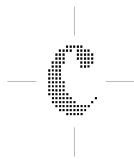# Terrorism and Counterterrorism

Insights and Perspectives after
September 11

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December 2001

Desk top publishing: *Kitty l'Ami, Birgit Leiteritz*

Contents

Introduction

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The attacks on the World Trade Center in New York and the Pentagon in Washington as well as the ensuing string of attacks by letters infested with anthrax, have stirred up discussions about the character of terrorism, its causes and motivations and its societal and cultural contexts. They have also emphasized the need to find ways and means for countering the threat at various levels and from various angles. This debate is far from over. New aspects and approaches are being raised all the time as events unfold in Afghanistan and elsewhere in the world.

In a first joint effort in writing on this subject after 'nine-eleven', five members of the Clingendael research staff explore a few aspects of this multifaceted debate. They deal with trends in terrorism, rethinking concepts of security and warfare, the role of international organizations – NATO, the European Union, the United Nations – in countering terrorism, and possible counterterrorist contributions by the Dutch military in the context of converging concepts of internal and external security.

In this period of rapidly changing situations it should be noted that all manuscripts were finalized by December 1st, 2001.

Catastrophic Terrorism: Elusive Phenomenon, Deadly Threat

Marianne van Leeuwen

The terrorist attacks of 'nine-eleven' on New York and Washington were monstrous in their conception, bloodcurdling in the simplicity and purpose of their implementation, perfectly theatrical in their manifestation and, most important of all, horrendous in their effect. Many people who watched the attacks, live or on television, felt they were witnessing the birth of a new kind of terrorism, more vicious than any previous strain the world had ever known. This sense of an emerging new threat was heightened by the subsequent string of anthrax-infested letters sent out to a number of journalists and newspapers, and especially to institutions and representatives of the federal government in the United States. Even though these attacks did not cause massive destruction or fatalities on a large scale and even though they were much less spectacular in appearance than the 'nine-eleven' atrocities, the deliberate use of an unconventional means like anthrax – a killer disease – did cause widespread fear and seriously disrupted public life in Washington for weeks. Thus, they seemed to confirm the coming of a new age of terror.

Four arguments will be put forward and elaborated in this chapter. Firstly, that the 'nine-eleven' attacks are a phase in the development of a specific, *catastrophic* version of terrorism that started to emerge about two decades ago. Secondly, that although to date most catastrophic attacks have been performed by Islamic radicals, others have been trying their hand at it as well. Thirdly, that the attraction of unconventional weapons' use to catastrophic terrorists seems obvious and that there is incontrovertible evidence of attempts by various groups to obtain such weapons, but that nevertheless, these groups have faced and may still face technical impediments. In addition, while catastrophic terrorists have no moral reservations about using weapons of mass destruction, they may perhaps still have reasons, apart from the technical impediments, to content themselves with the conventional variety – for the time being. And finally, that the anthrax mail that has caused so much concern recently is best interpreted as *classical* terrorism with unconventional means.[1]

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1) I have consulted the following publications when writing this chapter:
   – J.J.G. Jansen, *The Neglected Duty. The Creed of Sadat's Assassins.* MacMillan, 1986;

Terrorism and sponsorship

Before considering the major differences between classical and catastrophic terrorism, a few words about defining terrorism as an overall concept are in order. The major problem with terrorism is that it is almost invariably used in a negative sense, to condemn opponents and enemies, whether they be states or non-state actors. This has poisoned the political debate on ways and means and guiding principles in the fight against terrorism. The debate has been focused on two persistent controversies. One: how to distinguish between 'terrorists' and 'freedom fighters'? The issue is of overriding relevance in principle and practice, because freedom fighters are to be hailed and supported while terrorists are to be condemned and punished. And two: should states that behave in a particularly reprehensible fashion be defined as terrorist and equally be condemned and punished? These issues have been formidable stumbling blocks on the road to a comprehensive United Nations convention outlawing international terrorism as such, even though progress proved to be possible on establishing rules and practices in the fight against specific terrorist actions such as bombings or hijacks with political motives. And even though the pressure cooker effect of the September attacks in the United States seems to suggest otherwise, defining terrorism or interpreting a consensus definition in practice may still be expected to have a divisive impact on European attempts to harmonize legislation and procedures as part of the stepped-up efforts to defeat international terrorism.

Trying to come as closely as possible to a 'neutral' and at the same time manageable interpretation of terrorism, I argue that the following premises contribute to a sensible analysis:

(1) Terrorists are non-state actors. States should not be called terrorist. While it is true that some states structurally and shockingly violate their own and international laws, branding these states as terrorist stretches the concept of terrorism to an impracticable degree. There are more effective legal grounds to bring these stately lawbreakers to justice. States may sponsor terrorists, and occasionally terrorists may sponsor a state (as seems to have been the case in the relationship between Osama Bin Laden and the Sudanese government), but terrorists enjoy a substantial amount of operational and even ideological independence from their sponsors. The alliance may be based on sympathy, but its strongest fundament is usually the sharing of a mutual enemy. Assassins and other violent under-cover agents employed by and working under direct orders of a state are not terrorists: they are civil servants or soldiers – of a kind. In the case of failed states, governments may be willing but unable to stop

– Daniel A. Metraux, 'Religious Terrorism in Japan', in: *Asian Survey* 35 (12) 1995, pp. 1140-1154;
– David E. Kaplan and Andrew Marshall, *The Cult at the End of the World. The Incredible Story of Aum.* Arrow Books, London 1997;
– Lou Michel and Dan Herbeck, *American Terrorist. Timothy McVeigh and the Oklahoma City Bombing.* Regan Books, New York, 2001;
– G. Cameron; J. Pate; D. McCauley and L. DeFazio, '1999 WMD Terrorism Chronology: Incidents Involving Sub-National Actors and Chemical, Biological, Radiological, and Nuclear Materials', in: *The Non-proliferation Review*, 7 (2), Summer 2000, pp. 157-174.

terrorists from using their national territory for their own purposes. Effective governments may, finally, be able in principle to take steps against terrorists visiting their country, but unwilling to do so in practice. They may wittingly tolerate the presence of terrorists and look the other way as long as these problematic visitors do not violate the law of the land and leave its government and citizens alone. They may also close their eyes to the fact that some of their citizens are financially or otherwise supporting terrorists elsewhere in the world. Quite a number of governments have indulged in such negligence. Reportedly, a prominent example is Saudi Arabia, but many western countries, including the Netherlands and even the United States itself, also may have reason to feel uneasy in this respect. After all, Dutch judicial authorities in the seventies were aware that members of the Rote Armee Fraktion occasionally used the Netherlands as a temporary pied-à-terre but they preferred to do nothing about it. And in another instance, Americans supportive of the radical wings of the IRA reportedly have been able to sponsor these terrorist groups financially, even at a time when the US president was engaged in an effort to achieve a negotiated solution for the question of Northern Ireland.

(2) Terrorists try to change the political, societal or religious order by actually using violence or threatening the use thereof. Terrorists are not able to achieve their goals by peaceful means, either because they confront an authoritarian, repressive and vastly more powerful opponent, or because they are essentially unpopular and would not stand a chance in proper elections and democratic decision-making processes. Individuals who kill for the sake of killing may certainly spread terror but they are not terrorists: they are mentally ill and should be treated as such. Individuals or organizations who claim to be striving for the realization of political ideals but in truth are solely focused on self-enrichment are not terrorists: they are criminals. Individuals performing hoaxes for the 'fun' of it are not terrorists: they are a pain in the neck and should be prosecuted if their pranks cause serious damage or distress to society or individual victims. It may, however, be quite difficult in specific cases to distinguish between terrorists on the one hand, and criminal or mentally diseased persons or pranksters on the other. For one thing, original aims and priorities may get blurred over time in the mind of practicing terrorists. The initial ideals may be overgrown by greed or insanity.

(3) Terrorists are not soldiers. They do not wear uniforms; they are not organized in military units or integrated in an elaborate hierarchy. While they do train in handling (light) weapons, constructing explosives and applying various methods of attack they do not have the numerical strength or the military abilities and capabilities to occupy enemy territory even for parts of the day, let alone to conquer it (in these respects they differ not only from soldiers but also from guerrilla fighters). Their natural battleground is the big city. Surprise attacks and swift withdrawals are their preferred tactics. Their strategy is demoralizing rather than physically defeating their opponents. A short reference to Al-Qa'ida in this respect may be helpful to clarify the point: Qa'ida adherents who were fighting in Afghanistan with the Taliban would come under the category of guerrilla fighters or even, perhaps, soldiers. Its adherents who bombed the World Trade Center would classify as terrorists.

(4) Terrorists may look for inspiration and moral guidance to a charismatic leader, but traditionally they operate in small units with a great deal of practical

autonomy, not within a strictly hierarchical chain of command. This is the best way to remain unnoticed by the enemy and to protect the movement from being rounded up in its entirety if individual members do get arrested after all. With the introduction of modern means of communication such as mobile telephones and the Internet, is has become easier for terrorists to maintain long distance contact with sister cells and a central ideological leadership, and to establish ad hoc connections with external allies. This phenomenon of multiple, widespread contacts is called an all-channel network. It should be noted that modern means of communication also offer opportunities for the enemies' intelligence services to electronically trace and tap information. Be that as it may, contrary to what is sometimes being suggested, terrorists' organizing themselves in cells is not a new but rather a quite traditional phenomenon. It was, for instance, common practice among communist revolutionaries in Tsarist Russia.

(5) Terrorists seek to defeat their enemy through demoralization, but with the same purpose in mind they try to win public support for their cause. This combined approach has traditionally circumscribed their use of violence. Soft heartedness has never been a characteristic of terrorism, but neither has massive or indiscriminate killing. Terrorists have traditionally courted media help in order to claim attacks, conduct negotiations with the enemy and above all explain their good cause to the uninformed and bewildered but potentially supportive general public.

Classical terrorism

The previous paragraph already contains many of the essential elements of classical terrorism. A few more may be added. For the last century or so, classical motivations for terrorism have been: unfulfilled nationalistic or ethnic ambitions, extremist left wing or right wing ideologies, and religious zeal. Combinations of these factors have been common, for instance in the case of Palestinian terrorism. In the 1970s, Palestinian terrorism often combined nationalism with left-wing ideology. A number of the most prominent left-wing terrorists, by the way, came from Christian rather than Islamic backgrounds. From the 1980s onward, the nationalistic drive remained but the radical leftist ideology was largely replaced by radical Islamic convictions – a situation that still prevails.[2] In connection with the Irish question, too, nationalism and religious adherence have been inextricably linked. The demands of terrorists driven essentially by nationalistic frustration were often put forward in utterly uncompromising and overly ambitious terms, but even so these demands remained concrete, understandable and geographically limited. In many cases, with the passing of time, solutions based on territorial or political compromise could at least be discussed, negotiated about and even (partially) implemented. This has happened in the case of the Northern Irish and Palestinian questions (although developments in

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2)   It should be noted that on the basis of radical Islamic beliefs, territorial compromise is with Israel is impossible because such a compromise, implying the continued rule of infidels over Islamic land, would go against the will of God. The major question then is, whether in the case of radical Islamic Palestinian activists nationalism will prevail over religious beliefs or the other way around.

early December 2001 suggest a turn toward catastrophe in the relationship between Israel and the Palestinian Authority) and in the case of the fight for democratic rule in South Africa. In the process, 'terrorists' came to be seen as 'freedom fighters' or at least as legitimate negotiating partners, and sometimes even turned into 'statesmen', as in the case of ANC leader Nelson Mandela.

According to the famous, frequently quoted observation of Brian Jenkins, classical terrorists have traditionally aimed at a lot of people watching, not a lot of people killed. In other words, they have tried to draw attention to their cause, to demoralize the enemy state in order to prod it towards negotiations and concessions, and to gain public support and favour at the same time. Classical or traditional terrorists have as a rule avoided indiscriminate murder or massive killing. They have unabashedly or even eagerly claimed their acts, not just to persuade their opponents to recognize the legitimacy of their claims, extort concessions from them or force them into negotiations, but also to win public recognition and support. Especially in the Palestinian case it can be argued that public awareness of the issue was forced mainly by the Palestinian terrorist actions of the late 1960s and early 1970s.

Catastrophic terrorism

Since the 1980s, a new strain of terrorism has begun to develop which may be defined as catastrophic. Catastrophic terrorism maintains some of the basic traditional characteristics of terrorism, for instance, the ambition to achieve fundamental changes in the political order, the inability to occupy or conquer enemy land, and an inclination to attack in an urban setting. In other fundamental respects, however, catastrophic terrorism is definitely different. Catastrophic terrorists aim to kill on a massive scale in order to realize their political or ideological aims. They are driven by the perception that they are engaged in total war – a perception that in at least one case has been coloured in the blackest black by apocalyptic beliefs. Their enemy has vastly superior military power but is infinitely inferior in all moral respects. He is, in fact, beneath contempt. In the perception of catastrophic terrorists, it is inconceivable to negotiate with such trash. Neither will they waste much time or effort to claim their attacks before an audience they have no affinity with. They are playing a deadly zero-sum game. This means that, in their turn, governments facing catastrophic terrorist attacks do not really have much choice but to force such attackers to accept unconditional surrender. They may, however, simultaneously try to develop policies that may help to prevent the ideology of their enemies to spread.

Catastrophic terrorists have demonstrated supreme indifference with regard to the nationalities, age, sex or religion of their victims. In that respect, their attacks have been indiscriminate. Yet they have been clearly discriminate with regard to the selection of buildings to be attacked. These buildings have almost without exception symbolized their enemy's military, economic or diplomatic power.

Almost all catastrophic attacks of the past fifteen years have been directed at the power of the United States, yet their motivational backgrounds have not always been identical. Arguably, this highly deadly form of terrorism began to emerge with the suicide attacks on American and French military quarters in Beirut in the early

nineteen eighties. The deliberate destruction of the PanAm Boeing over Lockerbie in 1988 is another fairly early example. Additional spectacular and infamous instances followed during the nineteen nineties: the first attack on the New York World Trade Center in 1993, the sarin attack on the Tokyo Metro and the attack on the Murrah Federal Building in Oklahoma City early in 1995, the attack on the quarters of American soldiers in Saudi Arabia in 1996, the simultaneous attacks on the American embassies in Nairobi and Dar es-Salaam of August 1998, the attack on the US warship Cole in 2000, and the attacks on the World Trade Center in New York and the Pentagon in Washington of September 2001.

While many of these atrocities were committed by Islamic radicals, the Lockerbie case probably did not have a radical Islamic background, while the two dramatic incidents of 1995 were not performed by Muslims at all. The Tokyo attack was exceptional in two respects in particular: it was aimed not at American power but at the Japanese government, and the executioners used an unconventional weapon.

What the attackers had in common was the aim to kill on a massive scale, and the perception of being engaged in a total war with their opponent. This latter hypothesis is easiest to defend in the case of radical Islamic attacks. Osama Bin Laden, who is thought to have inspired if not plotted the attacks in Nairobi and Dar es-Salaam, on the Cole and on the WTC and the Pentagon, has explained in various statements to Islamic audiences and to some American journalists, that he and his followers are waging a Jihad, Holy War, against the infidels who have militarily occupied Holy Islamic land, and against the renegade Islamic rulers who have aided and abetted this occupation.[3] More specifically, his anger is focused on the United States for its military presence in Saudi Arabia, at the Saudi monarchy for allowing this presence, at Israel for its occupation of what Bin Laden considers to be Islamic land and at the United States, again, for its support for Israel. Bin Laden also blames the plight of the Iraqi people on the United States, ignoring Saddam Hussein's role in throwing back his subjects into the Stone Age. It should be noted that Bin Laden's views on punishing renegade Islamic leaders and fighting the influence of unbelievers in Islamic countries are not all that exceptional. They are understood if not in their ultimate consequences applauded by many Muslims in the world. They are actually held by many Egyptian, Palestinian and other extremists and have inspired the assassination in 1981 of the Egyptian President Anwar Sadat, whose sin had been to recognize Israel and make peace with it at the cost of Islamic rule over Palestine, and who had added insult to injury by publicly toasting the agreement with a glass of champagne.[4]

Timothy McVeigh had nothing to do with radical Islamic views. He was brought up to be a good Christian and nevertheless became a catastrophic terrorist. McVeigh, it is argued here, perpetrated the outrage in Oklahoma City because he considered himself at war with the US federal authorities. His biographers have explained how he, a passionate gun-owner distrustful of central government but also a decorated war veteran from the campaign against the Iraqi occupation of Kuwait, considered himself an American patriot. They describe how he came to believe that

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3)   According to Islamic tenets, apostasy is punishable by death.

