For this to happen, it is vital that any strategy initiated is tempered by those overall guiding principles which help to prevent an erosion of the standards and traditions that make a democratically liberal way of life possible in the first place.

As with operational effectiveness, it is only really possible to make a valid assessment of the democratic acceptability of the Maastricht third pillar with respect to counter-terrorism once its performance becomes more evident overtime. However, the following observations, made in respect to the general character of the TEU's internal security provisions, suggest that achieving an anti-terrorist policy that is consistent with the standards of acceptability as developed in chapter five could be highly problematic. Limitation is being undermined by the increasingly explicit tendency to regard entire ethnic/racial groups as potential high risk threats to internal security. Credibility is being strained by the conspicuous lack of critical debate that has come to surround the third pillar's initiation as well as by the failure to
implement effective international data protection rules. And accountability has all but been made non-existent thanks to the intergovernmental nature of virtually all of the TEU's internal security provisions. This chapter will examine each of these concerns in turn, concluding with an assessment of the likely philosophical and strategic consequences of a failure to abide by limited, credible and accountable anti-terrorist responses.

THE MAASTRICHT THIRD PILLAR AND LIBERAL DEMOCRATIC ACCEPTABILITY

1. Limitation.

The first requirement of any liberal response to terrorism is the need for a limited, well defined strategy that does not go beyond what is demanded by the exigencies of the situation and which is directed only against the terrorist themselves. By contrast, it appears that much of the substance of the Maastricht third pillar is being guided by an underlying ideological rationale that implicitly, and increasingly explicitly, identifies all immigrants and foreigners as a major, or at least significant threat to internal security. No longer preoccupied by the external menace of communism, EU member states have begun to turn their attention and resources to an increasingly threatening "enemy within," defined as terrorism, drug trafficking and organized crime. In light of the many dangers that look set to plague West European states in the post-Cold War era (see chapter four), this can, to a certain extent, be viewed as a rational response to an increasingly unstable
internal and external environment. However, rather than restricting itself to those elements that are definitively associated with these threats, the Maastricht third pillar also appears to have become embroiled in a type of "post-McCarthy" witch hunt" involving the systematic criminalization of entire immigrant and foreign groupings.

The tendency to equate ethnic groups with crime by West European police and security forces is nothing new. It arises as a result of three inter-related suspicions. The first stems from the notion that those deprived of adequate living standards in their own societies will be attracted to the relative prosperity of Western Europe and, hence, will try illegally to infiltrate these societies by exploiting liberal judicial frameworks. The second flows from the first in that it obscures the status of those already established within an immigrant community by reinforcing the view that these populations have a "natural" propensity for crime and are therefore more susceptible to illicit, underground activities. The third rests on the further assumption that, since illegal migrants are largely prevented from obtaining welfare services or gaining legal employment, they will necessarily be forced into crime in order to establish a living for themselves. Each of these strands works to reinforce a negative image of immigrants, promoting a perception that they represent a threat to public order whilst simultaneously justifying an a priori extension of external and internal controls by law enforcement agencies.

An analysis of European law enforcement discourse undertaken by Monica den Boer reveals that an ideological correlation equating "aliens"
with certain crime categories (such as theft, pickpocketing and street mugging) has existed among the region's police officials for many years. The factors that have generally been used to explain the association include reactions to urbanism, socio-economic deprivation, unemployment and different cultural norms and habits. Ethnic crime is essentially seen as a matter of "automatism" - a "natural" response to the environment and circumstances in which migrants live.4

Increasingly, however, immigrants and foreigners have come to be associated not merely with simple/low level crime, but both indirectly and directly with threats that are identified as a fundamental source of political instability. This process can been conceptualized as the result of a "paradigmatic shift" - a transformation which has led to a major negative change in the way security services perceive political movements or particular socio-ethnic groupings. According to one of its most vehement critics, Didier Bigo, it is the consequence of an ideological merging that has occurred within European law enforcement agencies where internal security has progressively been redefined from something that is seen to be totally separate to external security to something that is seen to be closely related to it. The old external threat of communism is transplanted by the new external threat of immigration - a phenomenon which is, itself, justified in terms of imported organized crime, terrorism and general internal destabilization. The shift, Bigo maintains, is reflected by the fact that immigration is being viewed progressively more from the point of view of security and increasingly less from the economic, social and cultural angle:
Immigration tends to [be viewed as] a catalyst of all current problems - unemployment, drugs, crime, terrorism, religious fanaticism, demographic invasion - and one believes (or wants to make believe) that the stabilization of immigration, its practical cessation, its "control" would settle all these problems in one go.\(^3\)

In large part, the realities of the post-Cold War era are responsible for these changing attitudes. On one hand, the increased presence of immigrants and asylum-seekers in Western societies is seen to be one cause, if not the major reason, for the rise of Neo-Nazi racist violence currently being experienced within the EU. More importantly, the perception that foreigners themselves constitute a potential "high risk category" has been significantly heightened by the rise of post-Cold War Islamic militantism and ethnic separatism. As Gil Loescher observes:

*The rise of Islamic fundamentalism, Sikh militancy and other ethno-religious political movements has [sic] not only introduced a new element into Europe's emerging multicultural societies, [it is] also seen to present a major security risk to governments. In recent years, most European states have experienced a rise in terrorist activities and drug trafficking. Governments...associate these problems with greater numbers of illegal immigrants, and this further complicates the already tense relations between immigrant communities and local police.*\(^6\)

Given these perceptions, as well as Western Europe's extensive past experience with imported, foreign-based terrorism, it is hardly surprising that the fight against terrorism and the control of migration flows have been included in one internal security structure. Indeed, in many ways it is a development that can be viewed as making good practical sense (see chapter six). However, there is a very real danger
that, in placing the fight against terrorism on one end of an internal security continuum and the control of migratory flows on the other, an unacceptable amalgam will result which facilitates the transfer of illegitimacy across the entire board. This is problematical for clearly not all immigrants are illegal and/or criminals which pose serious threats to public order and security.

Consequently it is vital that in seeking to confront real terrorist (and other form of serious criminality) threats, personal aversions, prejudices and unfounded rationalizations are not allowed to justify an extension of repressive measures to perfectly legitimate ethnic/migrant groupings. However, judging from the number and type of "migrant" initiatives that have been developed under the aegis of the Maastricht third pillar, it is difficult not to conclude that the EU member states have in fact fallen victim to a process of culpabilization in which all immigrants, refugees and asylum seekers are viewed as potential high risk threats to internal security. Regulation appears to becoming increasingly arbitrary where it is no longer individualized or egalitarian but, rather, based on the control of potentially dangerous groups defined in terms of racial and ethnic (as opposed to criminal) characteristics. Whilst "white" Europeans are exempt, "other" "darker" groups are singled out as a "target population" in need of constant surveillance.

To begin with there is the EIS. This joint computerized list will be concerned with the processing of visa applications, border controls, police checks and the admission/regulation of the stay of non-EU
nationals. It will essentially function as a "negative" aliens registration index to be used for the pre and post-inspection/screening of all asylum-seekers and immigrants coming to and residing in the EU. In addition to and complimenting the EIS initiative is EURODAC, an international automated finger-printing system which will hold biographical information on all asylum-seekers. It will allow for the detailed exchange of information on asylum-seekers to ensure that applications for political asylum are not "manifestly unfounded."

The creation of these centralized information systems, in part, reflects the concern of states such as the UK and Germany that terrorists and other criminals will be able to gain unhindered access throughout the EU by exploiting lenient asylum and immigration policies. Human rights lawyers have, however, vigorously criticized both the EIS and EURODAC on the grounds that they encourage the systematic stigmatization of all refugees, asylum seekers and immigrants as a potential criminal category which needs to be constantly monitored.10

Two permanent bodies, CIREA and CIREFI, have also been set up under the "Immigration and Asylum" steering group of the K4 Committee for the sole purpose of promoting information discussion and exchange on any matter pertaining to immigration, asylum, visas and external border control. Thus far their purpose has been restricted to the development of means to identify and apprehend aliens already resident in the EU who are deemed to be in an "irregular situation." Individuals who are not entitled to stay are those "who remain unlawfully:" those
liable to expulsion on grounds of public policy or national security;" those whose asylum application has been turned down."\textsuperscript{11}

Some of the restrictive measures that have already been suggested in the discussions that have taken place in these bodies include passport checks on extra-EU travellers \textit{immediately} outside airplanes (as opposed to the normal practise of waiting until passengers pass through immigration arrival desks); the mandatory carrying by all third country nationals of identification cards; and increased internal controls in restaurants, hotels, bars and horticultural industries - all thought to be the typical workplaces/residences of aliens.\textsuperscript{12} As Rachael Woodward of Leicester University's Centre for the Study of Public Order observes, this does not bode particularly well for the future protection of immigrants from unjustified police harassment and/or surveillance:

\textit{The greatest fear must be that greater police cooperation will have no discernible impact on police statistics and will merely lead to the increased surveillance of innocent people. This in turn could lead to greater harassment of blacks, Asians, coloreds etc - with the police identifying them as the greatest threat to public order.}\textsuperscript{13}

Moreover, an increasingly militaristic attitude now appears to have pervaded EU discourse on the best way to control migratory flows. This is reflected in the strong endorsement that the Twelve's immigration ministers gave to a proposal, made at the second European Conference to Prevent Uncontrolled Migration, held on 15/16 February 1993, which called for the use of mobile surveillance forces to secure external borders. According to the recommendation, these units would perform their tasks at sea borders:
by using patrol boats or appropriate helicopters without, however, dispensing with the use of operational forces on land, whose mission primarily consists of apprehending illegal migrants reported by the airborne surveillance forces. [The units are to be] integrated into a close network of telephone, radio, telex and other connections [and will] use highly efficient equipment...which should be harmonized step by step on the basis of an all-European standard.\textsuperscript{14}

Given that the EU External Borders Convention calls for the effective surveillance of all external frontiers and a duty of cooperation with respect to surveillance services, it is not difficult to see how this restrictive concept could find its way into the Maastricht third pillar. Indeed, there has already been extensive talk of high-tech cooperation occurring between EU law enforcement officials to combat immigration fraud including the use of heat-detectors and special mobile surveillance units.\textsuperscript{15} Using methods such as these is normally something that is reserved for the control and monitoring of known subversives. However, as Tony Bunyon observes, the equation of blacks with crime and drugs and terrorism, and all of that with illegal immigration, is increasingly spreading across Europe to the extent that it is now a fundamental feature of the developing ethos of the new EU "state."\textsuperscript{16}

All of this raises the crucial question of the extent to which the protection of basic human rights within the EU has now become a function of Union nationality. A major concern exists that prejudice and stereotyping will play a significant role in identifying immigrants as the main source of dangers such as terrorism and drug trafficking. As a result, many members of certain ethnic groupings could well fall victim to an unwarranted intrusion in, and examination of, their private lives
on the arbitrary grounds of being foreign or carrying an uncommon name. Indeed, the annual report of Amnesty International stated in 1993 that "1992 was an appalling year for human rights in Europe" and that in many cases the root cause was racism. The report especially singles out immigrants in France, Portugal, Spain and Italy as major victims of police harassment and, in some cases, violence and torture.

