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Counterterrorism in the 1990s: A framework for dynamic analysis

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Rogers, Marilyn Rose, M.A.

University of Nevada, Las Vegas, 1990

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COUNTERTERRORISM IN THE 1990s:
A FRAMEWORK FOR
DYNAMIC ANALYSIS

by

Marilyn R. Rogers

A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts

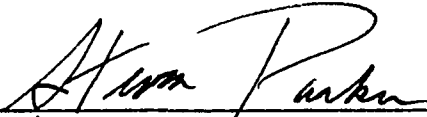
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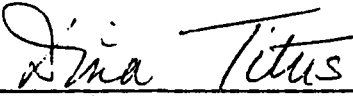
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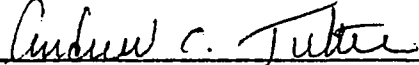
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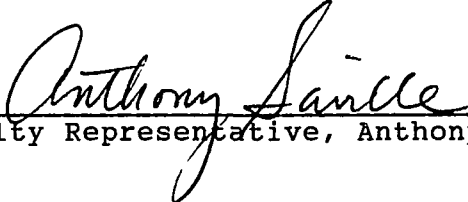
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Abstract

COUNTERTERRORISM IN THE 1990s:

A FRAMEWORK FOR
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Marilyn R. Rogers

Costs of terrorism are high. Beyond the immediate targets of violence, there exists an audience of public perception whose fragile temperament is too often swayed by the seeming randomness of the act. Resultant feelings of fear which are generated, en masse, serve the "agenda of terror" that the terrorist uses to further his cause. While the terrorist gains momentum, legitimate governments lose ground when public confidence in state protection is shattered. To minimize such effects, governments must consider a variety of options to counter the impact of terrorism.

Chapter one focuses on the necessity of counterterrorism plans which encompass the totality of the circumstances surrounding terrorist activities. The philosophy of viable deterrence is set forth as the fundamental precept of all counterterrorist options.

Chapter two examines the historical evolution of terrorist activity from a tactical open warfare alternative to its modern form as a complicated

cooperative political tool designed to gain and control power.

Chapter three develops the variables important to categorization of terrorist groups. The comprehensive typology facilitates analytical identification of vulnerabilities with which to exploit terrorist organizations via tailored countermeasure "packages."

Chapters four through seven contain descriptions of countermeasures generally available to policymakers facing the problem of terrorism. Case examples are included to illustrate conditions under which such measures as legal initiatives, economic sanctions and various force options have failed or been successful.

Chapter eight contains a multi-dimensional counterterrorism model designed to simultaneously consider probable effects of optimal countermeasures--within changing contexts. This dynamic model focuses on three principal areas which should be considered in countermeasure packaging: the specific countermeasure, the terrorist group and the political environment. Policymakers are provided with a range of countermeasures which can be applied in a wide variety of situations.

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Chapter I

Introduction

Terrorism is a phenomenon which has plagued civilized societies throughout recorded history. Not bound by moral conventions, the terrorist seeks to manipulate and maneuver others into a debilitating state of fear. It is not the toll of lives which makes terrorism repugnant, for those deaths have been relatively minor when compared to the consequences of conventional homicide or even automobile accidents. Rather, the danger inherent in terroristic violence is that it penetrates the very core of our values and belief systems, threatening the order necessary to maintain a peaceful existence.

As isolated incidents, terrorist attacks are of minor significance in the global arena. But, like dozens of small fires smoldering in the forest, they are capable at any time of dramatic resurgence, prompting chaotic reaction. Nevertheless, whereas it may be difficult to obliterate the fires, measures can be taken to diminish the effects and protect society from large-scale destruction.

Because terrorism is an international phenomenon that cuts across both geographic and cultural boundaries, it is necessary to formulate a strategy which allows responsiveness in a wide variety of situations. Decision-makers must be able to understand motives of the actors involved, the actual deeds, probable political repercussions of the acts and the state risks involved in mounting responses. Nevertheless, action in virtually every case is necessary to bolster governmental legitimacy--even if responses are primarily symbolic. If terrorists are allowed to violate with impunity the established laws and practices of sovereign governments, the danger then exists that respect for the authority of the state may diminish from within.

Statement of the Problem

A pragmatic approach to the problem of terrorist violence is needed. Efforts by the U.S. in the past to counter terrorism reveal a general focus on an hierarchical method of assigning countermeasures. What is needed is an appropriate countermeasure "package" that coincides with the particular terrorist threat. This package can be flexible enough to consider the totality of the circumstances surrounding the terrorist

activity. It may not always be optimal to decide between sanctions, but rather to assign a variety of measures aimed at deterring the terrorist activity of a particular group or state.

Essential in determining the appropriate countermeasure to assign to each incidence of terrorism is an analysis of the vulnerabilities of subversive groups. To do this, an all-encompassing typology of terrorist groups must be established. The first part of this thesis depicts such a classification scheme that is responsive to the dynamic nature of terrorism. Although basic terrorist activity is not a new occurrence, it has nonetheless evolved into a more complicated, often cooperative venture. The typology developed herein will provide immediate access to the potential vulnerabilities of groups identified as responsible for terrorist activities. Much of the information contained in the classification scheme is assuredly known to government analysts who currently study terrorist groups and some data necessary to respond to terrorist acts may exist in various information bases. In those cases where perpetrators of threats/violence are unknown, evidence must be gathered in an effort to further build data bases. Subsequent to the identification of terrorist groups, the typology can be utilized to reveal

locations, strengths and weaknesses of the terrorists. The legal system and the model can, at that point, be utilized to establish which available responses are most appropriate for that group at that point in time.

The remainder of the thesis outlines various common responses to terrorist activity. Possibilities range from economic and diplomatic sanctions to covert and even overt military action. The response should be measured, depending upon the contextual circumstances of the terrorist act, the group believed to be responsible and the overall existing world political situation. While decision-makers ideally have well-developed contingency plans in the event of an attack, they are generally limited to sequential responses which do not take a realistic view of the dynamic environment in which terrorism takes place.

The developed model will be geared to terrorist activity that impacts upon U.S. personnel and interests on an international scale.

Assumptions

This thesis is based on the following basic assumptions:

1. Terrorism will not be eradicated, but it can be minimized and controlled by application of optimum countermeasures.
2. Terrorist acts are, within given contexts, rational, understandable and predictable.
3. Notwithstanding support for specific or isolated terrorist acts, virtually all sovereign governments conceptually oppose terrorism because of the potential for social destabilization.
4. The U.S. Government lacks a comprehensive, integrated counterterrorist doctrine with which to effectively control terrorism and minimize its effects.
5. To be effective, each terrorist countermeasure must enjoy widespread popular support, even if retrospectively.
6. The damage potential of terrorist acts will continue to increase in severity due primarily to assimilation of destructive technologies.

Definitional Limitations

As so often occurs with terms that become routinized with overuse, the concept of terrorism, while widely understood, seems to evade a universally-accepted definition. As Dr. James Motley so succinctly explains, "Terrorism is a phenomenon that is easier to describe than to define."¹

Walter Laqueur blames the media, government and academia for misunderstanding terrorism. He says that it is too readily used as a substitute for rebellion, street battle, insurrection and guerrilla warfare which so often leads to inflation of statistical data.²

Alex Schmid attempts to solve the problem of defining terrorism by listing its common denominators. In over 100 definitions by well-known authors in the field, twenty-two elements emerged as ingredients of terrorism. Among those, violence, force, politics, fear and terror were seen as the primary "attributes" of terrorism.³ Still, lengthy definitions, attempted by the State Department, the Federal Bureau of Investigation and scholars, have met with little universal acceptance. Despite the lack of consensus, terrorism today generally describes the destructive acts of disenfranchised people which are designed to gain attention or in some other way further political causes.

Distinctions should be made, however, between ordinary crime, political terrorism and the situation wherein a group, government or military force uses terrorist tactics for internal security and control. Murder, bombings, robbery and other violent acts can be both criminalistic and terroristic in nature. But it is the political motivation of perpetrators which garners the label of terrorism to certain acts. The U.S. State Department defines terrorism as, "Premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine state agents, usually intended to influence an audience."⁴

In sum, today's "terrorist" is generally defined as a suppressed or non-controlling party whose aim is to gain attention through fear and who seeks political power through the "ultimate realization" of the righteousness of his cause.⁵

But to have arrived at this central concept of what terrorism is and, more importantly, is not, requires an inherent value judgement. Arnold considers the definition problem of terrorism merely a distinction between means and ends.⁶ For example, the Italian judge in the Achille Lauro hijacking case stated that the terrorist had "a just cause, flawed by bad means."

Martha Crenshaw agrees with Arnold in that some terrorists enjoy widespread "legitimacy" depending on the ends they serve. She believes a "neutral" definition of terrorism is needed so that the use of it can be judged either legitimate or illegitimate.⁷ Chomsky also views the western world as having molded the definition of terrorism upon our own ideology to ensure the good guys are not terrorists and bad ones are.⁸

Laqueur notes that,

. . .disputes about a comprehensive, detailed definition of terrorism will continue for a long time, that they will not result in a consensus, and that they will make no notable contribution towards the understanding of terrorism.⁹

Knowledge with respect to definitional constraints will do little to solve the seemingly unrelenting problem of terrorism. A consensus would, however, provide a basis of agreement from which to study terrorist groups and potential countermeasures. The purpose of this study is not to determine an appropriate definition of terrorism. It is a complex problem which evades simple solutions. Most scholarly definitions incorporate the ingredients Schmid collected from experts in the field of political violence and terrorism.¹⁰ The media, the public, scholars, government officials and policy-makers may not have

achieved a precise, shared meaning of "terrorism" but ultimately they all understand it as anti-social activity which is unacceptable in the international arena.

Theoretical Constructs

"The interest of the USA in preventing terrorism in the future can only be served by resisting it in the present."¹¹

Assuming the identity of a potential terrorist can ultimately be uncovered, the next step entails deciding which counterterrorist option is most likely to prevent future acts. There are two basic options for a government faced with the threat of political violence: defense and deterrence.

Defense involves forcefully preventing an enemy from attacking by means of preemption and prevention. It requires extensive preparation and an accurate intelligence network advising on specific potential terrorist plans. Levy and Rodriguez examine the success realized by employment of defensive measures designed to counter specific forms of terrorism. They point out that in the early 1970s, airplane hijackings increased at an alarming rate in both the U.S. and in Western Europe. The resultant use of sky marshalls and eventually pre-flight passenger screening met with

considerable success in stemming the skyjackings.¹² Bombings of embassies and automobiles by terrorists further led to the implementation of additional physical measures where vulnerabilities existed. Even the best defensive measures, however, can ultimately be defeated by a terrorist group through the differential selection of targets. Jenkins believes that the greatest advantage terrorists have is their virtually unlimited range of targets.¹³ If one target is well protected, terrorists are able to concentrate on "soft" targets that are not as well protected. While defense is a necessary aspect of a counterterrorism plan, it seems inherently a reactive strategy largely determined by the activity of the terrorist.

Policy development, moreover, relies on the principle of deterrence--a cost-benefit differential. Morgan defines deterrence in its simplest terms as "the use of threats of harm to prevent someone from doing something you do not want him to do."¹⁴

Explaining this theory, Wilson examines various aspects of state power and citizen acquiescence of individual rights. He observes that philosopher Thomas Hobbes believed that man is a calculating being, one who needs control to protect himself from conflicts of desires.¹⁵ Hobbesian philosophy holds that it is the government's responsibility, therefore, to protect

citizens both from each other and from foreign threats. In exchange, men cede their rights to the government, because the result is a net advantage for them to do so. Beccaria, the 18th Century Italian criminologist, elaborated on Hobbes' premise by asserting that men are rationally self-interested and normally will not violate society's norms when the perceived costs outweigh the benefits. Notwithstanding that this "classical" school of thought is disputed by some observers of human nature, it forms the fundamental basis of our system of punishment for crimes. The theory of deterrence also applies to countering terrorist activity. While it is recognized that punishment may not deter a religiously-inspired zealot hoping to die for his cause, it can have an impact on the state or religious organization which is motivating him to commit acts of violence.

The theory of deterrence aims to prevent conflict by convincing the adversary that the cost of the contemplated action far outweighs any potential gain. In the U.S. it is the government's goal to influence terrorists' decisions by threatening, in a believable manner, that "unacceptable damage" will be the direct result of a terrorist act. The purpose of a strategy of

deterrence is to affect the perceptions of a terrorist group so that the value-maximizing opponent will react to an effectively communicated and credible warning by desisting from planned acts.

