Óglaigh na hÉireann
DEFENCE FORCES IRELAND

Defence Forces
Review 2017

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Defend│Protect│Support

Preface

"Research is an expression of faith in the possibility of progress. The drive that leads scholars to study a topic has to include the belief that new things can be discovered, that newer can be better, and that greater depth of understanding is achievable. Research, especially academic research, is a form of optimism about the human condition".
Henry Rosovsky

As Officer in Charge of Defence Forces Public Relations Branch, it gives me great pleasure to be involved in the publication of the 'Defence Forces Review' for 2017. As in in previous years, this edition seeks to build upon past publications tradition of providing thought provoking material that will be both an academic resource and source for debate amongst the 'Reviews' readership.

The chosen theme for this edition will provide a foundation for thought and reflection on what are the particularly complex, multi-layered and intertwined issues that confront modern day societies and their leaderships. The ambition of the 'Review' is to provide a furthering in understanding of the issues addressed.

I wish to commend the editor of Defence Forces Review 2017, Comdt Rory Finegan, for his first-rate efforts in producing this year's iteration. Additionally, the not inconsiderable input of the 'Reviews' co-editors is acknowledged. Óglaigh na hÉireann are indebted to Prof John Doyle, Director of the Institute for International Conflict Resolution and Reconstruction and Executive Dean of DCU Faculty of Humanities and Social Sciences and Dr David Fitzgerald, Senior Lecturer in the Department of History at UCC for their invaluable collaborative contribution and insights.

I would also like to thanks the staff of the Defence Forces Printing Press, and in particular, Pte Shane Curran for the detailed and laborious work he undertook in editing and formatting the articles incorporated within the Review.

Finally, many thanks to all our contributors who generously provided their papers for consideration and publication.

Further copies of the Review are available from the Defence Forces Public Relations Branch at info@military.ie or online at http://www.military.ie/info-centre/publications/defence-forces-review.

Oliver Dwyer
Lt Col
OiC Defence Forces Public Relations Branch

Terrorism and the Evolving Terrorist Threat

Launch of the Defence Forces Review
In conjunction with an Academic Seminar
University College Cork
17th November 2017

Editor's Notes

In November 1985 Dubliner Ann-Marie Murphy was arrested at Heathrow airport on route to Tel Aviv, genuinely believing she was going to marry her Jordanian boy-friend Nesar Hindawi, with whom she was pregnant. Unknown to her a ticking bomb hidden by Hindawi had been placed in her luggage, intended to kill all on-board the El Al flight. At the very last moment an extraordinarily vigilant El Al staff member became suspicious because of the weight of her bag and a bomb was discovered, planted by the father of her yet unborn child. A catastrophe was averted.

Sixteen years later the Twin Towers in New York were attacked and destroyed by aircraft hijacked by members of a then obscure terrorist group that was to enter the lexicon of the language, Al Qaeda. This event caused aftershocks on the world Geopolitical landscape that reverberate with us to this day.

Both acts were callous and in the latter had catastrophic consequences, but the shared thread between them was that they were a specific terrorist act, because terrorism is not just directed at its intended victims but always seeks to speak too and influence a wider audience outside of the immediate carnage and horror.

While hard for us to understand and conceptualize terrorism is usually calibrated; it is intended to elicit certain reactions, to include shock, horror, submissiveness, a change of opinion, or reaction on a particular issue, from release of prisoners, to the creation of a new national homeland, or in the case of so-called Islamic State (ISIS) a Caliphate. If this is the case, then so too must counter-terrorism policy and strategy, be calibrated and integrated.

This special edition of the DF Review with its defining theme of Terrorism and the Evolving Terrorist Threat brings together a diverse range of contributors from a tri-service contribution of DF members in addition to academics who have focused on this field. Terrorism Studies has evolved and developed to the extent that it is now recognized that having traditionally been viewed as an area once seen on the margins between Political Science and Military Studies; is now clearly seen as a stand-alone sphere of academic research. Therefore this special edition of the DF Review seeks to bring a new perspective in this evolving field of Terrorism Studies that may perhaps help inform on some of the issues that continue to bedevil policymakers in the face of this ever mutating threat.

Together the papers encompassed within this Review will showcase the wealth of experience both internal to the Defence Forces and in wider academia that in turn will encourage further debate in this often contentious arena and perhaps in some way point a way for possible solutions to the scourge or at least a better understanding and mitigation of the terrorist threat.

Abstracts of the research dissertations of the 73rd Senior Command & Staff Course as part of the MA in Leadership Management and Defence Studies (LMDS) program are included in the Review. To view any of these listed please contact the Defence Forces Library at: info@military.ie

The Review concludes with a short biographical details of the authors. The Editorial Team would like to thanks all the contributors for the not inconsiderable effort in preparing their papers for submission that we genuinely feel will contribute in the sum of all their parts to a focus on this critical and ever resonant theme which will contribute in no small way to the field of Terrorism Studies. We are also indebted to the professionalism of the dedicated and good humored staff of the Defence Forces Printing Press (DFPP) for the high quality of the finalised product; they valiantly mounted rescue missions on several occasions when the Editors were lost in orbit.

Editor's Biographical Statement

Comdt Rory Finegan PhD is a serving officer in the Irish Defence Forces with 34 years' of experience in a diversity of portfolios, that has included there separate tours of UN duty in the Middle East and a fourth in Kosovo. He is currently a Senior Lecturer in the Command & Staff School of the Military College. He has lectured extensively in International Relations and Terrorism Studies and was Head of Department at the United Nations Training School Ireland (UNTSI) for a number of years, where as Course Director he delivered the bespoke International Human Rights Course. His PhD examined the impact of Targeted Killings (TKs) against members of the Provisional IRA (PIRA) in Northern Ireland during the course of the Troubles. His most recent work is Shadowboxing in the Dark in 100 Years of Irish Republican Violence: 1916-2016 (Routledge, 2017); exploring the British counter-intelligence effort against PIRA.

Dr. David Fitzgerald is a Lecturer in the School of History, University College Cork, Ireland. His research focuses on modern American military history and foreign policy. More specifically, he works on the history of American counterinsurgency, questions of military intervention, and on the intersections between the US military and broader American society and culture.

David holds a PhD and MA from University College Cork and was previously a Glucksman Fellow at New York University as well as Post-Doctoral Fellow at the Clinton Institute for American Studies, University College Dublin.

David is the author of Learning to Forget: US Army Counterinsurgency Doctrine from Vietnam to Iraq (Stanford, 2013), which was a finalist for the Society of Military History's Edward M. Coffman Prize. He is also the co-author of Obama, US Foreign Policy and the Dilemmas of Intervention (Palgrave, 2014) and co-editor of How the United States Ends Wars (Berghahn, forthcoming). His current research focuses on consequences of the All-Volunteer Force for American society and the rise of a 'warrior ethos' within the post-Cold War US Army.

Prof. John Doyle is Director of the Institute for International Conflict Resolution and Reconstruction and Executive Dean of DCU Faculty of Humanities and Social Sciences. The Faculty hosts approximately 25% of DCU students, and a range of internationally linked research projects within its seven academic schools and five research centres. John was previously, Head of the School of Law and Government and before that founding co-Director of the Centre for International Studies in Dublin City University. His research interests include comparative nationalist and ethnic conflict; Northern Ireland, conflict in South Asia and Irish foreign policy. He is Editor of Irish Studies in International Affairs.

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VICE ADMIRAL MARK MELLETT, DSM
CAPTAIN DEIRDRE CARBERY

Coping with Complexity
Performing in the Contemporary
Operational Environment

In endeavoring to understand a turbulent world, it would seem wise to learn how to cope with complexity. To that end, examining some key themes that will help bridge the chasm between understanding complexity and attaining a level of wisdom that will assist in addressing the challenges of complexity would seem appropriate. These themes include Innovation, Diversity and Leadership, framed within the context of values.

Óglaigh na hÉireann is a key component of the security architecture of the State and is part of the bedrock that underpins our sovereignty, helping to provide the framework for our civil society. Few people realize that Ireland claims a jurisdiction which is about three times the size of Germany, almost a million square kilometers, 93% of which is under water, encompassing significant reserves of yet to be discovered hydrocarbon and mineral resources. Our land and seas combine as one of the richest food producing ecosystems and potential renewable energy environments on the planet. Our sea lines of communication are the lifelines of our economy and airspace under Irish control is the center of gravity of most air travel between EU & North America.[1]

Sovereignty and sovereign rights that are not upheld are more imaginary than real. The purpose and mission of Óglaigh na hÉireann is, quite simply, to defend Ireland, its people and Ireland's interests. 24 hours a day, 365 days a year, soldiers, sailors, and aircrew of Óglaigh na hÉireann support An Garda Siochana, who have overall primacy in State security. We secure vital installations, deliver specialist and other services such as Emergency Aero Medical and Explosive Ordnance disposal and we patrol to the edge of our claimed jurisdiction.[2] Óglaigh na hÉireann are ready to provide the Defence element of our national security architecture.

Ireland, according to the Global Peace Index[3], is in the top 6% of safest countries in the world. This is a privileged position to be in and one which we, as a society, sometimes take for granted. It is undoubtedly a consideration in attracting foreign direct investment. Ireland is a global hub for nine of the top ten global software companies, the top ten born on the internet companies, the top ten global pharma companies and nine of the top ten US information and communication technology companies.[4] Consequently, this

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1 Air Traffic Management, Available at https://www.iaa.ie [accessed 01 Oct 2017].
2 Over 1000kms offshore.
3 Global Peace Index 2017 – Measuring Peace in a Complex World, available at https://www.economicsandpeace.org, [accessed 01 Oct 2017].
4 McHugh, M. (2016) *Information, Communication and Technology Sector in Ireland - ICT Fact Sheet*, Network Enterprise Europe, available at https://www.een-ireland.ie [accessed 01 Oct 2017].

makes Ireland one of the most globalized economies in the world. Therefore, it is natural that we have an interest in what happens elsewhere in the world. This interest is not a new-found one.

Our commitment to the UN, playing a positive and constructive role in the maintenance of international peace and security is widely acknowledged. For members of Óglaigh na hÉireann, our privileged position is put into context when we serve on international peace support and humanitarian disaster assistance missions. It is in these missions that we come face to face with the simple reality that freedom is NOT free. The Defence Forces continues to support our nation's commitment to international peace and security with over 1,000 individual rotations of duty in twelve missions, in eleven countries and on one sea[5] since September 2016.

Whether it be Lebanon or areas such as the Golan Heights or Mali, Irish troops help facilitate a safe and secure environment, which is a key enabler for civil society. To live in a civil society is a basic, inalienable human right of every man, woman and child. It is built on values, where people are free, where the institutions of state function, and where the vulnerable are protected. Today, military forces are confronted with a myriad of issues and dilemmas. Many of these were previously not considered within the remit or concern of military commanders and their operational planning teams. Gender, sexual and gender-based violence, protection of civilians, advocacy, protection of human rights, and the provision of humanitarian disaster assistance were issues largely either ignored by the military or not governed by doctrine until recent years. Traditional hard power approaches to conflict resolution are not having the desired effects and outcomes[6] and we now know that understanding the human factors in an area of operations is central to counterintelligence and counterinsurgency. For example, in complex operations an appreciation of culture, demographics, behaviour, values and beliefs in determining whether successful outcomes can be achieved.[7]

In the humanitarian mission on the Mediterranean, for the majority of the circa 18,000 people rescued by Óglaigh na hÉireann,[8] the first semblance of a civil society experienced in months, if not years, is what the survivors experience under the Irish Tricolour on the afterdeck of an Irish sovereign warship. The stories recounted to the crews of the Naval Service Vessels are harrowing accounts of rape, violence and murder. These experiences are an affront to civilization and an affront to the values that we, in Óglaigh na hÉireann, have been entrusted to uphold. All over the world we see challenges to the values of civil society. These challenges are characterized by an extraordinary complexity with the distinction between internal and external threats becoming increasingly blurred. As global challenges continue to rise in number and increase in complexity and as economic and financial resources remain under pressure, the case for a more holistic approach, making optimal use of all relevant instruments, be they external or internal policy instruments, is now stronger than ever.

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5 Figures from September 2016 to September 2017.
6 Nye, J.S. (2004), *Soft Power: The means to success in World Politics*, Public Affairs.
7 Joint Doctrine Centre 2015. Joint Military Appreciation Process. In: Australian Defence Force (ed) Second Ed. Canberra: Defence Publishing Service. pp 1A-3
8 Figure accurate on the 01 Oct 2017.

EU member states can select from a range of instruments and arenas when attempting to achieve their security policy objectives, member states can still act on their own authority (the UK in Iraq), via NATO (the Kosovo intervention) via the EU using NATO (the EU mission in Macedonia) or using the EU alone (in the Democratic Republic of Congo).[9] But in contrast to other international organisations and some nation states, the EU can leverage sophisticated institutional arrangements having access to a variety of security instruments from which to choose, rendering the study of the processes by which such choices are made more salient still.[10] This has promulgated the development of the Comprehensive Approach, more recently referred to as the Integrated Approach.

Today, the world is more polarised and geo-political in nature. A common thread running through the many arguments on the current utility of military force identifies the need to re-define and re-align the role of force in statecraft to keep pace with the ever changing nature of conflict.[11] McChrystal[12] espoused that you need to think and act very differently if you are to be successful in today's battle space. McKenna and Hampsey[13] posit that the lessons learned over nine years of conducting operations in Afghanistan and Iraq identified the need for an integrated civilian-military approach and the promotion of a people-centred operational plans. Since war is an act of policy, political considerations must dominate the conduct of war and progressive modern militaries must review and redefine their role, purpose and culture in today's context. Human security is an emerging paradigm for understanding global vulnerabilities. The traditional notion of national security is challenged by arguing that the proper referent for security should be the individual rather than the state. Human security includes aspects like: economic security, political security, food security, environmental security and health security.

Often these problems are what have been termed by Rittel and Webber as 'wicked'[14] ; with multiple causes, they cross cut political, economic, societal/cultural, legislative and environmental perspectives. They are transnational, have no clear solutions and often only get worse when you try to fix one element of the problem. In the recent past, we have become more aware of the challenge to global security presented by North Korea. The tensions in the South and East China Seas are also a cause for concern where disruption of the almost 3.5 Trillion Dollars of trade which transits the area annually could cause a shock to the global economy.[15] Today, on Europe's border with the Ukraine, a full scale hybrid war wages after the annexation of Crimea. This annexation includes Crimea's Ports and significant offshore maritime resources valued at Trillions of Euros. The United Nations estimates that almost 10,000[16] people have been killed in this conflict to date.[17] Two hundred kilometers to the East of the European Union border, Syria is entangled in multiple proxy wars with disparate State and non-State actors.

9 Solana (2000)
10 Menon & Sedelmeier (2010).
11 Subramaniam, A. (2001)
12 McChyrstal, S (2013), *My Share of the Task*: A Memoir, Penguin.
13 Hampsey, R. and Mckenna, S. P. (2010) *Afghanistan's Unique Surge-The fight can only be won by listening to Afghan voices*. Armed Forces Journal International, 32.
14 Rittel, H.W.J & Webber (1973), "*Dilemmas in a general theory of planning*", Policy Sciences, 4.
15 China Power Team, *How much trade transits the South-China Sea? China Power*, August 2 2017. Updated September 12, 2017. Available at https://Chinapower.csis.org/much-trade-transits-south-China-sea/ [accessed 20 September 2017].
16 This is a conservative estimate of OHCHR based on available data.
17 Office of the United Nations High Commissioner for Human Rights, *Report on the Human Rights Situation in Ukraine*, 16 August to 15 November 2016.

The threat from ISIS[18] and other fundamentalist networks remains. The ISIS footprint extending from Iraq through Syria, to Libya and the Maghreb merges with jihadi networks across the Sahel, from Mauritania to Eritrea and south, from Sudan and Somalia fueling growing instability. ISIS strongholds are established in North Eastern Nigeria, where Boko Haram prevail and indeed as far as South Eastern Asia. The use of Social Media enables this radicalisation of the impressionable, often in a matter of weeks. ISIS attacks have resulted in the loss of life and injury to the citizens of many countries, including Ireland. In Tunisia, three Irish citizens were killed, in Paris an Irish citizen was shot with were near misses for Irish citizens in Barcelona, Berlin, Brussels, London, Manchester and Nice.

In West Africa, criminal and drug cartels operate from South America through the Gulf of Guinea, where piracy is on the increase. These criminal networks, while mainly focused on narcotics, will traffic anything, including people and arms. They supply up into Europe, empowering transnational criminal gangs. All of these challenge our values and seek to undermine the institutions of state and civil society. Their values prioritize power, criminality and fundamentalism. In addition to terrorist, criminal and state sponsored instability, there is growing evidence of state-sponsored cyber-attacks being used to undermine the democratic process in both the EU and the US. These attacks have potentially strategic implications for how the integrity of our values are upheld into the future.

In addition to these challenges other issues linked to ethnicity, armed forces and police have erupted in countless nations around the globe. In Eastern Europe, for example, previously repressed nationalities, or nationalities that perceive themselves as such, have become dominant majorities in states that are equally multi-ethnic, with a large number of minorities and millions of ethnically kindred people divided by new borders. These new dominant groups and their elites have been claiming the control of power and cultural institutions, and priority status in economic and social services. Tishkov (1997) draws our attention to these post – Soviet states and advocates the need for responsible politics, including preventative steps and early interventions, which have more chances for success, as well as costing much less than repairing human and material damage after an open conflict has erupted.[19] He writes about dismantling old doctrine and the search for new formulas. Tishkov promotes the dissolution of power through federalism in ethnically divided nations. Decentralising state power through ethno-territorial federalism, or as Horowitz (1985) says, to 'proliferate the points of power so as to take the heat off a single focal point'.[20] The warnings of Goldstein and Pevehouse become increasingly urgent at this point; when conflicts take on an ethnic cast, they become harder to resolve because they are no longer about 'who gets what' but about ' I don't like you'.[21] Therefore, almost all the means of leverage used in such conflicts are negative so ethnic conflicts tend to drag on without resolution for generations.

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18 Islamic State of Iraq and Syria.
19 See Tishkov, V. (1997) '*Ethnicity, Nationalism and Conflict in and after the Soviet Union*' p.272
20 Horowitz (1985) p. 348
21 Goldstein, J.S and Pevehouse, J.C 'International Relations'

When we horizon scan and consider all this complexity that surrounds us, we can see additional challenging vectors such as climate change, as well as population increase. Climate change is not only driving a decline in resources but is inextricably linked with a reduction in biodiversity. Thirty years ago, the Brundtland Report[22], "Our Common Future", was one of the seminal reflections advocating for an holistic approach to Ecosystem Governance. It promotes the key principle of sustainable development, which in the context of the norms that should inform our values should be a meta-norm, for which we are willing to punish for both non-adherence and non-enforcement.

Africa is one of the most vulnerable populated continents to the negative impacts of climate change. Expanding dry areas, extreme poverty, shorter growing seasons are all intrinsically linked to climate change. Climate change impacts are driven by inadequate ecosystem governance in the West, thousands of miles away from where the impact is greatest. Brundtland foresaw this and advocated for both multilateralism and corporate social responsibility. Over the decades since Brundtland, progress has, in the main, been in the form of soft law. The desire for change is reflected in the Irish-led codification of the United Nations 17 Sustainable Development Goals.[23] The process leading to the codification of these goals was co-sponsored by Ireland, ably led by Ambassador David Donoghue.[24] Attainment of these goals requires strong governance that is comprehensive, integrated and ecosystem-based.

In the context of the second challenging vector, population increase, the UN predicts that the population of Africa will more than double by 2050.[25] Spanning the Maghreb and Sahel, the twelve countries that surround the Nile basin are expected to almost triple their populations from 265 to over 700 million by 2050.[26] According to John Wilmoth, Director of the Population Division in the UN's Department of Economic and Social Affairs "The concentration of population growth in the poorest countries presents its own set of challenges, making it more difficult to eradicate poverty and inequality, to combat hunger and malnutrition, and to expand educational enrolment and health systems, all of which are crucial to the success of the new sustainable development agenda".

In a connected world, where most dwellings now have satellite dishes, the wealth and security of Europe is set to remain a 'pull factor' in migration trends for the coming decades. Crucially, when we look at migration trends, this will be the case for countries impacted by poor governance, insecurity and for areas across the Sahel where life expectancy is at most, two thirds of that in Europe.[27]

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22 Brundtland, G. H. (1987), Report of the World Commission on Environment and Development: Our Common Future, Oslo.
23 The United Nations Declaration on the Sustainable Development Goals (SDGs), adopted on September 25, 2015, succeeding the Millennium Development Goals (MDGs). If achieved, the SDGs will secure an improved level of health, development, and global justice.
24 Ambassador David Donoghue was appointed Ireland's Permanent Representative to the United Nations in September 2013.
25 UN DESA Report (2015), World Population Prospects: The 2015 Revision, available at https://www.esa.un.org [accessed 23 September 2017].
26 The 2017 Revision of World Population Prospects is the twenty-fifth round of official United Nations population estimates and projections that have been prepared by the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat. The main results are presented in a series of Excel files displaying key demographic indicators for each development group, income group, region, subregion and country or area for selected periods or dates within 1950-2100.
27 The EU Approach to Resilience: Learning from Food Security Crisis, Brussels, 3rd October 2012.

But we as a society should not despair, there are positive vectors such as the growth in technology, enhanced use of automation and robotics and perhaps the most exciting of all, the explosion in data. Data when codified becomes information with the potential to drive the creation of knowledge and understanding. A few years ago it was estimated that there were about 4zb of data in the world – a ZB is 10 power of 21. The world's data are expanding, with Moores Law suggesting that we could have over 100zb in five years. It is like a blizzard, which if not properly managed, could smother us.[28]

Three things are clear, if we do not harness the data available to us as organizations, wherever they come from, our own or open source – we increase risk. If our competitor or enemy leverages the data available to them they become even more formidable. Thirdly, the explosion in data underpinning information and new knowledge means that every moment new technologies and new ways of doing things are being created. For example, the acceleration in areas such as reinforcement learning and deep learning combined with robotics is leading to extraordinary outcomes. Such learning is accelerating artificial intelligence (AI) to such a degree that Kurzeil has predicted that within the next two decades we may have reached a point of technological singularity, where AI exceeds human intelligence.[29]

Knowledge is a prerequisite for understanding and it is the application of this understanding within the framework of values that leads to wisdom. Wisdom ensures resilience and greater sophistication in the institutions of civil society. However, it could be argued that the disconnect between understanding and values is one of the greatest challenges facing us today. It is undermining the institutions of civil society, leading to an absence of wisdom, resulting in the pursuit of populism, unilateralism, short-termism and selfishness.

Within the Defence Forces we must cede power to gain power. Indeed our White Paper on Defence makes the point that as the rate of generation of information, knowledge and understanding grows it is ever more likely that the answers to complex problems will lie outside organizational boundaries.[30] This requires that we both collaborate and innovate. At an organisational level, achieving congruence in the interplay between knowledge, understanding, values and wisdom, requires innovation. Innovation is not just about creativity, it is a systematic change in individual mindset and culture that permeates entire organisations with internal and external dimensions. The world of complexity requires shifting from operating solely inside closed organisational boundaries, to open innovative structures, where creativity and knowledge-sharing are encouraged and nurtured.

This is a paradigm which has relevance not just at state level but also at inter and intra-organizational levels. This logic helps in our understanding of Ireland's sustained strong commitment to Multilateralism represented by institutions such as the UN and the EU. In a world of complexity, we are increasingly interdependent and sharing knowledge

28 Moore, Gordon E. (1965), *Cramming more components onto integrated circuits*, Electronics Magazine. p. 4. Available at http://download.intel.com/museum/Moores_Law/ArticlesPress_Releases/Gordon_Moore_1965_Article.pdf), [accessed 01 October 2017].
29 Kurzweil, R. (2001), *The Law of Accelerating Returns*, Available at http://www.kurzweilai.net/the-law-of-accelerating-returns, [Accessed 01 October 2017].
30 White Paper on Defence (2015).

is critical. However, the robustness of these institutional arrangements is directly proportional to the sophistication of the values that underpin them. As already referenced the Integrated Comprehensive Approach refers not only to the joined-up deployment of EU instruments and resources, but also to the shared responsibility of EU-level actors and Member States. The EU has a unique network of delegations, diplomatic expertise in the European External Action Service (EEAS), EU Special Representatives, and engages through the Common Security and Defence Policy (CSDP) on matters concerning missions and operations. Bringing these key stakeholders together, with the European Commission and the twenty-eight Member States, to work in a joined-up and strategic manner, the EU can better define and defend its fundamental interests and values. It can also promote its key political objectives, prevent emerging or escalating crises and assist with the restoration of stability.[31] The EU has a vital responsibility to prevent, prepare for, respond to, address and help recovery from conflicts, crises and other security threats outside its borders. This is a permanent task and responsibility, already recognised in both the European Security Strategy[32] and the EU Internal Security Strategy. The Union has a wide array of policies, tools and instruments at its disposal to respond to these challenges – spanning the diplomatic, security, defence, financial, trade, development cooperation and humanitarian aid fields.

The importance of an inclusive, innovative culture, underpinned by values is particularly important when one examines the role played by the military and security forces in societies divided by ethno-national conflict. Of particular relevance in this area of contemporary scholarship is Cynthia Enloe's body of work. Enloe's work[33] outlines the importance of security policies in determining ethnic frontiers and their prominence in governance of unstable multi-ethnic societies. Through her work, Enloe examines the extent to which military and security policies represent elite manipulation of ethnicity. She assayed that perceptions of a nation – state elite, and who they are, can be key in determining military-ethnic relations. Through examining her findings it is clear that the way state policies put force in the hands of security custodians are key to both democracy and societal security, and include questions about the trustworthiness, steadfastness, and definitions of citizenship of those uniformed guardians.

How does one define and carry out military operations in regions ravaged by ethnic violence, mass migration, drought, regions marred by sexual and gender based violence or terrorism? Robust and meaningful policy must be the first step in attempting to tackle the complex environment that we now find ourselves operating in. While Clausewitz said that there can be no other way but to subordinate the military to the political he also suggested that the head of the armed forces should sit in the cabinet. He said this not so that the politicians should receive military council, but so that the military should comprehend exactly what political goals it was fighting for and could conduct the military campaign accordingly.[34]

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31 Joint Communication to the European Parliament and the Council - The EU's comprehensive approach to external conflict and crises 11 December 2013.
32 The European Security Strategy (ESS), adopted by the European Council on 12-13 December 2003, provides the conceptual framework for the Common Foreign and Security Policy (CFSP), including what would later become the Common Security and Defence Policy (CSDP).
33 See Enloe, C. 'Ethnic Soldiers: State Security in Divided Societies' and 'Police, Military, Ethnicity: Foundations of State Power'.
34 Duyvesteyn, (2008)

How else can we attempt to bridge the chasm between understanding complexity and attaining a level of wisdom that will assist in addressing the challenges of complexity in the contemporary operational environment? Open innovation is innovating with others through networks that facilitate the exchange of data, information, knowledge and understanding. There is a strong argument to move from closed to open innovation and ultimately towards ecosystem-centric innovation. Open innovation involves using open source data, information, knowledge and leveraging networks. This requires an openness to ideas and information exchange. The creation of 'innovation networks' allow for the sensing and exploring for new ideas and new ways of doing things. Therefore 'innovation networks' must be facilitated and actively encouraged. An evolution of an 'innovation network' is the creation of an Innovation Partnership where the relationship is codified through for example a Memorandum of Understanding, allowing the partners to seize and exploit opportunities. Codification of the relationship facilitates a more structured approach to effectivity, sustainability and wealth generation. Critically, codification of the relationship allows for a common understanding of the values that underpin the relationships. Organisations collaborating with values and principles such as trustworthiness and reciprocity can do remarkable things.

Moving towards an innovation ecosystem, incorporating for example, state bodies, enterprise, academia and civil society actors, can lead to disruptive innovation. Networks leading to codified partnerships allow researchers to get a real world problem, the state body to get a new capability or technology and enterprise to generate jobs, while civil society benefits from an improved public good. The collaborative arrangements between the Defence Forces and Higher Education Institutions and other partners have delivered significant impacts. These innovation networks and partnerships are helping transform our force, enhancing personnel and capability development, driving enterprise, job creation, infrastructural development and new technology. Collaborative arrangements offer a model for how innovation networks can function efficiently and effectively. While focused more on wealth generation than on security threats, they point the way towards an environment where the full spectrum of a society's abilities and resources can be brought to bear on 'wicked problems'.

These collaborations are shifting partnership perspectives from being just cost centers towards investment centers with the potential for elements to be profit centers. Lifelong learning, accreditation and continued professional development, including work based learning, have now become part of our culture in the Defence Forces but the journey to reach this point was a challenging one. Kiszely (2007) posits that training is the preparation for certainty while education is the development of understanding. Training is therefore seen as a preparation for the predictable but for the unpredictable and more abstract challenges education is required. Train for the known, educate for unknown. This has been identified as a key element to the development of professional officers and soldiers within the Defence Forces.

As a case study the Irish Maritime and Energy Resource Cluster (IMERC) is an example of an Innovative Partnership between UCC[35], CIT[36] and the Irish Naval Service. It facilitated diversity by connecting the dots between the main partners and disparate players leading to disruptive outcomes. The success of this cluster is referenced in the Current Programme for Government and the White Paper on Defence. The collaborative approach has helped a major policy focus on the development of Ringaskiddy and this has included the opening by An Taoiseach of the largest wave energy research facility in the world, the Beaufort Laboratory. The collaboration has helped secure the Science Foundation Ireland (SFI) Marine Energy Ireland (MREI) Centre. IMERC enabled the establishment of the Future Earth Coast International Project Office and the establishment of the 'Entrepreneurship' an innovation space for maritime and energy oriented 'start-ups'.

Increased diversity can stimulate and sustain our networks, resulting in better outcomes. Sustaining greater diversity is a governance challenge because it is inevitable that cultures will feel threatened when asked to collaborate. One of the fundamental principles for collaboration is trustworthiness. Trustworthiness is more than trust. It is where partners are worthy of the trust bestowed upon them. It is inextricably linked with the principle of reciprocity. Achieving congruence with multiple diverse partners & preventing free riding requires strong leadership. Institutionalizing diversity and innovation necessitates challenging the status quo, ensuring that cultures are open and inclusive, that there is no room for egos and, importantly, that there is an acceptance that mistakes will happen. But as Samuel Beckett has said - Ever tried ever failed no matter try again fail again fail better. Institutionalising diversity and innovation also requires that silos be broken down and cross-cutting structures embraced. Silo mentalities undermine trust, efficiency and effectiveness and prevent the exchange of knowledge. Violations, which are unacceptable breaches of the rules, must be distinguished from errors or mistakes that will inevitably occur in complex organizational dynamics. In terms of internal organisational dynamics, driving diversity and inclusion is important. Spanning external and internal diversity requires an appreciation of the importance of science, technology, engineering maths (STEM) as well as the humanities and arts. This has implications for organisational and people development. Investing in work-based learning and raising the scholarly standing of our professional military force facilitates diversity and inclusion. Facilitating 'cross-cutting' structures requires highly developed, receptive interpersonal skills which nurture and build collaborative networks and partnerships where a greater understanding of other perspectives is required. Humanities and arts, encompassing the social and political sciences, enhance the knowledge that builds and connects institutions, organisations and people.

The future is about how collaboration and knowledge sharing is achieved, where ego is the enemy and empathy is the kingmaker. Bringing together diverse disciplines requires that an atmosphere of tolerance, which understands different perspectives, is nurtured, where the humanities mix with the sciences. The philosopher Theodore Zeldin has asked 'When will we make the same breakthroughs in the way we treat each other as we have made in technology.'

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35 University College Cork.
36 Cork Institute of Technology.

Of course diversity requires institutionalising a gender perspective. That is, organisations must strive to have the ability to detect if and when an individual is being treated differently, based solely on their gender. An institutionalised gender perspective analyses a person's perceived value in a given context, their access to power, influence and resources and mitigates against societal inequalities and unconscious bias.

The importance of a gender perspective is increasingly being recognized by institutions such as the UN particularly in the context of peace support operations. Besides adding to organizational agility and resilience, an instutionalised gender perspective enhances the understanding required to respond to the security needs of the whole community in the case of population-centric operations. Hughes notes that "security assessments, plans and analysis appear to exclude serious considerations of women's contributions to community resilience, sustainable peace, and local security… it appears as though, when it comes to gender, security assistance has not been informed by an accurate understanding of the operating environment."[37] In the operational environment, it is likely that there will be greater differentiation between gender roles. The best indicator of conflict is gender equality.[38] The larger the gender gap is, "the more likely a country is to be involved in intra- and interstate conflict, to be the first to resort to force in such conflicts, and to resort to higher levels of violence. On issues of national health, economic growth, corruption, and social welfare, the best predictors are also those that reflect the situation of women. What happens to women affects the security, stability, prosperity, bellicosity, corruption, health, regime type, and the power of the state."[39] The reality of women's lived experience of conflict remains important for the development of effective supporting plans for information operations; intelligence, surveillance and reconnaissance; and health.

Improvement in gender balance at all levels facilitates better decision-making and creative processes. While the Defence Forces is striving to make progress in this regard, achieving greater gender balance is a societal issue. Studies show how women, for example, in many countries are socialised from a young age to fulfill certain stereotypical 'feminine' roles such as caregivers and not to opt for careers such as in STEM[40] and indeed, the military. Conversely, the socialisation of our young males, predisposes them to more 'masculine' pursuits. It must be noted, women are not just recipients of security, but are "countering the complex problems that threaten peace and stability"[41] in a broad range of ways. Hughes highlights a range of contributions to what she calls community security, but women contribute to regular and irregular armed forces, clandestine services, they provide hospitality to insurgents, and raise the next generation into violent behaviours or otherwise. They participate in peacebuilding, negotiate ceasefires and support traditional non-violent conflict resolution processes.[42] It is unlikely that women can be

37 HUGHES, M. & MENDELSON-FORMAN, J. 2015. Strategic Blindness: The Women in Community Security Project. *Constructive Pathways: Stimulating and Safeguarding Components of WPS. Newport*, Rhode Island: U.S. Naval War College.pp169
38 HUDSON, V. M., BALLIF-SPANVILL, B., CAPRIOLI, M. & EMMETT, C. F. 2012. *Sex & World Peace*, New York, Columbia University Press.
39 HUDSON, V. 2012. What Sex Means for World Peace. Foreign Policy [Online]. Available from: http://foreignpolicy.com/2012/04/24/what-sex-means-for-world-peace/ [Accessed 24 April.
40 Science, Technology, Engineering, Maths.
41 Hughes, M. & Mendelson-Forman, J. (2015), Strategic Blindness: *The Women in Community Security Project. Constructive Pathways: Stimulating and Safeguarding Components of WPS. Newport*, Rhode Island: U.S. Naval War College. pp170.
42 Buchanan, C. (ed.) (2011), *Peacemaking in Asia and the Pacific: Women's participation, perspectives and priorities*, Geneva: Centre for Humanitarian Dialogue.

categorised as an amorphous group. Developing a Diversity and Inclusion strategy in all organisations, one which promotes equality, implements a gender perspective, values difference, and embraces LGBTA and other communities is vital. Embracing diversity across perspectives such as culture, ethnicity, creed and generation is critical. Diversity and Inclusion in all networks improves resilience and becomes an antidote for complexity.

In summary, dealing with complexity is a leadership issue. This means leadership in government, market and civil society institutions. Driving innovative multilateral arrangements can mitigate the effects of climate change and other challenges by progressing, for example, the United Nations 17 Sustainable Development Goals. Thirty years on from the Brundtland Commission Report, these goals and targets present a strategic roadmap towards normalizing sustainability. Empowering innovation and dealing with the 'Push Back', is a leadership issue. Leadership is about values - values such as the moral courage to do the right thing and the physical courage to persevere despite danger and adversity. It is also about a respect that treats others as they should be treated and giving sufficient autonomy to people to reach their full potential. Values encompass an integrity characterised by honesty, sincerity and reliability. Fostering and creating an environment of loyalty which encourages selflessness while putting service before individualism is important. Values, notably, are also about accountability.

As a uniformed organization, the Defence Forces in some respects can be viewed as standing apart. Our members are subject to military law, swear an oath of loyalty to the State, do not have a union, do not strike and are subject to an unlimited liability contract, in that we may have to go into harm's way. While the fundamental role we play within the State sets us apart, we are also very mindful that we are of the people. In the words of General Richard Mulcahy, the Defence Forces "has been the people, is the people & will be the people…our uniform does not make us less people it is a cloak of our service, a curtailer of our weakness, an amplifier of our strength".

The scale of the security challenges that we face and the proliferation of wicked problems impervious to piecemeal solutions impel us to seriously embrace the need for a diverse, inclusive, reflective organization, characterized by strategic humility. An organization, built on these values will ensure the benefits of innovation are fully realised. It will attract the best of talent, facilitate employee voice and autonomy, driving improved performance and outcomes. For us in the Defence Forces, where people are the centre of gravity, it will allow us achieve our vision which is to strengthen our nation, by inspiring pride and leading excellence. In a civilized society the pursuit of knowledge and understanding in a framework of values are essential elements for the application of wisdom and should be central to how we as individuals, organisations, institutions and indeed states proactively engage. Leadership, like innovation, is also about accepting risk-taking and mistakes. Clausewitz said in war 'everything is simple, but even the simplest thing is difficult'. In a world of complexity inevitably mistakes will happen, but mistakes drive learning and are 'portals to discovery'.[43] Therefore be comforted by the words of George Bernard Shaw who said 'a life spent making mistakes is not only more honourable but more useful than a life spent doing nothing'

43 Ulysses (1922) James Joyce.

CMDR (NS) PAT BURKE

'Missing The Boat' - Legal and Practical Problems Inherent in the Prevention of Maritime Terrorism

ABSTRACT

Freedom of the high seas has been an accepted customary and international law norm for centuries. However, the future security and development of the world's maritime domain is endangered by a range of complex challenges and threats including climate change, smuggling of narcotics, smuggling and trafficking in persons, piracy, large scale illegal fishing, illicit movement of weapons of mass destruction and terrorism. The emergence of high profile asymmetric attacks such as those against the USS Cole in 2000 and the ongoing piracy attacks off the Horn of Africa, Straits of Malacca and the Gulf of Guinea have demonstrated the necessity to tackle these challenges to maritime security which now seriously threaten the freedom of the high seas. The most common theme in these emerging threats and challenges is that the perpetrators are primarily transnational in nature. The complexity of the nature of the threats and the unique international dimension that the seas represent necessitates a combination of both preventive and responsive measures and an unprecedented coordinated management of the maritime domain from the civilian and military instruments of nation States. In acknowledging the complexities of the threats and challenges in the global maritime domain there is recognition that these have significant potential to impact adversely on the security and safety of the world and on its economies and citizens. Simultaneously there is an acknowledgement that due to the international nature of the threats they cannot be addressed in isolation by individual member States and that legal regimes need to adapt to combat the threat. Preventing terrorism while permitting high seas freedom is a delicate balancing act that requires subtle diplomacy as well as applicable law, achieving this balance is one of the key challenges facing the global economy at the outset of the 21st century.