This development has been documented in detail by CARF magazine in a special survey entitled the "Making of Terrorists and Dissidents: Europe's New War on the Third World." Among the many cases cited is that of Abdennacer Ben Yussef, a Tunisian metal worker living with his wife and children in Parma, Italy. He disappeared without trace after going to the local police station to renew his resident permit. Weeks later it transpired that he had been forcibly expelled from the country on the grounds that he posed a threat to the national security of Italy. This despite the fact that Yussef had committed no crime(s), had no criminal record and was not a member of any opposition/dissident group.

The protection of the basic human rights of non-EU nationals is made particularly problematic by the existence of a serious legal vacuum in the Maastricht third pillar. Although the TEU affirms that its provisions shall respect basic rights as protected by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHRFF) (art. F), the EU as an organization has as yet not acceded to the Convention. This means that actions taken by any one of its institution or pillars which violate human rights will not be subject
to direct control. As the UK House of Lords Select Committee on the European Communities observes in its report on Human Rights Re-examined:

There is a conspicuous gap in the Community legal system. All legal acts of the Community Member States [my emphasis] are subject to review by the Commission of Human Rights and the Court of Human Rights, which were set up by the European Convention on Human Rights (ECHR) of 1950, to ensure that human rights are respected. The Community, however, while proclaiming its commitment to respecting democratic values and human rights, is not subject to this control mechanism and the acts promulgated by its institutions enjoy a sort of "immunity" from the Convention.

This legal vacuum is further compounded by the fact that the Maastricht third pillar remains in an intergovernmental framework of cooperation. This means that its actions will remain beyond the jurisdictional purview of both national courts and parliaments and official EU institutions such as the European Court of Justice (see section on accountability below). If domestic remedies are rendered ineffective without providing for alternatives at the European level, there is a very real danger that human rights will be violated in the process of internationalization. Whilst EU nationals would at least have the protection that is afforded by their own constitutional guarantees and the ECPHRFF (which has been ratified by all member state governments), it is not at all clear whether non-EU nationals would have access to any effective forum to which they could appeal against unjust police and judicial actions/decisions.
2. **Credibility.**

The second requirement of any liberal democratic response to terrorism is the need for credibility. The general populace has to be convinced that the action initiated is both necessary and effective in producing results. Again this is problematic with respect to the Maastricht third pillar. A widespread fear already exists that many of its provisions will have no discernible effect on serious crime and have been initiated merely to enhance police and law enforcement powers of surveillance, especially over immigrants. A significant reason for this is the secrecy that has surrounded the plans for its inception. Although interior ministers and police chiefs insist that bodies such as the K4 Committee, the CIS, EIS and Europol are necessary for the overall security of a borderless EU in the 1990s, it is understandable that a lack of information on these institutions will inevitably breed a mystique which can degenerate into suspicion.

The lines of communication between the general populace and those involved with the Maastricht third pillar are limited. This is essentially because internal security remains a matter for intergovernmental cooperation only. As a result, neither the European Parliament nor the European Commission is able to provide any meaningful information which can be transmitted, via Members of the European Parliament (MEPs), to individual citizens in a manner that will stimulate critical public debate. The problem is well captured in the following statement made by Lode van Outrive, the rapporteur on
Europol for the European Parliament's Committee for Civil Liberties and Internal Affairs:

**Disadvantages of intergovernmental decision-making:** Let us first proceed on the assumption that the Maastricht Treaty is not yet in place. Experience shows that it is very difficult, both for the European Parliament and for the national parliaments - and certainly for interest groups as well - to find out when decisions are taking place, what is being discussed, what progress has been made etc. It is virtually impossible for matters to be publicly debated in advance. Members of parliament are dependant on the goodwill of national ministers and of the Council for information. Moreover, the legal and political status of documents is never clear: are they public, secret or confidential, and who decides this? Their confidential nature is certainly exaggerated — but it is enough to create ample opportunities for governments to manipulate the national and European political debate...Public debate is thus rendered impossible.25

A lack of public debate not only promotes the idea that member state governments are trying to hide something that will not be particularly popular with their electorate, it also makes it difficult for political leaders to show that their actions are necessary and being initiated for the general good. This is a serious problem when one remembers that, in the final analysis, policing is nothing other than a community service. What law enforcement authorities do must be in response to what people want them to do. Consequently, the more that decisions are made behind closed doors, the more one can expect to see a gradual decline in the public's confidence that these are in fact being made for the general good. This has already been reflected by the somewhat sinister public image Europol has developed as an all embracing trans-European operational police force which is capable of
"seizing people and searching houses at the behest of another country's police, and spiriting them into a foreign police cell." The fact that it has no power of arrest at its disposal - being created solely to act as a criminal intelligence data base - suggests that the EU's interior ministers and police chiefs have not done a particularly effective job in explaining either the purpose, value, necessity, or nature of their actions.

Such problems of perception and understanding will undoubtedly be significantly exacerbated if a proposal made by the General Affairs Council (comprising EU Foreign Ministers) at their meeting in December 1993 to introduce blanket secrecy over a whole range of issues is in fact introduced as an EU internal code of practice. The proposal states that public access to documents will be refused by the relevant institution if it is deemed necessary for protection of the public interest; protection of the individual and of private life; protection of commercial/industrial secrets; protection of the financial interests of the Community/Union; protection of confidentiality; and, most notably, the catch-all requirement of ensuring "the protection of the interests of the institution in relation to the secrecy of its deliberations."

The grading of documents will be decided by the effect unauthorized disclosure would have: top secret - "exceptionally serious consequences;" secret - "serious consequences;" confidential - "detrimental;" restricted - "inappropriate or premature." All classified documents are to be given only limited circulation with no one person receiving more than one copy. Reproduction of such documents is
expressly prohibited. Although classification is to be reviewed after five years, no provision is set out for freedom of information access. Officials who leak classified information will be faced with disciplinary charges and, if necessary, criminal prosecution - although it is unclear under which law or in which court. Moreover, the proposal states that officials are subject to secrecy "even after cessation of their duties." This is reminiscent of the UK Official Secrets Act which swears civil servants to secrecy to the grave.

The combined effect of these stipulations will be to place a blanket ban on the release of any information pertaining to a whole variety of documents on foreign policy, policing and internal security (including Europol) or immigration. Moreover, no document (i.e. classified or not) in any of these areas will be released until all Twelve member state governments are collectively committed to specific polices. This obviously casts considerable doubt on the ability that European and/or national Parliaments will have to debate, reject or amend policy decisions - an inherent and vital aspect of any democratic political system.27

General confidence in the utility of the Maastricht third pillar has further been undermined by the fact that the various intelligence initiatives incorporated within the TEU have been planned in the absence of any common data protection law. This means that there is no _international_ legal requirement, at present, to ensure that information stored on systems such as Europol, the CIS and the EIS (all of whose data protection provisions revert to the national level) is correct or
even useful in the fight against serious international crime. This is an important shortcoming for an essential aspect of any liberal democratic system of law enforcement is the requirement that the individual be protected against the arbitrary actions committed by the state. It is therefore vital that a liberal citizenry is convinced that official agents/institutions of coercion control do not have the power to intimidate any one of their members except through the use of well understood and accepted legal procedures. For this to occur, the use of restrictive measures such as intelligence gathering have to be controlled in their scope and modified by legally enforced rules of fairness.

Consequently, if international exchanges of data are to take place, it is vital that they be accompanied by international safeguards. This ensures that they will always be maintained in a defensive (as opposed offensive) role and limited to proportionate and necessary actions that are excused only as a legitimate response to the threat posed by serious criminality.28

Both the European Court of Human Rights and the European Parliament have made it quite clear that the collection of personal data constitutes a serious interference with the private life of the individual concerned. Such action can only be justified if it is prescribed by law, and if it is regarded as both necessary and proportionate for an aim that is regarded as socially legitimate. As Karel de Gucht, rapporteur for the European Parliament's Committee on Civil Liberties and Internal Affairs on Respect for Human Rights in the European Union, observes:
The main issue is to what extent the threat to public order justifies restricting individual freedoms. There is only a very thin dividing line between the maintenance of law and order and its misuse as a basis for arbitrary control;...There is an important and tangible link between institutions and the population as a whole; the State will be weakened if it opts for policy to combat crime and terrorism that does not guarantee a free society and human rights.29

The EIS, CIS and Europol all leave very serious questions concerning data protection unanswered. The data protection provisions of the EIS and CIS are to be contained within their respective conventions and will, in all likelihood, mirror the stipulations as set out for the SIS Convention.30 These essentially base data protection on the Council of Europe's 1981 Convention on Data Protection and the 1987 Committee of Ministers of the Council of Europe Recommendation (87)15, Regulating the Use of Personal Data in the Police Sector.31 The 1981 Convention attempts to achieve a limited degree of harmonization with respect to data protection procedures by establishing certain principles which contracting parties are required to implement in their domestic legislation. These include norms relating to the quality of data, the use of "sensitive" data, data security and personal access to and correction of data. Recommendation (87)15 supplements the 1981 Convention, having particular regard for Article 8 of the ECHRFF which lays down rules for the protection of individual rights. Accordingly, regulations are set out governing the collection, storage and communication of data together with data subjects' rights of notification, rectification and erasure.32

Despite these provisions, however, neither the 1981 Convention nor Recommendation (87)15 provide the sort of adequate international protection that is required for transnational data exchanges. The extent
to which the 1981 Convention achieves harmonization of data protection procedures is highly questionable largely because the general character of its norms fail to overcome divergent domestic rules and/or provide legal certainty with respect to the application of the Convention in different national systems. As Vassilaki notes, even where largely corresponding legislation does exist between sending and receiving states, "small differences between national provisions which determine the transport of data are enough to cause questions and uncertainties." As far as R(87)15 is concerned, the recommendation has no binding force nor is there even a requirement, as far as data in the police sector is concerned, to ensure that its provisions are incorporated within national legislation. Moreover, the SIS Convention excludes many of the types of data exchange from the provisions of the 1981 Convention and R(87)15 that are typically used to track terrorists. These include information on asylum applications (full exemption), extradition, mutual assistance in criminal matters and application of the non bis in idem principle (partial exemption) with respect to automated data files; and extradition, mutual assistance in criminal matters and application of the non in bis idem principle (full exemption) with respect to non-automated data files/personal data files recorded in another manner. Given that the EIS and CIS are to be modelled on the SIS, the same exemptions will almost certainly be incorporated in the former two's conventions.

