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# THREATS AND PROSPECTS IN COMBATING TERRORISM

## A Challenge for Domestic or Transnational Cooperation?

Anna Mikkonen (ed.)

MAANPUOLUSTUSKORKEAKOULU – NATIONAL DEFENCE UNIVERSITY

Strategian laitos – Department of Strategic and Defence Studies

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# **THE EIGHTH RUSSIA SEMINAR**



**The 22<sup>nd</sup> and 23<sup>rd</sup> of October 2008**



## **FOREWORD**

The Department of Strategic and Defence Studies at the National Defence University of Finland arranged its eighth annual Russia seminar on the 22<sup>nd</sup> and 23<sup>rd</sup> of October 2008. The event attracted altogether 60 participants, including political and military decision makers, academics, and international guests. This time, the seminar was built around the theme of terrorism, and as the effects of terrorism have been felt all over the world, the seminar set forth a wider perspective and brought together speakers from various parts of the world.

Terrorism is a multifaceted topic, notoriously difficult to define. The term itself is controversial and politically charged, and the international community has yet to come to an agreement on a comprehensive definition of terrorism. This makes the question of counterterrorism a particularly interesting one to explore. The causes of terrorism and the social contexts in which terrorist attacks occur vary greatly, and the many faces of terrorism call for a variety of countermeasures. States have a duty to take counterterrorism measures, to prevent further attacks and to prosecute those responsible. All this, however, should be done in a way that also protects and promotes human rights.

This problem is present in the first two articles, where Mariya Omelicheva and Ivan Konovalov explore the Russian counterterrorism legislation and structure. Satinder Saini, in turn, sheds light on the specific case of India, where terrorism has been reality for a number of years. Jennifer Giroux raises the increasingly topical issue of energy infrastructure and its vulnerability in the contemporary world, while Leena Malkki takes a historic perspective and reflects upon the end of terrorism through the example of the liberal climate of the Netherlands.

I would like to thank Major G.S. Juha Mäkelä and Coordinator Joonas Sipilä for their efforts in organising the seminar, and Ms. Anna Mikkonen for her work as the editor of this report.

Helsinki, March 2009

Director of the DS  
Colonel

Erik Erroll



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**1****RUSSIA'S COUNTERTERRORISM LEGISLATION,  
WARTS AND ALL: OVERVIEW AND ASSESSMENT OF  
THE LEGAL FRAMEWORK FOR COMBATING  
TERRORISM IN THE RUSSIAN FEDERATION**

*Mariya Omelicheva*

**T**he last years of the Soviet Union were marked by a series of destructive processes conducive to the rise of violence and organized crime. Terrorist and extremist acts, which were infrequent under the totalitarian rule, also intensified posing a threat to the security of the newly independent nations. In Russia, the threat of terrorism has been concomitant with the protracted insurgency in Chechnya and the broader North Caucasus region. The country has experienced a multitude of terrorist and militant attacks, and the turn of the century was marked by a series of high-profile terrorist incidents involving a large number of civilian casualties. Responding to the threat, the Russian authorities adopted extensive counterterrorism legislation, established and modified institutions responsible for combating terrorism, and streamlined the leadership and conduct of counterterrorist operations.<sup>1</sup>

The sheer volume of laws, decrees, and executive orders related to the combat with terrorism – by some accounts over 500 normative acts in the area of counterterrorism were adopted during the last decade in Russia<sup>2</sup> – invites an analysis of Russia's counterterrorism legislation. Until recently, the country has seen no decline in the number of terrorist acts, and the terrorist crime detection has been at 10–20% level of all committed attacks, whereas 80–90% of the attacks have reached their goals.<sup>3</sup> The inability of the Russian security agencies and the law enforcement forces to prevent or

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<sup>1</sup> Traditionally, counterterrorism has been associated with a range of offensive measures. The term “anti-terrorism” has been used for describing defensive responses. Although this distinction has been maintained in some scholarly analyses and policy documents of individual governments and international organizations, it has become common to broaden the traditional discussion of counterterrorism to incorporate the defensive dimension, as well. In the same vein, I do not differentiate between counterterrorism and anti-terrorism strategies and operations and use the notion of counterterrorism in reference to both offensive and defensive measures aimed at combating terrorism.

<sup>2</sup> Dikaev (2004) p. 128.

<sup>3</sup> Dolgova (2002).

adequately respond to the major terrorist attacks raises an important question about the impact of normative frameworks on the effectiveness of Russia's measures aimed at combating terrorism.

The goal of this work is to explore and assess the legislative basis for combating terrorism in the Russian Federation with a focus on the two legal pillars – the 1998 Act “On Combating Terrorism” and the 2006 Act “On Counteraction to Terrorism”. These two normative acts codified and legalized Russia's experiences with suppressing terrorism and streamlined numerous normative and institutional changes introduced to the Russian legislation in the years preceding their adoption.

I will begin with an overview of the evolution of Russia's legislative framework for combating terrorism and an analysis of the novelties of the existing legislation. I will compare and contrast the 2006 act to the 1998 version, and emphasize those features of the new law that demonstrate the government's attempt to hone Russia's definition of terrorism and strengthen its regulation of counterterrorism responses. Next, I will consider gaps, limitations and controversies in the acting legislation, and will critically examine those particular counterterrorism norms, the broad interpretation of which allows for infringements on individuals' freedoms. I will conclude with an overall assessment of the current legislation, i.e., its ability to accomplish the goals it is set to achieve, and suggestions for the development of a comprehensive strategy and program for successful counteraction to terrorism.

### **Russia's Counterterrorism Legislation: Comparing the Old and New Legislative Frameworks for Combating Terrorism**

In the context of Russia, terrorism has been tightly associated with the activities of Islamic militants in Chechnya and the broader North Caucasus. The latter has been an area with the highest concentration of terrorist acts in Russia, and the Chechen guerilla fighters have been implicated in the vast majority of hostage-taking incidents and terrorist crimes in the country. The development of Russia's counterterrorism legislation and institutional framework has trailed the government's experiences with fighting the Chechen resistance and coping with the threat of terrorism in the North Caucasus region. It is no coincidence, for example, that the crime of terrorism was added to Russia's first criminal code inherited from the Soviet past in 1994, which marked the start of the first war in Chechnya.<sup>4</sup> But it was not until the adoption of the Federal Law No. 130-FZ of 25 July 1998 “On Combating Terrorism” that the Russian legislators attempted to define ter-

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<sup>4</sup> Jonson (2004) p. 123.

rorist activity and establish an institutional framework and principles for responding to the threat of terrorism.<sup>5</sup>

For the next eight years, the 1998 Act “On Combating Terrorism” had become the principal legal pillar of the Russian counterterrorism efforts. It sketched out the legal regime of the counterterrorist operation, and defined the organizational basis of counterterrorism placing Russia’s Federal Security Service (FSB), and the Ministry of Interior (MVD) on top of the list of agencies responsible for combating terrorism.<sup>6</sup> The law put forth a more fine-tuned definition of terrorism – compared to the one provided in the criminal legislation – by noting an element of intimidation as one of the characteristics of the crime, but it failed to incorporate political motivation. Thus, the law made no distinction between terrorist and criminal violence.

After the breakup of the Soviet Union, a special office for combating terrorism established in the structure of the Soviet-era Committee for State Security (KGB), traveled to the Federal Security Service of the Russian Federation created in 1995. The same year, the FSB’s director ordered the replacement of the anti-terrorism office with the Anti-Terrorism Center. The latter was transformed into the Inter-departmental Counterterrorism Commission in 1997, renamed as the Federal Counterterrorism Commission in 1998. Headed by the Russian Prime minister, this commission was supposed to coordinate the counterterrorism activities of various power ministries.<sup>7</sup>

The FSB played a primary role in combating terrorism in Russia until 2003, when the MVD expanded its authority over the management of the counterterrorist operation in the North Caucasus and created its own Anti-Terrorism Center “T”. A special inter-departmental center was established in the North Caucasus to address the problem of coordination and intelligence sharing between the FSB and MVD, whose counterterrorism agencies duplicated each other’s functions. Yet, this coordinating center had neither the authority nor the means to perform its information sharing and coordination functions and was unable to resolve the issue of inter-agency cooperation. The overlapping authority and the deficit of coordination be-

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<sup>5</sup> In some English translations, this law is also known as the Act “On the Fight Against Terrorism” and the Act “On Fighting Terrorism”. It should be noted that the earliest version of the law on combating terrorism in Russia appeared in 1993. It was largely envisioned as an instrument for suppressing hijacking incidents. After the start of the first war in Chechnya, the Russian legislators extended their work on the counterterrorism law.

<sup>6</sup> Among other agencies that take part in the fight against terrorism in Russia are the Foreign Intelligence Service, Federal Protection Service, Defense Ministry, Federal Border Service, and others.

<sup>7</sup> Perovic (2006).

tween the FSB and MVD had become major obstacles to the success of counterterrorist operations in Russia.<sup>8</sup>

In 1999, Russia entered the second Chechen military campaign, and a new wave of terrorist violence and insurgency engulfed the country in the early 2000s. These and other developments on the domestic scene coupled with intensified terrorist activity in the international arena compelled the Russian government to reassess the terrorist threat and reconsider the tactics and methods of its counteraction. The Russian counterterrorism legislation had been subjected to frequent changes reflecting experiences attained in the field and acquired through Russia's cooperation with other states and international organizations. Russia's entry into international counterterrorism conventions necessitated further modifications to the normative framework governing Russia's efforts in the area of combating terrorism. After the hostage crisis at a local school in Beslan in September 2004, President Putin pledged to overhaul the system of Russia's security services and develop procedures for coordinating the activities of the counterterrorism agencies. To streamline these changes, the Russian government adopted a new Federal Law No. 35-EZ of 6 March 2006 "On Counteraction to Terrorism", which replaced the 1998 version. The 2006 Act demonstrates an attempt by the Russian government to refine the legal definition of terrorism, legalize the practice of using military forces for the purpose of combating terrorism, and provide a detailed regulation for the conduct of a counterterrorism operation. What follows is a detailed account of the novelties and the most important changes introduced to the new legislation.

### *Definition of Terrorism*

Until the passage of the 2006 law, the Russian legal practice drew an equation sign between terrorism and its individual manifestations. The 1998 Law "On Combating Terrorism" failed to differentiate between terrorism as a complex socio-political phenomenon and terrorism as a crime. The definitions of terrorism and terrorist action provided in the law enumerated different methods of inflicting violence on individuals or organizations and causing damage to property with a view of intimidating the population, violating public safety, influencing governmental decisions, or satisfying the mercenary interests of the perpetrators. Not only did these definitions fail to accommodate all the possible motives of terrorist action, they also confounded methods with goals, and established a two-faceted nature of terrorism, namely, political terrorism and terrorism in pursuit of illegitimate material interests. The law thrust the responsibility for combating terrorism on two different governmental agencies: the FSB was responsible for preventing, uncovering, and defeating political terrorism, while the MVD were

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<sup>8</sup> See, for example, Forster (2006); Plater-Zyberk (2004).

placed in charge of the fight against terrorist crimes with mercenary objectives. The relations between the FSB and MVD had long been marred by the inter-agency feud. The division of competency between the two agencies stifled the effectiveness of the counterterrorism measures, and led to an indeterminacy of investigative jurisdiction in practice.<sup>9</sup>

The new law is set to resolve these definitional and jurisdictional issues. The act is a product of considerable conceptual work by the Russian lawmakers and expert community and a reflection of international experiences and knowledge accumulated in other national cultures. For the first time in the Russian practice, the 2006 law defines terrorism not as separate acts but as an ideology of violence and the practice of influencing decision-making by state and local agencies or international organizations by means of frightening the population or other forms of unlawful violent action. Separately, it defines terrorist activity (i.e., various forms of assistance, preparation, and instigation of terrorism), and terrorist acts (explosion, arson, and other actions). The law recognizes terrorism as a multi-layered social phenomenon, where intimidation is not a goal but a method for accomplishing terrorist political objectives. Furthermore, it streamlines the definition of terrorism and a terrorist act with those provided in the criminal legislation by reproducing the *corpus delicti* of the crime of terrorism contained in Russia's Criminal Code, another feature that was lacking in the past.

### *Regime of Counterterrorist Operation*

The nature of terrorist threat, the danger it poses to the lives and livelihoods of individuals, and the risks associated with the consequences of a terrorist attack may call forth a set of extraordinary measures that the Russian legislation subsumes under a special regime of counterterrorist operations. This is a new regime, which, along with the regimes of emergency situation and martial law, allows the Russian government to impose temporal restrictions on certain constitutionally guaranteed rights and liberties.

The 1998 law also described a special regime of counterterrorist operation aimed at suppressing an act of terrorism. However, the new legislation expands the parameters of a counterterrorist operation by defining it as a set of special measures, which may include active combat and military responses, accompanied by the use of military equipment, armaments, and special facilities for containing and disrupting an act of terrorism and reducing its detrimental impact. The addition of military and operational-combat measures to a set of counterterrorism responses was needed to legalize and regulate participation of Russia's armed forces in counterterrorism. The Russian military had long been involved in combating terrorism

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<sup>9</sup> Gorbunov (2008) pp. 236-7.

in the context of the second Chechen military campaign, framed as a counterterrorism operation by the Russian government. Yet, this practice had been neither properly sanctioned nor regulated in the Russian legislation.

The regime of a counterterrorist operation opens up a legal possibility for derogating certain rights and liberties, and the new law contains a long but exhaustive list of all permissible temporary restrictions. Those may include documents, vehicles, and property inspections; telephone and wire tapping; restrictions on the freedom of movement; establishing a quarantine or restrictions on the circulation of weapons and explosives, and other measures. An important novelty in the 2006 act is that it requires immediate public announcement of a decision about the establishment and termination of the regime of a counterterrorist operation. Such an announcement must specify the area, measures, and restrictions involved. In the absence of a public announcement about a counterterrorism operation, all counterterrorism measures conducted under the special regime will be considered illegal.

### *Organizational Basis of Counterterrorism*

The 1998 law “On Combating Terrorism” did not ascribe primary responsibility for the conduct of counterterrorist operations to either the FSB or the MVD. Either of these agencies could have been placed in charge of the leadership of a counterterrorist operation. An important lesson that the Russian government had learned from mistakes committed in counterterrorist operations was that all units and resources engaged in counterterrorism should be placed under a single command for a coordinated and synchronized response to the terrorist threat.<sup>10</sup>

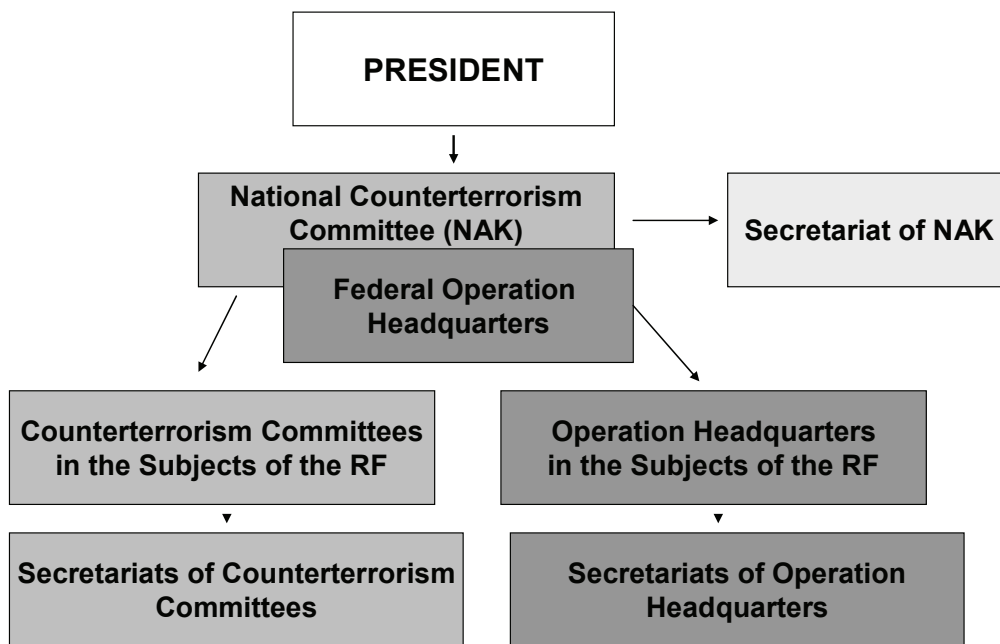
The new law’s provisions about the operation headquarters are a reflection of the practical lessons. The 2006 act asserts the principle of undivided authority over the conduct of a counterterrorist operation. According to the law, the operation headquarters take full charge of the counterterrorist operation, its leadership, direction, and the management of human and technical resources. All elements drawn together for participation in the counterterrorist operation – the military units of the Defense and Interior Ministries, the police, firefighters, soldiers from the Ministry of Emergency Situations, etc. – are transferred from the jurisdiction of their respective ministries under the full authority of the operation headquarters. The latter is also responsible for collecting and analyzing information for the purpose of making informed decisions about the goals, scope, timeframe, and specific measures of the counterterrorist operation.

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<sup>10</sup> Forster (2006); Plater-Zyberk (2004).

The 2006 law also contains a general provision allowing the Russian president to set up inter-departmental agencies for counteracting terrorism. One of such agencies, the National Counterterrorism Committee (NAK), was decreed by President Putin in February 2006. It is composed of the representatives of 17 federal agencies, including the FSB, MVD, Ministry of Interior, Ministry of Emergency Situations, and others, and tasked with the coordination of all federal-level counterterrorism policies and operations. The NAK replaced the Federal Antiterrorist Commission created in 1998, which lacked a permanent secretariat, viable mechanisms for monitoring and enforcing its decisions, and effective tools for coordinating the day-to-day counterterrorism activities of the federal bodies constituting the Commission. The regional counterterrorism committees led by the regional administration chiefs perform the NAK's functions in the regions.