The use of a deterrence theory to minimize terrorist activity implies that the terrorists are rational. Evidence collected by Jenkins, Johnson and Ronfeld indicates a high percentage of success by terrorists in achieving specific goals.¹⁶ Sandler, Tschirhart and Cauley find this "success rate" evidence of rationality. "One must remember," they note, "that an actor's goals do not determine rationality; rather, it is an actor's pursuit of these goals in the face of constraints. . . ." ¹⁷ Stohl also rejects the misconception of terrorists as madmen and encourages that policymakers recognize the fact that terrorists are "serious political actor(s)."¹⁸ He believes this realization will aid in the formulation of more effective counterterrorist policy.

Crenshaw envisions U.S. policy utilizing two forms of deterrence. The first type of deterrence she labels "denial," which closely resembles a policy of defense. The government's intent is to deny "gain" to the adversary, thereby raising the cost of any action the terrorist takes. The second type of deterrence is

"punishment" or "retribution." This represents ad hoc responses to terrorist acts. Punishment can either be a measured response intended to "fit" the initial terrorist act or it can be an escalation designed to show resolve in the fight against terrorism in general. Military force, either covert or overt, is often cited as a viable punishment/retaliation response intended to deter future acts.¹⁹

Crenshaw also identifies several problems with a governmental polity of deterrence. Perhaps the most obvious problem that has faced U.S. policymakers is the fundamental difference in values between western and middle eastern peoples. This difference can provoke escalation when actions are misperceived and when opposing forces are willing to take what seems to be non-cost-effective action.²⁰ In a similar vein, Morgan finds the major complication in counterterrorism to lie in determining the proper means for implementing deterrence.²¹ Jervis faults the process of communication necessary to relay threats to adversaries. Accordingly, he sees the potential for disaster when:

Signals that seem clear to the sender are missed or misinterpreted by the receiver; actions meant to convey one impression often leave quite a different one; attempts to deter often enrage, attempts to show calm strength may appear as weakness.²²

Thus, deterrence theory demands that policymakers have accurate views of the other side--the terrorists' world view as well as their own views of the situation. As Jervis explains, these images "influence the other's behavior in general and its reaction to the state in particular. . .a first step is to grasp the other side's values, beliefs and perceptions."²³

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4. U.S. Department of State, Patterns of Global Terrorism 1988 (Washington: G.P.O., Pub. No. 9705, 1988), p. v.
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19. Crenshaw, Current Perspectives, pp. 12-46.
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Chapter II

The Evolution of Terrorist Activity

In order to implement a counterterrorist plan, it is important first to understand how the nature of terrorism has changed over the centuries. What began as an alternate tactic to open warfare has over time evolved into a complicated cooperative venture. Each incidence of terrorism, as it is illustrated throughout history, has left its mark on modern-day terrorists. With an historical perspective, terrorist activity can be appreciated in light of the changing nature of our society and the lessons of history can provide insights into the present and future course of terrorism.

Pre-20th Century Terrorism

Laqueur writes of a terrorist group prominent in the 11th century known as the Assassins. The group was based in Persia and, through successful operations, spread to Syria, killing governors, caliphs, religious and political leaders on their way. Their first leader, Hassan Sibai, realized that as a group the Assassins were too small to compete successfully in open warfare. Therefore, Sibai directed his followers to carry out,

what Laqueur describes as, "a planned, systematic, long-term campaign of terror."¹ An important element in the success of the Assassins was their need to operate in secrecy, disguised as strangers or even Christians so they could get close to their victims. This closeness was essential because the Assassins always used daggers to kill their victims, symbolic of the fact that to them murder was a sacramental act. Some would call the Assassins "fanatics" intent on defending the autonomy of their religious sect. Robin Wright points out that the Assassins were also fearless warriors who "courted death and martyrdom." Wright suggests that Sibai was able to convince his followers of the "delights of heaven" by administering hashish to the soldiers before battle.² They were told that the euphoria experienced was a foretaste of death and eternal life in heaven and that dying while in battle would assure them a like reward.³ Much the same message is perpetuated today in Iran by the teachings of the Ayatollah Khomeini and his successors. The Assassins, however, were eventually defeated in the 13th Century by perhaps an even more ruthless band of terrorists led by Genghis Khan.

The legend of Genghis Khan has survived as an early example of the success of a terror strategy. Khan

and his Mongolian horde created a mystique of carnage and destruction as they swept through 13th Century Asia. The Mongols discovered a psychological phenomenon often observed in nature: the debilitating effects of fear. They found that humans, in spite of (or perhaps because of) their superior ability to reason, were, nonetheless, susceptible to confusion, disorientation and paralysis induced by terrifying situations. By carefully staging what appeared to be random acts of ruthless killing and destruction, the Mongols were able to overrun heavily populated territories with little resistance. These terror tactics, born within the context of traditional warfare, highlight the value of publicity in terrorist situations.⁴

Within a different context--that of domestic social control--"terrorism" entered the modern lexicon during the aftermath of the French Revolution. As with Genghis Khan and his Mongols, Robespierre and the revolutionaries needed a tactic to subdue superior numbers. The "reign of terror," although excessive and eventually counter-productive, served to intimidate opponents through fear and uncertainty. Similarly, the 20th Century Russian Bolsheviks found terrorist tactics to be useful--perhaps essential--in subduing potential domestic opposition to their tenuous control of government.⁵

A contemporary practitioner of terrorism has much to learn from these predecessors. The Assassins proved that a smaller, less capable group of opponents could project power by operating in secrecy. Their fearlessness was enhanced by instilling a spiritual aspect which helped to convince followers of the righteousness of their cause. The value of publicity designed to intimidate adversaries was exemplified by Genghis Khan and the leaders of the French Revolution. Likewise, the Bolsheviks demonstrated the value of institutionalizing fear in the population to control domestic opposition. Some or all of these elements--secrecy, fanatic religious obsession, a need for publicity, as well as fear and intimidation--are practiced in various forms by terrorists today. Where the dagger may have been replaced by the suicidal truck driver, the effect on the general population is still the same: terror and frustration.

Modern-Day Terrorism

Terrorism in the latter half of the 20th Century is all of the above and more. Certainly it depends upon the same psychological principles intuitively recognized by the Assassins, successfully utilized by the Mongols and subsequently practiced by revolutionaries who needed

drastic measures to maintain precariously-held political power. But modern-day terrorism has evolved into a complicated reflection of our complex society whose history is as diverse as the type of terror practiced by the various groups.

Terrorism in the first half of the 20th Century was mainly used in nationalist-separatist movements by right-wing political groups. Two primary centers of activity were Macedonia and Palestine. Macedonia, located in southeast Europe, is a "meeting place" of nations, a fact which surely contributed to its complex and turbulent history. Settled in the 6th Century by Slavs, Macedonia was successively dominated by the Byzantines (9th Century), the Serbians (14th Century) and eventually the Ottoman Turks (14-19th Centuries). In the 1800's, nationalist revivals in the Balkans reignited, heightened by the Ottoman policy of playing one group against another. A secret terrorist organization sprang up at this time which worked for Macedonian independence and which was supported by Bulgaria. The end of World War I saw a continuation of state-sponsored terrorism, directed, according to Durant, largely from Bulgaria. The Internal Macedonian Revolutionary Organization practiced terrorism in Yugoslavia with some success inasmuch as Macedonia was then a constituent republic within Yugoslavia.⁶

Palestinian nationalists turned to terrorist tactics after the British announced a complete withdrawal of troops by August of 1948. Other Arab countries, in support of the Palestinians, voiced strong protest. Gabbay reports that, as early as December 1947, the Arab Premiers met in Cairo and secretly agreed "to arm Palestine Arabs, reinforce them with volunteers and collect funds to finance an all-out fight in Palestine."⁷

This Cairo Declaration, however, was by no means the first incidence of terrorism in Palestine. As early as the 1920's, Arabs opposed to Jewish occupation attacked settlements in Tel-Chai, a northern Zionist settlement in Jerusalem and in Hebron. Arab terror met with Jewish counterterror led by the famous Zionist, Vladimir Jabotinsky. Once the 1948 Arab-Israeli war began, small Jewish terrorist organizations had begun a strategy of terror operations designed to liquidate Arab opposition. Shipler reports that the Irgun, a terrorist organization headed by Menachem Begin, attacked an Arab village on April 9, 1948, and killed 250 inhabitants. News of the killing of innocent civilians was widespread and Begin allegedly reported that the propaganda value of the deed was, "worth half a dozen battalions to the forces of Israel."⁸

In the decolonization process after World War II, terrorism was widespread in such countries as Cyprus, Aden and Algeria. Although these victims of terror were often innocents, they remained largely confined to the terrorist's homeland and reflected the goals of the terrorist activity.

Inter-Group Cooperation

During the last fifteen years the nature of geopolitics has changed such that purely national interests have become less important as a concern of the terrorist. Cooperation between different terrorist groups has provided the aggressor with a vastly expanded logistical and tactical potential. As Laqueur relates:

Multinational terrorism reached a first climax in the early 1970s. . . a new species of terrorism emerged, an almost impenetrable maze of linkages, intrigues, common and conflicting interests, including open and covert collaboration with foreign governments who preferred to stay in the shadows.⁹

One reason for the internationalization of terrorism is the changing nature of our global society. Jenkins cites the jet, coupled with vast improvements in news coverage in all parts of the globe, as a major reason for increased interest in foreign activities.¹⁰

A primary reason for the increased emphasis on terrorism in the Middle East is the failure of the Arabs to achieve success in their quest for victory over

Israel. The Palestinians have been forced to turn to more pragmatic tactics following repeated diplomatic and military failures. Goren describes many cooperative terrorist ventures initiated by the Palestinian Liberation Organization (PLO). Examples are:

the Air France hijacking to Entebbe in 1976 which was carried out by both German Red Army Faction (RAF) members and the PLO; the hijacking of the Lufthansa Airliner to Mogadishu in October, 1977, which was carried out by the PLO and organized by Wadi Haddad, who was at that time in East Germany, as a service to the RAF of West Germany.¹¹

A Rand Study in 1985 reveals the "growing links and cooperation among international terrorist groups, especially in terms of shared intelligence."¹² They consider this trend to be significant because of the extension of available resources and added flexibility cooperation provides.

While cooperation among terrorist groups is a relatively new phenomenon, its actual roots are difficult to trace. We now know that many terrorists were able to meet and exchange ideas while studying at the Patrice Lumumba Friendship University in the Soviet Union. Shultz describes the training the Soviets provided as a "university education." The actual emphasis was on indoctrination in Marxist ideology, tailored to Third World revolutionaries who were then tasked to carry the message back to their homelands.

The students were also trained in such areas as weapons and explosive operations--handy skills for potential terrorists.¹³

Other training camps for terrorists have been established, with the help of the PLO, in various places throughout the Middle East. Would-be terrorists from Europe, Latin America and Asia receive extensive schooling in the techniques of terrorist warfare.

The Venezuelan-born legend, Ilyich Ramirez Sanchez, better known as "Carlos the Jackal", epitomizes the strength terrorists have when forces are combined in cooperative ventures. In the mid-1960s, Carlos attended Patrice Lumumba Friendship University where he quickly gained a reputation as a radical leader. But Carlos' activities were perhaps even too unorthodox for his teachers because he was asked to leave the university in 1969. Smith believes Carlos showed such promise as a potential terrorist that Moscow wanted to be able to legitimately disavow any overt association with him. They therefore expelled him from the university, apparently as a guise to provide distance. It was during his schooling in the Soviet Union that Carlos established ties with the PLO.¹⁴ Goren described Carlos as having links with the Red Brigade, RAF and Central and South American groups as well as the Japanese Red Army (JRA). She states that the Popular

Front for the Liberation of Palestine (PFLP) also claimed him as having been one of their members.¹⁵ Carlos aided other terrorist groups by providing money, arms and intelligence information. Dobson and Payne list at least five major European terrorist attacks, during a period of less than two years, in which Carlos was implicated. In July of 1975, "the Jackal" killed two French detectives and a Lebanese informer in a Paris apartment house during what the detectives apparently believed was a routine questioning session. Further investigation into the matter revealed Carlos had stockpiles of arms, forgery equipment, maps of bombed buildings and lists of potential targets.¹⁶

Carlos was also believed to be the mastermind of at least two operations by the JRA, a combined organization of student groups which sprang up in Japan after World War II. Laqueur notes that,

The Japanese terrorists, even more than the West Germans, took a prominent part in transnational terrorism; frequently in collaboration with Palestinians, but also with the 'Carlos' gang¹⁷

Goren points to the 1972 Lod airport massacre as evidence of the beginnings of terrorist group collaboration. Three JRA members, arriving at Tel Aviv from Paris, picked up their luggage, extracted automatic weapons and hand grenades from their luggage and began

indiscriminately killing civilians in the terminal area.¹⁸ Twenty-eight people were killed and at least seventy more wounded. This action, although carried out by three members of the JRA, was actually accomplished on behalf of the PFLP, reportedly in gratitude and as repayment for logistics support and weapons training received by JRA members. According to Goren, several other JRA/PFLP operations were conducted from 1972 to 1975 which laid the groundwork for broader cooperative terrorist ventures. There later was evidence of cooperation between Irish Republican Army (IRA) Provisionals and Black nationalist guerrillas for actions in Rhodesia and Mozambique. Goren also notes that IRA members are rumored to have been trained in PLO camps in the Middle East.

