

INTERNATIONAL TERRORISM :
A STUDY OF THE PROBLEM AND ITS
RESOLUTION

By

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P R E F A C E

The present study concerns itself with the use of terrorism as a political weapon by individuals and groups against states.

Such a study assumes importance in view of the alarmingly frequent use of method of terror and coercion against the State apparatus by organised groups. Such methods against dictatorial regimes are often understandable, but they are not always directed against such regimes, in fact democracies remain as valuable to terrorist violence as the Dictatorship. Attempts to control this widely prevalent form of violence by the international community has so far proved inadequate. Acts of terrorism by revolutionary groups have multiplied rapidly since the late sixties and have particularly made their presence felt in Western Europe and North America. Most states and the international community in general are often unprepared to tackle a sudden outburst of terrorist violence. This makes it necessary to investigate the trends in terrorism, its international repercussions, and the nature of the international response especially the efforts of the United Nations and the various legal regulations to combat international terrorism. The usefulness of a study on international terrorism cannot therefore be over-emphasised.

Given the nature of the topic some special problems were encountered regarding the source and content

of reference materials. Apart from the paucity of source materials, the more methodological hazard was the plethora of available Government hand-outs, with their built-in-bias in the presentation of facts and opinions. It was therefore found necessary to lift the available materials carefully to get a balanced picture on the basis of an objective analysis of the different facets of this complex problem.

Keeping the above difficulties in mind the following chapterisation has been attempted.

Chapter I titled, "SEARCH FOR A DEFINITION", first tries to point out the bias in existing definitions. State directly or indirectly involved in an act of terrorism often try to justify the phenomena as something noble while states or blocs which suffer as a consequence regard it as a heinous crime against humanity. This chapter highlights the various attempts at defining international terrorism and tries to investigate the possibility of regulating a multi-faceted phenomenon such as international terrorism, through working out a comprehensive definition.

Chapter II, titled "TERRORISM : INTERNATIONAL DIMENSIONS", shows that although terror tactics are often employed by factions in guerilla warfare, their world-wide escalation in recent times especially within liberal democratic states has mainly been the work of groups specialising in terrorism without any accompaniment of guerilla war. It is also pointed out why, and in what

sense, terrorism can be considered to be an "international" phenomenon.

The specific features of international terrorism in contrast to other forms of terrorism is also pointed out. The various manifestations of terrorism such as hijacking, kidnapping etc. and the conditions and variations of their occurrences is also discussed. It is shown that although the loss of human lives through terrorism may not be very high yet its impact on peoples minds by instilling fear and violating fundamental human rights, disrupting law and order is considerable. The various conditions which encourages the growth of terrorism and the successes or failures of liberal democratic states in surviving terrorist challenges is discussed. The question why over the past decade terrorism has become such a widespread and fast growing phenomenon is attempted to be answered and in this context the factors of nuclear balance of terror and the shifts in local balance of power, the nature of the international structure etc. is examined. The trend towards close international cooperation between terrorist organisations is outlined. The tendency of the terrorists to acquire increasingly sophisticated weaponry is also examined. Under the sub-title "TARGET AREAS", at least four terrorist "constituencies" are identified which are likely to pose a threat to the international community in the future.

Chapter III, titled "ATTEMPT AT LEGAL REGULATION OF INTERNATIONAL TERRORISM", begins by outlining the position of traditional international law on private violence. It also traces the history of international legislation, through various conferences towards international terrorism, leading to an examination of the situation in the post-second world war period. In this context the important role of the United Nations as a guarantor against state terrorism, a promoter of respect for human rights and self-determination, defining aggression and creation of an international criminal code is examined. The relationship between the technological revolution in the post-second world war period and spurt of international terrorism is examined. In the sub-section titled "STATE ATTITUDES" the positions of various states in the U.N. General Assembly on the following three important questions are discussed :

- a) should the committee confine itself to measures to combat international terrorism?
- b) should the motive behind the terrorist acts be taken into account ?
- c) should State terrorism be covered by the term 'international terrorism' ?

It concludes that international terrorism is now regarded as an international crime.

Chapter IV, titled "INTERNATIONAL RESPONSE AND ITS WEAKNESSES" discusses the idea of an International Criminal Court, the role of the League of Nations and more particularly the role of the United Nations. Mention is also made of the other attempts to improve international cooperation against terrorism such as intelligence and police cooperation, bilateral cooperation etc. It also discusses the special problems pertaining to extradition.

Finally, Chapter V, titled "CONCLUSION : ALTERNATIVE STRATEGIES" suggests some important measures that liberal democratic states can undertake to combat the scourge of terrorism. Thus, pre-requisites such as the nature of economic and political structures, an independent judiciary and a healthy economy, are emphasized. At a more micro-level some practical steps are suggested, such as the creation of a more favourable world public opinion, ratification and implementation of the Council of Europe convention on the suppression of terrorism, creation of an international commission to coordinate Western cooperation against international terrorism, a "no deals with terrorists" policy, a responsible press and establishment of an international organisation to cater to the needs of the victims of international terrorism. The study ends by underscoring the importance to the strengthening of democracy and human rights as the most fundamental pre-requisite towards the creation of a world order free of terrorist violence.

CHAPTER I

SEARCH FOR A DEFINITION

1. BIAS IN CURRENT DEFINITIONS :-

Ambassador Charles W. Yost speaking on the Western approach to the question of international terrorism says :

"What indeed of aerial bombing? When the Nazi's bombed Warsaw or Rotterdam or Coventry we call it terror bombing, but when we bomb North or South Vietnam we call it 'protective reaction'. Yet we are killing incomparably more people, including more wholly innocent civilians than the Palestine terrorists have killed in all these years. Understandable as they may be, can we justly exclude from the definition of terrorism the Israeli retaliatory raids against Palestinian camps in Lebanon and Syria last week which surely killed many wholly innocent people which probably helped create a new crop of terrorists among their relatives and friends? Was that either human or wise?"

The fact is, of course, that there is a vast amount of hypocrisy on the subject of political terrorism. We all righteously condemn it except when we ourselves or friends of ours are engaging in it. Then we ignore it or gloss it over or attach to it tags like 'liberation' or 'defence of the world' or 'national honour' to make it seem something other than what it is.¹

This succinctly sums up the dilemma many states find themselves in, when they are confronted with certain

1 Charles W. Yost, 'Forms and Masks of Terrorism' Christian Science Monitor, Sept. 14, 1972, pg.820, Vol.5, quoted in W.F. Hallison and S.V. Hallison, 'The Concept of Public Purpose terror in International Law', in M. Cherif Bassioni, ed. International Terrorism and Political Crimes (Charles C. Thomas Springfield, Illinois, 1975), pg.67, at pg.83.

hard realities about the incidents of so-called international terrorism. Indeed these states have been guilty of double standards in their 'ad hocist' approach to international terrorism.

One may attempt here to focus on some of the important attempts at defining international terrorism and highlight certain problems, doctrinal as well as operational, that have cropped up in the way of a definition of international terrorism. Basically it raises the fundamental question whether it is at all worthwhile attempting to regulate a multifaceted phenomenon so characteristic of the international system such as international terrorism through evolving a comprehensive definition.

2. EFFORTS AT DEFINING INTERNATIONAL TERRORISM :-

Efforts at defining international terrorism in the past do not seem to lead us very far. For, terrorism as a social phenomena has a knack of corresponding to different social contexts and its forms, manifestations, incidence and timing have varied over time. The contexts include the Age of the Reformation in Europe, the American Revolution and, the Latin American wars of Liberation, the French Revolution, the days of Metternich's Congress of Vienna, the resistance movement during the two world wars in the occupied territories, and in the European dictator-

ships of the inter-war period. The post-second World War contexts range from the cold war ethos, to national liberation movements. Kenya, for instance may have every reason to be proud of the contribution of the Mau Mau to the liberation of that country. India has endorsed Vir Savarkar, Netaji Subhash Chandra Bose and his INA, and Bhagat Singh as freedom-fighters. The more recent incidents that go under the label of international terrorism encompass hijacking of aircraft, acts against diplomatic personnel, businessmen, and important political personalities like Aldo Moro and the massacre of Athletes of the 1972 Munich Olympics fame (which in some way or other correspond to the massacre of Palestinian villagers at Bier Yassin in 1948 and at Kafr Kassem in 1956).

Attempts at defining international terrorism have so far adhered to what may be called an intrinsic character approach. They, like all attempts at defining any complex societal phenomenon, have been heavily influenced by the typical features of specific terrorist activities that were experienced by the initiators of the attempts. In other words, most of these attempts typify a specific response mainly correlating to the specific features of certain manifestations of terrorism. They have endeavoured to stigmatise terrorism without directing attention to the need for curing the deep-seated societal maladies, the permanent breeding grounds of terrorism.

Indeed, it is of interest to recall that the First world War was itself ignited by the assassination of Archduke Ferdinand of Austria-Hungary at Sarajevo in 1914. At the end of the war, Emperor Kaiser William of Germany took refuge in the Netherlands which turned down requests for his extradition on the ground of political nature of his crimes. The term 'terrorism' was perhaps first mentioned at the international level at the Third Conference for the unification of Penal Law held under the auspices of the International Association of Penal Law at Brussels in 1930. Committee V of this conference would have the conference to define 'an act of terrorism' in terms of 'the deliberate use of means capable of producing a common danger to commit an act imperilling life, physical integrity or human health or threatening to destroy substantial property; such an act would include arson, explosion, flooding or subversion igniting or asphyxiating with noxious substances, wilful disruption of the normal operation of means of transport or communication, wilful damaging of government property and public utility services and pollution or deliberate poisoning of drinking water or staple food, causing of diseases to men, animals or plant-life and so on.²

2 See M. Cherif Bassiouni, Op. Cit., Notes Pg. 468. For lack of time the conference postponed consideration of the recommendations of the committee.

✓ On the 9th October 1934, King Alexander I of Yugoslavia was assassinated along with the French Minister for Foreign Affairs at Marseilles. This coupled with the fact that Italy refused extradition of certain persons accused of this assassination on the ground of the offence being a 'political crime', 'instigated' France to propose to the Council of the League of Nations the adoption of 'international measures' for suppression of political crimes, including creation of an international criminal court. The Council set up a committee of experts to prepare a draft convention to assure the repression of conspiracies or crimes committed with a political or terrorist purpose'. Pursuant to the work of this committee a diplomatic conference met at Geneva on 1st November 1937, participated by 36 countries. The Conference opened for signature on 16 November 1937 two conventions, one on Prevention and Punishment of Terrorism and the other on the creation of an International Criminal Court, with a stipulation in the latter that only states which ratified the former might ratify the later.³ The Convention on Terrorism, though proposed by 20 states was ratified by only one state, viz., India on 1st Jan. 1941.⁴ The convention embodied a general definition of 'acts of terrorism' in Article 1(2). The definition referred to

3 Hanley Hudson, 'Proposed International Criminal Court', *AJIL*, Vol.32, 1938, Pg.549 at Pg.551-2.

4 And the speculation is that this ratification by the British India was motivated by considerations of suppressing the nationalist movement of the Indian people. See N.K.Nawas and Gurdip Singh, 'Legal Controls of International Terrorism', *IJEL*, Vol.17, 1977. n.66 at pg.67. note 13.

original acts directed against a state and intended or calculated to create a state of terror in the minds of particular persons, a group of persons or the general public. Whereas Article 2 enumerated a number of such acts, first and foremost any wilful act causing death or grievous bodily harm or loss of liberty to.

- a) Heads of State exercising the prerogatives of the heads of the state, their hereditary or designated successors;
- b) The wives or husbands of the above mentioned persons;
- c) Persons charged with public functions or holding public position when the Act is directed against them in their public capacity. The convention contained provisions on conspiracy to commit such acts.

The draft Code of Offences against Peace and Security of Mankind adopted by the International Law Commission in 1954 was, on the other hand, heavily exercised by the Second World War context and therefore had a special focus on acts of state terrorism of the types practised by the Nazis before and during the war. It speaks about acts of aggression, terrorisation of the people, genocide and so on.

More recent attempts at defining International terrorism is manifest in the European convention on the

suppression of Terrorism opened for signature on 27 Jan., 1977. This is a convention representing the response of the countries of Western Europe to the recent acts of terrorism involving hijacking of aircraft and kidnapping of diplomats and others. While the convention underscores an assumption that extradition is a particularly effective measure to combat terrorism, it declares that for the purpose of extradition none of the following offences shall be regarded as a 'political offence' or as an offence connected with a political offence or as an offence inspired by political motives :

- a) an offence within the scope of the convention for the suppression of unlawful seizure of Aircraft, signed at the Hague on 16 December, 1970;
- b) an offence within the scope of the convention for the suppression of unlawful Acts against the safety of Civil Aviation signed at Montreal on 23rd September, 1971;
- c) a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents;
- d) an offence involving kidnapping, the taking of a hostage or serious unlawful detention;
- e) an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter/parcel bomb if this use endangers persons;

- f) an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.⁵

1. IS A DEFINITION POSSIBLE?

The recent debates at the U.N. General Assembly point to the intractability of any all-embracing concept of International terrorism. They reveal the dilemma of the international community not merely on questions whether there should be a general definition, or else whether it should be of a hybrid variety. More importantly, they demonstrate that the state attitudes are widely divergent on as many as four ratifications of crucial importance to any definition of international terrorism, namely; a) who all can be recognised as participants in a terrorist act?; b) what shall be the range of terrorist acts?; c) what is the 'international element in an act of International Terrorism?; (d) who are the victims/targets of terrorist act? Indeed each state has its own perception of international terrorism. It looks at it in terms of its own historical experience, sense of basic values, and priority of relations with other states.

Viewed in the light of all this, the contemporary debates betray a good deal of irony at different levels.