Introduction

Maritime terrorism is not a new concept. For example, in Ireland between 1971 and 1990 the Provisional IRA attacked nine civilian and military ships with eight sank and severe damage caused to the ninth which was the Royal Fleet Auxiliary *Fort Victoria*.[1] In Sri Lanka the Tamil Tigers operated a sophisticated network of maritime commercial infrastructure and attack craft over three decades. In 2000 the then little known Al Qaeda tried to attack the *USS The Sullivans*, a guided missile destroyer, while in port at Aden, Yemen, however their overloaded boat of explosives sank. Undeterred they successfully attacked the *USS Cole* in the same port later that year when their low-tech assault killed 17 crewmembers, injured more than 30 and almost sank the powerful destroyer.[2] After the terrorist attacks of the 11th of September 2001 on the United States (US) the potential for terrorists to

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1 Kraska, James and Pedrozo, Raul, *International Maritime Security Law'*, Leiden, Martinus Nijhoff, (2013) 740
2 *Id* at 743

use means of transport to wreak havoc through death and destruction caused focus to shift to the carnage that could be delivered through hijacked ships packed with explosives detonating in port cities. Equally concerning but less dramatically the use of shipping for transport of terrorists, weapons of mass destruction and as a means to generate finance for terrorism caused nations to unite in their desire to maintain freedom of the high seas. Terrorism at sea is not a new maritime security threat and it was initially considered legally within the context of piracy[3]. However once the international law definition of piracy came to be understood as confined to acts of violence perpetrated for financial purposes there remained outside of the definition violent acts committed at sea for political and other public reasons. If these violent acts were committed outside of the territorial sea of a state then they did not attract universal jurisdiction as crimes recognised as acts of piracy where all States could exercise jurisdiction irrespective of whether a state claimed responsibility for the acts[4]. While there is of yet no internationally accepted definition of maritime terrorism Joyner describes such violent acts as "the systematic use or threat to use acts of violence against international shipping and maritime services by an individual or group to induce fear and intimidation in a civilian population in order to achieve political ambitions or objectives."[5]

Maritime Terrorism – Initial Responses

Contemporary international law was compelled to deal with the rights of States to enforce jurisdiction outside of their territorial seas over these acts of violence following the hijacking of the Italian cruise liner Achille Lauro by the Palestinian Liberation Organisation (PLO) in 1985. The Achille Lauro was hijacked approximately 30 nautical miles off the coast of Egypt and demands placed for the release of 50 Palestinian prisoners held in Israel in return for over 400 passengers on board. A US citizen was subsequently murdered by the hijackers before their surrender to Egyptian authorities in return for a flight to Tunis which was intercepted by the US Air Force and forced to land in Italy. The hijackers were then prosecuted in Italy. The internationally accepted definition of piracy did not apply to the facts of this case due to the political as opposed to private ends of the terrorists and the absence of two vessels being involved which took their actions outside of the legal ambit of piracy. The possibility of a number of States having jurisdiction in the matter added to the uncertainty. Faced with the legal uncertainty and lacunae in the law of the sea that the Achille Lauro case presented Italy, Austria and Egypt proposed that the United Nations sponsored International Maritime Organisation (IMO) should adopt a treaty to deal with the requirements for the suppression of unlawful acts committed against the safety of maritime navigation which endanger innocent lives, jeopardise the safety of persons and property, seriously affect the operation of maritime services and thus are of grave concern to the international community. This treaty was eventually adopted in 1988 as the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome (SUA Convention).[6] The 1988 SUA Convention resisted the temptation to expand the definition of piracy and instead focussed

3 José Luis Jesus, *"Protection of Foreign Ships against Piracy and Terrorism at Sea: Legal Aspects,"* International Journal of Marine and Coastal Law, 18 (2003) 378

4 Malvina Halberstam, "*Terrorism on the High Seas: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety*" American Journal of International Law, 82 (1988) 269 at 273

5 Christopher Joyner, *"Suppression of Terrorism on the High Seas: The 1988 IMO Convention on the Safety of Maritime Navigation'"* Israel Yearbook on Human Rights, 19 (1989) 341 at 348.

6 27 ILM 672 (1988), UN Law of the Sea Bulletin No 11 July 1988, UNTS 231

not so much on the suppression of such acts but on the apprehension, conviction and punishment of those who commit them.[7] The 1988 SUA Convention identified certain unlawful acts against ships while simultaneously adopting a Protocol which addressed terrorist acts against fixed platforms on the continental shelf and establishing jurisdiction over such acts. Treves cautioned that the 1988 SUA Convention created a difficulty in that no state is recognised as having priority in establishing jurisdiction.[8] While States owe a duty to each other to prevent terrorist acts this duty extends only as far as a state's means practically allow it.[9] Joyner also criticised the 1988 SUA Convention as being reactive rather than preventative and for not granting States any right to exercise enforcement through not explicitly mandating a right of visit and search of a vessel exercising free passage on the high seas.[10] Klein considered that for a treaty purporting to deal with suppression of unlawful acts, there is little in the 1988 SUA Convention that supports that particular purpose and that it was unsurprising that it was ripe for review and amendment following the increased interest in protecting against terrorist attacks and the proliferation of weapons of mass destruction (WMD).[11]

After the September 11 attacks there was heightened concern about terrorists acquiring WMD. Klein uses the example of the discovery of a clandestine nuclear smuggling ring headed by the Pakistani scientist Abdul Qadeer Khan escalating concerns of terrorists acquiring WMD for use in attacks with the supplies being shipped between the interested parties.[12] Based on this emerging dynamic States became concerned not only with non-proliferation but also with counter proliferation to prevent certain actors obtaining materials related to WMD and technologies as well as eliminating an actor's WMD capability.[13] A key issue facing States seeking to prevent access to WMD is that "95% of the ingredients for WMD are dual use in nature having both civilian and WMD applications."[14] A State seeking to conduct enforcement would need to show that the dual use item in question was in fact to be used for weapon development and not for peaceful purposes. States are not only concerned with non-proliferation and its aim to slow or reverse proliferation trends but also with counter-proliferation through preventing certain actors from obtaining WMD related materials or seeking to eliminate the existing capability of an actor with access to WMD and related materials.[15]

Improving Port State Controls

Improving port state controls and security to address the threat of maritime terrorism was considered essential for a number of reasons. As the critical starting and end points in the chain of maritime transport the continued security of ports is vital to the continuance of unhindered international trade. From a practical perspective it is also easier to inspect

7 Malvina Halberstam, "Terrorism on the High Seas: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety" *American Journal of International Law*, 82 (1988) 269 at 29
8 Tullio Treves, 'The Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation' *in Maritime Terrorism and International Law* ed Natalino Ronzitti, (Dordrecht, Martinus Nijhoff, 1990) 69 at 70-71
9 Justin Mellor "Missing the Boat: The Legal & Practical Problems of the Prevention of Maritime Terrorism" *American University International Law Review* 18 (2002) 341,373
10 Christopher Joyner "Suppression of Terrorism on the High Seas: The 1988 IMO Convention on the Safety of Maritime Navigation'" *Israel Yearbook on Human Rights*, 19 (1989) 341 at 357.
11 Klein, Natalie, *Maritime Security and the Law of the Sea*. Oxford, Oxford University Press, (2011) 152.
12 *Id* at 149
13 Craig Allen, "A Primer on the Non-proliferation Regime for Maritime Security Operations Forces" *Naval Law Review* 54 (2007) 51, 55-56.
14 Daniel H. Joyner, 'The Proliferation Security Initiative: Non-proliferation Counter-proliferation and International Law' *Yale Journal of International Law*, 30 (2005) 507,512.
15 *Id* at 520

vessels in port than at sea. Two approaches have sought to address the issue of port security in the fight against maritime terrorism; the IMO developed International Ship and Port Facility Security Code (ISPS) and the US developed Container Security Initiative (CSI). The former was developed as an amendment to the 1974 Safety of Life at Sea Convention (SOLAS) and came into force in July 2004. Adopted on the basis of 'tacit acceptance' the amendments to the SOLAS Convention to deal with maritime security came into force once adopted by the IMO provided sufficient States didn't object. This amendment saw the SOLAS Convention move from issues of safety to include matters of security at sea. More than 98% of shipping operated in the world operates under the SOLAS Convention so the ISPS Code targets a wide audience.[16] Set out in two parts, Part A of the ISPS Code lays out mandatory security related requirements for shipping companies, port authorities and governments. Part B sets out a series of non-mandatory guidelines on how to meet the mandatory requirements. Applicable to passenger and cargo ships of 500 gross tonnage and upwards including high speed craft, mobile offshore drilling units and port facilities serving such ships engaged on international voyages the ISPS Code intends to identify and facilitate preventative measures against security incidents which are any suspicious act or circumstance threatening the security of the ship. In building the recognised maritime picture the ISPS Code requires ships to provide information to ports prior to entering port. The ISPS Code requires ports to have procedures in place to deal with terrorist threats and represents a considerable advance in the laws related to maritime security. Klein considers that the ISPS Code fits squarely within the traditional construct of the law of the sea because it remains consistent with the sovereignty exercised by States over their ports, internal waters and territorial sea while serving as an example of the shared interests among States to reduce security risks for ports and the majority of ships.[17]

The US led CSI underpins the ISPS Code by providing greater information about what is being shipped where and who to. The initiative is designed to protect the global supply chain from terrorists and commenced in January 2002. The US concern was that shipping containers were being used by terrorists to transport terrorists, their supplies and also WMD with the scenario of a nuclear 'dirty bomb' being detonated in one of their principal ports after being unloaded particularly exercising their security planning.[18] While at first this scenario may have seem fanciful Keefer underpinned the necessity for caution by outlining that of over 8,000 ships that make 51,000 port calls to the US delivering approximately 7.5 million containers annually only 2% are actually inspected.[19] It is suggested that such initiatives which impact on State's sovereignty by requiring them to comply with the CSI would not have been tolerated prior to the September 11 attacks. However, the US Secretary for Homeland Security justified the approach by claiming that "shipping is a global industry, terrorism is a global problem and our collective security requires a global solution."[20] Both the ISPS Code and the CSI represent examples of

16 IMO Maritime Security Committee, International Working Group on Maritime Security, 9/13 Sept 2002. http://www.imo.org/newsroom/mainframe.asp?topic_id=110&doc_id=2514> (accessed 29 March 2017
17 Klein, Natalie, *Maritime Security and the Law of the Sea*. Oxford, Oxford University Press, (2011) p.162.
18 J Ashley Roach, "Container and Port Security: A Bilateral Perspective" *International Journal of Marine and Coastal Law*, (2003) 341, P. 343.
19 Wendy J Keefer, "Container Port Security: A Layered Defence Strategy to Protect the Homeland and the International Supply Chain" 30 *Campbell Law Review* (2007) 139, 148.
20 K Lamar Walters, "Industry on Alert :Legal and Economic Ramifications of the Homeland Security Act on Maritime Commerce" 30 *Tulane Maritime Law Journal* (2006) 311,332

the attempts taken to increase maritime security without excessively encroaching on international trade.

UNSCR 1540

After acknowledging that the proliferation of WMD and their delivery systems constitutes a threat to international peace and security and recognising that non-state actors could acquire and use WMD related materials the UN Security Council acting under Chapter VII required all States to prohibit and criminalise the transfer of WMD to non-state actors through UN Security Council Resolution (UNSCR) 1540.[21] The resolution is specific in its focus on non-state actors with the Security Council calling upon all States to take cooperative action to prevent illicit trafficking and to refrain from providing any form of support to non-state actors attempting to acquire or develop nuclear, chemical or biological weapons and their means of delivery. UNSCR 1540 is not constrained by time which is a common limitation in most UNSCRs but it contains no reference to interdiction and it does not affect state to state transfers. Guilfoyle points to the five months of informal consultations within the Security Council and between the other member States and an open debate in the Security Council at which 49 member States spoke as an acknowledgement that consensus building was needed to enhance the resolution's legitimacy.[22] However, UNSCR 1540 does not expressly override any existing obligations, instead it imposes duties to exercise existing jurisdiction in enforcing the resolution in state's territorial sea and contiguous zone.

SUA Revisited – The 2005 SUA Protocol

Facing an expanded range of terrorist offences including concern over the proliferation of WMD and wanting to exercise jurisdiction over these offences the IMO adopted a second protocol to the 1988 SUA Convention in October 2005. As with all matters of international law a balance needed to be struck between flag state exclusive jurisdiction on the high seas and the need to respond to the newest threats facing shipping. The 2005 SUA Protocol sought to achieve this balance through new ship boarding procedures established under Article 3bis in relation to the transport on board a ship of any explosive or radioactive material knowing that it is to be used in a terrorist attack and the transportation of biological, chemical and nuclear weapons and related materials. Addressing the principal shortcoming of the 1988 SUA Convention was the means of effectively apprehending offenders. As a general rule, ships sail under the flag of only one state and with limited exceptions remain subject to the exclusive jurisdiction of the flag state on the high seas. The 1988 SUA Convention differed from other treaties such as the 1988 Vienna Convention[23] and the 2000 Migrant Smuggling Protocol[24] which provided procedures for the boarding of ships on the high seas suspected of narcotic or migrant smuggling with the prior consent of the flag state. The 2005 SUA Convention now provided similar procedures to deal with threats to maritime security by terrorists. Mindful of the international law imperatives contained in such boarding the IMO Legal Committee accepting that the principle of flag state jurisdiction must

21 Security Council Resolution 1540 (28 April 2004)
22 Guilfoyle, Douglas, *Shipping Interdiction and the Law of the Sea*, Cambridge, Cambridge University Press, (2009) 240.
23 UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances
24 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organised Crime (2000) *40 International Legal Materials,* 384

be respected to the utmost extent, recognised that a boarding by another state on the high seas could only take place in exceptional circumstances. Such exception had to be precise, unambiguous and internationally accepted.[25] Article 8bis of the 2005 SUA Convention set out the procedures by which state parties may request the flag state's consent of suspect vessels to permit boarding on the high seas. Article 8bis of the 2005 SUA Convention also contains a number of safeguards on how a boarding is to be conducted once a flag state consents, e.g. the conduct of the boarding must be in accordance with international law on the use of force. If evidence of unlawful conduct under the 2005 SUA Convention is discovered then the flag state must be informed and the flag state has the right to exercise jurisdiction or consent to another state exercising jurisdiction. If a boarding is conducted and the grounds for such boarding prove to be unsubstantiated then the boarding state must pay compensation for any damage, loss or harm attributable to the boarding.

The 2005 SUA Convention represents a significant advance in developing the exercise of the right of visit against foreign flagged vessels on the high seas who are suspected of being involved in acts of maritime terrorism and the proliferation of WMD. Nonetheless, it is not without its shortcomings. States were slow to ratify the 2005 Convention and it only came into force in July 2010. Even then Klein cautions that without the necessary political will, the effectiveness of the new regime will be moribund and that although it may have helped to tighten the net as another layer of the law of the sea it has to be understood against this background and this represents a more limited improvement than may otherwise have been the case.[26] Given that all States share a common interest in preventing terrorist acts against international shipping the excessive deference to exclusive flag state jurisdiction may have been over emphasised. The limit of requiring express consent from a flag state for boarding and risk of delay in receiving such authorisation increase the risk of lost opportunity and the possibility of facing obstructive boarding conditions. The US engaged in a series of bi-lateral treaties with principal flag States to ensure faster procedures for boarding on the high seas and this system avoids the delays inherent in the 2005 SUA Convention. While the acceptance of jurisdiction of a state party to the Convention to board ships suspected of engaging in terrorist activities on the high seas does represent an encroachment on a state's sovereignty via their exclusive flag state jurisdiction over ships flying their flag Jesus argues that it would be a legitimate encroachment to the extent that it would be done for a good purpose benefiting all States.[27]

Proliferation Security Initiative

The Proliferation Security Initiative (PSI) is a political agreement between States whereby commitments are given to prevent within the existing legal regimes the movement of WMD and related materials between States and non-state actors of proliferation concern. It was initiated and driven by the US in 2003 and is concerned with the shipment of WMD and related materials through all ocean areas. Described by Logan as a loose political

25 IMO Legal Committee 'Report of the Legal Committee on the Work of the Eighty-Ninth Session' (4 Nov 2004) 89th Session IMO, Doc LEG/89/16 Para 59
26 Klein, Natalie, *Maritime Security and the Law of the Sea*. Oxford, Oxford University Press, (2011) p.191.
27 José Luis Jesus, '*Protection of Foreign Ships against Piracy and Terrorism at Sea: Legal Aspects*' (2003)18 *International Journal of Marine and Coastal Law*, 363 at 395

alliance the PSI is a multilateral intelligence sharing project incorporating coordinated training exercises and cooperative actions between the member States to interdict the transfer of WMD.[28] The PSI was initially established among 11 members with the US claiming that there are now over 60 States who support the initiative. The impetus for the creation of the PSI is credited to a boarding conducted by the Spanish Navy in the Indian Ocean of the Cambodian registered merchant ship So San in 2002. The ship had attracted attention due to its unusual activities and change of name and flag during the voyage and a cargo of 15 Scud missiles and associated parts were discovered by the Spanish boarding party in sealed containers that were not contained on the ship's manifest. The So San was eventually allowed to continue her voyage affirming that there was no clear legal authority for the missiles to be seized, The Government of Yemen claimed ownership of the missiles and asserted that they were entitled to purchase the missiles from North Korea in the absence of any UN Security Council Resolution preventing same. Alarmed that countries and non-State actors could use the sea to move WMD and their component parts the then President of the US G.W. Bush announced the PSI to "keep the world's most destructive weapons away from our shores and out of the hands of our common enemies".[29]

The PSI through its statement of interdiction principles wants its participants to take action consistent with international law. Accordingly there is no new legal method of boarding vessels on the high seas absent flag state consent envisaged. While the PSI has enhanced international co-operation through exercises and intelligence sharing there are few examples of successful interdiction results. One such case is the BBC China, a German owned ship en-route to Libya was instructed by its owners following requests from the German government to proceed to Taranto, Italy. Once boarded by Italian authorities the cargo of centrifuge components bound for the Khadafy regime were seized.[30] The PSI has recognised that there are inadequacies within existing international law structures and may be a catalyst for future development. Nonetheless, the PSI suffers from the same defects as other counter-proliferation regimes in that it relies on flag state consent. The combined effect of UNSCR 1540 with the 2005 SUA Protocol is unlikely to terminate the PSI. Guilfoyle feels that on the contrary, the PSI may remain the best political forum for the effective co-ordination of interdictions within existing legal frameworks.[31] The PSI may not be an organisation but it is a means of organisation that permits the continual evolution of legal solutions for existing and emerging issues of interdiction at sea.

Conclusion

It is evident that there is common interest in preventing acts of maritime terrorism and the proliferation of WMD among nation States and shipping organisations. Nonetheless despite this common interest which has led to new legal regimes being adopted to confront such threats there have been a number of shortcomings apparent. The absence of a specific UN Security Council resolution to provide the necessary authority for

28 Samuel Logan, "The PSI: Navigating the Legal Challenges" 14 Journal of Transnational Law and Policy, (2005) 253 at 275
29 Remarks of the President of the US to the People of Poland, 31 May 2003, available at http://www.whitehouse.gov/news/releases/2003/05/200030531-2html (accessed 21 April 2017)
30 Kraska,James & Pedrozo,Raul, International Maritime Security Law', Leiden, Martinus Nijhoff, (2013) 793
31 Guilfoyle, Douglas, Shipping Interdiction and the Law of the Sea, Cambridge, Cambridge University Press, (2009) 262.

interdiction means that nations fall back on treaty commitments. Klein assesses that the States which are of most concern from a proliferation perspective for the US and its allies such as North Korea, Iran and Syria are unlikely to consent to these treaties resulting in continuing impunity on the high seas.[32] The CSI and PSI initiatives are led by the US but an alternative approach to including nations that have opted out may be to modify agreements binding such States through amending the SOLAS Convention. Including the normative framework of terrorism and proliferation of WMD with other regulated areas such as narcotic interdiction under the law of the sea may further stabilise this area. Not all nations have national legislation addressing WMD, particularly if that nation is not a party to any of the WMD treaties. Klein points to the actions of the UN Security Council through resolutions 1373 and 1540 as going some way to creating obligations on States to put in place such national legislation.[33] The legal privilege of right of visit per Article 110 UNCLOS remains the key weapon in the arsenal to thwart terrorism and the proliferation of WMD on the high seas. Becker argues for the extension of non-exclusive jurisdiction to ships on the high seas for the purpose of counter-proliferation of WMD because the threat is open ended in duration, decentralised in organisation and geographically disperse and that the threat of WMD is far greater to world order than other areas such as narcotic smuggling under law of the sea.[34] Preventing terrorism while permitting high seas freedom is a delicate balancing act that requires subtle diplomacy as well as applicable law, achieving this balance is one of the key challenges facing States at the outset of the 21st century. The current lack of consensus in a definition of terrorism means that universal jurisdiction for terrorists at sea remains unlikely in the short term. The 2005 SUA Protocol represented arguably the greatest chance within a multilateral forum to establish jurisdiction over terrorist acts and the proliferation of WMD to non-state actors.[35] However, the continuing focus of States on jealously protecting freedom of navigation via their exclusive jurisdiction over ships flying their flag has prevented the creation to date of a singular legal instrument to deal with the threats to global maritime security. Notwithstanding these restrictions ongoing cooperation between flag and coastal States represents a powerful mechanism to improve mutual security while respecting the principle of sovereignty. Capacity building and increased co-operation are required to continue to strengthen the international law framework to enhance maritime security to combat the significant threat posed by maritime terrorism.

32 Klein, Natalie, *Maritime Security and the Law of the Sea.* Oxford, Oxford University Press, (2011) p.208
33 *Id*, at 210
34 Michael Becker, "The Shifting Public Order of the Oceans Freedom of Navigation and the Interdiction of Ships at Sea" *Harvard Journal of International Law* 46 (2005) 131 at 224
35 Klein, Natalie, *Maritime Security and the Law of the Sea.* Oxford, Oxford University Press, (2011) p.208

Religion is never the problem; it's the people who use it to gain power.
Julian Casablancas on Terrorism.

COMDT RONAN CORCORAN

'Nobody Expects the Spanish Inquisition' Religious Terrorism and the Threat to International Peace and Security

ABSTRACT

This paper will examine and argue that religious terrorism is not a uniquely 21st Century threat, but rather one that is possibly as old as religion itself, and is also the fourth wave of terrorism since the 19th Century. That religious terrorism has been a feature of all major world faiths before the current threat of Islamic terrorism is addressed in detail. Its strategy and threat are then identified. It is placed within the threat nexus, and the situation in Syria and Lebanon, where the majority of Irish Defence Forces troops overseas are deployed, is examined. Following a comparison with the other major threats to international world peace and security, current approaches to counter religious terrorism are assessed and possible means of threat mitigation are proposed.

Introduction

On 21st March 2017 former PIRA commander and Deputy First Minister of the Northern Ireland Assembly Martin McGuinness died after a short illness. The following day a Hyundai Tucson rammed and killed four pedestrians before crashing into the fence of New Palace Yard, just metres from where an INLA car-bomb killed MP Airey Neave on 31st March 1979. Nationalist terrorism had been eclipsed by religious terrorism in the public's threat perception. This paper identifies the current threat nexus facing Europe and the significance of the rise of religious terrorism.

As the European Council President Donald Tusk, declared the 'worrying declarations' of US President Donald Trump as an external threat to the EU[1], UK Prime Minister Theresa May, prepared to lead the UK out of the EU. These events played out in an ever-increasingly networked world, where tactical events in one region can lead to strategic changes on the other side of the globe. Tusk's external threats to the EU include 'an assertive China, an aggressive Russia and radical Islam'[2], while Patrick's five critical global threats are; 'transnational terrorism; proliferation of weapons of mass destruction; transnational crime; energy insecurity; and infectious disease.'[3] Other significant threats include mass-migration as a result of conflict, environmental degradation, food insecurity, pandemics and weapons proliferation. The 2013 World Economic Forum details 50 global risks which are 'interdependent and correlated with each other.'[4] Their 2017

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1 BBC "EU's Donald Tusk sees Trump as threat to Europe", 31st January, 2017. Accessed June 24, 2017. http://www.bbc.com/news/world-europe-38808504
2 Ibid.
3 Stewart Patrick, Weak Links (New York: Oxford University Press, 2011), 9.
4 World Economic Forum, *Global Risks 2013* (Geneva: World Economic Forum, 2013), 15.

Global Risks Report, in analysing the five most likely global risks from 2007 to 2017, for the first time includes large scale-terrorist attacks.[5] 35% of Irish citizens believe that a marauding or ramming type terrorist attack is possible in Ireland, and 68% that Ireland doesn't have the capability to prevent it.[6] Thus the Irish public regard the threat as unlikely but probably unpreventable.

Despite terrorist actions being recorded as early as two millennia ago[7] the definition of terrorism is an unresolved pursuit. What is important to note is that terrorists seldom attack military targets with the sole aim of its tactical defeat, as 'it is the political element which is the defining act of terrorism.'[8] The strategic target is usually not the tactical target itself, but political opinion and resolve.

The Scope of Religious Terrorism

Religious terrorism can be considered as the fourth in a series of terrorist waves of the modern era, following anarchist, nationalist and left-wing terrorism.[9] The threat increased during the 1990s, and had a major strategic influence on the West in the coordinated attack on the US on 11th September 2001, following which the US has pursued a 'Global War on Terror'. This term is disingenuous for, as noted by DG MI5, Baroness Manningham-Buller, 'terrorism is a technique, not a state'[10] and by journalist Hisham Melham 'Terror is a tactic, one cannot declare war on a tactic'.[11] The terror tactic develops from alienation or polarization, 'often characterized by a theologically informed campaign of demonizing the potential victims, and there are almost always economic, political, or cultural conflicts associated with religiously sponsored killing.'[12] Religious Terror is then a political act used by those for whom their religion is their unifying identity. Religion is cultural and political. As explained by Hafez Sayeed of Lashkar e Taiba 'Islam is not just a religion. It regulates every aspect of life, including politics'.[13]

The earliest recorded act of terrorism was religious, conducted by a messianic Judaic group, the Sicarii, who stabbed Romans in Jerusalem.[14] Messianic terrorism still occurs in Jerusalem, where the Temple Mount Faithful attracts members from both Judaism and Christianity.[15] In the US in the 1980s the Covenant, the Sword and the Arm of the Lord (CSA) were prepared to use explosives and cyanide against the public 'to hasten the return of the Messiah'.[16] Today abortion clinics and those who work in them are common targets for US Christian terrorists.

Religious terrorism is not limited to monotheism alone. For example, Aum Shinrikyo recognizes a mixture of Hindu and Buddhist philosophy, though it is informed by Judaeo

5 World Economic Forum, *Global Risks 2017* (Geneva: World Economic Forum, 2017), 4
6 Philip Ryan, 'Majority believe State cannot prevent jihadi terrorist attack.' *Sunday Independent*, August 6, 2017, 8.
7 Andrew Silke, *Terrorism* (London: Hodder & Stoughton, 2014), 15
8 Ibid. 4.
9 Ibid. 112..
10 *Manningham-Buller*: Terror, Securing Freedom - The Reith Lectures (London: BBC, 2011), 10'9".
11 The '*War on Terrorism*': Where Do We Stand? Pt 1: *The Roots of Terrorism* (UChannel. recorded on January 25, 2007), 8', accessed September 1, 2014. http://www.youtube.com/watch?v=z1NlRxCCRv0.
12 James William Jones, Blood That Cries Out From The Earth – *The Psychology of Religious Terrorism* (New York: Oxford University Press, 2008), 12.
13 Jessica Stern, *Terror in the Name of God* (New York: Harper Collins, 2003), 149.
14 Andrew Silke, *Terrorism* (London: Hodder & Stoughton, 2014), 15.
15 Jessica Stern, *Terror in the Name of God* (New York: Harper Collins, 2003), 119.
16 Ibid. 38.

Christian concepts of Armaggedon.[17] While Judaism and Christianity continue to provide ideological motivation for acts of terrorism, it is the newest major monotheism, Islam, which has provided ideological inspiration for the development of a terrorist strategy of worldwide religious terrorism to be used in religious warfare or jihad. While religious based, the idea of Islamic hegemony, currently referred to as the Caliphate, is a political concept, concerned with sectarian rule over people.

The use of ancient texts to justify the mass killing of others underpins all religious terrorism. Jihadists aim to impose a religious law, sharia, as widely as possible, and have no toleration for others who oppose their subjective understanding of a Seventh Century text. The ideology, based as it is on the insights spoken over a period of decades by the founder of Islam, Muhammad, and written down by the few literate men of his group,[18] uses select verses of the Koran to guide its adherents. This interpretation has proved troublesome for both moderate Muslims and western politicians. For religiously observant people faith can provide solace and a meaning to life, and western political leaders are quick to distinguish religious terrorists from their religion.

Following the 2014 beheadings by Islamic State (IS), both then US President Obama and then UK Prime Minister Cameron were quick to distance the Islamic religion from Islamism. For Obama, 'ISIL is not 'Islamic'. No religion condones the killing of innocents and the vast majority of ISIL's victims have been Muslim.'[19] 'They are not Muslims. They are monsters' stated Cameron[20], presumably more aware of the requirements of adherence to Islam than IS's leader, Abu Bakr al-Baghdadi, who holds a PhD in Islamic Studies.[21] Despite being outspoken in his naming of Islamic terror while a presidential candidate, US President Donald Trump lacked the intellectual capacity to identify Christian terror, or any terror at all, when James Fields, an American Nazi, using the jihadist tactic of ramming, killed a pedestrian on a Virginia street. White supremacist racist terrorists have long used propaganda which includes Christian symbolism, such as capirotes and celtic crosses. Yet their actions are not regarded as Christian by many other Christians, which provides us with an accessible example of the relationship between major religions and religious terrorist groups. Religious terrorists are however, as noted by Jones, 'almost always marginal in relation to the larger religious communities and traditions from which they come, they also frequently articulate widespread grievances and feelings present within these communities.'[22]

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17 Ibid. 11
18 Karen Armstrong, *History of God* (New York: Random House, 1993) 140.
19 Melanie Phillips, "As I see it: If the West denies what it's up against, it will lose", The Jerusalem Post, September 18, 2014. Accessed September 18, 2014. http://www.jpost.com/Opinion/As-I-see-it-If-the-West-denies-what-its-up-against-it-will-lose-375785,
20 Michael Wilner, "UK's Cameron on IS: They are not Muslims, they are monsters", *The Jerusalem Post*, September 14, 2014. Accessed September 14, 2014. http://www.jpost.com/Middle-East/UKs-Cameron-on-Islamic-State-They-are-not-Muslims-they-are-monsters-375293
21 Terrence McCoy, "How ISIS leader Abu Bakr al-Baghdadi became the world's most powerful jihadist leader', *The Washington Post*, June 11, 2014. Accessed June 12, 2014. http://www.washingtonpost.com/news/morning-mix/wp/2014/06/11/how-isis-leader-abu-bakr-al-baghdadi-became-the-worlds-most-powerful-jihadi-leader/
22 James William Jones, Blood That Cries Out From The Earth – *The Psychology of Religious Terrorism* (New York: Oxford University Press, 2008), xvii.

The Road to Radicalisation

The religious terrorists who hijacked Flight 11 and flew it into the North Tower on 11th September 2001 did not spend their final minutes calling loved ones, as they encouraged their onboard victims to do. They prayed to Allah for strength and resolve.[23] While within the Muslim community there are 'frequent complaints of misuse of the honorable name of jihad for dishonorable purposes'[24], to suggest that Islamic terrorists are not Muslim is akin to suggesting that the Spanish Inquisitors were not Catholic. The twelve jihadists who terrorized Barcelona in August 2017 were radicalized by their imam Abdelbaki Essati.[25] Hence, while the majority may not condone the actions, they can understand the motivating grievances. This is an important factor in any countering of religious terrorism. While western leaders continue to look at Islamism through the Western paradigm of a separate church and state, their advisors and planners must understand that for religious terrorists, especially jihadists, there can be no such separation, and religious observance is central to political action.

Whether the majority within a religion agree or not, religious terrorists regard themselves as morally justified by selected verses of their particular Holy Book. As suggested by Silke, the Old Testament tale of God granting Samson leave to die while pulling down the Philistines' hall could be used by Jews or Christians as religious justification for a suicide attack.[26] It is thus dangerously disingenuous to regard religious terrorism as being unrelated to mainstream religion. Religion is used to provide terrorists a socially acceptable (within their own cultures) motivation to kill others. Religion itself may be a long-term driver of instability.

In early September 2001 the author returned with his unit by air from a tour of duty with NATO's operation KFOR, in Kosovo. On approaching Dublin, he was allowed to sit in the cockpit for the landing. Six days later Al Qaeda (AQ) struck Manhattan and the Pentagon when 19 mainly Saudi Arabian jihadists (and one from Lebanon), gained access to the cockpits of commercial aircraft and flew them jets into major military and civilian buildings. AQ had already demonstrated their ability to attack both military (USS Cole in 2000) and civilian targets (US Embassies in Tanzania and Kenya in 1998). By murdering 2,977 people on 9/11 AQ had suddenly overshadowed all other previous acts of terror.

The coordinated attack on multiple locations had already been established as a tactic by AQ in the 1998 Embassy bombings, and was again used in the 11-M Madrid bombings of 2004 and 7/7 London bombings of 2005. What 9/11 revealed was a patient adversary, who could take a number of years to conceive, plan, reconnoitre, and execute a coordinated attack on multiple targets, using everyday tools and identified security gaps. Recent attacks in Nice and London have relied on vehicles to mow down pedestrians, a tactic already common on the streets of Jerusalem, and with a common strategy. Religious terrorists, like all organised armed factions, have tactics and strategy.

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23 Michael Burleigh, *Sacred Causes* (New York: Harper Press, 2007), 453.
24 Bernard Lewis, *The Crisis of Islam – Holy War and Unholy Terror* (Kindle Edition), (New York: The Modern Library, 2003), 47.
25 Allisa J. Rubin, Patrick Kingsley, and Palko Karas, "Barcelona Attack Suspects Had Ties to Imam Linked to ISIS", *The New York Times*, August 20, 2017. Accessed August 27, 2017. https://www.nytimes.com/2017/08/20/world/europe/spain-barcelona-attack-suspects.html
26 Andrew Silke, *Terrorism* (London: Hodder & Stoughton, 2014), 80.

A Four-Phase Strategy

Religious terrorists can be expected to use the four-phase strategy of successful terrorist campaigns. According to Silke[27], these are provocation, education, blame and endurance. While this strategy fits the nationalist terrorist campaign of the PIRA in 1972-1996, religious terrorism is still in the earliest phase. The spectacular 9/11 attacks and the opportune target attacks of IS in Europe have proved provocative, the former leading to the invasions of Afghanistan and Iraq, the latter stealing vital time and resources from European governments who also have a threatening Russia reemerging to their East and an increasingly inconsistent US administration to their West. The need for Europe to counter religious terrorism is apparent. The need for Ireland to be central to such efforts is not publicly recognised. The escalation phase of AQ resulted in the suspension of habeus corpus in, and the use of torture by, the US. If IS follow this strategy, it can be expected that they will increase the severity of their attacks in order to increase the harshness of measures to combat them. This is the paradox for Western response. If this is their terrorists' strategy, what threat does it pose?

The main threat posed by religious terrorism today is that of spillover. As Stewart has definitively demonstrated, 'terrorists do not want to operate at the complete mercy of warlords or in unstable security conditions' but rather 'weak but functioning states where states have not collapsed but remain minimally effective'.[28] As Afghanistan did twenty years ago, now Iraq and Syria provide this. Both countries have been in conflict for several years, and both provide a freedom of movement to terrorists. The Syrian conflict has already spilled over into Lebanon, whose own terrorist group Hizb'ullah are already fighting for Assad in Syria. The Golan includes a demilitarized zone between Syria and Israeli occupied Golan, now being reinvested by UNDOF.

When 45 Fijian peacekeepers were abducted by Jabhat Al Nusra (JAN) in Syria on 28th August 2014, the author was in a nearby Observation Post. Following heavy fire, several UN posts, including the author's, became untenable, and had to be evacuated. JAN had themselves been pushed to the South West of Syria by the IS advance from the East. While IS have yet to target Israel their 'ideological agenda undoubtedly makes this a possibility.'[29] Israel has 80 nuclear weapons[30] and while no state is likely to begin a Weapons of Mass Destruction (WMD) war, should the provocation be great enough, a state fighting for its survival may decide to break protocol. Israel is not a member of the Nuclear Nonproliferation Treaty (NPT) and still refuses to acknowledge its nuclear capability. The precedent set in Lebanon in 2006 and Gaza in 2014 is that it is prepared to use disproportional force against its enemies. Should Sunni terrorists attack Shia targets in the escalation phase, Shia terrorist groups such as Hizb'ullah are likely to respond, which could result in a civil war in Lebanon linked to the civil war in Syria. It will

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27 Ibid. 30.

28 Stewart Patrick, *Weak Links* (New York: Oxford University Press, 2011), 96, italics in original.

29 Asher Kaufman, "As UN Troops Withdraw from Syrian Golan Heights, Stakes Increase for Israel and Lebanon", *IPI Global Observatory*, September 18, 2014. Accessed September 27, 2014. http://theglobalobservatory.org/analysis/823-capture-border-crossing-un-peacekeepers-syria-lebanon-israel-border.html?utm_source=IPI+Publications+%26+Events&utm_campaign=a64961843d-Webcast1_7_2013&utm_medium=email&utm_term=0_6f1f2e59e4-a64961843d-19104845.

30 SIPRI. 16 June 2014: *Nuclear forces reduced while modernizations continue, says SIPRI.* Accessed August 29, 2014). http://www.sipri.org/media/pressreleases/2014/nuclear_May_2014

prove difficult to keep Israel from acting in pre-emptive defence, as it did in the 1981 raid on Iraq's nuclear reactor.

The Spectre of IS

Similar concerns in relation to Iraq are provoking US and UK action.[31] As IS has transitioned from IS in the Levant, and JAN transitioned from AQ, another religious terrorist group, Khorasan Group,[32] tracked for years by intelligence agencies, is has been targeted in Syria by the US. This ability to regenerate and reemerge must also be considered when planning to counter religious terrorism.

Hence international peace and security within the Middle East region is at a perilous point, and the international community is justified in its concern that as the region becomes increasingly unstable, the thousands of Western jihadis currently in Syria may seek to spread the terror in their homelands. IS is now encouraging new foreign recruits to remain in their own countries and conduct terrorist operations at home. Arrests in the EU for travelling to conflict zones for terrorist purposes decreased from 141 in 2015 to 77 in 2016, while numbers arrested returning from Syria and Iraq dropped from 41 to 22 in the same period.[33] According to the EU's counter-terrorism coordinator Gilles de Kerchove 'we estimate that around 3,000 Europeans have gone to Syria where they receive military training and indoctrination.'[34] Europe is now experiencing a similar influx of experienced jihadists, with reports of 23,000 extremists living in the UK alone.[35]

Having determined that religious terrorism is a valid and major threat, this paper will now demonstrate that religious terrorism sits within the toxic nexus of global threats.