West German terrorist groups, created in the mid 1960s, have a history of inter-group cooperation which, according to Levi and Rodriguez, today has spread beyond European borders. Initially, three left-wing terrorist groups in Germany were responsible for most incidents: The RAF--borrowing their name from Mao's Red Army--the Revolutionary Cells (RZ), and the 2nd of June Movement (2JM). A significant level of cooperation between West German groups was evidenced in 1975 when the 2JM worked with the RAF to kidnap a West Berlin mayoral candidate. The operation was successful in that terrorist demands

for money, transport to a safehaven and the release of six imprisoned terrorists were met. Encouraged by this success, continued terrorist operations often involved two or more groups and the targets of the attacks were generally U.S. or North Atlantic Treaty Organization (NATO)-affiliated interests.¹⁹

Italian and French terrorist groups also made a transition from national/homeland targets to U.S. and NATO interests in the late 1970s. Having a "common enemy" in the "imperialistic" U.S. helped solidify inter-group ties and provided a focus for terrorist activity.

Terrorism in Central and South America is generally used as an instrument of insurgent groups when attempting to gain power for a particular regime. Because many of the countries affected by terrorism are "democracies" in name only--without the true support of the population--leadership is often equivocal. Strong military opposition to insurgent groups has tended to drive revolutionaries to terrorist tactics. Bombings and kidnappings, for example, are more economical to accomplish and less risky than open warfare for an outnumbered and overpowered force. While the growth of these Latin insurgent groups is steadily rising and the level of terrorism is on the increase, the threat to U.S. interests is generally considered minimal.

The history of terrorism in the Middle East is often described in the media as an outgrowth of broken promises and frustration. Alternately shunned and dominated by western powers, Middle Eastern countries have begun to emerge as independent states with a powerful trump card to use against enemies: oil. Nationalism and religious Islamic fundamentalism have a natural adversary and target in the state of Israel. Added to this already explosive environment are the many religious factions vying for power, yet finding it difficult to coexist. These ingredients have literally propelled the Middle East into a terrorist haven over the last decade. Cooperation among Arab states and a variety of religious factions is standard fare there, as is a policy aimed at the destruction of Israel and the weakening of the United States.

The legacy of Carlos with his influence on European and Middle Eastern terrorist groups, is today a problem plaguing those who must develop strategies and policies to counter the growing popularity of intergroup terrorist cooperation. Modern terrorist tactics have become important not only because of the power created by strength of numbers, but also because of an increasing technological complexity. For example, the intergroup cooperation, which began merely as a means to increase logistical capabilities, now serves to further

complicate counterterrorism efforts. Despite initial contention in the early 1980s that there was a "network of terrorism" backed by the Soviet Union, later reports disproved this.²⁰

Laqueur points to an international terrorist congress which took place in January 1986 in Frankfurt, West Germany, as evidence of continuing coordination and collaboration among terrorist organizations. Among the representatives at the congress were German, French, Belgium, Spanish and Portuguese nationals, as well as members of the PLO, PFLP, African National Congress, IRA, the Tupamaros and the Red Brigade.²¹ Thus, it is no longer evident, based on logical deduction of political motives, which terrorist group is directly responsible for given terrorist attacks.

In December 1988, a Pan American airliner enroute from London to New York blew apart over the Scottish village of Lockerbie, killing 259 people on board, many of them American citizens. Early indicators clearly signalled a terrorist attack. While labelled by the U.S. an "intolerable act," determining the source of the attack has proven difficult. A British newspaper claimed that the plane was sabotaged by Iranian terrorists aided by Libya. The attack was presumed by media analysts to be in retaliation for an Iranian Airbus accidentally shot down over the Persian Gulf by a

U.S. Navy warship during the summer of 1988. West German newspaper reporters asserted that the attack was planned by IRA terrorists aided by a Palestinian group and Libya. PLO representatives have implied that the bomb on board the plane was planted by Israeli agents in order to undermine U.S. negotiations with the Palestinian group. Thus, while the U.S. is eager for an opportunity to react to this particular terrorist incident, without firm knowledge of the guilty parties, any action would be counterproductive or meaningless. Not only would the possibility be high of a reaction aimed at an innocent party, but the value of any counterterrorist policy would be diminished. Motley sums up the current state of affairs:

The increasing coordination among terrorist groups committed to eliminating U.S. influence and presence from the Middle East and Europe requires new thinking about the nature and character of international terrorism.²²

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Chapter III

A Typology of Terrorism

The classification of terrorist groups is an ominous task--tantamount in many respects to the elusive undertaking of defining terrorism. A high potential exists for disparity, particularly with regard to the variables utilized in coordination of the classification scheme. And, as is often evident in published typologies, a clear conceptualization of the term "terrorism" was often not made prior to further study. While, admittedly, the body of knowledge which comprises the study of terrorism is in the embryonic state, the literature seems quite consumed with the task of categorization of terrorist groups.

The ability to classify terrorist groups based on a uniform set of variables could provide analysts with a structured database from which to conduct further analysis. The resultant typology also would then be capable of empirical substantiation through comprehensive research. The ambiguity inherent in the terminology related to terrorist groups inhibits critical evaluation of the merit of current typologies. While typologies differ with regard to the number and

type of factors considered, some variables generally included are: goals, motivation, size, support mechanisms, targets selected and tactics utilized by the group.

The "ideal" terrorism typology would compress the unique set of variables related to individual groups into general categories. However, typologies rarely consider all of the above listed variables and often fail in consistency regarding the factors which are used to identify given groups. For example, one typology may classify the PLO as a "nationalist" group based on the goal or motivation aspect but conversely label the Tupamaros of Uruguay under a "Latin American terrorism" heading based upon geographic location. This type of inconsistency makes cross-group comparison difficult, if not impossible, because different descriptors were used to classify the groups.

Early Classification Schemes

Early distinctions of terrorist groups were based on what Stohl and Schmid term "a group-based classification scheme."¹ Attempts were made by the FBI, the CIA, Rand Corporation and others to extract data that would comprehensively describe terrorist groups. Concepts such as "left-wing" and "right-wing" were often used to assess political orientations of

groups but the criteria were not adequately defined. Generally, a left-wing group was, as Levy and Rodriguez describe, "fueled by the world Marxist Revolutionary movement with the support of the Soviet Union, Cuba and China. . . ."2

Early studies of terrorism merely described terrorist incidents over periods of time, listing such variables as location (by country) of a terrorist incident and the group claiming responsibility for the act (by name of group). This distinction provided researchers with little more than a chronology of terrorism, but it did allow early researchers to study regional patterns of activity. Other group-based classifications of terrorism used ambiguous terms such as "ultraleft anarchist" and "neofascist and extreme right wing groups." There existed, however, little consistency between researchers: Mickolus labels the JRA as ultraleft anarchist; Kumamoto puts them in an anarchist/nihilist category; Shults and Sloan find the JRA to be an ideological extremist group; Johnson categorizes them as ideological mercenaries. Thus, the use of imprecise terms and unsubstantiated assumptions left a wide disparity when comparing group-based typologies. Stohl finds that group-based typologies provide the researcher with only general knowledge that has not been empirically tested.³ Many of these

typologies are informal and based mainly on the ideological background of the terrorist group.

It is often difficult to isolate the ideology of a terrorist group from other factors. Alexander and Gleason list a terrorist group typology based on the following ideological schemes: ethnic, religious, nationalist, Marxist-Leninist, anarchist, Neofascist, extreme right wing, ideological mercenaries, and pathological.⁴ Kumamoto presents a similar typology with labels such as nationalist/separatist, socialist/revolutionary, anarchist/nihilist, Neofascist/extreme right wing and pathological.⁵ Scholars, however, have not reached consensus as to which groups best fit into particular categories. In order to further expand the variables utilized to differentiate terrorist groups, authors added such variables as motivation and objectives.

Motivational typologies focus attention on the goals or aims of the terrorists. According to Flemming, Schmid and Stohl, these types of classifications are often found in literature related to terrorist countermeasures.⁶ The problem with purely motivational typologies, however, is that they do not address the tactics of the terrorist group. Groups exist which may have similar goals but which achieve goals in varying ways. For example, separatist or

nationalist Palestinian groups may all desire independence, but various factions may have diverse views about the tactics to use. Wilkinson suggests that a classification scheme specifically address the "form" of terrorism employed. He suggests four categories of terrorism: war terrorism; repressive terror used by rulers or regimes; revolutionary terror against governments; and subrevolutionary terror. In his 1979 revision he added aims and objectives of terrorist groups as a means of more precise categorization.⁷

Further delineation of terrorist typologies attempt to include the functional variables of tactics and targets. Fattah discusses immediate and secondary targets; appropriate and inappropriate targets; accessible; and inaccessible targets; and personalized and generalized targets.⁸ Bell lists the specific tactics generally seen in various forms of terrorism. Criminal terror, for example, encompasses air piracy, kidnappings and extortion; psychotic terror involves threats or attempts on the lives of political figures.⁹

Advanced Classification Schemes

More intricate typologies have evolved which are designed to consider terrorist group "causation" as well as support mechanisms. Thus, terms such as

"international, transnational, domestic and state terrorism" are generally contained within what Stohl labels origin-based typologies.¹⁰ Environmental factors are often added as variables in these typologies. These factors generally are lists which help to ascertain the geographic area of concern of specific groups. Still, debate exists as to which groups fall within the categories. Some terrorist groups, for instance, perpetrate violence both "at home" and in the international arena.

In an attempt to demonstrate the changing nature of terrorist motivation in the 1980s, Hoffman examines the underlying ethical foundations of this type of violence. He compressed all terrorist activity into two categories: secular-political and religious-political. He characterizes the secular political actor as one who desires power in the form of a separate nation-state, a socialist state or an authoritarian state. This actor's main objective is sociopolitical change in the world. The religious-political terrorist desires change also, but motives are based on religious or theological imperatives. Hoffman states that, "rather than regarding violence as a means to an end, these groups often view violence as an end in itself."¹¹

Psychological profiles of terrorists have also become popular, particularly among scholars. Gurr views

the merits of this analytical approach on two levels. In one respect, psychological analysis of individual terrorists helps to answer the questions of motivation. Biographical sketches and interviews with terrorist operatives can also aid in the assessment and identification of personnel, revelation of individual modus operandi, and profiling of potential actors or favored tactics. Gurr posits an interesting psychological typology that deals with recruitment of terrorists. He states that the "making" of a terrorist proceeds through three phases:

- (1) At the first stage an existing organization which advocates political violence attracts potential recruits from young people in groups which already have intense grievances. . . .
- (2). . .new members are socialized into the organization's goals and subjected to encouragement and pressure. . . .
- (3) . . .the utilitarian mode of behavior becomes increasingly important. . .commitment to the group. . .rationalistic mode of thought. . . .¹²

Gurr's typology attempts to explain the thought process that a terrorist goes through in order to become a part of the group. He must first be committed to a political cause which he feels he can win. The socialization process further solidifies the individual into a mode of thought that puts the group's goals before his own. Finally, the potential terrorist uses rationalization to dispel any feelings of doubt about the methods practiced--the group has become all important.

Similar to psychological profiling of terrorists is examination of the values and beliefs of terrorists. Crenshaw states that terrorist belief system analysis has been an area of neglect in the overall study of the field. She believes that,

A general framework for the analysis of the content of terrorist belief systems is necessary as a basis for case studies of individual organizations and as a means of comparing and classifying different types of terrorist groups.¹³

Analysts should strive to understand the "enemy" world view, the view of his organization and his attitude toward western democracies. If terrorists envision part of their overall strategy as encompassing self-sacrifice, it obviously implies that a deterrent strategy involving physical punishment would only serve the interests of the terrorists.

Looking at the evolution of typologies, Stohl attempts to "establish a research tradition that recognizes the utility of previous analyses."¹⁴ The overall comprehensive classification scheme consists of four main elements and is intended to serve as building blocks for future studies. The first element to be considered is that of political motivation. Within this heading the ideology of a group is considered. Such factors as anarchism, nihilism, left wing/right wing, religious and cultural orientation are considered. Also under this topic is territorial orientation--separatism,

nationalism or anticolonialism. In the second category, the authors differentiate between the geopolitical origins of groups. One would ask, for example, if the terrorist group is indigenous, foreign or colonial? The third category encompasses institutional orientation. The determination of the basic targets of a group, such as nongovernment targets or state targets, can aid in the overall evaluation of the latitude of terrorist activity. Finally, this typology addresses the focus of attention of terrorist organizations: social revolutionary, single issue, anarchy or repressive.