**Figure 1.** The organizational Basis of Counteraction to Terrorism in Russia\*



\*Adopted from the NAK's website: <http://nak.fsb.ru/nac/structure.htm>

The operation headquarters envisioned by the 2006 law is an arm of the counterterrorism committees. The operation headquarters are placed in charge of the direction of counterterrorist operations, as well as the planning of effective and efficient ways to utilize available resources for the purpose of combating terrorism. The multi-level structure of the operation headquarters instituted by the presidential decree in February 2006 exists within the broader structure of the federal and regional counterterrorism committees. The federal operation headquarters function within the struc-

ture of the National Antiterrorism Committee. The operation headquarters of the subjects of the Russian Federation exist in the respective regional counterterrorism committees (see Figure 1 below). The operation headquarters in Chechnya are vested with the leadership over the counterterrorism operation in the republic of Chechnya and North Caucasus.

### *Use of Armed Forces*

The primary task of the Russian army is to defend the country against aggression. The new counterterrorism legislation expands the goals of the Russian armed forces by legalizing their participation in the combat against terrorism in Russia and abroad.<sup>11</sup> The practice of using the Russian military in counterterrorism operations together with security services or individually had long preceded the adoption of the corresponding norms. The Combined Group of Forces in the North Caucasus was created by the presidential decree in 1999 to carry out the counterterrorism and “mop-up” operations in Chechnya. It consisted of the troops of the Defense Ministry, interior troops, forces of the Ministry of Emergency Situations, and units of the FSB and Border Service. To assist the military battalions in carrying out counterterrorism tasks, the FSB, the MVD, and the Main Intelligence Service of Russia created special task teams for liquidating terrorists and militants. Their goal has been to tighten the control over the internal borders between the republics of the North Caucasus, and Russia’s international borders to the south.<sup>12</sup>

The legislators considered it necessary to provide more specific guidelines on the circumstances in which the Russian army can be employed in combating terrorism, as well as to establish general legal parameters for military engagement in counterterrorism.<sup>13</sup> The 2006 law authorizes the chief of a counterterrorist operation to order the creation of a combined group of forces that can include military forces for participation in the counterterrorist operation.

Besides direct participation in counterterrorist operations, the military can be used for preventing terrorist attacks involving hijacking and suppressing acts of terrorism in the Russian inner waters and territorial sea. Russian legislators included a norm that allows the military to destroy an aircraft (or sea vessel) having confirmed that the vessel has been hijacked and poses a real imminent danger to vital targets or sites with a high concentration of people. In other words, the law allows sacrificing the lives of passengers and crew members on board of an airplane for the safety and security of a

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<sup>11</sup> Trunov (2005) p. 69.

<sup>12</sup> Perovic (2006).

<sup>13</sup> The use of armed forces to fight terrorism domestically is also allowed by the amendment to the Federal Law “On Defense” that was adopted in April 2005.



greater number of people on the ground. The law does not specify the national registration of the carrier; therefore, these measures can be applied to both Russian and foreign air planes.

Military force can also be used for targeting terrorists and their bases abroad, and for suppressing international terrorist activity outside of the Russian territory. The previous law of 1998 contained no provision that would have allowed deploying Russia's armed forces in counterterrorism operations abroad. Under contemporary legislation, the President of Russia has the authority to make personal decisions concerning the use of the armed forces from the territory of Russia against terrorists and their bases overseas. The President's decision to use Russia's armed forces for conducting counterterrorism operations abroad requires the approval of the Federation Council, an upper chamber of the Russian Parliament. However, an amendment to the 2006 act gives the President full discretion in utilizing the FSB security forces abroad. No permission from the Federation Council is needed in those cases.

Another novelty of the counterterrorism legislation is the principle of making no political concessions to terrorists. The 1998 "On Combating Terrorism" allowed minimal concessions, whereas the current law contains a more categorical formulation.<sup>14</sup> The act, nevertheless, allows for the possibility of negotiations for the sole purpose of saving the lives of people. Those talks can only be conducted by the appointed negotiators and authorized by the chief of the counterterrorist operation. In other words, the law allows for some tactical concessions, but places a ban on giving in to terrorists' political demands.<sup>15</sup>

### **Gaps and Limitations in Russia's Counterterrorism Legislation**

The 2006 Act "On Counteraction to Terrorism" was envisioned as a comprehensive piece of legislation encompassing a wide range of preventive measures and policies aimed at protecting people and infrastructure against terrorist attacks, as well as responses to acts of terrorism already committed. An explanatory note accompanying the 2006 act points out that "counteraction" has a broader meaning than "combat". It encompasses responses of special services and law-enforcement bodies, as well as activities of various state and local agencies, organizations, and individuals in preventing terrorism, among other things.<sup>16</sup> The priority of preventive measures is

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<sup>14</sup> Marluhina and Rozhdestvina (2007).

<sup>15</sup> According to the provisions of the 1998 legislation, it was possible to negotiate with terrorists with the aim of saving material valuables or for the purpose of studying the counteraction to terrorism without using forceful means.

<sup>16</sup> Petrushov (2006).

stated as one of the main principles of counteraction to terrorism in the new law, which also calls for a systematic approach including political, informational, socio-economic, legal, and other responses to the threat of terrorism.

In a broad sense, prevention should include the analysis of risks and trends of terrorism, the identification of factors contributing to the recruitment of terrorists or radicalization of groups and movements, as well as the detection of and counteraction to the methods, propaganda and conditions through which individuals are drawn into terrorism. Regrettably, the law has not delivered on the stated principles prioritizing terrorism prevention and emphasizing the need for a comprehensive approach to terrorism. The legislation is silent about preventive or prophylactic measures of counteraction to terrorism.

An effective system of prevention of terrorist attacks in Russia is in a rudimentary shape. Neither the law-enforcement agencies nor the secret services have a well-established practice of systematic examination of their counterterrorism experiences for preparing recommendations regarding the improvements of the methods and tactics of counteraction to terrorism. For a long time in Russia, terrorism had been defined as a sum of discrete criminal acts, and the law-enforcement and security agencies were tasked with the struggle against individual manifestations of terrorism. The analysis of the causes and conditions giving rise to the terrorist problem fell largely outside of their jurisdictional scope.<sup>17</sup>

The 2006 law takes an important step toward recognizing terrorism as a complex socio-political phenomenon, thus laying ground for developing preventive and prophylactic counterterrorism measures. The act does not, however, follow up with the outline and details of these preventive responses. Neither does the law define a series of protective measures aimed at reducing the vulnerability of people and infrastructure to terrorist attacks and improving the border, transport, and critical facilities security. Despite the detailed regulation of counterterrorist operation, the lawmakers sidestepped the development of measures aimed at protecting the rights, property, and lives of the people that happened to come under the purview of this regime. The law does not ascribe liability for a failure to act or for a negligence of counterterrorist responsibilities, for an abuse of authority or for human rights violations.<sup>18</sup> It does not provide for effective internal and external oversight mechanisms guarding against such kinds of neglect and abuse. In practice, these legislative omissions have contributed to substantial property damage and casualties in the civilian population, when the

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<sup>17</sup> Gorbunov (2008) p. 168-9.

<sup>18</sup> Truntsevcki (2005).

military and security services have utilized force as a means of combating terrorism.

Detection and suppression of terrorist acts and mitigation of the destructive consequences of terrorism are the only methods of counteraction that received detailed explanation in the new law. The latter also places considerable emphasis on punitive measures, the use of force, and the role of the armed forces in combating terrorism. The new legislation appears to reflect the practice where the choice had long been made in favor of military-style operations carried out by the army troops or small secretive “liquidation” squads.

Another limitation of the Russian counterterrorism legislation is that it does not provide for inter-departmental exchange of information, which is a necessary part of counteraction and prevention of terrorism. The National Counterterrorism Committee that was established to coordinate the counterterrorism activities of various federal structures does not enable daily informational exchanges. Among its purposes are the strategic assessment of the level of terrorist threat, the development of counterterrorism tactics and methods, and the procurement of financial and other resources to support counterterrorism initiatives. The importance of regular exchanges of information on various aspects of terrorism and counterterrorism is understood at every governmental level. Yet, the acting legislation contains no provisions for the creation of a unified platform, embodied in a specialized agency or institution, for facilitating and maintaining these kinds of work.

The adoption of the 2006 Act “On Counteraction to Terrorism” has also created discrepancies between the counterterrorism law and other legislation. A norm of the 2006 law that allows for the downing of a hijacked airplane contradicts to the constitutional provisions enshrining the right to life and disallowing derogation from this principle under any conditions.<sup>19</sup> This norm also collides with the provisions of the 1993 Federal Law “On State Border of the Russian Federation”. The latter act prohibits employment of weapons and military equipment against air planes or other means of transportation with passengers aboard.<sup>20</sup>

Furthermore, the 2006 act “On Counteraction to Terrorism” has not resolved the quagmire between the two power ministries over the leadership role in combating terrorism. According to the law, the FSB should be the main body responsible for combating terrorism. At the same time in the North Caucasus, it was the MVD that was decreed by the president to carry out this function. Until summer 2006, the leadership of the counterterrorist

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<sup>19</sup> Marluhina and Rozhdestvina (2007).

<sup>20</sup> Trunov (2005).

operation in the North Caucasus was with the Regional Operational Headquarters (ROSh) led by the MVD. With the end of the counterterrorism operation in August 2006, the ROSh was dissolved. In place of the ROSh, the President decreed the establishment of operational headquarters in each of the regional republics to combat the remnants of rebel units. These operational headquarters have been headed by the MVD officials, with the Minister of Interior holding command over the operational headquarters in Chechnya. In September 2008, the Russian president further strengthened the counterterrorism role of the MVD by liquidating the Interior Ministry's department for combating organized crime and terrorism and establishing new units tasked with the fight against extremism on their basis. Traditionally, it has been the FSB that has performed the counter-extremist and counter-terrorist functions.

### **Controversies in Russia's Counterterrorism Legislation**

The passage of the 2006 act "On Counteraction to Terrorism" was wrapped in a shroud of controversy. Much of the polemics revolved around the expansive definition of terrorism and the wide discretion over the management of the regime of a counterterrorist operation, including substantial restrictions on human rights with virtual impunity for their violation. The provisions of the law that impart the chief of a counterterrorist operation with broad authority in implementing the law, including the use of the armed forces for combating terrorism at home or abroad, have also received public disapproval.<sup>21</sup>

#### *Controversy Surrounding the Definition of Terrorism*

The 2006 law defines terrorism as the "practice of influencing the decisions of the government, local self-government or international organizations by intimidating the population or using other forms of illegal violent action", and as the "ideology of violence". According to some legal experts, the definition of terrorism as *practice* and *ideology* lends itself to broad interpretations, thus creating legal uncertainty in the application of the law<sup>22</sup>. There are legitimate fears about the possibility of "stretching" the definition to any offensive ideology or political agenda. However, the existing criminal legislation closes this loop-hole. According to Russia's Criminal

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<sup>21</sup> In January-February 2007, a group of eight independent jurists, members of the Eminent Jurists Panel on Terrorism, Counterterrorism and Human Rights, appointed by the International Commission of Jurists (ICJ) reiterated these major concerns after their visit to Russia to examine the impact of terrorism and counterterrorism measures on the rule of law and human rights (see, Eminent Jurists Panel on Terrorism, Counterterrorism and Human Rights 2007).

<sup>22</sup> Levinson (2007).

Code, which establishes criminal responsibility for terrorism, only acts, such as arson, explosion, hostage-taking, and other *actions* committed with the purpose of violating public safety, state security, and the security of individuals and institutions enjoying international protection, are recognized as terrorism<sup>23</sup>.

What is more troubling, however, is the even broader definition of terrorist activity in the law “On Counteraction to Terrorism”, which includes, among other things “informational or other types of assistance” at the various stages of terrorism, as well as the “propaganda of terrorist ideas, dissemination of materials or information, which urge terrorist activity, substantiate and justify the need for such activity”. The liability for “informational assistance” may become a major deterrent to the circulation of unofficial information about terrorist attacks by the broadcasting organizations.<sup>24</sup> The liability for the “justification of terrorism,” which was established by an amendment to Russia’s Criminal Code in July 2007, may have a chilling effect on the freedom of speech and open debate concerning terrorism. Although the Russian criminal legislation attempts to define the public justification of terrorism as public statements that recognize terrorist ideology and practice as legitimate and deserving support and emulation, there are considerable risks of a politically-motivated enforcement of these legislative provisions.<sup>25</sup>

The Federal Law on Mass Media has already been amended with a new restriction that prohibits public justifications of terrorism by mass media sources. Given that terrorism has always been a politically-charged term, it is very difficult to separate terrorism from other manifestations of politically motivated violence. The imposition of the ban on the vaguely defined justifications of terrorism can promote editorial self-censorship and restrictions on the freedom of expression. It may stifle investigative journalism and promote censorship of news media articles on contentious topics related to terrorism.<sup>26</sup>

The criminalization of public calls to terrorist activity or public justification of terrorism also creates a situation for the competition of norms. The existing legislation on counteraction to extremist activity already prohibits public calls to extremism. The criminal legislation already establishes criminal liability for extremist activity. The latter, among other things, includes the preparation, planning, and performance of acts with the purpose of carrying out terrorist activity. In other words, the new law “On Counteraction to Terrorism” and amendments to the criminal legislation establish criminal

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<sup>23</sup> Marluhina and Rozhdestvina (2007).

<sup>24</sup> Levinson (2007) p. 2.

<sup>25</sup> Levinson (2007).

<sup>26</sup> Levinson (2007).

liability for an activity that is already criminalized in the Russian law. The practitioners will face the difficult task of choosing a proper criminal qualification of the public calls to both terrorist and extremist activity. Under these circumstances, charging an individual for two crimes – public calls to terrorist activity and public calls to extremist activity – will violate an essential principle of criminal justice, namely that no one should be punished for the same criminal act twice.<sup>27</sup>

### *Loop-Holes in the Regime of Counterterrorist Operation*

Like the 1998 act “On Combating Terrorism”, the 2006 counterterrorism law allows for the suspension of certain individual liberties in the zone of a counterterrorist operation. Concerns have been expressed about the constitutionality of the new regime, the vagueness of its territorial and time limitations, and the lack of safeguards against human rights abuses under the pretext or in the name of combating terrorism.

The Russian Constitution of 1993 allows for certain derogations of rights and liberties in a state of emergency and in accordance with the federal constitutional law establishing the necessary procedures for introducing a state of emergency.<sup>28</sup> The two constitutional acts that provide for the establishment of a state of emergency in the Russian Federation are the Federal Constitutional Law “On the State of Emergency” (2001), and the Federal Constitutional Law “On Martial Law” (2002). Under the Constitution and these acts, the President is vested with the exclusive right to impose martial law or declare a state of emergency by issuing a presidential decree that must be approved by the Federation Council. Pursuant to Russia’s international obligations, the President is responsible for the notification of the UN and the Secretary Generals of the Council of Europe about any deviations from Russia’s obligations under international human rights treaties resulting from temporary restrictions on the rights and liberties under a martial law or a state of emergency. Both regimes are subject to numerous restraints and controls.

The regime of counterterrorism operation has not been defined in a federal constitutional law. It does not require the declaration of a state of emergency but imposes the same restrictions. Whereas the latter requires a clear delineation of its temporal and territorial boundaries and is subject to a fairly complicated procedure to extend its duration or geographical domain, the regime of a counterterrorist operation is not limited in either time or space, and the chief of the counterterrorist operation has ultimate discretion

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<sup>27</sup> Marluhina and Rozhdestvina (2007).

<sup>28</sup> Federal constitutional laws top the hierarchy of federal laws in the Russian Federation.

to determine the area and duration of the operation.<sup>29</sup> For instance, following the murder of a member of Dagestan's parliament in December 2007, the republic's counterterrorism committee established the regime of a counterterrorist operation in the Untsukul district to carry out large-scale sweeps to find the parliamentarian's killers. The operation swiftly attracted a large number of security forces combing the area. In July 2008, a decision was made to extend the regime until November, and it might even be extended once again. This means that by the end of the counterterrorism operation it will have lasted for more than a year<sup>30</sup>.

The regime of a counterterrorist operation does not require international accountability or parliamentary oversight but grants enormous surveillance powers to the security forces, thus opening up possibilities for infringing on the basic rights of people. The regime warrants ID checks, screening of all types of communications, restrictions on movement, unhindered access to private homes and premises of organizations, various checks and searches, and other restrictions for the purpose of combating terrorism. The critics of the law state that it effectively strips individuals of any judicial protection and contradicts to the constitutional provisions that require a court's decision for conducting any investigative or operational activities – screenings or searches – infringing on the individuals' rights to privacy.

The law does not, however, eliminate judicial supervision over the surveillance practices and criminal investigation. The articles of the law should be read and interpreted in conjunction with the provisions of other legal acts that are currently in force in the Russian Federation.<sup>31</sup> The 2006 law contains a blanket norm providing for the possibility of imposing restrictions on the exercise of human rights and refers to other pertinent legislation for details about the procedures and requirements for using wiretapping and searches. Russia's laws "On Operational-Search Activities" and "On the State Security Service" regulate investigative practices. These acts stipulate that a judicial decision is needed to authorize those surveillance measures and investigative tactics that violate individuals' constitutional rights, including the right to privacy of communication. Russia's Supreme Court in its authoritative interpretation of the law re-affirmed that the Russian courts are not allowed to use evidence obtained by using tactics that infringe on people's constitutional rights unless those measures have received judicial authorization.<sup>32</sup> Only in very rare instances, when a situation demands urgent action to prevent a grave crime, can an investigative body carry out operational-search activities based on a non-judicial warrant with an

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<sup>29</sup> Levinson (2007).

<sup>30</sup> Alikhanov and Magomedova (2008).

<sup>31</sup> Trunov (2005).

<sup>32</sup> Petrushov (2006).

obligatory notification within 24 hours of a judge who must authorize these measures within a 48-hour time frame. The interpretation of the law on counteraction to terrorism in conjunction with the legislation on the conduct of surveillance and criminal investigation calls for these same procedures.<sup>33</sup> Fears over the possibilities of abuse of the investigative and operational-search prerogatives are not unwarranted. Yet, the reason has less to do with the limitations of law than the rampant corruption of the law-enforcement offices.