In the case of the threat of proliferation of WMD, five nuclear-armed states, also the five permanent members of the UN Security Council; China, France, Russian Federation, UK and USA, have signed the afore-mentioned NPT, and as such are prohibited from assisting non-nuclear-armed states from acquiring nuclear weapons or the means to do so. However, India, Israel, Pakistan and North Korea are nuclear-armed and have not signed the NPT. 49 states have the knowledge of how to make nuclear weapons.[36]

The use by a state of nuclear weapons would likely result in massive retaliation and a subsequent regime change, hence there is a low threat of their use nowadays. North Korea is a year away from developing a rocket with a credible long-range capability.[37] the concern that terrorists may make weapons grade plutonium is assessed as unlikely

31 Patrick Wintour, "Parliament to be recalled to endorse UK air strikes in Iraq", *The Gaurdian*, September 24, 2014. Accessed September 24, 2014. http://www.theguardian.com/politics/2014/sep/24/parliament-recalled-endorse-uk-airstrikes-iraq.
32 Shane Harris, John Hudson, and Justine Drennan, 'We're not sure their capabilities match their desire', *Foreign Policy*, September 23, 2014. Accessed September 24, 2014. http://www.foreignpolicy.com/articles/2014/09/23/is-the-khorasan-group-as-dangerous-as-the-white-house-claims
33 European Union Agency for Law Enforcement Cooperation, *Terrorism Situation and Trend Report* (Brussels: EUROPOL, 2017), 10.
34 Brooks Tigner, B. "IS continues to recruit Europeans", *IHS Jane's 360*, September 24, 2014. Accessed September 27, 2014. http://www.janes.com/article/43726/islamic-state-continues-to-recruit-europeans?utm_campaign=%5bPMP%5d_PC5308_J360%2026.09.14%20 IS%20Special_KV_Deployment&utm_medium=email&utm_source=Eloqua
35 Sean O'Neill, Fiona Hamilton, Fariha Karim, and Gabriella Swerling "UK home to 23,000 jihadists", *The Times*, May 27, 2017. 1.
36 Stewart Patrick, *Weak Links* (New York: Oxford University Press, 2011), 107.
37 "Third-Quarter Forecast – Stratfor Worldview", 2. Accessed August 13, 2017. https://worldview.stratfor.com/article/2017-third-quarter-forecast.

by Patrick, due to the cost, time and space required.[38] However, by acquiring pre-made nuclear material, terrorists would be able to produce a radiological bomb.[39]

Because biological stockpiles are generally less well guarded than nuclear ones, there is an increased likelihood of their theft by terrorists.[40] In 1998 Bin Laden declared the acquisition and use of WMD his Islamic duty. In 2002 AQ issued a fatwa commending the use of WMD in its jihad against the West. Since then there have been many incidences of attempts to acquire or use WMD, especially chemical agents such as cyanide and ricin.[41]

The threat of transnational crime includes smuggling, counterfeiting, piracy, environmental crimes, narcotics and trafficking.[42] The cost globally is unknown, but in the US alone there are an annual 17,000 drug-related deaths at an estimated cost of $180.9 million.[43] In Europe up to 40% of terrorist activities are funded by crime, 'especially drug dealing, theft, robberies, the sale of counterfeit goods, loan fraud, and burglaries.'[44]

Navy Admiral Samuel J. Locklear III, as commander of the US Pacific fleet, said that 'significant upheaval related to the warming planet "is probably the most likely thing that is going to happen . . . that will cripple the security environment, probably more likely than the other scenarios we all often talk about.''[45] Accepting that energy insecurity and environmental degradation are a looming threat, and taking as a group these threats, and mass-migration, as the result of conflict, we see their interconnection in Lebanon, where the influx of refugees from Syria is placing major burdens on a state which already has many thousands of Palestinian refugees. According to Mohamed Mashnouk, Lebanon's Minister of the Environment, "there are dumping grounds on the outskirts of every village, town and city and some are as large as football fields".[46] The burden placed on the state is very likely to be making already inadequate systems delinquent. Along with the higher probability of health hazards and infectious disease, there is food and water insecurity. Beirut has a shortfall of up to 60,000 cubic metres of water daily, while the World Food Programme is to cut its rations to refugees by 40% as a result of a lack of donor support.[47] The crisis in Lebanon serves as an excellent example of how many threats, already present, can be exacerbated by a sudden influx of refugees. This is taking place in an already sectarian society, and the presence of an armed faction that is actively supporting the Syrian government are indicators that the spillover from Syria may yet trigger major internal conflict in Lebanon.

Finally, the threat of small arms and light weapons (SALW), which kill at least 300,000 people[48] annually , is an obvious leader in fatalities. Again, religious terrorism is linked

38 Stewart Patrick, *Weak Links* (New York: Oxford University Press, 2011), 114.
39 Ibid. 110.
40 Ibid. 108.
41 Rolf Mowatt-Larssen, "AQ's Pursuit of Weapons of Mass Destruction", *Foreign Policy*, January 25, 2014. Accessed August 27, 2014.
42 Stewart Patrick, *Weak Links* (New York: Oxford University Press, 2011), 136.
43 Ibid. 139.
44 European Union Agency for Law Enforcement Cooperation, *Terrorism Situation and Trend Report* (Brussels: EUROPOL, 2017), 12.
45 Bryan Bender, "Chief of US Pacific forces calls climate biggest worry", *Boston Globe*, March 9, 2013. Accessed September 27, 2014.http://www.bostonglobe.com/news/nation/2013/03/09/admiral-samuel-locklear-commander-pacific-forces-warns-that-climate-change-top-threat/BHdPVCLrWEMxRe9IXJZcHL/story.html.
46 Michael Jansen "Lebanon struggles under weight of Syrian refugee influx" Irish Times, September 26, 2014. Accessed September 26, 2014. http://www.irishtimes.com/news/world/middle-east/lebanon-struggles-under-weight-of-syrian-refugee-influx-1.1942087.
47 Ibid.
48 Keith Krause, Small Arms and Light Weapons: Towards Global Public Policy, (New York: International Peace Academy, 2007), 1.

with SALW, as major operations such as that of IS in Iraq and Syria are based on mobile gunmen, and when available are used in attacks in Europe.

Conclusion

This paper has identified several important lines in mitigating religious terrorism, which can be grouped as firstly immediate armed response and secondly cultural change. In the first phase the West has moved fast to confront IS. Care must be taken that the response is fast and directed, not allowing a slide into repression, as is the suggested religious terrorist strategy. As Cronin states 'sound counterterrorism strategy can gain ascendancy over emotion-laden responses.'[49] Counter-terrorist planners must identify the religious terrorists' centre of gravity, such as the ability to recruit internationally from personnel willing to die on operations.

The next phase of counter-terrorism must be cultural change. For religious terrorists there is no understanding of a life where religion and politics are separate. Their legitimacy derives from their religious identity. When one jihadist group is waning, another strives to replace it. In order to change the terrorist motivation, it is necessary to engage with religious leaders both in Europe and in the Middle East who give legitimacy to terrorist actions amongst the terrorists and the wider Muslim community, who must be convinced, and be vocal in their conviction, of the threat to themselves which religious terrorism poses.

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49 Audrey Kurth Cronin, *How Terrorism Ends*, (Princeton: Princeton University Press, 2009). 205.

The risks of piracy spreading beyond the Red Sea and Indian Ocean, off the Somali coast, and in the Straits of Malacca and Singapore and beyond are substantial.

Peter Middlebrook.

DR BRENDAN FLYNN

"The Dog that's not Barked?" Understanding the Maritime Logistics of Insurgencies and Terrorist Campaigns.

ABSTRACT

There are relatively few recorded instances of terrorism at sea, or insurgencies with significant maritime conflict. The GTD database gives a figure of just 323 maritime terrorist incidents over the years 1971-2015. Such macro level analysis can lead to an impression that maritime terrorism and insurgency are only niche threats. One expert in this vein, while pointing to the growing potential for maritime terrorism, admitted, "so far…it's the dog that's not barked". This paper argues such inferences are mistaken. A broader picture emerges if we ask how important is the sea as a logistical conduit for terrorist and insurgency organisations? Access to the sea is often of strategic significance in insurgencies or terror campaigns. This paper proceeds via analysis of two discrete case studies where sea logistics have proven transformational to insurgencies or terror campaigns; PIRA and Hezbollah/Hamas weapons smuggling at sea. It is argued that while terror/insurgent movements can gain arms from many sources, sea smuggling of heavier weapons by such groups represents an underrated threat with challenging implications for joint maritime security responses.

Introduction-why is there so little maritime terrorism, or is there?

Terrorism at sea is something of a poor relation compared to official responses devoted to diverse land or aviation threats. Apart from the piracy phenomenon, it is also both less studied and generates only rare media attention. Nonetheless, a few signature events have shattered complacency. The 2000 suicide bombing attack on the *USS Cole* killed 17 US Navy crew[1] while the Tamil Sea Tigers were also a relatively high profile example of a sophisticated but ultimately flawed effort by insurgents to exploit the sea. While all of these are clear examples of terrorism at sea,[2] they are exceptional rather than typical terror events.

To illustrate this, one can turn to databases which record terrorist incidents and probably the most widely employed is the GTD database.[3] While not without flaws[4], it includes over 150,000 observations. Chart 1.0, below, displays just 323 maritime terrorist incidents over the years 1971-2015, suggesting that the overall frequency of maritime terror

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1 Kirk S. Lippold, Front-burner: *Al Qaeda's Attack on the USS Cole* (New York: Public Affairs. 2012).
2 Justin Smith and Douglas Porch, *Maritime interdiction in counterinsurgency: the role of the Sri Lankan Navy in the defeat of the Tamil Tigers* (Monterey, California. Naval Postgraduate School, 2012). Available at: http://hdl.handle.net/10945/5346.
3 For details see: https://www.start.umd.edu/gtd/about/
4 Robert Pape, Keven Ruby, Vincent Bauer and Gentry Jenkins, "How to fix the flaws in the Global Terrorism Database and why it matters", T*he Washington Post*, August 11, 2014, accessed May 29th 2017, https://www.washingtonpost.com/news/monkey-cage/wp/2014/08/11/how-to-fix-the-flaws-in-the-global-terrorism-database-and-why-it-matters

attacks is relatively low, and only slowly growing[5]. Fatalities from maritime incidents also appear low.[6] In contrast, the GTD database for terrorist incidents which target 'airports and aircraft' records 1328 cases, over four times as many as maritime incidents, and fatalities are much higher per successful attack.

Chart 1.0 Maritime Terror Incidents Recorded in the GTD Database 1971-2015
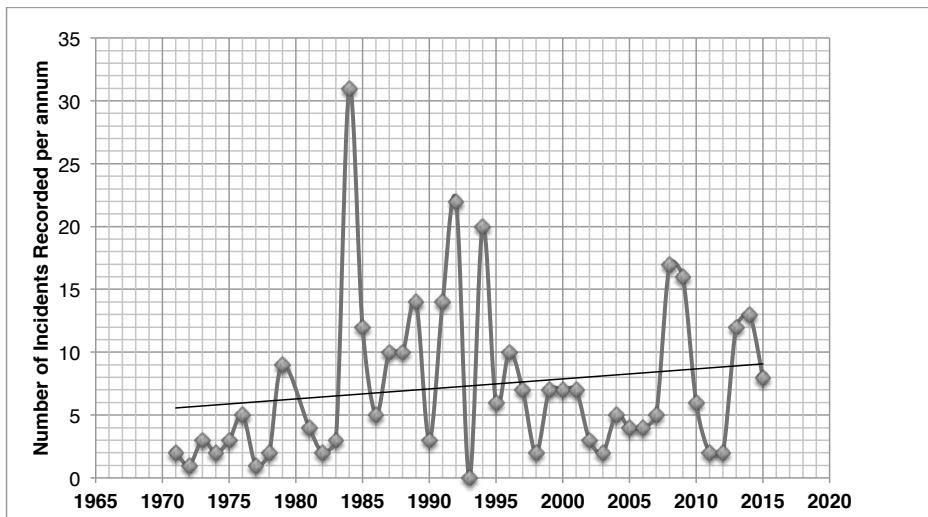
Post 9/11, the focus for marine terrorism has been on possible 'nightmare scenarios' such as the targeting of large cruise liners, ports as weak spots for the smuggling of CBRN type improvised devices, or the 'weaponisation' of large oil or gas freighter vessels. In 2016 the maritime analytics firm Windward[7], released data on irregular maritime traffic around Europe. Commenting on the potential for this activity to translate into maritime terrorism, one private maritime security consultant[8] argued:

"So far, the thing about maritime security, and particularly terrorists exploiting weaknesses there, is that it's the dog that's not barked... But the potential is there." [9]

The purpose of this paper is not to debunk such scenarios, but rather to point to a more obvious but no less strategic role for maritime logistics to transform terror or insurgent groups.[10] Indeed, several authorities on maritime security stress that the use of the sea for mobility is perhaps the most ubiquitous phenomenon.[11] The argument here is

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5 The year 1984 appears as an outlier because it records many actions related to the US backed Nicaraguan Contras and their sabotage campaign of ports.
6 One exception in the GTD database is the 1984 bombing of a Nile passenger ferry in Sudan with a loss of 300 lives, although classifying this as a case of maritime rather than land based terror seems surely mistaken.
7 See: http://www.windward.eu/#/news
8 See: http://www.mast-security.com/en/about-mast/who-we-are-2/
9 Gerry Northwood (MAST), as quoted in 'Cargo ships pose Islamic State terror threat to Europe', *The Irish Times*, Friday, February 5th, accessed May 29th 2017, http://www.irishtimes.com/news/world/europe/cargo-ships-pose-islamic-state-terror-threat-to-europe-1.2523735
10 Terrorism and insurgency are employed here as related but distinct descriptive categories, the difference between them being scalar as to the degree of organized violence, and the ambition or capacity to control territory or usurp governments.
11 Martin. N. Murphy, "The Blue, Green and Brown: Insurgency and Counter-Insurgency on Water," *in Dimensions of Counter-Insurgency: Applying Experience to Practice,* eds. Tim Benbow and Rod Thornton (London, Routledge, 2008) 57-73; Ian Speller, *Understanding Naval Warfare* (London: Routledge, 2014) 158-159.

that the use of the sea as a logistics conduit by terror groups, requires attention and a deliberate, structured, response. If we measure terrorist or insurgent activity exclusively by 'kinetic' metrics (numbers of attacks) we miss recording other activity that is no less important. Moreover, the effect of sea logistics can be transformative for insurgent or terror groups, giving them opportunities at the tactical and strategic level. These include escalation opportunities by deploying heavier and larger weapons in quantity, which are better suited to sea shipment.[12] Terror/Insurgent groups can also use complex non-linear maritime 'ratlines'[13] to further diplomatic/alliances, re-deploying weapons to third parties, or reducing their exposure to bordering states whose posture can change from active support to hostility. Of course, weapons procurement does not require sea access. Some insurgencies are very effective without much external support whether by land, sea or air, for example the Maoist insurgency in Nepal. Equally, the Tuareg insurgency in Mali has been awash with land trafficked arms from Libya. Yet sea logistics is potentially transformational. It allows in a short time, a massive increase in the quantity of arms or the quality of arms (for example very bulky heavy weapons). Although the latter are not the usual weapons of insurgents or terrorists, they confer advantages where state forces are so weak that they can credibly take power, or for shock and propaganda value. Marsh argues that to seek decisive military victory insurgents will often deploy heavier weapons beyond the usual small arms.[14]

The focus here is exclusively on weapons, although they are obviously not the only resource of importance, nor does a rich supply of weapons guarantee success for such groups. These general observations having been offered, to what extent do we see maritime logistics in the two case studies examined here?

Hamas and Hezbollah's maritime weapon smuggling: game over or game-changer?

Central to the tactical and strategic effectiveness of Hezbollah over the last decades has been the supply of relatively large or complex weapons like rockets, guided anti-armour missiles[15], and since the 2006 war, Hezbollah have demonstrated an ability to deploy theatre level ballistic missiles[16], capable of hitting targets deep within Israel. In future they may be able to do so with much greater accuracy. There is speculation that as of 2017 Hezbollah have successfully acquired numbers of long range supersonic Russian anti-ship missiles (Yakhont type) of greater threat than those used in the 2006 war.[17] While the Israeli's have improved protection on their ships[18], such missiles could be used to wage a type of economic war by targeting merchant shipping in transit to Israel or offshore gas rigs. Strategically, such an arsenal has been a game changer. It elevates Hezbollah from being a tactically adept enemy, to a strategic challenger of Israel.

12 See: Conflict Armament Research, *Maritime Interdictions Of Weapon Supplies To Somalia And Yemen, Deciphering a link to Iran* (London: CAC, November 2016), accessed May 30th 2017, http://www.conflictarm.com/publications/
13 Chris Rawley, "Understanding Maritime Ratlines," *Small Wars Journal*, July 1st (2010), accessed May 29th 2017, http://smallwarsjournal.com/jrnl/art/understanding-maritime-ratlines
14 Nicolas Marsh, "Conflict Specific Capital: The Role of Weapon Acquisition in Civil War," International Studies Perspectives, No. 8 (2007): 57.
15 Gary C. Gambill, "Hezbollah's Strategic Rocket Arsenal," Middle East Intelligence Bulletin 4, No. 11 (2002).
16 So called Thunder 1, Fajr 3 and 5 types. See: Jean-Loup Samaan, "Missile warfare and violent non-state actors: the case of Hezbollah," *Defence Studies,* 2 (2017): 1-15.
17 Alexander Fulbright. "Hezbollah said to have obtained game changing anti-ship missiles", *The Times of Israel*, February 19th, 2017, accessed May 30th 2017, http://www.timesofisrael.com/hezbollah-said-to-have-obtained-game-changing-anti-ship-missiles/
18 Yoav Zitun. "Navy can tackle advanced Hezbollah missile, says outgoing commander", *ynetnews.com*, September 20th (2016), accessed May 30th 2017, http://www.ynetnews.com/articles/0,7340,L-4857321,00.html

Such are not the normal weapons of terrorist or insurgent groups. A key question is how and where did they get such a sophisticated weapons supply from? Most of their advanced weaponry has simply been supplied from Iranian sources, and a significant volume has come by sea. This is surprising given that Hezbollah have an obvious land and air route, via Syria, and directly to Iran through Shia dominated parts of Iraq. It is clear vehicle based supply routes have been central to Hezbollah's armoury.[19] Yet there is ample evidence of the vibrancy of sea based supplies for Hezbollah and sea smuggling is hardly novel in Lebanon.[20]

A number of well-known sea based interceptions reveal this traffic and its political significance, although a lot of such activity remains undocumented.[21] In 2001 for example, the Israeli Navy seized the fishing boat *Santorini*, in international waters off Israel, apparently because of SIGINT/radio traffic. It is likely the vessel had made several previous runs to Gaza.[22] A measure of the challenge presented was that at least four Israeli vessels were employed replete with specialist boarding teams[23]. The weapons found were high value types[24], which although militarily very useful to Hamas, were arguably of greater political significance for they increased Hezbollah's political leverage over the Hamas at that time. With the *Francop* seizure in 2009, intercepted by the Israeli Navy off the coast of Cyprus, en route to Syria from Iran[25], some 500 tonnes of arms were recovered. The sheer volume of weaponry here is of note, because it allows an insurgent force such as Hezbollah to engage in protracted campaigns, and it provides them with redundancy in the event of Israeli attacks on caches. More recent cases show Iranian arms transfers by sea continue. In 2014 the Israeli Navy intercepted the KLOS-C in the Red Sea, with quantities of long-range rockets[26] mortar rounds and ammunition. These were likely for Hamas in Gaza via Sudan.[27]

Hamas are surrounded by hostile states, with Egypt suppressing smuggling routes from the Sinai in recent years. However, it is not 'game over' for Hamas because they have resorted to the sea route to bring in war material. Unsurprisingly the Israeli Navy have stepped up their interdiction effort as of 2016.[28] The maritime domain here provides Hamas with redundancy towards the vagaries of shifting alliances on land, which can remove safe base areas. By way of contrast, Hezbollah now currently enjoys a favoured relationship in Damascus. However, Hezbollah has not always enjoyed such a relationship. Hafez Al Assad, in the mid 1980s adopted a strategy of supporting Hezbollah but also the rival Amal group through arms, or as Phillips puts it "supporting Hezbollah with one

19 David L. Phillips. *From Bullets to Ballots: Violent Muslim Movements in Transition* (London: Transaction, 2009), 59; Zaki Chehhab, *Inside Hamas: The Untold Story of Militants, Martyrs and Spies* (London: I.B. Tauris, 2007), 171.
20 Jonathan V. Marshall, The Lebanese Connection: Corruption, Civil War, and the International Drug Traffic (Stanford, California: Stanford University Press, 2012), 81.
21 For a wider list of cases, albeit from an Israel official source, see: https://idfspokesperson.wordpress.com/2011/07/19/list-of-attempts-by-terrorist-organizations-to-smuggle-weapons-via-the-sea/
22 Zaki Chehhab, *Inside Hamas: The Untold Story of Militants, Martyrs and Spies* (London: I.B. Tauris, 2007), 169.
23 Zaki Chehhab, Op.Cit., 168
24 Fifty 107mm multiple rocket systems; at least four MANPADS; twenty RPG7 anti-armour type weapons; two light mortars (60mm); mines, but only a small numbers of assault rifles, from: Chehhab, Op.Cit.
25 See BBC, "BBC Photos 'show Iran arms-ship link", November 11th 2009, accessed May 28th 2017,http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/middle_east/8355568.stm?ad=1
26 Type 302/Khaibar-1 302mm types with a range of over 100km, manufactured in Syria but supplied via Iran.
27 Yaakov Lappin. 'Final inventory of Iran arms ship: 40 rockets, 180 mortars, 400,000 bullets.' The Jerusalem Post, March 9th, (2014), accessed May 30th 2017, http://m.jpost.com/app/article/344797
28 Yaakov Lappin. "Israeli Navy counters increased Hamas sea smuggling."IHS Jane's Defence Weekly, 25 November (2016), accessed May 27th 2017, http://www.janes.com/article/65754/israeli-navy-counters-increased-hamas-sea-smuggling

hand, Damascus constrained it with the other".[29] This neatly underscores why a sea route provides any insurgent group with a strategic political advantage, by insuring them from political developments on land.

The Case of PIRA maritime weapon smuggling: transformative or transitional?

What impact did access to sea smuggling of weapons have on the Provisional IRA's long war against the British and Irish states? Did such arms transform the PIRA campaign or merely give them a transitional advantage? The story of how the PIRA smuggled arms has been recounted in several sources.[30] The so-called 'Harrison network' in the USA provided significant quantities (possibly up to 3,000) of fire-arms to the end of the 1970s.[31] It seems the maritime route, especially using shipping containers, was the preferred way of moving American sourced arms. In 1984 the *Marita Ann* was intercepted by the Irish Naval Service with an estimated seven tonnes of weapons, the culmination of a long intelligence operation with American and British surveillance.[32]

However, it was PIRA's Libyan connection that was to be the more significant. In fact it was not until the mid 1980s that the Libyan link really became transformational. The capture of the *Eksund* in French waters revealed the extent of these shipments, all by sea. They had to be, given their scale: the *Eksund* was carrying 20 MANPADS, circa 1000 Kalashnikov type rifles, a large quantity of grenades, 10 heavy machine guns, and 2 tonnes of Semtex, as well as many other weapons. Probably four other Libyan arms shipments were successfully smuggled during the mid 1980s, involving between 110-136 tons of arms[33] and circa 1,200 Kalashnikovs, 26 heavy machine guns, 40 GPMGs, 33 RPG7s, 10 MANPADS.[34]

This quantity of weapons offered the PIRA a number of strategic and tactical possibilities, plus quite a few dilemmas. The most important gain for them was the very large quantities of powerful and reliable explosive (Semtex). This could be added to improvised explosives and weapons, increasing their lethality and reliability.[35] Libyan Semtex made some types of PIRA improvised mortars and grenades viable rather than amateur weapons.[36] Because only relatively small quantities of Semtex were needed on an annual basis, this gave the PIRA a long-term stockpile. Politically, this was a vital negotiating point in subsequent peace talks. For the British security establishment, the Libyan supplies meant any chances of imposing a complete military defeat on the PIRA were likely to be protracted. This concentrated the minds of negotiators, and the question of decommissioning arms was to be used most skillfully by Sinn Fein/PIRA negotiators to exact maximum concessions, proving their political, rather than their military worth.[37]

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29 Phillips, Op.Cit.
30 Sean Boyne, Gunnrunners: *The covert arms trail to Ireland* (Dublin: O'Brein Press, 2006); Ed Maloney, *A Secret History of the IRA*. (London: Penguin, 2007), 20; A.R, Oppenheimer, *IRA: The Bombs and the Bullets. A History of Deadly Ingenuity* (Dublin: Irish Aacademic Press, 2009).
31 These included Armalite rifles by 1971 and a small number M60 machine guns by 1977. See: Boyne, Op.Cit., 89, 115.
32 Boyne, Op.Cit., 249.
33 Nick Van der Bijl, *Operation Banner: The British Army in Northern Ireland 1969 -2007* (Barnsley: Pen&Sword, 2009), Appendix E.
34 Boyne, Op.Cit. 272-273, 436.
35 Oppenheimer, Op.Cit., 193.
36 Especially the so-called Marks 12, 13 and 16 direct fire spigot mortar-projector types. See Oppenheimer, Op.Cit., p. 237, 241; Gary A. Ackerman. "The Provisional Irish Republican Army and the Development of Mortars," *Journal of Strategic Security 9*, no. 1 (2016): 12-34.
37 Aoibhin De Burca, *Preventing Political Violence Against Civilians: Nationalist Militant Conflict in Northern Ireland, Israel And Palestine* (London: Palgrave, 2014), 79-80; Roger McGinty and John Darby, *Guns and Government: the management of the Northern Ireland Peace Process* (London: Palgrave. 2002), 98-100.

The vast quantity of firearms, are harder to judge in terms of what edge they gave. One of the more fanciful scenarios was using them in what has been styled as a proposed PIRA 'Tet offensive', notionally sketched out for 1987 or 1988.[38] The interdiction of the Eksund more or less put paid to such plans and moreover condemned PIRA to military 'stalemate.[39] While such an escalation would unquestionably have been doomed to eventual failure, the human and political consequences would have been certainly sanguinary but also perhaps significant even in failure.

Insurgent groups can find it sensible to engage in seeking spectacular escalations towards the end of a conflict. In the case of El Salvador, the FMLN initiated their own 'Tet offensive' in November 1989 bringing large numbers of guerrillas into San Salvador. It was a bloody and predictable defeat but not without political gains. El Salvador's

governing elite and their foreign backers were shocked at the resilience of the guerrillas while the leadership of the Marxist insurgency could argue that a final military push had been tried, and failed, thus justifying peace talks.[40] Libyan arms made something like this a strategic option for the PIRA, which luckily they abandoned. The Libyan arms windfall was ultimately used conservatively, which reflected the shift towards the primacy of a political strategy. The sheer quantities of firearms was actually far too much for their small cell structures. Nonetheless, these arms logistically underpinned the foundations for a very long war of attrition, and also gave the PIRA a residual surge capability to respond to contingencies. In the event of a doomsday scenario of a return to large-scale inter communal strife, or an unforeseen British military withdrawal, the ability to arm hundreds could prove decisive and was politically faithful to the PIRA's origins at the start of the troubles.

One cannot conclude that sea smuggling of weapons was absolutely essential to PIRA violence. Weapons were smuggled in other ways, and without them a significant armed struggle would have most likely continued. However, access to sea-smuggled Libyan and America weapons was transformational because it improved the quality and lethality of PIRA weapons. Moreover, while the massive Libyan arms transfers gave the PIRA some tactical advantages, the real gains were once again at the strategic political level. The brute military fact that the PIRA had a Libyan supplied arsenal of quantity and quality was used as an effective political bargaining chip during the negotiated end to the conflict.

Conclusion- hearing the Dog that *has* barked?

The most obvious lesson to draw here is that we should be attuned to hear the 'dog that has actually barked', many times, including on Irish shores. We need to be alert to how terrorist and insurgents have used maritime logistics to give them a transformational edge. Obviously, this is not the whole story of why some groups suffer defeat and others prosper, nor has it been denied that significant arms procurements can occur through non-maritime routes. Yet larger quantities of heavier weapons are easily smuggled by sea, and they can be tactically transformational for insurgents. In the longer term, they confer strategic political options to escalate, to strengthen negotiations, to support allied

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38 Maloney, Op.Cit., 20-23; Peter Taylor, Provos: *The IRA & Sinn Féin* (London: Bloomsbury Publishing, 2007) 156.
39 Maloney, Op.Cit., 33.
40 Mark Peceny and William D. Stanley, "Counterinsurgency in El Salvador," *Politics & Society* 38, no. 1 (2010): 82-84

insurgents or to provide insurance against land borders that become hostile. Another lesson to be drawn here is that maritime interdiction can pay huge dividends in saving lives, as the Eksund case shows. Yet such efforts tend to creep towards spatially long and complex chains of surveillance, deployment and action. This is not surprising, because maritime 'ratlines' are complex and take in diverse transnational social networks. They are never just port to port lines on a map. To be effective then, interdiction efforts need to be forward deployed towards the spatial centres of weapons distribution and the points of re-shipment, while also mapping the broader network. It is not enough to simply sit back and wait for arms to be smuggled into territorial waters! One implication for a country like Ireland is that we need to appreciate that much of our maritime security begins way beyond our territorial waters or EEZ, and depends on how integrated we are with international efforts.

To be really effective, good intelligence needs to be shared among what will inevitably be joint service and multi-national taskforces to interdict at distance, both spatially and temporally, well before arms are at risk of reaching land. This could also include sharing information with private maritime security consultants who may well be closer to the shipping and ports industry and thus able to add near 'real-time'[41] details . Such an approach would require working with several countries and their different services (air, naval, land, customs, etc.), possibly through an EU or other institutional framework. The fashion for 'jointness' may have waned somewhat, but maritime terrorism requires joint integrated forces, especially those that have a *standing* rather than *ad hoc* nature.

This analysis poses significant implications for small states like Ireland, superficially remote from terror hotspots but utterly dependent on the supply chains of globalization. Has our participation in international maritime networks or operations been as ambitious or substantive as it could be? Obviously, the Irish Naval Service's ongoing role in humanitarian rescue off Libya has been a huge success, but arguably it should serve as example of the wider value of being pro-active and participating in overseas maritime security operations. Dispatching vessels may not always be required to play a valuable role, even if in some situations it unquestionably represents the best option. However, even deploying overseas small numbers of Irish naval, air and land personnel in joint maritime security teams could also be valuable. Whatever approach is taken, we need to shed any complacency that maritime terrorism is a remote 'doomsday' scenario of no concern to us. The Libyan arms transfers of the past, or today's employment of maritime logistics by terror groups, should be understood to thoroughly unseat such naivety.

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41 My thanks to Gerry Northwood of MAST (Capt. RN, ret.) for this observation.

DR. ORLA LYNCH

De-radicalization; Assumptions Weaknesses and Lessons from the Past.

ABSTRACT

Understanding how individuals convicted of terrorism or terrorism related offences choose to end their involvement in political violence is a process that has preoccupied academics and practitioners for many decades. In recent times, due to the increasing number of terrorist attacks on European soil but also due to concerns regarding the potential return to Europe of vast numbers of foreign fighters from Syria and Iraq[1] this issue has become more prominent in both academia and government. This process has been considered from a number of standpoints; some authors draw on existing theoretical frameworks such as criminological desistance[2], and ask if the frameworks proposed for understanding ordinary criminals can be applied to the case of terrorism and political violence.[3] Others, such as psychologist John Horgan[4], have developed bespoke frames for understanding how individuals leave terrorist groups or organizations. Other still have proposed very specific approaches to understanding radicalization (rather then terrorism) and they focus on de-radicalization[5] as a framework for assisting in understanding how the process of moving into and away from terrorism might happen. This short paper will examine the issue of de-radicalization and the implications that such an approach has for how we think about terrorism, how we react to terrorism and how lessons from the past are (or are not) incorporated into this approach.

Introduction

There have been many attempts to understand 'the terrorist'; motivations (or drivers) such as mental illness, deprivation, frustration etc. have been mistakenly proposed as *causes.*[6] However, in the literature that addresses the issue of terrorism, there is a general acknowledgement (although not universal) that terrorism should *not* be thought of as a phenomenon that can be understood by reference to a specific *profile* of characteristics, but as a process of increasing engagement with a group or organization (online or offline).[7] To focus solely on the individual terrorist actor and then seek to understand how and why they engaged in political violence is akin to attempting to understand ordinary

1 Marsden, Sarah. Reintegrating Extremists. Deradicalisation and Desistance. London: Palgrave Mc Millian. 2017.Schmid, Alex Radicalization, De-radicalization and Counter Radicalisation: A Conceptual discussion and literature review. ICCT research paper. 2013 https://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf Neumann, Peter. The trouble with radicalization. *International Affairs*, vol. 89 (4), 2013 pp. 873-893. Neumann, Peter. Radicalized. The New Jihadists and the Threat to the West. London: IB Tauris. 2016 (a)

2 Maruna, Shad. Making Good. Washington, D.C. American Psychological Association in McNeill, F. (eds.) A desistance paradigm for offender management. Criminology and Criminal Justice, 6. 2006, pp 39-62.

3 La Free, Gary. & Miller, Eric. Desistance from terrorism: What can we learn from criminology? Dynamics of Asymmetric Conflict, vol. 1(3), 2008 pp. 203-230.

4 Horgan, John. The Psychology of Terrorism. London; Routledge. 2006
 Horgan, John. The Psychology of Terrorism. London; Routledge. 2014

5 Moselenko, Sophia. & McCauley, Clarke. Friction; how radicalization happens to them and us. Oxford, Oxford University Press. 2011

6 Corner, Emily., Gill, Paul. & Mason, Oliver. Mental Health Disorders and the Terrorist. A Research Note Probing Selection Effects and Disorder Prevalence. *Studies in Conflict and Terrorism*, 39 (6), 2015 pp. 560-568.

7 Horgan, John. Deradicalization or disengagement? A process in need of clarity and a counterterrorism initiative in need of evaluation. *Revista de Psicologia Social* 24 (2), 2009, pp 291-298

crime without reference to substance abuse, poverty, inequality and socialization into crime. However, when it comes to terrorism, the extreme nature of the act tends to push us to exceptionalise the behavior of the individual actor and seek to attribute blame to some single identifiable external factor.

Research on terrorism has demonstrated that becoming involved in terrorism is a social process that relies on (amongst other things) friendship networks, family history, and opportunity and in many cases (but not all), ideology.[8] Therefore it makes sense that any journey *out* of terrorism[9] would also involve these factors. However, walking away from terrorism is not simply a reversal of the factors that led to involvement in the first place. Individuals may join for a select few reasons, but they remain involved for a number of others: dedication to the group, a lack of credible alternatives and an increasing commitment to a cause.[10] So when considering how individuals move away from involvement in terrorism and political violence we need to consider not only individual factors that are relevant for all types of crime like age, marital status, identity etc. but also group processes and organizational dynamics as well as local and national political issues related to, amongst others, peace processes, amnesties and community support for a violent campaign.

What is Radicalization?

Radicalization has become a popular phrase as a catch all for what goes on before the bomb goes off.[11] Radicalization is most accurately described as a process that involves "global, sociological, political, ideological and psychological drivers" whereby an individual is "socialized into extremism that manifests itself as terrorism".[12] This however tells us very little about how this might happen or what it might look like. To complicate matters further, radicalization is often used interchangeably with extremism and sometimes used in place of the term terrorism. Research on radicalization has focused to a large degree on how we might identify individuals who are *radicalized* as well as how we might identify individuals who are vulnerable to radicalization.[13] Like research on terrorism more generally, the idea that there may be a profile that might assist us in this process has been refuted.[14] However, there has been a shift from a focus on *profiles* to a focus on vulnerabilities or risk factors and what these risk factors might be[15]. However, given that terrorist acts are relatively rare and that the motives and modus operandi of

8 Silke, Andrew. Becoming a Terrorist in Silke, A. (Ed) Terrorist Victims and Society. Psychological Perspectives on Terrorism and Its Consequences. London, Wiley. 2003

9 Horgan, John. Deradicalization or disengagement? A process in need of clarity and a counterterrorism initiative in need of evaluation. *Revista de Psicologia Social* 24 (2), 2009, pp 291-298

10 Kruglanski, Arie. & Gloec, Agnieszka. Individual Motivations - The Group Process and Organisational Strategies in Suicide Terrorism in E.M. Meyersson Milgram (Ed.) Suicide Missions and the Market for Martyrs, A Multidisciplinary Approach. Princeton, N.J.: Princeton University Press. 2004

11 Wrey, Robin. Fighting Talk – *What goes on before the bomb goes off? A study of the causal factors that influence propensity to violence behaviour in socio-political context, specifically terrorism*. 2012 Doctoral thesis, Goldsmiths, University of London Available online at http://research.gold.ac.uk/8045/ Accessed June 21st 2017.

12 Schmid, Alex "Radicalization, De-radicalization and Counter Radicalisation: A Conceptual discussion and literature review". ICCT research paper. 2013 Accessed June 23rd, 2017. Available online at https://www.icct.nl/download/file/ICCT-Schmid- Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf pp. 5

13 Pressman, Elaine. Calibrating risk for violent political extremists and terrorists: the VERA 2 structured assessment. The British Journal of Forensic Practice, Vol. 14(4), 2012 pp.237-251, https://doi.org/10.1108/14636641211283057 Pressman, Elaine. Risk Assessment Decisions for Violent Political Extremism. Canadian Centre for Security and Intelligence Studies. 2009 Available online at http://www.sattaqueraucrime.gc.ca/cnt/rsrcs/pblctns/2009-02-rdv/2009-02-rdv-eng.pdf Accessed June 29th 2017.

14 Horgan, John. *The Psychology of Terrorism*. London; Routledge. 2014

15 Pressman, Elaine. Risk Assessment Decisions for Violent Political Extremism. Canadian Centre for Security and Intelligence Studies. 2009 Available online at http://www.sattaqueraucrime.gc.ca/cnt/rsrcs/pblctns/2009-02-rdv/2009-02-rdv-eng.pdf Accessed June 29th 2017.

the perpetrators are so varied, it is near impossible to determine any overarching factors that might have universal utility. There is of course the danger that a 'risk factor' approach may lead to the incorrect identification of individuals or lead to a high percentage of *false positives[16]* and all the associated problems that this would entail. Perhaps the most useful part of radicalization as a framework for understanding the journey into terrorism is that it shifted the focus from a causal approach that prioritized the individual or individual characteristics to a process whereby individual factors are but one element in the journey.

What is de-radicalization?