4)   I refer to Jansen for the authoritative analysis of this ideology.

the US federal authorities were the deadliest enemy of the American people and should be fought without compromise. When in 1993, the FBI stormed the stronghold of a anti-government religious group called the Branch Davidians in Waco, Texas, setting their building on fire and killing a number of members in the process, this became a crucial event in the development of McVeigh's ideology. Two years later, he bombed the Murrah federal building. The people working there were guilty in his view of collaborating with America's enemy number one: Big Government. He did not think twice about killing many of them. Allegedly, he also took special care to select a target that could be easily and dramatically filmed by the media after he had blown it to pieces.[5]

Finally, the Tokyo attack. In some important respects, the organization behind it differs so much from the other examples mentioned here, that it is justified to ask whether it belonged in a terrorist category at all. Aum[6], founded in 1987, was an officially registered religious organization, actively and publicly engaged in proselytising, with tens of thousands of members and adherents in Japan and elsewhere in the world, large funds at its disposal, and an official and very hierarchical leadership. Thus, it did not resemble the decentralized, secretive structure of Al-Qa'ida, let alone the solitary, under-cover approach of someone like Tim McVeigh. Members were widely aware of the sombre ideology of their leader. A concoction of ingredients of various major religions, the Aum ideology was focused on the Apocalypse. The End of Days was to come through an ultimate war between the thoroughly depraved super powers. After their destruction and that of most of the world's population as well, the way would be open to a New Age under Aum leadership. The number of Cult members actively engaged in Aum's preparations for apocalyptic warfare was, it should be noted, quite limited. This murderous elite may perhaps be interpreted as a terrorist cell within the larger organization. There is no doubt about the catastrophic aspects of Aum's ideology and practice. As has happened more often with apocalyptic leaders, Aum's unattractive but evidently charismatic guru Shoko Asahara became impatient. He initiated a program to produce chemical, biological and even nuclear weapons, all in order to promote Armageddon. The attack on the Tokyo metro may have been an isolated act of aggression rather than the first battle leading up to the Apocalypse. It was, however, definitely intended to kill civil servants working for the national Japanese government on a massive scale – major governmental institutions are located near the metro junction on which the sarin attacks was focused. The effects fell far short of the perpetrators' ambitions. While the shock and disruption were enormous, the number of fatalities was very low. Other essential elements of catastrophic terrorism are also there: the lack of effort to claim the attack, the total lack of interest in negotiating with the enemy who is considered too inferior morally (or even doomed), and the military outlook of the inspirator, who not only compared himself to Christ and Buddha, but also called himself a Samurai and longed for a Third World War to introduce his rule in the world.[7]

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5) Michel and Herbeck, p. 168, 169.

6) The Cult still exists although it has lost its tax exempt status and changed its name to Aleph.

7) Kaplan and Marshall, p. 352.

Catastrophic terrorism and unconventional weapons

It cannot be denied and should not be ignored that catastrophic terrorism and the use of unconventional weapons theoretically go very well together. Weapons of mass destruction may seem an obvious choice for terrorists who want to kill large numbers of people indiscriminately. In fact, as just noted, the Aum cult made a huge though still largely ineffective effort to turn theory into practice. There are also serious indications of Osama Bin Laden's desire to obtain weapons of mass destruction. It is clear that no humanitarian or moral reservations will keep terrorists of his variety from using unconventional means. In an interview with the Pakistani newspaper Dawn in early November 2001, the radical Islamic leader stated that, if the United States and its allies were to use chemical or nuclear weapons against his forces, he would be able to strike back in kind. This statement, however, while certainly threatening, did not really prove Al-Qa'ida's possession of such weapons. It rather suggested that Bin Laden understood the essence of deterrence. United States spokesmen, President Bush jr. included, had stressed several times their concern that Al-Qa'ida might succeed in obtaining weapons of mass destruction. These statements lent credibility to any claims Bin Laden would make in this regard. As it was highly unlikely that the United States would use chemical or nuclear means against Al-Qa'ida or Taliban troops in Afghanistan, Bin Laden could make credible threats without having to prove anything.

Whatever the case may be, it is noteworthy that until now, Al-Qa'ida members have committed murder on a massive scale with utterly conventional means. (Not all unconventional weapons, it should be noted in parentheses, are particularly suitable for purposes of mass destruction.) The 'nine-eleven' attacks killed about three thousand people with the use of Stanley knifes, civilian airplanes with their fuel tanks filled up and the ruthless purposiveness of the perpetrators. Conventional means on the whole are easier to obtain (buy, steal, build), easier to handle and arguably more controllable in their effects than most nuclear, chemical or biological weapons. It is questionable how important the latter consideration may be. On the one hand, it is hard to imagine that any leader, however extremist, will seek victory over the mass graves of his followers, or will aim to lead a world virtually empty of human life. Yet the horrifying example of the Aum leadership seems to indicate that this may nevertheless be a worst case the world has to seriously reckon with.[8]

Anthrax mail: classical terrorism with unconventional means

How does the use of anthrax spores in terrorist attacks by mail fit into the horrible scenario of catastrophic terrorists using unconventional weapons of mass destruction? Remarkably enough, it hardly fits at all. In the United States, hoax threats with anthrax

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8)   It may be noted that apocalyptic beliefs are not unknown to Islam. It is not a theme, however, that Bin Laden has been publicly explicit about.

mail had become a fixture over the past years.[9] It was certainly a grim change for the worse that during the fall of 2001, real anthrax was found in letters and parcels sent to various addresses mainly connected with the US federal government. It will be grimmer still if persistent allegations prove to be true that the anthrax used was of a refined and even genetically modified variety produced in a US laboratory. Grimmest of all is that five people have died after inhaling anthrax powder delivered to them through the mail, and that this number may still rise. As was the case with the September attacks, the anthrax attacks were not claimed. A primitive motivation linked to radical Islamic views was suggested in the accompanying notes, but that may well have been a false scent.[10]

All the same, comparison of the anthrax mail with the September attacks emphasizes contrasts rather than similarities as to the choice of weapons and, most importantly, as to the intended effects. Anthrax can be deadly for humans but it is not contagious. It can be used as a weapon of mass destruction but only if delivered – in inhalable form – in very large quantities. The means of delivery chosen by the perpetrators and the effects caused in the fall of 2001 point away from catastrophic terrorism and toward a more classical motive: disruption of society rather than massive destruction of people. By the end of November 2001, the sending of contaminated letters seemed to have stopped altogether. In the meantime, however, several essential buildings and institutions of the federal government had been closed down for some time, many people had had to worry whether they had been contaminated and had been compelled to take strong doses of anti-biotics. It is not difficult to imagine that the societal effects might have become much worse if the letters had continued to arrive. They might eventually have seriously undermined the overall credibility of the government as protector of the nation's citizens.

When the first letters had just delivered their lethal contents, American spokespersons stated that Al-Qa'ida involvement in this latest terrorist sortie could not be excluded. By the end of November, however, very few people still maintained that Al-Qa'ida might well be responsible. Even though no formal arrests had been made, it was reported that the FBI had tracked down a likely suspect – an individual working in an American laboratory. Continuing speculations about the perpetrators concentrated on several possibilities: (1) the perpetrator(s) might belong to one of the extremist right-wing groups existing within the United States. These groups consider the federal government the major enemy of the people. Theoretically, they might have jumped at the opportunity offered by the September attacks to further aggravate Washington's predicament. (2) the perpetrator might be an individual motivated by similar or entirely unrelated considerations (3) the perpetrator might be acting under instructions from a rogue state (Iraq??). Even if it eventually turns out that the attackers were involved with Al-Qa'ida after all, that would still mean that they had chosen a very different approach from that which the organization has followed with such overwhelming effect over the past half decade. Rather than going for massive destruction with the aid of conventional means, the anthrax-mail terrorist(s) chose an

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9) See Cameron *et al.*

10) The authorities questioned the credibility of these notes.

unconventional weapon to produce a classical terrorist effect: fear and social disruption, but not a high number of deaths.

In conclusion: a few remarks on the fight against terrorism

As is explained elsewhere in this Essay (see the Chapter by Osinga), many approaches may be useful in the struggle against international (catastrophic) terrorism. I limit myself to a few remarks on the strategy of punishing sponsor states or deterring states from considering sponsorship.

Over the past few months the world has witnessed how the United States and Great Britain crushed the Taliban regime in Afghanistan with military force because it had supported the Al-Qa'ida network and sheltered its leadership. A colourful combination of allies applauded the US and British exploits. Indeed, military actions against the Taliban and their Qa'ida co-operators in Afghanistan have been swifter and more successful than many predicted or dared to hope at first. At the time of writing, the Taliban have dramatically been driven into retreat and even the capture of Osama Bin Laden (alive, or dead) no longer seems a mirage.

Still, the effectiveness of military action against sponsor states has its limits. For one thing, Taliban fighters that manage to escape may take to the mountains and continue a guerrilla that could trouble the allies and hamper international efforts to stabilize and normalize civilian live in Afghanistan. Such efforts will be problem-ridden anyway as nobody expects the victorious Northern Alliance and the local partners forced upon it to develop truly democratic or even peaceful leanings in the foreseeable future. Furthermore, eliminating Taliban rule is far from identical to putting the Qa'ida network out of action. Even if – and this condition is far from settled at the time of writing – the Afghan guerrilla phase may be (virtually) over for Al-Qa'ida, its terrorists are not located in Afghanistan: they have spread all over the western world. Air reconnaissance and air strikes will not trace them and put them out of action. This will, rather, be the work of intelligence organizations. Reportedly, a lot remains to be done to improve their effectiveness and striking power, and particularly to effectuate an increase in coordination among them. It will first and foremost be the responsibility of states, including those states that until now have tolerated or ignored the presence of international terrorists on their soil. Inevitably, problems will arise on fundamental issues concerning constitutional rights and democratic values and defining the concept of terrorism in the first pace, if states are to take their counter terrorism tasks (still) more seriously than before. If they start strengthening their legal options for preventive and punitive actions against terrorists, they have to accept an increased risk of becoming a target for terrorist attacks. And at the same time, if they are successful in apprehending terrorists they may run the risk of controversies with their neighbours and allies, especially their powerful transatlantic partner. Many European countries will not extradite to the United States unless they are given the pledge that the suspect will not be sentenced to death and be made to undergo this verdict. For the United States, it will be a tall order indeed to accept such conditions if the suspects are accused of being involved in terrorist attacks involving the deaths of American citizens. Washington would have to wait and see whether 'their' suspects

are being properly tried and convicted in another country – not a role the United States will relish. In short, the war against the Taliban may in retrospect turn out to have been the easiest phase in the struggle against international terrorism that still lies ahead.

Security, War and Strategy after 9-11

Frans Osinga[1]

Changing threat perceptions

The terrorist attacks of September 11, 2001 brought home to many people in western, industrialized countries that their world was not as safe and secure as they had come to believe after the end of the Cold War. By the end of the 1980s, the looming conflict between the United States and their allies on the one hand, and the Soviet Union and its allies on the other, had dissipated and changed into détente and even relatively friendly relations. The fall of the Berlin Wall, the establishment of pro-western governments in many countries of the former Eastern Bloc, and the demise of the Soviet Union itself sealed the process. In the West, people felt safe and accepted their safety as natural and self-evident.

Of course, since the end of the 1980s, the world witnessed many wars, civil or otherwise, and western countries, including the United States, became involved in some of these conflicts, but this happened voluntarily and mostly for peace-keeping purposes rather than for the defence of hard national interests (arguably with the exception of the coalition war against Iraq). Now, in September 2001, the attacks on New York and Washington demonstrated mercilessly that American national interests could be badly hurt by elusive, virtually faceless, non-state opponents, and on American soil at that. It suggested that other western states could be hit just as fiercely. This enemy was quite unlike the well-known, predictably behaved opponents the United States and the West had been facing during the Cold War. He had managed, or so it seemed, to obtain a virtually global reach by establishing a hidden presence in many countries, with the aim to plot attacks and be close to the targets when the time for action came. His hatred against Americans and America in particular, but potentially against the West in general, was overwhelming and fundamental but at the same time difficult to fathom. He did not pose understandable

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1)   This paper is an updated and slightly altered version of a paper finished on September 21, entitled 'Twin Towers War. Charting A New Deep Dark Ocean'. An abbreviated and translated version appeared in the November 2001 issue of the *Internationale Spectator*.

demands, he did not try to negotiate, he was waging total war. It was immediately obvious to the American administration that the attacks had to be punished and that this enemy had to be utterly defeated in a struggle that deserved the name of war. Deciding how to go about this formidable task, however, turned out to be far more complicated.

Understanding terrorism as a deadly virus

Comparisons with former wars do not sufficiently explain the character of the threat that the United States, together with its old and newly found allies, is facing now. To illustrate its essence, the most appropriate analogy may be with a deadly virus such as aids. Terrorism, then, is to states what aids is to the human body. It defies the internal defence systems just as aids defies the human immune system. The fight against it may well be long drawn, as is the case with the fight against aids. People all over the world may have to alter their habits and be more careful in the exchange of goods, in the sharing of information and in their contacts with others. There will be a natural urge to close borders and tighten legal systems. Allies and trading partners will be asked to change their behaviour as well, to improve border security and customs inspections and to adopt preventive and repressive legislation. Yet states in the end will not be able to eradicate terrorism, just as it will be impossible to gain a total victory over aids. Success in the struggle against terrorism will, rather, be measured by the extent to which people will be able to continue their lives 'normally', and in the length of attack-free periods. Like a virus, terrorists will learn from countermeasures and manage to evade them. Terrorism will hide or it will change its structure or face or size. It will find new weapons and new tactics and new battlefields.

Fighting total war with total war

The comparison with aids brings out the enormity of the problems terrorism causes. The picture gets bleaker still by the realization that terrorism, unlike aids, actively and aggressively seeks out its victims. All this means that the fight against terrorism will have to be different from wars the world has known before. It means confronting a faceless enemy, who may be allied with states and organized crime, who may hide behind front companies, who may be joined by regular armed forces, who is inspired by radical clerics. Combating terrorism will demand the active involvement of states and private organizations on a national and international level, as well as the participation of multinational organizations. It will require vigilance by the general public and authorities alike. In fact, the only way to fight the total war waged by terrorists is by total war as well. Six facets may be discerned in this epic struggle.

I Coalition war. Its warriors are the government leaders, their advisors and their diplomats charged with founding a worldwide coalition. They have to define the rules of engagement and forge the essential but elusive cooperation between intelligence services, internal security services, armed forces, judicial bodies and financial

institutions of the participating nations will be initiated. Their aim is to achieve total isolation of terrorist groups and concerted actions against those groups.

Not all countries, however, share the same view on the issues at stake. They differ on the level of support for the US, the strategy to be followed. They disagree on what targets may be attacked, or on the length of time this war may take. Some coalition partners allies associate terrorism with the ETA, Hamas, Chechen rebels or other local radical groups rather than with Al-Qa'ida. Already three months after the attacks on the US, rifts began to appear even among the most loyal supporters of the US on issues of the employment of ground troops, on establishing some measure of stability in Afghanistan after the defeat of the Taliban or on setting war-aims after Afghanistan. The coalition the United States has created is hardly coherent. It exists of a wide variety of states sharing principles and outrage about the 9/11 attacks, states that have ratified the same treaties. In addition to these true allies, however, others have joined purely for reasons of opportunity or narrowly defined self- interest, or because they have been persuaded by bribery and post- conflict economic incentives. It remains to be seen whether the coalition will stay together during a prolonged struggle that may not show immediate results.