⁵ See Article 1 of the Convention, ILM, Vol.15 (1976), pg.1272. Yet the obligation to extradite is not absolute, for Article 13 recognises the right of parties to refuse extradition in respect of any offence mentioned in Article 1, if it considers that the offence is of political character.

First and foremost, the debates take place at a time when concepts like total war have become fashionable with the war 'Defence' department of the big powers. In terms of the intensity and methods of violence used and incidence of devastation caused, wars have an unrivalled claim of superiority over the so-called terrorist acts indeed terrorism, despite the hair-raising undertones of that term, pales into insignificance in comparison with war. Second, even so, there is an intrinsic relationship between terrorism and modern war in that the former is employed as a strategy of warfare whether between states or between a state and a non-state entity. Third, states keen on evolving a legal regulation of international terrorism here and now, apparently for 'the protection of the innocents', would for the moment like to ignore certain uncomfortable facts about state terrorism.

Fourth, terrorism is a phenomenon that transcends national boundaries. It is too simplistic if not naive to categorise acts of terrorism into two classes namely domestic and international. Such a categorisation is often irrelevant even assuming that many of the terrorist acts are prompted by domestic issues. A reference to the terrorist acts of the Assad Regime readily brings home this point.

Fifth, states that ask for an all-embracing definition of international crimes just do not in their

domestic law practice go in for an equally all-embracing definition of crimes to encompass all kinds of crimes under one rule of the thumb. On the contrary the domestic legal system displays some, even if yet unsatisfactory, awareness of the relationship between a particular type of crime and the everchanging realities of human life, the diverse social phenomena interacting within the society. It readily recognises the need for defining what human acts should be proscribed or regulated from different vantage points. The same type of acts may at times be identified as common crimes, revenue offences, and civil wrongs all at once, but for different purposes.⁶ Thus there is in domestic law some correlation between a specific pattern of human conduct to be regulated and the functional and social relevance of a given set of regulations. In other words, the domestic law manifests a multi-dimensional approach to patterns of human conduct. Until a similar approach is evolved on the international plane, any attempt at defining a broad heterogeneous spectrum of acts in terms of a single catch-all definition of international terrorism is neither scientific nor sociologically tenable.

Sixth, any definition to be valid and operational needs to be founded on an adequate perception of the essential characteristics of the international legal process .

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eg. Motor Vehicle Accident Claims.

The international legal process corresponds to a society of sovereign states. It is essentially an informal legal process, compared to the characteristic formation of the domestic legal process. It is typified in the essentially decentralised character of the legislative, executive and judicial functions of the process-functions which have received a high degree of institutionalisation in the domestic society. It does not authoritatively prescribe any particular mode of effecting a change in the international system. Hence, participants in this system, be they states or non-state entities, attempt to effect the desired change in the system, pressing into service strategies that they consider efficient. Indeed strategies chosen would vary according to the various factors obtaining in the system, although the participants are likely to be predisposed to elect as less violent a strategy as possible. Yet if a less violent strategy is inefficient in view of a certain set of factors, then choice is likely to fall upon more violent, but more efficient, strategies. Thus, a revolution is as much a normal mode of effecting a change in international system as any other mode, given indeed the absence of any formal central institution of authority.

Seventh, the trend in international decision-making in the realm of international terrorism is towards identifying certain types of acts as international crimes for diverse purposes. Examples, include war crimes, genocide, hijacking and crimes against diplomatic persons. Each of these categories of crimes is made subject to a different set of legal norms.

Apart from these, there are two more fundamental considerations. There is no use stigmatising a particular act of crime, without helping to meet the basic claims to justice that lie at the root of the act. Focus should be directed on the disease rather than its symptoms. In any case, terrorism, in the ultimate analysis bears upon a complex of psychic dispositions of the diverse participants in the social process - the intentions and motives of the perpetrator, the effect it produces upon the victims/targets. Each pattern of these psychic dispositions may vary as between individuals, groups of individuals states or non-state entities. In the absence of an acceptable permanent tribunal capable of building up a jurisprudence by evolving a consistent pattern of identification of the acts of terrorism - a tribunal which is not likely to be created by nation-states in the near future-any catch-all definition will fail in its purpose.

All this does not yet mean that the incidence of international crimes should not be tackled at the legal plane, as at other planes. It is surely necessary to deal with it, because it is necessary to evolve some mechanism, (a) to ensure the protection of innocent human beings, and (b) to coordinate the efforts of states in bringing the culprit to book. But attempting to evolve a push-button definition is no way of doing it, for such a definition cannot strike any common denominants between the diverse contradictory claims involved in the phenomenon of international terrorism such as claims of exclusive interests of states and those of inclusive interests of the international community,

claims of territorial integrity and those of self-determination claims of status-quo societal relations and those of change in search of a more just basis for them. For this is a task which virtually no definition can fulfil.

CHAPTER II
INTERNATIONAL DIMENSIONS

The central fact of state terror in contemporary international relations cannot fail to be relevant to our task. First and most important, such factional terrorism is justified by its perpetrators on the ground that they are struggling against cruel and repressive regimes, and that any means are justified in pursuance of this.

Another key factor is the difficulty of drawing a clear distinction between state and factional terror : many terrorist movements, as we shall observe in detail later, are directly encouraged, sponsored and aided by regimes in order to weaken or subvert rival states. And it follows from the intimacy of these connections that the pro-terrorist states are hardly likely to become enthusiastic or reliable partners in international cooperation against terrorism. On the contrary they have taken every opportunity to thwart any firm international action and to 'Legalise' their protege terrorist movements by pressurising their cause at the United Nations, and by attempts to redraw the framework of international law to accommodate them.

THE GROWTH OF TERRORISM :-

The use of terrorism by factions against regimes is probably as old as the repressive terror of rulers. As early as the First Century the Jewish Liarri and Zealot movements employed it as one of their tactics as a protracted guerilla war against the Romans. Perhaps the first clear example of a movement employing terrorism as a major weapon and as propaganda of the deed internationally is the Assassin Sect of the Eleventh and Twelfth Centuries which

sent its agents on their Missions of murder throughout the Moslem world. Interestingly it was from the Middle East that the major impetus to the contemporary wave of international terrorism arose in the late 1960's.

In the 1950's and the early 1960's there were, on average, less than a dozen terrorist attacks each year involving foreign citizens or targets though there was a flurry of terrorist activity in Latin-America in the wake of the Cuban revolution but it was the fanatical Palestinian movements, frustrated and desperate to avenge the Arab defeat in the six-day war of June 1967, who made the fateful decision to use international terrorism as their major weapon against Israel and its Western Allies. This campaign ushered in a new age of terrorism as one movement after another emulated the publicity catching tactics of hijackings, bombings and shootings.

An incident is judged to have ^{an} international dimension when one or more of the following conditions obtains : the attack is directed at foreign personnel or targets either abroad or in their country of origin; the terrorists action is promoted or supported by one or more foreign factions or pro-terrorist regimes; the attack is partly aimed at influencing international opinion or the policies and actions of other states.

All recorded attempts are also included, even

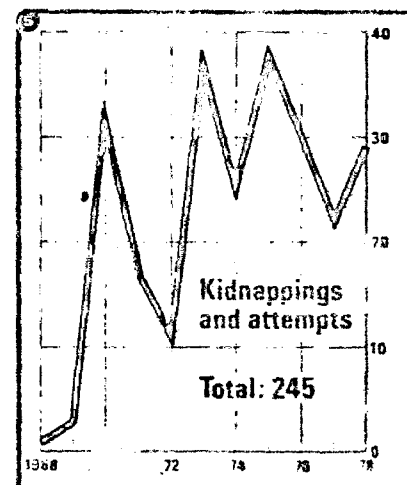
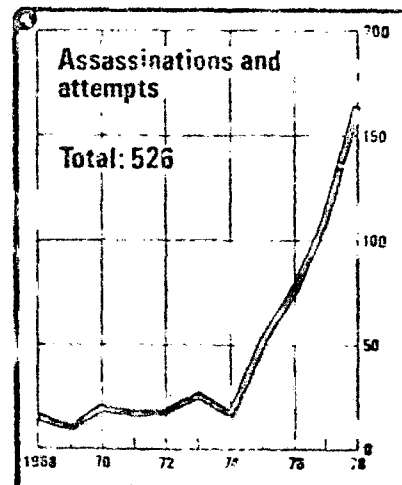
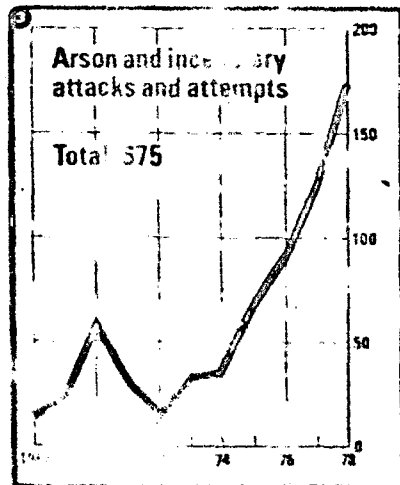
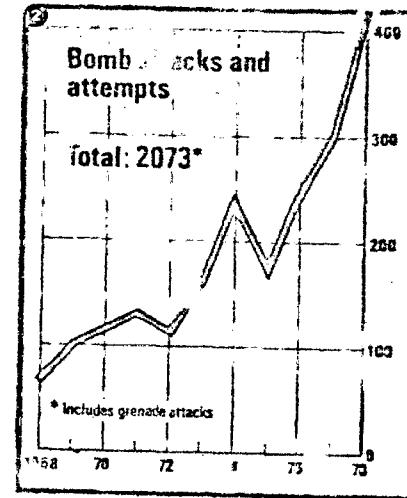
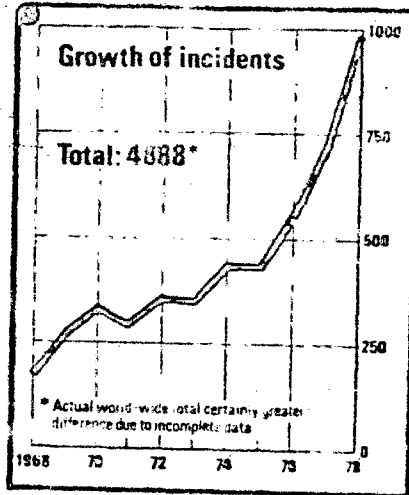
when these were unsuccessful from the terrorists point of view and all hijackings and attempted hijackings are included on the grounds that a) any air hijack is terroristic in its effects on passengers and crew, and, (b) air hijacks are inherently international because of the almost invariably multi-national make-up of airline passengers and because almost invariably, hijackers attempt to find sanctuary via foreign airport. Non-air hijackings are included only when they satisfy the criteria described above.

STEADY RISE IN INCIDENTS :-

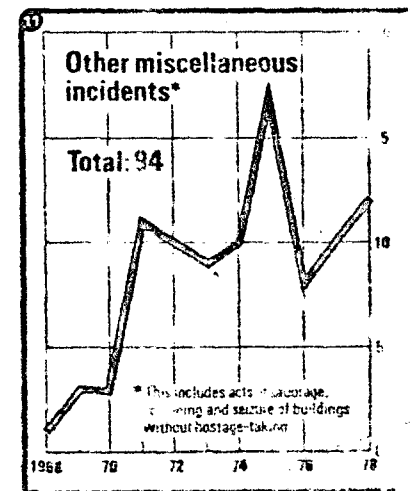
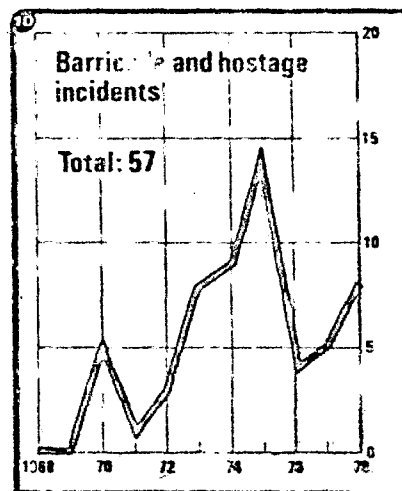
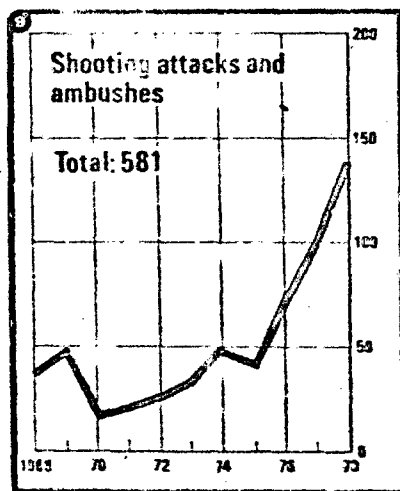
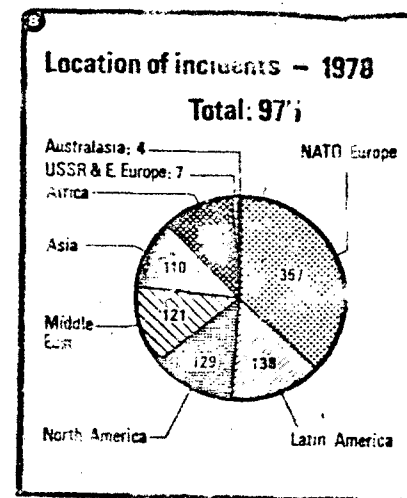
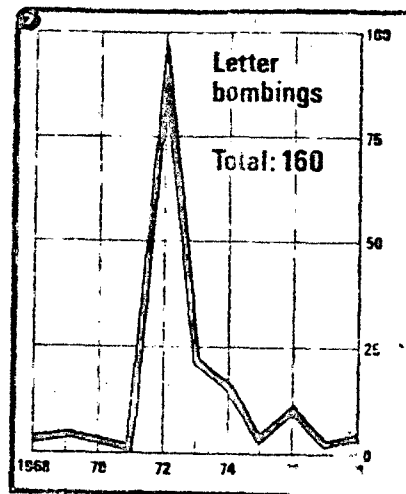
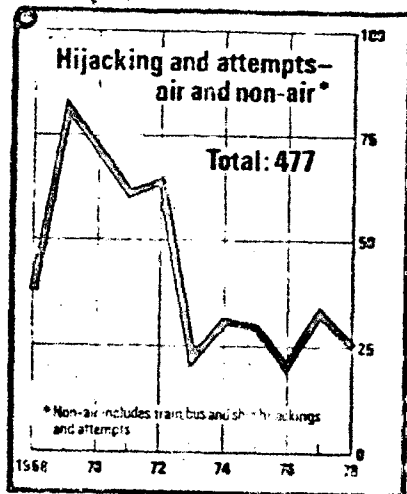
What is remarkable about the overall level of incidents is the sharp and almost continuous increases from just over hundred incidents to well over 400 a year in 1974-76 and to almost 1000 a year in 1978. This tenfold increase over the decade is far greater than the rise in normal crime in Britain and most other European Countries, for eg. the % increase over the preceding year for crimes of violence against persons in England and Wales was 11% in 1975, 10% in 1976 and 6% in 1977. The increase in crimes of robbery were higher (for instance 31% increase in 1975, and an 18% increase in 1977¹, but these in no way match the world-wide rate of increase in terrorist incidents. By any reckoning it represents a considerable growth in

1 CS O Abstract of Statistics 1977, No.114;
and Hensard (Written answers) 7th March
1978.

Trend of terrorism with international dimensions: 1968-78



Source : Conflict Studies, No.113, (London, Nov. 1979)



Source : Conflict Studies, No.113, (London, Nov.1979)

attacks on life, limb and property and a real challenge to the concept of an international rule of law.