### **Assessing the Effectiveness of the Counterterrorism Legislation and Drawing Conclusions about the Ways to Strengthen the Legal Basis for Counteraction to Terrorism in Russia**

The effectiveness of a piece of legislation is typically assessed by looking at the extent to which the law has accomplished the goals envisaged by the lawmakers. The goals of the 2006 act “On Counteraction to Terrorism” are specified in the preamble to the law. The act purports to provide the legal and institutional foundation for the prevention, suppression, and mitigation of the destructive effects of terrorism on the basis of a number of important principles. Among the top principles listed in the law are respect for human rights in the context of counterterrorism and the protection of rights and the legitimate interests of the victims of terrorism. Accordingly, Russia’s counterterrorism legislation must be premised on the principle of protecting human rights. The latter principle, however, has not been embodied in the normative provisions of the counterterrorism legislation. It is also indisputable that the law has failed to establish the legal and organizational bases for a variety of preventive and protective measures against terrorism. The legal experts and practitioners concur that the legislative reform has had little impact on the prevention of terrorism. Today, as in the past, Russia lacks a comprehensive counterterrorism policy embracing legal, criminological, punitive, political, and other dimensions of the struggle against terrorism.

The law provides a more detailed description of measures aimed at suppressing terrorism. There are, however, gaps and inconsistencies in the existing legislation. The law attempted to resolve a long-standing quagmire between the FSB and MVD over the leadership in the counterterrorist operation by vesting the former with the sole authority over Russia’s counterterrorism. In practice, however, this task in the North Caucasus is still performed by the MVD. Thus, the problem with establishing a single command for directing and coordinating counterterrorism responses has not been resolved by the legislation.

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<sup>33</sup> Marluhina and Rozhdestvina (2007); Petrushov (2006).



By emphasizing forceful, military-style responses and punitive measures aimed at suppressing terrorism, the 2006 law, inadvertently, fortifies a system of counterterrorism that prioritizes the “stick” over a more balanced approach to the counteraction of terrorism. The “stick” is the Russian armed forces that shell the houses and apartment blocks on the suspicion that terrorists are harbored there, and the special units of the security service that mop-up the villages and brutalize the population.

One of the reasons for the listed deficiencies of Russia's counterterrorism legislation is its reactive nature. The Russian counterterrorism laws have been adopted in a “catch-up” mode in response to the events and processes unfolding in the realm of counterterrorism. The latter, in turn, has been largely confined to the military and counterterrorist operations in Chechnya. The patterns of terrorism in the Chechen republic have been inseparable from the general dynamics of insurgency in the region. Subsequently, the Russian counterterrorism, counter-insurgency, and military combat operations have become tightly intertwined. The protracted brutal war has become a “counterterrorist operation”, the governmental war strategy has transmogrified into Russia's counterterrorism strategy, and the tools of conventional warfare and other coercive means for fighting insurgency have become the tactics of combating terrorism.<sup>34</sup> Since both the war and the counterterrorism operation have been led by the same people, funded from the same sources, and aimed at the same enemy, no effort has been made at distinguishing between terrorism and other forms of politically motivated violence, such as guerrilla warfare. Although the two are essentially different modes of operation, they have been approached using similar methods of counteraction.

The threat of terrorism is not the only source of instability in the North Caucasus. Separatism, Islamism, banditry, skirmishes between clannish, tribal and other communal groupings, low-scale insurgency, and organized crime threaten to destabilize the region.<sup>35</sup> Each of these factors of instability, and each individual conflict situation demand their own unique solutions. A blanket approach termed “counterterrorism” with excessive reliance on the use of force will be futile in reducing criminal violence and terrorism.

The lack of a comprehensive program of prevention and the use of excessive force as a primary means of combating terrorism have doomed Russia's efforts to limit the growth of terrorism in Russia's regions. The gov-

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<sup>34</sup> Baev (2004).

<sup>35</sup> Combating these types of threats is the responsibility of MVD, and this explains active involvement of the MVD forces in the territorial unites of the North Caucasus region.

ernment needs a long-term counterterrorism strategy that will include socio-economic approaches and an effective system of prevention and protection from terrorist attacks along with the punitive and consequence management dimensions. The Russian legislators should address the corrosive effects of the counterterrorism legislation on the rule of law, civil society, and the media, and strengthen the safeguards against human rights violations in the counterterrorism legislation. The latter should also define the mechanisms of public accountability and legal responsibility for the abuse of authority, as well as ascribe liability for negligence and inaction in implementing the counterterrorism legislation.

Although there is, definitely, a need for further work at improving the legal framework for counteracting terrorism in the Russian Federation, legislative measures should not be viewed as a cure for the ineffectiveness of Russia's efforts aimed at combating terrorism. The huge gap that exists between laws and their application in practice cannot be closed by adding amendments to the existing legislation or adopting new legislative mechanisms. The tag-of-war between Russia's state agencies will continue to seriously impede the successful realization of counterterrorism responses. The enforcement of counterterrorism laws will be unfeasible without the disruption of rampant corruption, the elevation of living standards in all regions of Russia, political and economic reforms, free democratic elections at all levels, as well as the establishment of necessary safeguards against human rights abuse.

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## 2

### **STRUCTURE OF THE FIGHT AGAINST TERRORISM IN THE RUSSIAN FEDERATION: ESTABLISHMENT, EVOLUTION AND PRESENT STATE**

*Ivan Kononov*

**F**rom the mid-1990s onwards, terrorist attacks have become one of the principal threats to security and stability in the Russian Federation. Since then, the Russian agencies directly involved in fighting terrorism have gone through major evolutionary developments, and the general counterterrorist system in the country has changed. This evolution and the present state of affairs in the Russian antiterrorist system will be the subject matter of this article, which has been compiled by using only open-source data.

The term “opposing” terrorism is broader than “fighting” terrorism, which refers to the direct suppression of a terrorist act or punishment of the perpetrators. It refers to a set of legislative, ideological, informational, organizational, administrative, legal, educational, and other functions. Terrorism is becoming a long-term factor, which has a negative effect on the development of social relations in Russia, as well as in a number of its neighbouring states. One must admit that although there have been major achievements in the fight against terrorism, the threats relating to the operation of terrorist organizations in the nearest future will not only persist but will most probably increase.

Terrorism has become a dynamically developing system. The forms and methods of terrorist activity are constantly developing, and terrorist groups are establishing ties and sharing experience, for example through the use of the internet. Modern terrorism is a powerful force, which takes more than specialized antiterrorist units to fight; therefore, in many countries, including Russia, the armed forces are increasingly called on.

#### **The Development Period of the Antiterrorist System**

In the Soviet Union, two divisions of the State Security Committee (KGB) were responsible for fighting terrorism. One was part of the Fifth Directorate that fought anti-Soviet elements. The other was part of Directorate “K”

(counterintelligence) of the First Main Directorate of the KGB (external intelligence). After the disintegration of the Soviet Union and the disbandment of the KGB, the agency that came to replace it – the Federal Counterintelligence Service (FSK) – established the Directorate for Fighting Terrorism, which remained intact even when the FSK was reformed to establish the Federal Security Service (FSB) in 1995.

During the first years of the existence of the Russian Federation, terrorism was not viewed as one of the principal problems, because it was overshadowed by the economic problems of a country thrust into a deep crisis. However, following the hostage taking in Budyonnovsk by the gang of the Chechen field commander Shamil Bassayev in June of 1995, the country's leadership began to take the ever increasing terrorist threat seriously. With the Directorate for Fighting Terrorism as its base, the FSB Antiterrorism Centre was formed. In addition, the task of fighting terrorism was given to the FSB Directorate of Prospective Programs, established in 1996.

The legislative foundation of the counterterrorist system was laid in 1996, when the President of the Russian Federation issued the Edict “On measures to step up the fight against terrorism,” in which the idea of joining the efforts of all the power agencies<sup>1</sup> in fighting terrorism was for the first time introduced legislatively. In 1997, the specially established Interdepartmental Antiterrorist Commission began to operate, chaired by the FSB's director. Although the Commission was to work on a planned basis, holding sessions at least once every three months, it did not have a permanent working body of its own. Therefore, the session materials were mainly prepared by representatives of those federal executive agencies that dealt with those issues on a daily basis. In fact, the Commission was a deliberative organization, not a real tool for preventing and fighting terrorism.

In 1998, the Law “On fighting terrorism” was passed. It assigned the task of fighting terrorism in Russia to the FSB, the Ministry of Internal Affairs, the Ministry of Defence, the Foreign Intelligence Service, and the Federal Protection Service. As for the Foreign Intelligence Service (SVR) and the Federal Protection Service (FSO), their role in the counterterrorist fight is more indirect. The SVR fights terrorism by ensuring the safety and security of Russian missions abroad, and collects information on the operation of foreign and international terrorist organizations. The FSO, in turn, fights terrorism by ensuring the safety and security of government facilities. This state of affairs has remained unchanged to this day.

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<sup>1</sup> In Russia, “power agencies” (силовики) generally refer to the security services, the armed forces, the Ministry of Interior, and the Ministry of Foreign Affairs.

The Interdepartmental Antiterrorist Commission was disbanded in 1998. To replace it, the Federal Antiterrorist Commission was established. Yet, it too lacked a permanently operating staff. The lack of actual mechanisms ensuring the enforcement of the Commission's decisions and the daily coordination of the operation of federal and regional executive agencies in the sphere of opposing terrorism was an objective factor that diminished the efficiency of the antiterrorist measures.

In 1997, to replace the Antiterrorism Centre, the FSB formed the Department for Fighting Terrorism. In 1999, the Department was united with the Administration for Constitutional Security, which was responsible for countering political extremism. This meant uniting two structures with totally different objectives: the fight against terrorism and the fight against political dissent, which, admittedly, very often acquires radical forms. Such an approach only made it possible to revive political persecution. What emerged as a result was first the Department and then the Service for the Protection of Constitutional Order and Fight against Terrorism, the principal structure in the FSB directly targeted at fighting terrorism.

Part of the Service became the Special Purpose Centre, comprising directorates "A" and "V," established on the basis of the well-known detachments Alfa and Vympel. In Soviet times, detachment Alfa was part of the seventh directorate of the KGB, and even then its principal task was to fight terrorism and other extremist actions. Detachment Vympel was a powerful unit of the First Main Directorate of the KGB (foreign intelligence), but in the early 1990s, it was also reoriented to counter terrorism. One of the principal tasks assigned to Vympel was the protection of nuclear power plants and other nuclear facilities from terrorist attacks. The Special Purpose Centre became, in fact, a rapid reaction force in the FSB. Its regional divisions were established. In addition, divisions similar to Alfa and Vympel were formed at the FSB's regional directorates: the so-called OSOMs, detachments for the support of operational activities. They did not have, however, as high a level of funding and equipment as the units subordinate to the Special Purpose Centre.

In 2002, after the hostage taking at the Dubrovka theater centre in Moscow (Nord-Ost), new regulations on the Federal Antiterrorist Commission were approved. Regrettably, the new regulations failed to remove the critical weaknesses of the system of fighting terrorism that existed at that time. Many of those weaknesses were to become evident during the tragic events in Beslan. In hindsight, one can see that the Beslan operation and the counterterrorist operations that preceded it, showed a number of problems that were typical at the time:

- Lack of a systematic approach to the formation of a unified government strategy of antiterrorist activity and long-term programs for its implementation;
- Weak legal regulation of the basic principles in accordance with which the system of opposing terrorism functions;
- Insufficiently clear distribution of tasks and functions in the sphere of fighting terrorism;
- Lack of coordination and lack of a single control centre;
- Need for improvement in the system of monitoring the enforcement of mandatory requirements in the sphere of opposing terrorism stipulated in the Constitution of the Russian Federation; and
- Insufficient resource and science-and-technology support for the entities that conduct the fight against terrorism

### **North Caucasus**

On the whole, among the power structures of the Russian Federation it was the FSB that played the leading role on the counterterrorist front all the way to 2003. As of 2003, however, the Ministry of Internal Affairs became the FSB's equal partner in addressing the tasks in question. Also in 2003, the Interior Ministry formed its first unit for fighting terrorism: the "T" Center, with branches in various regions. After this, based on the Main Organized Crime Directorate, the Organized Crime and Terrorism Department was established. The Department included the "T" Center, the Specialized Support Center (the "S" Center), and the Rys (Lynx) special-purpose police detachment.

In the North Caucasus, the Interior Ministry came to head two federal coordinating structures in 2003. One was the Regional Counterterrorist Operation Headquarters (ROSH). That structure, established in 2001, was previously headed by an FSB deputy director. The other was the Combined Force, the control of which passed from the Ministry of Defense to the command of the Interior Forces of the Ministry of Internal Affairs. Interior Forces are suitable for police operations that require the use of heavy equipment and weapons against armed gangs. These forces are not, however, meant for destroying small terrorist groups. For that purpose they neither have the experience nor the training – nor do they have a specially trained intelligence unit.

It is worthwhile to note that since the completion of active warfare in the second Chechen campaign in the summer of 2000, most operations to destroy terrorists in the republics of North Caucasus have continued as military operations or city combats with the use of heavy weapons.



As early as at the beginning of the second Chechen campaign, Russia began to make more use of units manned with ethnic Chechens. The Main Intelligence Directorate of the General Staff of the Russian Armed Forces authorized the creation of two Chechen special-purpose battalions, East and West, in the 42nd motorized infantry division of the Ministry of Defence. Both units have been assigned with the task of terminating terrorist activity. Within the Interior Ministry, the Chechen Special-purpose Police Detachment (Chechen OMON) was created. The FSB formed the specialized battalion Gorets (Highlander). The Kremlin formed a high opinion of the operation of all those units.

Both the Interior Ministry and the FSB have long practiced sending specialized groups to Chechnya and Ingushetia for the direct termination of terrorist activity. The Interior Ministry used specialized provisional task forces. The FSB used specialized composite groups, made up of operatives from the FSB's regional directorates and Interior Forces special-purpose troops. Aside from specialized composite groups, the FSB now and then used to send Alfa group units, some subordinate to Moscow and others subordinate to regional directorates.

The principal problem in both Chechnya and the North Caucasus as a whole was the coordination of actions and sharing of information among the power agencies. There was no specialized entity for that purpose. The only division of the FSB central staff that did exercise coordination in the North Caucasus was the Operations Coordination Directorate, but it only shared information with other FSB divisions in the region.

At a certain later stage, a specialized intelligence service operated in the North Caucasus uniting the efforts of relevant services in the FSB, the Interior Ministry, and the Main Intelligence Directorate (GRU). It was headed by an Interior Ministry officer, a deputy commander of the Combined Force. However, it functioned more like military intelligence, addressing the tactical tasks of finding and destroying gunmen's detachments and small groups.

By 2005, the antiterrorist system in Chechnya looked as follows. The ROSH and its subordinate Combined Force in the North Caucasus were responsible for coordination and intelligence sharing. The following agencies collected and analyzed intelligence data: the FSB Operations Coordination Directorate, the Provisional Operations Group of the FSB Military Counterintelligence Directorate in the North Caucasus Region, and Operational Search Bureau No. 2 of the Interior Ministry Main Administration in the Southern Federal District, as well as the specialized intelligence service mentioned above – the one commanded by an Interior Forces officer and uniting the efforts of the FSB, the Interior Ministry, and the GRU.

The problem of determining the command functions in crises used to be a long-standing one. Either the chief of the FSB regional directorate or the Interior Ministry was expected to assume command. Yet, every time the command ended up in the hands of Moscow officials, at the minimum level of the deputy Interior minister or the FSB director. This was the case in Budyonnovsk (1995), Kizlyar (1996), and in Dubrovka theater in Moscow (2002). An attempt was made to change the situation in 2004, when the so called Operational Control Groups (GrOU), commanded by Interior Ministry colonel-level officers, were established in the Southern Federal District.

They became the controlling bodies for combined groups meant for addressing hostage crises or for suppressing gunman detachments' attempts to attack a population centre. Those groups included units of the FSB, the Defence Ministry, Interior Forces, special-purpose police detachments, and the Ministry for Emergency Situations. The idea was for the Interior Forces with limited support from Defence Ministry units to become the principal impact force of those groups and for FSB officers to collect intelligence. Their commanders were to become operation commanders automatically in case of a crisis, acting without coordination with the central leadership. GrOU commander obtained the status of deputy head of the republican antiterrorist commission, headed by the regional governor. The GrOU commander thus became the second most important official responsible for fighting terrorism in the region after the oblast governor or the president of the republic.

However, such an approach looked more like an attempt by the authorities to shift the responsibility to the local power structures in case of a failure. Moreover, it has never been fully tested in practice. In the 2004 Beslan operation, the control was in the hands of the FSB North Ossetian Department chief, and his headquarters included two FSB deputy directors. In October 2005, the command of the Nalchik operation was assumed by the North Caucasus District Interior Forces commander.

### **Modern Stage**

The year 2004 was symptomatic of the Russian antiterrorist system: It was then that Chechen gunmen broke through into Ingushetia, and terrorists captured a grade school in Beslan. These events coincided with the administrative reform of the government agencies of the Russian Federation, which immediately affected the FSB and the Interior Ministry reform. President Putin signed the Edict "On urgent measures to step up the efficiency of the fight against terrorism." Beslan's tragic experience was given particular attention. The FSB and a number of interested ministries and de-

partments developed a conception of counterterrorism which was new in principle. Yet, in practice, the year 2005 only saw cosmetic reforms in the counterterrorist services of the FSB and the Interior Ministry which boiled down to some renaming and reorganization.

A serious shift occurred one year later. On March 6, 2006, a new Federal Law on opposing terrorism was promulgated. The National Antiterrorism Committee (NAK) was created on March 10, 2006. The Federal Operations Headquarters (FOSH) was formed as part of the Committee to organize the planning of the use of force and the means of the federal executive bodies and their territorial antiterrorism bodies, as well as to control the counterterrorist operations.

In the components of the Russian Federation, their own operations headquarters were established, headed by the chiefs of the regional security agencies; the regions saw the establishment of antiterrorist commissions (the control over them was assigned to the heads of the regional executive bodies). The NAK brought together representatives of 17 public structures, ministries and departments, including the FSB, the FSO, the Interior Ministry, the Ministry of Emergency Situations, the Ministry of Health and Social Development, and the Ministry of Transportation.

The operations headquarters – jointly with the antiterrorist commissions in the components of the Southern Federal District – have created interdepartmental working groups. They include representatives of law-enforcement and other government agencies.

