Even before 9/11, many commissions had been appointed by different Governments to study the threat posed by terrorism and many seminars, conferences and workshops organised by different think-tanks on the subject. In the US alone, there were three high-powered commissions on the threat posed by terrorism. All this could not prevent 9/11.

2. Since 9/11, there has been an increase in the number of investigating commissions, seminars, conferences and workshops on this subject and there has been a mushrooming of new university faculties, think-tanks and departments devoting themselves to a study of this subject. More funds are available today than ever in the past for studying this subject and Al Qaeda Watching has become a highly prestigious and remunerative field of study for many scholars.
3. Al Qaeda and the other jihadi terrorist organisations allied to it do not have think-tanks, blue ribbon commissions and research scholars to assist them. They never hold any seminars, conferences or workshops. Their leaders are so widely scattered that they are no longer able to even remain in communication with and consult each other.

4. And yet, they continue to score one success after another against the international community which has not yet been able to effectively cope with them. Why is this so?

5. This is essentially so because of the motivation and determination of the terrorists and the laser-sharp focus they bring to bear on their objectives and targets. Unless the international community displays similar motivation, determination and laser-sharp focus in its counter-terrorism campaign, it is unlikely to prevail over the jihadi terrorists and blood of innocent civilians would continue to flow.

6. Despite 9/11, the international campaign against terrorism continues to be stymied by never-ending differences and arguments over the definition of terrorism and over the distinction between terrorism and freedom-struggle. Attempts to define terrorism have been subjective and politicised and will continue to be so for years to come. If we allow the lack of an agreed definition and the divergence of views on terrorism and freedom struggle to come in the way of an effective campaign against terrorism, we will be only playing into the hands of the terrorists and facilitating their attempts to kill us.

7. There may be differences over what constitutes terrorism, but there cannot be and there should not be any differences over what constitutes an act of terrorism. All of us should be able to agree that acts like the hijacking of an aircraft and other means of public transport for achieving an objective through intimidation, blowing up a civilian aircraft in mid air, use of improvised explosive devices against civilians, throwing hand-grenades and firing mortars into a civilian crowd or establishment etc constitute acts of terrorism and organisations, which indulge in such acts, are terrorist organisations, whatever be their objective, and should be dealt with as such.

8. There are dozens, if not hundreds, of terrorist organisations active all over the world with different motives--separatist, ethnic, ideological, sectarian, religious etc. About 90 per cent of them do not pose a threat to regional or international peace and security. They pose a threat only to the security of the State within which they operate. The 16-member High Level Panel set up by the UN Secretary-General should not be concerned with their activities. It should leave it to the wisdom and good sense of the member-nations affected to deal with them as best and as humanely as they can.

9. The Panel should concern itself only with the remaining 10 per cent, which do pose a threat to regional and international peace
and security due to the following reasons:

* Their trans-national presence, networking, reach and objectives.

* Their enjoyment of state-sponsorship, sanctuaries and assistance from other States.

* Their being in possession of weapons, the like of which only the Security Forces of a State have, and their quest for weapons of mass destruction (WMD).

The threat which they pose to international trade and energy supplies.

The international community has to act unitedly against such organisations and the states contributing to their survival and success.

10. The Panel should also focus its attention on organisations whose activities are presently confined to the territory of a single country, but whose success could have adverse consequences for the entire world. An example of this would be the terrorist group working for the overthrow of the Saudi regime. It calls itself Al Qaeda of the Arabian Peninsula. All its identified members are Saudis except one, who is a Moroccan. If it succeeds in its domestic objective, this could pose a serious threat to the energy security of many countries in Asia and Europe and threaten the world's economic stability. The international community has to play a role in preventing this group from achieving its objective.

11. The Panel should also recommend joint action against conditions, which facilitate the activities of such organisations. These conditions have been spelt out in the UN Security Council Resolution No.1373. These include availability of funds, sanctuaries in foreign territories, support from foreign States etc. The implementation of the Security Council resolution and the focus of the Monitoring Group set up by the UNSC to monitor the implementation of the resolution have till now been concentrated mainly on action against terrorist funding. Adequate attention has not been paid to taking action against other conditions which facilitate
their activities like easy availability of sanctuaries in foreign territory, State-sponsorship etc.

12. The success of the 9/11 terrorist strikes in the US homeland and the consequent retaliatory or punitive counter-terrorism policy followed by the US in Afghanistan and Iraq has led to the following harmful consequences for the international community:

* Militarisation of counter-terrorism. In many countries of the world, including those of South Asia, the Police has always been looked upon as the weapon of first resort against terrorism and the military as the weapon of last resort to be called in when the police is overwhelmed due to the superior weaponry of the terrorists or when there is the involvement of a foreign State or foreign mercenaries in assisting the terrorists. The overwhelming use of the military and the frequent resort to air strikes against sections of the civilian population, suspected by the US of aiding the terrorists, have led to large sections of the public viewing counter-terrorism operations as campaigns of military suppression by foreign armies and support to terrorists as acts of patriotism.