Like radicalization, de-radicalization emerged in recent years to describe the general process whereby individuals may voluntarily or through enticement walk away from involvement in terrorist groups/organizations.[17] However, de-radicalization by virtue of its association with *radicalization*, has inherited all of the related definitional, conceptual and operational problems (ibid). De-radicalization is most likely to be defined as ideological or attitudinal change that leads to a reduction in the support for or participation in terrorism[18], however some approaches also incorporate social processes and group dynamics as part of the process.[19] An important assumption that underpins the notion of de-radicalization is that a change in ideological position or attitude will somehow bring about a change in the behaviors that ultimately culminate in terrorism and political violence. This is of course a significant assumption as behavior change, a complex psychological process, is notoriously difficult to achieve.[20] But even if we were to park any reservations regarding the possibility of achieving behavior change, another significant assumption of de-radicalization is that a political or religious ideology is fundamental to participation in terrorism. This is problematic for a number of reasons, but especially because as mentioned earlier, people get involved in terrorism for many reasons; oftentimes ideology is not a relevant part of the story.[21]

Since 9/11, the rise to prominence of international terrorism, most often associated with violent Islamic extremism, has come to preoccupy governments and relatedly, criminal justice professionals. In an effort to tackle terrorism, de-radicalization has emerged as a potential *solution* whereby an ideological shift is sought in order to bring about a change in violent behavior or ideation.[22] However, as mentioned earlier, de-radicalization with its focus on ideology and/or attitude operates on the basis of a number of assumptions about what terrorism is, and how terrorism happens. The assumptions inherent in a de-radicalization approach to preventing and/or reducing terrorist behavior are further underpinned additional assumptions: that ideology is open to challenge, that attitude

16 Sarma, Kieran. "Risk assessment and the prevention of radicalization from non-violence into terrorism." American Psychologist vol. 72 (3), 2017, pp. 278-288.
17 Schmid, Alex "Radicalization, De-radicalization and Counter Radicalisation: A Conceptual discussion and literature review". ICCT research paper. 2013 Accessed June 23rd, 2017. Available online at https://www.icct.nl/download/file/ICCT-Schmid- Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf
18 Marsden, Sarah. Reintegrating Extremists. Deradicalisation and Desistance. London: Palgrave Mc Millian. 2017
19 Kruglanski, Arie. & Gloec, Agnieszka. Individual Motivations - The Group Process and Organisational Strategies in Suicide Terrorism in E.M. Meyersson Milgram (Ed.) Suicide Missions and the Market for Martyrs, A Multidisciplinary Approach. Princeton, N.J.: Princeton University Press. 2004
20 Cantillon, Dan. "Attitude and behavior change measurement: Development of a measure to access positive attitudinal and behavior change among cure violence clients." Paper presented at the *141st APHA Annual Meeting*, Boston Mass. 2013 Available online at https://apha.confex.com/apha/141am/webprogramadapt/Paper288029.html Accessed June 2nd, 2017.
21 Piazza, James. "Is Islamist Terrorism More Dangerous?: An Empirical Study of Group Ideology, Organization, and Goal Structure." *Terrorism and Political Violence*, vol. 21 (1), 2009, pp. 62 – 88.
22 Marsden, Sarah. Reintegrating Extremists. Deradicalisation and Desistance. London: Palgrave Mc Millian. 2017

change can be achieved and most importantly, that ideology and attitude are related to behavior, that this link can be identified and that these changes will have an impact on the violent behavior of the individual in question. Unfortunately, each of these issues is a significant problem in its own right and in the case of terrorism, the complex series of behaviors, both group and individual, that exist in the run up to and during the commission of a terrorist act do not lend themselves to simplistic analysis, the isolation on concepts nor quantifiable indicators of success. In effect, we do not definitively know the relationship between ideas and behaviors, how we might change either or both and if we did bring about change, we might not be able to quantify that change nor link it to any intervention attempted.

As a result, it is clear that a focus solely on ideas, ideology and attitude is insufficient when attempting to prevent violent extremism and terrorism. Research by Barrelle[23] shows five areas that are relevant in our attempt to understand why people leave terrorism behind: peer relationships, dissatisfaction with the reality of living a clandestine life, identity issues, ideological disillusionment and reconciling the need for action with the reality of their situation.[24] These factors span across the individual, their interpersonal relationships and their social world; ideology is but one element of this process. Importantly as pointed out by Marsden,[25] research demonstrates that the move away from violence is informed not by ideas alone, but by collective political interaction and the perception of threats. Given the discussion above regarding *what radicalization* is it vital that we recognize that terrorist actors are more than ideologues alone (or at all) and this is a vital issue when considering how to intervene to prevent violent extremism.

Furthermore, despite the investment in radicalization research by academics and the support of governments both national and regional for research and practice, (e.g. RAN) there is little publically available evidence that speaks to the utility of the de-radicalization framework for preventing terrorism.[26] We know very little about national de-radicalization programmes, the success of these programmes, how the interventions are delivered and who are the subject of the programmes. This is primarily due to government secrecy surrounding terrorism, but also due to the varied nature of the interventions and the fact that the interventions are often carried out inside prisons or by probation services and so the details are confidential within those institutions. In addition, there are multiple types of interventions implemented for varying periods of time, carried out by a range of practitioners in both mandatory or voluntary settings (Weeks, 2017); as a result, success is often a difficult measure to evaluate and often not comparable across cases.

As mentioned earlier, having an extreme ideology that supports the use of terrorism is but one aspect of an individual's choice to participate in political violence. But apart from the issue of ideology and its role as a precursor to terrorist violence, there are

23 Barrelle, Kate. *Disengagement from violent extremism*. Monash University; Australia, 2010 in Marsden, Sarah. *Reintegrating Extremists. Deradicalisation and Desistance*. London: Palgrave Mc Millian, 2017. Available online at: http://artsonline.monash.edu.au/radicalisation/files/2013/03/conference-2010-disengagement-from-violent-extremism-kb.pdf Accessed June 29th 2017.
24 Marsden, Sarah. Reintegrating *Extremists. Deradicalisation and Desistance*. London: Palgrave Mc Millian. 2017
25 Ibid
26 Horgan, J. & Braddock, K. "Rehabilitating the Terrorists?: Challenges in Assessing the Effectiveness of De-radicalization Programs." Terrorism and Political Violence Vol. 22 , (2), 2010, pp. 267-291. **Marsden, Sarah. Reintegrating Extremists. Deradicalisation and Desistance. London: Palgrave Mc Millian. 2017**

other significant issues of relevance for how we might think about de-radicalization and terrorism For example, not all terrorist activity is violent, much of it (and this is reflected in the proliferation in terrorism legislation over the past 15 years) is tangential to the actual violence. However, there is a general assumption that all 'terrorists' are created equally; however, we know from criminological research, that likelihood of desistance is related to the rate of offending.[27] Analyzing members of an organization, such as IS, as a coherent unit will prevent the necessary differentiation between leaders and followers, but also between intransigent members who have committed serious violent attacks and those who acted in a support role. In addition, it is well known that individuals who have been and are involved in terrorist violence are highly likely to have a history of involvement in *non-political* or ordinary crime.[28] This is important because terrorist activity is rare, the likelihood that an individual (save for those operating in a theatre of war) will have multiple opportunities to carry out violence, is low. They will however have multiple opportunities to carry out *other crimes* and it is important that we recognize how crime and terrorism are interwoven in a very intricate manner and this should be recognized both in how we conceptualize terrorism, but also how we understanding the possibility of desistance and disengagement from terrorism. It is vital that we understand that the act of terrorism is a spectacular incident of highly mediated violence, but terrorism is by and large the culmination of a series of criminal, quasi-criminal and non-criminal actions. The question remains however whether it is possible to separate out the political crime from the non-political, the ideological motive from the self serving and the everyday activity from the exceptional? More importantly, for the individual, and so for those practitioners dealing with the terrorist actor, these behaviors cannot be considered in isolation and represent a fundamental part of what being involve in terrorism actually means.

A case study of desistance - Northern Ireland.

As mentioned, de-radicalization is currently a term used to refer to any process that attempts, through a process of ideological or attitudinal change to prevent (further) involvement in terrorism and *political violence.*[29] It is a relatively new term that only began to have widespread use after 9/11, arguably even later than that. De-radicalization interventions operate under the assumption that radicalization is a process that is central to our understanding of how an individual becomes involved in terrorism. As mentioned, radicalization is also a loosely defined catchall phrase that refers to the process of how someone becomes moves from non-violence to terrorism. Radicalization is generally though of as comprising of two elements, cognitive radicalization and/or behavioral radicalization: cognitive radicalization refers to the thoughts or *cognitions* that shift to enable a person to support or engage in terrorism. The behavioral component is the act of *doing* terrorism. There is an over emphasis on the cognitive element of radicalization within the literature on terrorism; the belief that an extreme ideology is essential to involvement in terrorism is a widespread fallacy. We know for example that people get involved in terrorism for a host of reasons and as mentioned ideology is not always one of them. We

27 Bushway, Shaun, Thornberry, Terrance, & Krohn, Marvin. "Desistance as a Developmental Process. A Comparison of Static and Dynamic Approaches." *Journal of Quantitative Criminology* vol. 19, 2003 pp. 129–153.
28 Neumann, Peter. Criminal Pasts, Terrorist Futures: European Jihadists and the New Crime-Terror Nexus. ICSR Report. 2016b Available online at http://icsr.info/2016/10/new-icsr-report-criminal-pasts-terrorist-futures-european-jihadists-new-crime-terror-nexus/ Accessed July 1st.
29 Schmid, Alex "Radicalization, De-radicalization and Counter Radicalisation: A Conceptual discussion and literature review". ICCT research paper. 2013 Accessed June 23rd, 2017. Available online at https://www.icct.nl/download/file/ICCT-Schmid- Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf

know of many situations where individuals had involvement with terrorist groups prior to their adoption of an extreme political or religious ideology. For example in the case of Northern Ireland, young men often joined the Provisional Irish Republican Army (PIRA) or the Ulster Defense Association (UDA) because their family had been members, or because their friends were involved, due to their involvement in ordinary criminality or to antagonize their parents.[30] Furthermore, actual or perceived injustices are often though to be a significant part of the decision to join a violent political organization. Oftentimes these individuals 'learn' their ideology through exposure to more senior members within the prison system and research carried out in Northern Ireland supports the hypothesis that radicalism often develops *after* an initial commitment to a movement.[31] We often saw a similar situation with the group FARC in South America where involvement was often due to a lack of a credible alternative and individuals seeking excitement and action[32]. Oftentimes in the case of terrorism, involvement in a violent organization could more readily be accounted for due to family circumstances rather than political ideology. Of course that is not to say that all individuals join for non-ideological reasons, but what we must consider is that ideology should not be seen as the only nor key element in how we might understand an individual's journey into and out of terrorism. In addition we need to consider the complex relationship that exists between attitudes and behaviors and the non-linear relationship between the two. The complex interplay of factors that are at play in the lead up to an individual's choice to join, say the PIRA, or to travel to Syria to join the Islamic State (IS) or the PKK (Kurdistan Workers Party) must be recognized and assessed on a case by case basis using a multilevel analysis.

If we examine how there was an (arguably) end to political violence in Northern Ireland, the circumstances of the local, national an international situation as it applies to Northern Ireland were as significant, but not separate from the individual process that members of the paramilitary groups undertook when they choose to abandon their violent struggle. This is particularly relevant when as a part of the Belfast or Good Friday agreement (GFA) in 1998, nearly 500 hundred prisoners incarcerated for *politically motivated* offences were offered early release from prison.[33] The vast majority of these individuals did not engage in further acts of political violence save the few who chose to become involved in what is commonly called 'dissident republicanism'. Estimates of the recidivism rate for the individuals released under the Good Friday agreement sit at approximately 10%; an exceptionally low figure given the recidivism rates for non-political crimes can be between 40-70%.[34] This demonstrates that the structural conditions that existed around the time of the release were relevant for how we might understand the relatively successful peace process. However, regardless of the local, national and international conditions that existed at the time of their release, the individual processes undertaken by the ex-prisoners themselves were also highly relevant, but still only one element in the choice to desist from political violence.

30 Joyce, Mary Carmel and Lynch, Orla "Doing Peace: The Role of Ex-Political Prisoners in Violence Prevention Initiatives in Northern Ireland" Studies in Conflict and Terrorism. 2010 http://dx.doi.org/10.1080/1057610X.2016.1253990
31 Shirlow, Peter and McEvoy, Kieran. *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland*. Pluto Press, London, 2008.
32 Rosenau, William, Espach, Ralph, Ortiz, Roman, & Herrera, Natalia. Why They Join, Why They Fight, and Why They Leave: Learning From Colombia's Database of Demobilized Militants. *Terrorism and Political Violence* Vol. 26 (2), 2013, pp. 277- 285
33 McEvoy, Kieran, Shirlow, Peter, & McElrath, Karen. Resistance, transition and Exclusion: Politically Motivated Ex-Prisoners and Conflict transformation in Northern Ireland. Terrorism and Political Violence, 16 (3), 2004, pp. 646-67.
34 Shirlow, Peter and McEvoy, Kieran. *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland*. Pluto Press, London, 2008.

Individuals who leave prison having served sentences for political as well as non-political crimes face enormous hurdles when attempting to reintegrate (back) into society.[35] They also have significant personal challenges to overcome around their identity as an offender, their social circle and their place as a contributing member of society. In addition they have to address the issue of their violent past and how this might be incorporated into their new[36] – non-violent – self identity.[37] In the case of Northern Ireland, the political structure that allowed for the early releases did not dictate that there should be a disbandment of all paramilitary groups, merely disarmament. In addition, there was no question of the need for prisoners or ex-prisoners to denounce their ideology, nor renounce their past actions. In effect, the expectation was that these individuals would simply stop *doing violence*. What is interesting about this approach is that the social networks surrounding the ex-prisoners were not disbanded, the individuals were not expected to demonstrate public humility or offer apologies, nor individually denounce their past actions or ideological motives. However, politically distasteful this may appear, by any objective standards, it can be said that the approach was successful. This approach has much in common with research that has been carried out with criminal gangs around issues of shame, social status and social ties[38] and how to avoid a relapse into criminality due to the impact of leaving a gang. The recognition that former terrorist prisoners will most likely one day be released back into society means that we have to take seriously the needs of these individuals if we are to have any expectation of successful reintegration and a future of non-violence.

If we consider how the issue of de-radicalization might have been applied to the Troubles it would be difficult to imagine a successful outcome. That is of course not to say that de-radicalization as a process does not have the potential to be successful, but it does demonstrate that the context to the violence and the individual experience of the relevant actors must be acknowledged in any effort to intervene as opposed to focusing primarily on ideology and attitude. In a useful summary of how we should think of terrorism for the purpose of preventing (further) involvement, Antony Pemberton[39] pointed out that terrorism is more about 'I am' than 'I do', implying that self, identity, belonging and interpersonal relationships are significant elements of the process of becoming and remaining involved in political violence.

Conclusion

Terrorism is fundamentally a pejorative term,[40] and the application of the label is often dependent on the nature of the perpetrator rather than the motivation of the act itself. As a highly politicized and highly mediated phenomenon, terrorism is often sensationalized and exceptionalised making it difficult to understanding the nuances of the act and the

35 Maruna, Shad. Making Good. Washington, D.C. American Psychological Association in McNeill, F. (eds.) A desistance paradigm for offender management. Criminology and Criminal Justice, 6. 2006, pp 39-62.
36 Ibid
37 Joyce, Mary Carmel and Lynch, Orla "Doing Peace: The Role of Ex-Political Prisoners in Violence Prevention Initiatives in Northern Ireland" Studies in Conflict and Terrorism. 2010 http://dx.doi.org/10.1080/1057610X.2016.1253990
38 Carson, Dena, Peterson, Dana, & Esbensen, Finn-Aage "Youth Gang Desistance: An Examination of the Effect of Different Operational Definitions of Desistance on the Motivations, Methods Associated With Leaving the Gang". *Criminal Justice Review*, 38, 2013, pp 510- 534.
39 Pemberton, Antony. Narratives and Radicalisaiton (Ch5) in Lynch, Orla and Argomaniz, Javier. The Victimisation Experience and the Radicalisation Process – Understanding of the Perpetrator Victim Complex in the Case of Terrorism and Political Violence. Funded by the European Commission through the Specific Programme 'Prevention of and Fight against crime' HOME/2012/ISEC/AG/RAD 2016.
40 Horgan, John. The Psychology of Terrorism. London; Routledge. 2005

actor. In our efforts to understand terrorism it is vital that we adhere to rigorous research standards and ensure that interventions are based on empirical evidence and ethical practice. In addition to these basic requirements we must also consider that terrorism is not new, that terrorism does not occur in a vacuum and that there are significant lessons to be learnt from the past. This short paper has highlighted both the strengths and weaknesses of a radicalsaiton /de-radicalization approach to terrorism and examined, what might now be called a CVE intervention - how violent extremist actors were dealt with in the case of Northern Ireland. The lesson from this case is that understanding the context to the violence, the interpersonal relationships of the perpetrators, their family histories, national and international politics and cross community relationships is essential; in this instance ideology was a secondary consideration. Finally, an understanding how violent extremism and terrorism has been successfully dealt with in former conflict zones has the potential to inform the frameworks currently advocated for dealing with terrorism and political violence.

2 Recruitment of Potential terrorists

11 Impact of attacks

10 Support by sympathizers

13 Financial and material resources

3 Density of a terrorist network

1 Political influence of a terrorist network

4 Negative perception of industrial countries

8 Media reports

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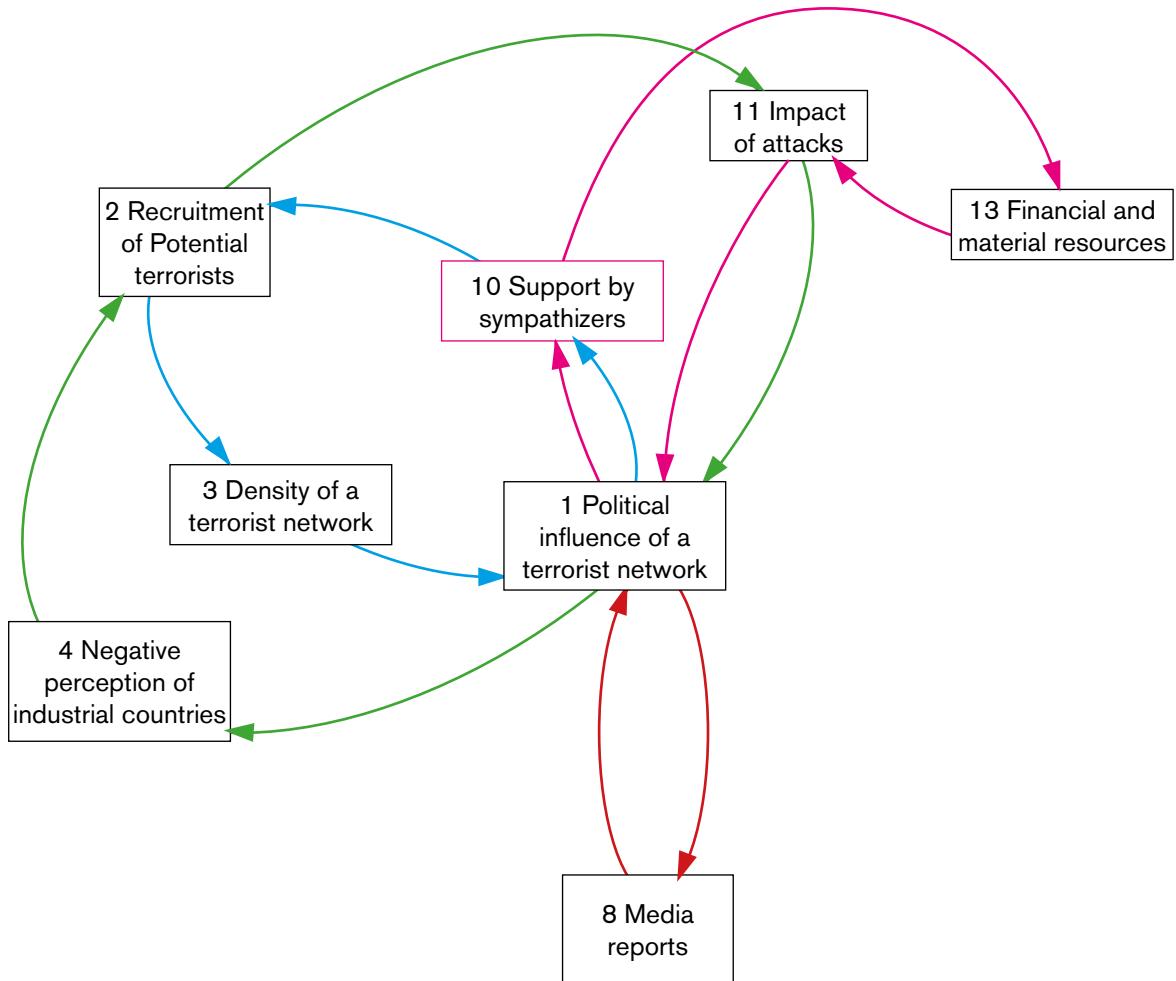
"A Stunning Strategic Concession"[1] The Importance of Sanctuaries and External Support to Terrorist and Insurgent Operations.

ABSTRACT

The above quote is derived from Professor Eliot Cohens latest book, The Big Stick, and refers to the inability of the United States and Allied forces to neuter the threat from insurgent groups such as Al Qaeda and the Taliban in Afghanistan and Iraq, due to the aid and shelter provided to them in remote areas and neighbouring states. History is replete with insurgencies that have successfully used such sanctuaries to sustain and drive campaigns against stronger and more powerful opponents. Classic examples include the use of the Ho Chi Minh Trail in Laos and Cambodia by the North Vietnamese during the Vietnam War and the use of sanctuaries in the North-West Frontier Province of Pakistan by the Mujahedin during the Soviet-Afghan War.

Today's insurgent and terrorist campaigns, it will be argued, are no different, and continue the practice of using remote, protected and inaccessible areas to maximum strategic benefit. This paper will examine the use of sanctuaries by insurgent forces in the post-World War Two era, including the conflicts in Vietnam and Algeria and conclude with the *Taliban* and *Al Qaeda* insurgency in the Tribal Regions of Afghanistan and Pakistan and explore the benefits that the use of these sanctuaries has provided to insurgent operations. In addition, attention will be paid to the efforts of counterinsurgent and counter terrorist operations to neutralise such threats and how in line with Professor Cohens quote above, the issue of sanctuaries continues, in many ways, to bedevil conventional forces to this day.

Introduction

"You know, we Punjabis are the foreigners here on the frontier, *Al Qaeda* has been here 25 years, their leaders have married into the tribes, they have children and businesses here, they have become part of local society."[2]

The above quote reflects the thoughts of a young Pakistani Army Major leading a counterinsurgent force in the Tribal Areas of Pakistan attempting to rout out members of *Al Qaeda* ensconced in the region. The quote goes some way in highlighting the complexity of the challenge facing conventional forces attempting to deal with an insurgent force embedded within a civilian population. This paper will argue that sanctuaries have formed a key component of successful insurgent campaigns in the post-World War Two era, from

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1 Eliot Cohen, *The Big Stick – The Limits of Soft Power and the Necessity of Military Force*, (New York: Civitas, 2016), 145.
2 David Kilcullen, *The Accidental Guerrilla – Fighting Small Wars in the Midst of a Big One* (London: Hurst, 2009), 34.

the 'Wars of National Liberation' through the post-Cold War era and into the 'War on Terror'. Insurgent groups, from the *Viet Minh* in the 1950's through to *Al Qaeda* and the *Taliban* of today, have successfully used sanctuaries and external support to neuter the numerical and material advantages posed by the conventional forces arrayed against them. In turn, it will be argued that by 'allowing' the successful utilisation of such sanctuaries, counterinsurgent forces have conceded the strategic initiative to their opponents, in many cases to the significant detriment of their campaign and mission objectives. The overall effect will be to show that counterinsurgency is difficult, counterinsurgency against an opponent in possession of active and operational sanctuaries, is harder still.

The Strategic Utility of Sanctuary and External Support

The era stretching from the end of World War Two up to and including the 'War on Terror' has witnessed a notable uptick in the use of unconventional and asymmetric warfare. Thomas Hammes has gone so far as to designate it the era of Fourth Generation Warfare (4GW).[3] Given the overwhelming strength and firepower available to conventional armies, weaker opponents must resort to alternative or asymmetric strategies and tactics to neuter the advantages possessed by their stronger opponents, including insurgency and terrorism.[4] In a study of over 197 asymmetric conflicts, Arreguin Toft argues that 55 per cent of campaigns have witnessed a weaker opponent emerge victorious.[5] A wide debate has taken place to understand the reason(s) behind this pattern. Various theories argue that terrain and geography as well as government type – including the vulnerability of democracies to this form of conflict, play a key role in weaker opponents overcoming their stronger opponents.[6]

This paper argues the case for sanctuary and external support as a crucial factor in this development and with that in mind, this section examines what defines a sanctuary and the operational and strategic benefits a safe haven provides to an unconventional force. Bernard Fall, the noted French-American student of guerrilla warfare, writing in the 1960s, described sanctuary as "a territory, contiguous to a rebellious area which, though ostensibly not involved in the conflict, provides the rebel side with shelter, training, facilities, equipment and - if it can get away with it – troops."[7]

Sanctuaries often provide insurgents with the benefit of interior lines and the ability to minimise the distance needed to travel to their area of operations, while at the same time forcing the conventional force to cover a wider front both in terms of ground and population. In many cases, the use of an active sanctuary has provided insurgents with 'strategic depth' and an increased operational environment that allows distance to be placed between themselves and the conventional force and thereby minimising the retaliatory effects of the conventional forces firepower. Where insurgents and terrorists are embedded for long periods of time in an area, sanctuaries also allow local roots to be put down both in terms of familial relationships and contacts with other guerrilla and

3 Thomas Hammes, *The Sling and the Stone: On War in the 21st Century* (London: Voyageur Press, 2006),208.
4 Hammes, 208
5 Omar Ashour. "Sinai's Stubborn Insurgency – Why Egypt Can't Win." *Foreign Affairs*, November 8, 2015. Accessed May 18, 2017
   https://www.foreignaffairs.com/articles/egypt/2015-11-08/sinais-stubborn-insurgency
6 Jeffrey Record. "Why the Strong Lose." Parameters, Winter (2005): 24
7 Bernard Fall, *A Street Without Joy – The French Debacle in Indochina* (London: Leo Cooper, 2005), 375.

insurgent forces. The connection between *Al Qaeda* and the Pashtun groups in the Tribal Areas, already mentioned, is a useful example of such activity.[8]

Of fundamental importance though, and a key element in how insurgents can seize the strategic initiative from conventional forces, sanctuaries provide insurgents with a precious commodity – time. By operating on their own schedule and not that of their stronger opponents, insurgent movements are able as Daniel Byman argues, "to dictate the pace of operations, prevent target governments from following up tactical victories, if they are denied the right of 'hot pursuit' and otherwise allow rebel movements to retain the initiative."[9] A common quote attributed to the *Taliban* in Afghanistan and accurately reflecting their advantage over their more powerful NATO opponent argues that "you've got the watches, but we've got the time."[10]

It has been argued that the longer an insurgent force is able to prolong the timeline of a conflict with a stronger opponent, the greater their chance of achieving victory. Both Andrew Mack and Ivan Arreguin Toft argue that conventional forces engaged in an asymmetric conflict and, in particular, democracies, are vulnerable to domestic pressure. Toft argues that overwhelming power leads to inflated expectations of victory and when this does not occur, domestic pressure to end the conflict is likely to result. Among the key factors necessary in a guerrilla war for this outcome to occur according to Toft, is the possession of a physical or political sanctuary and supportive population.[11] Mack, in a similar vein, argues that over time the absence of victory leads to the attrition of a conventional forces political capability to wage war.[12]

By providing shelter for an insurgent movements leaders and members, rest and recuperation and the ability to recruit and train new members and more importantly the ability to wait out their more powerful conventional opponents, sanctuaries are a vital element in any successful insurgency as history demonstrates.

Sanctuaries and Insurgents in the post-World War Two Era

France, in the post- war era, fought two wars of decolonization, both of which resulted in an insurgent force emerging victorious. At the end of World War Two, French colonial forces, in the aftermath of the defeat of the Japanese, attempted to reassert control over French Indochina. Opposing them in Vietnam were the Communist *Viet Minh* forces under Ho Chi Minh and his military commander Vo Nguyen Giap. In the early stages of this conflict, while building their strength, the *Viet Minh* were content to wage a guerrilla war of hit and run tactics. However, the final victory of the Communists under Mao Tse Tung in China opened a vast sanctuary for the *Viet Minh*, in which they were to remain virtually untouchable for the duration of the war. By 1954, Chinese People's Liberation Army (PLA) cadre were estimated to have trained up to 40,000 Viet Minh personnel in Yunnan Province bordering Vietnam as well as providing considerable material and

8 Kilcullen, 235.
9 Daniel Byman et al., *Trends in Outside Support for Insurgent Movements* (Washington: Rand, 2007), 108.
10 Steven Pressfield, *The Warrior Ethos* (London: Black Irish, 2011), 16.
11 Ivan Arreguin Toft. "How the Weak Win Wars." *International Security,* 26, no. 1 (2001): 105
12 Andrew Mack. "Why Big Nations Lose Small Wars." *World Politics*, 27, no. 2 (1975): 177

logistical support.[13] As Zasloff argues, "by 1950, the *Viet Minh*, had developed a military capability which, with Chinese assistance permitted them to undertake operations against the French at battalion and regimental level."[14] Frederik Logevall argues that Chinese assistance and sanctuary were so effective for the development of the *Viet Minh* that the end result was, a "main battle force whose firepower was roughly equal to the French Expeditionary Corps (FEC) and in some respects, superior."[15]

Due to the enormous scale of terrain needed to be covered and a notable lack of reinforcements arriving from mainland France, concessions of significant strategic importance needed to be made, most notably, the ceding of the entire border region with China to the *Viet Minh*. The absence of any significant French blocking force, allowed supplies and reinforcements to pour across into Vietnam, peaking at 4,000 tons a month in June 1954 with the conclusion of the Battle of *Dien Bien Phu*.[16] Indeed, the heavy artillery that was used to batter the doomed French garrison into submission and bring about the conclusion of the war, was supplied by and brought in from Chinese sanctuaries.[17] The French would shortly be replaced in Vietnam by another conventional army that would face its own strategic dilemma regarding the sanctuaries of the Communist Vietnamese. Prior to that though, the French would fight one more colonial war, this time on their veritable doorstep in Algeria, against the rebels of the Algerian National Liberation Front (FLN). The war in Algeria, is a useful example in terms of exploring the strategic utility of sanctuaries, in that it demonstrates how an insurgent force, simply by possessing sanctuaries that remain untouched, can wear out an opponent's ability to continue a conflict.

The insurgency, launched in 1954, was composed of hit and run attacks by rural based armed groups as well as urban acts of terrorism, most notably during the Battle of Algiers from 1954-57. The FLN were supported externally by sanctuaries in Morocco and Tunisia from which supplies and reinforcements were drip fed into Algeria. Unlike the border between Vietnam and China, the French military resolved not to cede control of the border on either side of Algeria. With that in mind a defensive wall of electronic sensors, guard towers, minefields and troops on ready alert effectively sealed off Algeria from the outside and allowed French forces to contain the insurgency inside the country. However, France, in order to maintain effective relations with both neighbouring states, never seriously threatened the FLN power centres in either Morocco or Tunisia and therefore, the FLN high command could maintain the insurgency to such a level that by 1962 French public opinion and President Charles de Gaulle's patience finally ran out and Algerian independence resulted.[18] The Algerian War of Independence is a useful example of how a conventional force may win militarily but lose politically, in part due to an inability to threaten an insurgents external support network.

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13 JJ Zasloff. "The Role of the Sanctuary in Insurgency." Rand Memorandum, RM-4618, (1967): VI
14 Zasloff, VI
15 Frederik Logevall, Embers of War (Presidio: New York, 2012), 242.
16 Zasloff, V
17 Bernard Fall, *Hell in a Very Small Place* (Cambridge: Da Capo, 2002), 298.
18 Alistair Horne, *A Savage War of Peace* (NYRB Classics: London, 2006), 263.

While the French government and the FLN were bringing the Algerian War of Independence to a close with the signing of the Evian Accords in 1962, several thousand kilometres to the east, the ashes of a dormant conflict were heating up. From 1959 onwards, a Hanoi sponsored insurgency, driven by the National Liberation Front (*Viet Cong*) began to gather apace in South Vietnam. The ability of North Vietnam to sustain the conflict was twofold, possession of sanctuaries in Laos and Cambodia and the broader support of China and the Soviet Union. Jeffrey Record has argued that North Vietnam would not have prevailed but for the aid from both states and by 1968, roughly half of all aid to the north was coming from the Soviet Union.[19] Geographically, the United States, essentially, was confined to the boundaries of South Vietnam and despite attempts late in the war, in terms of ground based operations during Operation *Lam Son* in 1971 and the Cambodian campaign of 1970, never seriously threatened the sanctuaries of the communists who were content to wait out the Americans.

Lt. General Phillip Davidson, head of intelligence for Military Assistance Command Vietnam (MACV) argued that, "the reasons for the dominance of the enemy's strategy of revolutionary war lay in its possession of the strategic initiative. We danced to the North Vietnamese strategic tune."[20] Long after the fall of Saigon in 1975 to the North Vietnamese Army (NVA), a North Vietnamese Army Colonel named Bui Tin was asked how the Americans could have won the war; his answer was brief, "cut the Ho Chi Minh Trail in Laos."[21] This was something that Washington and Saigon were never able to achieve. The Americans however, in a short space of time, would get the opportunity to repay the Soviets for their support of the North Vietnamese.

On December 24th, 1979, the Soviet 40th Army rolled across the Amu Darya River and advanced into Afghanistan to aid the communist regime in Kabul that was battling a rural based insurgency, supported from sanctuaries in Pakistan. Many in the American government saw this as an ample opportunity for revenge for Vietnam. George Grile writes, "throughout the 1980's, the Afghan *Mujahedin*, were Americas surrogate soldiers in the brutal guerrilla war that became the Soviet Union's Vietnam. In the course of a decade, billions of rounds of ammunition and hundreds of thousands of weapons were smuggled across the border."[22]

The Soviet 40th Army strength never rose above 150,000 and with their forces confined in general to urban areas and the roads in between, the strategic initiative at an early stage was ceded to the *Mujahedin*. Indiscriminate use of mines and aerial bombing were unable to seal off the 2,600-km long border and once the United States began supplying Stinger anti-aircraft missiles to the guerrillas in 1986, Soviet efforts at interdiction were weakened further.[23] By February 15th, 1989 the last Soviet forces had withdrawn in the aftermath of the signing of the Geneva Accords of 1988. Meanwhile, amid the sanctuaries established along the Afghan- Pakistan border during the conflict, a little observed, but

19 Record, 24
20 Phillip Davidson, *Secrets of the Vietnam War* (Presidio: Novato, 1990), 17.
21 Thomas Bruscino. "Out of Bounds: Transnational Sanctuary in Irregular War." *Global War on Terrorism Occasional Paper*, 17 (2006): 38
22 George Crile. "Charlie Wilsons War." The Independent, December 15, 2007. Accessed May 18, 2017 http://www.independent.co.uk/arts-entertainment/films/features/charlie-wilsons-war-how-one-man-changed-history-765442.html
23 Mohammed Yousaf, Afghanistan the Bear Trap (Pen & Sword: London, 2002), 85.

potent force was brewing throughout the 1980's, one that would have wide ranging consequences globally during the 1990s and 2000s. The spectre of *Al Qaeda* and the Afghan Arabs.

The 'War on Terror' in Afghanistan

Al Qaeda's presence in the Tribal Areas of Pakistan is now over three decades old. The links established with Afghan and Pakistani *Mujahedin* groups, first by Palestinian jihadist scholar Abdullah Azzam with the *Maktab al Khidmat* or Services Bureau that drew over 20,000 would be jihadists from the Islamic world to the Afghan *Jihad* and subsequently by *Al Qaeda* itself, founded in 1988 by Osama bin Laden, have facilitated the movements global jihad through access to training, resources, political support and protection.[24] Tribal honour under the code of *Pashtunwali* and Islamic solidarity have played a crucial role in ensuring the foreign militants ensconced in the North-West Frontier and Tribal Areas of Pakistan have been shielded from and not betrayed to outsiders, be they Western forces or the Pakistani government.[25]

Western attention was, in the main, tuned elsewhere during the formative years of the jihadist challenge that emerged from the ashes of the Soviet-Afghan War. With the departure of Soviet forces, American attention was focused on the fallout of the end of the Cold War and the Iraqi Invasion of Kuwait in 1991. Events in the Tribal Areas were essentially ceded to the strategic interests of Pakistan, which was primarily concerned with the threat posed by its giant neighbour to the east, India.

Pakistan was content to continue the use of the sanctuaries in the Tribal Areas to train militants for the *jihad* in Kashmir and to ensure a compliant regime in Kabul that would allow Pakistan 'strategic depth' in the event of any conflict with India.[26] This strategic outlook would see the *Taliban* regime established in Kabul by 1996 and following closely behind were *Al Qaeda*, who availed of the shelter provided in Afghanistan to expand their training camps and initiate their assault on the United States that began with the World Trade Centre Bombing of 1993 and culminated in the attacks on New York and Washington in 2001.

Operation Enduring Freedom, when it arrived, was inconclusive and arguably the effect of the Western effort in Afghanistan was to relocate *Al Qaeda* and the *Taliban* back across the border into the Tribal Areas, where the generational links already established with groups such as the *Haqqani* Network facilitated the escape of both groups deep into Pakistan.[27] As early as 2002, US strategic and operational attention began to turn elsewhere as ground, air and intelligence assets began to move out of the region to prepare for the Invasion of Iraq. US efforts against the sanctuaries were confined to Predator Drone attacks and the occasional special forces raid to strike at a strategic target, such as Osama bin Laden, hiding in the Pakistani city of Abbottabad in 2011.

24 Don Rassler and Vahid Brown. "The Haqqani Nexus and the Evolution of Al Qaeda." Combating Terrorism Centre, July 11, 2011. Accessed May 17, 2017 https://www.ctc.usma.edu/wp-content/uploads/2011/07/CTC-Haqqani-Report_Rassler-Brown-Final_Web.pdf
25 David Kilcullen, *The Accidental Guerrilla – Fighting Small Wars in the Midst of a Big One* (London: Hurst, 2009), 235.
26 William Dalrymple. "A Deadly Triangle." *The Brookings Essay*, June 25, 2013. Accessed May 17, 2017 http://csweb.brookings.edu/content/research/essays/2013/deadly-triangle-afghanistan-pakistan-india-c.html
27 Imtiaz Gul, *The Most Dangerous Place* (Penguin: London, 2010), 11.