Following the establishment of the NAK<sup>2</sup>, the efficiency of actions by all branches of government in the fight against terrorism has notably improved. In 2007, the FSB suppressed the operation of 120 terrorist and extremist organisations. In the two years that the NAK and the FOSH have existed, more than 200 terrorist acts have been prevented in Dagestan, Chechnya, Ingushetia, and Stavropol Territory. In the first six months of 2008, seven terrorist acts and more than 30 crimes related to terrorism were prevented and the activity of more than 80 gang and terrorist leaders suppressed. These, of course, are the official figures, but as a whole, one cannot help but note a general reduction in the number of terrorist acts in the Russian Federation.

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<sup>2</sup> There are important differences between the Russian NAK and its U.S. counterpart. The American National Counterterrorism Center (NCTC), more than anything else, is an information analysis structure of the U.S. intelligence community; it analyzes incoming information about terrorist threats against U.S. territory, people, or interests. The Russian Committee is primarily a coordinating entity. Its activity encompasses three primary areas: preventing terrorism, fighting it, and minimizing its impact.

At the same time, the system of fighting terrorism in Chechnya has undergone a radical transformation over the past two years. The President of Chechnya, Ramzan Kadyrov, is, in fact, crowding federal structures out of Chechnya. In any controversy, the Kremlin invariably backs the Chechen president, whom president Putin in his time defined as Moscow's principal ally in the North Caucasus. The FSB Operations Coordination Directorate was disbanded in February of 2006. That blocked the operation of the Gorets Chechen specialized battalion of the FSB, subordinate to the disbanded directorate and not reporting to president Kadyrov. The GRU Chechen battalions West and East, whose commanders were at odds with Kadyrov, in fact discontinued their operation in 2007. As a counterweight to those units, two battalions, North and South, were formed in 2006, manned with Kadyrov's supporters. Officially, they form part of the 46th brigade of the Interior Forces of the Ministry of Internal Affairs.

The Interior Ministry and the specialized groups of the FSB have noticeably reduced their activity in Chechnya. That is explained by the fear of information leaks now that the Chechen president himself and members of his administration have become members of the Federal United Headquarters. The tactics of the Special Purpose Centre units of the FSB have also changed. While previously one Alfa and one Vypfel detachment were present in Chechnya at all times, now they go there only to conduct specific operations. The GRU special purpose units continue to conduct operations in Chechnya, but mainly by using the units of the 22<sup>nd</sup> special-purpose brigade, stationed in Rostov Oblast, a neighbouring territory.

The centre of the fight against terrorism has moved outside of Chechnya: in October 2006, the Centre for Fighting Terrorism was created in Rostov-on-Don under the Operational Search Bureau of the Interior Ministry Main Administration for the Southern Federal District, which must monitor the situation of the entire North Caucasus.

The number of federal troops in the republic has been reduced from 50,000 to 25,000. The 42nd Motor-Rifle Division of the Ministry of Defence and the 46th Special Designation Brigade of the Interior Forces in the Chechen Republic are now located in their cantonment areas and rarely take an active part in operations against terrorists or gangs. The special-purpose units operating in the mountains form one exception.

The latest important change in the framework of the general system of countering terrorism has happened very recently. On September 6, 2008, President Dmitriy Medvedev signed an edict eliminating the Interior Ministry Organized Crime and Terrorism Department and its regional divisions. Most of its functions will be handed over to the Criminal Police Main Di-

rectorate of the Interior Ministry and economic crime services. The eliminated Department will serve as the basis for the establishment of the Department for Countering Extremism, in which a separate directorate will handle the protection of individuals eligible for government protection, that is, prosecutors, judges, investigators, and witnesses. In accordance with the edict, the position of chief of the “T” Centre – the principal division of the Department – will be renamed and will be known as chief of the Anti-extremist Centre. Thus, what we see is a continuation of the trend of strengthening the system of political persecution, which goes as far back as 10 years ago – a system for which terrorism and political extremism are inseparable.



## 3

## LIBERAL CLIMATE AS ANTIDOTE FOR TERRORISM? THE CASE OF RODE JEUGD (1966–1974) IN THE NETHERLANDS

*Leena Malkki*

**W**hy does terrorism occur? Why do certain people become terrorists? These have been very commonly explored questions in studies on terrorism. A much less commonly asked question, however, is how and why terrorism ends, even though it is this issue that we need to understand – even more than the process of radicalisation – if we want to know how to combat terrorism as effectively as possible.

I will begin this article with a brief recap of the most common arguments about how terrorism ends and of the state of research on the topic. After this, I will take a look at the development of *Rode Jeugd* (in English Red Youth) in the Netherlands.<sup>1</sup> This tiny group, which took its first steps towards starting up an urban guerrilla struggle in the early 1970s, may be insignificant and not well known. However, it is almost a textbook example of how the use of force is not always the most efficient way to work against terrorism. Finally, some conclusions will be drawn about what could be learnt from the case of Rode Jeugd.

### **Explaining the end of terrorism**

The questions related to the demise of terrorist campaigns and organisations are severely understudied. Interest in these questions has sparked only in the last few years. Until now, it has been quite common to simply assume that terrorists eventually realise the weaknesses of terrorism as a tactic, and either voluntarily give it up or are forced to do so.

It is true that terrorism has proven to be a rather unsuccessful strategy. Individual terrorist groups have not tended to be very long-lasting. David C. Rapoport has estimated that an overwhelming majority of terrorist groups

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<sup>1</sup> This part of the article is based on research I have conducted for my PhD dissertation. The case study is also part of the research project "Why Do Terrorists Stop?", led by Dr. Timothy Naftali and funded by Smith Richardson Foundation. I wish to thank Dr. Beatrix de Graaf for her comments.

do not last for more than a year.<sup>2</sup> According to the calculation of Audrey Kurth Cronin, the average age of terrorist groups is around 5–10 years when those that faded away almost instantly are excluded. There have been few long-lasting campaigns – of the 457 groups that were included in Cronin’s sample, less than every fourth existed for more than 20 years.<sup>3</sup> On the other hand, the abandonment of the terrorist tactic has sometimes been attributed to the campaign’s success. When the political objectives have been reached, there is no reason to continue the campaign.

The problem with these explanations is, however, that success and failure are not objective states of affair but involve interpretation. Measuring success involves putting the results against the expectations. What may seem like a failure for the general public or to the group’s adversaries may be seen in very different terms by the actors themselves. Also, it seems possible that an act can be considered at least a partial success, if it seems to have had some positive effects, even if they had not been exactly what the actors were after. It is also far from predetermined that setbacks lead to a change of tactic.<sup>4</sup> Failures may be accounted for by mistakes that the actors have made in utilising the tactic and not by the tactic itself.

Another often stated argument is that terrorist campaigns end once the root causes that led to their emergence have been resolved. This explanation, as well, is too simplistic. Firstly, the identified root causes, which most typically are social, political and economic grievances, are structural factors that may explain the emergence of a conflict situation. Such factors cannot, however, explain the choice of terrorism as the tactic.<sup>5</sup> Furthermore, the reasons for why terrorist campaigns begin and for why they continue are not necessarily the same.<sup>6</sup>

Yet another prominent way to explain the demise of terrorism is to contribute it to effective counterterrorist measures. What the authorities do is bound to influence the terrorist campaign, already because terrorism as a tactic is fundamentally based on provoking reactions in others and thereby changing their behaviour. Even though terrorism is not always directed against the state, the measures taken by the authorities are always signifi-

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<sup>2</sup> Rapoport (1992) p. 1067.

<sup>3</sup> Cronin (2008) p. 24. The sample included those groups that were listed in the MIPT database that did more than just one operation and whose actions caused injuries or fatalities. From the 873 groups listed in the database (in December 2006), 457 met these selection criteria. The database covers terrorist groups that have been active since 1968. Cronin (2008) p. 77.

<sup>4</sup> See e.g. Ross & Gurr (1989) pp. 407–408.

<sup>5</sup> On the root causes of terrorism, see especially Bjørgo (ed.) (2005); Richardson (ed.) (2006). See also Horgan (2005) pp. 108–109.

<sup>6</sup> See e.g. Horgan (2005) pp. 108–109; Cronin (2008) p. 26.



cant, both in terms of the effect of terrorism, as well as in terms of the possibilities that exist for continuing terrorist campaigns. Having said that, the existing evidence does not lend support to the claim that terrorism would generally end once a certain type – or any type – of countermeasure is taken against it.

What we certainly know about the end of terrorism is that there are no clear-cut explanations that could be generalised. There are clearly more dynamics at play than instrumental calculation, root causes or countermeasures. The exploratory study conducted by Martha Crenshaw in the early 1990s already hinted at this direction. She suggested that the research should focus on the interplay of three factors: the strategic choices of the terrorist organisation, the government response to terrorism and the resources of the organisation.<sup>7</sup>

Recently, there has been an increase in studies examining the end of terrorism. The more detailed analyses shed light into the dynamics at play. Especially the study by Audrey Kurth Cronin<sup>8</sup> is helpful. Cronin identifies six pathways that have led to a diminution in the rate or lethality of the attacks. These pathways are:

- Catching or killing the leaders
- Crushing terrorism with force
- Achieving the strategic objective
- Moving towards a legitimate political process
- Implosion and loss of popular support
- Moving to other malignant forms

From these pathways, catching or killing the leaders has quite seldom led to a decline of the terrorist campaign. The effect of this measure seems to depend highly on who is going to replace these leaders and whether the power struggle inside the organisation leads to the escalation of violence. Neither does the achievement of strategic objective seem to be a common explanation for the end of terrorism.

Repressive measures have sometimes provided results in combating terrorism, but their effects seem to depend highly on the circumstances. Steady police work can be very effective in containing the campaigns, but it rarely ends them. The track record of the use of military in ending terrorism is not very impressive either, as was demonstrated by a recent report published by RAND Corporation. According to the report, only 7 per cent of the groups under study disbanded because of the use of military force. Military force

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<sup>7</sup> Crenshaw (1991) p. 80.

<sup>8</sup> Cronin (2008).

seemed to be at its strongest in the case of larger insurgencies.<sup>9</sup> The overall conclusion on the effectiveness of countering terrorism with the use of force could be that if the circumstances are not right, no amount of force can provide the wanted results. Also, repression has often proven to be only a temporary solution and has sometimes led to the export of terrorism to another region.

The decline of the terrorist campaigns has very often involved the loss of public support or problems inside the grouping itself. The failure to recruit the next generation to continue the struggle has been a very common reason for the end of terrorist campaigns. Also, it has been common that the groups make miscalculations and thus alienate their supporters. Terrorism, after all, is a controversial tactic by its very nature.

The present study and some previous studies on the decline of terrorist campaigns point to the significance of understanding the inner dynamics of the group and its relation to society and to the potential supporters, in particular. While those who are involved in terrorist campaigns (and especially those who are living underground) are not in a particularly advantageous position to evaluate accurately how the society around them is changing, it should be noted that repression is not the only thing they respond to. This becomes evident when one looks at the case of Rode Jeugd.

### **Rode Jeugd in the Netherlands<sup>10</sup>**

Rode Jeugd was part of the so called New Left wave of terrorism that started in the late 1960s, peaked in the 1970s and largely subsided by the 1990s.<sup>11</sup> A major event that stimulated this wave of New Left terrorism was the Vietnam War and the success of the Viet Cong in fighting against the US. This conflict, as well as many others in the Third World, was seen as part of a worldwide revolutionary struggle against imperialism and capitalism. Groups in the Western countries joined this struggle by starting up armed campaigns of their own in “the belly of the beast”. The best known of these groups were *Rote Armee Fraktion* (Red Army Faction, RAF) in West Germany, the *Weather Underground* in the United States and *Brigate Rosse* (Red Brigades) in Italy.

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<sup>9</sup> Jones & Libicki (2008) pp. 18–34.

<sup>10</sup> This part of the article is based primarily on authors’ interviews with former Rode Jeugd members, Rode Jeugd’s own publications; Dekkers & Dijksman (1988) and Otens et al (1985).

<sup>11</sup> By New Left wave, I refer to the third of the four waves of modern terrorism as identified by David C. Rapoport (2004). It largely coincides with the second part of the Chinese wave in the alternative model presented by Mark Sedgwick (2007).

In the early 1970s, Rode Jeugd was also starting up an armed struggle of its own, but its campaign was halted before it caused any serious consequences. At first glance, it seems as if Rode Jeugd was crushed by countermeasures: the group starts an armed struggle, the police and intelligence agencies find out what they are up to, the police make arrests and the group becomes inoperative. A closer look reveals, however, that the early demise of the campaign had at least as much to do with the group's internal problems and lack of support.

Rode Jeugd had its origins in the turbulent Amsterdam of 1966. Initially, Rode Jeugd was a loose network of young workers who were active within the context of the larger protest movement of the time. Its members took part in the demonstrations against the Vietnam War, distributed pamphlets on several issues and tried to educate the protesting youths about the principles of Marxism-Leninism and revolutionary action.

What set Rode Jeugd apart from other protesting youths, however, was the militant attitude and method of action. The supporters of the group were proud to be the most radical and violent ones in the streets. The Mao placards were carried in the demonstrations just as much for their message as for the attached stout poles that could be used as weapons if needed. It was not uncommon for the Rode Jeugd supporters to act provocatively, and this confrontational attitude severed Rode Jeugd's relations with most other people involved in the protests. The following comment by another demonstrator from October 1968 is typical:

Because the [...] organisations had not dared to ask Rode Jeugd to participate (apparently because of the prior experiences!), they [Rode Jeugd] found it necessary to suddenly show up with slogans that had nothing to do with defending the Vietnamese people. The police got a reason to intervene when other demonstrators who wanted to remove these slogans got into fight with Rode Jeugd.<sup>12</sup>

Rode Jeugd's clashes with the authorities were particularly fierce in the conservative city of Eindhoven in the southern part of the Netherlands. Rode Jeugd was practically the only youth protest movement that was marching in its streets. Besides the police, Rode Jeugd supporters frequently clashed with Philips security personnel and American soldiers stationed in the bases across the border in West Germany who visited the city during their furloughs. Rode Jeugd had picked the biggest company and pride of the city, Philips, as its target and symbol of capitalism and imperialism.

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<sup>12</sup> Bischot, Chris: "Provotariaat of Proletariaat," *Rode Vlag* 5, no. 1 (November 1968).

Towards the end of the 1960s, the character of Rode Jeugd started to change. These are Rode Jeugd's own remarks from the year 1973:

The year 1970 was important for RJ, and it found its expression in 1971. After 4 years of disturbances, during which Rode Jeugd got and kept going well, the movement began to ebb away. This happened in 1969 and 1970. With this, also the potential of RJ became slowly washed away. What was left were the motivated adherents, a few key members and the leaders. Whereas in 1966–1970 violence was used only in the form of stones, smoke bombs, cudgels and a few Molotov cocktails, in 1970 began the discussion about more serious violence, the development of the “urban guerrilla,” of which little was known at that time.<sup>13</sup>

At the same time as the people around Rode Jeugd became fewer, the confrontations with the police seemed to get fiercer. In the activists' eyes, the situation was developing much along the same lines as in the neighbouring West Germany or France. For them, this suggested that if Rode Jeugd wanted to survive, it was time to change the tactics and organisation, to move from protest to resistance.

In the coming months, plans and preparations were made for building up an urban guerrilla organisation in the Netherlands. Weapons were bought and plans were made for renting safe houses and obtaining money through bank robberies. Philips and American companies became the targets of several small scale bomb attacks that were claimed under two action names, *Philips Griekenland Aktiegroep* (Philips Greece Actiongroup) and *Revolutionair Volksverzet Nederland* (Revolutionary People's Resistance Netherlands).

However, the preparations and attacks were soon almost totally halted. This was due to a combination of discouraging developments abroad and setbacks faced at home. In West Germany, the majority of the people who later became known as the first generation of the RAF had become arrested and some of the members got killed by the police. Even though the members of Rode Jeugd had serious reservations about the strategy of the RAF, they also felt strong solidarity with it. German left-wing activists and the key members of Rode Jeugd had been in contact at least from 1968 on. The bloody arrests of the RAF members made the chances of a much smaller and less sophisticated Rode Jeugd look grim. Even if Rode Jeugd could survive the countermeasures taken against it, what would be the next steps

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<sup>13</sup> "Bijdrage LLL: Rode Jeugd 1966/1970 – 1970/1973," *Voorwaarts*, 15 November 1973.

to take? Escalating or even continuing the urban guerrilla struggle proved very difficult, especially because the whole concept was so new in the European context.

In December 1972 and June 1973, two Rode Jeugd members became arrested with bomb materials in their possession. In both cases, it was evident that the arrests were made possible by at least one informant. Even though it was a well-known fact that there were informants inside the group, these arrests caused serious upheaval among its core members. The arrests raised questions on whether Rode Jeugd was suited for urban guerrilla warfare if it was so easily penetrated by the intelligence agencies. What had happened was that when Rode Jeugd turned to armed struggle, its organisation and the conduct of its core members had not changed, at least not enough. The members clearly recognised that the urban guerrilla struggle necessitated a different kind of organisation – a more disciplined one – but they did not manage to transform the organisation accordingly.

Furthermore, rumours about informants and betrayals led to disagreements between the key members. Their relations had been somewhat strained already before the arrests. Each of them had their own visions about revolutionary struggle. Even though the core members did not explicitly suspect each other of being informants, trust became an issue and paranoia set in. Someone clearly could not keep critical information secret the way it should be.

By the end of 1973, the key members had reached the conclusion that:

Rode Jeugd is organisationally not up to a long-lasting struggle in the metropolises, not well adjusted to the reality of waging armed anti-imperialist struggle and class struggle. It is therefore unavoidable that we have to remodel our organisation. The image of Rode Jeugd that is formed through several years' practice does not go together with the level in which we need to start working.

In March 1974, the organisation was officially disbanded.

However, the disbandment of Rode Jeugd did not bring any big changes to many of its key members' activities. In the resistance phase of Rode Jeugd, the key members had already functioned in many ways rather autonomously and hardly anyone had a concise overview of everything that was going on. Many of them just went on with their own mates like before.