The most considerable growth in the last few years has been in explosive bombings, (Fig.2), incendiary attacks (Fig.3) and assassination attempts (Fig.4). As a group these have increased at the rate of over 40% annually in 1976-77 and 1977-78. The overall figures for kidnappings (Fig.5) can be somewhat misleading as over 70% of these have occurred in eight countries Hungary, Spain, Argentina, Columbia, Mexico, Uruguay, Venezuela and Ethiopia.

The only forms of terrorism to show an overall decline internationally are aircraft hijackings (Fig.6) and letter bombings (Fig.7) in the former case the main reasons can be clearly established; the introduction of thorough passenger body and baggage searches, pioneered in American airports and now being adopted by major airlines and airports elsewhere; the closing of hijacker sanctuaries both by bilateral agreements (as in the U.S. - Cuba pact of 1973) and by the threat of sanctions from the international community and the aviation unions; the tough military actions by governments in the rescue operations exemplified at Entebbe and Mogadishu have compelled the terrorist movements to consider alternative tactics involving less risk to their own lives.² Despite this governments and aviation authorities cannot afford to relax their vigilance

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For some evidence of this see interview with 'Bombi' Bauman reprinted in Encounter (Sept. 1978).

or dismantle their security systems. There are still terrorist groups, criminals, and 'crazies' who exploit such opportunities, and find loopholes in security, all too frequently for comfort.³ Moreover the increasingly effective measures against traditional aircraft hijacking can never, for obvious reasons suffice to prevent attacks on airport ground facilities or missile attacks on aircraft in flight or on runways. Nor should we overlook the possibility of terrorists blackmailing a government into letting them have a 'gateway aircraft' to take them, with their hostages abroad. This is precisely what happened after the attack by Lallos and his gang on the OPEC Oil Ministers Conference at Vienna in December, 1975.

The other potentially dangerous effect of the more effective anti-hijack measures is the alternative tactics developed by terrorist movements to attract equivalent international publicity will involve to a greater threat to innocent life, possibly a shift from micro-to-macro violence, involving perhaps a threat to detonate a crude nuclear device or to release radioactivity to contaminate a whole area.

The overall decline in the incidence of letter bombing is also largely due to improvements in counter-

3 For instance on 7 Sept. 1979, an Alitalia aircraft enroute from Tehran to Rome was hijacked an hour after its stopover at Beirut.

terrorist technology. Governments and industrial concerns rapidly acquired the machines to check all incoming mail. It is true that small firms could be reluctant to meet the cost of the equipment, but these are not generally the terrorists target- they are after the prestige targets, symbols of great power or wealth.

SERIOUSNESS OF THE PROBLEM :-

It is sometimes claimed that the figures show that the cost of terrorism in terms of human life are low. Obviously they do not match the level of casualties in major civil or international wars, but it is hardly sensible to compare them for terrorism is quite obviously a form of low-intensity violence. Yet it would be a grave mistake to underestimate the deadly destructiveness of its effects, particularly on those commodities that have been the victims of protracted terrorist campaigns. For example, assuming deaths in proportion to the U.S . population, 135 times that of Northern Ireland, an equivalent in American terms to 2000 deaths in North Ireland would be 276,000. The fact is that any large modern industrial society would regard such a level of political violence as intolerable, but in areas of major terrorist campaigns such as Ulster, the Basque county in Spain and parts of Lebanon, death stalks the streets every day and hardly a family remains unscathed.

It is also clear that certain nationalities are particularly at risk as targets of international terrorism

TERROLIST INCIDENTS, 1968-78, BY TYPE OF INCIDENTS

<u>T Y P E</u>	<u>68</u>	<u>69</u>	<u>70</u>	<u>71</u>	<u>72</u>	<u>73</u>	<u>74</u>	<u>75</u>	<u>76</u>	<u>78</u>	<u>TOTAL</u>	<u>% of Overall Total</u>
Explosive Bombings	68	100	150	131	116	159	202	174	246	421	2,073	42.4
Arson and Incendiary	14	24	58	13	16	33	40	67	126	174	675	13.8
Assassination	15	10	21	17	18	26	17	52	110	164	526	10.8
Hijacks	38	82	72	61	64	22	31	29	33	25	477	9.7
Kidnaps	1	3	32	17	11	37	25	38	22	29	245	5.0
Shooting and Ambush	37	48	17	21	26	33	49	41	98	139	581	11.9
Barricade and Hostage	0	0	5	1	3	8	9	14	5	8	57	1.2
Letter Bombings	3	4	3	1	92	22	16	3	2	3	160	3.3
Others	1	3	3	11	10	9	10	17	10	12	94	1.9
TOTALS	177	274	326	291	356	349	439	435	707	975	4,888	100%

Source : ANNUAL OF POWER AND CONFLICT, 1978-79.

The U.S.A. is regarded in the terrorist ideology of most of the neo-Marxist revolutionary groups as the arch-enemy, the embodiment of 'capitalist' imperialism, and hence its representatives, businessmen and citizens are seen to be appropriate targets.⁴ Between 1968 and 1977 more than 200 U.S. Diplomats and more than 500 U.S. private citizens and businessmen were victims of terrorist incidents abroad. Fifty Americans were assassinated.

Terrorism clearly threatens and violates the fundamental human right to life, liberty and the security of person proclaimed in Article 3 of the Universal Declaration of Human Rights. The preamble of that declaration (proclaimed by U.N. General Assembly Resolution 217 A(III) of 10 December 1948) condemns 'disregard and contempt for human rights' which 'have resulted in barbarous acts which have outraged the conscience of mankind', and the achievement of a world in which all human beings shall enjoy freedom from fear is one of its explicit aims. Yet terrorists, by attempting to exploit the weapon of fear and intimidation, are systematically destroying human rights by bomb and bullet.

Naive and confused liberals sometimes assure that a just cause justifies whatever means its supporters resort

⁴ The threat to Americans has been sharpened further by Camp David and the desire of the militant Palestinian movement to average America's major role in establishing the Egypt-Israel Peace Treaty.

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order to win their objectives, who can deny that there are both majority and minority groups in the world today who suffer from injustice and oppression at the hands of dominant groups and regimes? The savage brutality of many of these regimes may explain much of the savagery of acts committed against them, but can surely never morally justify the use of terror. By adopting the weapons of the Nazi's and the Soviet terror apparatus albeit on a smaller scale, the terrorist is just as guilty of degrading and trampling on humanity as the monsters of Auschwitz, and the Gulag.

For the man or woman who is willing, for example, to massacre the innocent by bombing public places is clearly also willing to treat fellow-human beings as though they were expendable sub-humans. By deliberately perpetrating such atrocities, for whatever alleged tactical advantage, such people are committing crimes against humanity. And so they must be recognized and treated as criminals even though their crimes may be committed in the name of 'revolution' or 'liberation'.⁵ And it is the duty of states and the international community to deal with them accordingly.

It is a particular irony that a high proportion of terrorist incidents has occurred within the liberal Democratic states of Western Europe where both formal recognition and implementation of human rights are most advanced. (Fig.8), these are the most open and free of the world's states, terrorist crises understandably appear

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Paul Wilkinson, Terrorism and the Liberal State, Macmillan, 1977, pp.34-68.

especially heinous. In any parliamentary democracy, which by definition enjoys freedoms of speech, association and opposition, there are always peaceful means available for publicising a cause, or campaigning for political change.

One encouraging sign of the health and strength of democratic values and institutions is the fact that the overwhelming majority of our citizens identify with the victims of terrorism - the hostage, the plane-load of hijacked passengers, the victims of terror bombings - and feel a deep sense of outrage and revulsion against the terrorist. The problem this creates for the democratic government is the demand for effective counter-measures. But democratic governments know that it is in fact a difficult and delicate task to defeat a terrorist campaign while ensuring that human rights and democratic government remain undamaged. The task is made infinitely more difficult by the fact that modern terrorism has become highly internationalised in its modus operandi. Thus there are major problems involved in securing the most appropriate and effective means of international co-operation to prevent terrorists slipping across frontiers and exporting murder and fear.

THREAT TO LEGAL SYSTEMS :-

First and foremost then, terrorism is a serious world problem not because of the sheer amount of violence involved but because it constitutes a threat to innocent life and rights. Not only does it challenge the concept of an international rule of law, it also directly attacks the national legal systems, Acts of terrorism constitute

crimes under the codes of practically every state. Moreover, many of the more nihilistic terroristic gangs active in democracies such as the Red Brigades in Italy, set out to make war on the whole concept of legality, and on the legal system itself, they murder lawyers, jurors, policemen and witnesses, they intimidate courts.

It is relatively rare for terrorists to use their acts of blackmail to make substantive changes in foreign or domestic policy although in September 1973 the Austrian government was blackmailed into closing the schenou transit camp for Soviet Jews en route to Israel. An almost invariable terrorist demand, however, for the release of terrorist prisoners from jail. This demand is a challenge to the authority not only of the legal system but of the democratic government itself. If governments were to give way to such blackmail not only would they invite similar actions by other groups and the inevitable escalation in price in terms of terrorists whose release is demanded, they would also destroy their own credibility by raising the question "who is in control the democratically elected governments or the terrorists?"

There are very few historical examples of governments toppled through the use of terrorism as the primary weapon. Dictatorships and totalitarian governments have made practically intractable opponents. The main reason for the negligible incidence of terrorism in the Soviet Union and communist states generally is the ubiquity and ruthlessness

of their systems of secret police surveillance and control under conditions of such severe repression it is highly unlikely that a terrorist movement could find support.

Liberal democracies have so far managed well in preserving their systems against terrorist attempts to destroy them from within. Furthermore - they have done so without destroying or even seriously damaging their own democratic processes and legal systems. The only clear example of the collapse of a working liberal democracy under assault from terrorism is Uruguay in the period 1969-72. By the early 1960's the country was the most liberal and welfare minded of all Latin American states. But under increasing pressure from a skillful urban terrorist campaign by the Tupamaros in Montevideo, the government overreacted in 1972, and a paramilitary 'emergency government took control on the grounds that it would deal with the crisis. In effect it suspended basic rights and instituted a system of repression, including torture becoming for a time one of the harshest regimes in the region. But the population did not rise in favour of the neo-Marxist Tupamaros movement as the guerrillas expected, instead liberal-democracy was replaced by authoritarian government.

The clearest examples of terrorism succeeding in its strategic aims of removing a government and taking power are from the period of colonial independence struggles,

forcing British withdrawal from Palestine, Cyprus and Aden, and playing a major role in compelling France to withdraw from Algeria. These successes can however, be explained by the special historical circumstances obtaining in all three cases. The British colonial authorities had no desire to remain permanently in control, yet found themselves unable to find a clear-cut bargaining agent to whom they could hand over power and who they could be confident would enjoy support from the major ethnic groups in the population. In Palestine they were in a three cornered conflict with Arabs and Jews, in Cyprus with Greek and Turkish Cypriots and in Aden with Aden's nationalists and those who favoured Union with Yemen.

Another important factor was the already difficult economic circumstances of the colonial power. Neither France nor Britain were prepared to bear the cost of long wars in distant territories. Nor was there sufficient political or public support for such involvements. Metropolitan publics were war-weary and could not see why more of their soldiers' lives should be lost defending positions in which their country had no long-term vital interests at stake. These conditions clearly do not apply to contemporary terrorist campaigns within Western European democratic states. Yet it is obvious that the 'colonial model' of the terrorist war of attrition, ultimately making it appear too costly for the authorities to maintain control, has given some encouragement to

extremist minorities in Europe who fondly believe that they are living in a 'colonial situation'. This is one of the themes assiduously nourished in Provisional IRA propaganda.

CHALLENGE TO DEMOCRACY :-

The abysmal track record of terrorism in bringing about the collapse of democratic regimes does not mean that the Western Democracies can afford to be complacent. As we have noted, terrorist campaigns may cost hundreds of lives. They directly challenge the authority of democratically elected governments.