Comprehensive Typology of Terrorism

While the above three-dimensional classification scheme attempts to draw together the most important aspects of the variables influencing terrorist behavior, for the purpose of a counterterrorist strategy it falls short. In order to deter future terrorism, the variables describing the terrorist group must be directly linked to possible countermeasures. Thus, the following target group variables should be considered:

- Overt State Affiliations
- International Mobility
- Financial Support Mechanisms
- Lethal Potentialities
- Strategic Goals
- Tactical Objectives
- Basic Group Ideology
- Elements of Group Schism Possibilities

- Technological Capabilities
- Infiltration Possibilities
- Inter-Group Affiliations
- Geographic Location of Group

The purpose of classifying terrorist groups according to the above typology is to enable the analyst to look for vulnerabilities in each organization. For example, the Red Brigade organization in Italy discovered that the kidnapping of U.S. Army Brigadier General Dozier was counterproductive to their cause: the resultant anti-terror crack-down by Italian police left the group with few members out of jail.

Examples of other possible terrorist vulnerabilities include: internal power struggles; difficulties in acquisition and transport of high performance weaponry; problems with out-of-country safe haven; susceptibility to counter-propaganda; physical security problems; target selection; increase in financial support needs; need for frequent relocations; and personnel problems of motivation, discontent and deprivations.

Each countermeasure has specific applicability to certain group variables. For example, in order to apply a diplomatic sanction, decision-makers should consider the overt state affiliation of the group, its geographic location, the international mobility of the group, the inter-group affiliation and the strategic goals and

tactical objectives of the group. Economic sanctions would be most appropriately applied to groups with state affiliation. However, other factors to consider include financial support mechanism, technological capabilities and the goals of the group. The use of force as a sanction should be undertaken with caution and with as much knowledge about a terrorist group as possible. Major factors, however, are the lethal potentialities of the group, its strategic goals and tactical objectives. Special operations and covert operations also require the decision-makers to know as much as possible about the particular target. They also should take into consideration the possibility of a schism in the group, the basic group ideology and the probability of successful infiltration of the group.

The old adage, "A chain is only as strong as its weakest link," also applies to terrorist situations. A comprehensive background analysis of organizations and methods involved in terrorist activity can provide information on the "weak link." That particular area can then be addressed by the most appropriate countermeasure--military force, diplomatic, legal, economic or other sanctions.

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Chapter IV

Counterterrorism Options

Conventional wisdom on counterterrorism is polarized: while it seems nothing can really be done about the problem, it is apparent that some type of strategy is necessary. As of yet, no all-encompassing plan exists to obliterate the complex causes and effects of terrorism. The frustration felt by powerful countries who tend to be the victims of this violence, however, has led to some reasonable options in the battle for political control.

Celmer notes that the United States' counterterrorism policy is based on a five-point program. These points include: overt and covert intelligence operations; diplomatic efforts; economic steps; legislative initiatives; and military operations.¹ Finding the most appropriate option to employ against a potential or known adversary, however, requires a consistent yet flexible strategy backed by decisive action. States that openly sponsor and harbor terrorist groups, for example, can be dealt with through economic sanctions if that is their greatest area of weakness.

Policy Considerations

According to Sederberg, one characteristic of a strong democracy is its commitment to the rule of law.² This commitment serves a twofold purpose: First, it ensures the relative legitimacy of the state by instituting legally structured policies of control. Furthermore, the rule of law also inhibits the development of responses to terrorism that may be indiscriminate and conflict with constitutional as well as human rights. Thus, any policy adopted by the United States to fight terrorism must be cognizant of the legal and moral constraints imposed on it by virtue of its symbolic position in the world as the "great democracy." Formulating an acceptable counterterrorism plan becomes even more complicated for the United States because our vulnerability to an attack lies not within our own shores, but far away on foreign soil and in the air.

Other democracies, like Israel, who are not subjected to the close scrutiny of world opinion, are able to affect a counterterrorism policy consistent with state goals. According to O'Brien, Israel's basic counterterror strategy was firmly established by 1967. He calls it a policy of deterrence through preventive/attrition strikes. He further states that,

These strikes were aimed at three related types of targets. First, they were primarily counter-force attacks on terrorist forces, bases and facilities. Second, they usually inflicted collateral damage since terrorist bases were generally collocated with civilian targets. Israel sought to minimize collateral damage but contended that persons living close to terrorist bases and supporting or tolerating terrorist operations must **expect** (emphasis added) to suffer from Israeli counterterror strikes. Third, Israeli counterterror attacks were generally conducted in the sovereign territory of a neighboring Arab state and were intended to influence that state's behavior.³

Whenever possible, the Israeli government does not negotiate with terrorists, although Israel has made a number of exceptions to this rule. And, in the course of a hijacking or hostage-taking incident, the policy is to kill the terrorists at all costs, even if it means a loss of Israeli civilian life.

The Israeli policy was adopted in response to terrorist attacks by Palestinians after the 1967 June war. O'Brien believes that slim prospects of an Arab victory following this conventional conflict led the way for terrorism. Thus, ". . .the PLO emerged as a quasi-independent political-military actor, determined to wage a war of national liberation."⁴ Opponents of this often-controversial policy are forced into silence by the apparent overwhelming approval of the strategy by the Israeli population. The goals of the state--to deter, prevent or retaliate--are met.

Unlike that of Israel, the counterterrorism policy of the U.S. government is often veiled in political ambiguity. The goal of deterring terrorism is constantly weighed against such competing factors as economic stability, foreign relations, popular opinion and other issues that dominate current events. Celmer believes that the U.S. response to international terrorism is, "...based on a complex and broad array of programs designed to enhance the prevention of, deterrence of, response to and prediction of terrorist behavior."⁵ Celmer admits, however, that Congressional examinations of the U.S. antiterrorist program have exposed key weaknesses that need correction. Too many agencies are often vying for a part in the overall strategy. Robert Oakley, former Director for the State Department's Office for Counter-terrorism and Emergency Planning complained,

. . . before an antiterrorist plan can be implemented, his office must consult with other State Department agencies, the Defense Department, the Central Intelligence Agency, the National Security Agency and the White House.⁶

The very nature of our democracy, however, demands that bureaucratic politics be a notable consideration in any strategy. Because of the complexity of the terrorism problem facing the American government, the solutions also require coordinated effort.

Fighting terrorism on a strategic level is most difficult because each group has a unique set of goals it hopes to achieve. On a tactical level, however, Celmer states that each terrorist group has the common goals of publicity. "Through this coverage, he says, "a terrorist group seeks to demonstrate to and inform the general public of its existence and create an atmosphere that promotes revolutionary behavior."⁷

It is the terroristic behavior that produces publicity which must be countered through a consistent policy effort. There are three obvious responses to counter the terrorist menace: prevent it; react after an incident; or do nothing at all. The response model that is being developed is intended to provide policymakers with a means to "react" to terrorism. Prevention, while always a first priority, is difficult to measure in terms of success rates. It may be possible, however, to preempt a terrorist act by taking specific action against the group, based on the model developed. The key is to look for vulnerabilities within the terrorist group itself and within the state supporting the terrorism and thereby exploit those weaknesses.

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Chapter IV

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Chapter V

Legal Responses

Examining the basis of counterterrorism policy calls first for a look at the domestic and international laws designed to allow our government to respond. As early as 1784, America was forced to deal with the hijacking of U.S. vessels and needed to create a legal means to sanction offenders. Thomas Jefferson remarked that, "an insult unpunished is the parent of others." This attitude also seems to be prevalent in modern times.

Domestic Initiatives

From 1972 to 1988, each Congress has recognized the importance of security measures established to prevent and deter violence against the U.S. The devastating reality of the 1972 Munich Olympic massacre created an atmosphere of awareness of the threat posed by political terrorism in the international arena. The Ninety-Second Congress (1972-73) passed a resolution unanimously in both chambers of Congress calling for suspension of aid to nations that support or sanction terrorism. The resolution, however, was vague in that

it did not specify what nations or what aid would be suspended.

Shortly thereafter the Ninety-Fourth Congress (1975-76), adopted language barring aid to any country that aids or abets, by granting sanction from prosecution, groups or individuals who commit terrorist acts. The President has the power to waive this ban for national security reasons, but Congress can override that action within 30 days.

The Ninety-Fifth (1977-78) and the Ninety-Seventh Congresses (1981-82) were concerned with controlling the export of nuclear fuels and technology. Monies were allocated to protect nuclear and chemical sites and various organizations were restructured to respond to terrorism. The Ninety-Sixth Congress (1979-80) allocated \$2.3 million to the Federal Bureau of Investigation intelligence program to combat domestic terrorism.

The Ninety-Eighth Congress (1983-84) was concerned with improving security at U.S. embassies and the Ninety-Ninth Congress (1985-86) restricted aid to countries that aid in terrorism. It also gave the President the power to stop airline flights to countries whose airports did not meet security standards. International agreements with allies to stop terrorism were also recommended. The One Hundredth Congress

(1987-88) passed a resolution to bar the proliferation of plastic handguns which can slip through airport security and be used by terrorists in hijackings.¹

Perhaps more significant than additional funds, extra security measures and extradition treaties, are the measures that were defeated. The 1986 Anti-Terrorist Act, while never passed, would have authorized the President to use any means, to include deadly force, to deal with terrorist acts committed against Americans by foreigners. This legislation would also have provided a legal basis for preemptive strikes and strikes against terrorist supporters.

The Executive Branch of government also has the power to construct the legal means to fight the battle of terrorism. When President Reagan enacted National Security Decision Directive 138 (NSD 138) in April of 1984, he initiated proactive, self-help measures designed to strike back at terrorism. NSD 138 represents a decision, in principle, to use force to combat terrorism and calls for a greater use of covert actions, counterintelligence operations and the establishment of and use of small military and para-military operations designed to target international terrorists and their bases. Celmer believes that while the U.S. may now have the "will" and the legal means to fight terrorists, we have not shown a

consistency in action to prepare for the battle. He cites the selling of weapons to Iran in hopes of freeing U.S. hostages in Lebanon as a good example of a hypocritical policy which did much to weaken international counterterrorist cooperation.²

The Federal Bureau of Investigation (FBI) has also recently been given a greater role in the investigation and prosecution of terrorist activity both at home and abroad. The 1978 FBI investigation into the death of Congressman Leo J. Ryan and the wounding of Deputy Chief of Mission Richard Dwyer while they were visiting Jonestown, Guyana provided some authority for the Bureau to investigate crimes overseas. Larry Layton was eventually prosecuted for the crime and the district court concluded that a federal crime was committed if the victim was an internationally protected person who, at the time of the offense, represented the U.S. in a foreign country, even if the offender was not within the "territorial jurisdiction" of the U.S. at the time of the offense. This precedent-setting case, along with presidential and congressional legislation and international treaties has enabled the FBI to establish functional, logistical and operational liaison between the investigative foreign law enforcement agency, the American Embassy, the Central Intelligence Agency (CIA)

and U.S. military intelligence agencies in the country in which terrorist incidents occur.³

Case Study #1

A prime example of using legal means to snare a terrorist is the case of Fawas Younis, the first terrorist overseas to be brought to the U.S. to stand trial. He was accused of taking three Americans hostage aboard a Royal Jordanian jet in Beirut, Lebanon, on June 11, 1985. Although the Americans were later released unharmed, hostage-taking is a violation of American law. The FBI successfully coordinated information from the CIA and the Drug Enforcement Agency (DEA) to mount the operation against Younis. Using a Lebanese DEA informant who was a friend of Younis', the CIA was able to record a clear account of the hijacking and hostage-taking incident. With the evidence in hand, the agencies needed a legal means to bring the criminal to the U.S. without entering any other country's sovereign territory in order to preclude any possible extradition questions. Younis was lured to a meeting aboard a boat for the purpose of making contact with a drug-runner. The phony meeting took place aboard a yacht in international waters and from there FBI agents were able to arrest him and eventually transfer him to the United States.⁴ The message was then clear to

would-be terrorists--this country is capable of using lawful means to bring criminals to justice.

International Legal Sanctions

Agents in the Younis case took care to avoid the entanglement of other countries' laws. Nevertheless, some agreements have been reached on an international scale that support and encourage legal cooperation between nations. International conventions and regional agreements provide a solid basis in theory from which to combat terrorism.

Six international conventions supported by United Nations members have, in some form, addressed the problems of international terrorism. Examples include the Tokyo (1963), Hague (1970) and Montreal (1973) conventions which conferred extraterritorial jurisdiction to try alleged offenders. The treaties also provided for the death penalty when the death of another person results from the commission or the attempted commission of the offense.

Common Article 3 of the Geneva Convention relates to the protection of civilian persons in time of war. It also provides that the commission of violence, including murder, mutilation, cruel treatment, torture, taking of hostages and other humiliating and degrading treatment is considered a violation of the laws of war

and is subject to criminal sanction. This article is applicable even if a state of war is not officially recognized by one of the parties.