Despite initially moving to rout out *Al Qaeda* members hiding in Pakistan, the government in Islamabad was still very much focused on its own strategic backyard vis-a-vis India. The Afghan *Taliban* and the *Haqqani* Network were seen as strategic assets by the Pakistani government, particularly in terms of controlling events in the Tribal Areas and in Afghanistan, and as a result received an element of breathing space that allowed a nascent *Taliban* insurgency to begin threatening the government in Kabul anew.[28]

As argued earlier, sanctuaries allow an insurgency the asset of time. President Obama's announcement that the 2011 'Surge' in Afghanistan would last one year was, according to Jack Fairweather, "an indication to the *Taliban* leadership that it was winning and simply had to wait out the surge."[29] Despite a change in the adversaries over the years, the fundamental parameters of the conflict and the geography have not changed. Indeed, Patrick Cockburn goes as far as to say that, "the US faced the same strategic weakness as the Soviet Army during the Afghan campaign…. the heart of the military problems facing the US in Afghanistan lay in Pakistan, but Washington could never work out an effective way of dealing with it."[30]

As of 2017, the *Taliban* insurgency now controls or contests over 40 per cent of the districts in Afghanistan, supported and directed from the same sanctuaries located across the border that have been fighting the 'occupiers' of Kabul for the last forty years.[31]

Conclusion

Henry Kissinger once famously remarked that, "in guerrilla warfare, the guerrilla wins if he does not lose".[32] The post-World War Two era, up to and including the 'War on Terror' has witnessed numerous examples of relatively weaker opponents successfully overcoming the numerical, financial, technological and economic advantages of their more conventional opponents. The spectre of conventional forces becoming involved in protracted conflicts with weaker opponents has led to the current era being described as that of the era of Fourth Generation Warfare.[33] This paper has argued the case that the use of sanctuaries has contributed heavily to this development and enabled weaker opponents to negate the advantages of their more powerful opponents. It has been shown that sanctuaries allow an insurgent movement the ability to rest and recuperate, recruit and train new members, interact and make important local connections, with local populations and with other indigenous insurgent movements and avail of resupply from external states. Most importantly it has been argued that sanctuaries allow insurgents the important asset of time. Conventional forces have been shown to be vulnerable to protracted and drawn out conflicts. Sanctuaries allow an insurgency, 'strategic depth' and the ability to wait out an opponent. Seth Jones has estimated insurgencies that receive support from external sources have been successful on more than 50 percent

28 Patrick Cockburn, *The Age of Jihad* (Verso: London, 2016), 184.
29 Jack Fairweather, *The Good War* (Vintage: London, 2014), 391.
30 Cockburn, 203.
31 Max Bearak. "Afghan government controls just 57 percent of its territory, US watchdog says." *Washington Post*, February 2, 2017. Accessed May 25, 2017. https://www.washingtonpost.com/news/worldviews/wp/2017/02/02/afghan-government-controls-just-57-percent-of-its-territory-says-u-s-watchdog/?utm_term=.5307a89e1954
32 Henry Kissinger. "The Lessons of Vietnam." *Newsweek*, October 24, 2008. Accessed May 31, 2017. http://www.newsweek.com/kissinger-lessons-vietnam-91943
33 Hammes, 208

of occasions while those with no support have succeeded only 17 percent of the time.[34] Until conventional forces become more adept at dealing with the strategic conundrum that is insurgent sanctuaries and cease making "stunning strategic concessions", statistics such as the above, show no sign of improving.[35]

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34 National Defence Institute. *Success in Counterinsurgency Warfare* (Santa Monica: Rand Corporation, 2008), 17.
35 Cohen, 145
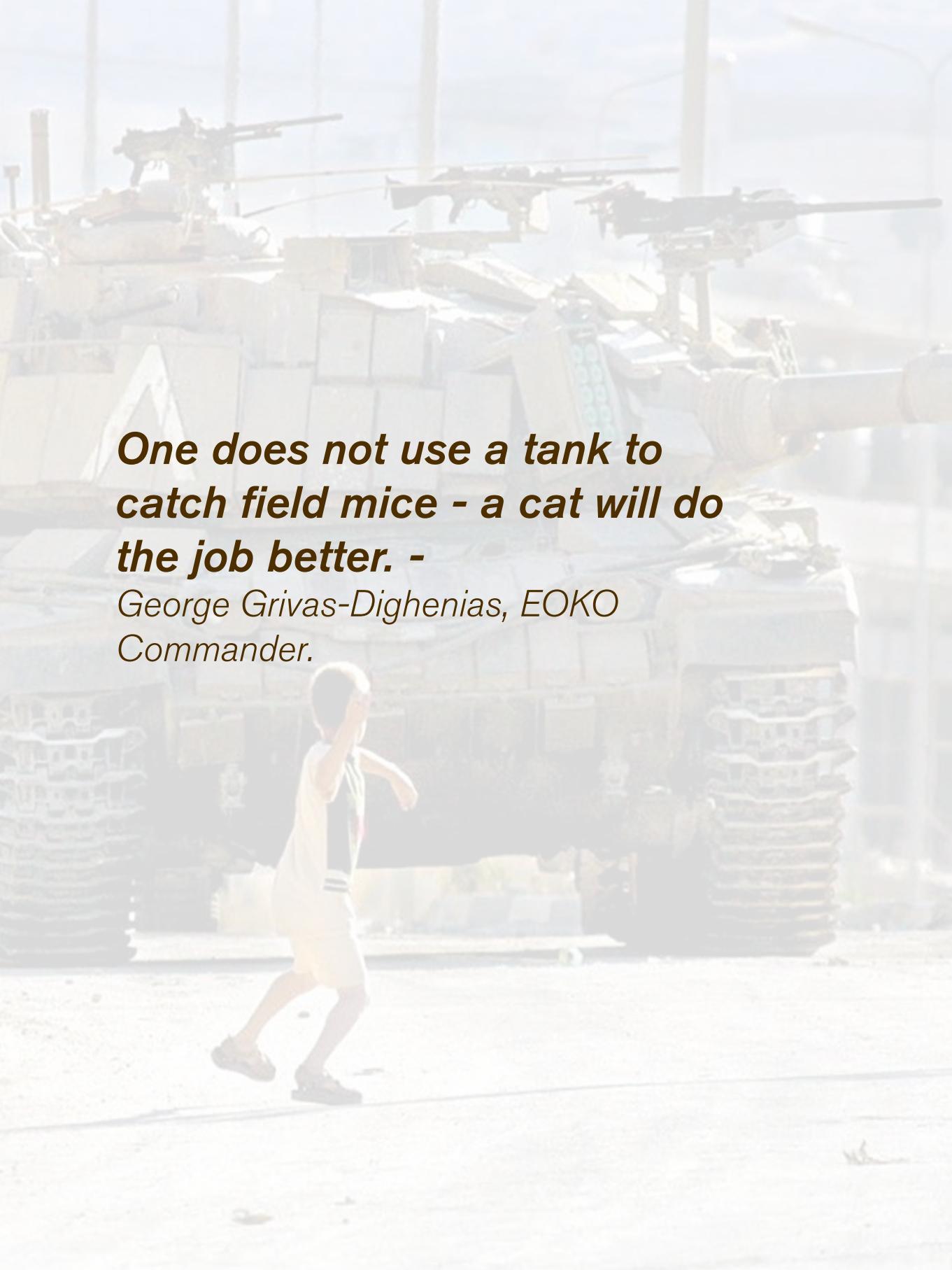
One does not use a tank to catch field mice - a cat will do the job better. -
George Grivas-Dighenias, EOKO Commander.

SGT (AIR CORPS) BRENDAN CRUISE

Can the Current International Law Framework on the Use of Force Adequately Accommodate States' Response to Terrorism?

"Any nation that continues to harbour or support terrorism will be regarded as a hostile regime... The war will not end until every terrorist group of global reach has been found, stopped, and defeated."
President Theodore Roosevelt
20th September 1901

ABSTRACT

When it comes to dealing with terrorism traditionally the primary legal weapon against it are national laws, and the task of applying them rests with the national criminal justice system.[1] Over the decades' terrorists have failed to recognise borders and have used brutal methods to spread their vicious message across continents to unsuspecting victims. The groups that have been conducting these attacks have also developed into organised, motivated paramilitaries who are structured as multiple cells such as financial cells and operational cells. Terrorists operate beyond the moral conventions regulating violence, more specifically, the conventions violated are the rules of war designed to distinguish combatants from non-combatants[2] and what was once a national issue, confined within the borders of a particular State conducted by their own citizens against their own citizens, has now spread to the wider international community where anyone can potentially be a victim.[3]

With any new development in the area of terrorism the international community reacts by implementing new legal framework however these are inadequate for countries in countering violence as the end product still require nations to punish terrorist acts through their own national courts system, added to this is the issue that there are currently over one hundred different ideas about what the definition of terrorism actually is, in order for a single unifying definition of terrorism to exist there would have to be global unity on the legitimate and illegitimate forms of power and violence.[4]

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1 Wilkinson, P., 2011. *Terrorism versus democracy*: The liberal state response. Taylor & Francis.
2 Rapoport, D., 2002, The Four Waves of Rebel Terror and September. *Anthropoetics* 8, no. 1.
3 Quénivet, N., 2006. You are the weakest link and we will help you! The comprehensive strategy of the United Nations to fight terrorism. *Journal of Conflict and Security Law*, 11(3), pp. 371-397
4 Miller, C., 2011. Is it possible and preferable to negotiate with terrorists? *Defence Studies*, 11(1), pp. 145-185.

Introduction
From as far back as the beginning of the 20th Century the United States of America have been at the forefront in attempting to eradicate global terrorism, in 1901 President Theodore Roosevelt declared a worldwide crusade to eliminate terrorism after Leon Czolgosz, an anarchist, assassinated President William McKinley[5]. In the 1980s, President Ronald Reagan's administration attempted to establish an international consensus against terrorism under legislation so that the perpetrators of terror attacks could be brought to justice, but some decades later justice under the President George W. Bush administration would have a different meaning and the worldwide crusade against terrorism is still continuing.[6]

Within International Law the prohibition on the use of force is paramount to the preservation of international peace and security and at the helm of the preservation of international peace and security is the Charter of the United Nations. However Article 51 of the UN Charter gives States an inherent right to defend themselves against an armed attack[7] and is one of only two exceptions to the prohibition on the use of force found in Article 2(4) of the UN Charter.[8] Traditionally, in order for a State to resort to armed force in self-defence it needed to demonstrate that it has suffered an armed attack of sufficient gravity of which another State is responsible.[9]

Currently States are invoking Article 51 in an anti-terrorism context and are using force under the pretext of self-defence as opposed to drawn out legal process. One key reason for this is that States do not need to seek permission from UN Security Council (UNSC) to utilise force in self-defence when invoking Article 51.

Current Legal Framework
There are currently no less than 19 conventions, protocols and instruments that countries have signed up to regarding to the criminalisation of terrorism, there are also regional resolutions which pertain to countering terrorism, together they make a clear representation which form a consensus of the international community in outlawing all forms of terrorism. These legal instruments cover areas of terrorist activities including hijacking and hostage takings, and how States are obliged to penalise and punish such terror activities under their own domestic criminal law. These conventions, protocols and resolutions were established after major terrorist events had taken place and they can be viewed as a reaction toward the act which had been committed, readers could look up the dates of the conventions and follow their path to existence via terrorist activities that have taken place in or around that time.

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5 Ibid.
6 Abramowitz, D., 2002. President, the Congress, and Use of Force: Legal and Political Considerations in Authorizing Use of Force against International Terrorism, *The Harvard International Law Journal*, 43, pp. 71.
7 Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.
8 All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.
9 Travalio, G., et al, 2003. Terrorism, State Responsibility, and the Use of Military Force, 4 Chicago Journal of International Law 97 at 102.

These counterterrorism treaties facilitate the extradition of terrorists or suspects and they treat these acts of terror as criminal offences requiring that they are dealt with through national courts of law, this is a common trait regarding these conventions[10], so all terrorist activities falling within the ambit of these conventions are investigated under domestic criminal law and the perpetrators are either prosecuted or extradited.[11] It is argued that deterring terrorism is largely dependent upon a fully functioning extradition process[12] so that attacked States and their citizens may see justice being served within their own borders.

However, these conventions do not give the expressed terms as to when force may be used against terrorists instead they utilise phrases such as "*State Party shall take such measures as may be necessary*" and "*establish as criminal offences under its domestic law*" while at the same time they can be interpreted in such a way that the general prohibition against the use of force is not undermined.[13] These instruments are not completely underutilised they have helped to augment legitimacy to resort to use of force against terrorists and their bases on the territory of States that are unable or unwilling to prevent terrorist activities.[14]

Some regions have established their own strategies, rules, and norms governing anti-terrorism. The African Union Non-Aggression and Common Defence Pact 2005 expressly qualifies the harbouring of terrorists, including the supplying any provision of support for them, as an act of aggression and so countries can then counter this by using force. In Europe, the Counter Terrorism Strategy 2005 called on member states to ensure that whilst protecting national security from terror attacks there will also be collective cooperation focussing on the security of the Union as a whole, thus enforcing upon member states that they should reinforce military, policing and intelligence-sharing cooperation within the EU.

In the United States of America, the 2002 National Security Strategy famously asserted a right of pre-emptive self-defence against terrorist organisations, this strategy also emphasised that the use of military force and the risks it entails are increasingly perceived to be acceptable for combating terrorism.[15] This strategy declared terrorist suspects as "enemy combatants" and it entitles the USA to target and kill terrorist suspects wherever they are in the world, this means that the war is attached to individuals instead of situations of armed hostilities in specific regions.[16] These broad claims by the USA regarding the use of force reflect an unfortunate failure by the United States to promote the objectives of the UN Charter and instead it adopted the "go it alone approach".[17]

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10 Ulfstein, G., 2003. Terrorism and the Use of Force. *Security Dialogue*, 34(2), pp. 153-167.
11 Quénivet, N., 2006.
12 McCredie, J.A., 1986. Contemporary Uses of Force Against Terrorism: The United States Response to Achille Lauro-Questions of Jurisdiction and its Exercise. *Ga.J.Int'l & Comp.L.*, 16, pp. 435.
13 Ulfstein, G., 2003.
14 Abramowitz, D., 2002.
15 Haine, J. and Lindstrom, G., 2002. An Analysis of the National Security Strategy of the United States of America. *Institute for Security Studies Analysis (January 2003).http://www.iss-eu.org/new/analysis/analy034.html.*
16 Razumovsky, G., 2015. Why Unleashing Military Force against Terrorism Is Illegal, Immoral, and Just Plain Dumb. *Suffolk Transnational Law Review*, 38, pp. 141.
17 Charney, J.I., 2001. The use of force against terrorism and international law. *The American Journal of International Law*, 95(4), pp. 835-839.

Even with these regional strategies in place the main hope is that nations will utilise traditional national institutions such as the police, homeland security, and criminal courts of national legal systems as a means to convict and punish terrorists. However, over the past number of years these institutions have been highlighted for their inability to combat terrorism hence it has created a situation where States look for a quick fix solution for a long-term problem.[18]

9/11: The Game Changer

Prior to the terrorist attacks of 9/11 only Israel[19] and the United States[20] had invoked the right of self-defence to justify their armed response to terrorist attacks against States that allegedly 'harboured' terrorists, other States were hesitant or unwilling to accept that force could be used in self-defence against States harbouring terrorists.[21] In the aftermath of the 9/11 attacks the world had no choice but to look upon terrorist attacks in a whole new dimension.

The United States response to these heinous attacks was bound to be swift, brutal and an example to all that this type of terrorism campaign would not be tolerated towards its citizens or its sovereignty, it started by enacting an Authorisation for Use of Military Force[22], which was deemed to be the equivalent of a declaration of war[23] against Afghanistan, claiming that the Taliban Government had harboured the terrorists who had committed the terrorist attacks against them. This response was not a surprise and was fully expected by the rest of the world, the response by the UNSC did however raise a few eyebrows when it stated that it was clear and compelling that the USA were fully entitled to invoke the right of self-defence in response to this attack thus clearly establishing that acts of terrorism carried out by independent private actors fit within the parameters of Article 51 of the UN Charter.

The attacks of 9/11 made it clear that terrorist groups had organised themselves transnationally into loosely affiliated cells who can operate simultaneously in various States by establishing a network and because of this evolution the international community had to act in unison and find coordinated solutions against potential similar attacks.[24] Shortly after these attacks the UNSC expressed its support for international efforts to root out terrorism via the implementation of UNSC Resolution 1373 which required States to prevent the financing of terrorist acts and the recruiting of terrorists, however, even though it referred to reaffirming the right of self-defence in its preamble, it did not provide for authorisation of the use of force to combat further attacks.[25]

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18 Quénivet, N., 2006.
19 Israel attack on Beirut airport in 1965 [SC Res 262 UN Doc S/RES/262 (1968)] and attack on PLO headquarters in Tunis in 1985 [SC Res 573 UN Doc S/RES/573 (1985)] were both deemed as violations of UN Charter by UNSC and their justification on grounds of self-defence were not accepted.
20 USA justification for bombing of Libya in 1986, Iraq in 1993, Afghanistan and Sudan in 1998 on the grounds of self-defence were all rejected by UNSC.
21 Cenic, S., 2007 State Responsibility and Self-Defence in International Law Post 9/11: Has the Scope of Article 51 of the United Nations Charter Been Widened as a result of the US Response to 9/11?, 14 *Australian International Law Journal* 201.
22 Authorisation for the Use of Military Force, P.L. 107-40, 115 Stat. 224 (2001).
23 Dudziak, Mary L., 2012, War Time: An Idea, Its History, Its Consequences, OUP USA.
24 Ibid.
25 Kinacioglu, M., 2008. A response to Amos Guiora: reassessing the parameters of use of force in the age of terrorism. *Journal of Conflict and Security Law*, 13(1), pp. 33-48.

Prior to UNSC Resolution 1373 the two main other resolutions that existed were UNSC Resolution 1269 and

UNSC Resolution 1368.

UNSC Resolution 1269 was the first time that the UNSC addressed terrorism in general and it supported efforts to promote worldwide implementation and participation in existing anti-terrorist conventions coupled with the development of new anti-terrorist instruments. This was followed by UNSC Resolution 1368 which expressed the Security Council's determination to combat threats to international peace and security caused by acts of terrorism and recognised the inherent right of individual and collective self-defence in its preamble rather than in the operative part.

In the subsequent UNSC resolutions that were enacted in response to various terrorist attacks_ across the globe there was no reference made to the right to self-defence nor could there be any manifestation of the right to use of force arising from this omission[26] so nations have taken to invoking Article 51 of the UN Charter in order to dispense their own forms of justice.

Article 51: The Next Generation

The last two decades have presented States with ample opportunity to revisit the rules governing anti-terrorism force[27], where the UNSC once rejected Israel's notion "*that a country cannot claim the protection of sovereignty when it knowingly offers a piece of its territory for terrorist activity against other nations*"[28] it would be hard to imagine such a statement being rejected in the current climate.

An increasing number of States consider terrorist activities to be a threat to peace and stability which must be addressed and dealt with legitimately through military force, adopting the approach that "*it is only aggression that calls forth defence, and war along with it.*"[29]

The forerunner in this regard is obviously the USA who utilised both national and international legislation to justify the use of force against Afghanistan, so much so that the USA argued that 9/11 was a crime against humanity under the Rome Statute.[30]

The United States of America could have justified the use of force and military campaign against Afghanistan under a number of legal channels including other articles of Chapter VII of the UN Charter, intervention by invitation, humanitarian intervention and yet it relied solely on the justification of self-defence. The main reason for this was due to the considerations arising out of the interaction of international politics and international law

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26 Ibid
27 These new rules have been broadened to include extrajudicial killings, long term internment, easing on prohibition of torture/cruelty/ maltreatment, extended detention, redefining combatant/non-combatant status, restriction of movement, enhanced surveillance and investigatory powers.
28 Tams, C.J., 2009. The use of force against terrorists. *European Journal of International Law,* 20(2), pp. 359-397.
29 Von Clausewitz, C., and Graham, J.J., 1873, On war. Vol 1. London, N. Trübner & Company.
30 The Rome Statue defined crimes against humanity as "*widespread or systematic attack directed against any civilian population, with knowledge of the attack,*" including murder and "*other inhumane acts ... intentionally causing great suffering, or serious injury to body or to mental or physical health.*"

regarding Article 51[31] because it is particularly contentious and difficult to analyse and because there is no requirement that the aggrieved State receive the blessing of the UNSC to use force when responding to an armed attack[32] so the USAs path toward conflict was free of obstacles.

The USA commenced its "War on Terror" on October 7th 2001 by invoking Article 51 and informed the UNSC[33] that it was exercising its "*inherent right of individual and collective self-defence*" by actions "*against Al Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan*"[34], so the war against 21st Century terrorism was to be determined by means of warfare to prevent further attacks.[35] After the USA invoked Article 51 the UNSC expressed its readiness to take all necessary steps to respond to the terrorist attacks of 9/11 and to defeat any threat to international peace and security by expanding the scope of Article 51 so that the use of force regarding self-defence could be used against "*those responsible for aiding, supporting or harbouring the perpetrators, organisers and sponsors of these acts*".[36]

The war on terror is now being conducted on several continents where local law enforcement methods coupled with the use of the military are sporadically used to pursue terrorists so that they may be captured and subjected to the full rigours of criminal court system.[37]

The problem with invoking Article 51 of the UN Charter is that States are now relying on self-defence in virtually every conceivable circumstance. This had led to normative drift towards this action[38] and has contributed to attempts to reinterpret the meaning of 'armed attack'[39] under Article 51 to include attacks by terrorists thereby rendering the use of force against terrorists, or against a State that harbour terrorists, a lawful exercise of self-defence.[40] The effect of this has been the lowering of the attribution threshold to encapsulate the mere harbouring of terrorist as adequate grounds for the use of force against the harbouring State by the victim State.

Article 51 has been invoked by other States to combat terrorism, in 2004 Israel claimed that its attacks on Gaza and the building of a security fence were justifiable under international law by invoking the right of self-defence in response to what they deemed were terrorist attacks by Hamas, however these justifications were denied by the International Court of Justice on the grounds that the threat can only come from another "state".

31 Byers, M., 2002. Terrorism, the use of force and international law after 11 September. *International Relations*, 16(2), pp. 155-170.
32 Franck, T.M., 2001. Terrorism and the Right of Self-defense. *The American Journal of International Law,* 95(4), pp. 839-843.

33 Letter from the Permanent UN Representative of the United States to the President of the UN Security Council, UN Document S/2001/946, October 7th 2001.
34 Murphy, S., 2002, Terrorism and the Concept of Armed Attack in Article 51 of the UN Charter, *Harvard International Law Journal* 43: 41.
35 Bobitt, P., 2008, Terror and Consent. Anchor.
36 Kinacioglu, M., 2008.
37 O'Connell, M.E., 2004, The Legal Case against the Global War on Terror, *Case Western Reserve Journal of International Law*, 36, pp. 349.
38 Bethlehem, D., 2004. International Law and the Use of Force: The Law as it is and as it Should Be. *Minutes of Evidence. House of Commons Foreign Affairs Committee*, 8.
39 The Nicaragua vs The United States of America 1986 ICJ Rep 14 at 195 case awarded an authoritative interpretation to the meaning of the term 'armed attack'.
40 Hamid, A.G. and Sein, K.M., 2015. Combating Terrorism and the Use of Force against a State: A Relook at the Contemporary World Order. JE Asia & International Law, 8, p.107.

In 2011 Kenya deployed ground troops deep into Somali territory as part of "Operation Protect the Nation" in order to defeat Al-Shabaab terrorists, this deployment was a "*robust measure to protect and preserve the integrity of the country by invoking Article 51 of the UN Charter*."

In 2015 a Russian passenger jet was blown up over Egyptian airspace by Islamic terrorists, Russian President Vladimir Putin stated that: "*We will act in accordance with the UN Charter's Article 51, which gives each country the right to self-defence. Everyone who tries to aid the criminals should understand that they will be responsible for giving them shelter.*" Russia then retaliated by ordering airstrikes to be conducted on Islamic State of Iraq and the Levant (ISIL) strongholds in Syria.

The Government of Belgium sent a letter to the President of the UNSC justifying its military action in Syria in 2016 by stating that: "*In the light of this exceptional situation, States that have been subjected to armed attack by ISIL originating in that part of the Syrian territory are therefore justified under Article 51 of the Charter to take necessary measures of self-defence*".[41] These justifications of invoking Article 51 demonstrate how the fight against terrorism continues to test the boundaries of the law of self-defence when utilising the use of force.

Conclusion

The international community has enforced the notion that no terrorist activity will go unpunished by implementing conventions and international law binding upon countries to pursue terrorists through national courts. The desire of these conventions is that the more effective the efforts to combat terrorism via national legal systems then the less pressure there will be to use military force[42]. However, in recent times state institutions have effectively dropped to ball on counterterrorism, now States realise that a stronger stance in tackling this issue is needed and that certain counterterrorism activities are unfruitful so their methods in countering these attacks must change.[43] States have lifted certain individuals out of the status of criminal to that of combatant and so they treat them as such by using military force to deal with them as opposed to punishing these terrorists under international law legislation.[44]

Contemporary international terrorism constitutes a threat that UN legal instruments must be flexible toward in order to stabilise international peace[45] however these laws appear to be unappealing to States and so many adopt a new 'best practise' towards countering terrorism by supporting a more general observation that invoking the legal use of force by enacting self-defence is almost a 'ritual incantation of a magic formula' or that justifying the use of force under other legislation does not need to be considered.[46]

41 Letter dated 7 June 2016 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, S/2016/523
42 Ulfstein, G., 2003
43 Quénivet, N., 2006.
44 O'Connell, M.E., 2004.
45 Hilpold, P., 2015. The fight against terrorism and SC Resolution 2249 (2015): towards a more Hobbesian or a more Kantian International Society? *Indian Journal of International Law*, 55(4), pp. 535-555.
46 Gray, C.D., 2008. International law and the use of force. Oxford University Press on Demand.

States are now operating within the realm of war rather than drawn out legal battles through the national judicial system[47], this is permitted due to soft UN legal terms being easily interpreted by States legal counsel so that it suits the national means to justify the use of military force, where soft easy-to-interpret language is being used by policy makers and lawyers more deliberate language such as destroy, annihilate, obliterate is being used by military commanders. Military force is now being utilised in an anti-terrorist capacity in different situations, ranging from 'on the spot' reactions to cross-border violence to long-term campaigns[48] most these actions being legally justified under Article 51 and not by seeking protection under any of the counterterrorism conventions. Some would argue that there needs a better balance between the UN counterterrorism sanctions, or lack thereof, and the rights of those it targets instead of allowing States justify their action using self-defence[49].

One thing is evidentially clear; the events of 9/11 have set in motion a significant loosening of the legal constraints on the use of force with which States are now utilising as a one size fits all solution towards legally combating terrorism through the use of force.

47 Quénivet, N., 2006.
48 Tams, C.J., 2009.
49 Fromuth, P., 2009. The European Court of Justice Kadi Decision and the Future of UN Counterterrorism Sanctions. *American Society of International Law Insight*, 13, pp. 1-9.
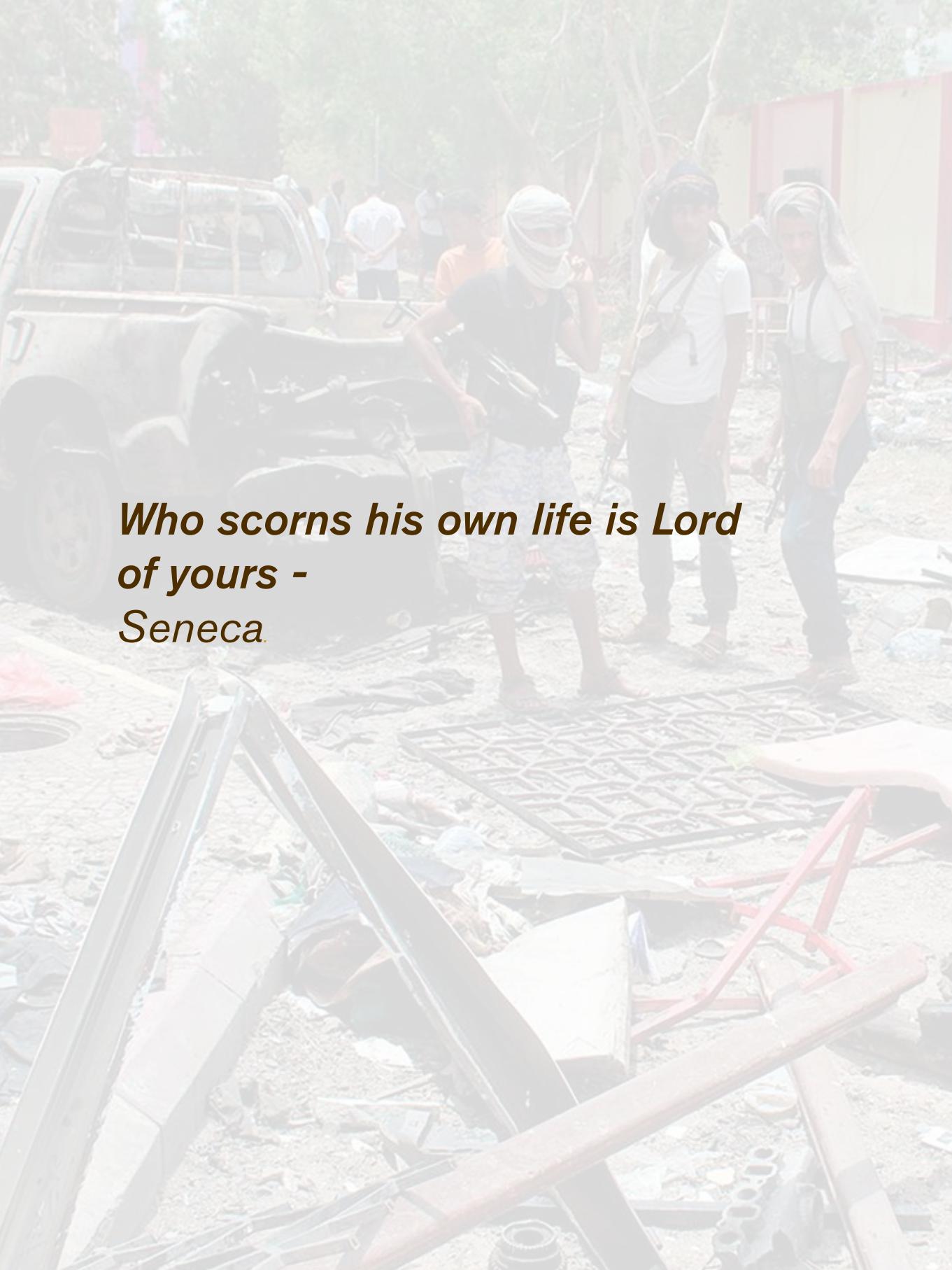
Who scorns his own life is Lord of yours -
Seneca.

DR AARON EDWARDS,

Escaping Solitude?
Individual Motivations, Group Dynamics and 'Third Wave' Islamist Terrorism

ABSTRACT

Why do individuals become involved in Islamist terrorism? The prevailing view is that the principal factor driving people to engage in this kind of violence is a devout belief in their extreme interpretation of Islam. However, this analysis is too fixated on the spellbinding power of religion and crowds out the role of individual free will in determining the character which the violence often takes. A more holistic approach would examine the interplay between structure and agency as part of a much more complex process. Any conceptual model for understanding what drives seemingly ordinary men (and sometimes women) to kill must acknowledge the choices they make which motivates them to commit acts of violent nihilism. This paper examines 'third wave' jihadism in order to determine the interplay between individual motivations and group dynamics in shaping the character of one of the most pernicious forms of violence in the world today.

Introduction

An upsurge in so-called 'lone wolf' terrorist attacks across Europe in recent years has focussed attention on the motivations of young people who engage in this form of violence. In Nice, London, Berlin, Munich, Paris and Manchester, terrorists, sometimes operating alone as 'lone wolves' or in small, diffuse groups or 'packs', these terrorists have unleashed a deadly wave of atrocities on (mainly) civilian targets, in some instances causing mass casualties. The vast majority of the perpetrators have been young, first or second generation immigrants who have become radicalised into killing themselves in the pursuit of the death of others. As Olivier Roy has observed, for these individuals, violence 'is not a means. It is an end in itself'.[1] Many of those responsible for such violent acts have chosen the tactic of suicide attacks as the means of delivering death and destruction. Louise Richardson has posited one of the most convincing hypotheses as to why they do so. 'Suicide terrorism has been growing in popularity precisely because it has proven to be an effective means of exacting revenge, attaining renown and eliciting a reaction', she wrote in her seminal book *What Terrorists Want*.[2] In the narrow worldview of Islamist extremism today, this tactic transforms its perpetrators into 'rock stars' overnight, their deaths are thought to advance the cause of jihad with every turn of the switch on a suicide vest.

There has been a tendency amongst the media, politicians and law enforcement agencies to tie all of the more recent incidents to a wider pattern of jihadi attacks across the world that draw similar inspiration from the two principal Islamist terrorist groups, Al Qaeda

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1 Roy, Olivier 'Who are the New Jihadis?', The Guardian, 13 April 2017.
2 Richardson, Louise What Terrorists Want: Understanding the Terrorist Threat (London: John Murray, 2006), p. 135.

and the much newer Islamic State in Iraq and al-Sham (ISIS, also known by Arabs as Daesh). A number of analysts have attributed the proliferation of attacks in Europe to an evolving 'expeditionary capability' of Daesh in particular, given its ability to hold territory in the Middle East and train up a cadre of European jihadists with the express objective of returning to their own countries to perpetrate acts of terrorism.[3] However, this betrays a more nuanced understanding of the individual motivations and interactive group dynamics that make such violence possible. As a way of building on the work of Roy, Richardson and others, this article explores Islamist inspired militancy through a conceptual lens that sees it much more as part of a process of local 'buy in', whereby adherents elect to join a violent social movement with all the enthusiasm of the followers of a nihilistic death cult.

The Rise of the New Age of Islamist Extremism

It was Marc Sageman who first warned us of the challenge facing international security by a broader social movement that pulled in young disaffected Muslims across the globe. As he observed, '"the enemy" was 'a relatively small group of mostly young people, who aspire or belong to a violent social movement that used violence against civilians for political ends in the name of their version of Islam.'[4] A careful analyst with many years of experience of counter-terrorism, Sageman argued that these young people were 'seeking fame and thrills, like terrorists all over the world in the past 130 years'.[5] Sageman emphasised the motivational dynamic behind this social movement as one that was more attributable to friendship and kinship, than a cohesive hierarchical terrorist organisation driven by religious piety.[6] Sageman's bottom up, loose association interpretation of this form of terrorism contrasted sharply with that propounded by Bruce Hoffman, whose top down, hierarchical model advocated looking at Islamist terrorists, like Al Qaeda, as tightly controlled organisations.[7] While it would be flawed to see Islamist terrorism as incapable of mutating beyond such binary dichotomies – many terrorists have always exhibited so-called 'old' and 'new' traits[8] - what we are now seeing is a decentralised response by violent jihadists. Depending on the context in which they occur, these acts exhibit evidence of being both commissioned from a central command or as the direct product of the intuition of those individuals carrying out attacks.

As we know from the historical record, Al Qaeda altered its strategy after the attacks on the United States on 11 September 2001 (known later as '9/11') in large part to survive the huge international onslaught that followed. Up until this point Al Qaeda had ridden the crest of two waves of violent jihadism. The first wave came in the 1980s and coincided with the Soviet military intervention in Afghanistan and the mujahedeen response. By the early 1990s other struggles spawned a second wave, which drew in violent Islamist extremists in the Balkans, Horn of Africa and Middle East. The attacks

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3   For evidence of a plot to attack the UK, see Callaghan, Louise 'Clandestine Isis unit training Britons to launch attacks on UK', *The Sunday Times*, 6 August 2017.

4   Sageman, Marc 'A Strategy for Fighting International Islamist Terrorists', *The ANNALS of the American Academy of Political and Social Science,* 618 (223), (2008), p. 224.

5   Sageman, Marc *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008), pp. 151-152.

6   Sageman, 'A Strategy for Fighting International Islamist Terrorists', p. 224.

7   Hoffman, Bruce 'The Global Terrorist Threat: Is Al- Qaeda On The Run Or On The March?', Middle East Policy, 14 (2), (June 2007), pp. 44-58.

8   For more on this point see Duyvesteyn, Isabelle 'How New is the New Terrorism?', Studies in Conflict and Terrorism, 27 (5), (2004), pp. 439-454; Kurth Cronin, Audrey 'What is Really Changing? Change and Continuity in Global Terrorism' in Strachan, Hew and Sibylle Scheipers (eds.) The Changing Character of War. (Oxford: Oxford University Press, 2011).

on 9/11 triggered a third wave that also coincided with Al Qaeda moving from being a centralised organisation to one that was more diffuse. The group's key strategist at this time, Abu Mus'ab al-Suri, was advocating opening up a new front in the struggle with the West, rather than to concentrate solely on challenging what he and Al Qaeda leader Osama bin Laden referred to as apostate regimes in predominantly Muslim lands.[9] Gilles Kepel - who translated Suri's The Call for Global Islamic Resistance - explained how at this stage, 'Suri's main objective being to widen cultural gaps within the West, especially between Muslims and the mainstream majority,' by favouring 'three targets: Jews, anti-Islamist liberal intellectuals and Muslims he considered to be apostates'.[10] Al-Suri's reimagining of Al Qaeda as a 'methodology'[11] by which to attack these targets transnationally is important here, especially if we wish to avoid conventional thinking about Islamist terrorism as only making sense if we compare or contrast it to other terrorist groups, many of which tended to reflect the nationalistic contexts in which they arose.

The third wave of violent jihadism saw franchises of Al Qaeda sprout up in North and East Africa as well as in parts of the Middle East, such as Iraq and Yemen. Al Qaeda in Iraq was led by Jordanian-born Abu Mus'ab al-Zarqawi. He was eventually killed by United States counter-terrorism forces in 2005 and many of his key lieutenants were rounded up and imprisoned in Camp Bucca in Iraq.[12] By the time they were realised they had forged links with disgruntled members of Saddam Hussein's Ba'ath Party. In 2013-14, AQI broke away from Al Qaeda's central command (becoming Daesh), effecting surprising military defeats on Iraqi and Syrian forces as it rushed to realise its long term end goal of establishing a caliphate. Interestingly, Daesh learned from the mistakes of Al Qaeda in the Arabian Peninsula (AQAP) based in southern Yemen, which had attempted to establish an 'emirate' in 2011, only eventually dislodged by a United States backed intervention by Yemeni forces in 2012. Daesh also learned from AQAP's ability to plug into a much broader loose association of ideological kinsmen across the region in the form of Ansar al-Sharia (AAS), which sprouted followers across the Middle East and North Africa and saw its adherents carry out attacks across the region. In this, AQAP built on the historical idea of spreading radical thinking like the Movement of Arabs Nationalists had done half a century earlier. In these Free Mason style secret societies, the individual could have multiple layers to his or her identity. The ideology accompanying it could also travel well, even if territory its adherents seized was recaptured by the state, the militants killed, and the consent of the people won back by central governments. For Daesh, this meant appealing to its adherents in Western societies who could deliver on al-Suri's strategy of 'leaderless jihad'.[13]

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9 Cruickshank, Paul and Mohannad Hage Ali 'Abu Musab Al Suri: Architect of the New Al Qaeda', Studies in Conflict and Terrorism, 30 (1), (2007), pp. 1-14. See also Brynjar Lia Architect of Global Jihad: The Life of al-Qaida Strategist Abu Mus'ab al-Suri (London: Hurst and Company, 2007).

10 Kepel Gilles 'The Limits of Third-Generation Jihad', New York Times, 16 February 2015.

11 Burke, Jason The New Threat from Islamic Militancy (London: The Bodley Head, 2015), p. 164.

12 For more commentary on the emergence of Daesh, see Churlov, Martin 'ISIS: The Inside Story', The Guardian, 11 December 2014. Available at: https://www.theguardian.com/world/2014/dec/11/-sp-isis-the-inside-story. And Edwards, Aaron 'ISIS and the Challenge of Islamist Extremism', Political Insight, 6(1), (April 2015), pp. 12-15. Available at: https://www.psa.ac.uk/insight-plus/isis-and-challenge-islamist-extremism

13 The concept of 'leaderless jihad' was not new. It had originally been taken from the work of right-wing theorist and strategist Louis Beam whoadvocated far-right groups forming an impenetrable network that could be self-sufficient and self-reliant and thereby evade the clutches of state security agencies. For more on this point see George, Michael 'Leaderless Resistance: The New Face of Terrorism', Defence Studies, 12(2), (2012), pp. 257-282.

'Lone Wolves' and 'Useful Idiots'?

It was the French writer Albert Camus who wrote in his acclaimed book The Rebel that he believed there was 'no method of thought which is absolutely nihilist except, perhaps, the method that leads to suicide, any more than there is absolute materialism'. In destroying himself man affirms man, according to Camus. 'Terror and concentration camps,' he wrote, 'are the drastic means used by man to escape solitude'.[14] It is an interesting metaphysical question as to whether - in the act of killing himself (or herself) - that man is whetting an insatiable appetite for fraternity in the afterlife. From the work of several notable terrorism experts, we know that many of those who carry out highly esoteric and individualistic terrorist attacks in some parts of the world, do so in the vain hope that they will be accepted by a fraternal relationship which has not been realised in life. As Sageman informs us in his influential book Leaderless Jihad:

> *Al Qaeda Central does not know who its followers are, and is reduced to accepting them after the adherents declare themselves in an act of terrorism. Their official acceptance into al Qaeda comes after the fact, as in Madrid. In effect, the bombing itself is the offering to al Qaeda Central leaders for official recognition and admission into the ranks of global Islamist terrorism. The bombing is the de facto official initiation ceremony into the al Qaeda movement.[15]*

There has been a rush in recent years to extrapolate from high-profile attacks such as the Boston Marathon bombings of 2013 or the Westminster attack of 2017 that these 'lone wolf' terrorist attacks signal a fundamental shift in Islamist tactics. According to Daniel Byman, lone wolves are 'individuals who carry out terrorist attacks on their own without the explicit direction of an established group or leader'. In the context in which it is used to describe the actions of Islamist extremists, we are informed that these individuals 'have been radicalised by Al Qaeda or Islamic State propaganda but are not acting under the direction of the Al Qaeda core or any other established group'.[16] What is perhaps more urgent to understand, however, is not whether this is a change in tactics but what drives these 'wannabes' to kill themselves and others in the way that they do.