Nor should the severe socio-economic costs of prolonged terrorism be overlooked. A climate of bitterness and hatred is created poisoning the relations between different ethnic and religious groups and destroying the basis of normal democratic politics. This is achieved by killing or terrorising moderates and conciliatory elements. By destroying the ground for compromise and by polarising factions and communities terrorists will try to make democratic politics impossible. Intimidation and violence are invariably combined with a frenetic terrorist propaganda campaign defaming leading parliamentarians, judges, the security forces and all those associated with the continuance of constitutional government and the administration of the law. Whole governments are inducted into the ethos of violence and patterns of

suspicion and hatred, rendering the long term task of conciliation and a return to 'normal democratic politics all the more difficult.

The economic costs can be colossal. Damage to industrial plant and business premises and the disruption of communication tends to scare away investment and cause the loss of job opportunities. Tourism may suffer from a serious drop in demand. And the costs of compensation for damage to houses and business property becomes an enormous burden on the finances of government already over-stretched to meet the increasing cost of security. Hence, although it is fair to conclude that terrorism is rarely in itself sufficient to threaten the survival of democratic political process it does constitute a grave threat to human rights a challenge to law and order and a damaging blow to the welfare and economic advance of society.

Furthermore once terrorist violence becomes firmly rooted it has an inherent tendency to escalate.⁶ Each successive incident tends to induce an act of counter-violence by the regime or by opposing factions in a mounting spiral of violence which no one can control or stop. The experience of Lebanon in 1975-77 shows the warfare of private armies spilling over ineluctably into general civil war.

⁶ Paul, Wilkinson, In Political Terrorism (1974) and Terrorism and the Liberal State, Macmillan, (1977).

MAJOR CURRENT TRENDS AND THREATS :-

A hard look at the 'track record' of terrorism also invites another question as political terrorists to rarely win their long-term objectives, why over the past decade has terrorism become such a widespread and fast-growing phenomenon? There are certain conditions inherent in the global strategic balance and in the current state of international relations which are clearly conducive to unconventional warfare to all kinds and one must remember that much contemporary terrorism in Africa and Asia has been interwoven with the wider conflicts and revolutionary wars). The most obvious conducive factor is the nuclear balance of terror. The superpowers and their close allies have been effectively deterred from direct military assaults in each other's territory. But this has not resulted in their conflicts being entirely confined to the diplomatic and economic levels.

On the contrary, one side has been engaged, ever since World War II, in an indirect undeclared war carried on very largely through proxy forces and client movements struggling for power in their areas, such as South-East Asia, the Middle East and Africa.

SOVIET TRAINING FOR GUERRILLAS :-

The Soviet Union has become increasingly successful in recent years in its interventions in support of selected national liberation movements. An important part of its

strategy has been to train and deploy cadres from these movements in the acts of terrorism and subversion.⁷ These can then be deployed, on an opportunistic basis, both in conflicts in the region concerned and, on occasion as a method of sowing disruption and helping to weaken or destabilise non-communist states elsewhere. This weapon has the dual advantage that sponsorship and ideological support can always be denied or withdrawn, and it provides a continuing method of exerting ideological influence, infiltration and control, through the process of intensive training in ideology and revolutionary subversion provided at the various schools run by the K.G.B. and the intelligence services of other communist states.⁸

This task is shared among all the East-European intelligence services, the Cuban DGI, and that of North Korea. Soviet aid to the movements is funnelled through client states such as Libya, Vietnam and South Yemen all of which contain their own training centres for terrorism and sponsor the activities of protege groups as weapons against rival states. Some of their aid goes in the form of cash and weapons direct to protege groups such as Arafat's Fatah movement within the P.L.O. In some cases the recipient movement itself then acts as a channel to other terrorist movements.

7 Paul, Wilkinson, Terrorism Vs. Liberal Democracy in Conflict Studies, No.67.

8 See : The Surrogate Forces of the Soviet Union by Erban Cozior, Conflict Study, No.92.

Nor do communist states miss any opportunity of offering propaganda support to terrorists operating in the West, even when the group is ideologically poles apart from Soviet Marxism-Leninism. For instance the East Germans secretly subsidised the magazine 'Konkret', run by Ulrike Meinhof's then husband Klaus Rainer Rohl, to the extent of \$250,000.⁹ And in 1977 the Soviet media were given the job of making the most of the hearings before the European Court of Human Rights, at Strasbourg over allegations that Britain had used torture in Northern Ireland.

Examples of more direct assistance by pro-terrorist states to protege terrorist groups are not difficult to find. The captured hijackers of an Egyptian plane with 101 people on board on a flight from Cairo to Luxor conferred that they had been trained and financed by the government of Libya. The Libyan Leader Colonel Gaddafi also supported the notorious Black September group responsible for such atrocities as the massacre of the Israeli athletes in Munich in 1972. The weapons used by the terrorists were smuggled into Munich by Libyan diplomatic couriers.¹⁰ Gaddafi was also responsible for inviting and sponsoring the attack of the OPEC Ministers' Conference at Vienna in December 1975, for which he is believed to have paid Carlos over \$ 2 million.

9 See M. Dasky, "Ulrike Meinhof and the Baader Meinhof Gang", Encounter, June, 1975.

10 See Conflict Study No. 41, Libya's Foreign Adventures.

The foreign assistance rendered to the Provisional IRA is also of considerable interest. A four-ton shipment of Czech arms destined for the Provisionals was seized by the Dutch authorities at Schipol airport in October 1972. They had been purchased by David O'Connell, an agency of the Czech intelligence service, in effect under K.G.B. control.¹¹ The provisionals were also allowed in 1972 to obtain Soviet RPG-7 rocket launchers. And in March 1973, off the Irish coast, the Irish navy seized ship carrying five tons of arms and communication including 250 Kalashnikov automatic rifles, supplied first to Al Fatah from the Soviet Union and by Al Fatah to the PIRA.¹² The recent Tass statement condemning the murder of Lord Mountbatten and three others in a boat explosion in August 1979 is clearly a diplomatic smokescreen, it cannot hide the facts of considerable Soviet encouragement and help funnelled through various client regimes and movements. There is a wealth of evidence of Soviet backing for terrorist groups in many countries. Without doubt their heaviest investment has been in the Palestinian movements, which in turn have become the leading brokers and clearing house for the world's terrorist groups. It is no surprise to learn that following the FBO raid near Tel Aviv, on 11 March 1978, which caused the deaths of 34 Israelis, Israeli

11 David Abable, Christian Science Monitor, March 15, 1977, pp.14-16.

12 See John Barron, K.G.B. New York, 1974, pp.8, 76-77.

Intelligence found 3 maps of an East German training camp with one of the terrorists names written on the back, and Soviet weaponry.¹³ One inescapable conclusion to be drawn back from all the evidence gathered by western Intelligence services must be that the Soviet Union and its clients and allies bear a major responsibility for supporting terrorist movements around the world on an opportunistic basis. They, together with a number of pro-terrorist Arab states, have provided the bulk of the cash, weapons and training for some of the worlds dangerous groups.

CAUSES OF CONFLICT :-

Allied to this is the significant shift in local power balances as a result of the establishment of states such as South Yemen, Ethiopia and Vietnam, for example, not only provide useful bases and sanctuaries and conduits for supporting subversive movements elsewhere, but also afford springboards for launching terrorist campaigns, sabotage and border incursions in neighbouring states.

13 Newsweek, 17 April 1978, pp.33. On Soviet aid for these and other terrorist groups. See also 'Al Fatah': Vol. I in Ian Henden Horsman', Der Spiegel, Nr. 33/1979; and 'Anlagen Arm des KGB : Terroristens-Boss Arafat', Deutsche Land-Magazine, Nr. 9/1979.

It would, however, be misleading to stress the importance of the activities of pro-terrorist states to the exclusion of other factors. In many cases the international structure is inherently conducive to the development of terrorist movements. Since the end of the colonial independence era the frontiers of the new states have been set rigidly. Boundaries arbitrarily drawn in the heyday of imperialism are defended by the regimes of the new African and Asian states as if they were Holy writ. Ethnic and religious minorities straddling these frontiers, often in conflict with their host states, come to feel that there is no longer any hope of renegotiating frontiers or achieving self-determination. Partly as a result of their desperation some of these groups have begun to enumerate the methods of terrorist movements. They hanker for the publicity and world attention that acts of extreme violence may yield. It is easy to see why many of them have resorted to terror, though to explain is by no means to excuse or to justify the use of such means.

Then there are, however, a number of other important factors which also help to account for the recent massive rise in terrorist incidents.

1. The hunger for propaganda by the dead, the world-wide publicity which can be gained from a dramatic outrage.
2. A shift in revolutionary doctrine, occurring around the early 1960's favouring a switch from revolutionary war in the countryside to warfare in the cities.

3. The rapid progress of urbanisation in both the developing world, rendering the cities the most important and populous part of the country -- 'he who controls the cities controls the country'.
4. The increasing vulnerability of the Urban industrial complex with its concentrations of high technology and vulnerable and important targets.
5. The contagion effect : as other revolutionary groups saw the 'successes' of terrorism in gaining tactical victories such as the release of terrorists from jail, large cash ransoms, vast publicity and so on, copying accounts of the tactics used from the media and from urban guerilla manuals, they eagerly emulated such actions.

Last, but by no means least, is the highly insignificant growth of pro-terrorist sub-cultures and ideology in the universities and cultural centres of the developed states, e.g. University of Rome and Milan in Italy. Doctrines eulogising violence as 'catharsis' and as the only true means of 'liberation' were given a particular fillip by theorists of the 1968 New Left Revolutionaries, particularly Jean-Paul Sartre, Frantz Fanon, and Che Guevara.¹⁴

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Interestingly there was simultaneously a reawakening of interest in pro-terrorist trotsky and some of the currently active terrorist groups in western Europe are affiliated to the Trotskyist Fourth International

The sharpening of the ideological-political struggles for control in many countries caused by the deepening economic recession has provided a climate of opportunity for the promoters of political violence. Growing industrial conflicts in Western Europe are likely to be exploited by extremists both of the extreme left and the extreme right, and those secretly working as agents of Soviet subversion.

There are two other broad trends in terrorism which have particularly significant implications for governments planning a counter-strategy. First is the development of much closer international co-operation between terrorist organisations. This process, in which politically violent movements in different countries, often with extremely diverse ideologies, have formed links with one another has been growing since as early as 1966, when many members of the embryonic 'terrorist international' attended the conference of the Afro-Asian-Latin American Peoples Solidarity Organization in Havana.

These early links were cemented at the Baddawi meeting in Lebanon in May 1972, and at meetings in Algeria, Japan and Dublin in the same year. The meeting in Lebanon was hosted by representatives of the PFLP and Black September and attended by members of the Baader-Meinhof group, the Japanese Red Army, the Turkish People's Liberation Army

the Iranian Liberation Front, the IRA and the Tupamaros. All these groups agreed to supply each other with arms and to carry out operations on behalf of and in the name of a brother movement, thus making it more difficult for the security forces to identify the culprits. This tactic was employed after the May 1977 meetings in Dublin, when the IRA exploded a bomb at the West German Embassy in Dublin.¹⁵ The Baader-Meinhof group then claimed responsibility for the attack.

Another illustration of growing international terrorist cooperation was the establishment in 1974 of a Paris-based co-ordinating committee of Latin-American terrorist organisations called the Junta de Coordinación Revolucionaria (JCR). Constituent members of this body included remnants of the Uruguayan Tupamaros (now forced to operate abroad), the Argentinian People's Revolutionary Army (ERP) and Bolivia's National Liberation Army (ELN).¹⁶ Much of the financial support for this Europe-based organisation was provided by the ERP. The JCR formed links with European terrorist movements and with the Cubans.

Interesting evidence emerged in 1978,¹⁷ of links between the so-called 'Corrective movement of Al Fatah'

15 Der Spiegel, Nr.33, 1979.

16 Robert Moss, Uruguay: Terrorism Vs. Democracy Conflict Studies, Nr. 14.

17 Al Awan, 24th April, 1978.

led by Abu Nidal, and the Italian Red Brigades, involving the use of a Swiss Courier or contact man. The Abu Nidal faction is believed to have been behind the murder of Yousef Sabai, an Egyptian newspaper editor, in Nicocis in February 1978, and the murder of Said Hamani, the PLO representative in London. This group was also connected to West German terrorist groups and with Carlos. The Nidal Group included Iraqis, Libyans, Palestinians and the Jordanians - a truly transnational gang.

TERRORISTS' WEAPONRY :-

A second major trend has been the terrorists acquisition of increasingly sophisticated weaponry. As early as 1973 Italian police found two surface-to-air missiles (SAMs) of the Soviet SAMB-7 type, hidden in a terrorist flat three miles along the main flightpath from Rome Airport.¹⁸ Other terrorist groups have acquired these weapons in 1976 a group of West German and Arab terrorists were foiled in their attempt to launch a missile attack on an Israeli civilian airliner on the outskirts of Nairobi.¹⁹ It is clearly possible for other terrorist movements to obtain this kind of weapon from a sympathetic regime or from one of the better equipped Palestinian

18 International Herald Tribune, 23rd March, 1973.

19 On 11 September, 1979, an Israeli Court sentenced two West German terrorists to 10 years imprisonment for their part in the plot.

terrorist and hide, and the hand-held heat-seeking missile can be operated by an individual terrorist.

Another worrying factor is the possibility of precision-guided munitions (PGM's) falling into terrorist hands. There is now a wide range of these extremely accurate weapons, designed for battlefield use, using a variety of guidance systems and many of them all features making them particularly attractive for a terrorist group. For example a PGM could be used to assassinate a head of state and his entire entourage at a ceremonial occasion from a hiding place several kilometers distant.

