

# Introductory Remarks

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Combating terrorism has become the focus of security structures all over the world since the tragic events of 11 September 2001. In many countries, old methods have been revised in order to organize and prepare modern society to meet so-called new and existing threats (i.e. terrorism), instead of focusing on the territorial defence of the Cold War era.

It could be argued that this current refocusing is too late. Why didn't European and American societies respond to these emerging threats during the 1990s? Why didn't we analyse and evaluate the world as it was and change at the time? These and other questions are addressed in this anthology, which is the result of close cooperation between the Geneva Centre for the Democratic Control of Armed Forces and the Swedish National Defence College.

The publication gives a general overview of current trends in the area of Security Sector Reform linked to combating terrorism. A range of issues is comprehensively covered by the authors. Some of them, including Alyson Bailes, discuss the origins as well as the definitions of terrorism, while at the same time giving a broad picture of the problems connected with the tightening of rules, regulations, and procedures.

Terrorism is nothing new. Even if most people tend to define the world differently before and after 9/11, one should not forget that the incident was the eighth terror attack in a row against U.S. targets. All the earlier attacks were met in different but perhaps not always comprehensive ways. In other words, the strategy behind these responses could be questioned and debated.

On the other hand, were the simultaneous attacks against the World Trade Center, the Pentagon and, in all likelihood, the White House or the U.S. Capitol, met with a comprehensive and coherent response? Questions are asked in this book as to whether the responses in the security sector have been appropriate. The aims of these new transnational groups have, without doubt, been to provoke and show strength but also, in all probability, to get responses that create the grounds for political change. Therefore, Western interests can be put at risk even if we act strongly and decisively.

Security Sector Reforms—a term that subsumes a number of items: tougher attitudes in the transportation sector, a changing focus for the

armed forces, and an emphasis on special operations capabilities and enhanced intelligence services, among other things—can of course increase the risk of alienating the general public in a way that perhaps in the long run actually helps terrorist groups. If our open societies act in a way that is not perceived to be in line with our fundamental values, we definitely are at risk.

A balanced approach toward terrorism must consist of double balances. On the one hand, there should be a better balance between the current focus on terrorism and other old and new threats; and on the other hand, a balance between ways and means must be achieved. Security structures, legislation, and regulations in our countries should, therefore, not be allowed to move in the direction of “terrorism-only.” Such a suboptimisation of resources—public as well as private—cannot be justified. Terrorism is without doubt a deadly threat, but it is not the only threat to modern society. Reactions after 9/11 have in that sense tended to be focused too narrowly.

In addition, the threat must be dealt with in a way that is consistent with the fundamental values of our societies. Recent security measures in some countries have had a definite and perhaps unreasonable effect on the personal freedoms and rights of citizens. To what extent this is an effective approach is still an open question. The fact that there has been a huge and positive spillover effect is indisputable: more criminals have been caught—but has it really made life more difficult for ambitious and resolute terrorists? Finding the right balance between personal integrity as a central fundamental value and the necessary security arrangements is still an unresolved problem.

Finally, let me express my pleasure in the close cooperation with DCAF in producing this report. Hopefully it is but a first step in a continuing and deepening relationship between our two organisations. When the result is as good as this it really has showed how fruitful such a collaboration can be. I look forward to further joint projects in the future.

# Content

The study focuses on three aspects, namely a) the evolution of terrorism and how counter-terrorism agencies can effectively and efficiently intervene (chapters 1–4), b) an analysis how different state agents adapted to the new threats (chapters 5–11) and finally c) non-state actors and their involvement (chapters 12 and 13).

In her introduction, Alyson J.K. Bailes, the Director of SIPRI, points to the fact that terrorist acts are probably as old as mankind and have been frequently used in conflict situations. What was different on 9/11 and since is the dimension and international aspect of the attacks and how they changed the agenda of the United States of America which later on became a global agenda. In order to adapt the security actors' strategies, the author stresses the need of an appropriate definition of what terrorism is.

In chapter 1, Dr. Rod Thornton shows how the British Army, a typical 'counter-insurgency' army, changed gradually from a small, low-conflict army of the Empire via a counter-insurgency army in its homeland (Northern Ireland) to an army engaged in counter-terrorism in the framework of an international coalition (Afghanistan, Iraq). He explains the British principle of Minimum Force before giving the reader an insight to the civil-military cooperation practiced in the past with the colonial government and today with the civilian administrators in Afghanistan and Iraq.