Unlike the EIS and CIS, Europol has, as yet, no convention outlining its data protection provisions. In an attempt to give the
initiative "pre-convention" legitimacy, draft rules on technical security and data protection have, however, been drawn up. These stipulations prohibit the holding of data other than at the national level (this restriction will hold until Europol is governed by a legally ratified convention). Such information will be covered by the respective data protection laws of the country concerned. Europol, itself, will act as a centralized body to facilitate the international exchange of information between EU states. The decision to pass data from one country to another will be at the discretion of each respective liaison officer working within his/her own data protection laws. These provisions are even weaker than those of the SIS, EIS and CIS. One can essentially identify four major problems. First, some countries do not yet have any data protection laws. Italy, for instance, has no law for the protection of personal data. Although the government introduced a data protection bill in July 1992 in conformity with the minimum requirements as set out by the 1981 Data Protection Convention (a prerequisite for participating in SIS, EIS and CIS - none of which can come into force until all involved adopt national provisions in conformity with the 1981 Convention) it had, at the time of writing, still to be discussed. Second, the data protection standards of the EU states that do have such legislation vary greatly. Indeed, the 1981 Convention has not even been ratified by all member states including, Belgium, Greece, Italy, the Netherlands and Portugal. Of these, only the Netherlands has any longstanding tradition of domestic data protection legislation. Third, the rules make no attempt to harmonize the data protection standards of those states
participating within Europol. The EIS and CIS at least require the adoption of standards equivalent to those set out in the 1981 Convention. Fourth, the rules are in any case only draft provisions. They have not been implemented in operational terms despite the fact that Europol formerly started work in February 1994. This in effect means that Europol is presently operating in the absence of any data protection legislation.

In addition to the EIS, CIS and Europol, a certain level of informal information exchange will also undoubtedly take place within the third pillar. Indeed, a feasibility study for the establishment of an additional European automated fingerprint recognition system - EURASYL, to be incorporated alongside EURODAC under the aegis of the Dublin Convention is already under way. Due to the excessive secrecy that currently surrounds the TEU's intelligence initiatives, it is not at all clear what, if any, procedures are being planned for dealing with mistakes and complaints with respect to data collection on this system. It could be that, in the final analysis, one has to rely on the integrity of those involved with intelligence to not misuse information that they come into contact with. However, comments such as the following, made by Sir Peter Imbert at the Crime in Europe Conference in September 1993, do little to inspire public confidence in this form of "data protection": "The last thing that you think about when exchanging information is whether or not such procedures conform to data protection standards."³⁹
Civil rights groups throughout the Union have consistently raised objections to the above shortcomings. They especially air concern over how accurate information stored on these data banks will be, stressing the examples of people who have been arrested within their own countries as a result of mistaken identity or false information. If one adds on an international dimension that is essentially unregulated with respect to data protection, the potential for such mistakes obviously becomes manifestly higher. This was vividly demonstrated by the case of the wrongful arrest of one Welsh football fan, Mr Williams (not his real name), in 1993. Incorrect information passed by Belgian authorities to the UK National Criminal Intelligence Service (NCIS) in 1990 led to the inclusion of Williams on a British list of "football hooligans." This list was then sent back to the Belgian police in 1992 who, acting on the information, detained and expelled Williams when he subsequently tried to enter the country later that year. This information was sent back to the NCIS who duly recorded it, so compounding and exacerbating the original error.\footnote{40}

Although it is true that an EU draft directive on data protection does exist\footnote{41} which seeks to go some way beyond the harmonizing provisions/levels of data protection as contained within the 1981 Convention, it will require substantial modification of existing national legislation before it can enter into effect. There is nothing to suggest that the EU states will delay the initiation of the third pillar's data banks until this is in fact achieved. Europol has already formerly started work and it will soon have a fully operational criminal
intelligence data bank to draw from. Moreover, although the EIS and CIS include the principles of the 1981 Convention and R(87)15 in their respective conventions, both conspicuously exclude any reference to the more restrictive EU draft directive. Indeed, as things stand, the standards of data protection envisioned for the third pillar amount to little more than the legitimation of the invasion of personal privacy by inter-state actors (Europol, EIS etc) which effectively exist in the absence of any appropriate form of legal control. Such a state of affairs can hardly be expected to inspire the level of public support and confidence that is required for effective policing in an open liberal democratic political system.

3. Accountability.

The third requirement of any liberal democratic response to terrorism is the need for constant parliamentary supervision and judicial oversight over the mechanisms that carry it out. Visible and workable structures of accountability are absolutely essential to ensure that official agents of coercion are held publicly accountable for their actions and, hence, prevented from carrying out arbitrary, unexpected and unlicensed acts of force. It is the lack of such structures of control that gives most cause for concern with respect to the Maastricht third pillar. The TEU's internal security provisions remain lodged in an intergovernmental framework of cooperation. This essentially means that they remain beyond the purview of both national and EU mechanisms of oversight (something that could be considerably exacerbated by the
introduction of an EU secrecy code - see above). As a result a "democratic deficit" has grown up whereby decisions that have the potential to affect a great number of people can now potentially be made without reference to either national parliaments or official EU institutions such as the European Parliament and Court of Justice.

Member state governments tend to disagree with both aspects of the above view. With respect to national oversight, it is argued that, because judicial and home affairs cooperation remains intergovernmental in nature, any decisions that are enacted still have to be approved by national legislatures. Whilst this may be true in theory, it is far from accurate in practise. Intergovernmental agreements are never concluded in a particularly democratic manner. National parliaments are excluded from the process of negotiation, typically only being brought in at the last minute as a "rubber stamp" to ratify or reject the end result. This, as Lode van Outrive observes, reduces the legislative process to a mere formality as it essentially eliminates the possibility of introducing any statutory amendments.

Furthermore, certain actions that are taken within the third pillar may never be required to reach the legislative and judicial branches of national government. Article K3 gives member states the power to adopt any joint positions and actions that are deemed necessary to the pursuit of the objectives of the union. However, if these "actions" are framed as purely administrative agreements (such as the setting up of information networks or the exchange of police officers) they do not need to be formerly ratified by parliaments. Finally, it should be
remembered that national parliaments can only call their own government representatives to account. They have no direct influence over the collective element of the decision making process that is to take place within the third pillar.45

With respect to international oversight, member states also argue that in many ways, the Maastricht third pillar introduces far more openness into the traditionally secretive world of internal security policy. It is pointed out that article K6 gives the European Parliament the right to be informed of the discussions taking place in the areas defined in article K1 (see chapter five) whilst article K3 allows the European Court of Justice to interpret and rule on any disputes regarding the application of conventions made within the third pillar.46

As with national oversight, theory does not reflect practise. Under the terms of the Maastricht third pillar, internal security cooperation is to proceed outside the formal structures of the Union legal framework and thus outside its system of checks and balances. All decisions are to be taken on an intergovernmental basis by the member states themselves (as opposed to the European Commission) through the European Council (art. K3). This essentially sidelines both the European Parliament and European Court of Justice who have legitimate powers of oversight only over Union (i.e. not intergovernmental) legislation.

Moreover, although article K6 does oblige the member state governments to report to the European Parliament on their activities within the third pillar, it is only required that they do so annually. This obviously eliminates the possibility for regular scrutiny. Equally,
although article K3 does give the European Court of Justice the possibility of ruling on decisions made within the third pillar, it makes no mention of obligating the European Council to do so; it merely affirms that the Council may grant jurisdiction to the Court if it so wishes. In the framework of intergovernmental cooperation, the power of judicial oversight really lies with national courts. However, as with national parliaments, national courts have no power beyond their own territorial jurisdictions and, hence, can have no influence over the collective decision-making process.

These shortfalls mean that, at present, there are no effective guarantees to ensure unifying parliamentary and/or judicial supervision of the interpretation and application of decisions and regulations taken in the framework of intergovernmental cooperation once they are considered legal or have become law in some other way. As the European Parliament's rapporteur on cooperation in the field of justice and internal affairs, Mr. Carlos Piquer, observes:

[as long as this issue remains unresolved] there will be a legal vacuum which will only make itself felt once divergent and even conflicting interpretations and applications of intergovernmental rules... arise.47

A further way in which the intergovernmental nature of the third pillar undermines political accountability is through the power that it will inevitably place in the hands of unelected officials. Already bureaucrats have been dubbed the "fifth power" within the context of national politics as a result of the decision making responsibilities that have been delegated to them by increasingly overworked ministers. This
process is bound to be exacerbated if national ministers are forced to take on new and added obligations with respect to EU related affairs which must come second in line of priority to national affairs. Again Piquer:

_The real nature of the political responsibility of Ministers of Justice and Interior [must] degenerate: they are preoccupied with their respective national problems, of which they have only a superficial knowledge and which they only too often delegate to their staff, who have none of the political responsibility. Frequently, when a minister does attend [justice and home affairs] meetings, he is briefed in the plane on the way to the conference. It goes without saying that, as a consequence, his responsibility for the decisions taken is much more theoretical than practical._

The intergovernmental nature of the Maastricht third pillar has been severely criticized by Charta '91, the "watchdog" committee set up to oversee the fields of justice, law, racism and policing during the Belgian Presidency of the EU. One of the most consistent points to emerge during their conference, "Europe without Frontiers? Democracy without Citizens" (held in Brussels during June 1993) was the view that the idea of European "citizenship" (as advocated by in Article 8 of the TEU) was meaningless unless it has a practical content for all those living within the Union. This, the participants argued, can never happen so long as the individual citizen within the Union feels isolated from the dynamic of the political process - a phenomenon bound to be exacerbated when elected representatives and their institutions are consistently by-passed in favor of intergovernmental decision making that exists in the absence of democratic control.
The European Parliament's Committee on Civil Liberties and Internal Affairs has equally consistently stressed its objection to intergovernmentalism in the fields of justice and home affairs. It especially highlighted this aspect of the third pillar when considering the report made by Jeannou Lacaze for the Committee on Foreign Affairs and Security on *Terrorism and its Effects on Security in Europe*. Indeed, at its meeting of April 22 1992, the Committee on Civil Liberties and Internal Affairs specifically called on the Committee for Foreign Affairs and Security to include (among others) the following statement in its report:

*The European parliament*, deploring the fact that under the new draft on Political Union, the fight against terrorism is still basically the subject of intergovernmental cooperation...Reiterates that terrorism cannot continue to be dealt with by intergovernmental working parties without any democratic control.  