However, it would be a mistake to overemphasize the significance of these more dramatic weapons. The enormous proliferation of conventional weaponry via the international arms market, particularly to third world countries, has inevitably resulted in the diffusion of a large number of guns and grenades to terrorist movements. Many are obtained from sympathetic terrorist states, while others are stolen, or brought from international arms dealers. Among the most popular weapons are the AK 47 (or Kolashnikov) rifle, the VZ 61 (or Skorpion) machine pistol, the Heckler and Koch MP 5 sub machine gun, and the Walther P38 pistol.

Terrorists have also been busy learning how to perfect more deadly bombs. So it is not surprising to

find the PIRA passing on some of its specialised knowledge of the design of booby-traps and radio controlled bombs to other terrorist groups in return for services rendered, while at the same time learning new techniques from foreign terrorists.

Much of the pooling of terrorist knowledge on techniques and tactics takes place through terrorist training bases, for instance in Lebanon and South Yemen, where promising recruits are sent for intensive training. Another source is the profusion of manuals on guerrilla war, sabotage and subversion, produced both by governments and the more highly organised terrorist movements.

THE TARGET AREAS :-

Over half the terrorist bombings of the past few years have taken place in Western Europe, and more than half of all international terrorist incidents have occurred in West Europe and North America. Latin America continues to have a high incident level while the really dramatic growth areas are the Middle East and North Africa. It is a predictable outgrowth of the wider conflicts in those areas. In the case of West Europe other factors apply : the relative freedom of movement and openness of the Western states creates a greater vulnerability.

Most terrorist movements operating internationally have a neo-Marxist ideology and like to see themselves as

champions of the 'revolutionary masses' of the Third World. They consider it to be the terrorists duty to hit at the erstwhile colonial countries and still, in their eyes, 'capitalist-imperialist' states of Europe. They believe that the relative openness of 'bourgeois democracies' is a confidence trick to sedate the masses and that it is their duty to punish the 'guilty' of Europe. Small wonder that they take such pleasure in seeking out the prestige targets of the Western world, spreading murder and destruction.

By carefully monitoring government and police assessments, terrorist 'constituencies' that will continue to be a hazard to the international community over the coming months and probably considerably beyond that.

1. International terrorism by palestinian extremist groups implacably opposed to the Camp David Agreement is likely to increase considerably. Fedayeen or Fedayeen related acts have contributed a very large proportion of the total international terrorist incidents since 1968. Between 1969 and 1974 they accounted for around 20 per cent of the world total.²⁰ However, by 1975-76, two years after Arafat's public statement renouncing hijacking and international terrorism as a major weapon for the Palestinian cause, the proportion of Fedayeen-related attacks has

declined to around 10 per cent of the total. In 1977-78 Palestinian terrorism increased dramatically. This partly took the form of bloody inter-faction feuds, particularly between the Iraqi-backed and Syrian-backed groups spilling over into the streets of Beirut, London, Paris and Islamabad. And in part it was manifested in intensified terrorist bomb attacks and raids on Israel, as in the Kamikaze-style attacks on Haifa and Tel Aviv.

The new factor since the Camp David Agreement is that Egypt is now also a key target for the terrorist groups sponsored by the so-called Rejectionist Front States. Along with Israel and the United States it was singled out for revenge attacks at the recent Baghdad 'summit' of Palestinian terrorist movements. The attack by the Syrian backed terrorists on the Egyptian Embassy in Ankara in July 1978 was one of the many attacks on Egyptian targets : it is unlikely to be the last. Unfortunately Egypt has not the advantage of Israeli experience in counter-terrorist techniques and it does not possess the resources to take the preventive measures of the kind the Americans are able to afford. It is all the more likely, therefore, that therefore there will be increasing co-operation between the Egyptian and Israeli security services and forces.

We are ^{also} likely to see increased attacks on other moderate Arab regimes such as Sudan, Morocco and Oman. These will be mounted by terrorist groups backed by if not indirectly controlled by Libya, Iraq, South Yemen and, in all probability, Iran, where Khomeini has tied his patch work colours to the most of both Palestinian 'revolution' and fundamentalist Islam. In all probability Fatah, the section

of the PLO theoretically under Arafat's personal leadership will itself increasingly join in the competition of terror, if only because it will fear losing face and authority in the Palestinian movement as a whole.

Hence, the general outlook for Palestinian terrorism appears to be 'more of the same'. Ironically the more the 'moderate' Palestinian leaders try to bring their followers around to accepting a diplomatic compromise. On a Palestinian state, ultimately involving acceptance of Israel's right to co-exist with the new Palestinian entity, the more the maximalist and radical terrorist factions are likely to escalate the violence to frustrate the chances of such a settlement. Thus the idea that the Israeli-Egyptian Peace Treaty will somehow contribute to a diminution of terrorism is plainly illusory.

The terrorists, far from automatically desisting in the moment of diplomatic tend instead to launch even bloodier atrocities. And there are other groups of international terrorists such as the West German cells and Japanese Red Army who will be only ^{too} ready to participate. Moreover, for the first time the Arab moderate states themselves; their embassies, their politicians, and diplomats and their aircraft, are in the terrorists rights.

2. Another 'major growth area' is the increasing internationalisation of terror tactics by nationalist and separatist movements which had hitherto largely confined themselves to domestic struggles.

A clear-cut case of a self-styled national liberation movement breaking into international terrorism is the Provisional IRA. Intelligence experts have been warning of the likelihood of this shift for several years and the August 1978 bomb attacks on British camps in West Germany, which had all the hallmarks of a Provisional attack, gave ominous confirmation

of their capacity to hit British targets abroad.

The attractions of this for the Provisionals are obvious. The RUC and the British Army have increasingly pushed the terrorist attacks into the rural areas. Except in the notorious border area in and around Armagh the terrorists have a less favourable climate in which to operate. More relaxed security arrangements in other Western countries provide them with a golden opportunity.

It is not, however, only West European nationalist terror groups which are 'going international'. There is some evidence that ethnic movements elsewhere, especially when they feel threatened or thwarted by vigorous repressive action in their home base, will turn to this method. Thus we are likely to see other groups such as the Kurds and the Moro Liberation Front based in the Philippines, staging hijacks and hijacks and embassy attacks in an effort to further the interests of the struggle 'back home'.

3. Exile terrorist groups operating almost entirely beyond the borders of their country of origin are likely to present a growing threat. They are especially drawn to the West European and North American arenas for it is only in democratic countries that they can be confident of gaining access to the media, and where they may hope to pick some international support and sympathy. Nor should it be overlooked that many of these groups have deep and abiding grievances against particular regimes and leaders. Many of these communities these groups claim to represent have suffered grievously in the past. The Armenians and the Croats are just two examples - and hence there is a ready reservoir of sympathy and support among their respective emigre' communities in many Western cities.

These terrorist groups inevitably pose a problem to the international community since repression or police action in their countries of origin forces them to operate abroad. Nor are their attacks directed exclusively against the representatives such as diplomatic and consular officials of the regime they seek to influence or remove. These are of course, their primary targets, but increasingly in recent years third states have themselves come under fire from these groups as a result of their attempts to curb terrorism within their own borders, to bring exile terrorists to trial or to apply extradition or deportation procedures.

Exile terrorist groups have two other notable characteristics. First, they are extraordinarily persistent. The call of patria seems to remain undimmed, even after decades of exile. This longevity of terrorist determination is well illustrated by the Armenian case. The horrifying tragedy of Turkish atrocities against the Armenians occurred over 70 years ago. Yet still there is a steady succession of Armenian exile attacks on Turkish representatives and other targets abroad. In June 1978 a group calling, itself 'New Armenian Resistance' (NAR) claimed responsibility for bomb attacks on the Turkish Bank in Haringey, London, on the Turkish Bank in Haringey, London, and the Turkish Embassy in Brussels. An anonymous message to Agence France Presse in Brussels stated the attacks were to show the Turkish fascist state and Western Imperialism, that the Armenian people have a right to exist. The New Armenian Resistance calls on all Armenians to take up arms for a reunified independent and socialist Armenia.

This group and the self-styled Armenian Liberation Army may also have been responsible for the recent assassinations of Turkish ambassadors in several European cities. The NAR statement is a characteristic example of the way in which national self-determination claims and a neo-Marxist terminology are merged in these groups.

Their second major characteristic is a form of intransigent fanaticism which makes them particularly difficult and ruthless opponents for democratic governments to deal with. A clear illustration of this was the conduct of the South Moluccan terror gangs in 1975 when they hijacked a Dutch train and dealt particularly ruthlessly with hostage passengers. The South Moluccan demands for a free South Moluccan state to which they could retain clearly exceeded the powers of the Dutch people or government to deliver. And did they seriously believe that the Indonesian Government would submit to this demand even though the terrorists had seized the Indonesian's own consulate? The hopelessness of their cause may well have been closely related to their dangerous volatility and their fanatical capacity for sacrificing their own lives. South Moluccans are certainly likely to pose a continuing and dangerous terrorist threat, for their host society, with all the attendant dangers of a backlash from the host population and a wider conflict.

A, by no ^{means} insubstantial, threat which has become more apparent since 1977 arises from international terrorism on behalf of religious groups. In recent months this form of attack has reached a level of intensity recalling the heyday of the medieval Assassin sect. For sometime now Syrian Alawite and Sunni Moslem extremists are engaged in a sectarian terror war. In Iran and Iraq acts of violence by

obscurites and votaries of the new-style fundamentalist Islam have been increasing rapidly. And a faction of the Ananda Marg group has been waging an international terror campaign against Indian government representatives, calling for the release of their leader, Prabhat Sarkar, from jail.²¹

The range of potential victims of international terrorism has also greatly increased. In a real sense everyone is in the front line against this kind of sneak attack. Even when the terrorist claims to be selective and precise in his choice of that target he cannot be certain that others will not be killed or injured in crossfire during an armed attack, or in a bombing attack who will be killed or injured by the blast. As noted earlier, bombing and incendiary attack remain by far the most popular form of terrorist attack resulting in a continuing steep rise in the numbers of casualties caused.

At the same time as we have noted, there has also been a resurgence of assassination. But whereas, historically the assassin's targets were generally confined to leading political figures and royalty, terrorists have recently tended to extend their 'death lists' to include other individuals such as industrialists (like Herr Schleyer murdered by West German terrorists), lawyers, judges, policemen and middle-ranking diplomats and government officials.

21 Three members of the sect were convicted at St. Alban's Crown Court in November 1978 of plotting to kill London based officials of the Indian High Commission (The Times, 4 Nov. 1978).

The trend makes the problems of security and personal protection in democratic societies all the more acute. On the other hand, to the extent that it brings the threat of terrorism home to a much wider range of opinion leaders and ordinary citizens it also has the effect of closing ranks against the terrorists, enhances public support for resolute government action and creates a climate of greater co-operation and understanding between police and public. Further evidence of these helpful trends can be seen in the 1978/79 public demonstrations against terrorism called by the political parties in Bilbao, San Sebastian, Belfast and Rome.

Which are the more likely targets for attacks on property, industry, and communications? As suggested earlier one particularly vulnerable high prestige, high-value target is the oil industry, its storage depots, pipelines, drilling platforms and tankers.²² The PIRA attack at Convey Island in Britain on 17 January 1979 highlighted the potential danger of terrorist attacks on gas and oil storage facilities and all installations containing concentrations of industrial fuels and chemicals.

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A dramatic illustration of the potential occurred on 31 August 1979, when a microwave communications station in the Iranian oil province of Chuzestan was blown up. In consequence all telephone links between the Port of Khorramshahr, the major oil refinery at Abadan and the rest of the country were severed. This attack and the sabotage of gas and oil pipelines in Iran in July, indicate some of the dangerous effects of terrorism and widening political instability in the Gulf region, and elsewhere in the Middle East.

Further bomb attacks on civil nuclear plant and sites are another likely development. It is not likely, as often assumed, that the terrorist group will deliberately seek to perpetrate a nuclear disaster. More probable are bomb attacks by revolutionary or ecological extremist groups hoping to thwart a particular civil nuclear project, as was the case, for example, in the ETA attacks on the Lemona nuclear reactor in Northern Spain. But, of course there is the very real danger that such 'direct action' would trigger a disaster.

Finally, mention should be made of the danger of more hijacks and terrorist attacks on the public transport on the ground. As aircraft hijacks become more hazardous to mount, so vulnerable airport terminals, and also rail and bus networks will become attractive targets. So far only the South Moluccans and the FIRA have gone in for train hijacks on any scale. Fascist terrorists in Italy have blown up a train and the Spanish ETA shot up a French passenger train. The fate of the South Moluccan terrorists may discourage rail hijacks but bombing and shooting attacks, or perhaps missile attacks on trains carrying important leaders or other terrorist targets are an awesome prospect. The fact is that most rail companies and their staff are not security minded and there are few, if any, preventive or emergency procedures or contingency plans to deal with such attacks.

Rail security, even in countries with a good record of effective counter-terrorism, is generally so poor

that it is an open invitation to the terrorist. As far as attacks on buses, these have, on occasion, been mounted by Palestinian, PIRA and Japanese terrorists. It is difficult to see how public bus services can be adequately protected, especially in rural areas, they are wide open to hijack, bombing and armed assaults. Attacks on passenger trains and buses may well become a growth area for terrorism in the 1980's.