Clark McCauley and Sophia Moskalenko have challenged much of the literature on radicalisation, a catch-all term that has gained considerable currency over the past decade. They suggest it is perhaps more useful to recognise that the process of radicalisation pushing people to adopt 'extremist opinions' is a qualitatively different phenomenon from radicalisation to 'extremist action'.[17] This is an important distinction to draw for it suggests that not all of those who talk about the need to do something actually follow through on their threats. In many respects, it may even be a ritual that every 'wannabe' must perform as a means of gaining admittance into the ranks of an exclusive death cult. Building on Sageman's work, Roy argues that these individuals believe they are joining a wider '*youth movement that is not only constructed independently of parental religion and culture,*

14 Camus, Albert The Rebel: An Essay on Man in Revolt (New York, NY: Vintage Books, 1956), p. 247.
15 Sageman, Marc Leaderless Jihad: Terror Networks in the Twenty-First Century (Philadelphia, PA: University of Pennsylvania Press, 2008), p. 136.
16 Byman, Daniel Al Qaeda, The Islamic State, and the Global Jihadist Movement: What Everyone Needs to Know (Oxford: Oxford University Press, 2015), p. 57.
17 For more on this conceptual framework see McCauley, Clark and Sophia Moskalenko 'Understanding Political Radicalization: The Two-Pyramids Model', American Psychologist, 72 (3), (2017), pp. 205-216.

but is also rooted in wider youth culture'. For Roy, this aspect of modern-day jihadism is 'fundamental'.[18] The one defining feature of 'born again' jihadis is their 'gap year' style approach to extremism. As Byman has also argued, these young people 'were searching for meaning in their lives and who found it by committing spectacular violence in the name of a movement – without having invested the time and energy it would have taken to actually join the movement in a more committed way or having borne the associated risk'.[19] On an individual level, we can see quite clearly how Richardson's three variables of a disaffected individual, a supportive community and a legitimizing ideology[20] fuse in order to provide an accelerant propelling these individuals forward in their extremism. Sageman has looked in detail at the various phases disaffected individuals go through in crossing the line towards committing violent acts. The first phase is a personal sense of 'moral outrage', the second a 'specific interpretation of the world', the third a 'resonance with personal experience', and the fourth by way of a 'mobilisation through networks'.[21]

Once individuals become part of a network or 'cult', terrorism takes on a more pernicious character. As we know from the case of the 7/7 bombers, the four perpetrators went on a white-water rafting trip to build solidarity and lived in 'virtual isolation' from those they gradually came to see as kufr, thereby dehumanising people who came to be regarded as their enemy.[22] Sageman highlighted the reinforcing nature of these enabling communities in sustaining disparate terrorist cells:

> [T]errorism brings together many people who would not ordinarily be inclined to shoot a gun or plant a bomb. And so there can be no question that understanding it calls for a group-level examination - not just of radicals but of the intergroup dynamic that propels their behavior. This context is something we are all a part of, something that we all help to shape.[23]

Group dynamics has also been highlighted in an in-depth report by the United Nations Office for Counter-Terrorism, which extrapolated some findings from a small sample of interviews conducted with 43 Foreign Terrorist Fighters who had returned to their own countries from Syria. These individuals were predominantly male (although there is evidence of females having fought for extremist groups in the Middle East) and represented 12 different nationalities. Particularly noteworthy was other shared characteristics, including a low education levels, poor employment prospects in their own countries, limited socio-economic mobility, factors that propelled these individuals into the ranks of transnational terrorist groups.[24] The survey found that 'friendship circles and social

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18 Roy, 'Who are the New Jihadis?'
19 Byman, Daniel 'How to Hunt a Lone Wolf: Countering Terrorists Who Act on Their Own', *Foreign Affairs*, 96 (2), (March/April 2017), p. 100.
20 Ibid.
21 Sageman, 'Strategy', p. 225.
22 For more on these points see Burke, Jason *The 9/11 Wars* (London: Penguin Books, 2011), pp. 209-213. Dehumanisation of the enemy has been found by experts to be a prerequisite for anyone who goes on to take the lives of other human beings. See Grossman, Dave *On Killing: The Psychological Cost of Learning to Kill in War and Society* (London: Little, Brown, 1995).
23 Reicher and Haslam, 'Fuelling Terror'.
24 United Nations Office of Counter-Terrorism, *Enhancing the Understanding of the Foreign Terrorist Fighters Phenomenon in Syria* (New York, NY: UN Counter-Terrorism Centre, July 2017), p. 45. The report acknowledged how this sample, though 'truly random', did not reflect the orthodox view in the literature, which contended that most FTFs are mostly better educated and from a higher economic strata in their respective societies. The scholar Thomas Hegghammer looked at these macro-level factors in his study, 'The Future of Jihadism in Europe: A Pessimistic View', Perspectives on Terrorism, 10, (December, 2016). Available at: http://www.terrorismanalysts.com/pt/index.php/pot/article/view/566. Date accessed: 10 September 2017.

networks are the most dynamic and powerful mechanism through which recruitment occurs, with the Internet playing a far less significant role as an independent source of radicalisation than is generally assumed'.[25]

Returning to the research of McCauley and Moskalenko, they note how 'radicalization and terrorism are made possible by bringing individuals into small groups. Sometimes these groups are linked into a larger organization, but not always'. In their view, this small group is 'necessary for action, but the organization is not'.[26] As we know from investigations into Islamist attacks in Madrid in 2004 and London in 2005, the perpetrators may have had a tenuous link with the wider Al Qaeda network. Ultimately, they were 'self-starters' who worked independently. As Gill *et al* have also shown, in their work, the need to bond with likeminded individuals helped to lock them into their violent pathway from words to deeds. In the sample of 119 lone-actor terrorists, Gill *et al* suggested that while 31.1% experienced problems in close personal relationships (thereby becoming disconnected from established communities) a slightly higher proportion - 33.6% - joined a new group, organisation or movement in the lead up period to their participation in violent action.[27] Both the UN report and the work of Gill et al suggest that contact between likeminded individuals became a reinforcing mechanism that bound them together and made possible their engagement in violent acts. It was his, rather than ideology per se, which became the decisive factor. Most respondents, ironically, seemed to 'have little knowledge of religion'.[28]

Conclusion: Combatting Violent Nihilism
The greatest challenge facing security agencies across the world is how to stop terrorist attacks before they happen. Many informed commentators on this issue have cautioned against the attempt to reverse-engineer the radicalisation process according to a 'one size fits all' approach. This is sensible in light of the varying contexts and variables identified above. Modern Islamic militancy is a diverse and complex phenomenon and requires a more nuanced response.[29] There is an urgent need amongst politicians to condemn atrocities, rightly so, but that does not mean singling out an entire religious, ethnic or social group – whether that is the well-established Muslim population across Europe or new migrants arriving from the Middle East and North Africa – for opprobriation. Terrorism, whether Islamist-inspired or not, is a minority sport and is usually perpetrated by groups that feel they are subject to marginalisation or discrimination. Populist arguments from nationalist politicians, as Byman has argued, only fan the flames of disaffection even further. Byman suggests that governments should realise that they cannot stop so-called 'lone wolf' attacks completely. In his opinion, attention should focus on 'keeping lone wolves lonely', so as to offer them little opportunity to interact with potential conspirators.' By doing this, he infers, they will become less dangerous.[30] There is a logic to Byman's policy recommendation. And he is not alone. In his book *The Accidental Guerrilla* David Kilcullen

25 Ibid.
26 McCauley, Clark and Sophia Moskalenko 'Mechanisms of Political Radicalization: Pathways Toward Terrorism,' *Terrorism and Political Violence*, 20 (3), (July 2008), p. 417.
27 Gill, Paul, John Horgan and Paige Deckert 'Bombing Alone: Tracing the Motivations and Antecedent Behaviors of Lone-Actor Terrorists', Journal of Forensic Science, 59 (2), (March 2014), pp. 430, 434.
28 UN Office of Counter-Terrorism, *Enhancing the Understanding of the Foreign Terrorist Fighters*, p. 35.
29 Burke, Jason Al Qaeda: *The True Story of Radical Islam* (London: Penguin Books, 2004), p. 287.
30 Byman, 'How to Hunt a Lone Wolf', p. 103.

advocated disaggregating our response to this form of violent extremism.[31] By resisting the urge to 'connect the dots' and, thereby, amplifying the threat Islamist extremists pose, it might also make it a less attractive proposition to disaffected individuals.

The writer Ed Husain was one of those who turned his back on Islamic militancy in the 1990s. In his book The Islamist he observed how more could be done to identify those at risk from taking the next step on the pathway towards violence. 'Before extremists are on the radar of the intelligence community,' he wrote, 'we see the changes in modes of prayer, selective mosque-attendance patterns, modification of behaviour and of dress, an increasing harshness in attitude, and condemnatory rhetoric'.[32] As noted above, the intricacies of the motivational dynamics are too unpredictable to know, yet that should not preclude an imaginative response which involved working in much closer partnership with the Islamic community where there is a risk from extremist groups grooming young people. As the recent UN report on Foreign Terrorist Fighters highlighted, the response from national governments needs to be, above all, a 'practical, effective and proportionate response' and 'should start from a sound understanding of the root causes of the problem'.[33] This paper has been an attempt to advance discussion on the matter but more systematic research is still badly needed.

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31 Kilcullen, David *The Accidental Guerrilla: Fighting Small Wars Amidst a Big One* (London: Hurst and Company, 2009).
32 Husain, Ed The Islamist (London: Penguin Books 2007), p. 278.
33 UNOCT, *Enhancing the Understanding of the Foreign Terrorist Fighters Phenomenon in Syria*, p. 46.
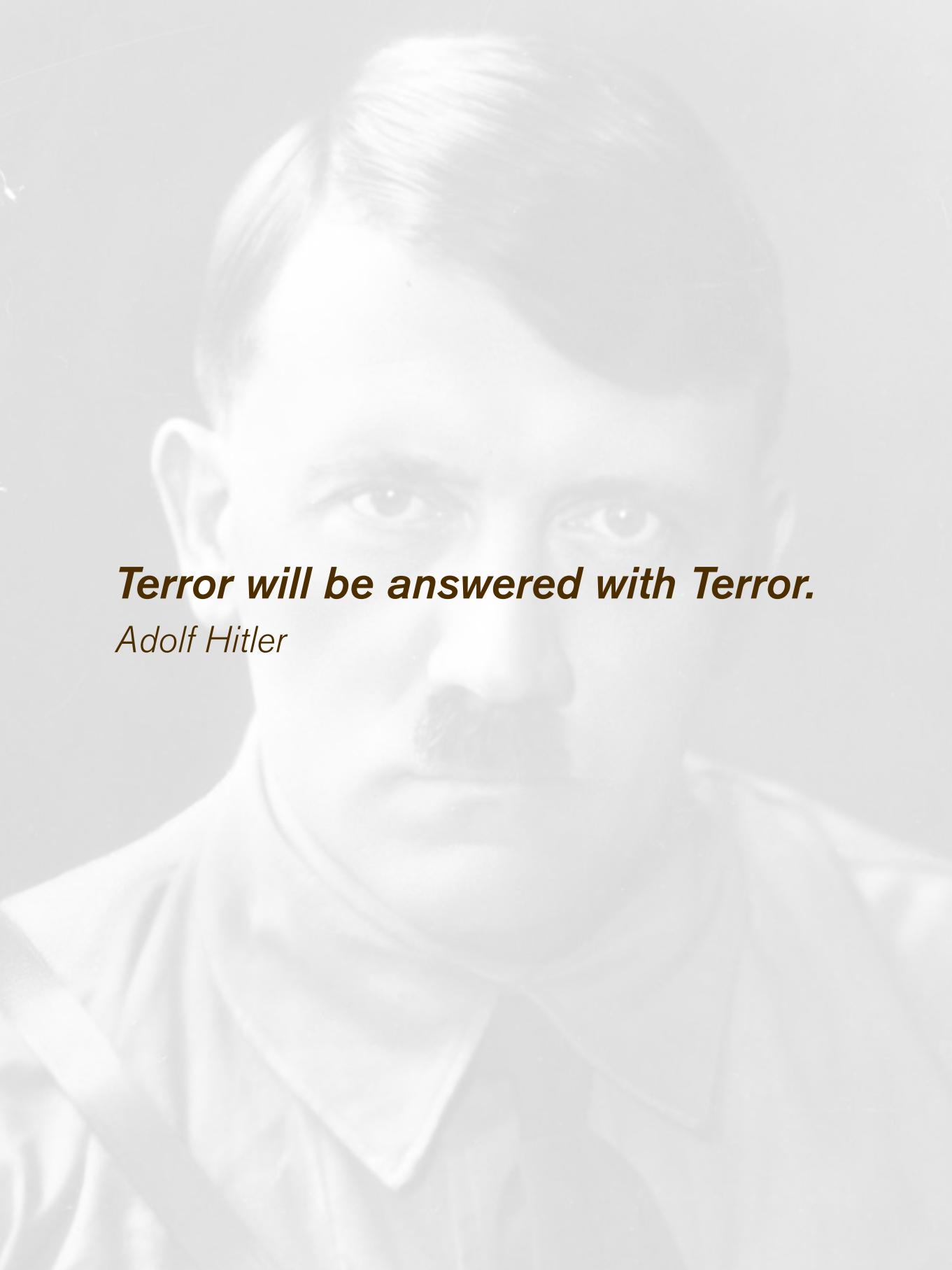
Terror will be answered with Terror.

Adolf Hitler

LT COL RICHARD BRENNAN

The "War on Terrorism"- from Abstraction to Perescription within International Humanitarian Law.

ABSTRACT

"Several bodies of law, including national and international rules of criminal law, are relevant in the struggle against terrorism. International humanitarian law is the body of rules that applies whenever this struggle is waged by means of armed conflict. There is no question that its rules are adequate to deal with security risks in war because its provisions were developed to deal specifically with the exceptional situation of armed conflict. Its provisions are a careful balance between considerations of State security and the preservation of human life and dignity, even in times of conflict"[1]

Introduction

The International Committee of the Red Cross (ICRC) in its 32nd International Conference[2] recognised the "rise of non-State armed groups resorting to acts of terrorism and the subsequent rallying of a number of other non-State actors around them." Terrorism is one of the threats against which the international community above all States must protect its citizens, a defining narrative threaded through the texts of UNSCR 1368[3], 1373[4] and 1386[5] post 9/11, and more recently in UNSCR 2249.[6] Indeed States have reacted to these developments by tightening existing counterterrorism measures and/or legislation and by introducing new ones. Cleary, as endorsed by the ICRC it is "legitimate to take responsive action to ensure State security"[7]. However, in doing so, it is "indispensable

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1 Mr.Jakob Kellenberger, President of the International Committee of the Red Cross, to the *"Meeting of Independent Experts on Terrorism and International Law: Challenges and Responses. Complementary Nature of Human Rights Law, International Humanitarian Law and Refugee Law,"* organized by the International Institute of Humanitarian Law in Sanremo, 30 May – 1 June 2002. Available at: www.iihl.org/wp-content/uploads/2015/12/Terrorism-and-IHL.pdf International Committee of the Red Cross, 32nd International Conference of the Red Cross and Red Crescent International Humanitarian Law and the challenges of contemporary armed conflicts (Geneva: International Committee of the Red Cross,2015),18. Available at: Https://www.justsecurity.org/.../2015-ICRC-Report-IHL-and-Challenges-of-Armed-Co..

2 International Committee of the Red Cross, *32nd International Conference of the Red Cross and Red Crescent International Humanitarian Law and the challenges of contemporary armed conflicts* (Geneva: International Committee of the Red Cross,2015),18. Available at: Https://www.justsecurity.org/.../2015-ICRC-Report-IHL-and-Challenges-of-Armed-Co..

3 S.C.Res 1368 U.N.SCOR, 56th Sess. U.N. Doc. S/1368 (2001): "Determined to combat by all means threats to International Peace and Security caused by Terrorists Acts"; OP 1:"Unequivocally condemns in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington DC and Pennsylvania and regards such acts, like any act of international terrorism as a threat to International Peace and Security. *Available at:www.un.org/Docs/scres/2001/sc2001.http*

4 S.C. Res 1373 U.N. SCOR 56TH Sess. U.N. Doc S/1373 (2001): Re-affirming further that such acts, like any act of international terrorism constitutes a threat to international peace and security; Re-affirming the need to combat by all means in accordance with the Charter of the United Nations threats to international peace and security caused by terrorist acts. Available at: www.un.org/Docs/scres/sc2001.http

5 S.C. Res 1368 U.N. SCOR 56TH Sess U.N. Doc S/1368 (2001): Supporting international efforts to root out terrorism in keeping with the Charter of the United Nations and reaffirming its resolutions 1368(2001), 1373(2001)-OP1 Authorises an International Security Assistance Force to assist the Afghan Interim Authority…OP3 Authorises the member states participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate. Available at: *www.un.org/Docs/scres/sc2001.http*

6 S.C. Res 2249 U.N. SCOR U.N. Doc S/2249 (2015). Op1: "*Unequivocally condemns* in the strongest terms the horrifying terrorist attacks perpetrated by ISIL also known as Da'esh which took place on 26 June 2015 in Sousse, on 10 October 2015 in Ankara, on 31 October 2015 over Sinaï, on 12 November 2015 in Beirut and on 13 November 2015 in Paris, and all other attacks perpetrated by ISIL also known as Da'esh, including hostage-taking and killing, and notes it has the capability and intention to carry out further attacks and regards all such acts of terrorism as a threat to peace and security"; OP5:" Calls upon Member States that have the capacity to do so to take all necessary measures in compliance with International Law, in particular the United Nations Charter […] on the territory under the control of ISIL to redouble and co-ordinate their efforts to prevent and suppress terrorist Acts committed especially by ISIL […] and other terrorist groups [i.e.al Qaeda and the Al Nusrah Front] and to eradicate the safe haven they have established over significant part of Iraq and Syria.

to maintain the safeguards protecting human life and dignity laid down in International Humanitarian Law (IHL)"[8], taking the greatest care to ensure that counter-terrorism through 'armed conflict' does not become an "all embracing concept….used to block or justify violation of humanitarian standards"[9] or the *jus in bello*[10], in the ever increasing non-linear, non- contiguous 'armed conflict' battle space.[11]

Subtle Equilibriums

International Humanitarian Law (IHL- also known as the *jus in bello*) is, as Dinstein posits, "predicated on a subtle equilibrium between two diametrically opposed impulses: military necessity and humanitarian consideration".[12] In view of this symbiotic relationship it is always important that we inform ourselves of new developments, discourses or narratives which of themselves may either "strain or strengthen aspects of this body of law".[13] This paper will seek briefly examine how the discourses and narratives in respect of IHL are being shaped through the blurred lines of a complex Battle- Space. In particular, the principles of distinction and proportionality as evidenced through targeting practices and guidance both in Afghanistan with International Security Assistance Force (ISAF)[14], and currently within Iraq – Operation Inherent Resolve.[15] Finally, looking forward to see how, if at all, these targeting practices could play on the principle of reciprocity which underpins IHL.

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7 Ibid 2 at page 17.

8 Ibid at page 17.

9 Mr.Jovan Patrnogic, President of the International Institute of Humanitarian Laws, to the "Meeting of Independent Experts on Terrorism and International Law: Challenges and Responses. Complementary Nature of Human Rights Law, International Humanitarian Law and Refugee Law," organized by the International Institute of Humanitarian Law in Sanremo, 30 May – 1 June 2002. Available at: www.iihl.org/wp-content/uploads/2015/12/Terrorism-and-IHL.pdf

10 One of the fundamental tenets of international law is the separation between the law governing the right of states to resort to the use of force against one another (jus ad bellum, the core of which is contained in the UN Charter), and the law that protects victims and places limits upon means and methods of warfare (jus in bello, the core of which is contained in the Geneva Conventions and their Additional Protocols). The two must remain separate for the simple reason that despite the prohibition on the use of force between states at the heart of the UN Charter, armed conflicts do occur; and the politics of deciding who has breached that law should not have a bearing on the protection of war victims. Consequently, examination of the jus ad bellum is not within the scope of this paper which will only focus on the *jus in bello* and its relationship with the 'war on terrorism'.

11 This paper is confined to the spectrum of armed conflict as prescribed under Geneva Law; Geneva Convention For The Amelioration of the Condition of the Wounded in the Field; Geneva Convention Relative to the Treatment of Prisoners of War; Geneva Convention Relative To The Protection of Civilian Persons in Times of War; Protocol I of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949 (hereinafter Additional Protocol I);Protocol II of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949 (hereinafter Additional Protocol II).

12 Yoram Dinstein, *The Conduct of Hostilities Under the Law of International Armed Conflict* (United Kingdom, University Press Cambridge 2004), 16.

13 Michael Schmitt, "Effects Based Operations and the Law of Aerial Warfare, Washington University Global Studies Review, (2007):240. Available at: http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1177&context=law_globalstudies

14 International Security Assistance Force was first deployed in 2001 on the basis of a request for assistance to the Afghan authorities and a United Nations (UN) Security Council Mandate -1386.NATO took the lead of the International Security Assistance Force (ISAF) in Afghanistan on 11 August 2003. Mandated by the United Nations, ISAF's primary objective was to enable the Afghan government to provide effective security across the country and develop new Afghan security forces to ensure Afghanistan would never again become a safe haven for terrorists. From 2011, responsibility for security was gradually transitioned to Afghan forces, which took the lead for security operations across the country by summer 2013. The transition process was completed and Afghan forces assumed full security responsibility at the end of 2014, when the ISAF mission was completed: Available at: http://www.nato.int/cps/en/natohq/topics_69366.htm (last visited 12 September 2017).

15 On 17 October 2014, the Department of Defense formally established Combined Joint Task Force - Operation Inherent Resolve (CJTF-OIR) in order to formalize ongoing military actions against the rising threat posed by ISIS in Iraq and Syria. In conjunction with partner forces Combined Joint Task Force - Operation Inherent Resolve (CJTF-OIR) defeats ISIS in designated areas of Iraq and Syria and sets conditions for follow-on operations to increase regional stability- Available at: http://www.inherentresolve.mil/About-Us/. Nils Melzer, *Targeted Killing in International Law*, 2008(Oxford University Press 2009), 262.

Fighting Abstractions-getting the legal classification right.

The concept of a 'War on Terrorism' was coined very soon after the terrorist attacks in New York and Washington DC on 11 September 2001. In fact the US Government referred to these events as 'acts of war' and "claimed to be engaged in a 'war against terrorism'".[16]

This of course was consolidated within the Bush administration National Security Strategy -"The United States of America is fighting a war against terrorists of global reach…where the enemy is not a single political regime or person or religion or ideology. The enemy is terrorism, politically motivated violence perpetrated against innocence"[17] This discourse is problematic simply because 'terrorism' is, as Dominic McGoldrick puts it, "an undefined set of tactics and ideologies rather than a defined enemy.[18] It is of course a tactic and as Garraway sets out succinctly "one cannot wage war against a tactic in any meaningful sense".[19] This, of course leaves the question as posited by Terry Jones, ' "How do you wage war on an abstract noun? It's rather like bombing murder"'.[20] Critically the expression "war" is not used in either context as a legal term of art and is no more of a legal category of conflict than the '*war on drugs*' or the '*war on illiteracy*'.[21]More fundamentally, however, the danger in applying such a metaphor is that it may well catch the user in a net leading laypersons to believe as Dinstein states "… that the figure of speech which they have coined actually reflects reality".[22] The fact remains that the 'terrorist' label has as Carswell states "allowed states to claim without foundation in international law, that entire classes of individuals are devoid of meaningful international legal protection"[23]

In this regard the International Red Cross (ICRC) has repeatedly asserted that it considers, from a legal perspective, that "there is no such thing as a "*war against terrorism*".[24] With respect to the phenomenon of armed groups such as al-Qaeda or the Islamic State group the ICRC "does not share the view that an armed conflict of global dimensions is, or has been taking place".[25] The ICRC in respect to the various armed conflicts and the numerous counterterrorism measures at the domestic and international levels, adopts "a case -by – case approach in order to analyse and legally classify the various situations of violence".[26] The critical base line being, that when armed force is used, only the facts on the ground are relevant for determining the legal classification of a situation of violence.

16 Nils Melzer, Targeted Killing in International Law, 2008(Oxford University Press 2009), 262.
17 US Government, National Security Strategy (USA, 2002), 5. - Available at: www.state.gov/documents/organisation/63562.pdf
18 D. McGoldrick, From 9-11 to the Iraq War, 2003 (Oxford and Portland Oregon 2004), 28.
19 Charles Garraway,"Afghanistan and the Nature of Conflict," *in the War in Afghanistan: A Legal Analysis International Law Studies*, volume 85, ed. M. Schmitt (Naval War College, Rhode Island United States: 2009), 165.
20 Jones, Terry, *'Why Grammar Is the First Casualty of War'* Daily Telegraph January 12 2002.
21 A. Carswell, "Classifying the conflict: a soldier's dilemma," *International Review of the Red Cross – Typology of Armed Conflicts* volume 91, no.873 (2009):156.
22 Yoram Dinstein, "Terrorism as an armed attack" *in The War in Afghanistan: A Legal Analysis International Law Studies* 85, ed. M. Schmitt (Naval War College, Rhode Island United States: 2009), 43.
23 Ibid 21 at page 156.
24 International Committee of the Red Cross, *32nd International Conference of the Red Cross and Red Crescent International Humanitarian Law and the challenges of contemporary armed conflicts* (Geneva: International Committee of the Red Cross,2015),18. Available at:https://www.icrc.org/en/download/file/30335/irc_97_900_pdf .
25 Ibid at page 18- The ICRC assert that this would require in the first place the existence of a "unitary" non-State party opposing one or more States. The ICRC further posit that based on available facts, there are not sufficient elements to consider the al-Qaeda "core" and its associated groups in other parts of the world as one and the same party within the meaning of IHL. The same reasoning alos applies, for the time being, to the Islamic State group and affiliated groups.
26 Ibid 24 at page 18.

Simply put, some situations may be classified as an International Armed Conflict, others as a Non International Armed Conflict, while "*various acts of violence may fall outside any armed conflict due to lack of the requisite legal nexus*"[27]

The avoidance of broad abstractions is important in terms of 'armed conflict', and is an important preambular reference point in this paper, as Melzer opines "sweeping descriptions hardly meet the minimum requirements for a 'party to a conflict".[28] The modern notion of 'armed conflict' must remain restricted to armed contentions between organised armed groups of individuals that are sufficiently identifiable based on "objective criteria"[29] or as Carswell asserts - in his excellent distilling of a complex issue- "looking beneath the terrorist label and examine both the individual and his context"[30] thereby framing an important categorisation of conflict upon which as Watkin states " Law and order is ultimately dependent upon the drawing of jurisdictional lines".[31] In order to prevent total arbitrariness in the use of force this minimum requirement must be upheld in spite of what Melzer sets out are the "practical difficulties that doubtlessly arise in identifying the members and structures of loosely organised and clandestinely operating armed groups".[32] Simply put no social phenomenon whether "terrorism, capitalism, drug abuse or poverty can be a 'party' to a conflict".[33]

In this author's view it is important that the political stigma of terrorism should not enter the domain of legal classification where armed conflict is concerned. Particularly, where such classification confers rights and obligations under international humanitarian law thereby avoiding a position that "entire classes of individuals as devoid of meaningful international protection."[34]

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27 Ibid 24 at page 18.
28 Ibid 16 at page 263.
29 Ibid 16 at page 263.
30 Ibid 21 at page 157: In this case Carswell looks at the early (2001-2) Afghanistan war, the US-led coalition was engaged in an international armed conflict with the Taliban's armed wing, since the latter were the armed forces of the de facto government of Afghanistan at that time. As such the Taliban's armed forces would have been legally qualified as combatants and, if captured, prisoners of war whose treatment is governed by the Third Geneva Convention. On the other hand, members of Al Qaeda fighting in tis international armed conflict did not fall within the legal definition of 'combatant'. They were neither members of Afghanistan's armed forces nor a militia both belonging to the state and meeting the four defining military characteristics set out in article 4(A)(2) of the third Geneva Convention. They were legally 'civilians'. However, that title would not have shielded those taking a direct part in hostilities from being targeted nor would it have prevented them from being interned for imperative reasons of security under Articles 13,99-108 of GC III.
31 Brigadier General .K. Watkin, "Chemical Agents and Expanding Bullets: Limited Law Enforcement Exceptions or Unwarranted Handcuffs?" *in International Law Studies, vol.82 The Law of War in the 21st Century: Weaponry and the Use of Force* A.M. Helm (Newport, RI: Naval War College, 2006), 193.
32 Ibid 16 at page 263.
33 Ibid 16 at page 263.- Melzer illustrates this very well at FN 111-pointing out that: " an armed conflict occurs 'between' and not 'against' parties, Hence the Second World War was not a war 'against' Nazism or Fascism but 'between' States, and the cold war opposed the States or armed groups identifying themselves with the Westerns and Eastern Bloc, and no capitalism and communism".
34 Ibid 21 at page 156.

Abstraction to Law - Looking Beneath the 'Terrorist Label'.

It is now broadly accepted by States[35] and jurists[36] that since 19 June 2002[37] the resumption of hostilities between the new Afghan Forces with the support of ISAF[38] on the one hand and the armed opposition[39] has reached the level that can "admit the existence of a Non International Armed Conflict[40] to which Common Article 3 of the Four Geneva Conventions of 1949 (CA3), and customary International Humanitarian Law relevant to this threshold apply".[41] Significantly, this classification has permitted assertions that "-the Taliban, the Haqqani network, and Al Qaeda (in Afghanistan) have each demonstrated sufficient organisation to be bound by international humanitarian law".[42] These views are consistent with US policy at the highest level, since articulated by the US Department of State who have "recognised as a matter of international law that the United States is in an armed conflict with al Qaeda as well as Taliban and associated forces…and that targeting practices…comply with all applicable laws including the laws of war."[43]

It is equally at UN[44] level and State that the armed conflict in Iraq as against ISIL[45] is classified as non-international armed conflict. This view has been formally articulated by

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35 D.Turns, "Jus as pacem in bello? Afghanistan, stability operations and international law relating to armed conflict" *Israeli Yearbook on Human Rights,* vol 39 (2009) 36 – Turns asserts that the UK would regard the ongoing hostilities as non-international law relating to armed conflict; Siobhan Dowling, "New Evaluation in Afghanistan Long Overdue" Spiegal ONLINE (2010) accessed 7 Sept 2017 available at http://www.spiegel.de/international/germany/the-world-from-berlin-new-evaluation-on-afghanistan-long-overdue-a-677289.html-German foreign Minister Guido Westerwelle told parliament that military deployment in Afghanistan was considered armed conflict within parameters of International Law; See also German Institute for International land Security Affairs, *Military operations in Afghanistan and international humanitarian law by Christian Schaller* (SWP, 2002),2.

36 United Nations Human Rights Commission, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (A/HRC/11/2 United Nations General Assembly 2010) by Philip Alston who states at para 1 "Afghanistan is experiencing armed conflict across a broad swath of its territory. In legal terms, this is a non-international armed conflict between the Government supported by international military forces (IMF) and various armed groups. Available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf

37 See UN Security Council resolution 1419 (2002), of 26 June 2002, welcoming the election of Hamid Karzai. See also Report of the Secretary-General, The situation in Afghanistan and its implications for International peace and security, 11 July 2002, UN Doc. S/2002/737 available at: *http://www.un.org/en/sc/documents/sgreports/2002.shtml* The International Conference on Afghanistan held in December 2001 led to the 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions ("Bonn Agreement")', S/2001/ 1154, of 5 December 2001, establishing an interim authority and calling for the establishment of an emergency Loya Jirga.

38 For the mandate of ISAF see in particular UN Security Council resolution 1386 of 20 December 2001; UN Security Council resolution 1510 of 13 October 2003; and UN Security Council resolution 1890 of 8 October 2009

39 The armed opposition operating against the Government of the Islamic Republic of Afghanistan and the international military presence is commonly referred to as the 'Taliban', who describe themselves as the Islamic Emirate of Afghanistan. This is a shorthand for a fragmented alliance between different groups such as the Quetta Shura Taliban in Southern Afghanistan, Hezb-i Islami Gulbuddin (HiG) and Hezb-i Islami Khalis in the east, and the Haqqani Network. See a description of non-state armed groups operating in Afghanistan by the Human Security Report Project (HSRP), Afghanistan Conflict Monitor, available at: http://www.afghanconflictmonitor.org/armedgroups.html (last visited 7 Sept 2017).

40 A clear and uniform definition of what constitutes a non-international armed conflict does not exist in International law. However, it is generally accepted that the existence of such a conflict is based on Objective criteria, namely the intensity of the violence and the organization of the parties. For a description of the threshold criteria, see International Committee of the Red Cross (ICRC), How is the Term 'Armed Conflict' Defined in International Humanitarian Law?, ICRC Opinion Paper, March 2008, available at: http://www.icrc.org/eng/assets/files/other/opinion-paper-armed-conflict.pdf (last visited 11 Sept 2017).The ICRC in its Opinion Paper defines Non-international armed conflicts as "protracted armed confrontations occurring between government armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organisation."

41 R.FeiB and M. Siegrist, "Has armed conflict in Afghanistan affected the rules on the conduct of hostilities", I*nternational Review of the Red Cross*, Vol 93 No 881 (2011) 15.

42 A. Bellal, G Giacca, and S. Casey-Maslen, "International Law and armed non-state actors in Afghanistan", *International Review of the Red Cross*, Vol 93 No 881 (2011) 54.

43 Harold Honju Koh, Legal Advisor, U.S. State Department, "The Obama Administration and International Law", paper delivered at the *Annual Meeting of the American Society of International Law* (Washington DC, 25 March 2010, available at: http://www.state.gov/s/1/releases/remarks/139119.htm (last visited 11 September 2017. (Transcript available at: http://go.usa.gov/3pah5[httpa://perma.cc/MK2M-5T9N]). Also Brian Egan, Legal Advisor, U.S. State Department, "International Law, Legal Diplomacy, and the counter-ISIL campaign", paper delivered at the *Annual Meeting of the American Society of International Law* (Washington DC, 4 April 2016, available https://www.justsecurity.org/wp-content/uploads/2016/04/Egan-ASIL-speech.pdf (last visited 11 September 2017. Brian Egan referred to "…our non-international armed conflict against alQa'ida and associated forces".

44 UNHCR, "Report on the Protection of Civilians in the Armed Conflict in Iraq 1May-31 Oct 2015 (Geneva, UNHCR 2015) 4: "…recognises the international legal framework applicable to non-international armed conflict in Iraq". Available at: https://reliefweb.int/report/iraq/report-protection-civilians-armed-conflict-iraq-1-may-31-october-2015-enar (last visited 15 September 2017).

45 Islamic State in Iraq and the Levant (ISIL or Da'esh). This paper will adapt the UN definition as per UNSCR 2249.

the US Department of State "..because we are engaged in an armed conflict against a non-State actor our war against ISIL is a non –international armed conflict…therefore the applicable regime governing our military operations is the Law of Armed Conflict covering NIACs"[46]

The importance of "looking beneath" the terrorist label in each case cannot be understated in so far as establishing the legal framework or classification of the armed conflict and is a critical methodology for state parties to such conflicts.[47] It is fundamental to the conduct of military operations; it protects civilians drawn into the conflict; gives protection and responsibilities to states and combatants. Fundamentally "it is one key basis for recognising the legitimacy of particular campaigns"[48]

Understanding the rules

Significantly many of the customary rules or prescriptive norms of IHL are applicable to non-international armed conflicts such as Afghanistan and Iraq.[49] The ICRC have set out very clearly that " as a matter of customary law, the basic IHL principles and rules governing the conduct of hostilities are, with very few exceptions, essentially identical regardless of the conflict classification".[50] In terms of targeting, the principle of distinction "that all parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives"[51] remains a "fundamental and intransgressible principle of Customary International Law".[52] The principle is further operationalised through the rule that "civilian population as such as well as individual civilians shall not be the object of attack".[53] Similarly, the rule for objects: "civilian objects shall not be the object of attack…civilian objects are all objects which are not military objectives".[54] In IHL, military objectives are those objects "which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage".[55] Finally, an attack is prohibited which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated to result from the operation. The latter requires attackers

46 Brian Egan, Legal Advisor, U.S. State Department, "International Law, Legal Diplomacy, and the counter-ISIL campaign", paper delivered at the *Annual Meeting of the American Society of International Law* (Washington DC, 4 April 2016, available https://www.justsecurity.org/wp-content/uploads/2016/04/Egan-ASIL-speech.pdf (last visited 11 September 2017)
47 See: House of Commons Defence Committee, UK Armed Forces Personnel and the legal framework of future operations (London: The Stationary Office Ltd, 2013), para 11. Available at *https://publications.parliament.uk/pa/cm201314/cmselect/cmdfence/931/931.pdf:*
48 Ibid at para 12 submission of Professor Adam Roberts, Emeritus Professor of International Law at Balliol College Oxford, to the House of Commons Defence Committee. Available at *https://publications.parliament.uk/pa/cm201314/cmselect/cmdfence/931/931.pdf*
49 J-M .Henckaerts and L.D. Beck eds., Customary International Humanitarian Law Volume 1 Rules (Cambridge, CUP 2005). On the customary law applicable in non-international armed conflict, see M.N. Schmitt, C.H.B. Garraway and Y.Dinstein, *The manual on the Law of Non-International Armed Conflict with Commentary*(International Institute of Humanitarian Law 2006), para1.2.2
50 International Committee of the Red Cross, *31st International Conference of the Red Cross and Red Crescent International Humanitarian Law and the challenges of contemporary armed conflicts* (Geneva: International Committee of the Red Cross,2011),12. Available at: https://www.icrc.org/eng/assets/files/publications/icrc-002-1129.pdf.
51 Codified in Article 48 of the 1977 Additional Protocol 1 to the 1949 Geneva Conventions for international armed conflict.
52 International Court of Justice (1996) Advisory Opinion on the Legality of the Threat of Nuclear Weapons, ICJ Reports, 226-256;J-M Henckaerts and L.D. Beck, eds., Customary International Humanitarian Law Volume 1 Rules 1 and 7 (Cambridge, CUP 2005).
53 Codified in Article 51.2 of the 1977 Additional Protocol 1 to the 1949 Geneva Conventions for international armed conflict;Henckaerts and Doswald-Beck, supra n.45 rule1;Schmitt et al.,supra n.45,para 1.2.2.
54 Codified in Article 51.1 of the 1977 Additional Protocol 1 to the 1949 Geneva Conventions for international armed conflict;Henckaerts and Doswald-Beck, supra n.49 rule 7;Schmitt et al.,supra n.49,para 1.2.2.
55 Codified in Article 52.2 of the 1977 Additional Protocol 1 to the 1949 Geneva Conventions for international armed conflict;Henckaerts and Doswald-Beck, supra n.49 rule 7;Schmitt et al.,supra n.49,para 1.2.4..

to take feasible steps to minimise incidental harm to civilians- otherwise referred to as the rule of proportionality.[56]

These are the rules adopted and applied within the theatres of Afghanistan and Iraq, however in terms of war they function as more than just mere 'rules' rather as stated they represent that 'subtle equilibrium' or 'balance' sought to be achieved between what Dinstein describes as the "relentless demands of military necessity and humanitarian considerations".[57]

A Changing Battle-Space – shifting equilibrium?