II Netwar. This part of the struggle falls within the 'Netwar'(war on networks) definition as coined by RAND corporation researchers John Arquilla and David Ronfelt.[2] It is focused on discovering the layers and subsystems of the terrorist network – the nodes, hubs, flows and bonds that hold it together and make it operate. Nodes and hubs may be computers, buildings, people or sponsor states. Flows may include people, information and money. Bonds may be family ties, greed, hatred or a shared, twisted interpretation of a specific religion. Ultimately the behaviour characterising the network may be mapped. Netwar is about understanding the enemies' operations. It is the basis for developing counter measures.

Its target is to isolate the networks. This is the reason behind the American (and British) efforts to form a broad coalition of Western states, Russia, China and Arab countries. Only with concerted efforts can sanctuary be denied to terrorist groups. Netwar also aims at seizing, destroying or manipulating the nodes, flows and bonds that grease and glue the network. Pinpointing specific persons, locations or bank accounts is part of Netwar's strategy to create system-wide disruption, paralysis and eventually dismemberment.[3] Additionally, arresting suspects, increasing border controls, enforcing more stringent customs inspections and the closing-down of front organizations are all part of Netwar.[4]

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2) They developed their views in several studies. See for instance their chapter 'The Advent of Netwar', in John Arquilla & David Ronfelt (ed), *In Athena's Camp, Preparing for Conflict in the Information Age*, RAND, Santa Monica, 1997. They also use the Netwar concept in Ian O. Lesser et al, *Countering the New Terrorism,* RAND, Santa Monica, 1999.

3) See for the idea of system wide effects of massively applied precisely targeted air power, for instance John Warden, 'The Enemy as a System', Airpower Journal, Fall 1995.

4) Already such measures are implemented. The net result is probably deterrent in nature, in addition to slowing down public and economic life.

III Dirty War. The general public is not likely to learn many details about this part of the fight against terrorism. It will probably include disinformation, financial manipulation and incursions of privacy, bribery, kidnapping and even assassination, practices forbidden to the CIA and FBI for the past 25 years but now – probably – acceptable again.[5] Secret services, law enforcement organizations, internal security services, and Special Forces are likely to be involved, but possibly also hired assassins and private armed bodies such as Executive Outcomes.

Dirty War, if it surfaces in the media at all, may appear in small messages of murder attempts, of disappearances in local newspapers in towns and villages across the globe. It may never make the front pages of the international media. It may resemble French operations in their struggle in Algeria, the relentless Israeli hunt for the terrorists who attacked the Israeli Olympic team in 1972, or Russian covert and overt attempts to quell the Chechen rebels. The general public may never know, as US secretary of Defence Rumsfeld warned. In an age of transparency, such an official statement is something to get used to.

IV Military War. This is the only war involving 'traditional' warfare. Military War consists of high-tech air strikes as western forces performed over Kosovo and Serbia, and the widespread employment of special forces. Special forces mainly serve to gather information and to direct precision weapons. For the West airpower provides enormous leverage against terrorists. It provides means for information gathering and for long-range strikes. It helps to surprise the enemy and to produce militarily relevant destructive effects while minimizing the risks of offensive operations. These effects have been demonstrated over Iraq, Serbia, Kosovo and now also Afghanistan. The employment of large units of ground troops in Afghanistan has been a distinct possibility from the beginning, but that phase of the battle has actually begun only recently.

The problem in the military war will be how broad political statements about a war against terrorism may result in meaningful military operations. Bombing empty buildings will not help much, except for symbolic purposes. Such destruction will not diminish the effectiveness of terrorist networks. Capitals and major cities and towns may be raided in the search for terrorists, but Russian operations in Chechnya during the nineties are a sobering example of the difficulties involved. Unleashing air strikes against sponsoring regimes makes sense only if there is a definite association of the terrorists with this sponsor state or sponsoring regime like that of the Taliban. The sponsor state or sponsoring organization, moreover, needs to be vulnerable to air attacks. Air strikes will only have a real impact if the targeted state has an economy to sustain, and infrastructures and industries to protect, and if it is led by a government vulnerable to coercion or bribery.[6] If that is not the case, the Military War is essentially meant to demonstrate state power and the resolve of governments, which

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5) See for instance Washington Post, Monday September 17, 'New Powers Sought for Surveillance; Assassination Ban may be lifted for CIA'.

6) This was already noted by Lawrence Freedman, 'The Changing Forms of Military Conflict', *Survival,* vol. 40, no.4, Winter 1998-99, p. 47.

may function as a catalyst in the process of preserving the coalition.[7] Under those circumstances, the military war is highly symbolic for all its physical manifestations. It emphasizes intent in what really is a war about perceptions. In that sense, it may be interpreted as psychological warfare and is aimed not just at the terrorists and their sponsors, but just as much at domestic audiences and the international community.

The effectiveness of the military war must subsequently be measured as much in its symbolic and political value as in its destructive performance. For instance, the military build-up of US and UK units on locations around Afghanistan demonstrated that words would be followed by deeds. By asking Afghanistan's neighbours and uncommitted countries in the region for intelligence, the permission to use their airspace and to build staging bases on their territory, the United States has forced these countries to clarify their position. It has thus succeeded in increasingly isolating the Taliban regime. But in the fight against terrorism it is not necessarily the most significant approach in terms of effectiveness. Moreover, it carries with it the symbol of vulnerability, impotence and questionable legitimacy if frequent military actions are not accompanied with visible signs of progress. It is also highly risky; it can mobilize resentment within and around the targeted state and it can easily be subjected to manipulation and asymmetric responses by the target state and the terrorist group in the fifth war.

V Terrorist War. The fifth version of war to be considered is the war waged *by* terrorists. Like the Military War, it is highly symbolic or psychological as well as lethal. Terrorists will prepare their attacks in the dark. When they strike, they remind the public of a constant presence of potential violence. Attacks are meant to be seen as the peak above the clouds, suggesting the magnitude of the mountain hidden from view. They will destroy the illusory sense of security or victory among their opponents.

As pointed out, terrorists wage asymmetric warfare. They will attempt to avoid countermeasures, invent new avenues for attacks and explore new (combinations of) methods, targets or terrifying effects. They may attack military staging bases, aiming to cause increasing and perhaps unacceptable losses among military personnel.[8] They may attack countries participating in the coalition in order to frighten them into abandoning their commitments.[9] They may aim at disrupting societies and economies in the targeted states. But terrorists may also choose to deny battle by refraining from attacks. They can already claim success if they can suggest the inaptitude of counter measures and if they can maintain the impression of their continuous presence and

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7) In the past decade the employment of air power in conflict in the former Yugoslavia has often served as a catalyst to propel the political processes into a new phase by creating a new strategic dynamic. This was the case during operations Deliberate Force and Allied Force.

8) The warning that this time the US people should be prepared to incur losses has been interpreted as an indication that ground troops will be involved. This ignores the risk of the thousands of supporting personnel that deploy to staging bases.

9) We only have to study the various asymmetrical countermeasures that Milosevic took during the NATO Operation Allied Force to appreciate the options available for terrorists.

capability to strike. Terrorist attacks are also aimed at spreading the message of sacred violence among potential supporters that currently lack purpose. Finally, the powerful opponents of terrorism are at a disadvantage in that even relatively insignificant proof that their measures against terrorism fail can have a hugely negative impact on the confidence of their citizens and at the same time disproportionately enhance the terrorists' reputation among friends and foes alike. This means that the various ways in the war *against* terrorism is waged may actually fuel terrorism.

VI Virtual War completes the list. This war is about the creation and manipulation of perceptions through the media. Televised reality is its first frontline and stigmatisation and image management are its weapons. Accusations and refutations, exaggerations, dehumanisation of the opponent, polarization and publicly claiming the approval of God for one's righteous cause are all familiar tactics used by both sides on this battlefield.[10] Metapropaganda, the discrediting of the other side's propaganda, will make it more difficult still to tell truth from spin.[11]

That the coalition leadership recognizes the importance of this battleground was recently demonstrated by the fact that authorities like prime minister Blair, and US National Security Advisor Condoleezza Rice took the trouble to appear on the Arabic TV channel al-Jazeera (even though its closure or boycott by western media had been called for by other cabinet members). Perhaps this remarkable step had been brought about by the criticism on the lacklustre US media campaign voiced in numerous editorials. The images of destroyed Kabul houses, provided by the Taliban and broadcast by al-Jazeera, aroused public concern and parliamentary debates concerning the legitimacy of the operations. To counter this, the US and the UK set up media offices in the various time zones enabling rapid regional countering of 'misleading' reporting. Framing facts, events and actions to reflect a preferred reality is an activity of strategic importance. Virtual War may indeed be the most decisive part of the struggle against terrorism.

The road ahead: strategic challenges

Maintaining public support. The various coalition partners have had a hard time mastering their role on the media battlefield. They have found it difficult to present their policies convincingly in front of a camera. They have also been slow to mount a media campaign to present their interpretation of the actions, images and words of their opponent, the articulate and charismatic Bin Laden. Whereas democratic leaders are supposed to respect the media's independence, terrorists have certainly tried to use the media to put their messages across, and the media have cooperated freely in many instances. Traditionally terrorists have sought media support to create terror among their foes and sympathy and active commitment among their potential friends. They want to emphasize the righteousness of their cause and the inevitability of their victory while at the same time frustrating the response of the government and the security forces by suggesting that countermeasures are tyrannical, ineffective and

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10)   For a nice summary of these spins see Toffler, pp. 167-168.

11)   This is a very clinical observation of a strategic dynamic and not meant to convey any judgment, prejudice or critique whatsoever concerning US policy.

counterproductive. All in all, the media often are *not* a neutral carrier of information. They influence public opinion and decision-making by governments. It is well known, for instance, how sensitive western publics and politicians have grown to images of casualties and damage caused by western military actions. Arguably, reservations created by one-sided exposure to gruesome television images may hamper effective policy and put the enemy at an advantage. Therefore, western publics may have to reconsider their view that attempts by governments to try and influence the presentation of events and actions in the media always imply a violation of governmental integrity and democratic values. Censorship must be used very sparingly indeed, but governments facing a major security crisis may enter into constructive dialogue with the media in order to explain their points of view on policies and events. In a democratic society, a public information policy that invokes the help of the mass media without trying to undermine their independence may well be a vital element in a successful strategy against terrorism.[12]

Explaining military effectiveness and legitimacy. Also essential for creating and maintaining the support of coalition partners and the public for a prolonged campaign against terrorism is making a convincing case that military actions are effective and legitimate at the same time. This may be problematic in the case of military warfare, because it is so very visible. To demonstrate the legitimacy of the bombing raids over Afghanistan, the US had to show that it was abiding by the principles of proportionality and precision in target selection. The fact that concerns about the position of Pakistan precluded any large scale basing of aircraft in that country certainly helped in reaching proportionality. Initially, US air attacks had to be limited in number and intensity. But even then, the western viewers of al-Jazeera accused the United States of causing massive collateral damage. These sentiments were fed by the Taliban media officials, who provided terrible but unverifiable images of destroyed houses. The limitations imposed upon the air offensive delayed the achievement of tangible and relevant visible results, while Muslim leaders in the coalition grew restless very quickly and demanded an instant victory from the American president. Thus a Catch-22 situation arose. Actions performed on a small scale could not produce swift results. This undermined credibility, challenged the effectiveness of the attacks, and subsequently led to questions concerning the attacks' legitimacy and appropriateness. For a quick victory, by contrast, president Bush would need intensive, large scale operations. Such operations, however, would lead to the accusation of overkill and would thus de-legitimize those actions and erode international support. In sum, selling this war as legitimate *and* effective *and* precise *and* short has proven to be difficult. Inability to sell it properly, though, will definitely produce adverse effects on public and coalition support.

Defining success. Another issue in the battle for public support is defining success. First of all, coalition dignitaries have not formulated the conditions for declaring V-day, unless we accept president Bush's off-the-cuff description: 'a world without terrorism that aspires global reach'. Such a world probably cannot be achieved at all.

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12) Cited from Wilkinson, *The Media and Terrorism*, p. 8.

Officials and spokesmen of US government have at an early stage claimed that the US will be satisfied if Osama Bin Laden is handed over, showing more modesty than their leader. Later, however, the US government raised the demands by stating that leading members of Bin Laden's network must be captured and brought to justice. Consequently, the original, fairly limited scope of the war was extended. The American public and the world were warned to prepare for a long war that may not even remain confined to the Afghan theatre. Success as a consequence has become an elastic notion. Developing criteria for success is complicated anyway because of the complexity of the war itself.

Maintaining the coalition is also a major challenge. The struggle against terrorism will require a prolonged effort and concerted international action. This presupposes a willingness and ability among its member-states to keep the coalition together. Until November, the US has valued coalition support not for its actual military contributions, but because it lends legitimacy to military actions by the Americans. Despite the virtually unilateral nature of the initial attacks on Afghanistan, the US did obtain NATO support beforehand, and in particular support from the 'big three': Britain, France and Germany. Additional support was coming from the UN soon after the air strikes had started. Such support and international cooperation may be strengthened in new international rules, treaties and agreements. Adoption of international rules like this will signify that norms and values and concepts of justice are shared. Public reactions are another factor of importance for maintaining the solidity of the coalition.[13] Already after one month of attacks, within several European countries, Germany included, fundamental policy debates took place in the media and in parliaments concerning the nature, effectiveness and legitimacy of the attacks and the level of national support for those attacks. Thus, coalition support seemed less than stable.

Maintaining cooperation and support depends on legitimacy, accountability and transparency. Occupying the moral high ground is essential to upholding the coalition. Patience will be another essential ingredient, as the struggle against terrorism may be expected to take a long time. Combining restraint and responsibility with resolve will help as well. The hawkish, unilateralist tendencies in some circles of the American administration must be considered problematic in this context.

Controlling escalation. Escalation of the war may be necessary but it will be danger-ridden. Deliberate unilateral escalation by the US would put a heavy strain on the coalition and jeopardize its effectiveness in countering terrorist actions in the future. Uncontrolled escalation in reaction to further attacks would seriously endanger the coalition. A distinctive feature of the events of '9-11' lies in the rapid worldwide spread of public, political and economic reactions and policy measures. The shockwave rapidly reached every corner of the globe. Politicians and the public alike sense that this may cause a chain-reaction of events, exacerbating the situation,

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13)   Only two weeks after the terrorist attacks also in Western countries, including the US, anti war demonstrations were held.

causing more terrorist attacks or fulfilling the prophecy of a 'Clash of Civilizations'.[14] Commentators and politicians recognize the risk that the war against terrorism declared by president Bush may drag the coalition into a prolonged struggle against an elusive enemy, at the distinct risk that this enemy has established a presence for himself at various places within the coalition's territories.[15]

The risk of escalation through misperception about cultural or religious divides is very distinct. Stigmatization in the Virtual War may create boundaries between peoples that did not exist before.[16] Escalation would certainly further the terrorist's aims. Terrorists traditionally seek to provoke overreaction against their attacks by the authorities they have targeted. Made aware of that particular risk, President Bush redressed his unfortunate and uninformed remark about a crusade, and stated emphatically that he did not associate the 9-11 attacks in any way with the religion of Islam. He did so even before Islamic countries rightly pointed out that their religion does not condone murder, no matter under what disguise or pretence.[17] Indeed, moral indignation and condemnation were voiced by many around the world, transcending religions, ethnic ties and national borders, political systems and economic regions.