CHAPTER III

**ATTEMPT AT LEGAL REGULATION OF
INTERNATIONAL TERRORISM**

The traditional international law had a simplistic two-tier approach to problems of private violence. It distinguished between matters within the territorial sovereignty of a state and acts of intervention by other states in support of a dissent movement within the boundaries of a state. As regards the first, it clothed the state with 'chastity belt' of domestic jurisdiction and as for the second, it recommended a feeble non-intervention principle almost as an afterthought which in any case flowed from the first. Both these principles understood in the traditional context¹ were essentially offshoots of the Metternich system of International relations which was typified by the exclusive emphasis on balance of power, status-quo system of authority structure and its presumed legitimacy all of which eventually tended to insulate internal dissent situations from external interventions save where such interventions were warranted in terms of balance of powers. This approach in essence, resulted in distribution of criminality to violent dissent movements within a state for a simple reason that the movement was directed against the then existing authority structure of the state. The advantage with such distribution of criminality was that it gave the authority structure of the state concerned a free hand in tackling the situation with impunity and with apparent

1 Principles with the same labels exist under the contemporary international law, but they have to be understood and their ratifications conceived in terms of the orientations and dominant value preferences of the international community.

legality (for the criminal law of the state could readily identify the culprit as 'traitors' or 'offenders against the state'). Indeed such a purely rational approach to the problem of terrorism is still firmly rooted in most legal systems of the day, although, as will be seen shortly the contemporary, response to terrorist acts tends to distinguish acts which are purely criminal in terms of their motives from acts which are not so. In other words, the terrorist situations have arisen in the past, have all been responded to by the states by attributing criminality to certain acts, and by determining the applicable principle of criminal jurisdiction as part of 'the individual states'.²

Early attempts at regulation of international terrorism mainly focussed on terrorist acts directed against heads or other high functionaries of the state seeking to treat them as non-extraditable crimes. The French-Belgian extradition treaty of 1856 was a trend-setter in this regard. Following an attempt on the life of Napoleon III of France this treaty stipulates that 'An attempt on the life of heads of a foreign government or a member of his family will not be considered as a political crime when this attempt

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This would also mean that the precedents of the 18th and 19th and early part of the twentieth centuries that are often cited in the literature of international law to support the view that terrorists acts have gradually been denied the 'political offence' exception, have to be viewed with circumstances for the representative of their view, see Bogdan Zlataric 'History of International Terrorism and its legal control'.

constitutes an act of murder, assassination or poisoning.³ The 'attempt' clause later found place in many treaties. Indeed some of the 19th century attempts at legal regulation represented an extreme point of view on terrorist acts, seeking to characterise them as 'social crimes'. Thus in 1892, Institute de droit international adopted a resolution that for the purpose of extradition of criminal acts directed against the basis of social organisation and not solely against a given state or a given form of government should be considered criminal as opposed to political offences. This then was perhaps the response of the existing European state system to the newly emergent socialist doctrines which sought to change in the long run in the authority and power structure in a state. The argument underlying this approach seems to have been the 'loathsome nature of means employed, which reveal base criminality, cancels the normally political nature of certain crimes at least as far as extradition of the offenders were concerned.

The acts of terrorism particularly against the heads of state or other high state functionaries continued to be prevalent in the twentieth century, too. However, the first half of the century saw the emergence of the concept that certain acts be characterised as criminal acts under International Law and States be permitted to exercise their

3 Quoted in Zlatavio, Note 14, pg.476, For much of the History of International Regulation of International Terrorism, Zlatavio is followed here.

respective criminal jurisdiction with respect to them under the principle of universality.⁴ It may be noted however, this concept too was in response to the radical social and political doctrines, as by 1917 there was already in existence the Soviet Union with a socio-political ideology, markedly different from that of the other states of Europe. The principle of universality of state criminal jurisdiction was recommended by the Fourth International Conference for the unification of a Penal Law that met at Warsaw in 1927, with regard to crimes like Piracy, counterfeiting and slave trade.⁵ The conference also invoked the universality principle to apply to international use of any means capable of bringing forth a common danger. By 1930 however, the concept of International Terrorism for the purpose of creating an, 'International Criminal Law', had taken place, as in that year the third conference for the unification of Penal Law discussed it at Brussels. By the Fourth Conference in Paris, 1931, there seemed to exist two points of view with regards to international terrorism. According to one view acts of International Terrorism should be identified and characterized as International Crimes in terms of commonness of danger represented by

4) H.K. Nawaz, 'Criminal Jurisdiction and International Law', IJIA, Vol.1 (1952) Pg. 210.

11) Femana : 'The Doctrine of Jurisdiction in International Law' : League.Rev. (Vol.III), 196b.

5) J. Bowyer Bell - Transnational Terrorism (Stanford 1975), pg.69.

not only the terrorist acts themselves but the motives behind them. Thus the proponents of that view proposed the 'all offences' preparatory acts for such offences, as well as arguments and conspiracies aimed at imposing a political and social doctrine through violence or intimidation, will be considered an act of terrorism.⁶ The discussions continued at the Fifth Conference at Madrid in 1935 where it was agreed that terrorism and crimes of common danger be examined separately.

But before the Sixth Conference was convened at Copenhagen in 1935, a series of terrorist acts shook Europe such as those directed against the Romanian Minister Ducea, the Australian Chancellor Dolfun, King Alexandra of Yugoslavia and French Minister Bartlaw, the assassination of the last two at Marseilles was specifically brought to the attention of the League of Nations by France. The Sixth Conference met under the shadow of these events. This conference was also important because for the first time it was participated by a Soviet delegate. This was perhaps the reason why the conference abandoned the view that acts committed in furtherance of certain social or political doctrines be characterised as acts of international terrorism. From now on emphasis was placed not on the motives behind the act, but on the

nature of the act and the common-ness of the danger posed by it. The final text adopted by the conference sought the repression of certain acts as special offences when they create a common danger or a state of terror that might incite either a change in or raise an obstacle to the functioning of public bodies or a disturbance in International Relations which represents a particular threat to the peace.⁷

It defined International Terrorism in terms of 'acts directed against the life, physical integrity, health or freedom of a head of state or his spouse or any person holding the prerogative of a head of state as well as crown princes, members of governments, people enjoying diplomatic immunity and members of constitutional, legislative and judicial bodies'.⁸ The text further embodied a list of other acts of terrorism such as instigation of a catastrophe or calamity, pollution of drinking water, spreading of contagious diseases, destruction of public utilities, the use of explosives in public places and so on. Instigation and attempt at conspiracy and preparation of and assistance to, all these acts were also characterized as criminal acts. The text further appealed to states to exercise their own criminal jurisdiction on the offender in case they refused to extradite them or subvert

7 Quoted in Zlatavic, *Ibid.*, pg.481.

8 Zlatavic, *Ibid.*, pg.482.

them before an international penal jurisdiction.

As briefly noted earlier King Alexander of Yugoslavia and French Minister of Foreign Affairs were assassinated at Marseilles on 9th October 1934. This coupled with the fact that Italy refused the extradition of certain persons accused of their assassination on ground of their offence being a 'political crime' made France move the Council of the League of Nations for adoption of 'International measures for suppression of political crimes, including creation of an international criminal court. The Council set up a committee of experts to prepare a draft convention to assess the conspiracies of crimes committed with a political or terrorist purpose'. Following the work of the committee, a diplomatic conference met at Geneva on 1 Nov 1937 participated by 36 countries. The conference culminated in the adoption of two conventions one on the prevention and punishment of terrorism and other on the creation of international criminal court, with a stipulation in the latter that only the state which ratified the former might ratify the latter.⁹ The convention on terrorism though promptly signed by 20 states was ratified by only one state viz. India on 1 Jan. 1941.¹⁰

9 Malvo Hudson, 'Proposed International Criminal Court', 1938, *AJIL*, Vol.32, pg.549.

10 And in all probability the ratification by British India was motivated by consideration of suppressing the nationalist movements of the Indian people at wake of Second World War. See H.K. Nawas and Gurdeep Singh, 'Legal Controls of International Terror', *IJIL*, Vol.17, 1977, pg.66 at pg.67, Note 13.

The 1937 convention on terrorism, by Article 1(2) defined 'act of terrorism' to mean 'criminal acts directed against a state and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or general public whereas Article 2 of the convention enumerated a number of specific terrorist act first and foremost 'any wilful act causing death or grievous bodily harm or loss of liberty' to :

- a) 'Heads of State, persons exercising prerogatives of the head of states, their hereditary or designated succession;
- b) wives or husbands of above mentioned persons;
- c) persons charged with public functions or holding position when the act is directed against them in their public capacity'.

The forbidden acts also included wilful destruction of public property and any wilful act calculated to endanger the lives of the public. The manufacture obtaining possession or supplying of arms, ammunition, explosives or harmful substance with a view to the commission in any country of any of the offences falling within the provisions of Article 2 and an attempt to commit any of these offences. Article 3 characterized the terrorist acts as acts of conspiracy to commit these offences. Wilful participation in it and any assistance knowingly given towards the commission of any such offence. The parties to the convention

also undertook to effect the necessary changes in their respective penal laws and recognised the acts under Article 2 and 3 as extraditable offences. It also provided for some sort of mutual assistance between the parties for prosecution of the offenders.

The above belief contradicts with the history of attempts of international regulation of international terrorism in that in the past states launched upon such attempts mainly to achieve two objectives at one stroke a) to illegitimize acts of terrorism pure and simple as acts of 'common danger' against individual high public functionaries and the public and b) to stigmatise all doctrine and ideologies that had been gaining ground since the turn of the century challenging the legitimacy of the then existing authority structure in Western countries.

THE POST-SECOND WORLD-WAR SCENARIO :

In terms of contemporary international relations the second world war represents in more senses than one a break from traditional set up and outlook. More importantly the war was essentially fought against the most heinous manifestations of state terrorism as practised in Nazi Germany and Fascist Italy. The United Nations was established on the ruins and devastation of the war now came to be looked upon as a guarantor against state terrorism, a promoter of

respect for human rights and self-determination. In other words the initial thrust of the U.N. response against international terrorism was essentially to seek to limit and if possible eliminate all manifestations of state terrorism. From this arose the special concern of the United Nations first to identify the Nuremberg principles and then in inviting international Law Commission to formulate a draft code of offences against Peace and Security of mankind which the commission did in 1954. I shall wonder, the draft code spoke about acts of assassination, terrorisation of people, genocide and so on. Alongside this was the attempt of the U.N. to define aggression and to contemplate creation of an international criminal court. Indeed all these U.N. endeavours focussed in aspects of terrorism and purported to bring the individual culprits within the realm of international law.

Conditions of naked state terrorism of the Nazi type were themselves adequate to generate counter-terrorist activities, the resistance movements on the part of the suppressed peoples. To further confound the already complex international scene of terrorism new contexts like the cold war and continued existence of colonialism provided extended breeding grounds for terrorist activities. At least with respect to the colonial context it may be said that it would be rather simplistic to characterize the resort to violence by the people struggling under the colonial yoke as 'terrorism' for it essentially counter terrorism.

Additionally, the technological breakthrough achieved in the post-second world war period in various fields, particularly in the field of international communications, provided individual terrorists and terrorist groups not only a quick medium of communication of their claims and grievances but also a set of immediate targets of terrorist acts. And thus was born the terrorist practice of hijacking. Subsequently, however, other new forms of terrorism gradually gained currency and these included kidnapping, torture and assassination of diplomats, leaders of business or other important public personalities and despatch of letter bombs (which were perhaps first invented by the MOSSAD, the Israeli secret service, seeking to eliminate the Palestinian leaders). The modern system of communication also facilitated international contacts at various levels between terrorist groups of different countries, which seem to have often evolved a mutuality of interest in the success of each other's operations.

The response of international community is a step by step approach attempting to limit, if not eliminate, the effects of terrorist acts on innocent people and to insulate vital areas of international intercourse from the spheres of terrorism. Yet ensuring that any such legal regulation does not impair any fulfilment of legitimate groups claims to justice in accordance with the principles of international law, such as self-determination.

municipal criminal law systems of all countries. In other words, there are 'general principles of law recognised by civilized nations concerning regulation of international terrorism. The upshot of all this, that international terrorism is already an international crime.²⁹

29 Much of these arguments were made by Leo Yards at a Seminar on International Terrorism at the S.I.S., JNU in 1972-73.

CHAPTER IV
INTERNATIONAL RESPONSE
AND
ITS WEAKNESSES

The assassination of King Alexander of Yugoslavia and French Foreign Minister Louis Barthou at Marseilles in 1934 led to France proposing the establishment of an international criminal court to try terrorist criminals. The somewhat dilatory response of the League of Nations was to summon a conference on the subject at Geneva in 1937. This resulted in the drafting of two conventions.

The first prescribed acts of terrorism, which included attempts on the life of heads of state or their spouses and other government representatives. It also prohibited acts of international terrorism involving injury to persons or damage to property committed by citizens of one state against citizens of another state. The other convention set up an International Criminal Court and accorded it jurisdiction over terrorist crimes. But these bold and radical measures never came into effect because only 13 states ratified the conventions before war broke out in 1939. The idea of an International Criminal Court for terrorist offences remains, however, a favourite cause among certain international lawyers, though in the absence of an agreed international criminal code, it appears not only premature but unrealistic in the foreseeable future.

It is not sufficiently recognised that the United Nations measures on human rights are directly applicable to the case of terrorism. The 'Universal Declaration of

Human Rights' in addition to guaranteeing the right to life, liberty and the security of the person also states that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.'¹ The right to enjoy 'freedom from fear' is stressed in the preambles of both the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.² Under Article 6 of the latter, 'no one shall be arbitrarily deprived of his life'.³

The U.N. Convention on the Prevention and Punishment of the Crime of Genocide (1948) forbids the killing of members of a national, racial, ethnical or religious group, causing them serious bodily harm or severe mental distress to a particular group.⁴ This is clearly an explicit prohibition of terror violence, whether committed by states, factions, or individuals. In addition the UN Declaration on Principles of International Law concerning friendly relations and co-operation among states enjoins states to refrain from 'organizing assisting or participating in acts of civil strife or terrorist acts in another state'.⁵

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- 1 Univ. Declar. of Human Rights, Arts. 3,5,6A, Res.217A, U.N. Doc A/810 at 71, 72-73 (1948).
 - 2 GA Res. 2200, 21 UN GAOR, Supp. (No.16), 49, UN Doc A/6316 (1966).
 - 3 Ibid., at 52.
 - 4 GA Res. 260 A, UN Doc. A-810 (1948), 78 ~~UN Doc~~ ^{UN Doc} A/277, 286 (1951).
 - 5 GA Res.2625 (Article 25 UN GAOR Supp. (No.28) 121, 123, UN Doc A/8028 (1970).