The next couple of years were characterised by a search for ways to contribute to the revolutionary struggle. Starting up another urban guerrilla struggle in the Netherlands was still on the agenda. However, due to in-

creasingly unpromising perspectives at home, many former Rode Jeugd activists leaned more and more towards supporting other armed struggles. Their eyes and activities were directed especially towards the German Red Army Faction which at that time had an important base in the Netherlands.

In these new attempts, the activists confronted similar kinds of difficulties as Rode Jeugd earlier, including weak organisation, a small number of activists and vulnerability in front of the countermeasures taken by the authorities. This time, they did not tackle these challenges any better; in fact, they did it even worse. One by one, all of them dropped out. Most of them abandoned the idea of armed struggle in late 1976 after the last attempt for regrouping had failed and the larger left-wing movement had faded away.

The decline of Rode Jeugd's terrorist campaign lends support to the overall conclusions of the aforementioned study of Audrey Kurth Cronin. While it is clear that Rode Jeugd was weakened by countermeasures and especially by the infiltrations, it was the lack of support and the internal problems in the group that proved fatal.

Both former members of Rode Jeugd and researchers<sup>14</sup> have also referred to the liberal political climate in the country as an important explanation for the relative modesty of Rode Jeugd's and its successors' terrorist campaigns. Famous is the quote by Luciën van Hoesel, a former member of Rode Jeugd, from 1985:

If you situated my case in Germany, I would have been dead, received a life sentence, or I would still have been a fugitive. It is actually too crazy, once you realise this. In the Netherlands, you get so much leeway that the motivation to act falls apart. [...] The liberal climate in the Netherlands put a stop to terrorism, whereas in Germany, reactionary forces artificially sustained terrorism for ten years [...].

### **Liberal climate<sup>15</sup> and the decline of Rode Jeugd**

What makes the previous quote attractive in our time is that it implicitly suggests that there are alternatives for the use of force and that by reacting in a certain way, the authorities can create or at least contribute to an environment that is hostile to terrorism. To be sure, the decline of Rode Jeugd did not result merely from the political climate, but it seems that a climate non-supportive to terrorism did prevail in the Netherlands at that time.

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<sup>14</sup> E.g. Schmid (1989); Moerings (1988). This is also implicitly suggested in Dekkers & Dijkman (1988).

<sup>15</sup> I use the concept "liberal climate" loosely to refer to a political climate that is non-radicalised, non-polarised and tolerant of people holding differing political viewpoints.

This was most visible in the difficulties that Rode Jeugd faced with finding supporters and allies in the Netherlands. Most of those who were involved in the protest movement in the late 1960s started to orient themselves towards the established politics quite soon. This was possible because quite many in the Dutch elite thought the protest movement reflected changing times and they considered it wise not to hold back but to adapt to the new situation. There was a lot of support for ideas brought up by the revolutionaries and the left-wing liberal consensus ruled the country. However, there was a big difference between the revolutionaries and the rest: While revolutionaries were against the system in total, most people limited their political and societal involvement into smaller issues and worked within the context of the parliamentary system.<sup>16</sup>

Initially, this lack of support base was actually one of the reasons why Rode Jeugd adopted the tactics of terrorism. It was partly an attempt to find a new tactic that would suit their diminishing ranks and compensate the loss of supporters by efficiency. The liberal climate clearly did not provide immunity to terrorism, but in the longer run it deteriorated the living conditions of Rode Jeugd's campaign and thus affected its longevity and probably also its destructivity.

The liberal climate was strengthened, or at least secured, by the way the authorities dealt with the protests in general and Rode Jeugd, in particular. Many in the Dutch elite viewed the radicalising effect of hard measures taken by the Dutch authorities during the first big protests in Amsterdam in 1965–1966, as well as the unrests around Europe, particularly in Paris, as evidence of the dangers associated with inflexibility and conservatism. The tendency to avoid conflict was further strengthened by some long-standing features of the Dutch culture. According to James Kennedy, it was typical of the Dutch political life, which was based on pluralism and consensus, not to be able to stand high tension. The authorities, therefore, went to much greater lengths to avoid confrontation than in many other European countries. The authorities were particularly uneasy about the use of violence and tried to avoid it.<sup>17</sup>

Rode Jeugd was no exception – hard measures were very seldom used against it. Many of its supporters surely made an escorted visit to the police station at some point of their radical careers, but only a minority of them ever got sentenced. In Eindhoven, the police treated Rode Jeugd members harsher than elsewhere, which was probably one of the reasons for why their branch became the most radical one in the group. The lack of spec-

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<sup>16</sup> Kennedy (1995/1999); Koopmans (1992); Verbij (2005), especially pp. 11–12.

<sup>17</sup> Kennedy (1995/1999) pp. 146–173.

tacular court cases and downright repression also meant that Rode Jeugd had only few agitation points that it could use to draw support. That there would have been more support had the authorities treated the Rode Jeugd members badly becomes evident in the way that many Dutch people viewed the developments in the Eastern neighbour. When three RAF members were arrested in the Netherlands in 1977 and went to trial, there were people who were ready to help them. While some of them had sympathy for the RAF itself, quite a few of them became involved because of their distaste for how the West German state had handled the RAF members and the protest movement in general.<sup>18</sup>

What the authorities did in the case of Rode Jeugd was essentially that they tried to operate low-key, to control Rode Jeugd through infiltration and avoid doing something that would radicalise them and their potential supporters.<sup>19</sup> At least some politicians and security service personnel actively tried to avoid creating the same kind of alarmist and polarised atmosphere that had developed in West Germany. It must be added, though, that the policy against Rode Jeugd was not as uniform and concerted as the above suggests, but this was the basic tone. Furthermore, the “success” was not simply the result of good policies and their skilful implementation. It was also a product of failures. The authorities would have liked to see more processes against Rode Jeugd members, but these attempts failed due to lack of evidence.<sup>20</sup>

One effect of the prevailing climate was that it was easy to leave terrorism behind. Significantly enough, several former Rode Jeugd members and their associates stepped from the armed struggle directly to a political party, *Pasifistisch Socialistische Partij* (PSP, Pacifist Socialist Party), and many of them ran as its candidates in municipal elections. Mirjam Lucasen, who was one of them, explained this choice in an interview:

We had always been in the same lines with PSP with regard to how economy should be organised, how the society should be organised, you name it. Only the armed struggle was somewhat contradictory, because PSP was pacifist and we were just the opposite. But if you come to the point that you decide to stop with the armed struggle, then is that last difference [...] gone. That was then the only party that came into question. [...] I think what has also played a role is that we thought that if we joined a political party, then we would be safer, then you were part of some-

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<sup>18</sup> Pelkelder (2007).

<sup>19</sup> The measures against Rode Jeugd will be discussed in more detail in the upcoming article by this author and Beatrice de Graaf. See also Klerks (1989); Schmid (1993); Hoekstra (2004); Engelen (2007).

<sup>20</sup> See e.g. Klerks (1989) pp. 95–99.



thing. You can of course start up something yourself, but nobody will believe you and you continue to be placed in that same corner.<sup>21</sup>

A significant reason for the ease of disengagement was that no-one had a reason to hide from the authorities and no-one depended on Rode Jeugd for survival. What certainly also helped was that there were realistic perspectives for going on with one's life like any other Dutch. As the above quote indicates, Rode Jeugd was politically marginalised and lacked credibility, but the group was not demonised, neither by other political actors nor by the media.

In the interviews I have conducted with former Rode Jeugd members, no-one has expressed having felt that their past has influenced their lives negatively afterwards, although some of them have restrained from being politically active in order to avoid a situation where the "terrorist" past might be brought up to discredit the movement in which the person is participating. Some of them even consider the involvement in Rode Jeugd as an important emancipating experience, because it taught them many things they would not have learnt otherwise.

The approach that was adopted in dealing with Rode Jeugd would probably not have worked against a group that was already more radicalised or organised.<sup>22</sup> The fact that no-one had got killed because of Rode Jeugd's actions made it morally easier to think pragmatically. This approach, in its turn, would not have been as successful had Rode Jeugd itself not done such a poor job in protecting itself. With regard to following the development of Rode Jeugd, the authorities also benefited from having identified many of its core members already years before they began their armed struggle.

Lastly, it is worth recalling what actually happened in the Netherlands during the 1970s in terms of terrorism. A rather common image among the Dutch is that it was a rather peaceful and even boring time period and that terrorism was something that happened elsewhere, not there. There were, however, quite a few terrorism-related incidents during the decade, many of them much more serious than those that involved Rode Jeugd. Several foreign terrorist groups, such as Black September and the Japanese Red Army committed attacks on the Dutch soil, not to mention the terrorist attacks by Moluccan youths, which included train hijacking and sieges of diplomatic buildings and a school, and led to several fatalities. The government, however, refused to use the word terrorism publicly, especially

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<sup>21</sup> Interview with Mirjam Lucassen by Leena Malkki on 6 February 2006.

<sup>22</sup> See also Schmid (1989).

about actions of such domestic groups as Rode Jeugd or Moluccan youths, and rather spoke about politically motivated activism. This choice was motivated by the belief that talking about terrorism might become a self-fulfilling prophecy.<sup>23</sup>

## Conclusions

What kind of implications does this have in terms of counterterrorism? Firstly, the case of Rode Jeugd highlights that the use of force is not always the most efficient way – or a suitable method at all – to combat terrorism. In theory, Rode Jeugd could have been easily crushed with force because they were so few, they did not have many supporters and the police was very well aware of their whereabouts. The public, however, would almost certainly have been seriously appalled by the operation and the results might therefore have been severely counterproductive.

The case of Rode Jeugd also demonstrates that terrorists do walk away and voluntarily abandon the tactic. Rode Jeugd is not the only one to do so, but there are other examples too. The Weather Underground de-escalated its tactics considerably after three of its own members got killed when they were making a bomb. Later, the organisation made an attempt to start operating aboveground again. The organisation was a target of severe countermeasures, but very few of its key members were arrested at that time.<sup>24</sup> The measures against those who have already radicalised and got involved in terrorism do not therefore have to limit to catching and trying them for their crimes, as they have tended to be.

The second evident implication is that it certainly does not hurt if the abandonment of terrorism is made easy. Like any other decision that a person makes, the choice of continuing or abandoning terrorism is influenced by both push and pull factors: things that make one to reconsider the commitment to terrorism and how the other options look like. A famous case where the exit from terrorism was facilitated by authorities' attempt to provide easier ways out are the pentiti laws in Italy in the early 1980s, which together with other countermeasures were used to get people disengaged from terrorism.

Thirdly, the case of Rode Jeugd suggests that counterterrorist policies are likely to be more successful if they utilise the weaknesses of the group that they are targeted against. The open character of Rode Jeugd made it rela-

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<sup>23</sup> Schmid (1993) p. 89. The development and principles of Dutch counterterrorism are described in the upcoming book of Beatrice de Graaf.

<sup>24</sup> On Weather Underground and countermeasures against it, see e.g. Varon (2004); Cunningham (2004).

tively easy to recruit informants from the crowd of supporters and friends surrounding the core members. Informants made it possible for the security service and the police to know what was going on inside the group and to stop any threatening developments in time. The policy of controlling through infiltration played well to the weaknesses of Rode Jeugd also by highlighting the internal problems of Rode Jeugd and making it harder for the core members to trust each other and work together anymore.

Besides that, the way Rode Jeugd was dealt with clearly played well to the strengths of the Dutch political culture. It may be very difficult to deliberately create a liberal climate free of fear and demonisation, but it makes a lot of sense to try not to destroy it where it prevails.

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## 4

# THE CHALLENGES OF COMBATING TERRORISM IN INDIA

*Satinder K. Saini*

**T**errorism together with transnational border crime poses one of the greatest dangers to global security and humanity in today's world. The threat has changed exponentially in the last few years, as both state and non-state actors are striking at the core of nation states and exploiting the vulnerabilities of modern society. No state remains invulnerable, whether strong or weak. Global linkages and the impact of such incidents are an unpleasant reality. Religious fundamentalism seems to be the main motivator of transnational terrorism. Terrorism involving dangerous materials for creating a mass casualty effect is becoming increasingly probable.

India was already affected by terrorism before it became a national security priority for most countries across the world. The world, apart from a few countries, remained oblivious of the war against terrorism that India was fighting. At present, India is confronted with a proxy war in the state of Jammu and Kashmir, low grade insurgencies in five provinces in its north eastern part, the problem of left wing extremism in the central parts, and faith-based terrorism which transcends state boundaries.

### **Regional Perspective**

India finds itself ringed in by an arc of instability. The situation in Afghanistan has deteriorated over a period of time with Taliban gaining in strength and controlling large tracts of the country. Nepal is stabilizing after the parliamentary elections of 2008, but the situation is complex and uneasy. Insurgent groups continue to operate from the Myanmar territory, as the government does not exercise adequate control over its outlying peripheral areas. While the caretaker government has made efforts to improve the situation, Bangladesh remains in the grip of fundamentalists and terrorists and acts as a safe haven for terrorist organizations. While Sri Lanka continues to struggle with an insurgency situation, Pakistan is facing existential challenges.

## **The Dynamics of Terrorism in India**

India is the largest functioning democracy in the world with one sixth of the population of the world. This is indeed an achievement, since no other country has such diversity in its unity and a vast mosaic of humanity. India may be the only country where all the major religions of the world can be encountered in significant numbers. Hinduism, Buddhism, Jainism and Sikhism originated in India. The ethnic diversity is well reflected in the large number of languages spoken in India. On an average, a change of dialect can be noticed in India every ten to twelve kilometers. While the diversity in unity is a source of strength for India, it also brings vulnerability. India has vast experience in dealing with insurgencies and terrorism. Many insurgent movements since independence have been marginalized and grievances of the disaffected sections of the population resolved. Yet, myriad complexities arise due to ethnic diversities and economic disparities. There is also a pronounced sense of regionalism which calls for concessions with respect to local issues. The growing perception amongst ethnic and communal organizations that the system can only be changed through agitation, protests and violence further complicates matters. There are also visible signs of accentuated social tensions due to the changing demography in various regions of the country, especially in the north eastern part.

### **Jammu and Kashmir**

India has been combating a low cost proxy war waged by Pakistan in Jammu and Kashmir since the late eighties. This is being executed with the help of Muslim fundamentalist / terrorist organizations supported by foreign terrorists and drug money. The enormity of the problem can be gauged from the terrorism related statistics since 1988. During this period, 21,827 terrorists have been killed in Jammu and Kashmir, while 14,499 civilians and 5829 security forces personnel have lost their lives, respectively.<sup>1</sup> The contours of external abetment to the terrorists from Pakistan include diplomatic, political, moral and material support. Intelligence reports also point to direct involvement of state agencies in the recruitment, training and arming of terrorists and in the coordination of terrorist activities in the Indian state of Jammu and Kashmir. While heavily armed terrorists infiltrate across the borders, active assistance is provided to them by firing on Indian positions to degrade the capability of the troops to intercept them. The communication infrastructure – antennae towers and control stations – is located close to the borders on the other side.

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<sup>1</sup> SATP a)



The growth of terrorism in Jammu and Kashmir has taken place over a period of time through the systematic destruction of the sufi culture, which embodies secular, inclusive and pluralistic practices, infused into moderate Islam. The aim has been to create an alien culture imbued with fundamentalism, much in the same way as in Afghanistan. The induction of foreign terrorists and weaponry was a deliberate ploy to destroy the local traditions. Ever since the beginning, there has been an attempt to disrupt the democratic political process in the state. To give a communal twist to the situation in the state, fear was used as a weapon of terror to force about 420,000 minority Kashmiri Hindus to migrate to safer places.

The attributes of terrorists in Jammu and Kashmir have also changed significantly over a period of time. Initially, terrorists hailed from economically impoverished families and were generally uneducated. The threshold of the technology used by terrorists has risen, and this has been reflected in their recruitment pattern. Terrorist organizations are looking for educated youths who can use the internet, cellular communications and assemble improvised explosive devices. As the residual strength of terrorists operating in Jammu and Kashmir has reduced due to an improved counter infiltration which the security forces have established based on an integrated border fence, terrorists have changed their tactics to preserve their strength by launching very few high risk missions and resorting to grenade lobbing and targeting through improvised explosive devices. The main motivational factor for terrorists in Jammu and Kashmir is the perception of oppression and political repression. Religious fundamentalism, tempered with rabid medieval ideology and convictions is not widespread amongst the youth who can see the economic benefits in the growth story of India. For a large number of terrorists, their activities are also a means of economic profit. A terrorist group can be broadly divided into thinkers/planners, ground workers/sympathisers, executors and those trained for suicide missions.

Three terrorist groups, with their origins in Pakistan, operating in Jammu and Kashmir – Harkat-ul-Mujaihideen (HuM), Jaish-e-Mohammed (JeM) and Lashkar-e-Taieba (LeT) – are mentioned in the designated list of terrorist groups for their association with the Al Qaeda and Taliban under the UN Resolution 1267.<sup>2</sup> The linkages of Kashmiri terrorist groups with Al Qaeda or Taliban are of tactical nature, as is evident from the infrequent references to Kashmir in the periodic Al Qaeda statements.

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<sup>2</sup> The Consolidated List established and maintained by the 1267 Committee with respect to Al-Qaeda, Osama Bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them, available at [[www.un.org/sc/committees/1267/consolist.shtml](http://www.un.org/sc/committees/1267/consolist.shtml).]

## **Insurgencies in the North East**

The strategic north eastern part of India comprises of seven states, popularly called the seven sisters – Assam, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura and Meghalaya, with porous borders with all neighboring countries except China. This region has been afflicted with insurgency movements that commenced in the late fifties. The states of Assam, part of Arunachal Pradesh, Nagaland, Manipur and Tripura are presently affected by low intensity insurgency movements. Consequently, since 2006, 2374 people have been killed in this region.<sup>3</sup>

The primary causes of insurgencies in the North East can be summarized as follows:

- The North East being the extreme eastern periphery of the Indian mainland with limited communication facilities and poor connectivity, a sense of geographical separation set in.
- The economic backwardness, large scale unemployment due to limited resources, the lack of industries and disenchantment amongst the public further exacerbated the situation.
- The locals perceived that their land, rich in natural resources like oil and tea, is being exploited by the federal government.
- This region is populated by a large number of tribes where fiercely contested tribal loyalties decide the stance of the people on various issues.
- The political expediency of various governments further pronounced the sense of alienation.

