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TERRORISM AND US POLICY:

PROBLEMS IN DEFINITION AND RESPONSE

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Lack of a clear, coordinated definition of state-sponsored international terrorism, failure to understand state-sponsored international terrorist groups as a system with inherent vulnerabilities, and a counterterrorism policy which does not target statesponsored terrorist groups? center of gravity, all contribute to weak, ineffective US counterterrorism policy. This paper examines problems with defining state-sponsored international terrorism and proposes a new definition which encompasses several key points: the illegality of terrorist acts, the fact that they are politically motivated, and that such acts are acts of war. Based on Col John Warden?s model of the enemy as a system, this paper analyzes state-sponsored international terrorist groups as an interdependent system in which attacking or isolating leadership is the key to rendering the system ineffective. His model is the basis for analyzing ineffectiveness of current US counterterrorism policy; rather than attacking state-sponsored international terrorist groups? most vulnerable point (their sponsors), current policy is directed toward peripheral parts of the system (infrastructure and fielded forces). This paper proposes changes to US counterterrorism policy and organization to improve our capability to counter state-sponsored international terrorism.

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Preface

My goal was to study current definitions of terrorism and US counterterrorism policy, identify possible shortcomings, and propose solutions. I discovered basic problems, not only with adequately defining terrorism, but with US government response to one particular form of terrorism--state-sponsored international terrorism. These problems stem from lack of a coordinated, clear definition of state-sponsored international terrorism between US agencies, and failure to attack the appropriate center of gravity of state-sponsored terrorist organizations. I propose a new definition of state-sponsored international terrorism which is more specific and lends itself to clearer policy development; furthermore, our counterterrorism policy should place more emphasis on targeting the sponsoring state, rather than peripheral elements of state-sponsored terrorist groups.

I wish to especially thank Major Mike Muzzerall of the Canadian Forces for his encouragement and assistance throughout this project.

Abstract

Lack of a clear, coordinated definition of state-sponsored international terrorism, failure to understand state-sponsored international terrorist groups as a system with inherent vulnerabilities, and a counterterrorism policy which does not target state-sponsored terrorist groups' center of gravity, all contribute to weak, ineffective US counterterrorism policy. This paper examines problems with defining state-sponsored international terrorism and proposes a new definition which encompasses several key points: the illegality of terrorist acts, the fact that they are politically motivated, and that such acts are acts of war. Based on Col John Warden's model of the enemy as a system, this paper analyzes state-sponsored international terrorist groups as an interdependent system in which attacking or isolating leadership is the key to rendering the system ineffective. His model is the basis for analyzing ineffectiveness of current US counterterrorism policy; rather than attacking state-sponsored international terrorist groups' most vulnerable point (their sponsors), current policy is directed toward peripheral parts of the system (infrastructure and fielded forces). This paper proposes changes to US counterterrorism policy and organization to improve our capability to counter state-sponsored international terrorism.

Chapter 1

Background and Problem Identification

The Third World War has started.

—Ilyich Ramirez Sanchez, a.k.a. "Carlos"

Although the international community has yet to agree on a definition of terrorism, this form of politically motivated violence is known to have existed since Biblical times, when Jewish groups in Palestine instigated a revolt against occupying Roman forces through a series of attacks on prominent Roman citizens.[1] The word "terrorism" actually has its roots in the Reign of Terror (1793-1794) in France, when the Jacobins killed anyone suspected of opposing the revolution.[2] Terrorism has continually been used by various groups as a means to force governments to change their policies, with varying degrees of success: in the late 18th century, American colonial Minutemen successfully used tactics of violence, fear, and intimidation to quash loyalist sympathizers and instigate revolt against the British government; but neither the Fenians nor their successor, the Irish Republican Army, have been able to force the British out of Northern Ireland, despite a terrorism campaign over a century old.[3]

Unlike Great Britain, however, terrorism did not become a vital national security issue for the United States until the late twentieth century. Prior to this time, the United States had had its problems with internal terrorism in the form of such groups as the Ku Klux

Klan and the Molly Maguires (a group of Irish coal miners who targeted coal mine owners and operators), but such groups never posed a direct threat to our nation's national security interests.[4] It was not until the humiliating disaster in April 1980 at Desert One, which killed eight men, left 53 hostages in Iran, and essentially ended Carter's Presidency, that the United States realized it was not prepared to counter a new and very real threat to US internal and international security interests—state-sponsored international terrorism. Three years later, in the aftermath of the Syrian and Iranian-backed bombing of the Marine barracks in Beirut in 1983, which resulted in US withdrawal from Lebanon, investigating officials concluded that the US still was not prepared to effectively deal with state-sponsored international terrorism.[5]

These "wake-up calls" did bring about needed attention to development of a comprehensive US counterterrorism policy. In April 1982, President Reagan refined lead agency responsibilities for US government response to terrorist incidents: the Department of State was made lead agent for terrorist incidents outside US territory, the FBI became led agent for terrorist incidents inside US territory, and the FAA became lead agent for terrorist incidents aboard aircraft within US jurisdiction.[6] Additionally, the Cohen-Nunn amendment to the 1986 Goldwater-Nichols Defense Reorganization Act led to creation of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to supervise DOD special operations and low intensity conflict activities, and creation of US Special Operations Command (USSOCOM) to train and equip special operations forces for assigned missions.[7] Combating terrorism is one of USSOCOM's principal missions.[8] Our 1996 National Security Strategy proposes to defeat terrorist groups by hitting

terrorists "at their bases abroad or to attack assets valued by the governments that support them."[9]