Similar concerns are raised by Karel de Gucht in his report on the respect for human rights within the EU:

*[The European Parliament]* regrets that the work carried out at Community level to develop police cooperation...pays insufficient attention to the principles of democracy and the rule of law, and in particular accountability to Parliament and the courts, and regrets that such work will apparently remain outside the remit of the Community [structure].

He goes on to explicitly state why:

*R*estrictions on recognized rights are acceptable if they are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of law and order and prevention of crime or for the protection of the rights and freedoms of others...However, the rule of law requires that any restrictive measure should
have a precise and clearly expressed legal basis and be accompanied by sufficient guarantees against abuse and arbitrary application and [by continual] judicial surveillance.\textsuperscript{51}

A final area of concern that needs to be stressed with respect to the accountability of the third pillar is that which rests with its executive coordinating committee - the K4 Committee. Many commentators have pointed out that it constitutes an extremely powerful entity that exists in the absence of any form of democratic control. Van Outrive identifies the K4 Committee with legislative, executive and judicial power: legislative in that it has the capacity to adopt rules, measures and provisions together with the power to amend and/or supplement such measures; executive in that it has the capacity to decide on the initiatives made before it; and judicial in that it has the capacity to monitor, interpret and settle disputes. The existence of these capacities in one body, he argues, is contrary to the constitutional separation of powers that forms an essential feature of the political structures of all member states (as well as that of the EU).

Moreover, there is neither effective provision for publishing the decisions of the K4 Committee, nor is it accountable to an electorate as its members essentially consist of senior civil servants.\textsuperscript{52} Policies will be drawn up in secret by unelected bureaucrats, police, immigration, customs and internal security service officers. These will then be presented to the Council of Ministers for "rubber-stamping" and only after this will they be made public. The press, public, parliaments and courts of the EU will thus be presented with a \textit{fait accompli} over which they will have extremely limited influence.\textsuperscript{53} This is far from
satisfactory. If a liberal citizenry is ultimately to accept law enforcement decisions as ones that are being enacted for their own good, they must be confident that their coercive power will never be used against them in an arbitrary and unlicensed manner. This can only occur if there is effective and continual parliamentary and judicial oversight to ensure that the threat of punishment is both controlled in its scope and modified by legally enforced rules of fairness.

The overall lack of democratic accountability within the Maastricht third pillar is especially worrying given the underlying ideological rationale that seems to be guiding EU internal security cooperation. We have already seen how immigrants have been implicitly identified as the major source of terrorism, drug trafficking and organized crime within Western Europe. If there are no means to ensure that police and law enforcement agencies are made to answer for their actions, there is a very great possibility that foreigners will be made subject to unwarranted harassment and surveillance. This could have two potentially serious consequences for the future course of terrorism within the EU. First, initiating measures that discriminate (or at least are seen to discriminate) against the basic rights of immigrants will almost certainly lead to a dramatic increase in xenophobia throughout the Union. Identifying non-EU nationals as a major threat to internal security will merely serve to promote and reinforce a negative perception of these people so facilitating an increase in racist tendencies throughout the Union. This can only work to the advantage of the numerous and dangerous militant, neo-fascist organizations that
have already sprung up in Western Europe in recent years. As Michael Spencer observes:

The EC [EU] states have effectively created what is now commonly referred to as a "fortress Europe." This has brought with it an ugly set of implied attitudes. Instead of creating a harmonious union, there now seems to be a group of factious partners who are united only by their common dislike and distrust of those outside the EC [EU]. Given sentiments such as these, it is hardly surprising that there has been a dramatic rise in xenophobic racist violence throughout the Community [Union].\textsuperscript{54}

Second, it has the potential to radicalize and alienate both anti-racist organizations and immigrant groups within the EU. Already one organization, the Revolutionary Anti-Racist Action (RARA) has claimed responsibility for a bomb attack against the offices of the Dutch Labour Relations Inspection Service (DIA) in protest against the DIA’s role in tracking down illegal aliens in Holland.\textsuperscript{55} Moreover, it is important to remember that feeling confused, disoriented and resentful, discriminated ethnic groupings become extremely vulnerable to extremist propaganda and rhetoric. Such a development is not only likely to furnish subversives with a ready made recruiting ground for activists (so, ironically, causing the fear of immigrants acting as a source of political instability to become a self-fulfilling prophecy), it is also liable to provide a useful pool of passive support that is capable of supplying sanctuary, information and logistical assistance.
THE PHILOSOPHICAL AND STRATEGIC CONSEQUENCES OF FAILING TO ADHERE TO A LIMITED, CREDIBLE AND ACCOUNTABLE ANTI-TERRORIST POLICY

What then are the philosophical and strategic consequences of failing to uphold the rule of law by initiating anti-terrorist/internal security policies that are neither limited, credible or accountable? Philosophically, it undercuts the essential liberal democratic notion that is common to every EU state - the idea that all human beings have the right to be protected against the arbitrary and coercive actions of institutions imbued with legal power. Ignoring this fundamental dictum brings the liberal polity one step closer to the type of illegitimate and indiscriminate strategies that are characteristically employed by totalitarian and authoritarian states. Systematic fear, aroused by the expectation of institutionalized cruelty is the very antithesis of the liberal democratic way of life. It is for this reason that liberalism adopts a strong defence of equal rights and their legal protection. If individuals do not have the means to assert and protect themselves against bureaucratized abuse, freedom, the most highly prized ideal of any liberal polity, is nothing but a forlorn hope.

Strategically, it runs the very great risk of undermining the perceived legitimacy of the fight against terrorism. It should be remembered that terrorists thrive on the injustices, both imagined and real, that are inflicted by special internal security measures. One of the classic uses of this mode of warfare is the attempt to try and trap authorities into over-reaction by provoking the use of illegal or unconstitutional counter-measures (see chapter one). When authorities do
in fact violate accepted constitutional norms they destroy their legitimacy, so allowing terrorists to set themselves up as the true protectors of freedom and, as such, draw support away from official authorities whilst aiding their own cause. Moreover, any victory that is ultimately achieved over the terrorists is likely to be "hollow" as the fundamental nature of the state would be altered from one that is liberal to one that is authoritarian - changing it in the process to a regime that threatens the basic civil liberties of all.

Both of these consequences pose a particularly serious problem with respect to EU counter-terrorism. Success in this field ultimately depends on the degree to which the collaborative process is publicly supported. It has to be seen to be upholding the rule of law and working for the general good - philosophically and strategically defined as protection of the commonly held liberal democratic way of life. It is therefore vital that in the headlong rush to provide for an enhanced international capacity to deal with terrorism (and other forms of serious criminality), democratic legitimacy is not lost. This obviously cannot happen if the manner of that defence serves, itself, to undermine the very principles and traditions which make a liberal democratic way of life possible in the first place. If closer internal security cooperation is genuinely to offer greater liberty for those within the EU, the requirements of limitation, credibility and accountability must be incorporated and adhered to at a European level. Only then will closer law enforcement and judicial cooperation be accepted as a necessary evil
that has been forced by the threat of terrorism (and drug trafficking, organized crime) rather than conveniently excused by it.
ENDNOTES


5. Didier Bigo, Borders, Security, State, Transnational (Paper presented before the "Police and Immigration: Towards a Europe of Internal Security" Workshop, European Consortium for Political Research Joint Session of Workshops, Madrid, 17-22 April 1994), 5. See also "Le discours sur la menace et ses ambiguities," Cahiers de l'HESI 15 (October 1993); "The European Security Field: Stakes and Rivalries in a Newly Developing Area of Police Intervention," in Malcolm Anderson and Monica den Boer, eds., Policing Across National Boundaries (forthcoming in 1994); and "Les conflits Post Bipolaires. Dynamiques et caracteristiques," Cultures et conflits 8(3-4) (Hiver 1992-1993). In a similar vein, Chip Berlet argues the process can be seen as the consequence of a "subversion myth" where legitimate socio-political groupings and movements for reform are "remodelled" as fundamentalist organizations and portrayed as the new "enemies of democracy." The targeting of particular organizations is often traced to right-wing groups who wish to uphold the status quo and whose views are transmitted uncritically in the media and then used to legitimate extreme counter-measures. Some of the groups Berlet identifies as being affected by the paradigm shift include the National Lawyers Guild (which fought for civil liberties in the McCarthy era); the Committee in Solidarity with the People of El Salvador (CISPES, which saw hundreds of offices, churches and homes broken into); environmental groups such as Earth First and Greenpeace; and gay rights groups. See "Subversion - the Paradigm Shift," in Statewatch 2(3) (September-October 1992): 7.


See Bigo, Borders, Security, State, Transnational, 4.


den Boer, Rhetorics of Crime and Ethnicity in the Construction of Europe, 5.


den Boer, Rhetorics of Crime and Ethnicity in the Construction of Europe, 7.

Personal interview with Rachael Woodward, Centre for the Study of Public Order, University of Leicester, 17/05/93.


See "Illegal Exit on M4 by Indian Immigrants on Lorry," The Guardian, 24/03/92.


den Boer, Immigration, Internal Security and Policing in Europe, 70.


See den Boer, Immigration, Internal Security and Policing in Europe, 72-73 and "The K4 Committee," Statewatch 3(4) (July-August 1993): 3. It should be noted that a draft charter has been drawn up by the European Parliament's Committee on Civil Liberties and Internal Affairs which calls for a package of rights to be given to EU third country nationals after five years residence. At the time of writing, however, the member states had taken no action in response to the proposal. See "The Council of Interior and Justice


den Boer, Immigration, Internal Security and Policing in Europe, 73.


The Schengen countries states have already insisted that the EIS Convention be totally synonymous with the SIS provisions. See "European Information System (EIS) = Schengen Information System (SIS)?" Statewatch 3(5) (September-October 1993): 9.