For many decades, insurgency in the north eastern part of India followed the text book principles of classic insurgencies. The insurgents did not target innocent civilians indiscriminately, refrained from destroying infrastructural facilities and were not loath to developmental initiatives by the government. Due to strong tribal and cultural affiliations, the local population was also supportive of the insurgency movements. The original character of the insurgent movements in the North East has of late transformed into an explosive mix of criminal activities, including kidnapping, extortion, narcotics trade and terror. Since most of the insurgent movements in the North East have been marginalized, it has dawned on them that they cannot defeat the security forces and achieve their ideological aims. Therefore, they have transformed themselves into terror networks and converged with criminal elements.

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<sup>3</sup> SATP c)

## **Left Wing Extremism**

The roots of Naxalism, also termed as Maoism or Left Wing Extremism pre-date the independence of India in 1947. It is a radical form of communism, advocating armed struggle with the objective of eliminating class enemies. It manifests itself in tribal/landless/down trodden people acting against landlords/businessmen/contractors to create a classless egalitarian society under the leadership of the working class. Left wing extremism draws ideological inspiration from the communist revolution in Russia under Lenin and the autumn harvest uprising in China. Their ultimate objective is to bring social and economic change and to capture power to establish a revolutionary democracy.

Presently, seven states, including Bihar, Madhya Pradesh, Jharkhand, Chattisgarh, Orissa, Maharashtra and Andhra Pradesh are severely affected by naxalism. This movement has taken a heavy toll resulting in the killing of 5506 people between the years 2002 and 2008.<sup>4</sup> The naxal cadres have developed the capability to launch attacks in large numbers and have set up improvised explosive device manufacturing units. They are also resorting to the destruction of infrastructure to paralyze the local administration. These groups also have domestic, regional and international linkages. They have membership of Revolutionary International Movement, Coordination Committee of Maoist Parties of South Asia and widely publicised contacts with insurgent groups of the North East.

## **Faith-based Terrorism**

Lately, India has been a bloody battle ground for both right wing Hindu fundamentalists and Islamist extremists. While ideologically, fundamentalists and extremists across the world believe that brutal acts of terrorism are necessary for establishing a society based on the ideals advocated by them, in India their motives remain largely dominated by reprisals for the perceived wrongs perpetrated against their respective communities by others. The main motivating factor for Islamist extremists is rooted in local grievances rather than in radical Islamist orientation. These grievances range from the demolition of a mosque in 1992 to the anti-Muslim riots in 2002 and to the disaffection due to the adverse statistical human development indicators of the Muslim community. The only known case of an Indian Muslim participating in global terrorism is that of Kafeel Ahmed, who was part of the attempt to bomb the Glasgow airport. However, these terrorists use the religious card for seeking legitimacy for their actions and gaining logistical support for their nefarious designs. These internal fault lines in the so-

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<sup>4</sup> SATP b)

cial and religious fabric of India are also being exploited by external elements to neutralize the asymmetry in the existing balance of power.

India has seen twelve major terrorist attacks since 2004<sup>5</sup>. Each of them followed the same pattern – instead of a single mass attack, they were coordinated multiple blasts in a number of geographically separate crowded places across a city. Improvised explosive devices fabricated out of commercially available chemicals – like ammonium nitrate, packed with shrapnel – were used in most of these attacks. The investigations revealed that these attacks were the handiwork of home-grown terrorists who were well educated, technology savvy and from middle class families. Some of them were qualified software professionals (one was drawing a salary equivalent to USD 45,000 per annum), students of management, engineering and literature. There has been a lot of debate in India as to why these seemingly well-to-do young men prefer to take up terrorism. The change in the recruitment pattern of terrorist organizations from enrolling uneducated, rustic rural youth to urban educated young men is driven by the need of the organizations to assimilate the higher technology threshold required by them. Moreover, such terrorists can easily blend in an urban environment, with a lower probability of leaving suspicious signatures.

### **Analysis of State Response**

The typical spiral of a terrorist campaign suggests that the perceived grievances of the disaffected sections of the population are very often ignored and that the establishment often misjudges the situation at the initial stages. The graduated response of the state – encompassing the employment of paramilitary forces, followed by the armed forces – is biased towards the application of military power to end violence. The situation is further complicated by external support to terrorist movements. An early and balanced use of soft power arrests a deteriorating situation. The restoration of the confidence of the people at the initial stages can prevent the situation from spinning out of control.

While there are many deficiencies in its implementation, the Indian national response to terrorism is guided by the following considerations:

- India condemns terrorism in any form, irrespective of the motive of its perpetrators.
- There is a need for greater regional and international cooperation to fight the menace of terrorism.

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<sup>5</sup> As the seminar paper was presented in October 2008, the text does not take into consideration the Mumbai attacks of November 2008.

- Instead of focusing on non-state actors, the world should also pay attention to states sponsoring terrorism.
- Terrorism needs to be responded to on multiple planes – political, economic, military, and psychological. The overall approach should reflect the synergy of all instruments of the state with the focus on addressing the alienation of the disaffected groups.
- The military response should be mature and restrained, and the use of offensive weapon systems, like armoured vehicles, helicopters and gun ships, should be avoided.

The military strategy is based on four pillars: emphasizing strict control over border access to prevent the infiltration of terrorists; synergized counter terrorist operations; winning the hearts and minds of the population; and effective public information and perception management campaign. A number of measures to check the infiltration have been taken, which include physical and electronic surveillance, the construction of a fence, and multi-tiered deployment of troops. In the hinterland, security forces deployed in a grid pattern provide protection to the local population and conduct operations only on hard intelligence to neutralize terrorists. Restrictions on movement, physical search, and other such control measures are kept to the minimum to avoid inconvenience to the civil population. The operational guidelines to the troops require adherence to the principles of minimum use of force, acting in good faith with impartiality, and establishing the necessity of using force before it is implemented. Since the centre of gravity of a counterterrorist campaign is the population, a high priority is given to winning their hearts and minds. This not only helps to separate the terrorists from the population, it also helps to assuage the feeling of alienation which may occur amongst the local inhabitants as a consequence of the operations by the security forces. Sometimes the operations inadvertently lead to collateral damage to the lives and property of civilians. It also focuses on developmental activities in remote and inaccessible areas where the civil administration is unable to operate because of the prevailing security situation.

Any violation of human rights can be extremely damaging for the security forces and the government, negating any success they may have had. While human rights violations cannot be eliminated altogether, the system should develop zero tolerance for them. The various measures to prevent the violation of human rights include sensitizing and training of troops on the imperative of upholding fundamental rights as enshrined in the constitution of India. In case an incident occurs, expeditious and transparent investigations are conducted and those found guilty are punished. A proactive approach is followed by also taking cognizance of media reports, even if no formal complaint is lodged. This approach has been fairly successful as seen from the statistics pertaining to Jammu and Kashmir. From 1994 to 2007, 1158

complaints of human rights violations were received, out of which 1118 were investigated, resulting in 62 security forces personnel being punished for 33 genuine complaints (only 2.9 per cent), whereas 1085 complaints were found to be false.<sup>6</sup>

## **Lessons Learned**

### *The Indian Way of Combating Terrorism*

India is a sub-continental sized country of billion people and is faced with many internal security problems. These are being viewed as socio-economic and political problems and are also treated as such. The response is unique in its moderation in the use of force, where the intent is to contain the violence threshold and gain time for a negotiated settlement. This is based on the fact that socio-economic and political issues do not lend themselves to quick solutions. The military approach is to establish a dynamic grid in the disturbed area by carrying out deployment in company-sized operating bases, thus reducing the reliance on the use of fire power. However, this can also be viewed as a sign of weakness and could prolong the conflict, especially due to the external support received by the terrorists.

### *Global War on Terrorism and Local Conflicts – Need for Differentiation*

There is a tendency to club various conflicts across the world with the global war on terrorism. While India is committed to implementing the UN Global Counter Terrorism Strategy<sup>7</sup>, it has deliberately kept its internal conflicts separate from the global War on Terrorism. Terrorist groups in India do not have the ideological orientation of transnational radical Islam, with many having their origins linked to indigenous issues and local grievances. The global war on terrorism primarily focuses on threats to US interests, and linking localized conflicts to it is likely to prove counterproductive, as has been evident in Pakistan. Similarly, Russia's decision to link the Chechen conflict with the global war on terrorism, with the aim of achieving legitimacy for its overwhelming use of military power, is unlikely to prove effective in the long term.<sup>8</sup>

### *Lack of Focus on Choking Terrorist Funds*

The changes in the tactics and modus operandi of terrorists suggest that they will increasingly need more money to accomplish their aims. Therefore, countering terrorist financing assumes added importance. It has been

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<sup>6</sup> MHA Annual Report 2007-08, p. 8.

<sup>7</sup> Narayanan (2007).

<sup>8</sup> Sussex (2004) pp. 419, 422.

found that terrorist financing in India is mostly conducted through informal channels such as hawala, fake Indian currency notes, cash couriers and drug smuggling. Terrorists do not rely on the formal banking sector to generate or move their funds<sup>9</sup>. Moreover, terrorist financing is not closely integrated with the broader counterterrorism effort at present. The money laundering controls in place, including the Financial Intelligence Unit, are largely focused on large scale financial fraud and cannot detect the money being canalized to the terrorists. Therefore, intelligence and law enforcement agencies need to take the lead in the fight against terrorist financing.

### *Improvement in Policing and Intelligence Gathering*

Any counterterrorism campaign should always have a civil dimension, and in that context it is the police that have to manage the situation. All efforts should be made to ensure that the police become confident, self-sufficient and ready for the challenges of the future. Its equipment profile and training threshold need to be improved accordingly.

The police-population ratio in India is extremely low, at 1:728. The all-India average police-population ratio stands at 122 per 100,000, which is much lower than the UN norm of 222 per 100,000 (1:450). Most Western countries have ratios between 250 and 500 per 100,000.<sup>10</sup> While the electronic means of intelligence gathering play an important role, human intelligence is the key in any counterterrorism campaign. The inadequate strength of the intelligence agencies is another impediment in most Indian states due to vacant positions not being filled for years. The police personnel on intelligence duties are estimated to comprise only 1 to 1.5 per cent of the total police force, which is abysmally low.

### *Encouraging Public Participation in the Fight Against Terror*

Despite a number of terrorist attacks across India, the public has largely remained indifferent to the need of being situationally aware of the threat and remaining observant to notice suspicion arousing indicators. The public needs to be made aware that police or other law enforcement and intelligence agencies alone cannot successfully fight the menace of terrorism. Increased public awareness and a change in attitude to respond to anything suspicious need to be brought about through police-led programmes and appropriately conceived media campaigns. Such change in the attitude of the public is likely to have a positive impact on the overall security situation in the country.

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<sup>9</sup> GOI (2004) p. 11.

<sup>10</sup> Shamsur Rabb Khan (2007).

The general public can help to fight the terrorists in many ways. It is an accepted fact that terrorists are extremely vulnerable during the process of information gathering and reconnaissance of their intended targets. They generally provide suspicious signatures to a vigilant person who may be in the vicinity. The public contribution to countering this activity will make it extremely difficult for the terrorists to further plan and execute their nefarious designs and may lead to the disruption of their plans. This observant and security sensitive attitude needs to be sustained at all times so that it becomes second nature. At present, it is stressed upon for a few days after a terrorist attack has occurred, lulling every body into complacency soon after. The public can also help the police in resource control measures, an important facet of counterterrorist operations. Nowadays, terrorists are increasingly using commercially available chemicals to fabricate improvised explosive devices. Any person attempting to procure such items in a large quantity should be reported to the police.

#### *Incorporate Private Security Agencies in the Security Grid*

Recently, there has been a proliferation of private security agencies, providing manpower to guard diverse assets, ranging from corporate facilities and housing societies to even high middle income group residences in India. This large manpower employed for access control is essentially untrained and performs the tasks of a typical neighbourhood night watchman. The police should launch programmes to provide them relevant “on-the-job-training” and incorporate them suitably in the security setup to further restrict the freedom of terrorists.

#### *Surveillance of Religious Places*

It is apparent that terrorists are increasingly targeting religious places. The Indian government already has credible intelligence inputs of terrorist attacks on various religious places in India.<sup>11</sup> Therefore, it is imperative that long term measures are taken to deter the terrorists. While the important role of all-source intelligence and advanced technology for domestic surveillance in countering terrorism presents special difficulties for democracies,<sup>12</sup> the French system of keeping the places of worship under surveillance is both instructive and revealing.

The French internal intelligence service has been monitoring mosques since the mid-1990s so as to identify the radical ones. The number of established radical mosques in France of concern to authorities is statistically low. In 2006, an estimated 80 out of the 1,685 mosques and places of worship were

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<sup>11</sup> MHA (2008).

<sup>12</sup> Sims (2007) p. 146.



of concern (4.7% only). Every Friday, sermons are collected through various means, and are analyzed based on a set of pre-determined indicators. When radical indicators are noticed, surveillance, both human and electronic, is increased. The systematic monitoring of mosques in France has served the country well, helping disrupt several terrorist plots and actions.<sup>13</sup>

### *Leveraging Technology*

India has been recognized as a dominant information technology base in the world, with a vast reservoir of human resources. Indian information technology majors are already providing solutions to other countries. Tata Consultancy Services has launched an integrated anti-money laundering solution that helps financial institutions detect and deter money launderers and terrorist financiers. The solution is called "finDNA" and it has been demonstrated in Atlanta.<sup>14</sup> There is also a need to set uniform standards for databases being maintained by various government bodies and relevant private sector players to ensure that they have the ability to interface and "talk to each other". The services of the industry should also be utilized to provide innovative solutions to identify and focus on the use of the internet, mobile banking and e-commerce by terrorists, without inhibiting the use of these services by ordinary citizens.

### **Conclusion**

Over the years, India has been successfully able to manage a number of terrorist campaigns and insurgencies. A clear political aim supported by a resolute military strategy focused on winning the hearts and minds of the population is the bedrock of counterterrorist operations. Terrorism, being a global problem, requires global solutions in terms of identifying, isolating and destroying terror networks and their means of sustenance.

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## THE PERFECT SPRINGBOARD: EXAMINING THE TARGETING OF ENERGY INFRASTRUCTURE IN THE 21<sup>ST</sup> CENTURY

*Jennifer Giroux*

Since the 1980s, energy infrastructure (EI) – this includes oil, gas, and electrical infrastructure as well as energy sector employees – has been used as a strategic weapon and symbolic economic target by various non-state armed groups operating in many, largely, fragile countries. Data provided by the U.S. National Counterterrorism Center’s WITS terrorism database and the Global Terrorism Database (GTD) reveals that such groups often target the oil and natural gas (ONG) sector, a sub-sector within the energy sector that is worth an estimated US \$10 trillion, as it presents a viable way to cause economic damage, create a culture of fear and concern, as well as providing a global platform to air political grievances. As illustrated in figure 1, such data shows attacks occurring on a yearly basis, with 200 ONG attacks annually since 2005 – a considerable jump from previous years. However, while such attacks are not new, the environment in which they occur in is. The 21<sup>st</sup> century has opened the door to an interconnected world where greater competition for resources, in addition to other factors, has created a much tighter energy security environment. Indeed, prior to 1999 EI attacks went largely unnoticed outside of the locale in which they occurred. Today, these events generate broad impact that garner global media attention and can create broad economic turbulence – translated into higher energy costs. With oil accounting for “40% of the world’s energy and 96% of its transportation” the protection of this strategic resource, in addition to gas, is essential; for in the long run states will not only be competing for cheap oil and gas but for oil and gas in general.<sup>1</sup>

Not only is the energy market more vulnerable due to heavy dependency on non-renewable resources and tighter supply characteristics, but also the most significant sites of oil and gas exploration and production are increas-

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<sup>1</sup> Luft (2005). The energy sector is worth an estimated US \$10 trillion – this includes oil wells, pipelines, tankers, refineries, power plants, transmission lines, and other related infrastructure.

ingly located in politically unstable regions that are marred by poor economic and social conditions.<sup>2</sup> While industrialized nations within North America and the European Union (EU) should be applauded for taking the steps to enhance the protection of their domestic energy supply, such measures must also be adopted in oil and gas producing unstable neighborhoods and volatile transit pathways where infrastructure is vulnerable – and in some cases sits within a hotbed of conflict.<sup>3</sup> It is in such regions that EI is not only attacked for political but also criminal reasons. This is significant given that most modern non-state armed groups utilize criminal activities to fund operations and is thus an example of the growing symbiosis between criminality and political violence.<sup>4</sup>

This paper will largely focus on the ONG sector within EI as it is more commonly targeted. It will begin by outlining the key characteristics of the 21<sup>st</sup> energy security environment and how this, in turn, plays into ONG attacks. Following this is a section devoted to highlighting the trends and key cases where EI has been threatened by non-state actors seeking to utilize attacks on energy resources as a platform to air their grievances to a larger audience and strike a key economic target. The concluding remarks will bring to light state responses and further efforts needed to counter EI attacks.

## **21<sup>st</sup> Century Energy Security Environment**

According to the United States (US) State Department, between 1996 and 2004, there were at least 80 terrorist attacks against oil companies worldwide that resulted in kidnappings, casualties, damages, and large monetary losses.<sup>5</sup> Since 2004 this number has jumped considerably, with the long term trend revealing that attacks on energy infrastructure are becoming

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<sup>2</sup> The world's most significant sites of oil and gas exploration and production are located in increasingly politically unstable locations, such as Algeria, Indonesia, Iran, Iraq, Libya, Nigeria, Russia, Sudan, and Venezuela.

<sup>3</sup> Russia has 27% of the world gas reserves and 6% of proven oil reserves; the remaining G-7 has only 4% of gas reserves and 9% of the oil. 56 percent of the world's proved oil reserves are located in the Middle East with Saudi Arabia possessing the most (265 billion barrels). In 2008 Angola and Nigeria account for nearly half of all growth in OPEC output.

<sup>4</sup> For example, politically violent armed groups such the Nigerian Movement for the Emancipation of the Niger Delta (MEND) attack the energy sector for both political and criminal objectives; the latter involving piracy and oil bunkering so to support their local militancy. Hanson (2007).