The modern Battle-Space in the context of the current armed conflicts both in Afghanistan and Iraq are complex and this is acknowledges both at the legal state level and the operational command level. A Battle-Space described by Harold Koh as "..a conflict with an organised terrorist enemy that does not have conventional forces, but that plans and executes attacks against us and our allies while hiding among civilian population"[58]. This complex picture is further underpinned by General Stanley McChrystal -former ISAF commander in Afghanistan who describes "supply lines of material, money recruiters, handlers, and most importantly, volunteers, stretched to Riyadh and Aleppo, Tunis and Hamburg"[59]. The fundamental difficulty in such a Battle-Space is discerning how much of this activity while undoubtedly mostly illegal, or the persons engaged in it would have constituted lawful military objectives under IHL. The target spread under IHL is not dissimilar to that of domestic terrorism within the law enforcement paradigm as former RUC police chief Peter Sheridan put it "…is justice for me the guy who is making the bomb or the guy who is going to plant the bomb or who took the house over or the guy who hijacked the car…do they mean the guy who pulled the trigger or the 20 other people who were involved?"[60]

These urban Battle-Spaces also place significant pressures on commanders, particularly when one notes the response of Major General Rupert Jones[61] to a critical amnesty report that "it was naïve to think a city such as Mosul with a population of 1.75 million, could be liberated without any civilian casualties while fighting an enemy that "lacks all humanity"[62], or where conflict is "amplified by the deliberate blurring of military activities with the characteristics of civilian surroundings"[63] All of this chimes with the consistent message of the ICRC who have recognised that the "operational environment of contemporary armed conflict is changing…characterised…by ever more involvement of civilians in military action (both on the sides of States and organised armed groups),

56 Codified in Article 51.5(b) of the 1977 Additional Protocol 1 to the 1949 Geneva Conventions for international armed conflict;Henckaerts and Doswald-Beck, supra n.49 rule 7;Schmitt et al.,supra n.49,para 1.2.4..

57 Yoram Dinstein,The Conduct of Hostilities Under the Law of International Armed Conflict,(United Kingdom, University Press Cambridge 2004)17.

58 Harold Koh, legal advisor, U.S. Dep't of State Address at the Annual Meeting of the American Society of International Law (March 25.2010) available at http://www.state.gov/s/1/releases/remarks/139119.htm.

59 Stanley McChrystal, *My Share of the Task: A Memoire* (New York, Penguin Group,2014),168.

60 Gerry Moriarty "I walked away then the car exploded." Irish Times –Weekend Review, July 15th 2017, 1. Available at: *https://www.irishtimes.com/news/politics/depraved-hearts-history-and-hope-the-ira-ceasefire-20-years-on-1.3153558*.

61 Deputy Commander of the international coalition against ISIL.

62 Josie Ensor, "General denies 'war crimes' claim over battle to clear ISIL from Mosul." Irish Independent, July 13th 2017, 21. Available at: http://www.independent.ie/world-news/middle-east/general-denies-war-crimes-claim-over-battle-to-clear-isil-from-mosul-35925549.html.

63 State of Israel, The 2014 Gaza Conflict 7July -26 August 2014, Factual and Legal Aspects, May 2015 available at:*http://mfa.gov.il/Protective Edge/Documents/2014Gaza ConflictFullReport.pdf*.

and by increasing practical difficulties in distinguishing between fighters and civilians"[64] Fundamentally, war against 'terrorism' or asymmetric conflicts "bring to the fore a number of long-standing questions and ambiguities pertaining to these rules regarding the conduct of hostilities".[65]

Targeting Narcoinsurgents and Oil Wells –Back to Abstraction?

The difficulties of applying these rules in such a Battle-Space has not been without challenge, particularly as in Afghanistan and Iraq where adapting traditional targeting norms against non -State actors is challenging. This soon became apparent in ISAF in 2009 when NATOs Supreme Allied Commander Europe (SACEUR), US General Bantz Craddock instructed General Egon Ramms, the German Commander of Allied Joint Force Command Brunssum, which oversaw NATO operations in Afghanistan to "attack directly drug producers and facilities throughout Afghanistan."[66] SACEUR's guidance, in the authors view, epitomised the broad slippage that can occur when targeting in such a complex Battle-Space that it was 'no longer necessary to produce intelligence or other evidence that each particular drug trafficker or narcotics facility in Afghanistan meets the criteria of being a military objective' because the alliance 'has decided that (drug traffickers and narcotics facilities) are inextricably linked to the Opposing Military Forces, and thus may be attacked'.[67] Significantly, ISAF Commander US General David McKiernan countered that the "guidance violated international law".[68] More significantly such actions would 'seriously undermine the commitment ISAF has made to the Afghan people and the international community to restrain our use of force and avoid civilian casualties to the greatest degree predictable'.[69] A difficult decision for McKiernan who himself had acknowledged that the fight in Afghanistan was not only against the Taliban and Al Qaeda but also against a " very broad range of militant groups that are combined with the criminality, with the narco-trafficking system, with corruption that form a threat and a challenge…"[70] The example exemplifies the complex nature of conducting hostilities in such a Battle-Space in particular as Schmitt opines "with regard to the targeting of drug-related objects, the pertinent legal question is whether they constitute 'military objectives'"[71] In this regard Schmitt posits the broader view that while the "Afghan insurgents generally do not grow, produce or transport drugs…[they]collect taxes on drugs….this being so, the sole justification for targeting drug related objects would lie in the 'war sustaining' approach."[72]

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64 International Committee of the Red Cross, *31st International Conference of the Red Cross and Red Crescent International Humanitarian Law and the challenges of contemporary armed conflicts* (Geneva: International Committee of the Red Cross,2011),42.

65 R.Geib and M Siegristl, "Has the Armed Conflict in Afghanistan Affected the Rules on the Conduct of Hostilities," *International Review of the Red Cross, volume 93*, no.881 (2011):21..

66 Michael N.Schmitt, "Targetting Narcoinsurgents in Afghanistan: The Limits of International Humanitarian Law" in Yearbook of International Humanitarian Law, Vol 12 pp 1-20 (2009)1: available at SSRN:https//ssrn.com/abstract=1600255.

67 S.Koelbl, 'NATO High Commander Issues Illegitimate Order to Kill', Der Spiegel O Line, 28 January 2009 , available at:http://www.spiegel.de/international/world/battling-afghan-drug-dealers-nato-high-commander-issues-illegitimate-order-to-kill-a-604183.html (last visited 11 Sept 2017).

68 Ibid 66 at page 2.

69 Ibid 66.

70 Thomas Shanker & Eric Schmitt, "NATO Aims at Afghans whose drugs aid militants," New York Times, Oct 02 2008, at A8 Col 1.Available at: http://www.nytimes.com/2008/10/02/world/asia/02military.html?mcubz=3 (Last views 11 Sept 2017).

71 Ibid 66 at page 18. Schmitt acknowledges that drug fields, production or storage facilities, and transports qualify as 'war sustaining' objects by US definition – Article 4 of the United States Department of Defence Instruction issued April 2003 contains a definition of military objective as "Military Objectives….which bt their nature, location purpose or use, effectively contribute to the opposing force's war fighting or war sustaining (my emphasis) capability and whose partial destruction, capture of neutralisation could constitute a military advantage…". Available at:http:www.nimj.org.

72 Ibid 66 at page 18.

This of course runs counter to the strict interpretation of the 'military objective' as defined that the "object makes an effective contribution to military action...in the circumstances ruling at the time offers a <u>definite</u> military advantage"[73] rather than as Dinstein states "a hypothetical and speculative one"[74] underpinning an important nexus between the object and military action. In other words, the economic contributions should be "confidently traced through a strong causal connection to an enemy military action".[75] It did however cause significant frictions within the ISAF alliance itself, a 2009 Report to the Committee on Foreign Relations in the United States indicated that the use of lethal force in this context caused alliance members to question "whether the killing of traffickers and destroying labs complied with international law"[76]

It is from the lay perspective easy to comprehend since as Sassoli observes "without limitation to the actual situation at hand, the principle of distinction would be void, as every object could *in abstracto* could under future developments become a military objective"[77] In this author's view there would have to be a very high threshold or nexus to evidence how disruption in the drug trade would dramatically disrupt insurgent capability given the expected collateral damage that would occur on such a strike under any proportionality assessment.

The challenges and narratives of ISAF from 2002 to 2009 persist to-day and have evolved in the armed conflict with ISIL in Iraq, where Goodman asserts that the US administration "embraced what many in the international law community long regarded as off limits: targeting war sustaining capabilities, such as the economic infrastructure used to generate revenue for an enemy's armed force".[78] It has been accepted that military objectives could "include economic targets that indirectly but effectively support enemy operations"[79], where disagreement emerges is on the "breadth of targets that can be struck"[80], or more specifically under what circumstances, if any, do objects such as revenue −generating infrastructure of a non-State armed group qualify as military objectives?[81]

73 Ibid 55.
74 Yoram Dinstein, The Conduct of Hostilities Under the Law of International Armed Conflict (Cambridge University Press,2004) 86.
75 Ryan Goodman, "Targeting "War-Sustaining" Objects in Non-International Armed Conflict," NYU School of Law 2016 Volume 110, Public Law Research Paper No.16-20, available at ssrn:
  https://ssrn.com/abstract=2783736. (Professor of Law , New York University School of Law.)
76 Report to the Senate Comm. On Foreign Relations, 111th Cong., 1st Sess, Afghanistan's Narco War: Breaking the Link Between Drug Trafficking and Insurgents at 16 (2009) available at http://fas.org/irp/congress/2009rpt/afghan.pdf.
77 Marco Sassoli "Legitimate Targets of Attack Under International Humanitarian Law," in Background Paper prepared for the Informal High-Level Expert Meeting on the Reaffirmation and Development of International Humanitarian Law, January 27-29, 2004 Cambridge. Available at: https://hhi.harvard.edu/publications/legitimate-targets-attacks-under-international-humanitarian-law. (last visited 11 Sept 2017).
78 Ibid 75 at page 17.
79 Leslie C. Green, The Contemporary Law of Armed Conflict (2ed 2000) 191. Generally speaking, it is not disputed that power grids, industrial and communication facilities, computer and cell-phone networks, transportation systems, and other infrastructure including airports and railways – all of which primarily fulfil civilian functions – can become lawful military targets if they meet the criteria laid out in Article 52 paragraph 2 of Additional Protocol I, also reflecting customary IHL applicable in non-international armed conflicts.78 In fact, each and every civilian object could theoretically become a military objective, provided that it cumulatively fulfils the respective criteria. For instance, even religious sites, schools, or medical units may temporarily become military objectives if 1) they make an effective contribution to military action by being used as a firing position, to detonate improvised explosive devices, or to take cover; and 2) their total or partial destruction offers a definite military advantage.
80 Kenneth Watkin "Targeting "Islamic State" Oil Facilities" in *International Law Studies, volume 90* (Stockton Center for the Study of International Law,, Rhode Island United States: 2014), 503.
81 Ibid 75 at page 2.

This view has been roundly criticised in certain academic circles with some holding that "putting the US's forward leaning position on targeting war sustaining objects…creates a toxic brew"[82] and "sets a dangerous precedent …untenable and not the right approach".[83] Hathaway argues that expanding the nature of military objectives through war sustaining approach increases civilian casualties risks in particular those "who are not only in, but are simply near legitimate military targets, -…but also oil production facilities, oil tankers, banks and other engines of economic activity that might be war sustaining-…"[84] The contrarian view opined by Major General Charles Dunlap Jr (Retd) argues that "whether a war sustaining object (or any other target) meets that definition is very fact specific, and one simply cannot generalise that all do or do not meet the requisite factual standard… the factual connection must be reasonably direct…-and must be- case-by case-…"[85]

The debate also highlights how the principle of distinction is relatively simple when it comes to obvious military assets, such as a weapons system, munitions factory, or barracks. Applying these rules becomes more fraught with respect to what some have deemed to be "dual-use objects," such as transportation systems (like those the tankers travel on), energy sources (like oil fields), especially fighting an organized armed groups like ISIL that "earns between $1 million and $1.5 million a day from illegal oil sales generated by a sprawling production system that rivals many state-owned oil companies in terms of organization and scope"[86] The issue here is whether, as Watkin states, "tracking the proceeds of the oil sales can provide some support for targeting war-sustaining activities if all or at least a substantial part, of the money goes towards directly supporting military operations, as opposed to governance related activities"[87] More importantly, given the role (unpalatable as it may be) being assumed by ISIL of governing territory it may "prove challenging to make a connection between money gained and military action to justify strikes on that basis"[88] This remains a valid consideration in such type of conflict. As Padenau sets out "where non state group is actively engaged in war, but also in the collection of revenues and taxes for the purpose of building schools…it becomes increasingly difficult to distinguish which revenue-generating operations support military actions and what revenue is for political, civilian purposes".[89] In particular "giving the role being assumed by ISIS of governing territory[90]", where research showed that ISIS had gone from a purely military force to "building a system that can provide basic services such as making sure gas and food are available".[91] In short, when a governance role is assumed it is inevitable that "financial resources will be used for purposes additional to the conduct of military operations"[92]

82 Oona Hathaway "The law of War Manual's threat to the principle of proportionality," Just Security, June 23 2016, available at https//www.justsecurity.org/31631/low-threat-proportionality.-Professor of Internationl Law Yale Law School.

83 Iulia Padeanu, "Accepting that War-Sustaining objects are legitimate military targets under IHL is a terrible idea" Yale Journal of International Law (2017) Available at http://www.yjil.yale.edu/accepting-that-war-sustaining-objects-are-legitimate-targets-under-ihl-is-a-terrible-idea/ (Visited 11 September 2017).

84 Ibid.

85 Charles J. Dunlap "Understanding War-Sustaining Targeting: A Rejoinder to Iulia Padeanu" Yale Journal of International Law (2017) Available at: http://www.yjil.yale.edu/understanding-war-sustaining-targeting-a-rejoinder-to-iulia-padeanu/) (Visited 10 September 2017)

86 Beth Van Schaak "Targeting Oil Tankers," Just Security, Dec 02 2015, available at: https://www.justsecurity.org/28064/targeting-tankers-law-war-part-1/

87 Ibid 80 at page 504.

88 Ibid 80 at page 504.

89 Ibid 80 at page 503.

90 Iibid 80 at page 504.

91 Nick Thompson and Atika Shubert, "The anatomy of ISIS: How the 'Islamic State' is run from oil to beheadings" CNN Jan 14 2015 Available at :http://edition.cnn.com/2014/09/18/world/meast/isis-syria-iraq-hierarchy/

92 Ibid 80 at page 505

I would agree with Padenau that the inherent difficulty in broadening the target set in such armed conflicts is the "lack of clear limiting principles".[93] If it is legal and reasonable to target oil refineries and banks because they generate revenue for ISIL "where do we draw the line"[94] Padenau also reflects upon this challenge of engaging with a non –State actor with government and administrative designs admitting the point that "If there is proof that all revenue collected is indeed used to support ISIL military campaign, attacks on financial institution may be permissible under Art.52 AP1". However, the revenue collected could "very possibly be used for entirely civilian purposes: building schools, roads and hospitals".[95] (Though some commentators[96] have argued that "potential substitution effects" must be taken into account – if the source of economic support to a military can be easily substituted by another source, the military advantage gained from that destruction or neutralization of the former is presumably more speculative).

Equally, the dual use of 'revenue', feeds into the[97] proportionality analysis which prohibits the attack on a military objective if it may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof which would be excessive in relation to the concrete and direct military advantage anticipated. For example, Ryan writes , " if a revenue generating industry is considered a military objective due to funds distributed to armed forces, should a proportionality analysis include the percentage of funds distributed to nonmilitary purposes (such as running schools, hospitals)".[98]

This narrative has also raised itself arising from the targeting of' tanker trucks' transporting oil[99] as part of Operation Inherent Resolve, Van Shak not unlike Padenau notes that "… targeting the tankers does stretch ..[the] definition of "military objective" considerably… particularly so given the fungability of oil …Tankers carrying oil designated for military use is an easier case than the tankers carrying oil for export or, even easier for civilian consumption"[100]

Back to the Future-Reciprocity

The fear in broadening targeting rules, of course, is that the entire distinction framework could collapse — to the ultimate detriment of the civilian population — and we will regress to the point that might ultimately lead to indiscriminate attacks, and the "type of wide ranging aerial assaults with extensive civilian casualties, which were so controversial during World War II"[101], or where the entire civilian infrastructure is considered a military target. The better question, in this author's view, is where to draw the line regarding remoteness. In the cases of non –State actors, how strong does the link between objects struck and military activity have to be so that attacks, which are likely to collaterally kill

93 Ibid 83.
94 Ibid 83
95 Ibid 83.
96 Ibid 86.
97 Ibid 56.
98 Ibid 75.
99 https://www.defense.gov/News/Transcripts/Transcript-View/Article/630393/department-of-defense-press-briefing-by-col-warren-via-dvids-from-baghdad-iraq/
100 Ibid 86.
101 Louise Doswald-Beck, "The San Remo Manual on International Law Applicable to Armed Conflicts at Sea" in Americal Journal of International Law 192,199 (1995), available at: https://www.jstor.org/journal/amerjintelaw?decade=1990. (Last viewed 10 September 2017).

or injure civilians, can be justified? More fundamentally, however, is the question of reciprocity and precedent. As Watkin observes "what must be kept in mind is that these attacks can be precedent setting even against "terrorists".[102] The theoretical worst-case scenario is a dynamic of negative reciprocity, that is, a spiral-down effect that ultimately culminates in mutual disregard for the rules of IHL. If one belligerent constantly violates humanitarian law and if such behaviour yields a tangible military advantage, the "other side may eventually also be inclined to disregard these rules in order to enlarge its room for manoeuvre and thereby supposedly the effectiveness of its counter-strategies."[103]

Conclusion

The 'War on Terror' and all its dimensions- in particularly its 'fit' with international humanitarian law confirms that armies are now fighting in a space where, as stated, the battle-space is everywhere and "traditional conceptions of a distinct 'battlefield' often seem rather obsolete in this constellation".[104] Equally, it brings to the fore as stated long standing questions and ambiguities not only pertaining to the important discourse of reducing abstractions to legal frameworks but also the rules regarding the conduct of hostilities within those legal frameworks. This paper can only provide but a 'snapshot' of these issues. Notwithstanding, IHL must strive to rationally balance humanitarian concerns with military necessity. Certainly, as Afghanistan and Iraq show this balancing may shift with the developments in the nature of warfare but must "remain at the heart of international humanitarian law".[105] Absolutely, defeating ISIL or such armed groups should be a priority for any State, but it cannot serve as the basis for setting difficult precedents. The principle of distinction must be preserved otherwise we will risk sending the law "hurtling down the slippery slope toward collateral calamity".[106]

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102 Ibid 80 at page 513.

103 Robin Geib and Michael Siegnist " Has Armed Conflict in Afghanistan Affected the Rules on the Conduct of Hostilities? In International Review of the Red Cross, Volume 93, No 881 (2011)20.

104 Andreaus Paulaus and Mindin Vashakmadze, "Asymmetrical War and the notion of armed conflict; a tentative conceptualization" in International Review of the Red Cross, Volume 91. No 873, (2009) 108.

105 Michael Schmitt, "Fault Lines in the Law of Attack" in *Testing the Boundaries of International Humanitarian Law*, Breau, S and Agnieska, J.N. (eds) (London, British Institute of International and Comparative Law,2006),466.

106 James Baker, " When Lawyers Advise Presidents in Wartime" in Naval War College Review, Volume LV, No 1(2002)22.

If there is ever another war in Europe, it will come out of some damned silly thing in the Balkans

Otto Von Bismarck.

DR KENNETH MCDONAGH
LIRIDONA VELIU

Europe's new Balkan Problem or the Balkan's new Europe problem: Terrorism and Radicalisation in the EU's South Eastern Borderlands

ABSTRACT

In the aftermath of the terrorist attacks in Paris, November 2015 which left 129 people dead, the Balkans found itself once again in the frame as a source of instability and insecurity for Europe. At least two of the attackers had travelled into Europe via the so-called Balkan route using legitimate refugees from the conflict in Syria as cover. In addition to the perceived threat of a soft underbelly in the EU's borders, the Balkan's has also been framed as a potential source of radicalised terrorists, as disillusioned Muslims in the region turn to more radical forms of Islam and engage with radical jihadi networks online or even travel to fight with Daesh in Syria and Iraq. This paper seeks to examine these narratives by engaging with local debates within the Balkans on the nature and extent of the jihadi threat. It will also provide an overview of the extent of radical Islamist networks in the region, with a view to informing future policy and practical responses by the EU institutions, and existing EU missions in the field in Bosnia-Herzegovina and Kosovo, as well as the accession process for candidate countries in the region.

Introduction

The ongoing crisis in Syria, the related refugee crisis and the spate of terrorist attacks in Europe in recent years has brought the issues of radicalisation in the Balkans to the forefront of policymakers concerns. Once more, the Balkans is framed as a source of instability and insecurity both within its boundaries and in relation to the rest of Europe. The security issues at stake can be mapped across three dimensions – the perceived threat from terrorists using the Balkan migrant route as soft entry point to Europe, the threat from 'home-grown' radicalised terrorists both to Balkan societies and to Europe, and the role of Balkan radicals engaging as foreign fighters in the middle-east and elsewhere. This paper examines how the EU has framed the Balkans as source of instability in the context of migration and international terrorism, how the Balkan countries have adapted and responded to this framing before critically reframing these security questions in the context of future integration of the Balkans in European institutions.

Framing Radicalisation: The EU, the Balkans & Migration

The concept of 'radicalisation' is relatively novel in the policy discourse on terrorism and counter-terrorism with a significant uptick in the use of the term post-9/11.[1] Similarly in the popular press both Sedgwick and Awan et al. note spikes in the use of the term since 2001.[2] But what exactly was it about those attacks that led to the radicalisation discourse that followed? As Sedgwick notes:

"The concept of radicalization emphasizes the individual and, to some extent, the ideology and the group, and significantly de-emphasises the wider circumstances – the 'root causes' that it became so difficult to talk about after 9/11 and that are still often not brought into analyses"[3]

In other words, the effects of the radicalisation discourse was to allow discussion of terrorism and counter-terrorism while avoiding a discussion of the underlying causes that might lead to accusations of sympathy or justification of terrorism in an extremely tense political atmosphere.[4] In a similar vein, Githens-Mazer and Lambert argue that the discourse of radicalization:

"reflected the need of politicians and the media for easy-to-understand narratives that explained how a 'good Muslim boy' (or a 'good Asian boy') became a suicide bomber"[5]

Before turning to the effects of such an approach on both the practice and analysis of counter-terrorism in the Balkans, we can first examine what exactly radicalisation in this sense was taken to mean.

Radicalism is the position of adopting a radical critique of society and vision for an alternative (based on a variety of ideological or religious inspirations) and radicalisation is understood as the process of personal development that leads one to adopt such a position. The link to radical or extreme action is rather more obscure, and certainly doesn't appear to follow causally.[6] Therefore, following Crenshaw we need to ask the question whether radicalism (and the radicalisation that precedes it) represents a precondition (factors that set the stage over the long run for terrorism) or a precipitant (specific events that immediately precede the occurrence of terrorism) of terrorist action?[7]

The contemporary use of the term appears to indicate that radicalisation is somewhere in between, perhaps serving as a key link in the individuals psychological development from experiencing the former and moving toward the latter. For example, in testimony to

1 See Alex P. Schmid and Eric Price "Selected literature on radicalization and de-radicalization of terrorists: Monographs, Edited Volumes, Grey Literature and Prime Articles published since the 1960's" *Crime Law Social Change Vol 55* (2011), p.338
2 See Akil N. Awan, Andrew Hoskins & Ben O'Loughlin *Radicalisation and Media: Connectivity and terrorism in the new media ecology* (London: Routledge, 2011), p.4; Mark Sedgwick "The concept of radicalization as a source of confusion" *Terrorism and Political Violence* Vol 22 No 4, (2010) p.480
3 Ibid., p.480-481
4 For a discussion of the broader discursive constraints on post 9/11 security debates see Richard Jackson *Writing the war on terrorism: Language, politics and counter-terrorism.* (Manchester: Manchester University Press, 2005)
5 Jonathen Githens-Mazer & Robert Lambert "Why Conventional wisdom on radicalization fails: the persistence of a failed discourse" *International Affairs* Vol 86 No4, (2010) p.889
6 Ibid. p.346
7 See Martha Crenshaw "The causes of terrorism" *Comparative Politics* Vol 13. No. 4, (1981) p.381

the U.S. Senate committee on Homeland Security and Governmental Affairs in 2007, the Dutch Deputy National Coordinator for Counter-terrorism defined radicalization as:

"a process of personal development whereby an individual adopts ever more extreme political or politico-religious ideas and goals, becoming convinced that the attainment of these goals justifies extreme methods."[8]

Although he goes on to argue that terrorism is a distinct further step in this process the link between radicalization and the acts that may follow is clear. Similarly, Sedgwick notes that both the US and Canadian legal definitions of radicalisation also include a direct reference to the issue of a threat or risk of danger arising from the process.[9] Obviously if the connection between radicalisation and terrorist action were reasonably clear-cut then such an approach would be both justified and appropriate, however there are serious questions that can be raised about the nature of this connection. A number of studies have failed to identify significant differences in the beliefs of Islamists who pursue violent means and those who pursue change through non-violent means.[10]

Given the ambiguity of the meaning and effects of radicalisation, policy responses shaped by and through the discourse of radicalisation can best be understood by interrogating not what radicalisation is in an abstract sense but rather by asking what do the particular definitions of radicalisation do in terms of framing the problem of terrorism and enabling particular counter-terrorist practices and actions

Radicalisation and Counter-terrorism in the EU

The threat of domestic radicalised extremists has loomed larger on European agendas than on their American counterparts, at least in part because of differences in the levels of economic success and integration of migrants in the two regions.[11] The EU definition of radicalisation views it as a precondition of terrorist activity but not a sufficient condition of a terrorist attack:

"Radicalisation in this sense is understood as a complex phenomenon of people embracing radical ideology that could lead to the commitment of terrorist acts."[12]

A critical aspect of the European debate has been the linking of processes of radicalisation with the question of recruitment to pre-existing Jihadi or other extremist organisations prior to carrying out a terrorist attack. Although 'objective two' of the EU's *Five Steps Towards a More Secure Europe* does highlight the danger posed both from organised terrorist groups and so-called 'lone-wolves', the practical steps focus on the conjoined

8 Lidewijde Ongering "Home-grown Terrorism and Radicalization in the Netherlands: Experiences, Explanations and Approaches" Testimony to the U.S. Senate Homeland Security and Governmental Affairs, 27th June 2007, p.4 Accessed June 25, 2017. http://hsgac.senate.gov/public/_files/062707Ongering.pdf

9 Sedgwick, Op. cit, 2011 p.483

10 Risa A. Brooks "Muslim 'Homegrown' Terrorism in the United States: How serious is the threat?" *International Security* Vol 36 No 2, (2011) p.14

11 Claire L Adida, David D Laitin & Marie-Ann Valfort "Don't Fear Muslim Immigrants" *Foreign Affairs* (2016), Accessed June 24, 2017 https://www. foreignaffairs. com/articles/united-states/201

12 See European Commission, Migration and Home Affairs "What we do: Radicalisation" Accessed June 24, 2017 https://ec.europa.eu/home-affairs/what-we-do/policies/crisis-and-terrorism/radicalisation_en

concepts of radicalisation and recruitment.[13] Arguably such an approach obscured the potential for individuals to radicalise in isolation and to launch attacks without formally linking up with any pre-existing organisation as seen to some degree in recent attacks in Europe. Looking beyond Jihadi style terrorists, the problematic association of radicalisation and recruitment may have blinded security services to other forms of radicalisation and terrorism as in the case of far-right German extremists involvement in several murders in the immigrant community which only came to light by accident[14] and, even more concerning, the attacks carried out by Anders Breivik in Norway.

After the Norwegian attacks, the EU renewed its focus on questions of radicalisation emphasising that:

"as the Oslo attacks have shown once again, terrorism has nothing to do with any particular religion or belief"[15]

However in a discussion document that followed this release, although again the multi-faceted nature of the terrorist and radicalisation is emphasised, the practical focus is very much on Al-Qaeda and the potential for radicalisation among immigrant and diaspora communities.[16] Thus whereas the American discourse of radicalisation is emerging to replace an earlier discourse that defined terrorism as an external threat, the European discourse appears to be oriented towards an internal threat but one that primarily is defined in terms of an ethnic and/or cultural other. This position is evident in the new European Security Strategy which only names countries and regions with significant Muslim populations in its discussion of radicalisation and counter-terrorism.[17] This paper now turns to look at how this framing has shaped the policy discourse on radicalisation in the Western Balkans.

Re-framing Radicalisation: The regional discourse

If we think of the EU discourse on radicalisation as a process of othering, then the Balkans represent a unique challenge. On the one hand, the region is populated by either current or prospective member states of both the EU and NATO. Even allowing for enlargement fatigue, few current members question the assumption that the states of the former Yugoslavia and Albania will eventually become members. The former president of the European Council even went so far as to suggest it was their 'manifest destiny' to join.[18] On the other hand both historically and in contemporary discourse the Balkans represent instability and insecurity, a region marked by ancient hatreds and ethnic conflict. In the context of radicalisation and terrorism, the region is viewed as

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13 European Commission, Home Affairs 'The EU Internal Security Strategy in Action: Five Steps Towards a More Secure Europe'Accessed June 24 2017, http://europa.eu/rapid/press-release_MEMO-10-598_en.htm?locale=en

14 Kate Connolly "Neo-Nazi cell survivor in dock for biggest German trial for decades" *The Guardian* May 6, 2013. Accessed July 4, 2017, https://www.theguardian.com/world/2013/may/06/neo-nazi-cell-trial-germany-beate-zschape

15 Council of the European Union "**Press Release** re. EU meeting convened immediately post-Oslo attacks, which mentions "radicalization and recruitment"", (Brussels: July 2011) Accessed July 4, 2017 http://www.statewatch.org/news/2011/jul/eu-council-norway-killings.pdf

16 Presidency of the Council of the European Union '**Discussion Paper**' on Radicalisation (Brussels: September 2011) Accessed July 4, 2017, http://www.statewatch.org/news/2011/oct/eu-council-radicalisation-14348-11.pdf

17 European Union *Shared Vision, Common Action: A stronger Europe. A Global Strategy for European Union's Foreign and Security Policy* (Brussels, 2016) p.21

18 President of the European Council "Post-Wall Europe: Speech of Herman Van Rompuy, President of the European Council" (Berlin: November 2013) Accessed July 4, 2017 www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139438.pdf

both a source of and conduit of terrorists and foreign fighters travelling to and from Syria and the rest of Europe.[19] The candidate status of the states gives the EU an unusual level of leverage over their domestic policy, coupled with the links to European-based Diasporas of foreign fighters from the region[20], the region represents a critical site for the intersection between internal and external security.

Alongside many other Western governments, in May 2012, Kosovo's Foreign Minister Enver Hoxhaj voiced his support for Syria's opposition and the common European aspirations, responding in this way to comments by then the Russian U.N. Ambassador Vitaly Churkin who warned the U.N. Security Council that Kosovo should not be allowed to become a training centre for rebels.[21] As Kursani states, little did Hoxhaj know at the time about the fragmented opposition in Syria, and that by then 17 individuals from Kosovo had already joined the conflict.[22] By 2016, The New York Times described a catastrophic situation of Kosovo becoming a "fertile ground for Isis" and "a pipeline for jihadist"[23]; while Newsweek labelled it as "a hotbed for radical Islamists".[24] Media coverage and reports which have been addressing the response of Balkan countries to the growing threat of terrorism, despite rightfully labelling the situation as alarming and serious, have tended to overshadow the region's own internal challenges with a portrayal of passivity and naturalized inclination towards instability.

Europe's refugee crisis compounded these counterterrorist challenges, as the Balkans found themselves in a hopeless position in between their traditionally expressed Euro-Atlantic aspirations on one side, and their fragility in responding to the large number of refugees at their borders on the other. In a briefing of the European Parliament, although all the countries are recognized for adopting three types of relevant laws regulating foreigners/aliens, state border control, and the revision of the criminal codes,

"the legislative and institutional frameworks for migration management need further adjustment".[25]

By 2015 the US State Department report concluded mixed results of Balkan countries' attempts in countering terrorism. While acknowledging the region's strong commitment, the report stated that its lack of coordination, presence of corruption, ineffective administration and judicial systems are among the causes of hindering the process of successfully fighting Islamist extremist ideology.[26] Besides criticizing Serbia for lacking

19 See for an overview Vlado Azinovic "The geostrategic aspects of jihadist radicalisation in the Western Balkans" in European Foundation for Democracy *The Challenge of Jihadist Radicalisation in Europe and Beyond* (Brussels:2017)Accessed July 4, 2017, www.epc.eu/pub_details.php?cat_id=1&pub_id=7510
20 Ibid. p.46
21 Louis Charbonneau, "Kosovo voices strong support for Syria opposition". Reuters. (May 14, 2012) Accessed May 16, 2017,http://www.reuters.com/article/us-syria-kosovo-idUSBRE84D1EI20120514
22 Shpend Kursani, *Report inquiring into the causes and consequences of Kosovo citizens' involvement as foreign fighters in Syria and Iraq.* (Pristina: Kosovar Center for Security Studies Kursani 2015) p.17
23 Carlotta Gall, "How Kosovo was turned into fertile ground for ISIS."*The New York Times*. (May 21, 2015) Accessed May 17, 2017, https://www.nytimes.com/2016/05/22/world/europe/how-the-saudis-turned-kosovo-into-fertile-ground-for-isis.html
24 Jack Moore, J. "Kosovo arrests 19 in ISIS plot to attack Israel World Cup qualifier against Albania." *Newsweek*. (November 1, 2016)Accessed May 16, 2017, http://www.newsweek.com/kosovo-arrests-19-isis-plot-attack-israel-world-cup-football-against-albania-522222
25 European Parliament. *The Western Balkans: Frontline of the migrant crisis.*(Brussels: January, 2016) Accessed May 16, 2017, http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI(2016)573949_EN.pdf
26 U.S. Department of State.Chapter 2. *Country Reports: Europe Overview.*(Washington: December 5, 2015) Accessed May 18, 2017, https://www.state.gov/j/ct/rls/crt/2015/257516.htm

comprehensive national strategy and programs in place for countering violent extremism, the report praises Albania's legislation criminalizing terrorist acts, as well as for hosting a regional CVE conference in May in Tirana and announcing plans for a Regional Centre Against Violent Extremism; Bosnia's production of the Balkan region's first comprehensive Strategy for Preventing and Combating Terrorism; Kosovo's efforts to track and prosecute terror suspects; as well as Macedonia's indictment of 37 people and the arrest of 13 individuals under the recently-passed law on foreign terrorist fighters.[27]

Although some argue that the Balkans themselves are largely to blame for their own role as a source instability[28], leaders in the region lay the blame at Europe's door. Macedonia's President Gjeorge Ivanov, in an extended interview for the German Der Spiegel complained about the EU's bureaucracy and Germany's lack of attention on the issue of security arguing "Had we left this to Brussels and would not have reacted ourselves, we would have been overrun with jihadists".[29] Ivanov also complained of being rejected by Europe when offering to share intelligence and data on alleged jihadists.[30] Similarly, the then president of Serbia Tomislav Nikolić blamed Brussels for the spiralling refugee crisis and threatened to shut down the country's borders.[31] Prior to this, on another visit to China, Nikolić referred to EU countries as "robbers" of refugees' history, hence the only ones who should now deal with the situation.[32] Although more sympathetic to the plight of refugees, the governments of Albania, Kosovo and Bosnia-Hercegovina also emphasised the limits on their capacity to cope with large influxes of refugees.[33] As Albania's Prime Minister Edi Rama put it

"We have neither the conditions, nor the strength, nor the enthusiasm to save the world while others close their borders."[34]

The discourses on counter-terrorism already intertwined with those of refugees and illegal immigrants in the Balkans, are further ingrained into the security dynamics of the region, the relations between neighbouring states, and the intra-ethnic mistrust. Following the Zvornik terrorist attack on a police station in Republika Srpska, killing one police officer and injuring two others, by an alleged radical Islamist, the leader of the Alliance of Independent Social Democrats, SNSD, Milorad Dodik turned for help and protection to the Prime Minster as well as the President of Serbia, stating that he does not trust the

27 Ibid.
28 Marcu Niculescu, *Don't Blame Refugees for Europe's Problems. Blame the Balkans.*(October 14, 2016) Accessed May 17, 2017, https://intpolicydigest.org/2016/10/14/don-t-blame-refugees-europe-s-problems-blame-balkans/Niculescu 2016
29 Giorgos Christides,"Mazedoniens Präsident Ivanov: "Wir haben unsere eigenen Entscheidungen getroffen". *Der Spiegel*(Februar 29, 2016). Accessed May 17, 2017, http://www.spiegel.de/politik/ausland/mazedoniens-praesident-ivanov-ueber-fluechtlingskrise-wir-haben-unsere-eigenen-entscheidungen-getroffen-a-1079866.html
30 Charlotte Beale, (2016, March 12). Refugee crisis: Macedonia tells Germany they've 'completely failed'. *Independent* (March 12, 2016). Accessed May 15, 2017,: http://www.independent.co.uk/news/world/europe/macedonia-tells-germany-youve-completely-failed-a6927576.html
31 Aleksander Vasovic, "Emboldened by Hungary, Serbia's President floats tougher border controls" *Reuters* (October 3,2016) Accessed July 4 ,2017, http://uk.reuters.com/article/uk-europe-migrants-serbia-idUKKCN12318B
32 Filip Avramovic, (2016, October 5). "Nikolic blames Western 'robbers' for refugee crisis." *Balkan Insight*. (October 5, 2016) Accessed May 19, 2017, http://www.balkaninsight.com/en/article/nikolic-blames-western-robbers-for-refugee-crisis-09-09-2015#sthash.B4xsnYfw.dpuf33
33 Andrew Connelly, "Is Albania the next stop for stranded refugees?" *Al-Jazeera* (March 11, 2016) Accessed May 19, 2017, http://www.aljazeera.com/indepth/features/2016/03/albania-stop-stranded-refugees-160310090910932.html; Elvira M. Jukic, "Bosnia mulls action in case of refugee crisis."*Balkan Insight.*(August 25, 2015) Accessed May 19, 2017, http://www.balkaninsight.com/en/article/bosnia-mulls-action-in-case-of-refugees-influx-08-25-2015#sthash.6XlM7onv.dpuf ; Republic of Kosovo, Ministry of Foreign Affairs Thaçi at the conference in Luxembourg: Kosovo is ready to accept as much as five hundred refugees.(October 10, 2015) Accessed July 18, 2017, http://www.mfa-ks.net/?page=2,217,2905
34 Connelly, Op. cit., 2016

Sarajevo government.[35] As a result of this, on the 6th of May, 2015, the police operation Ruben was commenced and ethnic Bosnians suspected for arms smuggling were taken into custody. Nermin Nikšić, the current president of the Social Democratic Party of Bosnia and Herzegovina (SDP) expressed his disappointment on this, stating that the government "of Republika Srpska is behaving as in the times of Radovan Karadžić.[36] Similarly, the Bosnian member of Bosnia-Herzegovina's Tripartite Presidency, Bakir Izetbegovic, considered that the "police have seriously crossed the line."[37]

In Macedonia, President Ivanov who was supported by the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) famous for its attempts of building a national identity on presumed links to antiquity, used the refugee crisis and the closed border with Greece as a way of pushing the agenda for EU membership for Macedonia.[38] A bloody clash between policeman and gunmen in the city of Kumanovo, Macedonia gave rise to a series of conspiracy theories such as that the violence was part of a plot to create an Islamist "Greater Albania"[39], as well as blaming Kosovars as initiators of the violence.[40] Such claims raise the possibility of armed ethnic conflict as occurred in 2001.[41] Similarly tensions around refugees, radicalisation and terrorism could lead to return to hostilities between Kosovo and Serbia without remedial action in the short to medium term.[42]

During a conference of the European Bank for Reconstruction and Development in London, the then Prime Minister of Montenegro, Djukanovic, warned of Montenegro's inability to face the migrant and refugee crisis under lack of solidarity from other neighbouring countries.[43] While before this the Protector of Human Rights and Freedoms, Šućko Bakovic, declared that "terrorism and other problems related to security must not impair the enjoyment of all human rights of migrants and refugees", he also called for help and support from EU in reaching this.[44] Most recent events reveal that to the Austrian Foreign Minister's suggestion for the opening of refugee centers outside the European Union (possibly Georgia and the Western Balkans), the Montenegrin parliamentarian, Koca Pavlovic, replied with:

"At this moment Montenegro is not able to [create migrant camps in the country]. We are in a deep political crisis, security situation is very fragile, and we are on the edge of economic collapse. Moreover, at the moment we have a kind of a social uprising of the

35 Dejan Jazvic. "Dodik ne vjeruje Sarajevu pa traži pomoć Beograda." *Večernji List.* (April 29, 2015) Accessed May 20, 2017,https://www.vecernji.hr/vijesti/dodik-ne-vjeruje-sarajevu-pa-trazi-pomoc-beograda-1003060 (Author's translation)
36 Patria News Agency. "Nermin Nikšić: Vlast u RS-u ponaša se kao u vrijeme Radovana Karadžića." *Patria.* (May 7, 2015) Accessed May 19, 2017, http://www.nap.ba/new/vijest.php?id=11457(Author's translation)
37 World Bulletin "Bosnia: 30 detained over alleged weapons smuggling."*World Bulletin.* (May 8, 2015) Accessed May 19, 2017, http://www.worldbulletin.net/world/158894/tanzania-opp-agree-to-field-presidential-candidate
38 Beale, Op. cit., 2016
39 Janusz Bugajski "Balkans Terrorist Threats." *CEPA.* (May 18, 2015) Accessed May 20, 2017,http://cepa.org/index/?id=daa172021eb0b28d756615925486f129
40 BBC (2015, May 10). "Macedonia blames Kosovans for deadly Kumanovo clashes." *BBC.* (May 10, 2014) Accessed May 20, 2017, http://www.bbc.com/news/world-europe-32680904
41 Risto Karajkov "Macedonia's 2001 ethnic war: Offsetting conflict. What could have been done but was not?", *Conflict, Security & Development*, Vol 8 No.4, (2008) 451-490, DOI: 10.1080/14678800802539333
42 US Department of State, Op. cit., 2015
43 Marc Jones, (2016, February 22). Montenegro will have to close borders if neighbours do: PM. *Reuters.* Accessed August 8, 2017, http://www.reuters.com/article/us-europe-migrants-montenegro-idUSKCN0VV21D
44 Montenegro is ready to receive migrants. (2015, December 10). *CDM.* Acessed August 8, 2017, https://www.cdm.me/english/montenegro-is-ready-to-receive-migrants/

A further note of caution is the strong focus on Islamist foreign fighters returning to the Balkans. While understandable, such a focus risks repeating the errors of CVE and Counter-terrorism within the EU where other, particularly far-right and nationalist radicalisation are overlooked. Returned foreign fighters from the Ukraine conflict in Montenegro were involved in an attempt to violently disrupt a country's political system.[46] Having been caught flat-footed at the outbreak of the Ukrainian conflict it would be unforgivable were the EU to fail to foresee a similar sequence of events in the Western Balkans.