U.N. AMBIGUITY ON 'LIBERATION' : -

However, there is a fatal ambivalence in United Nations treatment of the whole question of politically motivated violence. In the Declaration on Principles of International Law the 'principle of equal rights and a self-determination of Peoples' is put on the same level as the principle that states 'shall refrain in their international relations from the threat or use of force against --- any state, or in any manner inconsistent with the purposes of the U.N. 'Significantly it proceeds to spell out that all states have a 'duty to promote ... realization of the principle (of self-determination) in order to bring a speedy end to colonialism ...' and that 'every state has the duty to refrain from any forcible action which deprives peoples.....of their right to self-determination.

This Declaration continues 'In their actions against and resistance to, such forcible action in pursuit of their rights to self-determination, such peoples are entitled to seek and to receive support

Naturally enough, these clauses can be read as a legitimisation by the UN of any struggle undertaken in the name of the principle of national liberation and an open invitation for international support for such struggles. Thus the UN is seen to be supporting both sides at once

in such conflicts. For example Israel, as a member state, is accorded full 'sovereign equality' and protection of that sovereignty. Simultaneously other member states of the U.N. can claim that they are fully entitled to arm and support movements dedicated to the liquidation of Israel, on the ground that they are merely supporting a legitimate national liberation struggle aimed at self-determination.

This double standard is clearly reflected in the U.N.'s faltering attempts to deal with terrorism. Following the Munich Olympics massacre in 1972 Secretary General Kurt Waldheim requested the UN to deal with the menace of International Terrorism. A study undertaken by the Secretariat was entitled 'Measures to prevent International Terrorism which endangers, Takes Innocent Human lives or Jeopardises Fundamental Freedoms, and study of the underlying cause of those forms of Terrorism and Acts of Terrorism like Misery, Frustration, Grievance and Despair, and which causes some people to sacrifice Human Lives including their own in an attempt to effect Radical changes.'⁶

The title tells the whole story! The discussion revealed a clear split between those states wishing the UN to condemn and act against factional terrorism and those pre-terrorist states wanting to legalise terrorism by factions as a justifiable means of struggle. The latter group used the opportunity to attack western states, for 'colonial and racist terror' and blamed them for 'compelling those engaged in 'freedom struggles' to use violence to secure justice. In the ensuing Ad Hoc Committee on International Terrorism, consisting of 35 states, which met in the Summer of 1973, the Third World States concentrated all their attention on attacking 'state terrorism'.

JUSTICE FOR HIJACKERS : -

The UN General Assembly did, however, agree, in December 1973, to adopt a Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and this Convention has now acquired sufficient ratifications by member states to come into effect. Further, progress was made in the special field of international measures against aircraft hijacking. The Tokyo Convention on offences and certain other Acts committed on Board Aircraft (1963) sets out the jurisdictional guiding principles requiring contracting states to make every effort to restore control of the

aircraft to its lawful commander and to ensure the prompt onward passage or return of the hijacked aircraft together with its crew, passengers and cargo.

The 1970 Hague Convention requires contracting states either to extradite apprehended hijackers to their country of origin or to prosecute them under the judicial code of the recipient state.⁷ And the Montreal Convention of 1971 extended the scope of International Law to encompass sabotage and attacks on airports and grounded aircraft. It also laid down the principle that such offences be subject to severe penalties. Unfortunately, despite the encouraging readiness of the majority of states to ratify these conventions, there is still no international convention providing for effective sanctions to ensure enforcement and punishment of states that aid or give sanctuary to hijackers.

In December 1976 the UN established an ad hoc committee to draft a convention against the taking of hostages. This was an initiative urged by West Germany and other western states, and the completed draft convention is shortly to be considered by the General Assembly, but it has been so weakened in the process of drafting as to become practically useless. The only other useful recent move by the U.N. was a General Assembly resolution condemning hijacking.

Pro-terrorist states such as South-Yemen, Cuba, Iraq, Libya, Algeria, though they may join talks on counter-measures, repeatedly give aid and succour to terrorist groups. It is important to note that pro-terrorist countries go considerably beyond mere ideological and diplomatic support; they are in fact an important part of the problem, states such as Libya, South Yemen and Iraq have provided considerable sums of money and supplies of modern weapons to their protege terrorist gangs. They also make available extensive terrorist training facilities, sanctuary for terrorist on the run, the use of embassies as hide outs and as sources of weapons and false documents, and of the diplomatic pouch to smuggle weapons and explosives - and, when necessary their own radio communication links.

It is easy to understand the indifference to terrorism of countries such as India, Bangladesh and Indonesia. They are poor countries struggling to feed vast populations and preoccupied with the need for economic development. But in those regions of the world which have suffered most from terrorism there have been some tangible advances towards closer co-operation. For instance after the spate of diplomatic kidnappings in Latin America between 1968 and 1971 the organisation of American states (OAS) formulated a Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against persons and Related Extortion that are of International significance.

In terms of Latin American Legal tradition this was remarkably bold innovation, for Latin American states

have always held the principle of political assylum to be sacrosanct. The OAS Convention circumvented this by defining attacks against internationally protected persons common crimes, regardless of motive, thus making it possible to apply the aut delere aut punire (extradite or prosecute) formula in all such cases. Unfortunately, however, ratification and effective implementation of this formula has been thwarted by legal conservatism.

Substantial progress has been made in the field of international cooperation in Western Europe, but as already indicated this has not sufficed to prevent this region experiencing a higher proportion of terrorist attacks than any other. The E.E.C. Ministers of the Interior, and the police forces and intelligence services of the member states have since 1976 developed regular machinery for discussion and practical multilateral cooperation. (Some of the more significant of the ministerial meetings, and also meetings between heads of governments at which international cooperation was discussed are given at Appendix).

But the most ambitious attempt at European Cooperation at the judicial level is the Council of Europe Convention on the Suppression of Terrorism, which 17 out of 19 Council of Europe member states signed in Jan. 1977, when the convention was opened for signature.⁸

⁸ The only member states which refused to sign were Ireland and Malta.

"POLITICAL OFFENCES" LOOPHOLE :-

The Convention provides, in effect, that all ratifying states will exclude the whole range of major terrorist offences, such as assassination, hostage taking, bomb attacks and hijacking, from the political offence exception clauses that had previously been used to justify refusal of extradition, in other words to ensure that all contracting states would treat such offences as common crimes. In cases, where, because of some technical or constitutional difficulty, a contracting state is unable to carry out extradition the Convention obliges the authorities to bring the suspect to trial before their own courts. Mutual assistance in criminal investigation of such offences is also made mandatory.

However, the admirable intentions of this convention have been seriously obstructed by two major shortcomings. First, a possible escape clause was inserted into the Convention permitting a contracting state to reserve the right to regard a certain offence as political and hence to withhold extradition.

Second, the process of ratification has been disgracefully low, despite the speedy signature of the Convention in January, 1977. France, and Belgium, for examples have been reluctant to ratify on the grounds that

they are constitutionally committed to guarantee the right of political asylum. (It seems odd that, despite all the careful safeguards in the Convention, they are still unprepared to exclude those charged with serious crimes of terrorism from this right). And by late 1978 only five member-states had completed ratification (Sweden, Austria, West Germany, Denmark and Great Britain). In these circumstances President Giscard D'Estaing's much publicised idea, voiced in 1978, of an espace Judiciaire Europeenne (or European Judicial Zone) seemed, to say the least, premature.

Two other recent moves to improve international cooperation against terrorism are worth mentioning. At their Bonn Summit meeting of July 1978, the Heads of Government of Canada, France, Italy, Japan, the United Kingdom, the United States and West Germany came out with a firm collective statement promising sanctions against states aiding and abetting aircraft hijacking. Their communique states:

" In cases where a country refuses the extradition or prosecution of those who have hijacked an aircraft, or refuses to return it, the Heads of state or government are additionally resolved that they will take immediate action to cease all flights to that country. At the same time their governments will initiate action to halt all incoming flights from that country or from any country, by the airlines of the country concerned

Experts met in August 1978 to discuss the practicalities of implementing this agreement. There is every reason to welcome this firm stand in favour of sanctions by the major Western states, for it may exert a continuing deterrent effect against rogue states which have, in the past, helped to encourage hijacking. However, a cynic might note that aircraft hijacking was no longer the major terrorist act by July 1978, action had really been needed in 1968-73 when the menace was at its peak.

Finally, there was an encouragingly positive meeting of the E.E.C. Ministers of Justice in early October 1978 which proposed a similar convention of the Council of Europe Convention on the Suppression of Terrorism for use between all the nine EEC states, again based on the aut dedere aut punire principle. Under this convention, there would still be an escape clause on 'political exception' -- and so there is presumably some chance that Ireland might accede to the new Convention.

INTELLIGENCE AND POLICE COOPERATION : -

One of the most important aspects of Western Cooperation of the strengthening of the machinery for multi-lateral police and intelligence cooperation, and this has generally progressed far more rapidly than political and judicial cooperation. It takes place at five different levels.

1. Interpol (the International Criminal Police Organization) is under its constitution strictly confined to dealing with ordinary law crimes, but as this covers many terrorist acts the organisation has had some value in acting as a clearing house for information. For instance in July 1976 Athens Police were able to identify a West German terrorist, Rolf Pohle, with the aid of the Interpol photos, and detain him.

2. NATO has developed a valuable system for exchange of intelligence concerning terrorist weapons, personnel and techniques, which has been of great assistance to member states.

3. Joint training visits and exchange of security personnel are now well-established among the EEC and NATO countries.

4. Bilateral cooperation has been provided on an ad hoc basis at the request of governments. Thus British SAS personnel, techniques and weapons have been made available to support Dutch and West German counter-terrorist operations. And the West German computer bank of data on terrorists has been used in the fight against terrorism in Italy and elsewhere.

5. There is a permanent structure of police cooperation between EEC member states of particular value in combatting cross-border terrorism.

BILATERAL COOPERATION :-

It is not generally realised that one of the most

effective methods of cooperation against terrorism takes the form of bilateral agreements between neighbouring states. A notable bilateral instance of this occurred in the U.S.-Cuba Hijack Pact of February 1973 in which both governments agreed to return hijacked aircraft, crews, passengers and hijackers. It is true that Cuba insisted on a caveat enabling her to refuse to return terrorists affiliated to a national liberation movement recognised by Cuba. But as most hijackers who sought sanctuary in Cuba from the U.S. were criminals or psychopaths this clause did not undermine the effectiveness of the agreement.⁹ Moreover, even though Cubans refused formally to renew the agreement, following the blowing up of a Cuban airliner by anti-Castro exiles in October 1976, the fact is that Cuba has continued to operate in the spirit of the Pact, and it has undoubtedly contributed to the defeat of the hijacking plague afflicting the U.S.A. between 1970 and 1972.

And even more unlikely example of partnership was the cooperation between Somalia and West Germany in the GSG-9 (Grenzschatzgruppen 9 - the German anti-terrorist unit) operation to rescue the Lufthansa hostages at Mogadishu. After all, Somalia was a Marxist regime which had previously been used as a base by terrorists organising the Air France hijack to Entebbe. Yet, encouraged by the prospect of economi

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Robert Moss, 'Urban Guerrillas in Latin America', Conflict Studies, No.8.

assistance, the new state rendered valuable service by allowing in the German rescue squad.

If such diverse political systems can cooperate profitably, surely it would not be beyond the power of the Western European states to improve their own bilateral security cooperation? There is some encouraging recent evidence that this is being developed in two areas particularly hard-hit by terrorist violence over the past decade : the Basque region and Northern Ireland. In Jan 1979 France abolished refugee status for Spanish nationals in France, on the ground that Spain, as a democracy, no longer had political refugees. Almost simultaneously 13 Spanish Basques living near the Spanish border were banished to the remote Hautes-Alpes in eastern France. This was France's very positive response to Spanish Government demands for more vigorous cooperation to stamp out terrorism.

French border areas have long been regarded as a valuable sanctuary and launching point for ETD terrorism and the new measures will do much to assist the Spanish authorities counter-terrorist drive. France, itself has a strong interest in helping to combat ETA terrorism, for the 1979 assassinations in France of two Basque leaders in revenge attacks were an unpleasant warning of the way in which ETA terrorism could spill over the frontier.

In the wake of the provisional IRA massacres at

Warrenpoint and Mallaghmore on August Bank Holiday Monday 3, 1979, the Governments of the Irish Republic and the United Kingdom have held a series of meetings to discuss closer security cooperation.¹⁰ The measures agreed in the talks held in September and October are an excellent practical illustration of cooperation between two parliamentary democracies to curb a terrorist campaign of murder which threatens them both. The new measures including improved border cooperation, are a bold and imaginative effort to curb terrorism which is now the major obstacle to a lasting peace and reconciliation in Ireland.

EXTRADITION PROBLEMS :-

If the international community is to minimise the rewards of terrorism and maximise its risks and costs it must be seen to be possible to bring terrorist suspects to justice even when they slip across frontiers. Many states do not have extradition agreements, and where those do exist they frequently exclude political offences - the term 'political' is often very liberally constituted. Differences in criminal codes, procedures and judicial traditions have also to be taken into account. Often the extradition procedures become highly protracted, owing to difficulties of obtaining evidence and witnesses from abroad

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18 British Soldiers were murdered in the Warrenpoint ambush on the same day that the Mountbatten boat was blown up at Mallaghmore.