Fred Schreier shows in his chapter (2) how terrorism has superseded the guerrilla warfare common in the past century, though without being a new phenomenon. He shows that this asymmetric and unconventional type of warfare partially neutralizes the defensive advantages of the attacked country and thus increases its vulnerability. The author then presents four lines of defence likely to counter the terrorist threat.

In chapter 3, Prof. Rohan Gunaratna deals specifically with Al Qaeda, explaining how the network adapted its structure and strategy after the 9/11 attacks in order to avoid destruction. He then briefly analyses the differences in counter-terrorism policy and law enforcement between the US and Europe and the effect of the wars in Iraq and Afghanistan on Muslims in Europe. The last part of his exposé deals with the question of how Western security agencies have to adapt in order to efficiently combat Al Qaeda.

In his chapter on 'Counter Terrorism Policy and Strategies – Keys to Effective Inter-Agency Cooperation and National Security' (chapter 4), Michael Chandler points out that the coordination between different agencies of the same country respectively between different countries does not work as well as it might and should. In his discussion, he indicates three steps necessary to improve co-operation, namely: a) to thor-

oughly assess the threat, b) to ensure that the available resources are structured to deal with the threat and finally, c) to look what structures are already in place and how they can be adapted to best fight the new challenges.

Accordingly to Willem van Eekelen (Terrorism and Parliamentary Control), the 9/11 attacks spurred the EU into action, particularly in the filed of money laundering and justice and home affairs. Nevertheless, he criticizes that most European politicians did not feel at war. The author then briefly presents legislation and conventions adopted either by the EU or the Council of Europe before 9/11 before exposing the concrete actions taken since. A part of the chapter is dedicated to the issues parliamentarians will have to deal with when it comes to terrorist incidents while the last sub-chapter analyses the consequences of the attacks in Madrid on 11 March 2004.

In chapter 6, Andrzej Karkoszka shows the challenges most Eastern European countries have met since the regime changes in 1989 through the example of the Polish Army. Political and economic changes were hampered by an economic slow-down which, in turn, had important repercussions on the defence budget. On the other hand, the remaining money had largely to be spent on defence reform rather than on modernizing the material which was crucial for a rapid integration of the Polish Army into NATO. The second half of the résumé is dedicated to the mission of the Polish Armed Forces in Iraq, its tasks, the means at disposal and the lessons learned. The last part of the chapter focuses particularly on the impact of the anti-terrorist campaign on the Polish Armed Forces.

In the next chapter, Mihaela Matei explains the transformation of another Eastern European Army, namely the Romanian Armed Forces. The author starts with explaining the new principles, new missions and new military capabilities that will govern the reform of the Romanian Army. She then concludes her texts with a brief outlook on the military and political transformations NATO is currently undergoing.

Combating terrorism has also profound implications on the intelligence as shown by Fred Schreier in the next chapter (8). After a brief presentation of the major findings of the enquiries after the 9/11 attacks, the author deals with four key issues: a) what is the essence of combating terrorism (defeating terrorist organizations, deterring future acts of terrorism etc.), b) what makes combating 21<sup>st</sup> century terrorism so difficult?, c) what are the challenges and problems for intelligence? (human intelligence collection, signals intelligence collection, analysis etc.) and d) if there is a need for a new approach to intelligence.

In his chapter, Otwin Marenin analyses how the fight against terror has influenced the policing systems. He states that the fight has had and will continue to have a negative impact on democratic policing, be it in established democracies or in countries that seek to democratize. The

author then briefly explains the basic assumptions that underline this argument. The main part of the chapter is dedicated to the values, goals and operational styles of community oriented policy (COP), such as: intelligence, prevention and pre-emption, political manipulation of law and its enforcement, enhance the power and autonomy of the police etc.

Chapter 10 examines the question of how border security agencies can contribute to the war on terror. He sees an active role for border security agencies when it comes to inter-agency co-operation and intelligence sharing. The author then explains the principle of the 'four tiers' of border security (activities in third countries, international border co-operation, border management and other activities inside and outside the Schengen states). Any gain of co-operation can be measured against a quality cycle which is explained and illustrated in a separate sub-chapter.