Furthermore, over the last 15 years, US counterterrorism policy became focused on rules which are in effect today:

1. No concessions to terrorists
2. Pressure state sponsors economically, diplomatically, and politically.
3. Treat terrorists as criminals and apply the rule of law.
4. Help friendly governments counter terrorist threats.[10]

Despite greater attention to the problem, we are no closer to eradicating the phenomenon than we were 17 years ago in Iran. The murders and kidnappings of Americans in Lebanon which culminated in the Iran-Contra fiasco during the Reagan administration, the Iranian/Syrian/Libyan sponsorship of the bombing of Pan Am Flight 103 in 1988,[11] and Saddam Hussein's attempted assassination of former President Bush in 1993[12] exemplify the fact that state-sponsored terrorism is still a real threat to US national security interests.

One reason for the unabated threat is that US counterterrorism policy has yet to effectively prevent or punish state-sponsored terrorism. Of the seven countries which the US Department of State officially lists as state sponsors of terrorism (Iran, Iraq, Libya, Sudan, Cuba, Syria, and North Korea),[13] several have sponsored terrorist groups for a decade or more. Iran remains the "premier state sponsor of international terrorism",[14] using surrogate groups such as Hizballah, HAMAS, and Palestinian Islamic Jihad to attempt to dismantle the Middle East Peace process, murder Iranian dissidents abroad, and attack tourist areas frequented by Westerners.[15] Despite its weakened terrorist network infrastructure in the wake of Desert Storm, and the US attack on Iraq's intelligence

headquarters following the attempted assassination of former president Bush, Iraq continues to actively sponsor terrorism, both internally and abroad. Over the past several years, Iraqi agents have attacked over 100 UN and relief agency personnel and killed several dissidents in northern Iraq. Furthermore, Iraq continues to provide training and safe haven to terrorist groups, including the Palestine Liberation Front (headed by Abu Abbas, who masterminded the *Achille Lauro* hijacking) and the Abu Nidal Organization.[16] Despite the 1986 retaliatory strike on key targets in Libya's terrorism infrastructure, and despite continued US and United Nations economic and political sanctions, Libya still refuses to turn over the suspects in the Pan Am Flight 103 bombing or to admit culpability in that attack. Additionally, Libya continues to provide safe haven and sponsorship to Palestinian rejectionist groups, and to target Libyan dissidents abroad.[17] Cuba and North Korea are known not to have sponsored international terrorist attacks in the last few years, mainly due to internal economic problems, but both countries continue to provide safe haven to terrorist groups.[18] Syria continues to let Iran use Damascus as a means to resupply Hizballah. Additionally, Syria provides safe haven, training, and support for Palestinian rejectionist groups responsible for attacks on Israel and occupied territories.[19]

In addition to the usual acts of violence state-sponsored terrorists currently use to achieve their goals, the US faces a new kind of threat from state-sponsored terrorism which our current counterterrorism policy does not yet address—information warfare. Information warfare, according to Department of Defense Directive (DODD) 3600.1, includes:

> ...actions taken to achieve information superiority in support of national military strategy by affecting adversary information and information systems while leveraging and defending our information and systems.[20]

Information warfare can take several forms. According to Martin Libricki, it can include:

> ...(i) command-and-control warfare (which strikes against the enemy's head and neck), (ii) intelligence-based warfare (which consists of the design, protection, and denial of systems that seek sufficient knowledge to dominate the battlespace), (iii) electronic warfare (radio-electronic or cryptographic techniques), (iv) psychological warfare (in which information is used to change the minds of friends, neutrals, and foes), (v) "hacker" warfare (in which computer systems are attacked), (vi) economic information warfare (blocking information or channeling it to pursue economic dominance), and (vii) cyberwarfare (a grab bag of futuristic scenarios). All these forms are weakly related.[21]

Use of information warfare by state-sponsored terrorist groups (or, "information terrorism") can be an effective means of attacking other governments because the potentially devastating effects on adversary information infrastructure as are attractive as the low personal risk associated with such attacks.[22] As Gross et al stated:

> This information infrastructure includes power distribution, air traffic control, telephone systems, banking systems, systems of strategically important companies and high technology data bases. Subversion or denial of service to these areas would not only cause general chaos throughout the system itself, but would also affect the morale and psyche of the system operators and the general public. Massive networking makes the US the world's most vulnerable target for information warfare. [23]

Terrorists and their supporters are already learning the efficacy of such methods. For example, in 1985, the Middle Core Faction, a Japanese Group, attacked critical nodes of Japan's commuter rail system by cutting key power and communications cables for the rail system computer controls, and then jamming police and rescue communications frequencies. The attack paralyzed Japan's commuter system at the height of rush hour, and full operability was not restored for 24 hours.[24] This highly effective attack exemplifies the damage terrorist groups can do by attacking critical information and communication systems, without resorting to the usual violent methods of attack.

Based on the continuing threat of state-sponsored terrorist violence, as well as the new threat posed by "information terror", it is essential for the US to more clearly define exactly what terrorism is, in order to develop a more effective policy against this problem.

Notes

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[2]Weinberg, Leonard B., and Paul B. Davis. *Introduction to Political Terrorism.* New York: McGraw-Hill, 1989, 4.

[3]Poland, 27, 36,37.