The New York and Hostage Conventions concentrate on protecting diplomatic personnel and preventing and punishing the taking of hostages. The key feature of all of these conferences requires that an alleged offender either be extradited or prosecuted.⁵

While most legal initiatives to counter terrorism have met with little success, exceptions are possible in the areas where there is an international consensus of opinion. The heads of state and government of Canada, France, Federal Republic of Germany, Italy, Japan, United Kingdom and the United States initiated an anti-hijacking declaration at Bonn, W. Germany, in 1978. This later became known as the Bonn Declaration. It calls for signatories to cease all flights to and from any country which does not extradite or prosecute terrorists.⁶ The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is also an example of international cooperation to protect official diplomats in foreign countries.

Regional agreements, specifically within NATO countries, may be a promising forum for developing a policy consensus on responses to terrorism. In the past, however, European members have resisted efforts by

the U.S. to mount a cooperative response. Problems with the interface of national police agencies, differences in laws, the sharing of intelligence and the issue of national sovereignty are areas that remain sensitive to international concerns. Furthermore, enforcement of any legal agreement must be undertaken by some designated group. The International Criminal Police Organization (Interpol) is strictly forbidden to intervene in any activities of a political, military, religious or social nature by its constitution. This limitation reduces Interpol's effectiveness to activity only AFTER an incident has occurred, providing no real deterrent value to fighting terrorism.

Case Study #2

Withstanding any international legal agreements to counter terrorist violence, a political will to act jointly in a venture must also be present. In March 1981, a Pakistani International Airlines jet enroute from Karachi to Peshawar was hijacked to Kabul, Afghanistan, by Pakistani political dissidents. After killing a Pakistani diplomat on board the aircraft, the hijackers flew to Damascus, Syria, and began negotiations with the Pakistani government. After ten days Pakistan agreed to all of the terrorists' demands in exchange for the remaining hostages. As part of the

deal, the criminals received safe passage to Kabul. While Pakistan demanded extradition of the hijackers, Afghanistani officials denied it claiming that they would punish the terrorists themselves. In response to what western countries perceived as harboring hijackers the signatories to the Bonn Declaration acted in concert to suspend all flights to Afghanistan. This unity of action by various countries was unprecedented--proving that collective action is possible. A major weakness, however, identified by Levitt occurs when one of the "enforcer" countries is politically involved in the sanction. None of the countries suspending airline flights had any particular political dealings with Afghanistan. Thus, Levitt states, "The efforts to enforce an international norm against hijackers suffer to the extent that such an effort is affected by extraneous political considerations."⁷

Case Study #3

In the case of the hijacking of TWA Flight 847 in June 1985, international cooperation to ban airline flights to Lebanon was solicited by the U.S. but never received. The hijacked airline was enroute from Athens to Rome and diverted to Beirut by the terrorists shortly after takeoff. During the ordeal, U.S. Navy diver Robert Stetham was tortured and murdered by the

hijackers. The remaining hostages and terrorists were eventually freed through the intervention of Syria. The U.S., frustrated by an inability to resolve the matter, announced it was closing Beirut airport because it had become a "free fire zone." The measure stated that no Lebanese airlines would be allowed to fly to the U.S. and no flights by any airline would be permitted between the U.S. and Lebanon. President Reagan called for international support for his program, but not one country joined the boycott.

Levitt argues that the U.S. response was unsuccessful in this case because the action was inappropriate and the U.S. government failed to consult other countries before announcing the sanctions. If Reagan had consulted West European governments, he would have realized, says Levitt, that there are fundamental political differences between the U.S. and Western Europe over Middle East policies. The Lebanese government did not fit the Bonn Declaration paradigm of a government willing to harbor and aid hijackers. Therefore, the signatories to that agreement did not feel in any way legally bound to comply with it.⁸

Extradition

Murphy notes that there is no universal rule of customary international law or international convention

which obligates the extradition of offenders to the requesting country. Rather, there exists multilateral and bilateral treaties which generally provide for the delivery of persons charged with crimes within the territorial jurisdiction of one state who attempt asylum within the bounds of another. Multilateral agreements for extradition have taken place based on either geographic proximity or political affinity. The principal aim of most of these regional agreements, according to Murphy is to establish uniform rules in the hopes of achieving greater unity.⁹

Much more commonly called upon to resolve international legal problems are bilateral extradition treaties. The U.S. has treaties with over 100 countries. While each treaty is unique, several principles are universally recognized. Usually, the treaty lists the crimes, mainly felonies, for which extradition will be granted. The offense must be a crime in both the requesting state and the state of asylum and must be punishable by a stipulated minimum penalty, usually one year. Some important exceptions to the obligation to surrender fugitives are often specified in treaties. Offenses that deal with military, religious and fiscal crimes can be excluded from the terms of the agreement if specified. Perhaps the most common exception is that of political offense.

The political offense exception is defined in general terms by McLaughlin as, "...offenses directed against the state or governmental system or against a rival group in a struggle for political power."¹⁰ Most political offenses are crimes that would normally be extraditable but that are excepted when committed with a political objective. The U.S. has always been proud of its reputation as a "bastion of freedom" and, as such, has been reluctant to excise the political offense exception from its treaties. In recent years, the ambiguity over what constitutes a "political" crime has caused interpretation difficulties between the U.S. and several allies, principally Great Britain, Italy and Mexico. Until 1985, members of the IRA who committed extraditable offenses in Northern Ireland and sought asylum in the U.S., fell under the political offense exception. In June 1985, however, a new treaty between the U.S. and the British included a list of violent crimes--which would not henceforth be considered political in nature. The exceptions included murder, kidnapping, aircraft hijacking and the planting of explosives which could result in personal injury.

Case Study #4

Still, problems exist with other international extradition treaties. McLaughlin points out that there

are problems when a citizen of one state commits a crime in a second state against a citizen of a third state.¹¹ For example, in 1977 the French refused to extradite Abu Daoud, a member of the Palestinian terrorist group who captured and killed eight Israeli athletes to Israel because the treaty between France and Israel did not provide for the extradition of persons who had committed crimes outside Israel. In another example, West Germany refused to extradite Mohammed Ali Hamadei, a Palestinian from Lebanon wanted in the 1985 hijacking of a TWA jet, because of the possible death sentence that could have been imposed. After the U.S. agreed to forego the death sentence, West German authorities decided to try Hamadei as a juvenile because he was 16 at the time of the crime.¹²

Compounding the legal problem of extradition, Levitt finds that there are also diplomatic sensitivities that must be considered. During the debate about whether to release Hamadei to the U.S., two West German citizens were taken hostage in Beirut. The kidnapping was directly linked to the treatment of Hamadei and in particular, his nonextradition to the U.S.¹³

Summary

Essential ingredients of a collective response to terrorism are outlined by Levitt as credibility,

consensus, consistency and clarity.¹⁴ These prime factors are rarely present in all situations and the U.S. is forced into action either alone or with a limited number of allies. Planning contingencies, however, may allow the U.S. effective policy options without escalating the political situation. Using the typology of terrorism in Chapter III, those terrorist organizations vulnerable to legal sanctions, such as extradition and prosecution, can be identified. A terrorist group's geographic area of operation raises the obvious questions of treaties or conventions in place with which to respond. Other areas of concern mentioned in the typology include the group's mechanism for support and the key tactics utilized. The past tactics practiced by a group can also provide clues to the best possible means to implement the law to counter terrorism.

Legal sanctions almost always require the cooperation of other countries through the use of specific treaties/conventions and in general an attitude much like that of the U.S. Nevertheless, sensitive political considerations cannot be overlooked and all states involved need an in-depth understanding of the judicial and political systems of its allies.

Extradition treaties must be specific enough to include persons responsible for terrorist actions. The

political offense exception, while appropriate in instances where persons are prosecuted because of their beliefs, is not an appropriate defense when heinous crimes are committed. All counterterrorism measures must be enacted in accordance with lawful treaties or in response to unilateral laws passed or enacted in this country. Action that extends beyond the boundaries of the law is counterproductive in a democracy based on the rule of law.

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Chapter VI

Economic Sanctions

As terrorist activity continues to claim American lives and destroy property around the world, politicians explore avenues they hope will bring a quick and efficient halt to the menace. One of these measures, economic policy, is often envisaged as a means to not only improve American livelihood, but also as an instrument of political policy capable of manipulating states' actions to coincide with U.S. interests.

Much like military options, which must be tempered in a democratic environment, economic sanctions in a capitalist society are subject to the considerations of a free market environment. Sayre believes that because of the potential disruption to trade, economic sanctions rarely, if ever, work.¹ However, if the U.S. determines that a state is supporting or abetting terrorist activity, steps can be taken through economic sanctions to exert political pressure on that country. The main limitation to any economic sanction is that to be effective, it almost always requires the cooperation of other countries. Furthermore, terrorist groups which have their own means of support and do not rely on a

particular state for financial assistance, arms or safe-haven, would not be an appropriate target of economic sanctions.

Wooten describes six broad categories of options against a terrorist-supporting state: restrictions on foreign trade and exchange, technology transfer, foreign aid, export controls, capital transactions and economic access.² Some of these options can be undertaken by the U.S. on a unilateral basis, while others require multilateral participation. Any sanction, however, must be undertaken with both long-term and immediate goals in mind. Wooten cautions that it is imperative to obtain a strong domestic consensus in favor of any economic sanction where the U.S. will bear some of the economic costs.

Flores describes several political events which have hampered multilateral participation in economic sanctions against states. For example, the oil embargo imposed subsequent to the 1973 Arab-Israeli war placed oil-dependent allies in an untenable position with Mideast oil producing countries. They could not "afford" the costs of any diplomatic or economic sanctions that may have impeded the flow of oil into their countries. Following the oil embargo and the resultant rise in the price of oil, Flores notes that some Arab leaders were left with vast financial

resources. Leaders like Qaddafi of Libya were able to increase their funding of terrorist operations at a time when economic sanctions were least likely to be effective.³

Thus, Flores states, early U.S. economic policy with regard to terrorism had three distinct characteristics:

First, U.S. policies were increasingly unilateral in nature...Second, the U.S. efforts to combat terrorism became more symbolic, and less coercive, in intent...U.S. actions such as aid cut-off and trade restrictions appeared to be mere punishments for countries that had displeased the United States, or gestures symbolizing the United States' lonely opposition to terrorism. Finally...Congress rather than the Executive took the lead in attacking the terrorist menace.⁴

Unilateral Options

When forced to respond to terrorism without support from allies, the U.S. has several options: trade embargoes, embargoes on financial transactions, suspension of foreign assistance, restrictions on ship or air traffic or abrogation of treaties. The International Emergency Economic Powers Act gives the President broad discretion in economic foreign relations when a national emergency has been declared. While the President is limited to sanctions which deal directly with the specific threat to U.S. interests, he can

regulate trade and any type of financial transaction between the U.S. and the country in question.⁵

The scope of this law is broad and subject to emergency situations only. Nevertheless, it has been imposed by the U.S. in the past. Since May 1985, trade and economic transactions with Nicaragua have been virtually halted. Iranian property and economic transactions were blocked by the U.S. between November 1979 and April 1980, but were lifted in January 1981. And a trade embargo with Libya in 1986 was also justified under this law. These long-term devices designed to persuade governments to alter their undesirable activities have had a limited effect.⁶ Nicaragua and Libya do not rely on the U.S. as sole trading partners and the sanctions imposed represent little more than gestures on the part of the U.S.

Another U.S. initiative to resolve state-supported terrorism is the June 1976 Amendment to the Foreign Assistance Act of 1961. It provides for termination of assistance to any government which, ". . . aids or abets by granting sanctuary from prosecution to any individual or group which has committed an act of international terrorism."⁷ This law provides for more specific actions against states, such as the denial of assistance funds, food aid and economic or military aid. Flores, however, identifies two problems with this type of

"diplomatic coercion." First, he feels that most states which support terrorism are not likely to also receive U.S. financial aid. Therefore, the U.S. would have no leverage with these states. Furthermore, he feels that if the U.S. did provide some type of aid to a country which was then discontinued, the population who may be affected by the lack of support might rebel. The resultant rising of national passions and anger directed against the U.S. could actually cause increased attacks on Americans--the opposite effect intended.

Fear of communism and the traditional view that U.S. technology and products are superior to those of other countries prompted controls on exports following World War II. Flores states that from 1949 to 1969, Americans believed that communism was the dominant threat to national security. As such, the government placed controls on exports to the USSR and other communist bloc countries of goods which could increase their military capabilities. Pressure from the business community to alter this policy came at a time when the U.S. administration also saw advantages to U.S. and Soviet trade. World events, such as the Munich massacre of Israeli athletes, caused the American public to re-evaluate the focus of threats to national security. Terrorism was clearly seen as a threat to U.S. interests.⁸ Thus, the Export Administrations Act (EAA)

and subsequent amendments in 1979 attempted to use the transfer of U.S. products not only to limit the power of other countries, but also as a foreign policy tool to manipulate states' activities in the arena of terrorist support.