If the United States wishes to extend the fight against terrorism beyond Afghanistan, it cannot avoid putting forward incontrovertible proof that Bin Laden and his associates were indeed directly involved in plotting and executing the attacks against the US. The same must be proven with regard to the rogue state that is next on the to-be-tackled list. Transparency of information and evidence would necessary, even if it might hamper military and intelligence operations. Considerations like these may, on the other hand, lead to the conclusion that it is better to de-escalate responses, to limit the geographical scope of counteractions. A global war on terrorism may well deteriorate into a global witch-hunt. The coalition should rather strive to limit counter measures to focused actions aimed at the fundamental problems. Decision-makers should be reminded of the fact that prestige and power may be damaged by attempts at violent quick fixes. Killing a specific master-mind would not be likely to abolish the threat either. At present, the US has the 'moral high ground'. It should retain and cherish that as the prime leverage in its quest to bring justice. This should inspire the weighing of counter-terrorism alternatives now that the assassination of leaders is discussed again as a policy option in some circles. It would also help if coalition actions could be sanctioned by the United Nations after proper political debates.

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14) Not only did this fear of escalation manifest itself in various comments and analysis in news papers, it was also on the lips of protesters during anti-war demonstrations, for instance in Amsterdam on September 30.

15) The Times of Monday September 17 runs the article of 'Powell on mission to recruit 100 allies'.

16) See for this theme of course Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order,* New York, 1996. For critique see for instance Daniel Drezner, 'Globalizers of the World, Unite!', *The Washington Quarterly,* Winter 1998, pp. 209-225 or Fouad Ajami, 'The Summoning', *Foreign Affairs,* September/October 1993.

17) President Bush explicitly repeated this in his speech to the US Congress on 20 September.

Maintaining high standards. The coalition must wage its military war according to the same high standards that were upheld during the past decade. The facelessness of the enemy should not be an argument for imprisoning every suspicious-looking individual. The coalition is on the right course in its policy to combine its measured armed response in Afghanistan with deliberate steps to mitigate the potential of the humanitarian disaster preceding and following military actions. In this way, it has the best chance of maintaining support. Causing a humanitarian disaster, or allowing it to develop, would be as strong a violation of ideals, norms and codes of conduct as indiscriminate attacks. In the Virtual War, too, the US was on solid humanitarian *and* strategic ground when it opened attacks on Afghanistan with a rain of food packages.

Restoring what matters most: a sense of security. Ultimately, the war against terrorism must restore a sense of security. Success depends on people's sense of personal security and well-being, on whether people have to alter their accustomed behaviour, and on the extent to which our privacy is intruded upon for the sake of strengthening intelligence. Stock market indices and consumer confidence levels may well be eloquent signals of the degree of public contentment. Success, or the public perception of it, may also result from an absence of terrorist attacks, regardless whether this absence directly or indirectly results from coalition activities. Western governments should not allow themselves to be diverted from their democratic principles and values. They should defend an open society, a democratic government, a flourishing economy, and belief in institutions, both public and private. The terrorists achieve their aim if people do not know whom to believe, their government leaders or terrorist spokesmen. Also, if the struggle against terrorism results in the loss of freedom and individual rights of those the coalition claims to protect, the terrorist may gain the moral upper ground. If the stakes are principles and values, the terrorists could rightfully claim victory if we would depart from ours. That should be and can be avoided without endangering the effectiveness of the six wars against terrorism.

The Fight Against International Terrorism: the Right to Self-Defence, and the Involvement of the UN and NATO

Dick A. Leurdijk

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Introduction

In the aftermath of the terrorist attacks on the territory of the United States, on 11 September 2001, I discovered a newspaper clip in my own archive that was shocking in the light of the events of that Tuesday. As early as November 1999, the political leader of the Taliban regime in Kabul, mullah Mohammad Omar, had threatened the United States with 'storms and earthquakes'. At the initiative of Washington, the United Nations Security Council had expressed its willingness to impose sanctions on Kabul, in an effort to enforce the demand that the Taliban turn over Osama bin Laden. 'If the United States want to impose sanctions on us, it should be clear that God stands on the side of the righteous', mullah Omar wrote, adding that if the US would not desist from its enmity, 'you will be surprised about what happens to you, and you cannot prevent it'.[1] Less than two years later, the horrifying dimension of the warning became reality on 11 September 2001, marking, in all probability, a turning point in the history of mankind in its appreciation of security threats: the scourge of war, which had been so dominant in the international relations in the previous century, had been replaced, at the beginning of a new millennium, by a newly identified one: the scourge of international terrorism.

The purpose of this paper is to identify the relevance of international terrorism as 'a new threat', both to national security and to international peace and security, as understood by the United Nations (UN) and the North Atlantic Treaty Organization (NATO). The common element in the approaches taken at the different levels was the right to self-defence. Within three days after the attacks on New York and Washington, the US Congress, arguing that the attacks of 11 September, 2001 'render it both necessary and appropriate that the United States exercise its rights to self-defense', authorized President Bush to use 'all necessary and appropriate force' in response to the attacks, and basically gave him a blank cheque for the use of US armed forces. In the meantime, both the UN Security Council and the NATO's North

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1)   De Volkskrant (Dutch newspaper), 10 November 1999.

Atlantic Council had already referred, although in different formats, to the right to individual or collective self-defence, by the adoption of decisions described as 'historical'.

The right to self-defence

The attacks of 11 September on the territory of the US were perceived as existential threats to the national security of the US, its citizens and property, both at home and abroad, justifying a response based on the right to self-defence. This notion was also incorporated in the decision that the US Congress took in its response to the attacks. On 14 September, House and Senate reached agreement on the adoption of a so-called 'Joint resolution' on the 'Authorization for Use of Military Force', saying:

> 'Whereas on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens;
> Whereas such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad;
> Whereas in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence;
> Whereas such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and
> Whereas the President has authority under the Constitution to take action to deter and
> prevent acts of international terrorism against the United States: Now, therefore be it
>
> Resolved (…)
>
>
> Section 2. Authorization for Use of United States Armed Forces,
>
> (a) 'IN GENERAL – That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.
> (b) WAR POWERS RESOLUTION REQUIREMENTS
>   a. SPECIFIC STATUTORY AUTHORIZATION – Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.
>   b. APPLICABILITY OF OTHER REQUIREMENTS – Nothing in this resolution supercedes any requirement of the War Powers Resolution.'[2]

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2)   http://thomas.loc.gov/cgi-bin/query/z?c107;H.J.RES.64.

The joint resolution thus gave the President unrestricted powers in the 'war on terrorism', a striking difference with the problems President Bush Sr. had in his relations with Congress on the eve of the start of the Gulf War, January 1991. Earlier in the decision-making process on Capitol Hill, the House Committee on International Relations had already argued:

> '(…) that a state of war exists between the United States and (1) any entity that committed acts of international terrorism against the United States on September 11, 2001, or that commits such acts thereafter; and (2) any country or entity that has provided or provides support or protection for any such entity.
> Authorizes and directs the President to employ the entire naval and military forces of the United States and the resources of the US Government to carry on war against such entities and countries. Pledges all such resources to bring the conflict to a successful termination.'[3]

While there was a broad bi-partisan consensus among policy-makers in Washington, and President Bush was given broad powers in his own country, the US also initiated steps to prepare the diplomatic and international legal groundwork for the establishment of a broad-based international coalition. The decision-making process, at the time, thus had two functions: it had the effect of laying the basis for the legal justification of the use of force, while, simultaneously, providing the political support that the US was seeking as part of its efforts to establish a so-called 'broad coalition' in the proclaimed military and non-military fight against international terrorism.

NATO

After three emergency sessions on 'the day after the day before', The North Atlantic Council (NAC), NATO's main policy-making organ, adopted a declaration in which it established a link between the attacks on the US and article 5 of the NATO Treaty. In a statement it said: 'The Council agreed that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.'[4] For the first time in its history, the Alliance took a decision which potentially cleared the way for invoking NATO's most crucial article as a collective defense organization – a provision that had not been applied for some 52 years. The potentially far-reaching character of NAC's position, however, also raised a couple of fundamental legal questions, both with respect to the issue of the modalities of the 'determination', including the qualitative character of the necessary evidence, and the question in how far the attacks could be considered 'armed attacks' in the sense of Article 5. For the time being, the main function of the statement of 12 September was its political expression of solidarity of the Allies with the United

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3) http://thomas.loc.gov/cgi-bin/bdquery/z?d107;HJ00062.
4) Statement by the North Atlantic Council, Communique PR/CP (2001) 124, 12 September 2001.

States. At the same time, however, the Allies had made an explicit reservation in defining their first official statement, namely by underlining that article 5 would be invoked only *'if it is determined that this attack was directed from abroad against the United States'*. Thus, the formal decision to invoke article 5 was made dependent on the evidence to be presented by the US government. The second issue was related to the identification of the terror attacks as falling under the terms of article 5, which assumed, at the time, an attack by the Soviet Union on the territory of Western Europe. The Council, however, justified its concerns about the attacks in terms of a legitimate interest for the Alliance, by referring to its own earlier decisions related to terrorism, as part of its commitment to collective self-defence:

> 'The commitment to collective self-defence embodied in the Washington Treaty was first entered into in circumstances very different from those that exist now, but it remains no less valid and no less essential today, in a world subject to the scourge of international terrorism. When the Heads of State and Government of NATO met in Washington in 1999 [on the occasion of NATO's fiftieth anniversary – DAL], they paid tribute to the success of the Alliance in ensuring the freedom of its members during the Cold War and in making possible a Europe that was whole and free. But they also recognised the existence of a wide variety of risks to security, some of them quite unlike those that had called NATO into existence. More specifically, they condemned terrorism as a serious threat to peace and stability and reaffirmed their determination to combat it in accordance with their commitments to one another, their international commitments and national legislation.'

On 2 October, after a classified briefing of the Council by US representatives, NATO Secretary General Lord Roberson, in an official statement on behalf of the Member States, said:

> 'The briefing addressed the events of 11 September themselves, the results of the investigation so far, what is known about Usama bin Laden and the Al-Qaida organisation and their involvement in the attacks and in previous terrorist activity, and the links between Al-Qaida and the Taleban regime in Afghanistan.
>
> The facts are clear and compelling. The information presented points conclusively to an Al-Qaida role in the 11 September attacks. We know that the individuals who carried out these attacks were part of the world-wide terrorist network of Al-Qaida, headed by Usama bin Laden and his key lieutenants and protected by the Taleban.'
> 'On the basis of this briefing, it has now been determined that the attack against the United States on 11 September was directed from abroad and shall therefore be regarded as an action covered by Article 5 of the Washington Treaty (…)'.[5]

While NATO thus invoked article 5, it seems to me that the justification for taking such a far-reaching decision, where Lord Robertson only spoke in terms of *'an Al-*

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5)   Statement by NATO Secretary General, Lord Robertson 2 October 2001: http://www.nato.int/docu/speech/2001/s011002a.htm.

Qaida role' in the 11 September attacks, without any further clarification, is extremely weak and not convincing. It leaves room for doubts, and it leaves the reader with a continuing uneasy feeling about the formal authorization for invoking article 5, also because of its implications for the debates at the national level of each of NATO's member states, including the positions taken by different parliaments. This feeling of uneasiness was only strengthened by the remarkable statements Lord Robertson made, in October, after a meeting with president Bush and US Secretary of State Colin Powell, that NATO should obtain further proof to provide its support to military action against other targets than Afghanistan.[6] In a letter to the Security Council, the US had indicated that '(w)e may find that our self-defence requires further action with respect to other organizations and other States'.[7] According to Robertson, at the time, NATO only supported 'action which is related to those who are responsible for the events of 11 September.'[8]

In the meantime, the decision to invoke Article 5 had only to a limited extent a military-operational impact as far as the input of the Alliance as such was concerned. It was followed-up by a first presentation by the US of a list of requests concerning the assistance by the Allies, and *not NATO as such*, in the fight against international terrorism. It was mainly a question of opening up airspace, allowing the use of military bases, logistical support and intelligence cooperation.[9] Early October, the Allies collectively agreed to deploy five AWACS radar-aircraft, belonging to NATO directly, in the US to relieve American aircraft of the same type, engaged in the anti-terrorist campaign.[10] Meanwhile, NATO's Standing Naval Force Atlantic (STANAVFORLANT) deployed a nine-vessel fleet to the Eastern Mediterranean to 'provide NATO presence in the area'. While the limited response by NATO as such might be explained by the hesitations in Washington to have the Europeans involved in military-operational decisions, in the light of the experience during operation 'Allied Force' in Kosovo, it raised questions about the relevance of NATO's commitments as a collective defence organization in the fight against international terrorism.[11]

The involvement of the United Nations

In many press reports in the aftermath of the attacks of 11 September 2001, questions were raised about the role of the United Nations, or rather: its (supposed) absence, in the fight against international terrorism. Yet, the episode referred to at the beginning

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6)   Atlantic News, No. 3328, 12 October 2001.

7)   S/2001/946 and S/2001/947, 7 October 2001.

8)   NRC Handelsblad (Dutch newspaper), 11 October 2001.

9)   Atlantic News, No. 3326, 5 October 2001.

10)   These aircraft are equipped by specialists from about ten allied countries. NATO also possesses a network of pipelines and several headquarters. In order to be able to use these capabilities, prior agreement of the North Atlantic Council is needed.

11)   These considerations led Stanley R. Sloan to the suggestion to establish, within NATO, a Counter Terrorism Combined Joint Task Force. International Herald Tribune, 12 November 2001.

of my paper, illustrates that the United Nations was already actively involved in efforts to bring Osama bin Laden to justice two years before the attacks in September 2001. In more general terms, before 11 September 2001, one could identify a role for the UN at three different levels: (1) in the efforts to extradite Osama bin Laden to bring him to justice, (2) in the more general fight against international terrorism, and (3) in the efforts to find a political settlement for the Afghan crisis.[12] And just like its NATO-counterpart, the UN Security Council responded to the terror attacks within 48 hours by adopting a resolution with an unusual reference to 'the right to self-defence'-provision in the UN Charter.

On 12 September, the Security Council, in adopting resolution 1368, recognized 'the inherent right of individual or collective self-defence in accordance with the Charter'. It could be argued that such a reference to a provision of the UN Charter is nothing special, because it only confirms an already existing provision, and, furthermore, is not being repeated in any form in the operative part of the resolution. From a political point of view, however, the resolution can be interpreted as a tacit approval or consent by the Security Council members, in particular the permanent members, of the US position, justifying its response to the attacks by calling upon its right to self-defence under article 51 of the UN Charter. In this way, the resolution is another example of the ambiguities which have become so familiar for decisions of the UN Security Council. Whatever the legal niceties of the text, the adoption of the resolution was all too eagerly interpreted in Washington as supportive of its policy at the short term, and certainly was so seen in Moscow and Peking.[13] The leaders of the European Union went even so far as to state, without any further qualification, that, 'On the basis of Security Council Resolution 1368, a riposte by the US is legitimate.'[14] However, contrary to the consensus interpretation, I do not consider the resolution providing the formal, legal authorization for the use of force. In the first place, both in terms of its content and in terms of its format, the resolution gives no explicit authorization for the use of force, comparable to earlier, similar resolutions, in which the Council, acting under Chapter VII of the UN Charter, authorized 'member states, acting individually or through regional organizations or arrangements', to use 'all necessary measures' with a view to the restoration of international peace and security. Taking into account its historical dimension, one could, indeed, argue that the resolution provided an acknowledgement of the US' claim to exercise its right of self-defence. After all, this time, US territory had been subject to terrorist attacks. Furthermore, the resolution's main purpose was not related to the use of force, but to

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12)   This leaves aside the humanitarian component of the UN involvement, including, among others, the role of UNHCR and the World Food Program (WFP).

13)   Early November 2001, Peking warned the United States not to extend its military actions beyond Afghanistan, fearing an attack on Iraq. By taking this position, China again underlined its tacit approval with the military attacks on Afghanistan, simultaneously indicating, however, that this tacit approval was explicitly limited to the first phase of America's war against international terrorism. Underlines my thesis on the tacit consent by the Chinese with a US military response to the attacks of 11 September.