* Neither the so-called international coalition in Afghanistan nor the so-called coalition of the willing in Iraq has had any say in determining the ground rules of the operations against the terrorists. All rules of engagement with the terrorists, rules of custody of the captured terrorist suspects, rules relating to their interrogation and the observance of their human rights etc are being determined by the Pentagon and not jointly by the international community through the UNSC or through other mechanism jointly agreed upon. The kind of brutal human rights violations by elements of the US military reported from Afghanistan or the Guantanamo Bay in Cuba or from Iraq might not have taken place if the ground rules of the counter-terrorism operations had been jointly determined, implemented and periodically reviewed by all the members of the coalition. Many nations collaborating with the US have had to face terrorist strikes in retaliation for the US excesses even though they have had no responsibility for them.

13. The counter-terrorism campaign as waged by the US Armed Forces in the name of the international community and the latter's failure to criticise strongly the US excesses and protest over its actions has led to the counter-terrorism campaign itself becoming a root cause of the aggravated terrorism faced by the world today.
14. Keeping the above-mentioned factors in view, the UN High Level Panel should make the following recommendations:

* Foreign armies or Police should not normally be involved in counter-terrorism operations in the territory of any member-nation.

* Joint or collective action does not mean collective action on the ground by the Armed Forces. It means collective action by the intelligence and counter-terrorism agencies through means such as intelligence and expertise sharing, common data bases, joint interrogation of captured suspects etc.

* Any action, to be genuinely collective, has to be preceded, accompanied and followed by joint consultations, joint determination of the rules of action and periodic joint review of the results achieved.

15. Ever since the use of the Sarin gas by the Om Shinrikiyo sect in Tokyo in 1995, the international community has been rightly concerned over the threat that could be posed by terrorist organisations acquiring a WMD capability and using it in their attempts to inflict mass casualties and intimidate their perceived adversaries. These concerns have been heightened by reports of Al Qaeda and other jihadi organisations allied to it trying to acquire a WMD capability.

16. In various discussions held since then, it has been pointed out that it would be impossible for the intelligence agencies to keep an adequate watch on all terrorist organisations in order to detect attempts by them to acquire WMD material/capability. The need for preparing a short list of organisations which should be the focus of such a close watch has been realised. From this point of view, all terrorist organisations could be divided into the following categories:
* Those which are known to be trying to acquire a WMD capability and which advocate or believe in the use of WMD. Al Qaeda and the Om Shinrikiyo fall in this category.

* Those which are suspected to be trying to acquire a WMD capability and advocating their use. In this category fall the jihadi organisations allied to Al Qaeda in the International Islamic Front (IIF) for Jihad Against the Crusaders and the Jewish People.

* Those which have the required motivation and ruthlessness to use WMD, if they manage to get them. In this category come the Chechen terrorist organisations operating against Russia.

* Those, which are not known to be trying to acquire WMD or advocating their use. The remaining terrorist organisations will come in this category.

17. The main focus of the international monitoring will, therefore, have to be on the organisations figuring in the first three categories. All the organisations coming in these categories are religiously motivated. All but one of them are jihadi terrorist organisations. No non-religious terrorist organisation of the world advocates the use of WMD.

18. Effective collective action against WMD terrorism calls for close monitoring of these organisations, their attempts to recruit science students, their contacts with serving and retired scientists and military officers with access to WMD expertise/materiel and the penetration of these organisations into the scientific establishment and the armed forces. Pakistan is the only Islamic country in the world with a nuclear capability. Post 9/11, two of its retired nuclear scientists were found to have had contacts with Osama bin Laden, ostensibly for humanitarian reasons. Recently, some of its nuclear scientists, including Dr. A.Q. Khan, the so-called father of its atomic bomb, were found to have indulged in nuclear proliferation to Iran, Libya and North Korea. The WMD establishment of the erstwhile USSR had some scientists from the Central Asian Republics in its ranks. One does not know whether there were any scientists from the Caucasus in its WMD establishment. These are the elements which require the closest watch.
19. This does not mean that leakages could not occur from non-Islamic countries having the capability. Moreover, material for a radiological bomb (dirty bomb) can be found in any country and not necessarily only in a country with a military nuclear capability. Effective physical security over places of production and storage and over means of clandestine transport has to be ensured.

20. The adequacy of the capability of the International Atomic Energy Agency (IAEA) at Vienna to prevent nuclear terrorism calls for examination by the UN Panel so that it could recommend measures for strengthening it, including the creation of a separate organisation for this purpose, if considered necessary.

21. While the UNSC largely plays a political role in counter-terrorism, the nuts and bolts professional role is performed by the specialised agencies of the UN system and other international organisations. Among these, one could mention the IAEA, the International Narcotics Control Agency in Vienna, the INTERPOL in Lyon, France, the International Civil Aviation Organisation at Montreal in Canada and the International Maritime Organisation in London. The Panel should examine the adequacy of the capabilities and functioning of all these organisations and make recommendations for strengthening them.

22. The Panel should also consider the creation of an International Counter-Terrorism Organisation manned by counter-terrorism professionals from different countries for strengthening the counter-terrorism capability of the international community. It could, inter alia, build up and maintain a common data base on terrorist organisations posing a threat to regional and international peace and security and their modus operandi and facilitate the search for absconding terrorists and the sharing of counter-terrorism expertise and training facilities among the member-countries.

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