[4]Ibid., 37-39.

[5]Martin, David C., and John Walcott. *Best Laid Plans: The Inside Story of America's War Against Terrorism.* (New York: Harper and Row), 1988, 130-135.

[6]Office of the Vice President. *Public Report of the Vice President's Task Force on Combating Terrorism.* (Washington, D.C.: US Government Printing Office, February 1986), 8.

[7]US Special Operations Command Publication (USSOCOM Pub) 1. *Special Operations in Peace and War,* 25 January 1996, 2-19.

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[9]Office of the President. A *National Security Strategy of Engagement and Enlargement.* (Washington, D.C.: US Government Printing Office, February 1996), 15.

[10]US Department of State. *Patterns of Global Terrorism: 1995.* Washington, D.C.: Office of the Coordinator of Counterterrorism, April 1996, iv.

[11]Rosenthal, A. M. "Closing Our Eyes." In *Violence and Terrorism*. 3rd ed. Edited by Bernard Schechterman and Martin Slann. (Guilford, Conn.: The Dushkin Publishing Group, Inc., 1993), 200-201.

[12]US Department of State. *Patterns of Global Terrorism: 1995,* 23.

[13]Ibid., 27.

[14]Ibid., 24.

[15]Ibid., 25.

[16]Ibid., 25-26.

[17]Ibid., 26.

[18]Ibid., 24, 26-27.

[19]Ibid., 28.

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[23]Gross, Fulton, and Muzzerall, 7-8, from Gary H. Anthes, "New Laws Sought for Info Warfare", *Computerworld* 29, no. 23, (5 June 1995), 55.

[24]Littleton, Matthew J. "Information Age Terrorism: Toward Cyberterror." Thesis, Naval Postgraduate School, Monterey, California, December, 1995, 77-78.

Chapter 2

Defining Terrorism

"Terrorism" is a politically loaded and emotional term, used indiscriminately as a means of morally condemning the actions of one's opponents. For example, the term is used by Western democracies to describe Iran's and Libya's sponsorship of bombings and kidnappings; it is also used by Libya and Iran to describe themselves as victims of "economic and political terrorism initiated by their "imperialist" and "fascist" accusers".[1] As Major William Farrell stated, "terrorism" has become "a term in common use [having] little common meaning."[2] As a result, there are over 140 definitions of terrorism, none of which has gained universal acceptance.[3] Even within the US government, agencies charged with analysis, prevention, and response do not agree on a common definition; furthermore, no definition currently used within the US government is adequate to comprehensively describe this phenomenon.

For example, the US Department of State uses the following definition cited in Title 22, US Code, section 2656f(d):[4]

> The term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.

As used in this definition, "noncombatant" means civilians and "military personnel who at the time of the incident are unarmed and/or not on duty." This definition also

considers "attacks on military installations or on armed military personnel when a state of military hostilities does not exist at the site" to be terrorism.[5]

This definition is inadequate for several reasons. First, this definition makes no reference to the *illegality* of politically motivated acts of violence such as murder and kidnapping of civilians. Although there is "no general convention...in force today that makes terrorism per se an international crime,"[6] the law of armed conflict provides ample basis for defining specific acts of terrorism as illegal. Article 33 of Geneva Convention IV specifically prohibits "measures of intimidation or of terrorism"[7] against civilians, Article 34 prohibits the taking of civilian hostages, and Article 27 of the same Convention "requires that all civilians be treated humanely."[8] Thus, Hans-Peter Glasser, legal adviser to the directorate of the International Committee of the Red Cross (ICRC), concluded "no terrorist act can ever be justified."[9] Refusal to define terrorist acts as illegal thus prevents development of coordinated international and domestic law and punishment for such crimes.

Another significant problem with this definition is that it defines terrorism in terms of the *victims* (noncombatants) instead of the *perpetrators and their motives.* Thus, if a terrorist group, sponsored by a particular state (say, Syria or Iran), for a particular motive (for example, getting the US out of Lebanon) kills unarmed civilians (bombing our embassy), our government considers the act terrorism. Yet if the same group, sponsored by the same state, and for the same reason, kills an armed on duty security policeman, the act is not, by the US Department of State definition, terrorism. To further confuse the issue, this artificial distinction of what does and does not constitute a terrorist act, based on the victim(s), obsfucates the crux of the issue; namely, that when a declared state of

hostilities between two countries does not exist, a violent act committed by a subnational group, sponsored by a sovereign state, against citizens of another state to achieve some political objective *is* terrorism--regardless of the identity of the victims.

The DOD Directive 2000.12 definition of terrorism, which does not distinguish terrorist acts by the identity of the victims, is as follows:

> Unlawful use or threatened use of force or violence against individuals or property, with the intention of coercing or intimidating governments or societies, often for political or ideological purposes.[10]

By removing the artificial distinction of what does and does not constitute a terrorist act (based on the status of the victims), the DOD definition is an improvement upon the Department of State definition. But the DOD definition also misses the mark. The use of the word "often" implies that terrorist acts can be committed for some purpose other than political or ideological.[11] But the political or ideological motive is a key criterion in distinguishing terrorism from other crimes. As former Secretary of State George P. Schultz stated, "Terrorism is, above all, a form of political violence."[12] If, for example, the bombing of an aircraft was conducted for personal revenge against an airline or group of individuals, this would be a domestic crime—not an act of terrorism.