In his chapter, General Vaultier shows the changes the French Gendarmerie had to undergo in order to optimize the capacities of the French government to fight terrorism. These changes included the restructuring of the headquarters, the improvement of co-ordination between the gendarmerie and other state services and the elaboration of a global and consistent strategy. The author then explains how the gendarmerie is involved in transport issues, maritime, road and railway counter-terrorism and the fight against nuclear, biological and chemical terrorism. The last part of the chapter deals with its involvement on the international level.

Marina Caparini finally introduces the third part of the book with her chapter on private military firms (PMF). The author shows how the downsizing of armies after the Cold War has led to the creation of PMFs, a phenomenon amplified by the change from international conflicts to civil war. While more and more countries make use of PMFs, be it for financial or political reasons, not much progress has been made when it comes to legislation. Caparini clearly shows the danger of this vacuum. A sub-chapter is dedicated to the different companies existing, the services they offer and their main users, followed by a detailed listing of the pros and cons of PMFs.

In the last chapter, Per Broström and Diana Amnéus analyse the impact of the fight against terrorism on the international law as specified in the UN Charter (*jus ad bellum*) and the international humanitarian law as specified by the Geneva Conventions (*jus in bello*). With regards to the 9/11 attacks, the authors particularly stress the fact that for the first time in the history of the UN, article 51 of the UN Charter was invoked after a terrorist incident and analyze the relevance of the international law in the war in Afghanistan and Iraq, whether there has effectively been a collapse of international law in the fight against terrorism and, if yes, what the causes and effects are.

# Preface

ANJA H. EBNÖTHER

The highlight of the 2004 activities calendar of the Partnership for Peace Consortium of Defence Academies and Security Studies Institutes (hereafter: the Consortium) was the seventh Annual Conference, held in Bucharest, Romania.

Not only was the Annual Conference a place to display the remarkable work achieved by the different working groups, but it was much more besides: a platform for exchanging new ideas, of presenting policy-relevant studies, of launching new projects, of discussing unconventional approaches in a professional environment, and meeting experts employed in many fields: government ministries, military organizations, the diplomatic corps, and the academic departments of defence universities and security studies institutes.

The Consortium has proven over the years to be a flexible tool in helping assemble experts in the security sector in a forum in which they usually do not meet or talk. Therefore the Consortium offers the opportunity to bring together experts of different backgrounds, especially in times in which the concepts of “threat” and “security” have changed and become a much more prominent part of public discourse.

The structure of the Consortium allows a broad approach to international security, limits neither the ideas nor the access to participate, and offers a unique possibility to cooperate where useful and necessary.

This structure has been created in order to improve coordination between the various existing working groups, particularly in the preparation of the Annual Conference, and to create an environment in which leading institutions in the field can provide a strong backbone to the working groups. Four tracks have been created: Regional Stability, Education and Training, European Security, and Security Sector.

The present publication reflects the collaboration of the security sector track. This track is composed of two working groups: the Security Sector Reform Working Group and the Combating Terrorism Working Group.

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) has as its core mission the analysis and assessment of security sector reform, its governance, and its further development. Therefore, in 2001 it had taken the responsibility to build and lead a working group on security sector reform. Given Swiss involvement in the Con-

sortium since its early days, DCAF was willing to collaborate with the Combating Terrorism Working Group for the 2004 Annual Conference.

The topic for the security sector panel at the Annual Conference was easily found: “Combating Terrorism and Its Implications for the Security Sector,” with a special focus on the implications for armed forces in selected cases.

The current publication goes beyond the armed forces, and gives examples of the implications for other security sector actors such as border guards, police, intelligence services, Gendarmerie Nationale, parliamentary control, and international humanitarian law. Most of the articles were provided by members of the PfP Consortium for the Annual Conference. They give a broad overview and collection of the major aspects, but it is not alleged to be inclusive, exhaustive, or coherent in its approach to the problems posed.

DCAF thanks the Swedish National Defence College, not only for its expertise on the subject and its representation in the Consortium’s Security Sector Reform Working Group, but especially for being a partner in contributing to the current publication.