The "no double jeopardy" principle. This is the legal stipulation which states a person cannot be tried for the same crime twice.

Baldwin-Edwards and Hebenton, "Will SIS be Europe's Big Brother?" 12-13.


See "Italy: Schengen Discussed," *Statewatch* 3(2) (March-April 1993): 11.

Baldwin-Edwards and Hebenton, "Will SIS be Europe's Big Brother?" 13.

Sir Peter Imbert, comment made during the panel discussion at the "Conference on Crime in Europe," University of Leicester, September 1993.


The target date for completing work on the establishment of Europol's intelligence data bank is set for the end of October, 1994. See "Creation of European Police Force Urged By Germany," The Vancouver Sun, 08/09/94.


Lode van Outrive, Report of the Committee on Civil Liberties and Internal Affairs on the Entry into Force of the Schengen Agreements (European Parliament Session Documents, A3-0288/92, 5 October 1992), 18; and van Outrive, Report of the Committee on Civil Liberties and Internal Affairs on the Setting up of Europol, 11.

Carlos Piquer, Report of the Committee on Civil Liberties and Internal Affairs on Cooperation in the Field of Justice and Internal Affairs under the Treaty on European Union (Title VI and other Provisions) (European Session Documents A3-0215/93, 1 July 1993), 17.


Piquer, Report of the Committee on Civil Liberties and Internal Affairs on Cooperation in the Field of Justice and Internal Affairs under the Treaty on European Union (Title VI and other Provisions), 18.

Ibid., 12.


van Outrive, Report of the Committee on Civil Liberties and Internal Affairs on the Setting up of Europol, 12.


CONCLUSION

This thesis has analyzed the West European terrorist phenomenon from a particular philosophical perspective - that of liberal democracy. Such an approach has been adopted because terrorism constitutes what is arguably one of the most explicit and immediate challenges to the values and principles which all European liberal democracies, both singularly and collectively, are sworn to uphold. Counter-terrorism in the region is all about protecting a particular, philosophically defined, common way of life. It is therefore vital that in the headlong rush to provide for an enhanced international capacity to deal with this problem, EU member states not be drawn into measures which threaten the very embodiment of that which they seek to protect, democratic legitimacy.

In using the designation "terrorism," it is evident that the dissertation has been based on the underlying assumption that it is possible to differentiate the term as a unique analytical category that can be studied in an even-handed manner in and of itself. It explicitly rejects the arguments of those who eschew any such analysis, believing the concept to be nothing other than evaluative, subjective, clumsy and reactionary "labelling" rhetoric. To deny the reality of terrorism, however, would be to close one's eyes to whole areas of historical and psychological existence in which terror has been used in a very deliberate and explicit manner. Moreover, it would be to abandon the fundamental liberal democratic conception of a peaceful political order that is based on the rule of law and which is free from the arbitrary threat of fear and terror.¹
Although the analysis has approached the issue of West European terrorism and counter-terrorism from a particular philosophical perspective, every effort has been made to present and discuss the facts in an even handed and unbiased manner. Terrorism has neither been approached from a "top down" perspective, looking at the phenomenon exclusively through the eyes of the power holder in which all counter-measures are be justified; nor has it been based on a revolutionary interpretation identifying with one "just" cause or another where all means are exonerated by virtue of the cause for which a group is fighting. In so doing, some valuable insights concerning the dynamic of terrorism and prescriptions for its response in liberal democratic polities have been uncovered.

The main concern of the initial four chapters was first to refine and clarify the nature of the terrorist phenomenon itself and then to identify the underlying historical, geo-political, strategic, ideological, socio-economic and technological factors that were primarily responsible for its rise from the late 1960s onwards. As a specific region of the international system, Western Europe was an area of major terrorist violence during the 1970s and 1980s, a state of affairs that does not look set to change, except possibly for the worse, in the 1990s.

The second half of the dissertation examined the special problems of political terrorism in liberal democracies. It discussed terrorism in relation to the basic values, structures and political processes of individual West European states, drawing on the lessons of contemporary and historical experience regarding the judicial and security anti-
terrorist measures most appropriate to any liberal democratic political structure. Having traced the development of the Twelve's collective response to terrorism since the 1970s, an analysis of the liberal democratic acceptability of the EU's most recent internal security arrangement, the Maastricht third pillar, was finally undertaken.

Four major conclusions can be derived from this study.

First, terrorism poses a fundamental threat to the rights, principles and standards that are enshrined in liberal democratic political philosophy. Terrorist organizations seek to confront legitimate political structures by means of violence and illegal action. They aim to impose their own brand of politics on the rest of society at the expense of those constitutionally accepted provisions which guarantee the individual citizen's welfare and freedom.

Second, it is therefore vital that in working to counter this threat, liberal democratic governments work to uphold the legitimacy of their own rule of law. For to not do so would be to undermine the very basis that establishes the criminality of terrorism and makes a liberal democratic way of life possible in the first place. When liberal democratic polities do in fact move away from their defining values they risk losing the public support and consent that is so necessary to political power in any open democratic society.

Third, a major factor that has driven the process of collective anti-terrorist cooperation within the EC/EU is the concentration of this particular mode of violence in Western Europe. The unanimity of their liberal democratic commitments, a set of homogeneous legal norms, and a
common interest to suppress terrorism have all enabled the Twelve to at least ameliorate many of the problems normally involved in securing effective international security cooperation. The evolution of EC/EU anti-terrorist cooperation rests on the need to provide a joint, rationalized response to the collective threat of terrorism - normatively defined as a criminal and unacceptable mode of violence that needs to be regulated on a multi-lateral basis. The Maastricht third pillar represents the most recent stage in this continually evolving process.

Fourth, whilst the Maastricht third pillar represents a positive operational development in the fight against terrorism, the general nature of its internal security provisions raises crucial concerns regarding liberal democratic acceptability. This is a major problem with respect to counter-terrorism as success in this field ultimately depends on the extent to which it is publicly supported. Any strategy that is ultimately adopted must be consistent with liberal democratic norms of social legitimacy and, hence, be recognized as one that is working for the common good. Moreover, it should be remembered that anti-terrorist cooperation has been made a legitimate matter for intergovernmental cooperation within a Union framework that explicitly requires member states to singularly and collectively uphold liberal democratic assumptions of constitutional authority.

What do these conclusions tell us about the nature of EC/EU counter-terrorism? In the classic tradition of liberal democratic political theory, a fairly close and well defined relationship exists between political power, control, security, constitutional safeguards, population
and borders. Formal structures of political power are used to control and protect a given population - the extent of which is limited by the constitutional safeguards that apply to a clearly demarked territory. The basis of this relationship rests on a theory of social contract. This justifies political obligation as being based on an implicit promise made by rational, autonomous and free acting individuals to abide by the rules of the political associations to which they belong in exchange for a guarantee of their individual security (see chapter five).

Viewed historically from the context of EC/EU counter-terrorism, however, it is apparent that this classical formula has been gradually distorted over time. The transnational nature of terrorist "traffic" and investigations have increasingly compelled member states to work together in order to improve and enhance operational efficiency against a commonly defined threat. The particular manner by which this has been achieved has been to rely on and amplify traditional national internal coercive measures - coordinating these arrangements in an intergovernmental framework of cooperation to ensure against any diminution of sovereignty in the politically sensitive field of policing and internal security (see chapter six). What this has resulted in is a from of "post-contractual" governmentalism in which internal security has become progressively deterritorialized - expanding to the point where it now exists in the absence of any formal means of constitutional control.

The principal issue with which this dissertation has been concerned is "Is this the best strategy for evolving EU counter-terrorism?" On the basis of the arguments presented in chapter seven,
the answer must be no. Whilst it is vital that the EU Twelve effectively coordinate their anti-terrorist policies at the police and political levels, it is equally as important that this coordination is carried out in accordance with the norms and principles for the creation and regulation of criminal justice within liberal democratic political institutions. Requirements of limitation, credibility and accountability - all vital for democratically legitimate and acceptable anti-terrorist policies - will almost certainly fail to be upheld in the absence of formalized structures of bureaucratic control.

This academic study should stimulate fundamental and critical questions concerning the nature and direction of EU anti-terrorist/internal security cooperation. What is sorely needed at present is a comprehensive analysis of the extent to which the creation of an EU internal security continuum is seen to be linked directly, or indirectly to increased integration and other structural changes presently taking place within the EU, backed up by qualitative research on the attitudes and feelings of EU citizens regarding the effect and purpose of closer internal security cooperation. The collection of comparative statistics with respect to the discriminatory/discretionary practises and actions of EU criminal justice systems; the extrapolation and abstraction of hypotheses regarding the decision-making processes/ideologies of EU police forces; and a comparative analysis of the extent to which EU law enforcement officials focus on practical considerations of operational efficiency as opposed to theoretical/philosophical issues of acceptability would all be useful additions to such a body of research.
The Future of EU Anti-Terrorist Cooperation.

The internal security provisions contained within the Maastricht third pillar represent what is, unquestioningly, the most comprehensive regional attempt that has ever been made to secure effective international cooperation against serious criminality. In many ways, they have the potential to provide the EU member states with the means necessary to initiate an increasingly structured, coordinated and rationalized counter-terrorist strategy. In view of the trends outlined in chapter four with respect to the future course of terrorism in the region, it is vital that this operational development has taken place.

However, if the Maastricht third pillar is to truly serve as the basis of an effective internal security structure it also has to be regarded as socially legitimate. Mechanisms have to be in place to ensure civil rights and to maintain the even handed administration of justice that is so vital to any healthy liberal democratic system of law. As things stand at present, and notwithstanding its positive operational benefits, all that the third pillar has so far achieved is the generation of a major fear that closer law enforcement and judicial cooperation, far from serving to uphold democratic legitimacy, is actually working to undermine it.

Much still needs to be done practically to improve the EU's overall anti-terrorist capability, especially with respect to initiatives that specifically address this threat. Three developments in particular would greatly strengthen the Union's overall anti-terrorist effectiveness. The creation of a European Judicial Area empowered to investigate, try and
sentence those involved in terrorist and other serious crimes would obviate the need for extradition and thus bypass the red tape and political abuse that has so far plagued the extradition process. Such a development would be a logical extension and augmentation of existing structures such as the European Court of Justice and Council of Europe's Court of Human Rights.

The establishment of an operational multinational counter-terrorist force equipped to deal with international terrorist attacks would bring together an incomparable amount of expertise in this area - pooling practical experience, tactical theories and technical know-how. Such a unit would not only allow for a more concerted response to international terrorist attacks against targets such as aircrafts and liners, it would also act as a valuable vehicle for furthering the transnational cooperation of police and intelligence agencies.