If one looks to the international community for a clear definition, there is none to be found. The United Nations has steadfastly refused to agree on a definition of terrorism. Why? The first reason deals with sovereignty. Nations reserve the right to define legal bounds of activities and policy within their own borders. Therefore, each state reserves the right to determine, politically and legally, what terrorism is. No nation wants to be constrained by a definition which would inhibit its own foreign and domestic policy. Secondly, some nations view what the US calls "terrorism" as a legitimate means of self-

determination, and refuse to agree on measures to prevent terrorist actions unless the causes of terrorism are considered.[13] And finally, some United Nations member nations use terrorism for their own purposes, and are not about to agree to any limitation on their actions. One such country is Afghanistan, which harbors Islamic terrorist training camps, producing terrorists involved in attacks worldwide. Afghan-trained terrorists also participated in wars and insurgencies in Kashmir, Tajikistan, Bosnia, Chechnya, and the Philippines. In fact, terrorists trained in Afghanistan were involved in the 1993 World Trade Center bombing.[14] Hence, until all members of the United Nations agree to stop harboring, training, and sponsoring terrorists, the United Nations will not be the appropriate forum to develop a coordinated definition or policy to prevent and respond to terrorism.

Another problem in defining terrorism is that different types of groups exist. Some groups, such as the Liberation Tigers of Tamil Eelam (LTTE) are separatist groups with their own independent agenda (the LTTE wants its own independent Tamil state in Sri Lanka); they generally confine their attacks to domestic political and military targets, economic infrastructure, and civilians.[15] Such groups are more an internal problem for their own governments, rather than a threat to US national security interests. However, the groups of greatest concern to the US and other democracies, and those which pose the greatest threat to US vital national interests abroad, are groups which are sponsored, trained, and used as instruments of policy by sponsoring states. For these groups, it is essential for the US to develop a clear definition and policy regarding their actions, because such groups are a direct threat not only to citizens of many countries, but to the vital international security interests of many nations. For example, Iranian-backed Islamic

groups, such as HAMAS, Palestinian Islamic Jihad, and Hizballah, have formed a coordinated effort to derail the peace process in the Middle East through continued terrorist attacks. [16] Iranian-sponsored groups also threaten national security and stability outside the Middle East; Hizballah claimed responsibility for the 1994 bombing of the Argentine-Israel Association in Buenos Aires, Argentina, which killed 96 people.[17] It is these types of groups—well-financed, sponsored, and directed by sovereign states, which conduct attacks across international borders, for which clarity in definition and policy is so essential to protecting US interests. Therefore, the remainder of this discussion will center on such state-sponsored international terrorist groups.

Lt Col Donald J. Hanle defines state-sponsored terrorism as "the employment of lethal force across international borders for the purpose of destroying or weakening the political cohesion of a targeted political entity."[18] For US government policy purposes, this is a better definition than those previously discussed for several reasons. First, it specifically addresses acts of terrorism against other political entities. This is important because it specifically addresses international attacks (which are therefore of international interest to targeted states), as opposed to attacks against internal, domestic targets. Second, it clearly specifies the motivation of such attacks; namely, they are politically oriented. This is important because political motivation distinguishes terrorist attacks from non-politically motivated international crimes. His definition weakens, however, when he confines the purpose of such attacks strictly to destroying "political cohesion of a targeted political entity." State-sponsored terrorist attacks occur for other reasons, as well. For example, the 1983 Iranian-backed bombing of the Marine barracks in Beirut was instigated to force withdrawal of peacekeeping forces from Lebanon.[19] The bombing of

Pan Am Flight 103, which (a) the Iranians paid for, (b) the Syrian Popular Front for the Liberation of Palestine-General Command (PFLP-GC) planned, and (c) Libyan agents executed, was allegedly instigated by Iran as revenge for the US shoot-down of an Iran airbus earlier that year.[20] Additionally, it is not beyond the realm of possibility that revenge for the 1986 US attack on Libya's terrorist infrastructure was a key motivation for Libya's involvement in that bombing. Hence, political objectives in state-sponsored terrorist attacks are varied, and not limited to attempts to destroy the target's political cohesion.

Additionally, it is important to emphasize the international nature of state-sponsored groups and their actions, whether they occur across international borders within the sovereign territory of another state (including the embassies of other nations), or whether they are committed against another country's nationals within the borders of the sponsoring state. This point must be emphasized because states can use subnational groups (in an official or unofficial capacity) as a means of internal repression against their own people (as in Iraq or Nazi Germany). Thus, a new definition of state-sponsored terrorism must address the international aspect of their activities.

The most important point which Hanle makes in defining state-sponsored [international] terrorism, is that this particular form of terrorism is *an act of war*, in that "war involves the employment of lethal force for a political end."[21] His contention is amply supported by Clausewitz's dictum that "war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means."[22] Hanle's comparison of state-sponsored terrorism to Clausewitz's concept of the purpose of war is amply justified, since state-sponsored [international] terrorist groups are used as instruments of state policy to employ violence against other states for political purposes--

state-sponsored terrorist acts are true political instruments with which states carry on "political intercourse" "with other means." Clausewitz also directly supports Hanle's argument by insisting that the object of war need not be limited to total defeat of an enemy army:

> It is possible to increase the likelihood of success without defeating the enemy's forces. I refer to operations that have *direct political repercussions*, that are designed in the first place to disrupt the opposing alliance, or to paralyze it, that gain us new allies, favorably affect the political scene, etc. If such operations are possible it is obvious that they can greatly improve our prospects and that they can form a much shorter route to the goal than the destruction of the opposing armies.[23]

Despite the fact that Clausewitz wrote these words in the context of late eighteenth and early nineteenth century Napoleonic warfare, they are completely applicable to state-sponsored international terrorism, because the political objective of such acts is not defeat of an enemy army, but *direct political repercussions*—such as withdrawal of military forces from a particular region, disruption of peace negotiations, or undermining another country's political influence.