14)   Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001; in: Bulletin Quotidien Europe No. 8054, Saturday 22 September 2001 – Special Edition.

the legal issue of the extradition and prosecution of the perpetrators of the terrorist attacks (an issue to which I return in the next paragraph). Finally, and more fundamentally, there is no requirement whatsoever for a UN member state, exercising its right to self-defence, to ask for such an authorization of the Security Council. This is not a disqualification for the UN, as some observers suggested, but fits exactly within the meaning of article 51, when it says that 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations (…)'. In this sense, Article 51 is one of the cornerstones of the UN system of collective security, reflecting the respect of member states' national sovereignty considerations which are of fundamental importance for a good understanding of the foundations and the functioning of the UN.[15] At the same time, Article 51 limits the freedom of action of member states by adding that this right to self-defence can be exercised only '*until* the Security Council has taken measures necessary to maintain international peace and security'. In this case, the situation was complicated by the fact that the Council had already imposed a series of non-military sanctions on the Taliban regime because of its non-compliance with earlier demands to turn over Osama bin Laden.

The legal route

By adopting resolutions 1368 and 1373, in September 2001, the Security Council built on earlier decisions it had taken in the years before. Resolution 1368 not only condemned 'in the strongest terms' the 'horrifying terrorist attacks' of 11 September, but called on all states 'to work together urgently *to bring to justice* the perpetrators, organizers and sponsors of these terrorist attacks', stressing that 'those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these acts will be held accountable.' By taking this position, the Council, in particular, referred to its earlier demands on the Taliban regime. In December 1998, the Security Council demanded, in its resolution 1214, 'that the Taliban stop providing sanctuary and training for international terrorists and their organizations, and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice'. In October 1999, in resolution 1267, the Council insisted again that the Taliban cease the provision of sanctuary and training for international terrorists and their organizations, demanding that 'the Taliban turn over Usama bin Laden without further delay to appropriate authorities (…)'. Interestingly enough, those demands were based, among other considerations, on an indictment of Osama bin Laden and his associates by the United

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15)   Similarly, these arguments are also valid in response to those who argue that the Security Council authorized the use of force even on two occasions: first, in resolution 1368, and, secondly, in resolution 1373, as adopted on 28 September. However, under the latter, the Council only reaffirmed, in its introductory considerations, 'the inherent

States for, inter alia, the 7 August 1998 bombings of the US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania and for conspiring to kill American nationals outside the United States, noting also the request of the US to the Taliban to surrender them for trial.[16] Finally, in adopting resolution 1333, in December 2000, the Security Council, acting under Chapter VII of the UN Charter, for the third time, re-confirmed its demands that (a) the Taliban comply with resolutions 1267 (1999) and, in particular, cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with international efforts to bring indicted terrorists to justice; (b) that the Taliban comply without further delay with the demand of the Security Council in paragraph 2 of resolution 1267 (1999) that requires the Taliban to turn over Osama bin Laden to appropriate authorities (…); and that the Taliban should act swiftly to close all camps where terrorists are trained within the territory under its control (...). Thus, this was the state of affairs as far as the demands of the Security Council were concerned. Summarizing the position of the Security Council, one could say that its main objective was to call upon the Taliban to arrest and extradite Osama bin Laden, so that he could be brought to justice. This could be described as the legal objective. Indeed, it was the Security Council's main goal, as was expressed by the President of the Council in its statement on 18 September: 'There is one and only one message the Security Council has for the Taliban: implement United Nations Security Council resolutions, in particular resolution 1333, immediately and unconditionally'.[17] It was, in other words, only after the attacks of 11 September, that the fall of the Taliban regime became a new goal, in combination with the extradition of Osama bin Laden and the dismantling of the training camps on the territory of Afghanistan. However, the fall of the regime in Kabul was never incorporated, let alone authorized, as a separate demand in Council decisions, and reflected the changed priorities in the aftermath of the attacks on the US.[18] It was only in its resolution 1378, adopted on 14 November 2001, that the Security Council, for the first time, made an explicit reference to the issue, by expressing its support for 'the efforts of the Afghan people to

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right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001)'.

16) In a letter to the Secretary-General of the UN, dated 4 October 1999, the United States stressed that it had repeatedly requested of Taliban representatives that the Taliban turn Osama bin Laden and Muhammad Atef over to United States authorities and comply in general with the demand contained in Security Council resolution 1214 (1998). Between August 1998 and 1999, the Taliban rejected over 20 requests from the US to expel or turn over Osama bin Laden and members of his terrorist organization to responsible authorities in a country where he would be brought to justice. S/1999/1021, 4 October 1999.

17) SC/7148, 18 September 2001.

18) The British newspaper The Guardian was the first to report, on 20 September 2001, on these suggestions, basing its news on a leaked American memo to its European allies; NRC Handelsblad, 21 September 2001.

replace the Taliban regime', aimed at the establishment of 'a new and transitional administration leading to the formation of a government'.

Sanctions

In order to increase its pressure on the Taliban regime to enforce compliance with its demands, the Security Council, acting under Chapter VII of the UN Charter, had already imposed sanctions on Kabul, since November 1999. In adopting resolution 1267, in October 1999, the Taliban's non-compliance with the demands in paragraph 13 of resolution 1214 (1998) was determined as constituting a threat to international peace and security. The Council decided that on 14 November 1999 all States should impose sanctions 'in order to enforce paragraph 2', which demanded the turning over of Osama bin Laden, by (a) denying permission for any aircraft to take off from or land in their territory related to the Taliban (an air embargo) and (b) the freezing of funds owned by the Taliban. (It was this resolution that provoked the warnings on storms and earthquakes by the Taliban regime to which I referred at the beginning of this chapter). A year later, the Council, in resolution 1333, again determined that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) and in paragraph 2 of resolution 1267 (1999) constituted a threat to international peace and security. After repeating its demands, it decided to an additional series of enforcement measures, aimed at the further economic and diplomatic isolation of Kabul. These included an arms embargo; measures to restrict diplomatic contacts with the Taliban; financial measures aimed at the freezing of funds and other financial assets of Osama bin Laden and individuals and entities associated with him, including those in the Al-Qa'ida organization; and an air embargo. The measures thus imposed were established for twelve months. At the end of this period, the Council would decide whether the Taliban had complied with its demands, and, accordingly, whether to extend those measures for a further period with the same conditions. Finally, the Council expressed its readiness to 'consider the imposition of further measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving full implementation of the resolutions 1333 and 1267 (1999). So, when the Council, in the aftermath of the attacks of 11 September, decided to impose a new series of sanctions, by adopting the aforementioned resolution 1373, this was in line with its earlier decisions. This time, however, the measures were much more directed at the national level of the UN-member states, recognizing the need for states 'to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism', requiring an adaptation of national legislations. The measures covered a broad range of policy areas, and included, among others, the prevention of the financing of terrorist acts; the criminalization of the wilful provision of funds by their nationals for the purpose of carrying out terrorist acts; and, again, the freezing of funds; refraining from providing any form of support to entities or persons involved in terrorist acts, including the denial of safe haven; the establishment of terrorist acts as serious criminal offences in domestic law, and preventing wrongful granting of refugee status

by making sure that asylum seekers have not been involved in terrorist acts; affording mutual assistance in connection with criminal investigations or criminal proceedings; and the prevention of the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents. By adopting resolution 1373 in the aftermath of the events of 11 September, the Security Council further refined an approach it had already outlined in the years before.[19] Indeed, the measures were also taken as part of the broader involvement of the UN in the fight against international terrorism, which dates back to the sixties.

The fight against international terrorism at the international and national levels

The reaction by the international community after the attacks on New York, Washington and Pennsylvania, basically gave a new impetus to the fight against international terrorism, an issue which for many years had been on the international political agenda already. In its resolution 1189, adopted on 13 August 1998, a week after the bombings of the US embassies in Nairobi and Dar-es-Salaam, the Security Council, 'condemning such acts which have a damaging effect on international relations and jeopardize the security of States', recalled that, in the statement issued on 31 January 1992 on the occasion of the meeting of the Council at the level of Heads of State and Government, it had expressed its deep concern over acts of terrorism, and had emphasized the need for the international community to deal effectively with all such criminal acts. What is surprising in this statement is that the Council did not refer to its earlier decisions which defined international terrorism as 'a threat to international peace and security', justifying enforcement measures under Chapter VII of the UN Charter. In this context, a parallel can be drawn between the Council's involvement in the extradition of Osama bin Laden and the Lockerbie-issue, in which the Council, throughout the 1990's, also imposed sanctions (on Libya) in order to enforce the extradition for trial of the two suspects. While imposing its first sanctions on the Taliban regime, furthermore, the Council, in October 1999, recalled the existing relevant international 'counter-terrorism' conventions. Since the early sixties, the UN has adopted no less than twelve such conventions and protocols on the prevention, repression and elimination of terrorism, with provisions on the obligations for the

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19)   UN Secretary-General Kofi Annan, in this context, said: 'I think the UN is laying the foundation for the long-term struggle against terrorists. The foundations can be found in the resolutions of the Security Council, particularly 1373, which requires that governments do not harbour terrorists, do not give them financial support and that governments share intelligence and information, and it is mandatory and it applies to all the 189 Member States and in that sense it is an historic and very important resolution, which will require cooperation across borders to fight terrorism. On top of that, the General Assembly has approved twelve protocols and conventions dealing with international terrorism which gives us a common legal framework in the fight against terrorism.' Press conference at Nobel Institute, Oslo, 9 December 2001.

signatories of those documents to extradite or prosecute terrorists.[20] Since 11 September 2001, UN Secretary-General Annan, on several occasions, called upon member states to sign, ratify and implement these legal instruments 'without delay', as the first step in the fight against terrorism. Similarly, Annan emphasized the need to obtain agreement, as a matter of urgency, on a comprehensive convention on international terrorism, which, since 1996, is being elaborated in an Ad Hoc Committee established by the General Assembly.[21] Other issues on the agenda of the Ad Hoc Committee are a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism. Included in this evolving legal framework is the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV) and reiterated by the Security Council in relevant resolutions, that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts. This background shows that the fight against international terrorism is already, for many years, on the agenda of the UN, including at the level of the General Assembly and the Security Council, and, is directed at two levels: the perpetrators themselves and those states who acquiesce in organized terrorist activities within their territories. Probably one of the most urgent and, at the same time, complex legal issues, in the years to come, is the question of the need for legal precision in defining terrorism. Given its complexity and sensitivity, this is probably an issue which will take many years before it can be finalised –just like the discussion among the UN member states on the definition of 'aggression' which took more than twenty years. Can the international community afford this time-span, given the urgency of the fight against terrorism?

The post-Taliban settlement

The first American ideas on the fall of the Taliban regime in Kabul, just ten days after the terror attacks of 11 September 2001, were aimed at the establishment of a UN-administration at the short term, and, at the long term, at the return of the former

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20) They are related, among others, to the safety of civil aviation, at airports, of maritime navigation and of fixed platforms. Dating back to 1963, these documents provide the basic legal tools to combat international terrorism in its many forms – from the seizure of aircraft to hostage taking and the financing of terrorism. Review United Nations Treaties Against International Terrorism. http://www.un.org/news/dh/latest/intreaterror.htm

21) By General Assembly resolution 51/210 of 17 December 1996. The Ad Hoc Committee will meet again from 28 January to 1 February 2002 to continue the elaboration of a draft comprehensive convention on international terrorism and a draft convention for the suppression of acts of nuclear terrorism, and shall discuss the question of convening a high-level conference under the auspices of the UN to formulate 'a joint organized response' of the international community to 'terrorism in all its forms and manifestations'.

Afghan king Zahir Shah. With the start of the military operations on 7 October, new initiatives at the UN were taken in order to re-start a political dialogue, focused on the future settlement of the political crisis among the parties involved: the Afghan factions, the neighbouring countries, the US, Russia and the UN. The fall of the capital Kabul, on 13 November 2001, only increased the urgency of finding a settlement for the future political situation in the country. In this process, the UN played a role as the facilitator of the talks at different levels and in different fora, a role which it already had played, through its UN Special Mission to Afghanistan (UNSMA), in earlier phases of the conflict as well – without much success, however. The talks on the modalities of such a settlement in the post-Taliban era to a large extent reflected similar, and thus familiar, aspects. In its resolution 1076, adopted in October 1996, the Security Council had expressed its conviction that the UN, 'as a universally recognized and impartial intermediary', should play the central role in international efforts towards a peaceful resolution of the Afghan conflict, and had called upon all Afghan parties 'to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity'. Similar calls for talks, aimed at the peaceful settlement of the Afghan crisis, were repeated in later resolutions, such as, among others, resolution 1193 (1998), in which the Council

1 'Reiterates that the Afghan crisis can be settled only by peaceful means, through direct negotiations between the Afghan factions under United Nations auspices, aimed at achieving a solution accommodating the rights and interests of all Afghans (…) a comprehensive settlement of the conflict in this multi-cultural and multi-ethnic country;

2 Demands that all Afghan factions stop fighting, resume negotiations without delay and preconditions, and cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and would observe the international obligations of Afghanistan;

3 Calls upon all States neighbouring Afghanistan and other States with influence in the country to intensify their efforts under the aegis of the United Nations to bring the parties to a negotiated settlement.'

The reappointment of Lakhdar Brahimi as the Secretary-General's Special Representative for Afghanistan, early October 2001, gave a new impetus to the UN-efforts, after the failure of earlier attempts to find a political settlement for Afghanistan.[22] The fall of Kabul even more strongly underlined the urgency of finding a political alternative for the Taliban, also with a view to the fears concerning the possible development of a security vacuum. In the meantime, it had become clear again how difficult the required inter-Afghan political dialogue would be, given the historic, ethnic and religious tensions in the relationships among the Afghan factions. Recognizing the extremely sensitive political landscape in the country, both the

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22)   Mr. Brahimi's tasks covered overseeing the humanitarian and political efforts of the UN, and the development of plans for the rehabilitation of Afghanistan. SC/7164, 4 October 2001.

Secretary-General, Kofi Annan, and Brahimi rejected suggestions to establish in Afghanistan a UN-protectorate, including the build-up of a UN-transitional administration. (modelled according to similar efforts at 'nation building' through the establishment of a 'United Nations Transitional Authority', in places such as Cambodia, Eastern-Slavonia, East-Timor and Kosovo, although, in all cases, under different formats). In a statement before the Security Council, on 14 November 2001, Mr. Brahimi presented his ideas on Afghanistan's political future after the fall of the Taliban regime, by suggesting a framework for talks among the Afghans in five stages, with the UN as facilitator. Under this framework, the UN would convene a meeting of Afghan representatives, reflecting a fair representation of all Afghan society, to agree on a framework for the process of political transition. In the second and third phases, a Provisional Council, composed of a broadly representative group of Afghans and chaired 'by an individual recognized as a symbol of national unity', would propose the composition of a transitional administration and a program of action for the period of political transition, to last no longer than two years.[23] An Emergency Loya Jirga would then be convened to approve the transitional administration, and authorize it to prepare a constitution. Finally, the transitional phase, under the plan, would result in the convening of a special Loya Jirga, which would then approve the constitution and create a government. In presenting his framework, Brahimi stressed the necessity of ensuring the security in Afghanistan, arguing that 'The pervasive presence of non-Afghan armed and terrorist groups with no interest in a lasting peace will necessitate the introduction of a robust security force able to deter and, if necessary, defeat challenges to it's authority'. While he presented three options for such a force (an all-Afghan security force; a multinational force (MNF); or a UN peacekeeping force), Brahimi considered the establishment of a MNF, authorized by the Security Council with a peace-enforcement mandate under Chapter VII of the UN Charter and composed of national contingents acting under the operational command of a 'lead-nation', the most feasible. As indicated before, on 14 November 2001, in resolution 1378, the Security Council, while endorsing Brahimi's approach, expressed

> 'its strong support for the efforts of the Afghan people to establish a new and transitional administration leading to the formation of a government, both of which:
> – should be broad-based, multi-ethnic and fully representative of all Afghan people and committed to peace with Afghanistan's neighbours,
> – should respect the human rights of all Afghan people, regardless of gender, ethnicity or religion,
> – should respect Afghanistan's international obligations, including by cooperating fully in international efforts to combat terrorism and illicit drug trafficking within and from Afghanistan, and

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23) This formulation seems to suggest that Brahimi is thinking of the former king of Afghanistan, Zahir Shah, presently living in Rome, as the chairman of the Provisional Council.