<sup>5</sup> Lindsay (2005).

more popular (See Figure 1).<sup>6</sup> Furthermore, energy resources are being targeted both inside and outside of conflict zones<sup>7</sup> at a time when the energy sector is increasingly sensitive to any disruptions, whether perceived or real. Factors relating to a tighter energy market include: increased demand by growing developing economies, as well as continued robust demand from developed countries, the ‘peaking of supply’, short-term supply shortages, tight production characteristics (little spare capacity for oil production), accelerated speculation, higher costs for oil exploration and development (much of which is being conducted in deepwater, offshore locations), a weaker US dollar, and increased commodity prices. In terms of increased demand it is important to point out that world demand for oil had risen to some 85 million barrels a day and is projected to grow by 50 percent over the 2005 to 2030 period<sup>8</sup>, whereas natural gas will climb by over 120 percent.

Further complicating this picture is the lack of new discoveries which have been in decline since peaking in 1960. Thus, higher energy costs have been the result of market fears that ever-rising demand will eventually outgrow available supply. These concerns are reinforced by threats to energy supplies. In regard to the current climate where oil has dropped down to nearly US\$50 per barrel due to slowed demand, thus providing cushioning on the supply side, it is important to note that this price is still 300 per cent higher than it was in 2000 and once the global economy improves – which it will – energy prices will continue to make their ascent as demand grows. Hence in the long-term markets will continue to be characteristically sensitive to disruptions.<sup>9</sup>

While market-related factors, such as tighter supply chains and changes in demand, are the primary areas that dictate global energy costs, other events, such as geopolitical turbulence and threats of any kind to the oil infrastruc-

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<sup>6</sup> Since 2004, there have there have been over 400 attacks on oil pipeline in Iraq, over 50 attacks annually on Nigeria’s EI, and many other incidents of EI attacks reported in other states. Iraqi Pipeline Watch; Stratfor (2008).

<sup>7</sup> Attacks by Kataeb Jund al-Yemen (Soldiers of Yemen Brigades – an affiliate of AQ) against oil facilities in Yemen and attempted attacks on Saudi facilities, both non-conflict zones, are indications that non-state armed groups can achieve global energy disruptions by targeting installations in their home territory where they can take advantage of security deficits and more local support. Zambelis (2006).

<sup>8</sup> Asia, Latin America, Africa, the Middle East, and India accounting for increase in demand.

<sup>9</sup> IEA (2005). According to the IEA, between the 1980s to 2003/04 oil demand rose consistently and thus pushed oil inventories to lower levels. This tight supply coupled with the geopolitical uncertainties and the increased market speculation related to these uncertainties that have characterized the last decade have been the chief reason why prices have increased so dramatically.

ture, create uncertainty and also weigh into pricing.<sup>10</sup> Such uncertainty results in a security premium being placed on oil prices. According to international energy consultant Dr. Gal Luft, “whether perpetuated for political or criminal reasons, assaults on oil infrastructure have added a ‘fear premium’ of roughly \$10 per barrel of oil.”<sup>11</sup> As Roberts notes, a single energy ‘event’ can create “shockwaves through the world energy order, pushes prices up or down, and sets off tectonic shifts in global wealth and power.”<sup>12</sup> Hence, while the EI has been targeted for many years in various countries, the effects of the attacks have only recently generated more attention. Additionally, with the energy security environment discussed herein, oil and gas resources will only continue to gain in value and require more costly security measures to protect such critical assets.

### Attacks on EI: Global Evidence

Elements of the EI, such as oil pipelines and electrical pylons, are often easily accessible and present the perfect “soft” target that can result in economic damage and losses if attacked.<sup>13</sup> In the last decade, al-Qaeda (AQ) has realized the value of EI attacks. In 2002, AQ attacked the *Limburg*, a French oil tanker off the coast of Yemen carrying 397,000 barrels of crude and subsequently released a statement noting that the attack “was not an incidental strike at a passing tanker but [...] on the international oil-carrying line in the full sense of the word.”<sup>14</sup> This attack was a stark departure from AQ 1996 “Declaration of War Against the Americans Occupying the Land of the Two Holy Places.” In this declaration, bin Laden rejected EI attacks and called on followers “to protect this (oil) wealth and not to include it in the battle as it is a great Islamic wealth and a large economical power essential for the soon to be established Islamic state, by Allah’s Permission and Grace.”<sup>15</sup> Ten years later, however, reveals that EI has become a preferred target.

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<sup>10</sup> For example, a war in an oil-producing country, poor weather conditions (such as tropical storms) in oil-producing region, or direct attacks on the EI all create uncertainty in the market that can result in price volatility.

<sup>11</sup> Luft (2005).

<sup>12</sup> Roberts (2005), p. 93.

<sup>13</sup> Nuclear facilities, which are typically located in relatively stable and developed nations, have not been targeted. In addition, these facilities are ‘hard’ targets that are operationally challenging to attack. Hydroelectric facilities, on the other hand, were targeted by Sendero Luminoso (The Shining Path) in Peru and caused a city-wide blackout in 1983. The vast networks of interrelated facilities in the petroleum and natural gas industries, however, are more accessible targets and require less investment.

<sup>14</sup> Daly (2006).

<sup>15</sup> PBS Online NewsHour (1996).



In February 2003, members of a violent Muslim extremist group who had realized the value of attacking the EI published an online call to the “mujahideen of all Arab and Muslim countries in which the West has military bases or are involved in the energy industry, to rise against these interests in the name of the Muslim Ummah.” Al-Qaida (AQ) eventually followed suit in 2004 by calling on members to “Do everything you can to stop the biggest plundering operation in history – the plundering of the resources of the present and future generations in collusion with the agents and the aliens [...] Be active and prevent them from reaching the oil, and mount your operations accordingly, particularly in Iraq and the Gulf.”<sup>16</sup> This call for attacks against the EI, along with the increased volatility in the Middle East and elsewhere, resulted in a jump in security premiums from US\$2 to \$15 per barrel depending on event.<sup>17</sup> For example, following an April 2008 attack on a Japanese oil tanker off the coast of Yemen, sweet crude rose to a record US\$117.40 per barrel.<sup>18</sup> Shortly after, another attack in May 2008 on an oil refinery in Aden, Yemen resulted in prices increasing to US\$122.80 per barrel.

### *Middle East*

Iraq, possessing the world’s third largest proven petroleum reserves, is another extreme case where EI has been a key target for non-state armed groups. Soon after the US invasion in 2003, insurgents began targeting Iraq’s ONG sector and have since carried out over 500 attacks throughout the northern and southern region, resulting in lost revenue amounting to US\$11 billion between June 2003 and May 2005 alone.<sup>19</sup> Utilizing rockets, assault rifles, IEDs, and mortar rounds, groups have attacked pumping stations, natural gas tanks, refineries, energy sector personnel, and electricity plants. In response the US military increased protection of onshore ONG assets while the navy assisted with security at the Basra port facility.<sup>20</sup> Indeed as the stability in Iraq improved during 2008, ONG attacks, and violence in general, decreased yet this stability is tenuous and AQ statements continue to inspire local, autonomous groups. With at least three major groups with mutually exclusive demands the question of Iraq’s future stability in absence of a strong US military presence is questionable – the same can be said for its ONG sector.

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<sup>16</sup> FBIS Report (2004).

<sup>17</sup> Zambelis (2006).

<sup>18</sup> Fackler (2008).

<sup>19</sup> Iraqi Pipeline Watch.

<sup>20</sup> Due to damaged northern pipelines from attacks, all exports are forced to move through the southern Basra port. [[www.eia.doe.gov/emeu/cabs/Iraq/Full.html](http://www.eia.doe.gov/emeu/cabs/Iraq/Full.html)]

AQ has also extended its efforts to harm the EI in Saudi Arabia and Yemen. In February 2006, AQ in the Arabian Peninsula attacked the Abqaiq oil facility, the world's largest oil complex. While this attack was unsuccessful, the event drove oil prices up by US\$2 per barrel.<sup>21</sup> It should be noted that such attacks have little chance for success with Saudi Arabia spending between US\$1.2 to 1.5 billion annually to protect its oil and gas industry; however in this case we see that even the threat to supplies resulted in a jump in prices.<sup>22</sup> More recently, AQ has carried out attacks on oil installations in Yemen, including a June 2008 attack on the Safir oil refinery and a subsequent video of the attack posted online.<sup>23</sup> The recently released online essay "Al Qaeda and the Battle for Oil" has stated that "al-Qaeda's strategy to defeat the United States rests on bankrupting America by driving up oil prices by any means necessary" and furthermore goes on to mention the significance of recent attacks against EI in Yemen, Iraq, and Saudi Arabia.<sup>24</sup>

### *Africa*

Giving another face to this phenomenon, ONG attacks in Nigeria, the world's eighth largest oil producer when pumping at full capacity, have long captured international headlines. Since the mid-1990s, Nigeria's ONG sector – concentrated in the Niger Delta, near the Gulf of Guinea – has been increasingly targeted for political and criminal reasons. In 2006, the emergence of the non-state armed group Movement for the Niger Delta (MEND) ushered in an era of energy-targeted violence by carrying out repeated ONG attacks, cutting Nigerian production by a fifth (shut-in ranging from 500,000 to 800,000 billions per day).<sup>25</sup> MEND, a Niger Delta-based group that has introduced a new level of militancy and insurgency in this region by carrying out significant, large-scale attacks on the oil industry, has sought to severely, if not completely, destabilize Nigeria's oil production while also using various media outlets to communicate grievances in-

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<sup>21</sup> BBC News. (24 February 2006).

<sup>22</sup> Gas and oil (2005). Also see [[www.eia.doe.gov/emeu/cabs/Saudi\\_Arabia/Oil.html](http://www.eia.doe.gov/emeu/cabs/Saudi_Arabia/Oil.html)]. Saudi Arabia's oil and gas industry is well equipped to manage attacks or disruptions. Security forces have also been increased around facilities for additional protection.

<sup>23</sup> BBC News (24 February 2006). Video available at: [<http://clearinghouse.infovlad.net/showthread.php?t=15362>].

<sup>24</sup> See Zambelis (2006) referring to At-Taqwa, Z., "Al Qaeda and the Battle for Oil", [[www.alqimmah.net/showthread.php?t=1226](http://www.alqimmah.net/showthread.php?t=1226)].

<sup>25</sup> The majority of shut-in production is located onshore however recent offshore attacks and piracy in the Gulf of Guinea have also created disruptions. Shell has incurred the majority of shut-in oil production (477,000 bbl/d), followed by Chevron (70,000 bbl/d) and Agip (40,000 bbl/d). Without the constant attacks and disruption, EIA estimates that Nigeria could reach crude oil production capacity of three million bbl/d. [[www.eia.doe.gov/cabs/Nigeria/Full.html](http://www.eia.doe.gov/cabs/Nigeria/Full.html)]

volving the ownership of oil resources to the global community.<sup>26</sup> Due to the abysmal security in the Delta, the chief oil-producing region, oil installations have been an easy target for militants and criminal actors. MEND has also proven to be a formidable group with the ability to carry out destabilizing attacks, one of the most notable being the attack on the Shell Bonga deepwater offshore oil installation which, alone, cut Nigerian production by 10 per cent in June 2008 and set oil prices climbing.<sup>27</sup> The more recent six-day ‘oil war’ launched by MEND in mid-September resulted in damaged flow stations and oil pipelines, along with multiple casualties.<sup>28</sup>

The Nigerian government reported that between 1999 and 2005 oil losses amounted to \$6.8 billion – however, the more recent attacks carried out by MEND have pushed losses up to nearly US\$61 million per day;<sup>29</sup> aggregating the total monetary damages since 2006 nets losses of more than US \$1 billion a month, in addition to shortages in oil production, due to attacks. Additionally, groups like MEND increasingly appreciate the significance of EI and the global implications of energy disturbances caused by targeting such resources. For example, following the Bonga platform attack, Jomo Gbomo, a spokesperson for MEND, stated: “The location for [today’s] attack was deliberately chosen to remove any notion that offshore oil exploration is far from our reach.”<sup>30</sup> MEND has also referred to the volatility of market prices in its statements, as noted in a 2006 attack when Gbomo noted: “the fact that we have influenced the price of world oil, no matter how little, and caught the attention of the foreign media indicates we are on the right track.”<sup>31</sup> In terms of market perspective, shortly after a January 2008 attack on oil facilities in Nigeria, crude oil futures soared as analysts speculated that the Nigerian supply would face further disruptions.<sup>32</sup> Olivier Jakob of Petromatrix in Switzerland observed the sensitivity in this region: “With the military and the militant warlords engaged in a violent tit-for-tat, the risk for oil disruptions in Nigeria remains higher than in the past few months.” Thus, a ‘fear’ premium was a factor in pricing during this volatile period.

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<sup>26</sup> Giroux (2008). MEND militants are the largest of several armed groups operating in the Delta region. They frequently kidnap foreign oil workers and sabotage oil installations and pipelines.

<sup>27</sup> The shutdown of this installation was significant as Bonga has a nameplate capacity of 220,000 barrels per day. It should also be noted that oil prices climbed to an all-time high of US\$147 per barrel during this period. BBC News (22 June 2008).

<sup>28</sup> It is worth noting that during the month of September, demand for oil began to show a serious decline due to a weakened global economy; thus, the ‘oil war’ had only a minimal impact on global oil prices, since demand has sharply declined.

<sup>29</sup> Watts (2007).

<sup>30</sup> Luft (2005).

<sup>31</sup> Cummins (2005).

<sup>32</sup> Heath (2008).

Many other African oil-producing countries have also experienced such attacks, although none as severe as the deteriorating situation in Nigeria. From 1999 to 2004, the People's Liberation Army (SPLA), the main rebel group based in the south that fought the Sudanese government until 2005, attacked the oil industry multiple times. In one incident, the SPLA stated that "we chose the oil fields because this is the wealth of Sudan, which this government is not sharing with all of its people."<sup>33</sup> More recently, militant groups in the Darfur region have attacked EI, the most recent occurring in October 2008 when Darfur rebels abducted nine Chinese oil workers at an oil field, operated by the Greater Nile Petroleum Operating Company, near Abyei in southern Sudan.<sup>34</sup> In addition, in 2007, the Chinese Zhongyuan Petroleum Exploration Bureau (ZPEB) facility in Ethiopia was attacked by militants believed to be with the Ogaden National Liberation Front (ONLF). This event resulted in multiple casualties and physical damage and represents the worst attack so far on Chinese interests in Africa.<sup>35</sup>

Chad, who recently became the newest addition to the African oil-producing pack through the development of the 650-mile Chad to Cameroon oil pipeline, has already begun to see turmoil over oil production activities. This pipeline lies within a region embroiled in conflict and the February 2008 rebel attack on the capital was, in fact, an effort designed to gain control of oil revenues and oust current President Idris Déby. The following month, RFC member Timane Erdimi threatened to attack the oil industry, stating "we could quite easily halt the flow of oil."<sup>36</sup> On the other hand, geographical factors and security measures have limited EI attacks in Algeria, which is a major supplier of natural gas to Western Europe. Algeria's energy sector has excellent security and is located in the unpopulated south; by contrast, in Nigeria, Angola, and other politically unstable, emerging oil-producing African countries, production sites are in closer proximity to populated areas.<sup>37</sup> However, the 2006 merger between the Algerian-based Salafist Group for Preaching and Combat (GSPC) with al-Qaeda, now known as al-Qaeda of the Islamic Maghreb (AQIM), has brought new concerns pertaining to the security of Algeria's EI. Thus far, AQIM has only carried out a handful of attacks on *softer* EI targets, such as energy sector employees, but given AQ's global oil strategy and the adaptability and innovative nature of armed groups, the possibility of a

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<sup>33</sup> Luft (2005).

<sup>34</sup> BBC News (19 October 2008).

<sup>35</sup> Stratfor (2007).

<sup>36</sup> Africa Research Bulletin (2008).

<sup>37</sup> While Angola's oil sector was rarely threatened during the 27-year long civil war (due to pressure by pressure from the US and France, who provided support to UNITA, to avoid hitting oil interests), separatist rebels in the oil-rich region of Cabinda pose threats to the industry.

greater emphasis of attacks against Algeria's EI should not be dismissed in the future.

*Miscellaneous cases around the globe*

Historically the Colombian-based non-state armed groups, the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN), have targeted EI – mainly electrical pylons and the ONG sector – for decades. Since the early 1980s, both groups have carried out repeated attacks on the Occidental operated Cano Limon oilfield, which transports oil through the Cano Limon pipeline from the Arauca province to the Caribbean coast. Attacks intensified during the 1990s, resulting in repeated production suspension due to damages. Not only did FARC and the ELN carry out terrorist attacks aimed at the energy sector as part of their politically violent campaign but they also utilized attacks, or the threat of, to extort money from Occidental and its subcontractors.<sup>38</sup> In the face of threatening to close the operation, the Colombian government increased troop levels, with the aid of Occidental financing, to the region in addition to commissioning a team of prosecutors to target perpetrators. Soon after the 9/11 attacks, the US government worked with the Colombian government to create an EI security plan that involved providing funding and additional support through the training of local military in pipeline security operations. Due to these efforts, attacks have decreased but still occur sporadically with the most recent occurring in June 2008 and resulting in a temporary suspension of production activities.

Turning to cases where EI attacks have occurred more sporadically reveals an entire host of nations that stretches across the globe. The Kurdistan Workers' Party (PKK) have threatened and carried out attacks on ONG assets in Turkey and northern Iraq – the most recent of which was the bombing of the newly constructed Baku-Tbilisi-Ceyhan (BTC) pipeline; the Baloch militias have carried out numerous attacks against power transmission lines and gas installations resulting in disruptions to electricity in the Punjab region; the United Liberation Front of Asom (ULFA) claimed credit for a series of pipeline attacks in 2006 and in Mexico a string of oil and gas pipeline attacks carried out during 2007 by EPR militants resulted in supply shortages, economic losses, and damages. News of the attacks caused natural gas futures to increase. However in Russia, the world's second largest oil exporter, Chechen separatists carried out a notable 2004–2005 campaign when they attacked several pipelines near Moscow, Volgograd, and Stavropol. However, this case reveals a criminal-political motive where perpetrators targeted pipelines as a part of their political violent campaign

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<sup>38</sup> Miller (2004).