In the British extradition hearings in the case of Astrid Proll was eventually extradited to West Germany where she was charged with attempted murder of two policemen and other crimes).

Extradition proceedings succeed in the cases of only a small minority of terrorist suspects. Between Jan 1960 and June 1976, 20 states requested extradition of 78 hijackers but this was granted in only five cases, though 42 of the offenders were prosecuted by the recipient state. Small wonder that in many cases states use deportation and as this is a civil - as opposed to criminal-proceeding it does not afford the individual the same opportunities to present his or her own case. However, deportation merely shifts the problem to another state, and does not ensure that a suspected terrorist is brought to justice. On all grounds this method ought not to be encouraged. As far more desirable course is for states to attempt to standardize their criminal codes or procedures to facilitate the application of the 'extradite or prosecute' principle.

Nor is it the case that states can always be depended upon to honour the letter or spirit of their extradition agreements. A government which fears a retaliatory attacks by terrorists or which is subject to blackmail by, say, the Arab oil weapon, may well decide that 'national interest' demands that they let a suspect go free. A notorious case occurred in Jan 1977, when Abu Daoud, suspected of involvement in the planning of the Munich Massacre, was arrested in Paris on an Interpol warrant

issued by the West German police. Israel immediately announced that it would request Daoud's extradition, on the ground that he was to be charged with the murder of Israeli citizens.

A Paris Court rejected attempts to extradite him, and he was allowed to travel to Algeria. The West German authorities expressed surprise and regret at this decision, and the international community drew the conclusion that the French government had put its desire for remunerative new commercial agreements with Arab States before its obligations to combat international terrorism.

CHAPTER V

CONCLUSION : ALTERNATIVE STRATEGIES

First and foremost, the democracies in the world have to be kept in good political and economic repair. The states should particularly try to respond positively to the changing needs and demands of the populace, including protecting the rights of minorities. This requires balanced and effective structures of representative democracy at both local and national level, with ultimate control by the elected bodies over the bureaucracy armed forces, police, and security services, ensuring their full accountability. A sure sign of danger is the accretion of overwhelming power by officials or by specific agencies of the state.

An independent judiciary is a prerequisite for the maintenance of the rule of law and the constitution and a vital ally of the elected government and legislature in ensuring democratic control and accountability. In a terrorist situation it is essential that the authorities and security forces act entirely within the law. Extralegal actions will only tend to undermine democratic legitimacy and destroy public confidence. Any breach of legality will be exploited by terrorist propagandists to show the hypocrisy of government and security forces claims to be acting in the name of the law, and to try to persuade waverers that the government is not worth supporting.

Operating outside the strict rule of law is thus not only morally wrong it is likely to be counter-productive. In observing these legal constraints democratic governments must constantly make it clear that when terrorists are convicted and punished it is not because of their professed political beliefs but because they have committed serious criminal offences. So because the punishment is for criminal deeds and not for political motives or causes it would be totally wrong to accord jailed terrorists some special status as 'political prisoners'. Refusal to grant such status is entirely consistent with the philosophy of judicial control common to all the western democracies, and is implicit in the terms of the European Convention on the Suppression of Terrorism which seeks to define certain terroristic offences as common crimes.¹

It is also vital for democratic governments to strive for a sound and healthy economy, and it is all in their interests to co-operate more effectively in creating the right policies to deal with those now universal twin evils of Western economies-runaway inflation and high unemployment. In a climate of massive recession and industrial collapse it is inevitable that the fear and

¹ This principle was strongly reiterated by the European Union of Police Federations at its Conference in Cologne, September 19, 1979. The Conference recommended the acceptance of a European police charter which includes the removal of political status from terrorist groups such as the IRA. It is noteworthy that this move was welcomed by the delegate from the Garda Police Association who stated 'The view of my association is that people who contravene the criminal code are only criminals and no cause can justify them being other than that.'

frustration generated among the working population will give rise to militant and violent confrontations. Economic chaos and collapse create a far greater danger of destabilisation of democracy than the actions of a handful of terrorists are likely to cause. For it is in the conditions of major economic breakdown that the real threat of a wider-escalation into internal war (in which terrorism would play merely a minor or catalysing role) really lies.

AVOIDING OVER-REACTION :-

Hence, the best advice one can tender to democratic governments on international terrorism is not to over react against this particular menace,² and to attend to the vital strategic tasks of ensuring economic and political survival. There are of course, some useful practical steps that can be taken, for example among the EEC members to improve the machinery of international police and security cooperation. Some of the more cost-effective of these possible measures are suggested below, and in the writer's view they would be worth adopting because help to save innocent lives and would substantially increase the rate of apprehension and conviction of terrorists. It would,

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One of the terrorists major stratagem is to provoke the authorities into a repressive overreaction that will alienate the people and drive them into the arms of the terrorist movement. See Carlos Marighan, *Minimanual of the Urban Guerrilla*.

moreover, be a great advantage if other states less advanced than Western Europe and the U.S.A. in their measures for international cooperation in this field could be encouraged to follow the west's example and to accede to, and implement, the basic international conventions and agreements designed to curb terrorism.

What is needed is a cool appraisal of the longer-term threat posed to liberal democratic society by terrorism, and the kind of measures that will help effectively to protect innocent life without sacrificing the rights of the individual. More radical responses involving sweeping emergency legislation and modification of normal judicial procedures and processes are not normally justified in the democratic west. The only exceptions are perhaps Northern Ireland and the Basque region in Spain where emergency powers have become necessary as a result of the worst protracted terrorist campaigns experienced in Western Europe this century.

In the West such emergency or special powers would normally not only be unjustified and unnecessary; they would be totally counter-productive. For the real danger of recasting to sledge-hammer methods to cope with the relatively low intensities of political violence experienced in most western countries is that they would extinguish democracy in the name of security. If we were to do this we would effectively be doing the terrorists work for them and, moreover, with a speed and certainly that they themselves are incapable of achieving.

SOME PRACTICAL STEPS :-

There are some additional general measures, both national and international, that should be taken by the Western Democracies. The steps suggested below would not be expensive to implement, and none of them would court the dangers of unbalanced response or over-reaction that have already been emphasised.

1. The Western Democracies should patiently continue their efforts to alter the climate of international opinion to improve the long-term chances of creating a more effective framework of international law to deal with terrorism. Thus, despite all the difficulties and obstacles discussed earlier, all Western states should lend their diplomatic support, votes and influence, in international organisations and conferences.

To persuade non-ratifying states to accede to existing useful multilateral agreements, such as the Tokyo, Hague, and Montreal conventions to curb air hijacking.

To press for strengthening existing connections particularly in regard to enforcement provisions and sanctions, and

To lend their full weight to useful fresh initiatives for international conventions. Even when it seems unlikely that a new initiative will surmount all the hurdles of international opposition, or when it is clear that only a handful of states will accord such measures immediate ratification, support is still worthwhile; if, nothing else, it serves to educate the international community in

the danger of terrorism and the vital need for international cooperation to counter it. Moreover, by exposing the opposing and obstruction of other states, such exercises help to identify the crypto-terrorist regimes. There is, furthermore, always the chance that the sheer weight of international pressure may cause a government to reconsider its earlier support for terrorism, or to move from neutrality or ambivalence to positive support for humanitarian international measures designed to protect the innocent.

2. A second useful step would be to press for speedy ratification and implementation of the Council of Europe Convention on the Suppression of Terrorism, and the parallel European Community agreement.

3. There is also a real need to create a small international commission or specialist department, preferably under the aegis of the EEC, to coordinate Western cooperation against international terrorism. There is already a framework of regular meetings of European Ministers of the Interior, and for police coordination and intelligence services and specialist anti-terrorist units is far more advanced than collaboration at the judicial and political levels, but is at present conducted on a piecemeal basis.

A central coordinating anti-terrorist cell of say half-a-dozen top security and intelligence experts, with adequate research and administrative support and access to

all meetings of community Ministers of the Interior and Justice and the Intelligence and Police Chiefs of member states, could add immeasurably to the precision and quality of the international response. The new unit should provide expert analysis of intelligence data, assessment of capabilities and threats, a continuing research and development back-up, including work on the pooling of counter-terrorist weapons and technology, training and briefing services, and advice to Ministers, police, and security services.

One of its most urgently needed contributions would be to provide coordinated contingency plans and crisis-management machinery when two or more member states are involved in an accident. It would also help to organise joint exercises in hostage rescue and other counter-terrorist operations and supervise training of personnel of member states in hostage negotiation. This coordinating Commission could also serve as a means to improve anti-terrorist intelligence links between the EEC states and other democracies such as the U.S.A., Japan, Canada and Australia. It could promote research in improved technologies of prevention and encourage the higher standards of security education in government and industry.

4. All democratic governments must hold firm to a strict policy of no deals with terrorists' and no submission to black-mail. Consistent national policies of minimising terrorists chances of rewards and maximising the probability

of punishment are most likely to stem the flow of terrorist killings in the longer term.

5. The democracies must also learn to defeat the terrorists' sustained propaganda war. Efforts to disguise themselves as legitimate 'freedom-fighters' must be exposed. The free media in particular owe a responsibility to the democratic societies which enable them to exist.³ It is their job to expose the savage barbarism of the crimes and atrocities committed by terrorists. It is not their job to condone such acts or to lend murderers the freedom of the air to preach and promote more deaths. But, of course, in the last resort it is not a democracy's government or its security forces, or even its media that will determine the outcome of the long, long war against international terrorism; it is the degree of public support for democracy.

6. There is furthermore a real need for a voluntary and totally independent international organisation to minister to the special needs of victims of international terrorism. Some governments, such as the Dutch in the wake of the South Moluccan attacks, have shown considerable imagination and insight in ministering to the needs of the survivors of terrorist incidents, and the families of the

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See Television and Conflict, ISC Special Report, May 1979.

decreased. The United Kingdom has taken steps to provide for compensatory payments to victims of terrorist troubles, and for damages to property and business premises. By comparison with some of the awards, the pensions and other benefits for members of the security forces seem pitifully inadequate, and this is a matter the British government should attend to as a matter of urgency.

However, one must remember that in most countries victims of terrorism receive no assistance whatever from the state. And even where some provision exists there is often a vital need for medical and specialist services which only a voluntary organisation could provide. Over most of the world there are forgotten people, yet they often have the most desperate needs for special medical care, psychiatric help, and family and financial support. The proposed organisation might perhaps be best established under the aegis of the International Red Cross. And of course, even if it proves necessary to set up a separate body, the advice and expertise of that body of mercy should be sought.

But the most important consideration in arriving at an appropriate response to terror violence must be the strengthening of democracy and human rights. It is by these means above all that we can be sure of denying victory to those who have been corrupted by hatred and violence.

APPENDIX

**MINISTERIAL MEETINGS ON INTERNATIONAL COOPERATION AGAINST
TERRORISM - 1975-78**

Date and Venue

February 1976

PARIS

Participants

**Mr. Jenkins, British Home Secretary, and M. Poniatowski,
French Minister of Interior.**

Main Outcome

**Agreed to closer cooperation on crime and terrorism and to
common objectives at forthcoming meeting of EEC Ministers.**

Date and Venue

4th June 1976

BRUSSELS

Participants

Minister of Justice of Council of Europe

Main Outcome

**Unanimously endorsed draft agreement for European Convention
on suppression of Terrorism.**

Date and Venue

29 June, 1976

LUXEMBOURG

Participants

Interior and Justice Ministers of the Nine

Main Outcome

Adopted six-point programme for closer cooperation, including pooling of information, exchange of security force personnel, and improvements in security of air transport and nuclear installations.

Date and Venue

8th July 1976

VIENNA

Participants

Herr Schmidt¹⁹ and Mr Kreisky

Main Outcome

Both agreed to support ^{the} proposed for a U.N. Convention against hostage-taking.

Date and Venue

27 Jan. 1977

STRASBOURG

Participants

Foreign Ministers of all Council of Europe States (except Ireland, Malta)

Main Outcome

Signed European Convention on Suppression of Terrorism.

Date and Venue

31st May, 1977

LONDON

Participants

Ministers of Interior of the Nine.

Main Outcome

Discussed methods of combating terrorism and exchanged information and views.

Date and Venue

7th February 1978

PARIS

Participants

Herr Schmidt and President Giscard D'Estaing - Franco-German Summit

Main Outcome

Agenda included French proposal for creation of European judicial zone.

Date and Venue

13th April 1978

VIENNA

Participants

Ministers in charge of police in Austria, Italy, Switzerland and West Germany.

Main Outcome

Agreed to set up hotline between senior police officials, and to exchange information.

Date and Venue

July 1978

BONN

Participants

Economic Summit of Heads of State or Government of Canada, US, UK, France, FRG, Japan, and Italy.

Main Outcome

Agenda included terrorism. Communique threatened sanctions against states obstructing the bringing of hijackers to justice

Date and Venue

5th September, 1978.

BONN

Participants

Mr. Rees, Home Secretary (UK) and Herr Baum (F.R.G.)

Main Outcome

Agreed to increase bilateral Cooperation

Date and Venue

11 September 1978

Participants

Ministers of Interior of FRG, Italy, France, Switzerland and Austria.

Main Outcome

Discussed co-ordination of measures against terrorism, and agreed to improve cooperation.

Date and Venue

10th October, 1978.

LUXEMBOURG

Participants

Ministers of Justice of the Nine.

Main Outcome

Agreed to apply similar procedures to those of Council of Europe Convention to all member states.

Date and Venue

14th October, 1978.

TOKYO

Participants

Herr Schmidt and Mr. Takeo Fukuda

Main outcome

Expressed determination to implement Bonn declaration in hijacking.

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