The EAA of 1979 provides that certain products and technology should be denied export when U.S. foreign policy is clearly and demonstrably threatened. The Department of Commerce was assigned the task of maintaining a list of goods and technologies which, because of their potential for furthering the military capability of a country, should be controlled by licensing procedures before export to certain states. The State Department was given responsibility for determining which states to consider as supportive of terrorism. In 1979, the first year the State Department compiled a list of states which support terrorism, they cited Libya, Syria, Iraq and the People's Democratic Republic of Yemen (PDRY).

Case Study #5

Initial bureaucratic technicalities made the intent of EAA difficult to put into practice. In 1978, for example, the U.S. sold Syria four L-100 cargo aircraft. The next year, three Boeing 747 aircraft and two Boeing 727 aircraft were sold to Libya. One method

of by-passing the export controls in the early days of the law was to use a third country as intermediary. In January 1980, General Electric (GE) applied for a license to sell engine cores to Italy, ultimately to be used in frigates being built for Iraq. GE made their request through all proper channels. The request, however, was not reviewed by the State Department because engine cores were not on the control list and Italy was not on the terrorist-support list. In April 1980, members of the Iraqi-supported Arab Liberation Front attacked an Israeli kibbutz, bringing increased pressure on the Administration to stop the already approved sale of engine cores to Iraq. In May 1980, changes to the EAA insured that exports to the end user of goods would be controlled. This modification prevented a \$208 million sale of commercial jets to Iraq.⁹

Flores contends, however, that the EAA has not reduced the incidence of terrorism. A major obstacle is the availability in the world market of the product in question. He says, for example, while Libya has not received U.S. jets for several years, it can simply purchase them through France. He also states that export controls without participation of other countries are basically unworkable. He complains that,

The U.S. loses exports at a time when they are sorely needed. . .the reliability of U.S. business as exporters is reduced. . .and controls may gain only the enmity of the countries against which the controls are directed.¹⁰

Nevertheless, Wooten maintains that economic sanctions, while symbolic in nature when attempted unilaterally, are often the only reasonable recourse the U.S. has to maintain credibility in the fight against terrorism.¹¹

Multilateral Initiatives

The U.S., while sometimes vainly attempting unilateral economic sanctions against states which support terrorism, has also attempted to solidify a concerted response from western democracies. One informal group which has had relative success in mounting a united counterterrorist offensive is the Summit Seven. Levitt describes this organization as simply the leaders of the world's seven largest industrialized democratic states--Canada, West Germany, France, Italy, Japan, the United Kingdom and the United States. Levitt sees the Summit Seven as a potentially effective organization because they yield, ". . .political and economic weight on the world scene. . . ." ¹² He further contends that global organizations such as the United Nations are ineffective in the battle against

terrorism because they are too large and politically diverse and cannot agree on common measures.

The U.S. has spearheaded efforts to coordinate economic sanctions by Summit Seven countries and the European Economic Community against Libya and Syria.

Case Study #6

Prior to 1985, the U.S. repeatedly identified Libya as a key supporter of international terrorism. Coordinated terrorist attacks at the Rome and Vienna airports in December 1985, prompted the U.S. to take decisive action against Libya. President Reagan charged Libyan leader Qaddafi with providing, ". . .material support to terrorist groups which attack U.S. citizens. . . ."13 As a result, a slate of economic sanctions was enacted by the U.S. against Libya. The unilateral sanctions included:

- Prohibition on purchases and imports from Libya;
- Restriction of exports to Libya;
- Ban on U.S.-Libyan maritime and aviation relations;
- Ban on trade in services relating to Libyan projects;
- Ban on credits, loans, or the transfer of anything of value to Libya or its nationals;
- Prohibition on transactions relating to travel by Americans to Libya;
- Blocking of all official Libyan assets in the U.S. or in overseas branches of U.S. banks.

While the U.S. implored the western democracies to join in on the economic boycott of Libya, relatively little was done by Summit Seven countries to comply with the U.S. request. An agreement was reached by the other six countries to refrain from undercutting the U.S. sanctions and to limit any commercial benefit possible from the void left by the U.S. They also resolved to stop any export of arms or other military equipment to Libya. A lack of enthusiasm on the part of the Europeans was due in part, according to Levitt, to the threat of reprisals that Italy, Spain and Greece felt likely because of their close proximity to Libya.

In June 1986, after U.S. military action was taken against Libya, all U.S. companies were prohibited from operating in Libya. Furthermore, exports of U.S. components and parts, destined for Libya were restricted. Subsequent cooperation with European allies helped the U.S. ban imports of petroleum products into the United States, which were refined in third countries from Libyan crude oil. Levitt states that these measures have had a positive effect. He notes that, "The U.S. economic sanctions and the limited cooperation given to them by the Europeans, combined with the overall drop in world oil prices, have definitely affected the Libyan economy."¹⁵

Case Study #7

The 1988 U.S. State Department report reveals a possible new trend in Syrian-sponsored terrorism. It was noted that

We did not detect direct Syrian involvement in any international terrorist incidents. Indeed, the diplomatic and economic sanctions imposed on Syria by the U.S. and European Community in November, 1986 seemed to have had a salutary effect on Syria. ¹⁶

Prior to this latest finding on Syria, however, the U.S. government had identified Syria as being both actively involved in terrorism and as a harbor for a number of terrorist groups with like objectives. Premier among the groups that the State Department linked to Syria was the Abu Nidal Organization (ANO). The U.S. government charges the ANO with more than 90 terrorist attacks in 20 countries since 1974, killing or injuring nearly 900 people.

Taking the lead in imposing sanctions on Syria was the United Kingdom. The April 1986 discovery of a bomb in the luggage of an unsuspecting Irish woman in London's Heathrow airport, bound for Tel Aviv, led to questions of Syrian involvement. The British investigation proved Syrian backing of the bomb attempt. The Jordanian boyfriend of the woman found with the bomb, Nizar Hindawi, was convicted in a British court of

the crime. British Foreign Secretary Geoffrey Howe detailed Hindawi's complicity with Syria to the House of Commons:

Hindawi had entered Britain on an official Syrian passport under a false name; the Syrian ambassador had been personally involved in communications between Hindawi and Syrian intelligence services several months before the attempt; Hindawi had met with the Syrian ambassador after the discovery of the bomb; he had spent the night after the bombing attempt in a Syrian embassy safe house; and during his detention he had attempted to contact Syrian intelligence officials in Damascus to seek their help in securing his release.¹⁷

With the overwhelming evidence against Syria in hand, Britain undertook several sanctions: diplomatic relations between the UK and Syria were severed and security was tightened on incoming Syrian flights. The U.S. immediately withdrew its ambassador from Syria in support of the British. France and West Germany, however, took no immediate action. France at that time, according to Levitt had two strong reasons for remaining silent. First, they were negotiating a \$300 million contract to sell arms to Syria and also they had eight hostages in Lebanon, held by Syrian-backed groups. Eventually, however, France and the other members of the European Economic Community agreed to a halt in arms sales to Syria, suspension of visits to their countries by ranking Syrian officials and closer surveillance of

Syrian diplomatic buildings and airline flights. The U.S. and Japan also levied sanctions against Syria.¹⁸

Subsequent to the concerted actions of the European Community, the U.S. and Japan, Levitt describes an apparent change in the Syrian posture. He states,

. . .as soon as a decent interval had passed without the occurrence of further blatant Syrian-supported terrorism and certain signs of an improved attitude had appeared, notably the closure of some terrorists' offices in Damascus, Western countries began to relax their stand. ¹⁹

The United States returned its ambassador to Syria after the closure of the ANO office in September 1986.

Summary

Many factors exist that make desirable the imposition of economic sanctions against states that support terrorism. Generally, economic policy, when undertaken in conjunction with foreign allies, can serve to unite nations in the fight against terrorism. Sanctions also have high potential for popular domestic support because they involve the least direct danger to U.S. lives and property. Care is usually taken, however, to ensure that U.S. corporations do not suffer unintended consequences because of the sanction.

Superimposed on all other practical considerations of sanctions are the realities of primary foci of

international relations. After determination of a particular state's economic vulnerability to U.S. and allied sanctions, each contemplated course of action is typically--and wisely--weighed against competing objectives. Senior policy-makers are continually faced with potential consequences which may pose more severe problems than those which originally prompted a course of action. One wonders, for example if it is better to overlook minor Soviet sponsorship of terrorism, than to risk loss of diplomatic relations? When ties were temporarily broken with Syria, Levitt reports that the U.S. suffered a grave loss in intelligence collection capability. Therefore, foreign policy objectives must be clearly articulated by decision-makers before risking an inappropriate counterterrorist response.

Finally, while there seems to be general consensus that unilateral economic sanctions have limited utility, there may be circumstances when such action is the only available option. The U.S. has to be cognizant of the "appearance" of supporting terrorism by continuing to do business with states that sponsor terrorism.

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Chapter VI

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Chapter VII

Use of Force

With few exceptions, the U.S. policy to counter terrorism has involved non-violent pressure tactics, designed to persuade a country harboring or supporting terrorists to cease and desist. The missing ingredient in this response is a clear message to terrorists that they will pay a heavy cost for mounting operations against American personnel or property. One way to deter terrorists from committing acts of violence is to let them know in advance that the cost of their activity will be high and then ensure that the promise is kept.

Developing a strategy that includes offensive action requires planning which is selective and procedures which are flexible. Wardlaw believes that a policy is necessary which allows for finite discrimination between terrorists and responses. He contends, that while terrorism is a menace to an ordered society, a greater danger lies in allowing the fear of terrorist activity to force policy changes by states. He says, ". . .states must be committed to the policy which is the real target of a terrorist attack if they are to provide any true deterrent to future

international terrorism."¹ In October 1983 when 241 U.S. Marines in Lebanon were killed after a truck packed with explosives crashed through the guardposts, the foreign policy of the Islamic Jihad was made clear. The U.S. policy, however, was less than consistent as within four months the Marines had evacuated Beirut. Wardlaw sees the withdrawal as having the appearance of vacillation and weakness--the wrong message to send to potential terrorists. While the terrorist attack precipitated the withdraw of U.S. forces from Lebanon, the underlying issues of appropriateness of the commitment, domestic dissent and the Marine mission weighed heavily on the ultimate decision.² Although hindsight is inherently more vivid, the Lebanon experience did project an image of the U.S. succumbing to terrorism. There has been an increase in terrorist activity targeting U.S. personnel since that time, but there is no way to prove that a perceived lack of military resolve is the root cause.

Conceptual Considerations

A dichotomy in U.S. foreign policy with regard to the use of military force has existed, according to Shultz since the end of World War II. He suggests that while the U.S. recognizes the need to use military force in defense of national interests, there also exists a

moral desire to find alternate means to settle differences. Thus, military power eventually evolved as a force not to engage in war, but to prevent it. Shultz calls this the "peaceful application of military force" and, as such, sees great potential in a deterrence strategy.³

Nevertheless, the efficacy of a non-use military strategy is questionable. In terms of a nuclear war or a post-World War II conflict in Western Europe, it has fared well. Unfortunately, deterrence did not work in Vietnam or Korea. The legacy of Vietnam, according to Shultz has led some public policy makers and academicians to conclude that the changing nature of world politics has caused military power to lose its utility.

The onslaught of terrorist attacks, paralyzing world attention with a fear of uncontrolled violence, has caused a public outcry for use of force or military retaliation against the criminals. The act of "striking back" has much to offer on a psychological level. Wardlaw cites the Israeli model of counterterrorism as one which demonstrates to the population under siege that they are not merely helpless targets.⁴ The old testament adage of "An eye for an eye..." has also gained popularity with Americans who feel that the U.S. is indiscriminately targeted by terrorists. However,

use of force against terrorists has required a realignment of priorities within military and paramilitary organizations.