Finally, the adoption of a formal agreement between EU news agencies to regulate the coverage of terrorist incidents would go a long way towards arresting terrorist exploitation of the media. This could take the form of an EU news authority that is representative of national news agencies and is capable of subjecting individual reports of terrorist incidents to rigorous scrutiny.

Logically, developments such as these should build on, and take place within the internal security framework that is provided by the Maastricht third pillar. However, one cannot realistically expect this to happen if fundamental fears continue to exist over the legitimacy and desirability of ever closer law enforcement and judicial cooperation.
Indeed, so long as a concern exists over the basic democratic acceptability of the Maastricht third pillar, one has to wonder whether it will be able to consolidate even its existing mandate.

Many of the problems concerning the democratic acceptability of the third pillar stem from its intergovernmental nature. Creating an internal security system in this manner has led to the development of an arrangement that now exists in the absence of any real political structures of control. Problems of limitation, credibility and accountability would all be greatly reduced if internal security measures were, accordingly, made subject to more effective scrutiny and oversight at the Union level. Elevating the supervisory role of such bodies as the European Parliament and European Court of Justice would, for instance, allow for a clearer definition and protection of suspect's legal rights, tighter political and judicial control of criminal investigations and increased openness in the administration of EU justice. Article K9 of the TEU is the "bridge" by which this could take place. It offers the long term opportunity of transferring any matter pertaining to the third pillar from an intergovernmental framework of cooperation to one in which decision-making and oversight would be exercised directly by the federal political structures of the EU (see chapter six).  

The lack of adequate democratic supervision would be of lesser consequence if technical matters alone were concerned. However, by enacting the Maastricht third pillar, the EU member states have created a whole new structure of internal security cooperation that now has the ability to make decisions directly affecting EU society as a whole as well
as people individually. In such instances a lack of democratic control and supervision, essential if co decision-making is to be accorded democratic legitimacy, becomes totally unacceptable.

Only time will tell whether the Maastricht third pillar will be able to develop into a truly integrated and coordinated EU internal security structure that is accepted by the general populace of the EU. The danger of weak democratic institutional frameworks, however, is that in practise they stop functioning when their weaknesses become apparent. EU anti-terrorist (and internal security) cooperation would then revert back to the ineffective ad-hoc, piecemeal response that was in place before the 1992 TEU. Given the fundamental challenge that terrorism poses to the basic rights and freedoms enshrined in liberal democratic political thought, such an occurrence would be to the absolute detriment of all who advocate and support this way of life. It can only be hoped that as the EU member states become increasingly convinced of the need for an effective internal security system (faced as they are by an increasingly unstable post-Cold War geopolitical landscape) time will work in favor of an approach that favors both operational coordination and democratic control at the European level.

We are thus, in conclusion, drawn back to the two statements made at the beginning of this dissertation. If the EU is ever to develop a meaningful and effective internal security role it is vital that the central message contained in Disraeli's words is not lost on the twelve member states. Only then will the Lockean fear of a structure exercising unjust tyrannical rule be avoided.
ENDNOTES


2 This idea was first raised by the Zagari Report of 1989. The proposal advocated the creation of a European legal space, the reform of extradition law, the incorporation of national terrorist legislation into the realm of the EC and the formation of a separate European Court for Terrorism. See "How Europe Must Block the Terrorist Bolt Holes," The Times, 20/06/90. See also Paul Wilkinson, "Can the European Community Develop a Concerted Policy on Terrorism?" in Lawrence Howard, ed., Terrorism: Roots, Impacts, Responses (New York: Praeger, 1992), 170-171.


4 Carlos Piquer, Report of the Committee on Civil Liberties and Internal Affairs on Cooperation in the Fields of Justice and Internal Affairs Under the Treaty on European Union (Title VI and Other Provisions) (European Parliament Session Documents A3-0215/93, 1 July 1993), 15. Article 100c of the Treaty Establishing the European Community gives the European Parliament and Commission direct responsibility for decision making within the EC/EU. As the TEU has to respect all treaties prior to its inception, such responsibility would also extend to the newly created EU. Visa policy has already made visa policy subject to this approach. See chapter six.
BIBLIOGRAPHY


Piquer, Carlos. Report of the Committee on Civil Liberties and Internal Affairs on Cooperation in the Field of Justice and Internal Affairs under the Treaty on European Union (Title VI) and Other Provisions. European Parliament Session Documents, A3-0215/93, 1 July 1993.


Swallow, Paul. TREVI. Background paper prepared for the Department of Politics, University of Southampton, 18/11/93.


APPENDIX: STATISTICAL TABLES


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*Source: Terrorism V(4) (October 1990): 5-6.*
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<td>Average Annual Incident Rate in the 1980s</td>
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<tr>
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<td>26.1%</td>
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* Domestic and International Terrorist Incidents.
** International Terrorist Incidents.


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<th>Total Terrorist Incidents (all types)</th>
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<td>No. Successful</td>
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<td>% Successful</td>
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<td>No. Killed</td>
<td>3024*</td>
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<tr>
<td>No. Injured</td>
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<td>No. Taken Hostage</td>
<td>5738**</td>
<td>1482**</td>
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* Accurate death/injury data is only available in a very limited number of cases. Only verified data is reported here. Accordingly, the actual death/injury count is almost certainly higher.
** These totals include hostages taken in facility attacks, kidnappings and hijackings.

Table Six: Domestic Terrorist Incidents in EU NATO Countries, 1980-1986.

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<tr>
<th>Country</th>
<th>No. of Incidents</th>
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<td>France</td>
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<tr>
<td>Portugal</td>
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<td>Greece*</td>
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<td>Netherlands</td>
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<tr>
<td>Belgium</td>
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* Answer includes 1987 data.
** Excludes data for Northern Ireland.
*** Not answered.

Table Seven: International and Domestic Terrorist Incidents in Western Europe, 1968-1988.

<table>
<thead>
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<th>Country</th>
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Three reservations should be made with respect to the above figures:
a) Not all West European states are mentioned.
b) The data recorded covers different time periods.
c) Some statistics are missing - most notably the number of incidents reported for Spain between 1968 and 1988.

Table Eight: Terrorism in the EU By Countries and Incident Type, 1974-1985.

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<th>Country</th>
<th>Assassinations</th>
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<td>1976</td>
<td>14</td>
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<tr>
<td>1977</td>
<td>15</td>
<td>08</td>
<td>06</td>
<td>14</td>
<td>69</td>
<td>112</td>
<td>9.3</td>
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<td>1978</td>
<td>14</td>
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<td>07</td>
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<td>38</td>
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<td>05</td>
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<td>1980</td>
<td>08</td>
<td>03</td>
<td>06</td>
<td>09</td>
<td>50</td>
<td>76</td>
<td>6.3</td>
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<td>1981</td>
<td>10</td>
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<td>08</td>
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<td>1983</td>
<td>05</td>
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<td>77</td>
<td>6.4</td>
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<td>1984</td>
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<td>07</td>
<td>02</td>
<td>10</td>
<td>36</td>
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<td>09</td>
<td>04</td>
<td>25</td>
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</tr>
<tr>
<td>Year</td>
<td>Army</td>
<td>RUC (reg)</td>
<td>RUC (res)</td>
<td>UDR</td>
<td>Civilian</td>
<td>Total</td>
<td>Monthly Average</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>-----------</td>
<td>-----------</td>
<td>-----</td>
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<td>-------</td>
<td>----------------</td>
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<tr>
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<td>14</td>
<td>10</td>
<td>02</td>
<td>08</td>
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<td>62</td>
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<td>07</td>
<td>08</td>
<td>66</td>
<td>93</td>
<td>7.7</td>
</tr>
<tr>
<td>1988</td>
<td>21</td>
<td>04</td>
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<td>12</td>
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<td>7.7</td>
</tr>
<tr>
<td>1989</td>
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<td>07</td>
<td>02</td>
<td>02</td>
<td>39</td>
<td>62</td>
<td>5.2</td>
</tr>
</tbody>
</table>

Total 2774
% Caused by PIRA c. 61% (1700)
% Caused by Protestant Terrorists c. 29% (800)
% Caused by Police and Army c. 10% (300)

* The "civilian" figures include terrorists. It is not always clear whether or not a civilian victim was a terrorist, especially victims of sectarian murders - e.g. of a Catholic whom Protestants accuse of being a PIRA terrorist. It is probable that at least 1465 of the 2774 killed between 1970 and 1989 were innocent victims (i.e. 440 of the 1905 "civilian" deaths were actually terrorists) - mostly by PIRA bombs.


<table>
<thead>
<tr>
<th>Year</th>
<th>Republican</th>
<th>Loyalist</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>04</td>
<td>02</td>
</tr>
<tr>
<td>1970</td>
<td>18</td>
<td>02</td>
</tr>
<tr>
<td>1971</td>
<td>93</td>
<td>21</td>
</tr>
<tr>
<td>1972</td>
<td>257</td>
<td>103</td>
</tr>
<tr>
<td>1973</td>
<td>129</td>
<td>81</td>
</tr>
<tr>
<td>1974</td>
<td>99</td>
<td>93</td>
</tr>
<tr>
<td>1975</td>
<td>100</td>
<td>114</td>
</tr>
<tr>
<td>1976</td>
<td>142</td>
<td>113</td>
</tr>
<tr>
<td>1977</td>
<td>70</td>
<td>25</td>
</tr>
<tr>
<td>1978</td>
<td>55</td>
<td>08</td>
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<td>1979</td>
<td>90</td>
<td>15</td>
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<tr>
<td>1980</td>
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<td>13</td>
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<tr>
<td>1981</td>
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<td>11</td>
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<td>1982</td>
<td>73</td>
<td>10</td>
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<td>1983</td>
<td>51</td>
<td>09</td>
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<tr>
<td>1984</td>
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<td>08</td>
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<td>1985</td>
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<td>02</td>
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<td>1986</td>
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<td>1987</td>
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<td>17</td>
</tr>
<tr>
<td>1988</td>
<td>65</td>
<td>22</td>
</tr>
<tr>
<td>1989</td>
<td>38</td>
<td>19</td>
</tr>
</tbody>
</table>

Table Eleven: Deaths Attributable to ETA Terrorism, 1968-1989.