(seeking to damage the Russian economy) as well as a source of revenue where they would pilfer and sell stolen Chechnyan produced oil to fund activities leading to the Russian government, increasing security along the pipelines and closing down illegal refineries and holding tanks.<sup>39</sup>

The cases discussed thus far mainly highlight onshore (mainland) EI attacks however offshore (maritime) threats are also a factor. With 43 million barrels of oil<sup>40</sup> transported daily through significant maritime transit channels and chokepoints,<sup>41</sup> the protection of energy assets along these routes are a significant global concern. Piracy threatens tankers carrying energy resources (oil and liquid natural gas) through the Strait of Malacca, in south-east Asia, in addition to the Gulf of Guinea, in West Africa, and the Gulf of Aden, off the coast of Somalia. In the latter, Somali pirates have carried out over 100 successful attacks in 2008 (up from 13 in 2007) with a major November attack targeting a large Saudi oil tanker carrying 2 million barrels of oil, valued at US \$100, traveling in the Indian Sea 450 miles southeast of Mombasa. Utilizing swarm-based tactics and armed with rockets and assault rifles, the perpetrators were able to successfully board the tank and demand payment for its release. This single attack caused oil prices to jump by US \$3 and captured international headlines. In response, some 14 states have sent patrols to this region to provide protection to maritime carriers. Across the continent, the Gulf of Guinea has also seen a rise in piracy, which is no surprise given the mainland insurgency and criminality in Nigeria. In 2008, the International Maritime Bureau stated that 100 piracy attacks occurred in the Gulf, with only 40 reported due to decisions made by the targeted companies.<sup>42</sup> Overall this development with onshore and offshore assaults on global energy assets has led to states and multinational companies scrambling to respond to the tactical abilities and networked characteristics of modern non-state armed groups who possess little if any allegiance to the state.

## **Responses and Further Measures Needed**

In sum, the intensification of politically motivated violence and criminality targeting EI (largely ONG) uncovers a phenomenon where perpetrators are becoming more daring regardless of external state intervention and calls attention to three notable developments in the area of TEI in the 21st cen-

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<sup>39</sup> Kupchinsky (2005).

<sup>40</sup> Up to 85 million bbl/d of oil produced on average.

<sup>41</sup> Chokepoints are narrow channels along highly trafficked sea routes. Examples of world transit chokepoints include: Gulf of Aden, Strait of Hormuz, Strait of Malacca, Suez Canal, Bab el-Mandab, and the Turkish Straits.

<sup>42</sup> Gardner (2009).

tury: first, it brings to light events where non-state armed groups are able to carry out asymmetric attacks that serve as the perfect force multiplier and a springboard to air grievances. Such highly adaptable, mobile groups do not require extensive logistical structures, operate with minimal supplies, and are able to cause varying degrees of damage by leveraging networks and markets. Second, as noted, it illustrates the growing sensitivity of the global energy system that is increasingly *less elastic* and *more sensitive* to any real or perceived disruptions where micro-actors create macro-consequences with very little investment on their part. As John Robb notes “One small attack on an oil pipeline in southeast Iraq, conducted for an estimated \$2,000, cost the Iraqi government more than \$500 million in lost oil revenues. That is a return on investment of 25,000,000%.”<sup>43</sup> Third, the protection of global energy infrastructure, in this case ONG, in unstable regions will continue to challenge states who rely on crucial land and sea energy supply channels that sit outside of their jurisdiction. ONG resources are critical to the global economies and thus should be considered as a global asset that requires global engagement via the public and private sector.

Countering threats to energy resources that are located in unstable neighborhoods is a daunting task that must involve a multifaceted approach by both state and non-state actors. In the long-term, industrialized nations need to make a concerted effort to diversify the energy portfolio, develop domestic energy sources and invest in alternative energies so as not to rely so heavily on oil and gas from volatile locations and precarious transit land and maritime pathways. In the short-term, however, states need to look beyond their borders and assist in efforts to enhance EI protection in uncertain regions. European nations, for example, can begin to address the issue of disruption to energy flows by assisting in the fortification of facilities while also working with the media and financial markets that react, and at times overreact, to such threats.<sup>44</sup> Energy security can also be improved by increasing global strategic stockpiles in consumer countries.<sup>45</sup>

In addition, oil-importing countries can provide much-needed aid to oil-producing countries – such as Yemen, Nigeria, Sudan, and Iraq – who are either unable, or in some cases unwilling, to secure energy resources and yet require assistance to acquire costly technology to enhance the security of pipelines and facilities. Other assistance can come in the form of military

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<sup>43</sup> Robb (2007).

<sup>44</sup> Schmid (2007).

<sup>45</sup> Ibid. Capacity increases can help cushion market sensitivity. For example, despite continued turmoil in Nigeria’s oil-producing region, the price of oil has been declining steadily since August 2008 due to decreased demand from a slowing global economy. Even with OPEC cutting production down in addition to instability in oil-producing regions, the market is cushioned by the, perceived, healthy supply.

training, funding police and community patrols, and strengthening capacity and facilities.<sup>46</sup> In Iraq, the US helped fund 14,000 security guards that were placed in critical locations along major pipelines and at facilities. Similar efforts are underway in the Gulf of Guinea and off Somalia's coast where NATO, the EU and the US Navy, respectively, have provided assistance to secure these critical pathways and such efforts will continue in this regard. With many new energy sites being discovered offshore and oil tankers traversing over uncertain waters, such external state support – that involves air, land, and sea counter measures – will continue to be an important element in securing global supply.

Although security measures are necessary, they do not address the factors that drive violence. In order to deter attacks effectively, external state actors can work with central and local governments to allocate more resources to addressing the abysmal socio-economic realities that are oftentimes the crux of hostilities aimed at EI.<sup>47</sup> Such an approach takes into account the need to protect resources (security) while also meeting community needs to decrease poverty (development). For example, in 2003, Swissaid requested that the World Bank and Exxon Mobile, who shared in the cost of building Chad's oil pipeline to Cameroon, ensure that civil society benefited from this new source of state income.<sup>48</sup> Multinational oil companies and community organizations (NGOs) also have a unique role to play, as they can reach out directly to the community to assess needs and implement bottom-up solutions. Shell in Nigeria, for example, has hired "community liaison officers" to initiate direct dialogs with the Niger Delta communities. These consultations have resulted in the provision of storage tanks and generators to 21 towns and villages. But they need to go a step further and broaden community development initiatives. Essentially, this

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<sup>46</sup> Such security measures can involve: burying pipelines, hardening the pipeline against corrosion, increasing patrols and security forces for facilities, security cameras, etc. Technology is another important investment that can provide better protection. Developments using seismic sensing of underground vibrations can identify whether unauthorized personnel are near a pipeline – thus preventing sabotage.

<sup>47</sup> The US has recently initiated a number of measures to address the multitude of security issues in sub-Saharan Africa, with particular focus on the Gulf of Guinea (GoG) region. In late 2007, the US Navy began training government officials from the GoG region to improve maritime security and have since worked specifically with the Nigerian Navy to enhance their ability to counter the threats posed by MEND and other militants. In addition, in September 2008, the US was also looking to launch the US Africa Command (AFRICOM), which seeks to encourage US military cooperation with African governments. Such initiatives, which are clearly connected to protecting US interests, offer some promise; however they do not address the abysmal socio-economic realities that have fueled militancy and insurgency where terrorism is increasingly the tactic of choice.

<sup>48</sup> [[www.globalpolicy.org/security/natres/oil/2003/0204af.htm](http://www.globalpolicy.org/security/natres/oil/2003/0204af.htm)].



would employ a bottom-up approach to counter-balance the security measures employed from the top down. Such a multifaceted approach has the potential to enhance EI security, address community needs, and deter attacks in the long-run.

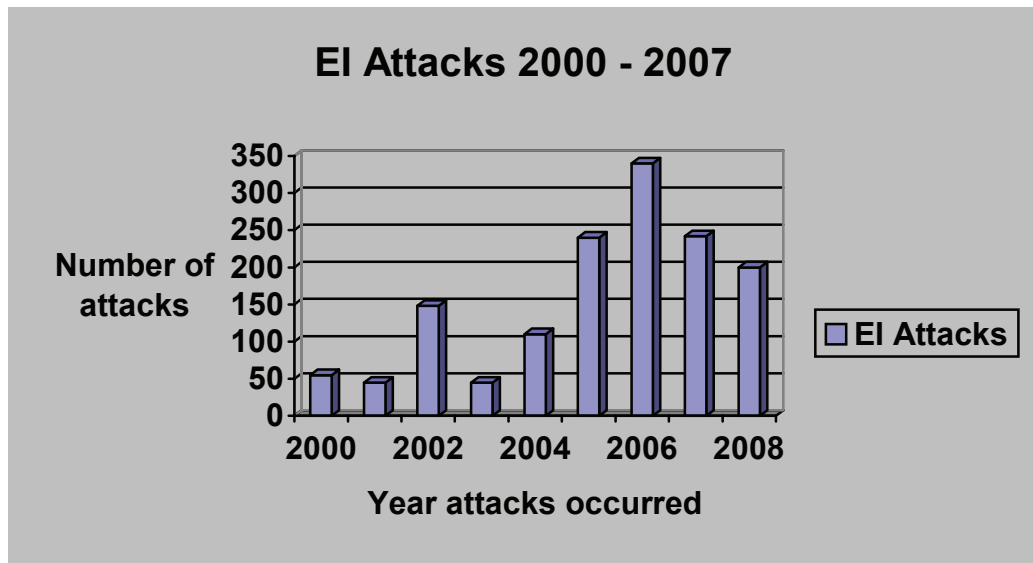


Figure 1<sup>49</sup>

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<sup>49</sup> This data was compiled using data gathered from the Global Terrorism Database. Additional monitoring was performed to capture attacks that may have not been included in the GTD. The data for 2007 is still being gathered and thus 2007 attacks may be slightly higher than currently listed.

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## Threats and Prospects in Combating Terrorism: A Challenge for Domestic or Trans-National Co-operation?

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### PROGRAMME OF THE SEMINAR

*The seminar sessions will take place in the building of the Finnish National Defence Courses, Maneesikatu 6, Helsinki. Chatham House rules are followed in the seminar.*

**Wednesday, 22<sup>nd</sup> October, 2008**

09:30-10:00 Coffee and registration

10:00-10:15 Opening of the seminar: Director of the DSDS, Col Erik Erroll

10:15-12:30 **THE FIRST SESSION: TERRORISM AND RUSSIA, RUSSIAN PERCEPTIONS ON TERRORISM**  
**Chair: Juha Mäkelä**

1. Prof Mariya Omelicheva (Univ. of Kansas)  
*Russia's Counterterrorism Legislation, Warts and All: Overview and Assessment of the Legal Framework for Combating Terrorism in the Russian Federation*

2. Deputy Director Ivan Konovalov (Centre of Analysis of Strategies and Technologies in Moscow, CAST)  
*Russian Structure of Counter-Terrorism*

12:30-14:00 Lunch

14:00-15:45 **THE SECOND SESSION: FOCUS ON TERRORIST GROUPS**  
**Chair: Pekka Sivonen**

1. Researcher Leena Malkki (Univ. of Helsinki, Finland)  
*How terrorism ends: The case of Rode Jeugd (1966-1974)*

2. Professor Fernando Reinares (Real Instituto Elcano, Madrid, Spain)  
*What do the Madrid bombings tell us about Al Qaeda and global terrorism?*

16:00-17:00 **PANEL DISCUSSION**  
**Chair: Mika Kerttunen**

*Terrorism and Russia, Russian Perceptions on Terrorism. Terrorist Groups; Rode Jeugd and Al-Qaida.*

**Thursday, 23<sup>rd</sup> October, 2008**

08:30-09:00 Coffee

**09:00-12:45 THE THIRD SESSION: ON THE INTERNATIONAL & HOME GROWN TERRORISM, EXPERIENCES AND LESSONS LEARNED**

**Chair: Mika Kerttunen**

1. Director of Research Mahan Abedin (Centre for the Study of Terrorism, UK)  
*The Causes of Religiously-motivated Violence in the United Kingdom and the Measures Adopted to combat this Threat*

2. Colonel Satinder Saini (Institute of Defence and Strategic Analysis at the New Delhi, India)  
*The Challenges of Combating Terrorism in India*

3. Researcher Jennifer Giroux (Centre for Security Studies, ETH Zurich, Switzerland)  
*Targeting Energy Infrastructure: Examining the Threat and CT responses*

12:45-14:15 Lunch

**14:15-15:30 PANEL DISCUSSION**

**Chair: Pekka Sivonen**

*On the International & Home-Grown Terrorism, Experiences and Lessons Learned.*

**15:30-15:45 Final Remarks:**

Director of the DSDS, Col Erik Erroll

**ABBREVIATIONS USED**

AQ	Al-Qaeda
AQIM	Al-Qaeda of the Islamic Maghreb
ELN	National Liberation Army (Ejército de Liberación Nacional)
EPR	Popular Revolutionary Army (Ejército Popular Revolucionario)
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)
FOSH	Federal Operations Headquarters (Федеральный Оперативный Штаб)
FSB	Russia's Federal Security Service (Федеральная Служба Безопасности Российской Федерации)
FSK	Federal Counterintelligence Service (Федеральная Служба Контрразведки)
FSO	Federal Protection Service (Федеральная Служба Охраны)
GOI	Government of India
GRoU	Operational Control Groups (Группа Оперативного Управления)
GRU	Main Intelligence Directorate (Главное Разведывательное Управление)
GSPC	Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat)
KGB	Soviet Committee for State Security (Комитет Государственной Безопасности)
MEND	Movement for the Emancipation of the Niger Delta
MHA	Ministry of Home Affairs of India
MVD	Ministry of Interior of Russia (Министерство Внутренних Дел)
NAK	Russia's National Counterterrorism Committee (Национальный Антитеррористический Комитет)

NGO	Non-governmental Organisation
OMON	Special Purpose Police Squad (Отряд милиции Особого Назначения)
ONLF	Ogaden National Liberation Front (Ethiopia)
PKK	Kurdistan Workers' Party (Partiya Karkerên Kurdistan)
PSP	Pacifist Socialist Party (Pasifistisch Socialistische Partij; the Netherlands)
RAF	Red Army Faction (Rote Armee Fraktion)
RDC	Rally of Democratic Forces (Rassemblement des Forces pour le Change- ment)
ROSh	Regional Operational Headquarters (Региональный Оперативный Щтаб)
SATP	South Asia Terrorism Portal
SPLA	Sudan People's Liberation Army
ULFA	United Liberation Front of Asom (India)
ZPEB	Zhongyuan Petroleum Exploration Bureau (China)



## ABOUT THE AUTHORS

### **Jennifer Giroux**

Jennifer Giroux is Research Fellow at the Center for Security Studies in Zurich. She holds a M.A. degree in International Policy and Security and a B.A. degree in Anthropology. She has also studied terrorism, development policy and mediation and conflict resolution. Before moving to her current position, Giroux worked in the U.S. as a researcher at the Center for Nonproliferation Studies (2005–2006), at the Center for Terrorism and Intelligence Studies (2005–2007), and as International Professional Service Fellow for the UN Al-Qaida and Taliban Sanctions Committee (2006). She has also been involved in managing various non-profit programs in the U.S. and in assisting in humanitarian projects in Africa.

### **Ivan Konovalov**

Ivan Konovalov is Deputy Director at the Centre of Analysis of Strategies and Technologies in Moscow, CAST. He graduated from the Journalistic Department of Moscow State University in 1994, after which he worked as a military correspondent on Russian television. He has written a series of analytic articles on local conflicts, modern military art and military problems in modern politics for Russian magazines and newspapers.

### **Leena Malkki**

Leena Malkki is a postgraduate student at the University of Helsinki. She is currently working on her Ph.D. on how and why left-wing terrorist campaigns of the 1970s declined. She is a member of the research project *Why Do Terrorists Stop?*, led by Dr. Timothy Naftali and funded by the Smith Richardson Foundation. Her publications include *Terrorismin monet kasvot* (in English, *Many Faces of Terrorism*), co-authored by Prof. Jukka Paastela et al. She is also the coordinator of the Europeanized Criminal Justice project, funded by the network of European Studies of the University of Helsinki.

**Mariya Omelicheva**

Mariya Omelicheva is Assistant Professor at the Department of Political Science at the University of Kansas. In 2007, she earned a Ph.D. in Political Science from Purdue University for her thesis on counterterrorism and human rights. She also holds a J.D. in International Public Law from Moscow National Law Academy. In 2001, Dr. Omelicheva joined Purdue University where she worked as a teaching assistant and independent instructor before moving to her current position at the University of Kansas. Her academic interests include Eurasian security, counterterrorism and human rights, international human rights and non-governmental actors of world politics. Moreover, she has devoted much of her research career to scholarship of teaching and has received a number of awards for her teaching skills. She has actively taken part in conferences as a lecturer, discussant and Chair, and is a member of several academic associations.

**Satinder Saini**

Colonel Satinder Saini is presently working as a researcher at the Institute of Defence Studies and Analyses (IDSA) in New Delhi. He is a graduate of the Army Command and Staff Course at the Staff College, Camberley in the UK, and has also studied at the Royal College of Military Science, Shrivenham, UK. He holds a master's degree in Defence and Management Studies and has graduated from the Army War College and completed the Higher Command Course. An experienced Indian Army officer, Colonel Saini has served in insurgency and terrorism infested environments and has taken part in UN, peacekeeping and counter terrorism projects in various parts of the world. He has also written extensively in various journals and magazines. His areas of expertise include counterterrorism, confidence building measures with Pakistan, peacekeeping and disaster management. His current research focuses on the subject of combating terrorist financing.

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Strategian laitos

Maanpuolustuskorkeakoulu

PL 266

00171 HELSINKI

Department of Strategic and Defence Studies

National Defence University

P.O. Box 266

FI-00171 HELSINKI

FINLAND

Tel: +358 299 530633

Fax: +358 299 530632

E-mail: [strategian.laitos@mil.fi](mailto:strategian.laitos@mil.fi)

Internet: <http://www.mpkk.fi/>