Hanle's contention is also supported by Sun Tzu's *The Art of War*, which is based on an indirect approach to defeating the enemy; that is, the best means of subduing an enemy is not through battles between armies, but by attacking the enemy's strategy and plans--in other words, attacking the mind and political will of the enemy.[24] A key element of this strategy is understanding how to use small forces to defeat larger forces:

> He who understands how to use both large and small forces will be victorious.
>
> *Tu Yu*: There are circumstances in war when many cannot attack few, and others when the weak can master the strong. One able to manipulate such circumstances will be victorious.[25]

Middle Eastern terrorist groups are masters of this art. When they bomb an embassy, or airliner, or assassinate an important military or political figure of a politically and militarily stronger state such as the US, they know the US will not indiscriminately retaliate against an entire country. Retribution for such attacks is difficult due to problems in pinpointing the actual leaders and participants in an attack.

Such an approach is not limited to acts of violence against physical targets--our information and command and control infrastructures are equally lucrative targets for electronic and digital disruption and destruction. As discussed in the previous chapter, the newest form of terrorist attack, information warfare, is just another means by which state-sponsored international terrorist groups can use Sun Tzu's indirect approach to successfully attack another country. Rather than high-risk attacks on US embassies or airliners, attacking US information and command and control infrastructure has the potential to be more devastating than an explosive device, since the US government, its economy, and military forces are so heavily dependent on global information and communications networks for daily operations. Therefore, any definition of state-sponsored international terrorism must consider such eventualities.

To summarize, an effective definition of state-sponsored international terrorism must state that such attacks are:

1. illegal;
2. performed to achieve some political objective;
3. instigated or supported by a sovereign state;
4. performed by a subnational or clandestine group;
5. conducted against another sovereign state;
6. an act of war; and
7. not limited to physical violence against property or persons, but can include attacks on a state's vital communications and information infrastructure

I therefore propose the following new definition of state-sponsored international terrorism:

> An act of war, involving illegal attack on persons, property, and/or communications and information infrastructure of another state, executed by one or more subnational or clandestine groups, instigated or supported by a sovereign state to achieve a political objective.

Notes

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[3]Ibid., 24.

[4]US Department of State. *Patterns of Global Terrorism: 1995.*, vi.

[5]Ibid.

[6]Erickson, 70.

[7]Ibid., 77.

[8]Ibid.

[9]Ibid.

[10]Ibid., 27.

[11]Ibid.

[12]Ibid., 28.

[13]Ibid., 7, 29.

[14]US Department of State. *Patterns of Global Terrorism: 1995*., 3-4.

[15]Ibid., 6-7.

[16]Ibid., 25.

[17]US House. *International Terrorism: Buenos Aires, Panama, and London: Joint Hearing before the Subcommittees on International Security, International Organizations and Human Rights and the Western Hemisphere.* 103rd Cong., 2nd sess., August 1, 1994, 29, 44.

[18]Hanle, Donald J. *Terrorism: The Newest Face of Warfare.* Washington, D.C.: Pergamon-Brassey's International Defense Publishers, Inc., 1989, 181.

[19]Martin and Walcott, 133.

[20]Rosenthal, 200-201.

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[22]von Clausewitz, Carl. *On War.* Edited and Translated by Michael Howard and Peter Paret. (Princeton, N.J.: Princeton University Press, 1989), 87.

[23]Ibid., 92-93.

[24]Sun Tzu. *The Art of War.* Translated by Samuel B. Griffith. London: Oxford University Press, 1971, 41, 77-79.

Notes

[25]Ibid., 82.

Chapter 3

US Counterterrorism Policy

US counterterrorism policy has not changed much in the decade since the Vice-President's Task Force on Combating Terrorism was convened in 1986. At that time, US counterterrorism policy emphasized both multilateral and unilateral actions to prevent and respond to terrorism; no concessions to terrorists; and the rule of law.[1] Current US counterterrorism policy, as outlined in our 1996 National Security Strategy, is "to make no concessions to terrorists, continue to pressure state sponsors of terrorism, fully exploit all available legal mechanisms to punish international terrorists, and help other governments improve their capabilities to combat terrorism."[2] In accordance with this policy, the US has pursued multilateral measures with other democracies to combat terrorism.

In December 1995, the G-7 (US, Britain, Canada, France, Germany, Italy, Japan) and Russia met at Ottawa to discuss multilateral efforts to combat terrorism. This meeting produced the following proposals:

1. Explore new means of enhancing the current international legal framework to fight terrorism, including a call upon all states to become party to existing international conventions, for states which support terrorists to renounce terrorism and financial support, stronger law enforcement cooperation, and to strengthen domestic, bilateral and international extradition treaties.
2. Increase sharing of expertise, information, and intelligence among the international community to prevent terrorist acts.