<table>
<thead>
<tr>
<th>Period</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Franco Period from 1968 to November 1975</td>
<td>43</td>
</tr>
<tr>
<td>From November 1975 to the elections in June 1977</td>
<td>23</td>
</tr>
<tr>
<td>From June 1977 to end of 1989</td>
<td>534</td>
</tr>
<tr>
<td>Total</td>
<td>600</td>
</tr>
</tbody>
</table>


Table Twelve: Fatalities From Terrorism in Spain, 1968-1983.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>02</td>
<td>01</td>
<td>00</td>
<td>01</td>
<td>02</td>
<td>08</td>
<td>17</td>
<td>26</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td></td>
<td>21</td>
<td>28</td>
<td>85</td>
<td>118</td>
<td>124</td>
<td>38</td>
<td>44</td>
<td>43</td>
</tr>
</tbody>
</table>

Total 558

% Caused by ETA 75.2 (420)
% Caused by GRAPO 11.6 (65)
% Caused by Extreme Right 6.9 (39)

Table Thirteen: Political Terrorism in Italy, 1969-1987.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Attacks</th>
<th>Involving Death/Injury</th>
<th>Deaths</th>
<th>Injuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>398</td>
<td>03</td>
<td>*19</td>
<td>88</td>
</tr>
<tr>
<td>1970</td>
<td>376</td>
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<td>07</td>
<td>50</td>
</tr>
<tr>
<td>1971</td>
<td>539</td>
<td>02</td>
<td>02</td>
<td>-</td>
</tr>
<tr>
<td>1972</td>
<td>595</td>
<td>03</td>
<td>05</td>
<td>02</td>
</tr>
<tr>
<td>1973</td>
<td>426</td>
<td>05</td>
<td>40</td>
<td>61</td>
</tr>
<tr>
<td>1974</td>
<td>573</td>
<td>07</td>
<td>**26</td>
<td>199</td>
</tr>
<tr>
<td>1975</td>
<td>702</td>
<td>14</td>
<td>10</td>
<td>07</td>
</tr>
<tr>
<td>1976</td>
<td>1353</td>
<td>13</td>
<td>10</td>
<td>06</td>
</tr>
<tr>
<td>1977</td>
<td>1926</td>
<td>45</td>
<td>13</td>
<td>34</td>
</tr>
<tr>
<td>1978</td>
<td>2379</td>
<td>67</td>
<td>35</td>
<td>54</td>
</tr>
<tr>
<td>1979</td>
<td>2513</td>
<td>66</td>
<td>24</td>
<td>101</td>
</tr>
<tr>
<td>1980</td>
<td>1502</td>
<td>48</td>
<td>***125</td>
<td>236</td>
</tr>
<tr>
<td>1981</td>
<td>634</td>
<td>34</td>
<td>25</td>
<td>16</td>
</tr>
<tr>
<td>1982</td>
<td>347</td>
<td>17</td>
<td>23</td>
<td>42</td>
</tr>
<tr>
<td>1983</td>
<td>156</td>
<td>11</td>
<td>10</td>
<td>03</td>
</tr>
<tr>
<td>1984</td>
<td>85</td>
<td>06</td>
<td>****20</td>
<td>134</td>
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<tr>
<td>1985</td>
<td>63</td>
<td>11</td>
<td>20</td>
<td>146</td>
</tr>
<tr>
<td>1986</td>
<td>24</td>
<td>03</td>
<td>02</td>
<td>02</td>
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<tr>
<td>1987</td>
<td>08</td>
<td>02</td>
<td>03</td>
<td>01</td>
</tr>
</tbody>
</table>
* Includes 17 killed and 18 injured by a bomb in a bank at the Piazza Fontana, Milan - attributed to right wing terrorists.

** Includes 8 killed and 94 injured by a bomb in the Piazza della Loggia, Bresica and 12 killed and 105 injured by a bomb in the Italicus train passing through a tunnel between Bologna and Florence - both attributed to right wing terrorists.

*** Includes 85 killed and 177 injured by a bomb in Bologna railway station - attributed to right wing terrorists.

**** Includes 15 killed and 134 injured by a bomb in the Rapido 904 train passing through the same tunnel between Bologna and Florence - attributed to right wing terrorists.

Notes on statistics:
ap) From 1969-1987 there were 148 deaths from left wing terrorism and 193 from right wing terrorism. This latter figure is considerably weighted by the 85 deaths caused by the 1980 Bologna railway station attack.
b) In purely numerical terms, of the 359 attacks which caused death and injury, 74% are attributed to the far left, 7.6% to the far right and 7% to non-Italian groups. The rest are non-attributable.
c) Between 1969 and 1980 there were 697 group headings under which terrorist attacks were claimed. Of these, 484 were of the left and 119 of the right. The origins of 92 have not been ascertained.

Table Fourteen: Middle Eastern Terrorism in Europe, 1980-1989.

<table>
<thead>
<tr>
<th>Country</th>
<th>No. of Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>60</td>
</tr>
<tr>
<td>Italy</td>
<td>42</td>
</tr>
<tr>
<td>UK</td>
<td>42</td>
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<tr>
<td>Greece</td>
<td>41</td>
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<tr>
<td>Spain</td>
<td>39</td>
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<tr>
<td>Cyprus</td>
<td>31</td>
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<tr>
<td>Turkey</td>
<td>25</td>
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<tr>
<td>Germany</td>
<td>25</td>
</tr>
<tr>
<td>Austria</td>
<td>23</td>
</tr>
<tr>
<td>Belgium</td>
<td>13</td>
</tr>
<tr>
<td>Switzerland</td>
<td>09</td>
</tr>
<tr>
<td>Denmark</td>
<td>05</td>
</tr>
<tr>
<td>Others*</td>
<td>10</td>
</tr>
</tbody>
</table>

* Malta, Sweden, Portugal and the Netherlands.
In total 418 acts of Middle Eastern terrorism occurred outside the Middle East region during the 1980s.


<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>53</td>
<td>03</td>
<td>10</td>
<td>06</td>
</tr>
<tr>
<td>Asia</td>
<td>92</td>
<td>48</td>
<td>13</td>
<td>37</td>
</tr>
<tr>
<td>E/Eur</td>
<td>06</td>
<td>06</td>
<td>03</td>
<td>05</td>
</tr>
<tr>
<td>L/Am</td>
<td>163</td>
<td>229</td>
<td>143</td>
<td>97</td>
</tr>
<tr>
<td>M/East</td>
<td>65</td>
<td>79</td>
<td>79</td>
<td>101</td>
</tr>
<tr>
<td>N/Am</td>
<td>00</td>
<td>02</td>
<td>02</td>
<td>01</td>
</tr>
<tr>
<td>W/Eur</td>
<td>77</td>
<td>199</td>
<td>114</td>
<td>180</td>
</tr>
<tr>
<td>Total</td>
<td>456</td>
<td>556</td>
<td>364</td>
<td>427</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N/Am</td>
<td>09</td>
<td>04</td>
<td>01</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>L/Am</td>
<td>1964</td>
<td>1427</td>
<td>2126</td>
<td>1545</td>
<td>1087</td>
</tr>
<tr>
<td>Eur</td>
<td>460</td>
<td>446</td>
<td>844</td>
<td>988</td>
<td>769</td>
</tr>
<tr>
<td>M/East, N/Af</td>
<td>496</td>
<td>537</td>
<td>645</td>
<td>1270</td>
<td>1281</td>
</tr>
<tr>
<td>Sub-Saharan Af</td>
<td>283</td>
<td>450</td>
<td>287</td>
<td>590</td>
<td>722</td>
</tr>
<tr>
<td>Asia</td>
<td>1210</td>
<td>1105</td>
<td>964</td>
<td>1001</td>
<td>1060</td>
</tr>
<tr>
<td>Total</td>
<td>4422</td>
<td>3969</td>
<td>4867</td>
<td>5404</td>
<td>4954</td>
</tr>
</tbody>
</table>

Table Seventeen: Casualties Caused By International and Domestic Worldwide Terrorism, 1990-1993.

<table>
<thead>
<tr>
<th>Year</th>
<th>Nos. Killed</th>
<th>Nos. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>7245</td>
<td>6093</td>
</tr>
<tr>
<td>1991</td>
<td>8659</td>
<td>7707</td>
</tr>
<tr>
<td>1992</td>
<td>10069</td>
<td>11034</td>
</tr>
<tr>
<td>1993</td>
<td>10526</td>
<td>12176</td>
</tr>
</tbody>
</table>

Total Nos. Killed: 27499  
Annual Average No. of Deaths: 9124.75  
Total Nos. Injured: 37010  
Annual Average No. Injured: 9252.5

These figures can be compared with those recorded for the period 1970-1983:

<table>
<thead>
<tr>
<th>Year</th>
<th>Nos. Killed</th>
<th>Nos. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970-1983</td>
<td>28110</td>
<td>18925</td>
</tr>
</tbody>
</table>

Annual Average No. of Deaths: 2007.85  
Annual Average No. Injured: 1351.78

Table Eighteen: Comparative Frequency of International and Domestic Worldwide Terrorist Incidents in Totals and Annual Averages.

<table>
<thead>
<tr>
<th>Total No. of Incidents for Period 1989-1993</th>
<th>23616.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Average No. of Incidents 1989-1993</td>
<td>4723.2</td>
</tr>
<tr>
<td>Total No. of Incidents for Period 1968-1988</td>
<td>35150.0</td>
</tr>
<tr>
<td>Annual Average No. of Incidents for Period 1968-1988</td>
<td>1673.8</td>
</tr>
<tr>
<td>Total No. of Incidents for Period 1984-1988</td>
<td>16218.0</td>
</tr>
<tr>
<td>Annual Average No. of Incidents for Period 1984-1988</td>
<td>3243.6</td>
</tr>
</tbody>
</table>

Table Nineteen: Percentage Share of International and Domestic Terrorist Incidents By Geographic Region, 1989-1993.

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N/Am</td>
<td>0.20</td>
<td>0.10</td>
<td>0.02</td>
<td>0.18</td>
<td>0.70</td>
</tr>
<tr>
<td>L/Am</td>
<td>44.41</td>
<td>35.95</td>
<td>43.68</td>
<td>28.58</td>
<td>21.94</td>
</tr>
<tr>
<td>Eur</td>
<td>10.40</td>
<td>11.23</td>
<td>17.34</td>
<td>18.28</td>
<td>15.52</td>
</tr>
<tr>
<td>M/East, N/Af</td>
<td>11.21</td>
<td>13.52</td>
<td>13.25</td>
<td>23.50</td>
<td>25.85</td>
</tr>
<tr>
<td>Sub-Saharan Af</td>
<td>6.39</td>
<td>11.33</td>
<td>5.89</td>
<td>10.91</td>
<td>14.57</td>
</tr>
<tr>
<td>Asia</td>
<td>27.36</td>
<td>27.84</td>
<td>19.80</td>
<td>18.52</td>
<td>21.39</td>
</tr>
</tbody>
</table>

Table Twenty: International and Domestic Terrorism in EU Member Countries, 1990-1993.