  –   should facilitate the urgent delivery of humanitarian assistance and the orderly return of refugees and internally displaced persons, when the situation permits'.

With respect to the internal security and the deployment of an international force, however, the Security Council did not take a decision. It only encouraged

> 'Member States to support efforts to ensure the safety and security of areas of Afghanistan no longer under Taliban control, and in particular to ensure respect for Kabul as the capital for all the Afghan people, and especially to protect civilians, transitional authorities, United Nations and associated personnel, as well as personnel of humanitarian organizations'.

In acting as the facilitator of the 'UN-talks in Bonn' among the four main Afghan negotiating parties, the UN, aiming 'to avoid a political and security vacuum', in the words of Kofi Annan, provided the framework for the agenda, leaving it to the Afghans themselves to define the terms of the political transition process.[24] After ten days of talks, they reached an 'Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions', after a transitional period of two and a half years.[25]

The agreement provided in the establishment, upon the official transfer of power on 22 December 2001, of an 'Interim Authority', consisting of (a) an Interim Administration, (b) a Special Commission for the Convening of the Emergency Loya Jirga, and (c) a Supreme Court of Afghanistan. An Emergency Loya Jirga, to be convened before 22 June 2002, shall decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than June 2004.[26] In the meantime, a so-called Constitutional Loya Jirga should have adopted a new constitution for Afghanistan.

With respect to the security options, as mentioned by Mr. Brahimi, it was still considered to be too early for such a decision. Under the final provisions, it was agreed that upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces. While this certainly will become a first litmus test for the

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24)   Winrich Kühne: 'UNO-Friedenseinsatz in Afghanistan?', SWP-Aktuell 24, November 2001.

25)   Ahmad Fawzi, spokesman for the Special Representative of the Secretary-General on Afghanistan, spoke about 'a road map to a free and independent Afghanistan over a period of two and a half years, leading in the end, we hope, to a new constitution and free and fair elections.' Mr. Brahimi himself presented the agreement as 'a "breathing space" – an interim period during which the people of Afghanistan can take the first of many steps that will be required before a broad-based, multi-ethnic and truly representative government can be established.' UNIC Bonn, Closing Session of the UN Talks on Afghanistan, Konigswinter, 5 December 2001.

26)   The Interim Authority shall cease to exist once the Transitional Authority has been established by the Emergency Loya Jirga.

overall agreement, the modalities of an 'international security force' were far from settled in Bonn. The parties recognized that 'some time may be required for a new Afghan security force to be fully constituted and functional and that therefore other security provisions () must meanwhile be put in place'. In a separate Annex, the participants, while recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves, requested the Security Council to 'consider authorizing the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas.' The participants, furthermore, pledged 'to withdraw all military units from Kabul and other urban centres or other areas in which the UN mandated force is deployed.'[27] This, certainly, is the second litmus test, and more will follow along the road to the final destination of a fully representative government, two and half years from now.

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27) 'It would also be desirable', it is said in the annex, 'if such a force were to assist in the rehabilitation of Afghanistan's infrastructure.'

Politics as Unusual: NATO and the EU after 9-11

Peter van Ham

Introduction

After the atrocities of 11 September 2001, NATO and the European Union (EU) are engaged in a confrontation with international terrorism. This is not just a war, but a 'just war' against an unknown enemy whose only face and voice – the quintessential Islamic radical Osama bin Laden, who could have walked straight from the set of the latest James Bond movie – calls for a *jihad* of the faithful against the infidels. As in a real 007-film, the hijackers proved that you could bring the Western world to a standstill with little more than airplane cutlery as long as you are willing to die in the process. This is at least unsettling, and it certainly undermines established notions of 'security' and 'defence'.

It seems that the nameless post-Cold War era has finally found its label: The age of terrorism. Bin Laden wages his war to undermine the West's sense of purpose, just as the 9-11 strikes are intended to undermine its shared sense of security. These are exactly the two qualities which are said to form the basis of two of the West's key institutions, NATO and the EU. Both organizations aim to offer member states and their citizens security and prosperity based on cooperation, openness and a sense of belonging. NATO and the EU are often seen as Deutschian 'security communities'[1], and Samuel Huntington even refers to NATO as 'the security organization of western civilization.'[2] Although Huntington's clash-thesis is *en vogue*, there remains unease about its strategic implications and the air of Western superiority it exudes, despite the obligatory qualification that this is a fight against Islamic extremism, and not against the religion and culture as a whole.

This chapter asks how NATO and the EU are affected by the 9-11 events and their aftermath. What role do these organisations play and how relevant and effective

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1) Karl W. Deutsch, *et al.*, *Political Community and the North Atlantic* (Princeton NJ: Princeton University Press, 1957).

2) Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (London: Touchstone Books, 1998), p. 161.

are their policies in the overall Western struggle with international terrorism? Has NATO finally found itself a new post-Cold War mission? What will be the consequences of America's new strategic priorities – shifting away from Europe and focusing on eradicating the 'Al-Qa'ida-network' – for the EU's plans to develop a more cohesive foreign, security and defence policy? How will, or may, NATO and the EU adapt to these new geostrategic realities?

NATO, Article 5 and the 10 feet tall terrorist

'These terrorists are not 10 feet tall. They are not insuperable. They are not unvanquishable, but we are. We can win, and we certainly will win.'[3] This is NATO's Secretary-General Lord Robertson speaking, standing next to US President George W. Bush in the Rose Garden at the White House (on 10 October 2001). On this sunny autumn day, both men look solemn and determined, which they no doubt are. Of course, the world's most wanted terrorist, Osama bin Laden, is not ten feet tall, but his movement (the Al-Qa'ida, or 'Foundation'), seems wider and more globally dispersed than other threats facing the West in the recent past.

Later that day, Lord Robertson addressed the US Atlantic Council explaining why NATO is – or at least should be – the key pillar of the coalition fighting for the 'civilized world'.[4] Robertson argued that as 'the world's largest and most effective permanent coalition, [NATO] will be central to the collective response of the international community to terrorism, both now and in the long-term.' He reminded his audience of NATO's unique capabilities ('the interoperability, joint training, compatible communications and logistic that flow from NATO's military structure'), and suggested that 'for the moment, NATO is the best – indeed the only – game in town'. The EU's European Security and Defence Policy (ESDP) is in its (too) early stages, Robertson claimed, whereas the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE) lack the 'unique composition, strength, cohesion and speed of delivery of NATO'.

The discourse after 9-11 frames the Western challenge as a 'fight', 'battle' and 'struggle' against international terrorism. The West is 'under attack', or even 'under siege'. This terminology suggests that the West is at war, which makes it only logical to respond in a military fashion by using its tried-and-tested military Alliance. Six hours after the 'events', NATO invoked its Article 5 collective defence clause; the first time in the organization's 52-years history. America's allies were keen to show their political and moral support, making it clear that the terrorist attack against the World Trade Center and the Pentagon were not just strikes against the symbols of America's economic and military power, but also an assault on the open society which

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3)   'NATO chief: "We certainly will win war on terrorism".' To be found at http://www. Cnn.com/2001/US/10/10/ret.us.nato/index.html (11 October 2001).

4)   Remarks by NATO Secretary General Lord Robertson, 'An attack on us all: NATO's response to terrorism', at the Atlantic Council of the United States, Washington DC, 10 October 2001.

underpins Europe (and the West) as a whole. It was also clear that *not* invoking Article 5 – by refusing to accept the logic of collective defence against international terrorism of this apocalyptic kind – would (again) place question marks behind the continued relevance of NATO. The invocation of Article 5 was a first step in Europe's gesture politics to demonstrate their solidarity and resolve. In this way, 9-11 was a test of strength for the Alliance similar to NATO's 1999-Kosovo campaign.

The 'events' also again highlighted NATO's role as a security community based not only – or even mainly – on shared interests, but on shared values and a common approach to global governance. Gone were the often acrimonious and argumentative debates among allies on ballistic missile defence and the Kyoto Protocol. European politicians and media read this common fight as a time for Europe to show its support for Washington and a possibility to 'repay' some of its historical debt to Americans who lost their lives in two World Wars. The sensitivity of this expression of loyalty to the US was illustrated by the displeasure with the Dutch call (at the North Atlantic Council meeting of 2 October) for more time to evaluate the evidence of the American delegation against Bin Laden. Although in itself a reasonable request (especially in the light of the seriousness of the case), it was seen as an unfortunate expression of fickleness.[5] Clearly, 9-11 has rallied allies around the imaginary Western flag. At least for the time being.

On that same 2 October NAC meeting, NATO allies were handed a list of facilitating and logistical support the US could use. Five days later (7 October), the US and the UK embarked upon a military campaign against Afghanistan, bombing the few military targets available. As a show of support, NATO allies decided to fly AWACs airborne early warning aircraft to the US to secure their airspace and free American radar planes for duty in and around Afghanistan. NATO also decided to deploy its Standing Naval Force Mediterranean (STANFORMED) to the Eastern Mediterranean. However, on that very same day, disturbing stories of two people killed in Florida by anthrax hit the TV-screens. Was it terrorism, or just a freak accident?[6] No matter what, the rapidly spreading anthrax-scare again painfully illustrated the new nature of the challenge. All of a sudden, deploying AWACs to fight terrorism seemed impracticable and a policy-mismatch comparable to fixing your PC with a hammer: good to vent your frustration, but in the end of little practical use.

Since 9-11, the Bush administration established an impressive coalition of traditional (NATO) allies, friends and useful outsiders to strike at Al-Qa'ida's operations, undermine their political support basis and suppress their financial flows. But in their military campaign against Afghanistan, the US has preferred to go it alone, with only token involvement of British (and even a few French) commandos. Germany, Italy and Turkey have competed to offer troops and logistic support, but military planners in the Pentagon are loath to integrate Europeans in their military

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5) 'NAVO-chef dwingt steun aan VS', *De Volkskrant*, 4 October 2001.

6) Although the origins of the anthrax deaths in the United States are still unknown, it is now sure that the anthrax-letters were either an act of domestic or international terrorism. However, no direct link between the anthrax-killings and Bin Laden has been established.

strategy. This is a paradoxical situation, since the US has for years pressed European allies to see NATO as an alliance with a significant task outside its treaty area.

America's alliance of one (and a half)

The reasons for the US to keep this a military alliance of one (and a half) are easy to figure out. The US military is reluctant to fight another complicated and messy 'war by committee'. The 1991 Persian Gulf War and the 1999 Kosovo air war demonstrated that it is difficult to maintain a focussed military strategy through a unified system of command and control in a real alliance. The US now considers the nineteen-member NATO as a political and military supermarket where it can shop for moral, political and legal support. But the Alliance is not seen as the place to coordinate, let alone conduct, a consorted military campaign against global terrorism. Richard Haass, the US State Department's director for policy and planning, wrote earlier that his country should assume 'the role of international sheriff, one who forges coalitions by posses of states and others for specific tasks.'[7] This is what we see today. Observers who read the current US drive for broad support with 'like-minded' countries as a kind of Saulus/Paulus transformation will therefore be disappointed: the Bush team's earlier approach of 'unilateralism *à la carte*' remains basically unchanged.[8]

Although it may be understandable that NATO remains a sideshow to a US-led military strike against terrorism (especially since the attacks took place on US territory and against symbols of American power), there are also significant risks in underutilizing and even sidelining European allies. For example, the 'events' can be seen as a unique opportunity to galvanize further French rapprochement towards NATO. President Chirac has been amongst the most vocal and passionate supporters of political and military support to the US. Moreover, France's military tradition seems well geared towards a tough and long battle in Afghanistan and beyond. But now French armed forces are mainly idly watching the spectacle unfold. And, even more importantly, France's political elite is doing the same, without feeling much 'ownership' of the US military strategy and their political goals. For countries like France – and, *ipso facto*, most continental Europeans – their *de facto* exclusion from the military fight against terrorism makes it easier to air criticism from the sidelines. What is more, while invoking NATO's Article 5 has not offered the US a political/military *carte blanche*, it certainly did raise expectations that the Alliance would become the main platform for a consorted Western approach (*viz.* the remark by Lord Robertson quoted above).[9] The fact that this has not happened is both questionable and problematic.

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7)   Richard N. Haass, *The Reluctant Sheriff. The United States After the Cold War* (New York: Council on Foreign Relations Press, 1997), p.6.

8)   Jessica T. Mathews, 'Estranged Partners', *Foreign Policy*, November/December 2001, and 'Doubts over Bush's policy conversion', *Financial Times*, 12 November 2001.

9)   R. Nicholas Burns, the US ambassador to NATO, argued that 'it is difficult to imagine a future without the [NATO] alliance at the core of efforts to defend our civilization.' See

But the difficulties with NATO's role are not only practical and atmospheric; they also seem structural in nature. NATO suffers from the so-called 'hammer-nail' conundrum, in the sense that it fits the task of 'fighting global terrorism' to the available tools, rather than first defining the problem at hand and then choosing the instruments it requires. Over the last two months the world has witnessed a show of America's military strength against one of the most impoverished countries in the world. The military conquests of the Northern Alliance, the sudden fall of Kabul and the shrinking sanctuary of Bin Laden give the impression that the US campaign against terrorism may well be successful. But it will be easier to defeat a visible enemy like the Taliban than to 'win' the war against terrorism as such. Apart from retaliating and 'doing something', the military strikes in Afghanistan have not solved anything. On the contrary, they may well strengthen the resolve of many Islamic extremists willing to use force against the US, and most likely have increased their numbers.

The fight against terrorism cannot be 'won' in the traditional sense of victory; there will never be a ticker-tape parade on Fifth Avenue for these war heroes. At most, this challenge can be met by a wide and multi-dimensional approach comprising all available means of statecraft – from reinforced intelligence cooperation, police action and targeted operations to classical diplomacy –, of which military power is of lesser importance and unlikely to be effective in the long run. Since the EU prides itself as such a 'one-stop shop' (i.e., a strong and valuable institution which can in principle offer all these instruments of statecraft – including, since lately, modest military means), we may ask how the EU (and its main member states) has responded to these new geostrategic realities. Moreover, have America's new strategic priorities affected the EU's plans to develop a more cohesive foreign, security and defence policy?

EU: Supporting the reluctant sheriff

As to the latter question, Washington has lately followed a 'yes, but'-approach, encouraging the EU's geostrategic ambitions under the condition that the US remains fully involved, if not always in charge.[10] It is increasingly uncertain whether the US is prepared to polish up new Macedonian language laws, or to use its diplomatic and military clout to broker new deals in other slumbering Balkan disputes. The 'management' of European security may now be in the hands of Europeans themselves. This was also suggested by the EU itself, since a Joint Declaration two days after the terrorist attacks argued that the Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP) should be strengthened, 'ensuring that the Union is genuinely capable of speaking out clearly and doing so in

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Burns, 'NATO is vital for the challenges of the new century', *International Herald Tribune*, 10-11 November 2001.

10) Stanley R. Sloan, *The United States and European Defence*, Chaillot Paper no.39 (Paris: WEU Institute for Security Studies, April 2000).

one voice.'[11] As Belgian Prime Minister Verhofstadt argued, 'Washington is urging us to do more, not less, so that they can concentrate more resources for the battle against terrorism.'[12] But still, the main question is whether the EU and its member states will be able (and willing) to rise to this occasion.