3. Strengthen measures to prevent possession and use of weapons of mass destruction by terrorist groups.
4. Use new technologies to make entry controls more effective, including methods to make forgery of travel documents more difficult, and to deny entry to persons known to be involved in terrorist activities.
5. Develop common standards for security procedures to boost maritime and aviation security.
6. Cooperate and share information on protection and securing of public targets such as mass transit systems, information systems, public utilities, and public buildings.
7. Deprive terrorists of their sources of finance, including preventing terrorists from raising funds to support their activities, and exploring means to track and freeze monetary assets of terrorist groups. [3]

Additionally, the G-7 and Russia made the following agreements at the July 1996 Paris Ministerial:

1. Protect mass transportation through improved explosive, vehicle, and passenger identification procedures.
2. Declare terrorist bombings an international crime.
3. Criminalize possession of biological weapons.
4. Adopt uniform encryption technology to crack encrypted terrorist computer communications.
5. Develop a forensic science database and share information on explosive taggants.[4]

The US has also taken unilateral actions to combat terrorism. Congress increased economic sanctions against Iran and Sudan, and maintained economic sanctions against Libya and Iraq for their continued sponsorship of terrorism. Furthermore, Congress enacted the *Antiterrorism and Effective Death Penalty Act of 1996*, which "...bans fundraising in the United States that supports terrorist organizations...allows US officials to deport terrorists from American soil without being compelled by the terrorists to divulge classified information, and to bar terrorists from entering the United States..."[5] This bill also allows US citizens who are victims of a state-sponsored terrorist attack to

"file a lawsuit in federal court against a sponsoring terrorist country" and "prohibits terrorists from accessing financial assets in the US."[6]

Although these measures are laudable, there is a critical problem with all of them; namely, they fail to attack state-sponsored international terrorist groups' true center of gravity—the state which sponsors such groups. Hanle stated the solution as follows:

> ...the nation defending itself against state-sponsored terrorism has in reality two enemies: the actual terrorists and the state that sponsors them. Yet there is still only one center of gravity: the will of the sponsoring state to support the terrorists. If the targeted regime can successfully destroy the will of the sponsoring state to support the terrorists, then the cohesion between the two is shattered, and the terrorists must find a new sponsor and sanctuary or perish. [7]

In other words, current domestic and international agreements and legislation are targeted at peripheral elements of state-sponsored international terrorist groups. Barring, deporting, extraditing, and prosecuting known terrorists, increasing security measures, criminalizing specific acts as terrorism, and freezing assets of known terrorists are all actions limited in their effectiveness because they do not directly target the entity which funds, trains, directs, and provides safe haven to these groups—the sponsoring state.

Col John Warden's model of the enemy as a system best illustrates the weakness in our current counterterrorism strategy. Warden's model helps us understand organization of an enemy's system, thereby enabling identification of vulnerable centers of gravity, which helps us determine the best means to defeat the enemy. [8]

Warden's model of the enemy as a system proposes five basic attributes for every system, whether it is an individual being, a state, or a terrorist organization. These include the leadership, organic essentials, infrastructure, population, and fielded military forces.[9] The parts of the system farthest away from the leadership are the most expendable;

fighting elements can always be replaced easily, but loss of key leaders and organic essentials can severely debilitate or destroy the system.[10]

The most important part of the system, which controls all other parts of the system is the leadership. Using Warden's analogy, in a state, it is the government which controls the entire system.[11] In a state-sponsored international terrorist group, it is the sponsoring state. Without the political and geographic protection, money, equipment, and weaponry which a sponsoring state provides, it is difficult for a terrorist group to organize, train, and equip its members.

The second part of the system, second in importance to the leadership, is the organic essentials. In a state, Warden identifies these as energy and money.[12] In a state-sponsored international terrorist group, it is weapons, ammunition, bank accounts and other sources of money, communications networks, training camps, political protection, and territory within a sponsoring state in which to reside.

The third part of the system is the infrastructure; that is, physical parts of the system which connect organic essentials and leadership to the rest of the system. As Warden stated, in a state, this includes all sources of transportation and industries which are connected by the transportation infrastructure.[13] In a state-sponsored terrorist group, this includes all modes of transportation, safe houses within targeted states (including embassies), and communications nodes.

The fourth part of the system is the population. Warden says that in a state, this includes the general citizenry.[14] In a state-sponsored international terrorist group, the population includes every person indirectly involved in terrorist activities: front groups which collect money for terrorist groups, persons who collect intelligence; forgers;

weapons suppliers; money launderers; instructors at training camps; embassy representatives in foreign countries who facilitate transmission of information; documents, money, and personnel; and liaisons between the sponsoring government and the terrorist group.

Finally, there is the fifth part of the system—the fielded forces. In a state, these include both military and civil forces (police).[15] In a state-sponsored terrorist group, fielded forces include the leaders and "soldiers" within a terrorist group who actually direct and participate in terrorist acts.