Military force can be applied within an overall counterterrorist strategy in the form of retaliation or intervention. The U.S. can use retaliation to "punish" the perpetrators of terrorist acts, after an incident. This retaliatory action is intended to send a message to terrorists that they will "pay" for their action. Israeli counterterrorist strategy has become one of "retaliation" or "reprisals" for terrorist attacks. O'Brien states, "The need to reassure the Israeli public that terrorism would not go unpunished frequently resulted in a pattern of terrorist incidents followed by retaliatory counterterror strikes."⁵ The Israelis believed that this type of activity would provide the best deterrence against future terrorism. Wardlaw points out that there are serious doubts as to the effectiveness of the Israeli retaliatory policy. Further, he cautions, when the U.S. contemplates embracing such a policy, the moral and political cost could weigh heavily. He writes that,

We must avoid letting a thirst for vengeance be quenched by turning to tactics which caused terror themselves, unless we can be sure that they are precisely targeted on the offenders and unless we can be sure (or as sure as humanly possible) that the act will have a deterrent effect and will not serve only to provoke future terrorism.⁶

Organizing an aggressive response against unconventional adversaries like terrorists will require a restructuring of military power to address the threat. The first step, however, in a planned strategy which includes possible retaliation or preemptive strikes is the political will to carry them out. The ongoing debate among policymakers as to the advisability of retaliatory or preemptive action merely adds to the indecision manifested in U.S. policy. President Reagan's closest advisors reportedly disagreed on the application of military force when countering terrorism. For example, Wooten stated that, according to press reports, Secretary of State Shultz advocated strong retaliation against terrorists and any country that supported them. Defense Secretary Weinberger, on the other hand, urged restraint. The "Weinberger Doctrine" has been described by Dr. Edward Luttwok of the Center for Strategic Studies as a policy that rationalizes a bureaucratic self-serving attitude.

Weinberger addressed the use of military power in a November 24, 1984 speech on "The Use of Military Power." He examined the circumstances under which the decision to use force should be made. He concluded that six major tests should be applied prior to a decision: (1) The issue should be deemed vital to the U.S. national interest; (2) military forces should be

committed wholeheartedly, if deemed necessary; (3) the decision to commit forces should be based on clearly defined political and military goals; (4) the size, composition and disposition of military forces should be flexible and appropriate, based on the mission; (5) there should be reasonable support from the American people and political representatives; and (6) commitment of forces should be a step of last resort.

In mounting an action response against terrorism, the U.S. has three basic types of forces available: conventional military and paramilitary forces, special overt and covert forces, and surrogate forces.

Surrogate Forces

Surrogate forces have been used by the U.S. on a limited basis. While these efforts tend to be highly guarded secrets of the administration, sources in Washington reported to Newsweek that the Lebanese government wanted a U.S. trained "hit team" to punish terrorists or preempt them. The CIA trained Lebanese counter-terrorist unit was allegedly responsible for the killing of approximately 80 persons on March 8, 1986, when a car bomb was detonated in Beirut. The target of the attack reportedly was fundamentalist Muslim leader, Sheik Muhammad Hussein Fadlallah, whom American

intelligence specialists believed was involved in the attack against the U.S. Marine barracks in 1984.⁷

The Lebanese surrogates, it seems, had their own agenda, separate from U.S. concerns. The obvious problems of lack of control, questionable reliability, unpredictability and differences in priority appear to diminish the feasibility of using surrogate forces except in the most narrowly defined situations.

Conventional Forces

Conventional military forces may be used in a variety of postures in order to thwart terrorism. They can assist in a "surgical" air strike against terrorist installations, a selective air attack against terrorist targets in a sponsoring country, large-scale naval and air strikes against sponsoring countries and naval blockades. Conventional forces use would necessitate public awareness of the activity--at least after the fact. Examples of the use of conventional forces to aid in counterterrorism efforts are rare. The U.S. raid on Libya qualifies as a retaliatory action taken by President Reagan after other efforts to deter Qaddafi had failed.

Case Study #8

The Reagan administration began in 1981 to send a message to Libyan terrorists that violent activity would not be tolerated. In May 1981, the Libyan diplomatic mission in Washington, D.C. was closed. Later that year, Libyan fighter aircraft fired on two U.S. Navy fighters. The result was the downing of the Libyan planes. In 1982, economic sanctions such as an embargo on Libyan oil and curtailment on the transfer of technology to Libya, failed to temper Qaddafi's enthusiasm for supporting terrorism. Lack of cooperation on the part of European allies allowed the Colonel to circumvent U.S. restrictions. Qaddafi turned to arms brokers and dealers in Europe to gain spare parts for U.S. made military hardware. According to Shultz, economic sanctions could have succeeded in Libya with international cooperation. He says that Libya's income is based solely on the export of oil--estimated at \$5 billion in revenue in 1986. Libya also relies, however, on the import of approximately \$4 billion of food and other necessities to meet the needs of the population. If the oil revenue had dropped significantly, shortages in the country could have pressured Qaddafi to modify his stance on terrorism.

Before military force was finally applied in Libya, Shultz reports that the Administration was careful to ensure that they could positively answer the following questions: Did the U.S. have irrefutable evidence to prove involvement by Libya? Could targets be identified that were linked to the terrorist activity? Was it possible to isolate these targets to minimize civilian damage? Would the American public support actions? And would Western European allies back the U.S.? Shultz feels that the airstrike was the choice of last resort for the U.S. considering the escalating terrorist activity sponsored by Libya and directed at U.S. officials. He said, ". . .the administration sent a signal that there is a point at which terrorism will no longer be tolerated. This was long overdue."⁸

The effectiveness of the 1986 Libyan raid is often debated. One day after the strike on Libya, 97 western terrorism experts, meeting at a seminar in Scotland, agreed that the U.S. had made an error in its retaliation. The prevailing view was that the strike would propel Qaddafi to back increased acts of terrorism. Bremer, U.S. ambassador-at-large for counterterrorism, disagrees. He cites as many as 35 attacks planned by Libya that were averted within weeks of the attack. He further states,

". . .military actions have nonmilitary consequences far removed from the scene. . . the message of U.S. resolve was unequivocal . . .Overall, there was a dramatic drop in Middle East-sponsored terrorism in Europe following our Libya attack and the accompanying diplomatic and political measures. . . ." ⁹

It is difficult to judge the real effects of the Libya raid on the problem of terrorism. However, the deterrent value of the U.S. finally backing up political rhetoric and impotence with action should not be readily discounted.

Case Study #9

Overt conventional attacks have only a small place in the overall fight against terrorism. After the U.S. Embassy annex in Beirut was destroyed by a suicide car bomb in September 1984, talk of retaliation was addressed by the State Department. According to Motley, one official commented, "There is no sense talking about retaliation unless you know who is to be retaliated against."¹⁰ The umbrella Islamic organization known as Hizbollah was believed responsible for the attack. The White House was told, however, that group leaders and followers do not assemble in one place and any raid would likely involve high civilian casualties. The key questions Weinberger and the Administration asked prior to the Libya raid were not able to be answered in Beirut. The bottom line, however, rests with the

question, "What is to be gained, and at what price?" Costs of possible U.S. casualties, innocent civilian casualties, illegal use of force, possible military escalation and failure have to be weighed against the immediate and long-term deterrent effects of the deed.

Special Military Forces

Another application of the use of military force to counter terrorism is the use of forces to "intervene" during terrorist operations. One characteristic of terrorist groups is that they tend to operate in small, highly trained cells. The obvious advantage is that it gives the group flexibility and mobility while preserving their chances of surprise and survival. Likewise, President Kennedy saw the need for military units, specially trained and equipped to deal with the changing nature of warfare. According to Emerson, he called for ". . .a whole new kind of strategy, a wholly different kind of force, and, therefore, a new and wholly different kind of military training."¹¹ Although Kennedy's Green Berets were heavily active in Vietnam, they caused widespread resentment among the "conventional" forces there. Emerson states that the schism which developed between the special and conventional forces was reflected later in the reduced

budget for the unconventional forces in the post-Vietnam era. Terrorism played an important role in forcing a change in the priorities of military commanders.

Specialized counterterrorism units became popular in the 1970's--just as the incidence of terrorism increased. France organized "Groupement de Intervention Gendarmerie National" (GIGN), Israel, the "General Headquarters Unit" (GHQ), West Germany, "Grenzschutzgruppe 9" (GSG-9) and the United States, the "Delta Force." U.S. personnel are chosen from the Army's Ranger forces, the Navy's SEALs and the Air Force's Special Operations Command. These highly trained members excel in marksmanship skills, athletic abilities that stress endurance and agility, intelligence capabilities, psychological stability, discipline, willingness to function as a team and patience. These special forces are prepared to deploy the instant the order is given, allowing decision-makers the option of rescue operations or small commando attacks.¹²

Unfortunately, the U.S. record of success in special operations designed to intervene during a terrorist situation is not very admirable. In 1980 in Iran, the ill-fated hostage rescue attempt caused skeptics to doubt the ability of U.S. forces to do the job at all.

Case Study #10

In 1985, TWA Flight 847 was hijacked while enroute from Athens to Rome and the special forces again had the opportunity to respond. As the two Moslem hijackers headed the plane toward Beirut, crisis centers in Washington, D.C. were set up to determine what action, if any, to take. The flight initially landed at Beirut, refuelled, and released 19 passengers as a "goodwill" gesture. At the same time, however, two additional Lebanese terrorists entered the plane. The plane next landed at Algiers, where terrorist demands were reinforced by the murder of U.S. Navy diver Stethem. Once Washington decided to activate the special counterterrorist teams, requests were sent to several governments for permission to deploy the commandos. Emerson reports that Britain, Malta, Italy and Israel responded favorably, while Egypt and Algeria declined to allow U.S. forces to operate from their soil. The commandos were prepared to act several times but diplomatic constraints prevented it.¹³ Eventually the hostages were dispersed within Beirut and the U.S. missed any opportunity for rescue.

The French counterterrorist unit, GIGN, has had success in rescue operations. In February 1976, they rescued a busload of school children hijacked by

terrorists. And the Israeli success at Entebbe is legendary as a classic example of a quick-reacting hostage rescue.

The U.S. constraints of geographic distance, non-cooperation from foreign governments and bureaucratic indecision by policymakers, are tough obstacles to overcome. Nevertheless, the U.S. should strive to solve these problems in order to maintain a capability to respond to an on-going terrorist crisis. Although the main tenet of the U.S. policy regarding terrorism is that of no concessions; the lines of communication should be kept open. And, as with the tests for the use of force in conventional military intervention, offensive action can play a vital role if appropriate and used as a last resort. If the terrorist feels intervention of a hostage-taking incident may occur, leaders who direct activity may be deterred.

Covert Operations

A possible alternative to the public and bureaucratic constraints placed on the use of overt operations is the use of secret operatives to carry out actions against terrorists. The Central Intelligence Agency, under the direction of the President, is the only agency legally authorized to carry out "special activities" or covert operations. The National Security

Council (NSC) established the Office of Special Projects (OSP) in 1948, which according to Celmer, was directed to "plan and conduct covert operations."¹⁴ The OSP has evolved into the present Directorate of Operations, which represents the intelligence community's main asset in combatting international terrorism. The details surrounding the CIA's involvement in counterterrorism remain classified and, as such, difficult to assess. Nevertheless, Robert Oakley, former U.S.

Ambassador-at-Large for Counterterrorism, cited improved intelligence collection as helping to deter more than 180 terrorist actions during a period of 18 months.¹⁵

The advantage of using covert resources to implement foreign policy objectives is that it gives the administration wide leverage in dealing with foreign persons and governments without the fear of reprisals from world opinion. Covert operations entail such activities as collecting intelligence information, protecting against espionage and using various means to affect international and political events in a certain country that are favorable to U.S. interests. Covert military operations launched during the Reagan administration were a violation of U.S. law and helped point out flaws in the system of checks and balances. In order to use CIA activities as a deterrent to future terrorist threats, the terrorists must be aware of the

possible sanctions. The nature of intelligence operations performed by the CIA requires them to maintain secrecy. Therefore, covert operations designed to use force against terrorists may not be consistent with our laws and moral obligations. Brian Jenkins argues that,

...while covert operations may be necessary under extraordinary circumstances, if we are obliged to use force in response to terrorism we ought to do so with the legitimately constituted armed forces of this country--openly, and with an unambiguous message as to who is responsible and why we are doing it.¹⁶

Summary

In a democratic society that strives to uphold the "letter of the law," counterterrorist options that include use of force require thorough examination. While retribution is often the psychologically most appealing response to a violent attack, it also requires the greatest amount of restraint in its use. The question of appropriateness as well as national security considerations needs to be balanced against public opinion and the deterrence value of the action. Conventional forces are a strong tool of foreign policy, but of limited utility in a fight against smaller, more mobile forces. Specially trained military forces offer a better alternative when mounting rescue operations and selected commando attacks against terrorist targets.

Surrogate forces and covert operations, while appropriate in the most narrow circumstances, generally are difficult to control and violate the essence of a deterrence philosophy. If the U.S. decides a terrorist situation is best resolved with the use of force, the government should be willing to acknowledge that action as a legitimate right within the bounds of legal and moral constraints.