The EU has gone out of its way to support the US and has explicitly labelled the 9-11 attacks 'an assault on our open, democratic, tolerant and multicultural societies. (…) The European Union will cooperate with the United States in bringing to justice and punishing the perpetrators, sponsors and accomplices of such barbaric acts. On the basis of [UN] Security Council Resolution 1368, a riposte by the US is legitimate. The Member States of the Union are prepared to undertake such actions, each according to its means.'[13] In this case, 'each according to its means' implied that some countries were mobilising or offering troops, others providing intelligence or making available air bases. *De facto*, therefore, the EU invoked a quasi-'Article 5' collective defence clause which it still lacks *de jure*. (And that, it should be noted, in order to come to the assistance of a non-member state against a still unclear opponent). Although this quasi-Article 5 has not been codified due to the hesitance of the EU's non-allied members, this experience is likely to make it easier to introduce such a collective defence commitment in a future EU treaty. Austria's Chancellor Schüssel already argued that the 9-11 events have encouraged his country to seek membership of NATO, mainly since the Alliance 'is getting a totally new function' and 'will become a type of collective security union, which is in certain ways comparable to the OSCE.'[14]

The EU's Extraordinary European Council on 21 September resulted in fast decisions on a number of internal security issues, such as the EU-wide search and arrest warrant, new extradition procedures, agreement on data-sharing and a more prominent role of Europol (the EU's nascent law enforcement organization) and Eurojust (the future European unit for cooperation between national prosecuting authorities).[15] The US has also requested (and generally received) assistance from the EU in police and judicial cooperation, in particular regarding regulations on extradition and police surveillance. Washington is also interested in more direct access to the EU's Schengen Information System (SIS). The European Commission introduced EU-wide standards to improve security for air travellers as well as emergency legislation to 'freeze' more than €100 million worth of assets of people suspected of terrorism. The Commission also tabled proposals for a common definition of terrorism and for a system of EU-wide penalties for terrorist offences. It proposed measures reinforcing the security features of the common visa and is

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11) 'Joint Declaration by Heads of State and Government, President of the EP, President of the Commission and the High Representative for the CFSP'. 14 September 2001.

12) Belgian Prime Minister Guy Verhofstadt at the Belgo-British Conference in London, 25 October 2001.

13) 'Conclusions and Plan of Action of the Extraordinary Council Meeting on 21 September 2001'. Press Release 140/01.

14) 'Vienna prepares to ditch neutrality', *The Guardian*, 5 November 2001.

15) See Joanna Apap, 'Common European instruments to tackle terrorism', *CEPS Commentary* (September 2001). To be found at http://www.cepts.be/ Commentary/ September01/terrorism.htm

exploring how existing EU legislation on asylum and financial markets can be made 'terrorism proof'. The EU further earmarked over €310 million to relieve the suffering of the Afghan people (and, as an immediate reaction, the Commission has released €5.5 million in emergency aid; an additional €6 million food aid has been released to World Food Programme).

Commission President Prodi suggested at the Ghent European Council of 18 October 2001, that 'recent events have shown the need for *more* – not less – action at the EU level.'[16] Following the attacks, the EU Troika visited Pakistan, Iran, Saudi Arabia, Egypt, and Syria as part of an effort by the Union to strengthen the international coalition against terrorism. At the Ghent Council, EU member states also decided that Europe should pay even closer attention to the dialogue with the Arab and Islamic worlds, rekindle the Middle East peace process, and reinforce the comatose Barcelona process. Further afield, the EU decided to review its policies on trade and cooperation with Pakistan, India and Iran as well as with Saudi Arabia and the Gulf States.

Waiting for Solana?

But despite these good plans for consorted future EU policies, few member states have been waiting for the Union's heralded Mr. CFSP to forge a common European reaction in the foreign policy, security and defence field. Compared to the European Commission's active and rapid involvement in fighting international terrorism, Solana's role remained low-key. Behind the scenes Solana has been working hard on intra-Western coalition maintenance, and US Secretary of State Colin Powell reportedly dials 'Europe's' telephone number several times a week. Solana has also been going back and forth to the Middle East trying to avoid a further escalation of the Israeli-Palestinian confrontation. But it are the EU's big players – Germany, France and the UK – who continue to dominate the action and the media, making it clear that at times of serious crisis national responses still easily override the rhetoric of European solidarity and cooperation. European Commission President Prodi tried to put a nice face on the lack of a forceful CFSP, arguing that a 'common policy is not, of course, the same thing as a single policy uniformly adopted by every Member State. No: a common policy pools the different strengths of different individual countries, enabling them to pursue shared goals using shared instruments.'[17] In that sense the EU indeed follows a 'common policy', with every member state doing its thing and formulating its own historically informed answers. Strategic policy-lines have been coordinated and diplomatic consultations are on-going, but a clear expression of a potent and effective European CFSP it was not.

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16) Speech of Romano Prodi, President of the European Commission, 'Preparation of the Ghent European Council', Press conference, 18 October 2001. (Emphasis in the original).

17) Speech of Romano Prodi, President of the European Commission, 'Time for real solidarity', to the European Parliament, 24 October 2001.

For the moment, this slipshod EU coordination of foreign, security and defence issues is tolerable since the policy parameters for member states remain narrow. In all EU countries, the atmosphere of loyalty puts enormous pressure on traditionally critical voices of US military actions (left-wing social democrats, socialists and greens) to toe the line of the new Bush doctrine: 'You're either for us, or against us' in the global anti-terrorism campaign. In their unrestrained backing of US political and military actions, German Bundeskanzler Schröder, French President Chirac and British Prime Minister Blair are in unison. Especially since the military campaign against the Taliban has proven successful, support for the US strategy comes naturally and seems assured.

Nevertheless, behind this front of solidarity, different voices and tones already make themselves heard within the European choir. And the longer the campaign against terrorism drags on, the more vocal these alternative and critical voices will inevitably become. Now that the image of a crumbling WTC is fading and being replaced by pictures of anarchy in Kabul, the disquiet that was mounting behind the scenes is now becoming more outspoken and public.

The UK plays its archetypal role of 'transatlantic bridge' between 'Europe' (however defined) and the US with commitment, at times even with devotion. It is clear that the US only wants to work together with the UK in the military field; the trust and routine cooperation between both countries is unrivalled. Domestically, the opposition Conservative Party has offered its traditional full support for the US/UK military campaign, occasionally even asking for a tougher and clearer strategy to 'win the war' against terrorism.[18] A certain jingoist flavour is now spicing up British foreign policy. In this environment, the Labour government finds it difficult to keep its commitment to position itself 'at the heart of Europe'. Especially if (or when?) the groundswell of criticism and doubt about the follow-up military actions from continental Europe will grow, London will cling even more doggedly to its role of 'America's ambassador to the world', the honorary title given to Blair by British media.[19] Since 9-11, Blair has thrice criss-crossed the Middle East trying to maintain the regional anti-terror coalition. The rapid fall of Kabul on 13 November, has been a mixed blessing and raises the question of how to stabilize Afghanistan and perhaps start searching for Bin Laden and his network in neighbouring countries if he is not captured 'on the spot' soon. But if the list of potential anti-terrorist targets grows longer (including countries like Somalia and Iraq, or even Iran), Britain's mission of transatlantic bridge-building will become very difficult.

In France, President Chirac has been equally visible and outspoken in his support for the US-led campaign, being the first allied leader to meet President Bush after the attacks (on 18 September). Domestically, his approval rate went from 57% to 74% between 9-11 and late-October, which certainly is helpful as he is facing two elections (for both presidency and parliament in May-June 2002). But this outspoken

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18)   Iain Duncan Smith, 'The Government must win back our hearts and minds', *Daily Telegraph*, 31 October 2001.

19)   For example in *The Economist*, 20 October 2001. Although Mr. Blair has also been labelled the 'well-mannered butler to the American president.' See *The Economist*, 3 November 2001.

support also makes it difficult for him to hide his dissatisfaction with the US for not thankfully taking up his offers of military assistance. France wants to carry its weight as a permanent member of the UN Security Council and reinforce its self-made image as a global player of significance. More than a month after the attacks (at the Ghent European Council), Chirac had to conclude that a possible French military participation alongside the US – beyond the current contribution of Mirage-IV reconnaissance planes, spy planes, a listening ship and a refuelling vessel – remains 'premature'. The problem is, however, that the offer to join America's military campaign against terrorism is conditional upon full French involvement in the military planning of the operations.[20] This is unlikely to happen.

Although still politically of minor importance, France also has to cope with vocal and single-minded anti-US factions, some of them policy-makers and influential intellectuals who are potentially capable of effectuating a shift of public opinion. Former President Giscard d'Estaing already complained that the US obviously has no need of a French contribution to the anti-terrorism campaign, whereas Jean Baudrillard sarcastically branded this Anglo-American war as '[l]a guerre comme prolongement de l'absence de politique par d'autres moyens.'[21] Especially – but certainly not only – since France is not itself actively and fully militarily involved in Afghanistan and beyond, the political basis of French support may prove to be less solid than it is at present.

Immediately after 9-11, German Bundeskanzler Schröder has made the case that this time mere verbal declarations of support for the US are not enough; Germany should be prepared to be fully involved in the Western campaign against international terrorism, even if this implies the possible use of German armed forces outside Europe. On 7 November, Schröder announced that Washington had made a detailed request for German military participation in the Afghanistan-war. Schröder's list encompassed ABC-defence forces, *Fuchs* reconnaissance vehicles, as well as naval units, flying hospitals and limited special forces, with a total of 3,900 soldiers. When later that day, US Defence Minister Rumsfeld denied that Washington had actually requested German troops, Schröder was accused of being creative with the truth to convert sceptics of Germany's military participation in the anti-terrorism campaign.

Clearly, Schröder approach of 'unlimited solidarity' with the US has met with criticism in his own party (SPD) and his Green coalition-partner. Several SPD MPs raised doubt about the efficacy and morality of the Afghan war,[22] and Green policy-makers fear that their tacit support of the US-campaign will alienate them from their more pacifist electorate.

On 16 November, Schröder narrowly won a parliamentary vote of confidence on Germany's military engagement in the war (336 votes to 326), giving his government a political mandate to re-establish Germany as a full-grown Big Power in Europe, bearing responsibility and offering 'leadership' alongside France and the UK. This has

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20) Michaela Wiegel, 'Chiracs Coup', *Süddeutsche Zeitung*, 8 November 2001.

21) Jean Baudrillard, 'L'esprit du terrorisme', *Le Monde*, 3 November 2001.

22) Nico Fried and Philip Grassmann, 'SPD-Abgeordnete kritisieren US-Militäreinsatz', *Süddeutsche Zeitung*, 2 November 2001. See also Michael Naumann, 'So fremd wird

not gone unnoticed. Several German commentators have mixed feelings about Berlin's eagerness on the argument that Schröder 'steigert die von ihm ohnehin propagierte 'uneingeschränkte Solidarität' zu einer übereifrig-begierigen Solidarität des Endlich-dabei-sein-Wollens.'[23] But, they argue, in the mean time 'werden Vasallentum und der Verzicht auf Souveränität uns als Zeichen unserer "gewachsenen Verantwortung" verkauft.'[24]

Internationally, Germany's coming of age in the security and defence field was already exemplified by its *menage à trois* with France and the UK prior to the Ghent Council of 18 October. During that short meeting between Schröder, Blair and Chirac, Europe's Big Three showed a glimpse of the future, indicating how a core group may offer leadership to an increasingly unmanageable, large (and diverse) group of member states. The impromptu London dinner organized by Mr Blair on 4 November to discuss American war plans with a selected number of EU leaders, has only stirred suspicions that the EU (and its smaller member states) is sidelined. Especially smaller member states take umbrage at being excluded when 'high politics' appears on the EU-menu.

But it is not only the pressure to make the EU more efficient and operational that calls for such a *directoire* of major players able to offer significant military assistance. This movement is now also reinforced by Washington's emphasis on bilateral relations with the EU's Big Three, rather than contacting and coordinating with Mr. CFSP. Obviously, Washington still does not recognize the EU as a serious player in its own right in the security and defence field, a perception which might well – for the time being – be correct.

Conclusions

The events of 9-11 have a serious impact on both NATO and the EU. The invocation of Article 5 has been a seachange for NATO, but the Alliance's peripheral role in the Anglo-American campaign (both politically and militarily), is questionable as well as problematic. Since this will be only the beginning of what will be a protracted and complex struggle, friction and even outright disagreement between the EU and US cannot be excluded. Compared with the relatively straightforward aims of the Kosovo-campaign – Serb forces out, Kosovo refugees returning home – the 'war against terrorism' is both multifarious and open-ended. But since this time NATO is not used as the privileged platform for Allied consultations and crisis-management, it will be all the more difficult to continue the myth that 'We are all Americans' now.[25]

The EU is now facing the serious task of both managing European security on its own, and being itself fully engaged in fighting international terrorism with all available means. The EU will also have to influence Washington policies in this long

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uns Amerika. Trotz Solidarität mit dem geprüften Freund wachsen die Zweifel an seinen Kriegsmethoden in Afghanistan,' *Die Zeit* (no. 45), 31 October 2001.

23)   Heribert Prantl, 'Der Ernstfall', *Süddeutsche Zeitung*, 8 November 2001.

24)   Franziska Augstein, 'Teure Treue', *Süddeutsche Zeitung*, 15 November 2001.

25)   Peter Struck, the Social Democratic leader in the German Bundestag, had declared 'Wir sind Amerikaner.' Quoted in Otto Graf Lambsdorff, 'We are all Americans', *The Washington Post*, 24 September 2001.

campaign, encouraging the US to re-engage itself in the Middle East peace process.[26] But at the same time, it may also be true that Washington will no longer be regarded as an objective, viable broker for a future Israeli-Arab peace accord. This could well be the most deplorable political collateral damage of the US anti-terrorism campaign. At the same time, this might offer the EU the opportunity to play a more active role in the Middle East, giving its CFSP some more profile and regaining some of the credibility it has lost after 9-11.[27]

It has become clear that a core group of Big Powers will increasingly offer leadership to any European CFSP and ESDP worthy of their acronyms. But this core-group leadership also puts pressure on the EU's cohesion, raising doubts about Europe's capability and willingness for unified action. As Dominique Moïsi argued, '[t]here is a re-nationalization of foreign policy, because it is a matter of different capabilities and feelings of interest. This is a litmus test for Europe.'[28] It will certainly take more than 'loyalty' to make the West's anti-terrorism strategy coherent and effective. NATO and the EU may not be ideal for this job, but other credible institutions do not exist.

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26) 'EU urges Powell to speed up delivery of Middle East plan', *Financial Times*, 12 November 2001.

27) Alfred Pijpers, 'Alleen Europese Unie kan Arafat uit de droom helpen', *NRC Handelsblad*, 19 October 2001.

28) Quoted in Peter Ford, 'Common foreign policy still eludes unified Europe', *Christian Science Monitor*, 22 October 2001. Of course, foreign and security policy has always been dealt with on an intergovernmental basis within the EU, but the marginal role of Mr. Solana in the anti-terrorism campaign does illustrate the fragility of the EU's rhetoric of strengthening 'Europe's' voice in these fields in world affairs.

Countering Terrorism: a Supportive Role for Defence

Kees Homan

Masked close-combat units securing tunnels, bodyguards protecting Government Ministers and Army soldiers conducting safety controls at Schiphol Airport. Those are unusual television pictures in a country where members of Parliament and even prime ministers used to cycle to work. The 'one liner' that the world has fundamentally changed after 11 September also applies to the Netherlands. The terrorist attacks in the United States confronted the world with an ultimate form of 'unconventional warfare', which has left citizens feeling less secure. People everywhere now urgently ask their 'government at a distance' to perform its traditional core task: to guarantee the security of its citizens. The Dutch are no exception in this regard.

Security

The security policy of the Netherlands can broadly be defined as: "The prevention, deterrence and pre-emption of, and defence against, aggression targeted at Dutch territory, sovereignty, population, and infrastructure as well as the management of the consequences of such aggression and other domestic emergencies".

Traditionally 'security' is divided into internal and external parts. The internal security of the state concerns the protection of its essential interests – rule of law, public security and economic security – against any threats.[1]

Upholding the rule of law means safeguarding the democratic functioning of the government and the police, and protecting the democratic foundations of the administration of justice.

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1)   E.T. Brainich von Brainich Felth, *Staatsnoodrecht*, Zwolle 1993, pp. 15-16.

It also means defending and maintaining public order in cases of rioting, disturbances, demonstrations and the like. Maintaining public order involves protecting the security of persons and businesses. It means fending off threats to vital infrastructures like the chemical industry (DSM, Shell Pernis) or nuclear power installations, or ensuring the quality and safety of surface water – especially drinking water supplies. It also involves organizing and coordinating first line security services such as fire brigades, police, first aid units at hospitals, etc.