Table 1 illustrates Warden's concept of the enemy as a system, specifically applied to state-sponsored international terrorism. It is adapted from Warden's "System Attributes" Table.[16]

Table 1. State-Sponsored International Terrorism: System Attributes

System Component	*State-Sponsored International Terrorism*
Leadership	Sponsoring state
Organic Essential	Weapons and ammunition, money, training camps, safe havens
Infrastructure	Transportation, safe houses, communications
Population	Spies, forgers, money launderers, weapons suppliers, instructors, embassy representatives
Fielded Forces	Group leaders, "soldiers"

In terms of Warden's model, current US counterterrorism policy is mainly directed at peripheral elements of the system—the fielded forces (persons committing terrorist acts) and their infrastructure. Freezing of terrorist group monetary assets hits closer to the real

mark by attacking organic infrastructure, but it still misses the real target—the state sponsors. The result is predictable. International economic sanctions against Libya have not resulted in extradition of the Pan Am Flt 103 bombing suspects, nor has Libya ended sponsorship of terrorism. The same is true for other state sponsors currently sanctioned by the US. The US nighttime attack on Iraqi intelligence headquarters has not stopped Iraqi sponsorship of terrorism, since people, not buildings, orchestrate such attacks. Of the states which sponsored terrorism 10 years ago, several are still sponsoring terrorism. In 1986, the US Department of State listed Libya, Syria, Iran, Iraq, Cuba, North Korea, South Yemen, the Soviet Union and Eastern Europe, and Nicaragua as state sponsors of terrorism.[17] Of these, South Yemen and the Soviet Union no longer exist as sovereign entities, and since the Sandinistas lost both their Soviet sponsors and their monopoly on power in Nicaragua, they are unable to sponsor terrorist attacks and guerrilla movements in neighboring countries. The remaining five, however, have continued to train, finance, equip, direct and provide safe haven to terrorist groups over the past decade. Clearly, more effective measures are needed to stop state sponsorship of international terrorism.

Notes

[1]Office of the Vice President. *Public Report of the Vice President's Task Force on Combating Terrorism.* (Washington, D.C.: US Government Printing Office, February 1986), 7.

[2]Office of the President. A *National Security Strategy of Engagement and Enlargement*, February 1996, 15.

[3] "Ottawa Ministerial Declaration on Countering Terrorism." Released at Ottawa Ministerial, December 12, 1995, 1-5. On-line. Internet, 4 November 1996. Available from http://www.state.gov/www/global/terrorism/ottawa_declaration.html.

[4] "Combating Terrorism: The Paris Ministerial." Fact Sheet released at the Ministerial Meeting on Terrorism in Paris, France, 30 July 1996, 1-3. On-line. Internet, 4 November 1996. Available from http://www.state.gov/www/global/terrorism/fs_achievements.html.

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[5] "Counterterrorism." Fact sheet released by the Office of the Press Secretary, the White House, Washington, DC, 30 April 1996, 1-3. On-line. Internet, 4 November 1996. Available from http://www.state.gov/www/global/terrorism/whfs_terrorism.html.

[6] "RNC Talking Points: Republican-Led Congress Passes Terrorism Prevention Act." 24 April 1996, 1-2. On-line. Internet, 22 January 1997. Available from http://www.rnc.org/news/talking/tp-960424.html.

[7]Hanle, 217.

[8]Ibid., 315.

[9]Ibid., 314-319.

[10]Ibid.

[11]Ibid., 315.

[12]Ibid.

[13]Ibid.

[14]Ibid.

[15]Ibid.

[16]Ibid.

[17]US Department of State. *Patterns of Global Terrorism: 1986.* (Washington, D.C.: Office of the Ambassador at Large for Counter-Terrorism, January 1988), 4-13.

Chapter 4

Proposals for Improving US Counterterrorism Policy

An effective counterterrorism policy against a sponsoring state requires use of all instruments of power (economic, political, information, and military) *in concert*, within the bounds of international law and custom. The purpose of such a policy is to make the sponsoring states realize that the cost of sponsoring terrorist groups is too high, and to end such sponsorship. Current efforts mentioned elsewhere in this paper do not impose a high enough cost on state sponsors. Instead, such measures should be used to support the main effort—destroying the will of the sponsoring state to support terrorism. To achieve this, Hanle proposes:

> ...a nation that is the target of state-sponsored terrorism initiate and conduct a limited war against the sponsoring state. The purpose of the war is to increase the sponsor's expenditure of effort until he is no longer willing to sponsor the terrorists and withdraws his support. The force employed against the sponsoring state should, of course, be commensurate with the threat.[1]

Such a proposal is completely within the bounds of international law and custom under the doctrine of individual self-defense, which is "an ancient and fundamental right of states recognized from time immemorial...Individual self-defense is universally accepted by the world community as legalizing the use of force."[2]

Article 51 of the United Nations Charter recognizes legitimate use of force for *both* individual and collective self-defense:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations until the Security Council has taken the measures necessary to maintain international peace and security...[3]

Hence a limited war against states sponsoring terrorism is both justifiable and an inherent right.

Additionally, the US should pursue and sponsor a change to the UN Charter which recognizes both physical *and* "cyberspace" attacks as grounds for preemptive and retaliatory strikes against the offending state. As it stands, Article 51 only provides grounds for self-defense if an armed attack occurs. However, with new capabilities to destroy other nations' critical economic, informational, political, and military communications and data systems through "cyberspace" attacks, international aggression has acquired a new dimension, in which a state can attack another without firing a shot.

The United States can also set up a formal alliance with selected allies for collective self-defense against state-sponsored terrorism. Its basis and function can be similar to the North Atlantic Treaty Alliance, article 5, which states:

> ...an armed attack against one or more of them...shall be considered an attack against all of them...if such an attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the United Nations Charter, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force...[4]

Such an alliance would force sponsoring states to consider that any terrorist act committed against one signatory would result in collective action against the sponsor by several states. Such an alliance should also address collective actions to preempt or retaliate against "cyberspace" attacks.