<table>
<thead>
<tr>
<th>Country</th>
<th>No. of Incidents</th>
<th>No. Killed</th>
<th>No. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>22</td>
<td>06</td>
<td>51</td>
</tr>
<tr>
<td>Denmark</td>
<td>12</td>
<td>01</td>
<td>36</td>
</tr>
<tr>
<td>France</td>
<td>172</td>
<td>18</td>
<td>41</td>
</tr>
<tr>
<td>Germany</td>
<td>442</td>
<td>55</td>
<td>437</td>
</tr>
<tr>
<td>Greece</td>
<td>189</td>
<td>53</td>
<td>65</td>
</tr>
<tr>
<td>Ireland (Eire)</td>
<td>19</td>
<td>03</td>
<td>01</td>
</tr>
<tr>
<td>Italy</td>
<td>106</td>
<td>32</td>
<td>156</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>00</td>
<td>00</td>
<td>00</td>
</tr>
<tr>
<td>Netherlands</td>
<td>32</td>
<td>02</td>
<td>02</td>
</tr>
<tr>
<td>Portugal</td>
<td>03</td>
<td>01</td>
<td>01</td>
</tr>
<tr>
<td>Spain</td>
<td>330</td>
<td>129</td>
<td>423</td>
</tr>
<tr>
<td>UK (excl. N. Ireland)</td>
<td>221</td>
<td>15</td>
<td>426</td>
</tr>
<tr>
<td>N. Ireland</td>
<td>701</td>
<td>300</td>
<td>701</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2249</strong></td>
<td><strong>615</strong></td>
<td><strong>2340</strong></td>
</tr>
<tr>
<td><strong>Annual Average</strong></td>
<td><strong>562</strong></td>
<td><strong>154</strong></td>
<td><strong>585</strong></td>
</tr>
</tbody>
</table>

Table Twenty One: Comparative Frequency of International and Domestic Terrorist Incidents in EU States in Totals and Annual Averages.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total No. of Incidents for Period 1990-1993</td>
<td>2249.00</td>
</tr>
<tr>
<td>Annual Average No. of Incidents for Period 1990-1993</td>
<td>562.25</td>
</tr>
<tr>
<td>Total No. of Incidents for Period 1974-1985</td>
<td>7097.00</td>
</tr>
<tr>
<td>Annual Average No. of Incidents for Period 1974-1985</td>
<td>591.40</td>
</tr>
</tbody>
</table>

Table Twenty Two: International and Domestic Terrorism in Italy, 1990-1993.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Incidents</th>
<th>No. Killed</th>
<th>No. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>06</td>
<td>00</td>
<td>00</td>
</tr>
<tr>
<td>1991</td>
<td>32</td>
<td>00</td>
<td>07</td>
</tr>
<tr>
<td>1992</td>
<td>38</td>
<td>18</td>
<td>23</td>
</tr>
<tr>
<td>1993</td>
<td>30</td>
<td>14</td>
<td>126</td>
</tr>
<tr>
<td>Total</td>
<td>106</td>
<td>32</td>
<td>156</td>
</tr>
<tr>
<td>Annual Average</td>
<td>27</td>
<td>08</td>
<td>39</td>
</tr>
</tbody>
</table>

Table Twenty Three: International and Domestic Terrorism in Spain, 1990-1993.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Incidents</th>
<th>No. Killed</th>
<th>No. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>113</td>
<td>31</td>
<td>138</td>
</tr>
<tr>
<td>1991</td>
<td>94</td>
<td>51</td>
<td>164</td>
</tr>
<tr>
<td>1992</td>
<td>73</td>
<td>28</td>
<td>84</td>
</tr>
<tr>
<td>1993</td>
<td>50</td>
<td>19</td>
<td>37</td>
</tr>
<tr>
<td>Total</td>
<td>330</td>
<td>129</td>
<td>423</td>
</tr>
<tr>
<td>Annual Average</td>
<td>83</td>
<td>32</td>
<td>106</td>
</tr>
</tbody>
</table>

Table Twenty Four: Terrorism in Northern Ireland, 1990-1993.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Incidents</th>
<th>No. Killed</th>
<th>No. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>118</td>
<td>72</td>
<td>86</td>
</tr>
<tr>
<td>1991</td>
<td>231</td>
<td>85</td>
<td>193</td>
</tr>
<tr>
<td>1992</td>
<td>187</td>
<td>70</td>
<td>247</td>
</tr>
<tr>
<td>1993</td>
<td>165</td>
<td>73</td>
<td>175</td>
</tr>
<tr>
<td>Total</td>
<td>701</td>
<td>300</td>
<td>701</td>
</tr>
<tr>
<td>Annual Average</td>
<td>175</td>
<td>75</td>
<td>175</td>
</tr>
</tbody>
</table>

Table Twenty Five: Terrorism in Germany, 1990-1993.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Incidents</th>
<th>No. Killed</th>
<th>No. Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>05</td>
<td>00</td>
<td>00</td>
</tr>
<tr>
<td>1991</td>
<td>82</td>
<td>*11</td>
<td>38</td>
</tr>
<tr>
<td>1992</td>
<td>157</td>
<td>17</td>
<td>218</td>
</tr>
<tr>
<td>1993</td>
<td>198</td>
<td>27</td>
<td>181</td>
</tr>
<tr>
<td>Total</td>
<td>442</td>
<td>55</td>
<td>181</td>
</tr>
<tr>
<td>Annual Average</td>
<td>111</td>
<td>14</td>
<td>109</td>
</tr>
</tbody>
</table>

* Includes one fatality caused by RAF terrorism.

NOTE CONCERNING DATA USED IN STATISTICAL TABLES

The statistics collected for the dissertation represent the most complete and up to date information for Western Europe that are publicly available. However, any conclusions that are drawn from the data have to be carefully qualified for a number of reasons:

First, any concrete assertion of terrorism has to rely on information that is provided on a regular basis and according to the same definition. However, very few agencies that collect statistics on terrorism fulfill these two conditions. The information is incomplete, scattered (covering different time periods) and definitions are often adapted to meet new circumstances. Moreover, state agencies tend to exclude from their public reports information that could be used to undermine government policies.

To try to formulate as complete a picture as possible of statistical trends, information has accordingly been derived from several data banks. This, however, leads to a second problem. Different collecting agencies rely on different definitional criteria and recording procedures for gathering information - both of which greatly influence the count of terrorist figures. Given this situation, it is almost impossible to make any definite propositions concerning terrorist levels and/or trends.

Third, only in a few instances is comprehensive and systematic information provided regarding the identities of groups which use terrorist strategies in different regions/states (this is especially true of the Middle Eastern terrorism in Western Europe during the 1990s). It is, therefore, difficult to speculate with any degree of certainty which organization(s) are primarily responsible for the levels of terrorism actually committed.

Fourth, official statistical tables have only been prepared up to and including 1993. To gain as up to date picture as possible, supplementary information has, in certain instances, been obtained from newspapers/current event journals and added for the 1994 period. However, there is no way of knowing exactly how official sources would have recorded this information and, therefore, what specific conclusions would have been drawn from it - especially in the context of trends re. levels of incidents/casualties.

DATA SOURCES.

The dissertation utilized the following principal data sources:


b) Statistics compiled by Steve Bruce based on information provided by the RUC and the Irish Information Partnership. Cited in Steve Bruce,

c) Statistics compiled by Alex Jongman based on a composite from the following services: Risks Information Services; the US State Department; the Centre for the Study of Social Conflicts (COMT), Leiden; the personal database provided by Edward Mickolus; the Jaffee Center for Strategic Studies; the London Institute for the Study of Terrorism (LIST); RAND; and the Foundation for the Study of Terrorism in London (Imprimis). Cited in Alex Jongman, "Trends in International and Domestic Terrorism in Western Europe," Terrorism and Political Violence 4(4) (Winter 1992): 27-53.

d) Data compiled by Dennis Pluchinsky based on a chronology of Middle Eastern terrorist incidents in Western Europe during the 1980s. The chronology is a product of information extracted from publicly released US government documents, press and academic sources, conversations with terrorism experts in Western Europe and publicly released judicial reports. Cited in Dennis Pluchinsky, "Middle Eastern Terrorist Activity in Western Europe in the 1980s: A Decade of Violence," in Yonah Alexander and Dennis Pluchinsky eds., European Terrorism Today and Tomorrow (New York: Brassey's, 1992), 1-41.


h) Data Compiled by Terrorism. Terrorism is a quarterly report that is written and published by J.L. Scherer. It is based on a wide variety of news media, generally consulting a country x source for a country x event. The report contains numerous statistical tables and graphs on international and domestic terrorism drawing from a wide variety of official and other sources.


a) Risks Information Services and Pinkerton's Risk Assessment Services. The figures used by both Risks and Pinkerton's are based on data
gathered for domestic and international terrorist incidents. Each company produces an annual executive risk assessment report that covers worldwide terrorist incidents with information derived from the foreign and English-language press, American and foreign government and police reports. The categories used for grouping the data are "kidnapping," "hijacking," "assassination," "maiming," "attack against facilities," and "bombing." It should be borne in mind, however, that neither company offers a specific definition of terrorism and, hence, the criteria used for determining whether an incident is to be counted as terrorist in nature or not.

b) Office of the Coordinator for Counterterrorism, US Department of State. The US State Department's figures are based on data derived from newspapers, diplomatic channels, Facts on File and the Congressional Research Service (CRS). Only international acts of terrorism are recorded, according to the following definition: "Terrorism is premeditated motivated violence perpetuated against noncombatant targets by sub-national groups or clandestine state agents, usually intended to influence an audience. International terrorism is terrorism involving the citizens or territory of more than one country."

d) Press cuttings taken from The New York Times (US); The Washington Post (US); The Times (UK); The Daily Telegraph (UK); The Independent (UK); The Guardian (UK); The Daily Express (UK); The Financial Times (UK); The Globe and Mail (Canada); and The Vancouver Sun (Canada).