ENDNOTES

Chapter VII

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2. Ibid, pp. 206-245.
3. Richard Shultz, "Can Democratic Governments Use Military Force in the War Against Terrorism," 148 World Affairs (April, 1986), p. 20.
4. Wardlaw, "State Response," pp. 206-245.
5. William O'Brien, "Israel's Counterterror Strategies, 1967-1987," Middle East Review (Fall 1987), pp. 23-30.
6. Ibid, p. 45.
7. Russell Watson, "Fighting Terror With Terror," Newsweek (May 27, 1985) p. 31.
8. Shultz, "Can Democratic Governments Use force," p. 209.
9. L. Paul Bremer, III, Countering Terrorism: Successes and Failures, (Washington: G.P.O., July 1988) p. 3.
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15. Robert Oakley, "International Terrorism," 65 Foreign Affairs Journal (1987) p. 611.
16. Brian Jenkins, "The U.S. Response to Terrorism: A Policy Dilemma," 5 TVI Journal (1985), p. 52.

Chapter VIII

Counterterrorism Model

The body of literature on the subject of terrorism contains numerous models designed to guide analysis of events, assessments of existing threats and proposals of response for the edification of policymakers. Most conceptual models have some utility; all have limitations.

In their heuristic model constructed on rule-based computer systems, Waterman and Jenkins designate three primary focal points of terrorist activities: events, groups and contexts.¹ Events are defined as individual terrorist incidents; groups referred to identifiable and distinct organizations which employ terrorist tactics. "Context" is envisioned as including local political structures, economic aspects, the relative efficacy of law enforcement and security forces and all other social, governmental and logistical factors which impact on terrorist situations. As a heuristic device, their model facilitates the analysis of events by methodically diagramming known information and thereby highlighting what needs to be known.

The authors describe wheels as analogies for their important focal points. The event wheel, for example, contains spokes with such information categories as date, time, group claiming responsibility, target, type of attack and location. Similar focus "wheels" are used to guide analysts in the development of information concerning groups and contexts.²

Most models developed for the analysis of terrorism-related phenomena define variables in terms of categories, hierarchies and spectra.

A typical two-dimensional analytical framework for counterterrorism operations is set forth by Stephen Sloan of the Airpower Research Institute.³ The framework (see Figure 1) is intended to facilitate force selection and targets in terrorism preemption operations.

In their report on state-sponsored terrorism, prepared in 1985 for the U.S. Senate, Cline and Alexander conceive of the "spectrum of conflict" as a continuum ranging from "normal economic and diplomatic pressure" to "overt hostilities (warfare)" with intermediate levels of "destabilization," "subversion," "armed insurgency" and "guerrilla operations."⁴ The intermediate levels collectively are termed

"low-intensity conflict." Cline and Alexander note that the "elements" of low-intensity conflict often create conditions leading to state-sponsored terrorism.⁵

Both of the above-designed models, while functional, illustrate the tendency to address in isolation the various bodies of information needed to assess available countermeasures.

As Alon points out in his examination of Israeli countermeasures against Palestinian terrorism, two distinct levels of analysis are appropriate:

An "Extra-terror" perspective treats terrorism as one of many casualty-producing phenomena, ranked with drunk-driving and industrial safety.

An "Intra-terror" view is totally within "the domain of terrorism" judging the applicability of "individual countermeasures vis-a-vis policy objectives."⁶

Similarly, there exists an apparent tendency to consider certain countermeasures as inherently more intrusive and risky than others. But the circumstances and context of many terrorist situations would indicate otherwise. For example, a covert operation, usually considered to carry high risk and involve complex planning, may constitute a more straightforward countermeasure than an economic situation. The tendency to consider countermeasures as hierarchical also creates a "try and see" mentality in which escalating initiatives are predictable and time-consuming.

Perhaps a more realistic analytical model is one which simultaneously considers the implementation and probable effects of all possible countermeasures within changing contexts. An additional important feature of such a model would be an interactive dimension, i.e., the on-going assessment of how various countermeasures affect the potentialities of others. Finally, the model, above all, must be capable of dynamic information assimilation. Rapidly changing international relations is an essential analytical dimension given today's complex web of transnational economic arrangements. Leaders of a closely allied nation which share our definition of a terrorist situation can easily become recalcitrant when government economists explain the implications of even extending moral support.

Application

The essential thrust of a dynamic model is to reduce subjectivity at the analytical level and shift value judgements to the decision-making level. The Waterman-Jenkins heuristic model serves this purpose insofar as analysis is guided by pre-established frameworks. But the linkages between the essentially static "event" and "group" focal points and dynamic "context" variables are provided by analysts who cannot

help but be influenced by domain assumptions and preconceived notions.

The dynamic model presented herein focuses primarily on countermeasure packaging. The model (see Figure 2) is a three-dimensional conceptualization of the process that decision-makers should follow before assigning an appropriate countermeasure. The three areas that should be considered include: countermeasures, group (terrorist) and the context that the countermeasure is within. This model provides a starting point for analysts to evaluate and compare the consequences of actions with the affects the action will have on the terrorist group. Thus, policymakers are provided with a range of countermeasures that can be applied in most situations and that are not static or hierarchical.

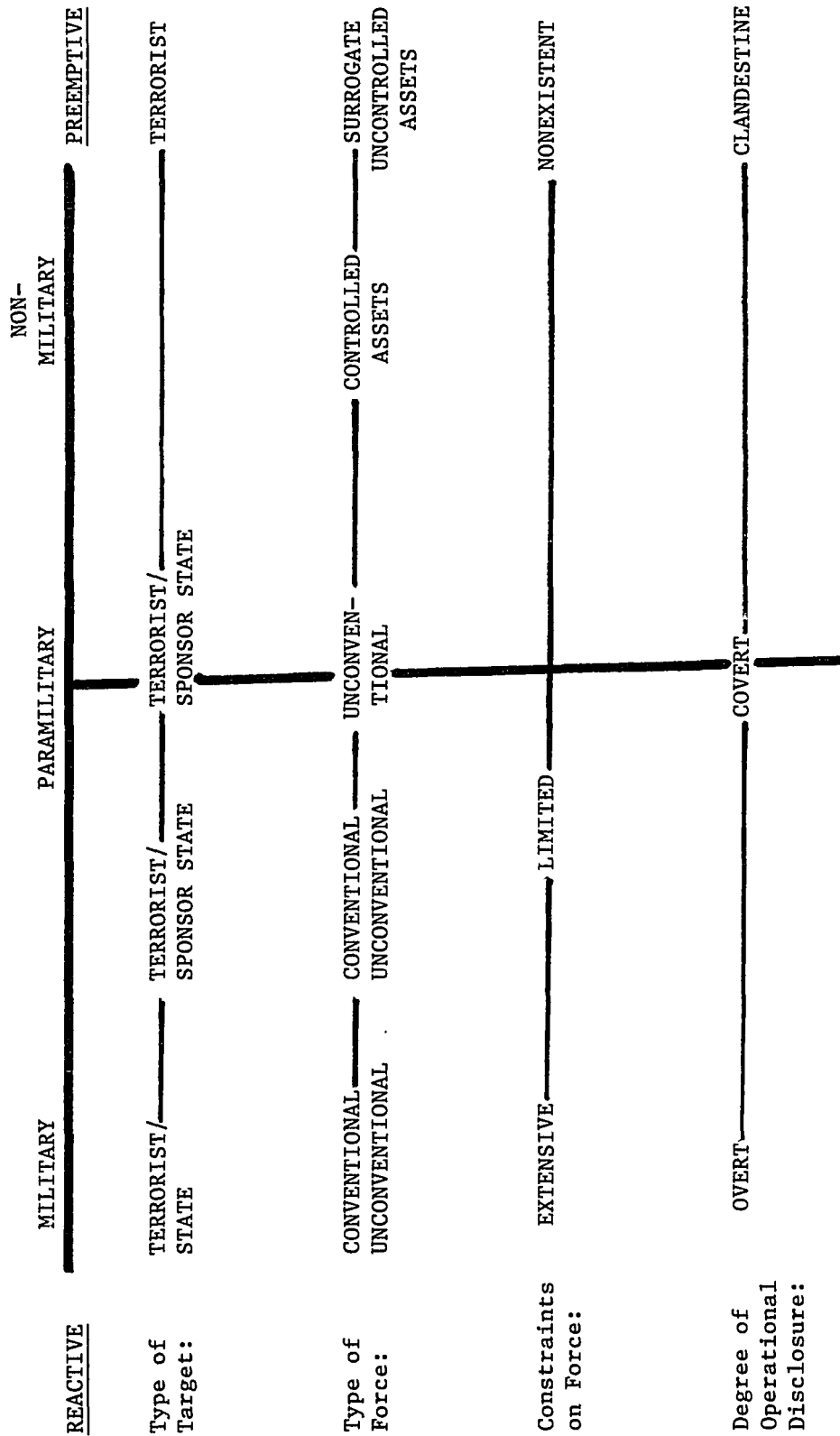


Figure 1. Analytical Framework for Counterterrorism Operations.
Stephen Sloan

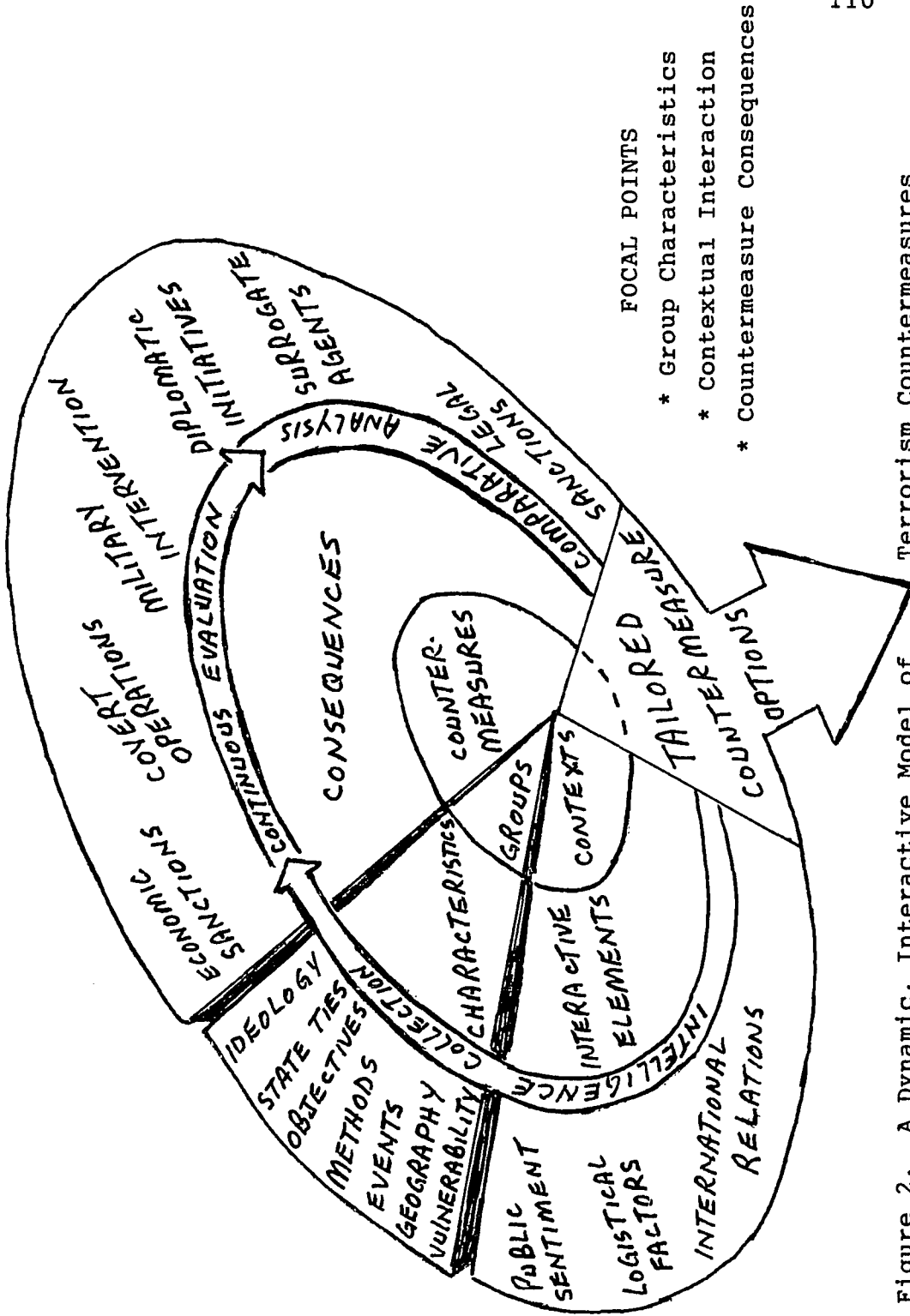


Figure 2. A Dynamic, Interactive Model of Terrorism Countermeasures

ENDNOTES

Chapter VIII

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4. U.S. Congress, Senate Committee on the Judiciary, State-Sponsored Terrorism (S.Report 99-56, 99th Congress, 1st Session, June, 1985), p. 51.
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