Historically, armed response to terrorist attacks, when executed properly, has helped reduce attacks. For example, in the two years after the US bombing raid on Libyan terrorist bases in 1986, there were no known Libyan-sponsored attacks against US citizens or property.[5] In the decade following the raid on Entebbe, "not a single Israeli plane was hijacked, and virtually no attempts were made to seize Israeli hostages abroad."[6] Some lawmakers object to such an approach on the grounds that it invites retaliation, but so does weakness and lack of resolve in the face of such attacks. As Benjamin Netanyahu (current Prime Minister of Israel) stated:

> We should recognize a sober truth: A successful war on terrorism will involve a succession of blows and counterblows, and some unavoidable casualties along the way. What is required is a commitment to a *continuous* campaign against its sponsors, not just erratic responses to individual terrorist acts. There are no one-shot solutions. A forceful response against aggression may very well elicit reprisals initially. But over the long run, it is the only way to make governments stop launching terrorist killers.[7]

Secondly, since state-sponsored international terrorism is an act of war, the Department of Defense, (rather than the Department of State) should be the lead agency for responding to such incidents. The Department of State can support armed response through economic and political sanctions (for instance, closing the sponsoring state's embassy), but the needed expertise for planning and executing an appropriate level of military response resides in the Department of Defense.

Within the Department of Defense, forces can be organized more efficiently to combat terrorism. In the aftermath of the failed Iranian hostage rescue attempt, Col Charlie Beckwith, the rescue force commander in that operation, proposed the following:

> My recommendation is to put together an organization which contains everything it will ever need, an organization which would include Delta, the

> Rangers, Navy SEALS, Air Force pilots, its own staff, its own support people, its own aircraft and helicopters. Make this organization a permanent military unit...Allocate sufficient funds to run it. And give it sufficient time to recruit, assess, and train its people. Otherwise, we are not serious about combating terrorism. [8]

According to Hanle, creation of US Special Operations Command (USSOCOM) was a beginning, but it is not enough. USSOCOM is generally a *supporting* command, not a *supported* command. Thus, in combat USSOCOM forces belong to the supported CINC of a particular geographic region. Furthermore, forces comprising USSOCOM come from all four services, and as such carry their own biases and agendas. Such an arrangement prevents USSOCOM from achieving the independence of action it needs to accomplish counterterrorist missions free from interservice rivalry and biases which affect coordination, training, and mission accomplishment.[9] Special Operations should become a completely separate branch of service and train its own people from initial enlistment/commissioning on tactics and doctrine required for special operations missions. This way, the United States will develop a distinct cadre of highly experienced, specialized personnel for such high risk, critical missions as counterterrorism.

While these suggestions for policy changes are not comprehensive, they provide a direction for improving US counterterrorism policy by suggesting organizational and policy changes which enable the US to attack the correct center of gravity--the sponsoring state.

Notes

[1]Hanle, Donald J. *Terrorism: The Newest Face of Warfare.* (Washington, D.C.: Pergamon-Brassey's International Defense Publishers, Inc., 1989), 217.

[2]Erickson, Lt Col Richard J. *Legitimate Use of Military Force Against State-Sponsored International Terrorism.* (Maxwell Air Force Base, Ala.: Air University Press, 1989), 128-129.

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[3]Erickson, 228.
[4]Erickson, 161.
[5]Hanle, 218.
[6]Netanyahu, Benjamin. *Terrorism: How the West Can Win.* (New York: Farrar, Straus, Giroux, 1986), 207.
[7]Ibid., 221.
[8]Hanle, 222.
[9]Ibid.

Chapter 5

Conclusion

State-sponsored international terrorism is a serious challenge to both domestic and foreign security interests of many nations. Current US policy regarding this phenomenon is inadequate because our government does not have a single, coordinated, and comprehensive definition of this form of terrorism; furthermore, US policy is directed at peripheral elements of the system of state-sponsored international terrorism. This paper recommends several actions to improve our ability to fight state-sponsored international terrorism.

Adopt and seek multinational support for the following definition of state-sponsored international terrorism:

> An act of war, involving illegal attack on persons, property, and/or communications and information infrastructure of another state, executed by one or more subnational or clandestine groups, instigated or supported by a sovereign state to achieve a political objective.

Direct US counterterrorism policy and actions towards the true center of gravity--the sponsoring state. The US can use its significant political, military, and economic power to impose sanctions, embargo, blockade, and freeze monetary assets to isolate offending states, and can request support from its allies (as we did in EL DORADO CANYON) in these actions. These actions should be coupled with specific strikes against the sponsoring states' ability to support terrorism—intelligence agencies, military forces, state

communications and information infrastructure, and personnel who plan and direct state-sponsored terrorist acts.

Seek support to change the UN Charter to include state-sponsored information warfare (that is, "cyberspace" attacks on key national communications and information systems) as grounds for individual and collective preemptive and retaliatory self-defense actions.

Make the Department of Defense the lead agency for response to state-sponsored international terrorist incidents. Once we have enough information about an attack to conclude it was state-sponsored, the attack should be considered an act of war, and the Department of Defense should take the lead at that point.

Develop Special Operations into a separate branch of service which recruits, trains, and equips its own people from initial enlistment to retirement. The missions which Special Operations personnel perform require commitment to unique, long-term training and experience.

Further study is required before acting on these proposals. However, the inadequacy of current US counterterrorism policy necessitates significant changes, and attention to these proposals can facilitate needed change.

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