Economic security in a general sense depends on a government's ability to realize its stated targets in the field of public finance, employment, the division of income, monetary stability and social security. Guaranteed access to resources, finance and markets is of great importance for the maintenance of the prosperity and power of the state even in the longer term.

Support of civilian authorities

In principle, the police are responsible for internal security while the armed forces are responsible for external security. Nevertheless, responsibilities of the police and the armed forces have converged notably over the last decades. In comparison with some twenty years ago, the need to prepare Dutch armed forces for dealing with an 'external' enemy has diminished substantially. At the same time, the military are increasingly called upon to help control internal conflicts and provide humanitarian assistance far away from home, in the framework of the so-called peace support operations. In the Priorities Review of 1993, those operations were identified as the second main task of the armed forces. The police, on the other hand, find themselves increasingly involved in solving large-scale problems with international, complex and violent dimensions.

While the primary responsibility for internal security lies with the police, the armed forces also perform a number of tasks in this area. In addition to 'collective defence' and 'peace support operations', the Defence White Paper 2000 mentions for the first time 'support of civilian authorities' as a third main task. The reason for this innovation is probably political. Interest in the armed forces' civilian tasks has increased during the last years. This is partly due to the urgency of social problems facing the government, such as border control and the fight against drugs trafficking. The armed forces employ professional personnel and have at their disposal resources that the government can commit to performing civilian tasks and emergency aid. The military, in a supportive rather than a leading role, may also provide assistance to designated civilian authorities and agencies, either on a case-by-case basis or continuously. Civil support includes aiding civilian authorities in case of natural and manmade domestic emergencies or civil disturbances. It also deals with designated law enforcements efforts.

The principle of armed forces providing support to civilian authorities is not new in the Netherlands. For years, Defence Department officials, under different

national statutes and regulations, have employed the armed forces to support civilian officials in coping with disturbances and emergencies, such as major flooding of inhabited areas. Particularly before the Second World War, mayors of large cities regularly requested military assistance during 'serious disorder and disturbances'. Even after 1945, military personnel occasionally assisted in maintaining public order. During the squatter riots in the seventies and eighties the Koninklijke Marechaussee or Royal Military Police frequently provided eviction squads. A Leopard dozer belonging to the armoured engineers helped to clear the barricades. Units of the armed forces conducted security and protection tasks during the train hijack at Wijster and the occupation of the Indonesian Consulate in 1975. Two years later they assumed identical tasks during the train hijack at the Punt and at the time when school children were taken hostage in Bovensmilde. Special assistance units used force to end the two hostage situations.

But the armed forces have other important responsibilities as well: rescuing tasks, the disposal of explosive ordnance, assisting in fighting drug trafficking, charting waters, providing emergency aid for large numbers of people, helping to trace perpetrators of environmental crime and carrying out fishing inspections, performing air reconnaissance tasks at the request of the civilian authorities, and contributing to air traffic control. Various military resources that fit in well with the armed forces' new tasks have proved to be highly useful in performing civilian tasks, particularly in connection with disaster relief. This is true of the light support helicopters of the squadron for general services. The National Reserve Corps (NATRES) is also easily deployable for purposes of disaster relief. The military emergency aid reconnaissance team is available to this end throughout the Kingdom of the Netherlands, in close cooperation with civilian bodies. Of course, the Defence organisation's expertise on nuclear, biological and chemical weapons is available to the government as a whole in order to allow it to prepare as thoroughly as possible for the unlikely event of threats, attacks or disasters involving these weapons.

The use of military forces for specific domestic missions is thus a well-established and familiar option in the Netherlands. Nevertheless, civil support is a secondary task for the armed forces in general. It is core business for the Military Police only. As far as this civil support is of a structural nature, it is based on statutes defining a specific task for specific units of the armed forces. Eighty percent of the activities of the Military Police, the fourth armed service, consist of civilian tasks. Since 1991, reductions in the armed forces in general have led to a considerable decline in MP police duties. Its structural civilian tasks, on the other hand, have increased substantially since 1993. The strengthening of border controls, the introduction of mobile monitoring of aliens and the take-over of security on aviation premises have necessitated an expansion of personnel. In the Military Police, the government has at its disposal a professional, centrally led police force that can operate in the field of public order and security. This is all the more valuable because the regular police, with 25 regional corps, are organized along decentralized lines. In this way the government maintains a mix between centrally led and regional police. The Military Police can provide national support for the regional civilian police. As a result, the Military Police actually functions chiefly under the authority of the

Ministries of the Interior and Justice, the Mayor and the Public Prosecutors Department, rather than the Ministry of Defence.

In addition, the armed forces perform civilian tasks based on statutes with a more general task instruction. In principle, the full potential of the armed forces can be employed for such tasks. Examples are military assistance based on the 'Police Statute 1993', the 'The Statute on disasters and severe accidents' and 'support in the common interest'. In this context, the armed forces serve as a 'safety net' on a case-by-case base. In other words, if in an emergency situation civilian authorities lack sufficient personnel and/or capabilities to cope with an emergency, they can ask the MOD for support. One might speak of the principle of subsidiarity and a conditioned drawing-right. Thus the military will provide support unless the minister of defence has urgent reasons to oppose such a request. In this area, defence is fulfilling a reactive role.

Increasing linkage between internal and external security

As stated before, traditionally the primary task of the armed forces has been in the field of external security. This primary task used to be defined by the effects of a threat. If these effects manifested themselves outside of or at our borders, the threat was called external. If there was an impact within the country, for instance in the form of social unrest, the threat was defined as internal. But during the last years an increasing linkage between internal and external security has become manifest. As a result of the terrorist attacks in the United States, this trend has become even more prominent. Cross-border threats have gained a high priority on the security agenda. The character of these threats dictates a widening of the concept of external security. Combating non-state actors whose aim is to disrupt civil society must be added to the more traditional military role in conflicts between states. As the external threat manifests itself internally, internal and external security mingle.

The Netherlands faces potential cross-border threats that fall outside the traditional, narrow definition of 'national security threat'. Among such cross-border threats are international crime (such as smuggling of drugs, illegal immigrants, and weapons), accidental (or even deliberate?) introduction of human or agricultural diseases such as foot-and-mouth disease, and threats against natural resources or the environment, such as environmental terrorism or fisheries poaching.

One of the ironies in globalisation is that growing global trade may also provide the delivery mechanism for an attack on the Netherlands (and other countries, of course). It is equally ironic that the spread of technology, accelerated by Internet, gives those opposed to economic or technical change far greater access to data they can use to prepare attacks on critical information, energy, and transportation infrastructure underpinning the economy.

Three major ongoing changes in technology may well be of relevance for terrorists in the near future[2]:

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2)   Anthony H. Cordesman, *A New Transatlantic Strategy for Terrorism and Asymmetric Warfare*, Working Draft, Center for Strategic and International Studies, Washington DC, revised November 7, 2001, pp. 3-6.

–   Advances in biotechnology, advanced food processing, and pharmaceuticals are steadily clearing away impediments for interested terrorists and states all over the world to manufacture lethal biological agents. At the same time, a broader process of proliferation is increasing the likelihood of threats emanating from other non-conventional weapons of mass destruction as well.

–   Advances in information systems, and the steady integration of world trading and financial systems, are steadily increasing vulnerability to cyber-warfare and terrorism.

–   Advances in global transportation systems create another mix of vulnerabilities.

Asymmetric threats and the military

The distinction between external and internal security is an impediment when a state has to confront heavy asymmetric threats by non-state actors. A non-state actor, being the militarily weaker party, will try to avoid combating his adversary with equal (symmetric) means. The non-state actor therefore chooses the use of unequal (asymmetric) means. He will look for his opponents' weak spots and go for his soft underbelly. In broad terms this means 'warfare' that seeks to avoid an opponent's strength. Asymmetric warriors try to make use of any relative advantages they have over their enemy's relative weaknesses. They do not target the adversary state's armed forces but try to hit the core of society: its citizenry.

After the terrorist attacks in the United States it has been suggested in the media that defence policy should change fundamentally. This suggestion misses the point. A bigger military is not the solution to fighting terrorism. To be sure, the armed forces can be an appropriate instrument for deterring and/or punishing states sponsoring terrorists. But a larger military could not have prevented the devastating tragedy in the United States.

Terrorists are not classical adversaries that may be deterred by traditional force. If that were the case, terrorism would not exist in Israel. The Israeli military is bigger and better equipped than any of the Palestinian terrorist groups, yet terrorism persists and in that country and the Palestinian territories. So the answer is not simple. Terrorism by nature is not traditional warfare. Terrorists pick and choose the times and places of their attacks, and they avoid classical military battlefields. Terrorists do not wear uniforms to distinguish themselves from their adversary. In other words, terrorists are the antithesis of the kind of enemy that armed forces are designed and trained to fight.

Which is why the Ministry of Defence will make some incremental changes in its policy. It will place a stronger emphasis on the 'special forces'. These are specialized units in the Marine Corps and the Commando Troops Corps. The small and flexible teams of those Corps are trained in combating terrorism and in 'close combat'. Such 'special military support' is delivered on request by civil authorities, in order to cope with criminal acts of a terrorist character. This applies especially to operations that are expected to be extraordinarily violent in character. For instance, the Special Support Unit Marines (BBE) has been employed several times to end hostage situations. It is trained for close-combat assault operations and could be used against

military targets in wartime. However, its primary mission in peacetime is counter-terrorist operations.

Although the police are well equipped, they are trained to encounter lower levels of violence and they should stick to that trade and leave the handling of aggression with a higher level of violence to the military. Obviously, the military may counter lower levels of violence as well when functioning in a supportive role.

A high level of violence may be expected when troops are employed abroad for combating terrorism, as is the case in Afghanistan. Regular troops should be better trained for this type of unconventional warfare if the government wants the Netherlands to actively participate in military counter-terrorist actions. The Military Doctrine of the Royal Netherlands Army states that those considerations guiding operations against armed resistance by factions conducting irregular operations also apply to the combating of terrorist actions.[3] The doctrine distinguishes three phases. `Finding' the terrorists is a fundamental precondition for a successful operation. Actions concentrate on restricting freedom of movement, cutting off supply routes and eliminating the terrorists. 'Fixing' terrorists is closely related to the previous task. It may be difficult, if not impossible. After all, the terrorists will try to avoid being observed by being constantly on the move. Small groups and cells cannot be fixed; at best they can be forced into an area that is difficult to exit or access. Fixing is more a matter of isolating the terrorists from the rest of the population, and possibly of cutting external support from, for instance, a neighbouring country. 'Striking' terrorists is designed to end their operations and deny them the opportunity to initiate new actions. In contrast to regular operations, this is a matter for small, platoon or company-sized units. Terrorists will almost always conduct offensive operations in what are known as hit-and-run actions. Ambushing them and using surprise to eliminate them will take priority.

As expected, the Dutch government already decided that in addition to the Special Support Units of the armed forces, the Military Police and the Military Intelligence Service would also obtain more funding. Their activities can contribute to the prevention of terrorist acts.

But we should keep in mind that when prevention fails, the real domestic defenders are the fire fighters, the police, the nurses and the paramedics. They man the front line; they will have to be there first. Local agencies will contain the scene, provide first aid, begin the investigation and maintain order. Defence can be called in to play a supportive role in such situations.

Comprehensive security

It may be argued that the fight against terrorism requires a multidimensional approach, in which the main role is not fulfilled by the armed forces but by intelligence agencies, police forces and officials of the department of justice. This means that the present division of security policy into inward looking and outward looking sectors should be abandoned and a new, comprehensive security approach should be broached.

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3)   *Military Doctrine*, Royal Netherlands Army, The Hague 1996, pp. 161-173.

Such a change in security policy may be needed, because indications abound that September 11 is not an isolated incident but the beginning of a new era. To cope with the threat of terrorism, an integrated, comprehensive security policy is necessary.[4] The integration of the civil security aspects in the political, economical, ecological and societal areas requires especially close attention. The recent action plan of the government, involving approximately 200 million guilders, is mainly limited to the expansion of personnel and means. It is equally important that these personnel and means are employed as effectively and efficiently as possible.

A study by students of the top-management course of the Netherlands Defence College indicated that in our country, the responsibilities of a great number of organisations active in the field of security have to be defined much more clearly. In addition, coordination between various services may be deficient. It may well happen that agencies are working on the same case independently from each other. Some cases get insufficient attention because there is a lack of capacity. In order to work more efficiently, it pays to realise a better tuning, coordination and definition of tasks.

This begins with much closer cooperation between law enforcement and national security (intelligence) services – which are not always eager bedfellows. The increasing linkage between internal and external security in particular presupposes a more intensive information-exchange between organisations like the National Security Service, the Military Intelligence Service and the Criminal Intelligence Service. This is no simple task and many official, technical and organisational obstacles have to be overcome. The concept of information sharing between the military intelligence and national security intelligence communities and the domestic law enforcement community will undoubtedly raise civil liberties concerns. The need for better human intelligence (HUMINT) will also surely be a key feature of any review. Without HUMINT input the most sophisticated intelligence organization in the world will be incomplete and fall short of its aims. Just one message from an agent may be the key to solving the whole puzzle. However, there is also a wealth of intelligence to be tapped from open literature and from the private sector. In tackling a global problem, burden sharing in the intelligence game is valid in legitimate activities. One of the most important roles the government should play in preparing a national capability to respond to a serious attack on our territory is to build an integrated warning/information/coordination system. It would provide the means to monitor activities at a national level.

A comprehensive security policy also requires full cooperation from a range of governmental departments (including the military), acting in concert with private enterprise. The involvement of the private sector may be an important ingredient in combating terrorism. This sector can be of great help for intelligence and preventive purposes as they operate internationally, are relatively good at protecting their intellectual property and usually incorporate the latest technology. Yet they need to become a proper part of relevant communication channels and the strategic planning process.

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4)   Robert Hall and Carl Fox, Rethinking Security: A New Strategy for a New Age, in: *INTERSEC, The Journal of International Security*, October 2001, pp. 302-305.

Extra efforts also have to be taken to increase societal security. The safety of our public utilities and the protection against terrorist attacks involving the use of biological and chemical weapons should be given high priority. The armed forces have developed considerable expertise in protecting its members against weapons of mass destruction. They should make their experience and expertise available to civilian authorities.

Top-down approach

For a comprehensive security policy to be successful, however, a top-down approach and therefore a national authority are required. Any strategic policy demands a top-down approach with a large degree of voluntary subordination by citizens in the interest of pursuing the greater good.

Some suggestions have been made during the last years.[5] One has been the establishment of a National Security Council which, as a sub-council of the Cabinet, should give guidelines and takes decisions. The National Security Council should be the overall coordinator for policy on combating terrorism and national efforts to respond to terrorist incidents.

In addition, the Second Chamber should have a Permanent Commission on Comprehensive Security Policy. But installing a (coordinating) Minister of Domestic Security or a National Security Adviser is a possible option, too, in the process of developing and controlling a truly comprehensive security policy. For instance, a National Security Adviser should be given the responsibility of coordinating the efforts at prevention or improving preparedness of the different organisations playing a part in comprehensive security.

The struggle against international terrorism requires international cooperation within the UN, EU and NATO. Needed are parallel, lasting, and well-institutionalised efforts in intelligence, counter-terrorism, law enforcement and related activities like customs, coast guard and port control, and other activities. Clear-cut decisions have to be taken about the relative role of NATO and the EU as compared to national action, and the creation of new agreements to detail cooperation and set standards. The role of Interpol should be expanded. Most important of all, however: a comprehensive security policy can only succeed if it is widely and strongly supported politically. This is true for both international and national decision-making.

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5) *De bijdrage van de krijgsmacht aan de veiligheid van het bestaan*, Study of the Defence Topmanagement Course 97-2, Netherlands Defence College, Rijswijk, December 1997, and *Integrale veiligheid vereist bundeling van krachten*, CDA workgroup Security and Defence, The Hague, April 22, 1998.

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