A key part of the EU's counter-radicalisation approach is a recognition that in addition to the empowerment of local partners, the involvement of civil society is key.[47] However it remains to be seen whether these efforts to engage civil society can move beyond rhetoric and into concrete and sustainable action. For example, in an assessment of Macedonia's efforts in CVE, the Civil Society Organisations (CSOs) in Macedonia are either rarely or not at all involved in CVE, due to the reluctance of state institutions to view them as relevant partners.[48]

The situation is different from Kosovo where civil society participated as a relevant stakeholder from the early phase of designing the CVE strategy. In December 2016, in an Activity Planning Workshop for 2017, ten civil society organization of Kosovo met for the first training of SCOs on violent extremism leading to terrorism.[49] However, despite attempts for establishing local referral mechanism such as that introduced in the municipality of Gjilan where civil society representatives were participating, the involvement of community representatives is still considered limited.[50]

The Albanian Institute for International Studies (AIIS); Institute for Democracy and Mediation (IDM) and the Islamic Community are leading in terms of civil society initiatives on CVE in Albania. AISS cooperates with other civil society representatives from the Balkans and organizes regular meetings and networking efforts to bring together security sector experts such as the May 27, 2016 Conference on religious extremism and radicalism, while IDM is developing CVE outreach and public service in cooperation with the US Embassy. The Islamic Community implemented a one-year pilot which focused on human rights, democratic values and the issue of violence in society in Tirana, and another project is expected to be implemented with a focus on Pogradec this time.[51]

45 Montenegro Unable to Host Refugee Centers Amid Deep Political, Economic Crisis. (2017,March 6). Sputnik. Accessed August 8, 2017,https://sputniknews.com/europe/201703061051320152-montenegro-refugees-centers-crisis/

46 Jelena Beslin & Marija Ignjatijevic "Balkan Foreign Fighters: from Syria to Ukraine" *Brief Report* European Union Institute for Security Studies (EIUSS), (Brussels, June 2017), p. 4

47 European Commission, 2011, op.cit.

48 Kaltrina Selimi &Filip Stojkovksi *Assessment of Macedonia'a efforts in countering violent extremsm, view from civil society.* (Analytica: Skopje, 2016)

49 USAID *Success story: Civil society engagement countering violent extremism.*(2017) Accessed May 20, 2017, http://advocacy-center.org/wp-content/uploads/2017/01/Success-Story_SPRC-english.pdf

50 Florian Qehaja, Skender Perteshi &Mentor Vrajolli Mapping the state of play of institutional and community involvement in countering violent extremism in Kosovo.(Prishtina: The Network for Religious and Traditional Peacemakers 2017). Accessed May 21, 2017, http://www.qkss.org/repository/docs/KCSS_Needs_Assesment_final_42754.pdf

51 Valery Perry *Initiatives to prevent/counter violent extremism in South East Europe: A survey of regional issues, initiatives and opportunities.* (Sarajevo: Regional Cooperation Council, 2016) Accessed May 22, 2017, http://www.allianceforpeacebuilding.org/site/wp-content uploads/2016/08/RCC-CVE-Case-Study-final.pdf

Atlantic Initiative who is looking at trends and patterns of radicalization and recruitment in Bosnia and Herzegovina; the Centre for Advanced Studies which operates with the help of UK; Democratization Policy Council (DPC); Global Analitika and numerous other NGOs are active in Bosnia and Herzegovina, which due to the post-war nature of has had an abundance of NGOs that have already been working on many topics related to PVE/CVE efforts. However, a recent report on EU enlargement policy from the European Commission concluded that "while some progress has been made in establishing institutional mechanisms for cooperation between governments and civil society organisations (CSOs), a strategic framework for cooperation with civil society needs to be developed."[52] This contrasted somewhat with the conclusions on Serbia where cooperation between government and civil society representatives was considered enhanced. However, the report concluded:

"further efforts are needed to ensure systematic inclusion of civil society in policy dialogue and help develop its full potential."[53]

Radicalisation, Migration and Integration: Conclusion

As discussed above the EU tends to frame questions of radicalisation as it effects external action in terms of a destabilising other, largely if not solely emanating from the Muslim world in North Africa, the Middle-East and Turkey. Within this view, the Balkans present a particular challenge due to their proximity, their position as candidate states for membership, the presence of EU missions in several of the countries and the links between the Balkan Diaspora spread across the EU and their home states. In practical terms this means that the EU has greater influence over the domestic politics through both the Accession process and CSDP missions in the field than it does in other regions that are seen as potential sources of radicalisation and terrorism. However, it remains unclear whether these levers are being used as effectively as they could, particularly in relation to encouraging the continued growth of democracy and the rule of law in the region but also in terms of support for CSO's that are critical for the success of any CVE approach and recognising and dealing with the socio-economic factors that contribute to radicalisation.[54]

52 European Commission *Bosnia and Herzegovina 2016 Report.*(Brussel, 2016) Accessed May 21, 2017, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_bosnia_and_herzegovina.pdf
53 European Commission *Serbia 2016 Report.*(Brussels, 2016)Accessed May 22, 2017, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf
54 Cara Richardson, Katherine M. Berlouis & Paul A. Cameron "Radicalisation of Young Adults in the Balkan States: Counter-Measures, Healthcare Provision, and Community Involvement" *Journal for Deradicalisastion*, no 11, (Summer 2017) pp.87-111

The Terrorist and the Policeman both come from the same basket.

Joseph Conrad's 1907 Novel The Secret Agent.

CAPT JOHN QUINN

Lone Wolves and Where to find them: An Analysis of the Security Response to Lone Actor Terrorism.

ABSTRACT

Lone wolf terrorism or lone actor terrorism has become both more common and savagely simplistic in its methods. These attacks generally achieve much of the core aims of a terrorist campaign. Their high impact, low footprint and unpredictable nature make them highly difficult to intercept and defend against. The phenomenon is not a new one, nor is it solely the preserve of radical religious fundamentalists, in fact right wing extremists have killed more since 9/11 than radical religious fundamentalists. This paper will provide an overview of the current state of research on lone wolf terrorism with emphasis on attacks in Europe. Having set the scene of current research, both qualitative and quantative, it is proposed to analyse Ireland's security environment and whether some of the common risk factors or attack vectors are present in Ireland. Finally, the security responses that have been used to counter lone wolf terrorist attacks will be analysed, with emphasis on their effectiveness, or otherwise. The key argument of this paper is that a blended approach to lone actor terrorism is required which targets the near and far threats. Security responses, such as troops/armed police on the streets are insufficient and often present targets for assailants (and a shortcut to infamy). Governments need to project their responses beyond the streets and engage in a sophisticated information campaign that challenges extremist narratives.

Introduction

International and domestic terrorism presents modern societies with serious challenges to social and political cohesion. By utilising leaderless resistance and 'lone wolf' tactics, terrorist groups and individuals present a unique challenge in both detection and interdiction. Less sophisticated methods such as use of vehicles and non-regulated weaponry such as knives present an unpredictable attack vector that can prove difficult or even impossible to interdict. Quite often media speculation in the wake of attacks focus on the likelihood of whether the attacker was a 'lone wolf' or part of a larger network. But how easy are lone attackers or small radicalised groups to detect? How can societies strike a balance between privacy and preventing terrorism? Do 'lone wolf' attackers follow a certain psychological, religious or ethnic profile? The starting position for any analysis of this issue should be that much of our biases regarding psychological or societal trends are unhelpful as this form of terrorism has and continues to be a low base phenomenon with studies proving that these lone actor assailants do not fit easily into a profile or stereotype.

In Ireland, there is a clear if not belated recognition that simply equipped attackers with little or no interaction with others could conceivably wreak havoc on Irish streets.[1] The Bataclan attacks on 13th November 2015 demonstrated that terror suspects will not respect borders and they will seek to exploit national divisions to elude law enforcement. Through an analysis of case studies together with numerous quantative studies of known attacks, the danger and analytical difficulties that these attacks pose will become apparent. Whilst terms such as 'lone wolf' stir anxiety and fear in many people's minds it is not intended to overly inflate the threat or danger that such attacks pose. That said, the devastating impact that single individuals have had on countries like Ireland that share our benign security environment should clearly demonstrate the imperative of preparing for the worst.

Definitions

Terrorism has a severe impact on societies and often violates societal norms on a fundamental level. The most neutral definition, by no means precise enough for some, is one that recognises the fact that terrorist tactics vary widely, as much as their ideological basis.[2] Lutz and Lutz identify six major elements: use or threat of violence, by an organised group, to achieve political objectives, by targeting victims and wider public consciousness, by an actor on another actor where one or both are not a government and finally terrorism is a weapon used by the weak.[3]

Frank Hoffman's definition is broad but excludes criminal or irregular insurgencies. His definition states that terrorism is political in aims and motivations; violent or threatens violence; is designed to have far reaching psychological repercussions beyond the immediate victim or target; is conducted either by an organisation with an identifiable command structure (who wear no uniforms) or by individuals or dyads directly influenced; motivated or inspired by the ideological aims or example of some existent terrorist movement and/or its leaders and perpetrated by a non-state entity.[4] Key to Hoffman's definition is the desire by terrorist acts to gain influence over their target audience through the use of violence. Unlike the actions of states, command and control is less important than the impact and exposure that terrorist acts gain their cause, rather than their personal enrichment or advancement. Hoffman notes that this dedication to cause above one's own welfare can be understood as a kind of altruism and it is this altruism that makes lone wolf attackers particularly dangerous. They will have scant regard for escape plans etc.

Probably the best way to come to an agreed definition of a concept that was not invented by a single entity but rather evolved as a form of political violence is to aggregate many of the academic definitions that have been proposed over the years. Alex Schmid's work in this area has developed a consensus based definition of terrorism:

1 C. Lally, "Arrests of alleged Islamist extremists show threat to Ireland is real", The Irish Times, 10 May 2017, https://www.irishtimes.com/news/crime-and-law/arrests-of-alleged-islamist-extremists-show-threat-to-ireland-is-real-1.3077337 accessed 01 Jun 2017; T. Brady,"Number of jihadis under surveillance here doubles", *Irish Independent*, 18 Aug 2017, p.1.
2 B. Lutz and J. Lutz "Terrorism" in Collins, A. (ed.), *Contemporary Security Studies 3rd Edition*, (Oxford: Oxford University Press, 2013) p. 275.
3 B. Lutz and J. Lutz (2013) p. 275.
4 B. Hoffman, *Inside Terrorism* (revised and expanded edition) (New York: Columbia University Press, 2006) p. 40.

Terrorism refers, on the one hand, to a doctrine about the presumed effectiveness of a special form or tactic of fear-generating, coercive political violence and, on the other hand, to a conspiratorial practice of calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties.[5]

He notes that the UN through various initiatives and General Assembly committees has thus far failed to provide a comprehensive agreed legal definition, testament to the contested nature of terrorism as a concept. His definition includes both individuals and groups and emphasises what he calls "threat based communication processes".[6]

Schmid is correct in emphasising the important role that communication plays. Modern communications, technology and radicalisation of individuals far from an organised group make it easier an individual to become an army of one not to mention magnifying the threat posed by terror attacks – fear is the fundamental aim. Most definitions identify the necessity of some form of group dynamic and admittedly lone actor terrorists are rarely completely isolated. They generally gain inspiration from other's ideologies and writings. Anders Breivik, for example, was highly active on internet forums and his writings credit a wide circle of influencers. His actions were alone but he developed within a small group that shared his extremist views.[7]

Intelligence is crucial to any attempt to detect terrorist operatives and becomes even more necessary when locating lone actors or small terrorist cells who are disguised by design. Whilst larger terrorist organisations often have a large bureaucracy with exploitable documentary evidence such as correspondence, contact lists and even pay slips[8], lone or small groups of actors generally do not leave a paper trail. The use of informants is also problematic, particularly when dealing with extreme radical ideology that dehumanises the "other", those not part of their group or ideological crusade.[9]

Space does not permit a definitive history of terrorism but the concept of "leaderless resistance" is an important theoretical ideology when examining lone wolf and small self-radicalised groups.[10] The origins of this type of decentralised terrorist ideology have influenced many of the lone wolf attacks and development of AQ and ISIS affiliated small self-radicalised groups.[11]

When examining "lone wolf" terrorism it is important not to slip into a sort of nominative determinism where, by labelling it as such we associate the phenomenon with some form of atavistic condition or person. Sageman has criticised what he calls the rejection of the null hypothesis by some terrorism researchers who begin with the flawed assumption

5 A. P. Schmid (ed), *Handbook of Terrorism Research* (London: Routledge, 2011) pp. 86-7.
6 A. P. Schmid (2011) p. 86.
7 R. Pantucci, "What have we learned about Lone Wolves from Anders Behring Breivik?", *Perspectives on Terrorism 5* (2011) p. 39.
8 D. Byman, *Al Qaeda, The Islamic State and the Global Jihadist Movement* (Oxford: Oxford University Press, 2015) p. 189.
9 G. Michael, (2014) p. 50.
10 B. Lutz and J. Lutz (2013) p. 275; M. Sageman, *Leaderless Jihad, Terror Networks in the Twenty-first Century* (Philadelphia: University of Pennsylvania Press, 2008)
11 Connor, J. and Flynn, C. R., (eds), "Report: Lone Wolf Terrorism", Georgetown University Security Studies Program, National Security Critical Issue Task Force, 27 June 2015, http://georgetownsecuritystudiesreview.org/wp-content/uploads/2015/08/NCITF-Final-Paper.pdf accessed December 08 2015, p. 24.

that terrorists are inherently different to the rest of the population. He points out that after 40 years of searching, the case for a psychological profile of a terrorist has remained unproven.[12] The simple and what may be, for some people, unsettling fact is that normal people become terrorists.

McCauley and Moskalenko agree that the variation in background, experiences, ideology and personal characteristics do not permit the development of a profile that can be applied to searching for potential lone actor terrorists. Their work distinguishes between radical action and radical opinion which they link together as necessary elements on the road to radicalisation. The gap between radical opinion and radical action is, in their view, a crucial element particularly where you have someone with radical opinions provided with the means and opportunity.[13] Identifying this important leap from opinion to action should be a key aspect in identifying potential lone actor terrorists.

Both lone actor attacks and attacks by small self-radicalised groups share many features but some commentators have advocated treating them separately.[14] Spaaij presents a compelling case for disaggregating strictly lone wolf actors and small groups. His definition of lone wolf or lone actor terrorists excludes those operating for personal grudges or financial gain and those who have accomplices. Other studies include dyads or small groups of up to four people, a practice criticised by Spaaij who argues that this inflates the true statistics for lone wolf attacks and gives sway to alarmist media coverage that claims such attacks are increasing dramatically.[15] Whilst Spaaij's demand for a clearer distinction would narrow the focus of research in this area it is quite often difficult to find a lone actor terrorist who is truly alone a feature that is further explored below. Spaaij argues that one can learn a great deal from in-depth research of individual cases of lone wolf terrorism and he goes as far as suggesting that case studies can form the basis for developing a theoretical understanding of the phenomenon, that inductive reasoning can better inform the existing studies that are generally deductive.[16] An example of lone actor terrorism which may have relevance to Ireland, in assessing vulnerability to such attacks is the case of Anders Brevik in Norway.

Anders Brevik

As Spaaij notes qualitative case studies which involve in depth and up close examination of cases have provided valuable information for our understanding of lone actor terrorism and often have worked more effectively than relying on larger data sets which are open to inaccuracies and confirmation bias of the analyst. McCauley and Moskalenko also point to the value of such studies and Sageman describes these descriptive and detailed case studies as one of the few bright spots in terrorism research.[17]

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12 M. Sageman, *Leaderless Jihad, Terror Networks in the Twenty-first Century* (Philadelphia: University of Pennsylvania Press, 2008) p. 17.
13 C. McCauley & S. Mokalenko, "Toward a Profile of Lone Wolf Terrorists: What moves and individual from Radical Opinion to Radical Action", Terrorism and Political Violence 26 (2014) pp. 69-85.
14 G. Michael, (2014) p. 45.
15 Spaaij, R. "The Enigma of Lone Wolf Terrorism: an assessment", *Studies in Conflict and Terrorism 33* (2010) p. 857-9; Spaaij, R. and Hamm, M. S., "Key Issues and Research Agendas in Lone Wolf Terrorism" Studies in Conflict and Terrorism 38 (2015) p. 169-171.
16 R. Spaaij and M. S. Hamm, (2015) p.174.
17 C. McCauley and S. Moskalenko (2014); M. Sageman (2014) p. 572.

The far-right lone actor terrorist, Anders Breivik, launched a devastatingly effective attack on left wing political party offices and a youth retreat on the island of Utøya that left 77 people dead and shocked the entire nation. Prior to the attack, Norway had enjoyed a relatively benign and peaceful domestic security environment. He operated completely alone but his ideology and world view were shaped by his experiences and racist rhetoric from far-right groups in Europe gathered online.

Brevik's early life offers little indication of a path towards extremism but he joins a right-wing youth organisation at a young age. He becomes more and more politically active and was actively involved in radical right wing and anti-immigration internet groups. He ran for public office in 2003 with the anti-immigration Progress Party but he was unsuccessful and this failure is what he credits with his abandonment of his political career.[18]

The Breivik case highlights the difficulties in detecting a purely solitary terrorist with the capability to execute a complex operation singlehandedly and without need of rehearsal or graduated escalation of methods. The policy response to Breivik was an increase in surveillance, what Appleton calls a repressive response to the attack.[19] It is important to critically evaluate security responses in the wake of such dramatic attacks but the Norwegian increase in surveillance was surely a prudent measure irrespective of Brevik's solitary profile. His attack was most certainly an intelligence failure. He had easy, unmonitored access to high powered firearms and bomb making materials. He did arouse suspicions of the Norwegian security services when he purchased a consignment of chemicals from Poland but he was not pursued.[20] The Norwegian security forces' immediate response was cause for considerable criticism in the aftermath of the attack with the delay in deploying armed police to Utøya island allowing Brevik to wreak havoc for an hour and a half.[21]

The abovementioned case study captures some of the difficulties of detecting lone actor or small self-radicalised groups and the challenges in responding to such attacks where they are generally unheard of. Through studying these and other cases in detail and identifying the key lessons learned, together with analysis of quantative research, we can develop effective approaches to deterring lone actor terror attacks.

Larger Quantative Studies

There is a growing body of academic research into the phenomenon of terrorism and radicalisation.[22] Self radicalised groups and lone actors are of interest to theorists as they often defy convention and tend to be difficult to pre-empt. Wider quantative studies are invaluable when attempting to identify trends and assessing where the intelligence effort should be directed to detect attacks before they occur.

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18 C. Appleton, "Lone Wolf Terrorism in Norway", *The International Journal of Human Rights 18* (2014) pp. 127-129; Pantucci (2011), pp. 29, 33-36.
19 Appleton, C., (2014) p. 135.
20 Pantucci (2011) p. 35.
21 C. Appleton, (2014) p. 131-3.
22 R. Spaaij, R. and Hamm, M. S., (2015) pp. 167, FN 1.

In their overview of lone wolf terrorism research, Spaaij and Hamm highlight some critical issues in relation to the handling of statistical data on lone wolf terrorism. One of the issues, explained above, is the definitional debate of how much of a loner your lone actor terrorist should be. For example, in the case of Timothy McVeigh, one of the most infamous American domestic terrorists, the assistance of his accomplice Terry Nichols would place McVeigh outside the definition of a lone terrorist according to some authors.[23] However it is clear that he was actively minimising the role of Nichols to protect him from retributive legal action following the attack.[24]

Further difficulties arise when dealing with large databases, such as the National Consortium for the Study of Terrorism and Responses to Terrorism (START) Global Terrorism Database, which have proven to be inaccurate and leave studies susceptible to inferring incorrect conclusions.[25]

Marc Sageman who has written extensively on leaderless jihad and has for the most part predicted the kind of decentralised network structures used by ISIS today, is critical of what he views as the stagnation of terrorism research. In his criticism, he criticises the lack of interaction between counter terrorism practitioners and academics. As he states himself: "…we have a system of terrorism research in which intelligence analysts know everything but understand nothing, while academics understand everything but know nothing".[26] He argues for greater sharing of information and expertise and in particular the vast amount of data held by the intelligence community that would greatly enhance research in the field. He notes that during the Cold War the US adopted a policy of hiring academics with expertise into state agencies and encouraging state employees to engage with and even temporarily join the academic community. Sageman argues for a similar communicative and collaborative approach in studying ways to defeat terrorism and radicalisation.[27]

Taking aside the methodological and definitional issues surrounding research on lone wolf and self-radicalisation, particularly the difficulty in presenting a reliable profile of a lone wolf, there are some trends that can be identified quite clearly. In the US for example the figures show that the majority of lone wolf and small group attacks utilise firearms. This is surely due to the absence of effective gun control in the United States, in spite of minor differences in state law. Whilst perpetrators of attacks are on the rise the total numbers of attacks has remained generally constant, and overwhelmingly male.[28] It remains a marginal phenomenon in terrorist acts worldwide accounting for only 1.28% but the proportion of terrorism acts attributable to lone actors or small groups is increasing. There are also differences when comparing the US and Europe. These attacks are more prevalent in the US and account for 42% of cases studied, though issues with the methodologies in some studies still exist. Statistically, lone wolf attacks

23 R. Spaaij, (2010) p. 856.
24 T. M. DeSa and K. E. McCarthy, (2009) p. 84.
25 R. Spaaij and M. S. Hamm, (2015) p.173.
26 M. Sageman, "*The Stagnation in Terrorism Research*", *Terrorism and Political Violence* 26 (2014) p. 576.
27 M. Sageman (2014) p. 572-3.
28 R. Spaaij and M. S. Hamm, (2015) p.171.

have been generally more prevalent in the US than in the EU, but ongoing instability in the Middle East has seen a marked increase in attacks in Europe.[29]

In a more recent qualitative study into lone wolf attacks, researchers examined a sample of 119 incidents of lone actor or small radicalised groups planning and/or successfully conducting attacks since 1990 in Europe and the US.[30] This study provided some interesting findings whilst also demonstrating the inherent difficulties of examining such a small sample.

The seven key findings of the research were as follows. Firstly, the researchers found that there was no uniform profile of lone-actor terrorists. Though males dominated the statistics they could find no uniform variable that classified all or even the majority of the cases analysed. Further to this finding they found a wide range of activities or experiences preceded their engaging in extremist activities. They also found aspects of planned and premeditated intent in most cases. Lone actor events were rarely sudden and impulsive. Whilst they did find that the diverse extreme groups the lone actors identified with had little in common they did find some commonality within certain subgroups, e.g. religious inspired terrorism. Their interactions beforehand are of particular interest. In most cases the researchers found that others knew of the extreme views, ideology or intentions of the terrorist to engage in violence. Whilst many were socially isolated, this was by no means a defining characteristic, as one might expect. Finally, researchers found that lone actor terrorists or small radicalised groups regularly engaged in detectable and observable activities with a wider extremist circle.[31] So whilst lone actor and small cell terror groups are difficult to penetrate compared to larger organisations they do, quite often publicly discuss their views and privately divulge plans to at least one other person. The innate desire for social value amongst a peer group remains a key aspect despite their deliberate isolation from those not directly involved in their plans. So, what does that mean for Ireland and its security?

One can never see into a person's soul or mind and determine their future actions accordingly. What Gill's study does show is that the person's environment can serve to incubate, encourage and facilitate their lone actor attacks. Divided societies with easy access to powerful firearms are particularly vulnerable, where McCauley and Moskalenko's radical opinions can have the means and capabilities to develop into radical action.[32] As awareness of the threats posed by conventional firearms and explosives has discouraged terrorists from their use, cruder more terrifying attack vectors such as stabbings and vehicle attacks have grown. That said, Gill's findings relating to the knowledge of others not directly involved, such as family members, offers a glimmer of hope.

29 R. Spaaij, (2010) p. 861; P. Cluskey, "Deaths from Terrorism in Europe have Spiked", *The Irish Times*, 16 Jun 2017 https://www.irishtimes.com/news/world/europe/deaths-from-terrorism-in-europe-have-spiked-since-2014-1.3122948 accessed 01 Jul 2017.
30 P. Gill, J. Horgan, P. Deckert, "Bombing Alone: Tracing the Motivations and Antecedent Behaviours of Lone-Actor Terrorists", *Journal of Forensic Sciences* 59 (2014) pp. 425-6.
31 Gill et al (2014) pp. 433-4.
32 C. McCauley & S. Moskalenko (2014) p. 82-3.

Ireland & Responding to Lone Actor Terrorism

Ireland has a recent history with political violence but whilst tensions remain today, Ireland enjoys a relatively benign security environment. However, the threat of lone actor terrorism remains and like Norway, the shock and impact of such an attack may be devastating to a public used to enjoying peace and safety. Whilst the most recent attacks in London, Manchester and Barcelona have been committed by those adhering to the so-called Islamic State's fundamentalist and nihilistic corruption of Islam the rise of anti-immigrant politics across the EU and the mainstreaming of this intolerant rhetoric is also cause for concern.

What is clear is that Ireland needs to continue to counter extremist ideologies through its actions. Ireland's honourable record of overseas UN peacekeeping, altruistic and extensive foreign aid programmes and principled stance on international issues is one of our greatest defences against extremists who seek a path to an insular society dominated by a single ideology or culture. This must be our primary narrative-defeating weapon in defeating terrorism. Building a fairer society prevents the development of radical opinion into radical action and acts of political violence, which are ultimately a weapon of the weak and disenfranchised in society.

Coupled with this, what some might call, idealistic track, a serious and dedicated security response is required that continues to secure and protect hard won freedoms and human rights but also has the capability to prevent and respond to attacks. Norway and other similarly secure countries have in recent years seen their safe societies shocked by horrific attacks planned and executed from within. Ireland needs to invest in robust intelligence, law enforcement and counter terrorism capabilities that prioritise sharing of expertise, information and skills. Continuing to deepen our security cooperation on island, in Europe and internationally must be prioritised to ensure we have our eyes open to any potential threats whilst continuing to enjoy an unprecedented period of peace on our island. One of the ways that we can do this is by having a serious debate about the structure of our state security apparatus. The Irish Defence Forces and the Garda Síochána have had a long and successful collaboration but recent events have seen more calls for a dedicated intelligence service in Ireland. Critics of the current structures regularly point to the fact that Ireland is the only country in the EU that does not have a dedicated domestic security agency.[33] But what would such an Irish intelligence agency do to counter the threat of lone wolf terrorism?

Effective Intelligence Detection Methodologies

Lone actor assailants pose a threat and whilst intelligence can never claim to detect all these attacks, intelligence methods and organisations are highly effective in detecting these rogue actors.[34]

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33 M. O'Halloran, "Government and State agencies to assess terror threat", *Irish Times*, 24 May 2017, https://www.irishtimes.com/news/politics/oireachtas/government-and-state-agencies-to-assess-terror-threat-1.3094683 accessed 31 Jul 17.
34 G. Michael, "Counterinsurgency and Lone Wolf Terrorism", *Terrorism and Political Violence* 26 (2014) p. 50.

The institutional barriers and challenging relationship between intelligence leadership and policy makers is well documented, for example, the US and their myriad of security and law enforcement agencies.[35] Cogan argues that lack of centralised coordination and weak internal security due to mistrust of federal institutions/motives lead to systemic problems in the US system. In spite of his criticisms and the repeated criticisms of investigations into intelligence failures the US Director of Central Intelligence is likely to remain as Cogan notes, "… neither central nor fully directing".[36] However it isn't all bad news. Through effective all source fusion and breaking down institutional barriers, intelligence can effectively detect elusive terrorist targets throughout the world.

Jennifer Sims highlights some well established weaknesses in the intelligence infrastructure of the US and other countries but she also offers examples of effective intelligence methodologies that leverage technology to gain an edge on small group and lone actor terrorists. Of interest are intelligence fusion centres established as "grass roots" enterprises. Authorities in Chicago have gathered together a massive amount of CCTV data, including data from private companies co-opted into the scheme, and then shared this data via a high speed fibre optic network which allows rapid access to IMINT and surveillance assets throughout the city. This raises clear challenges in relation to accountability and privacy; as Sims states: "Balancing security and pre-emption with restraint and freedom is difficult; terrorists likely hope the conundrum will prove paralyzing".[37] It is argued though that a new Irish agency would create the conditions for a ground up governance and oversight mechanism that can learn from the lessons of other countries.

The intelligence effort to deter, detect, interdict and prosecute terrorism has no magic formula but does require governments and agencies to open their minds to innovative methods and technologies. As well as "bringing in the new", good old-fashioned tradecraft and human intelligence can reap untold riches and remain vital when attempting to detect threats from abroad. By using the top six inches, the brain, to gain a decision advantage over adversaries, intelligence can forge a better way of detecting and preventing attacks. Byman makes a key point in relation to the importance of foreign liaison and building effective intelligence sharing relationships to detect lone wolf and small groups of extremists. He notes the assertion by a senior CIA official that in 2005 almost every capture or killing of suspected terrorists outside Iraq were attributable to assistance from foreign intelligence services.[38] Building a cohesive coalition with regular sustained cooperation is the cornerstone of effective detection of terrorist threats emanating from beyond a country's borders. Ireland's 2015 Defence White Paper's commitment to broadening Defence cooperation and establishing foreign military attaché links is particularly encouraging in this regard.[39]

35 J. Sims, "Intelligence to Counter Terror: The Importance of All-Source Fusion", *Intelligence and National Security* 22 (2007) p. 47; C. Cogan, "Hunters Not Gatherers: Intelligence in the Twenty-First Century", *Intelligence and National Security* 19 (2004) p. 310, 312.
36 C. Cogan, (2004) p. 304.
37 J. Sims, (2007) p. 46.
38 D. Byman, "The Intelligence War on Terrorism" 29 *Intelligence and National Security* (2014) P. 849.
39 2015 Defence White Paper, p. 29.

One should not view Intelligence as the silver bullet to detect all future attacks by lone wolf or small radicalised groups. It gives regional organisations, states, societies and international organisations the capability to protect innocent civilians but it's not the cure. What is most compelling in Ireland's case is the argument for an intelligence agency that truly blends operational and strategic capabilities to defeat threats before they can be realised. The rapid response in the UK to the London Bridge and Borough Market attacks demonstrated the value of civil-military cooperation at the tactical level.[40]

Conclusion

Ireland need not panic unduly in the face of these increasingly vicious and alarmingly simplistic attacks that have been a feature of ISIS' international terrorism campaign. The above case studies and analysis show that ISIS do not have the monopoly on such attacks. Ireland continues, through its commitment to international multilateralism and regional cooperation, to be a responsible and outward looking country, running counter to divisive and populist rhetoric of other jurisdictions. Unfortunately our beliefs and values will not deter attacks alone. Lone actor and small group terrorists offer an extremely difficult challenge to Ireland and the EU both in terms of defeating the terrorist narrative as well as adopting effective security responses to the threat they pose. Through a blended approach that combines important facets of Ireland's foreign policy: non-proliferation, peacebuilding and international aid/development together with deepening security cooperation that includes the sharing of intelligence, Ireland can continue to contribute to a safer and more secure Europe. Adopting closer bonds of friendship apply as much to within as to abroad and it has been consistently demonstrated that institutional barriers can hinder effective counter terrorism responses. Investing in a robust joint intelligence agency with a broad mix of skill sets may be the best investment Ireland can make to detect and deter lone actor terrorism.

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40 BBC News, "London Bridge Attack", http://www.bbc.com/news/uk-40150689 accessed 01 Jul 2017.

Remember, we have only to be lucky once. You will have to be lucky always.

IRA statement claiming responsibility for the 1984 Brighton bombing.

COMDT (AR) TOMMY MARTIN

"Counter Terrorism Strategy - Learning from a new old phenomenon."

ABSTRACT

Counter terrorism strategy is an iterative, always evolving and developing concept, that in the main is a reactive response to the proliferation and development of terrorism, in all its forms. The very fact that counter terrorism measures are reactive, is I believe a key enabler of the terrorists' strategy. Terrorists conduct attacks to propagate political or other objectives, and counter terrorism strategies have to quickly adapt and respond. Of course many planned terrorist atrocities are thwarted by good intelligence, but this is treating the symptoms without necessarily understanding or having the ability to treat the underlying causes. So where did much of modern terrorism originate, and what lessons can we learn for counter terrorism strategy applications?

Introduction

With the end of the Cold War, the old certainties of them and us, East and West, ended, and ushered in new and more violent threats that have been ever-present on the World stage. While the Cold War was ultimately a bloodless revolution, engendered, in very simplistic terms, by the United States outspending the Soviet Union and precipitating the financial demise of that modern day, short-lived empire, this period also witnessed the growth and development of proxy wars, fought between protagonists of different countries with sides trained, sponsored and bankrolled by the United States, the Soviet Union, or both.

From this standing start, numbers of such groups began to look beyond their narrow focus, and onto the broad horizon of achieving even greater success, liberty or other freedoms. In the 1970s, we witnessed the growth of relatively small groups attacking civilian targets such as airliners, and grabbing headlines by pushing obscure organisations' concerns centre stage. The murder of Israeli athletes by the Black September group during the Munich Olympics in 1972,[1] was a very rude wake up call to security forces and politicians, that this new threat was very real, and likely to be with us for some time. It is really from this perspective that much of modern terrorism, can be traced.

Counter terrorism strategy - can it ever be truly effective?

Frequently with imposed regime change, we witness the dreaded "power vacuum", whereby competing interest groups jostle for absolute power, regularly coupled with violence and the settling of old scores. The real difficulty with regime change, no matter how dreadful the present regime actually is, is that nobody can ever be certain that the alternative will be any better. The alternative regime may appear to offer a solution, and if properly supported and encouraged, frequently will, but unless the underlying concerns

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1 During the 1972 Summer Olympics in Munich, West Germany, eleven Israeli Olympic team members were taken hostage and eventually killed, along with a German police officer, by the Palestinian terrorist group Black September.

of ordinary people are understood and acknowledged, the local culture is respected and facilitated, then the regime change may be just that and no more.

This is not a new phenomenon or even a modern phenomenon. While it may appear contemporaneous, Aristotles' quotation; "It is not enough to win the war; it is more important to organise the peace"[2] illustrates that the same challenges continue to bedevil the political will to introduce an alternative democratic functioning society. Into this uncertain environment lurks the strong potential for the growth and development of terrorism.

Like it or not, terrorism can be effective - a single terrorist attack will not achieve the long-term strategic objectives of the terrorists, but a concerted campaign over a protracted period of time will certainly have a significant impact. For relatively limited use of financial and human resources, terrorists can achieve objectives out of complete proportion to their numbers. The attacks on the World Trade Centre in New York in 2001, changed utterly the perspective of the United States on global terrorism. What is interesting about this attack, particularly when viewed at this remove, is how relatively quickly things returned to normality, albeit with increased security measures, for international travel, commerce and trade. But then again, it had to, given the global nature of the world economy and the very real possibility that the atrocity could have precipitated an American economic recession.

But it was a salient lesson that has not been lost on the democratic governments of the world - a terrorist strike is never just that - if not handled correctly - it can inflict damage well beyond casualties and infrastructure. A case in point are the 2004 Madrid train bombings, which saw the deaths of 191 people, with a further 2,000 injured.[3] The atrocity is widely believed to have influenced the outcome of the General Election, together with also precipitating an earlier than scheduled withdrawal of Spanish troops from Iraq. The recent terrorist attack in Manchester delayed General election campaigning by a day, interfering with democracy in a very public way.[4] This atrocity will also force a re-think on countering terrorism, with the terrorists hoping to make further capital should a real or perceived reduction in civil freedoms be the result.

One outcome that is guaranteed from a terrorist attack, is a sudden, dramatic and visible increase in security. This has a number of advantages to the terrorists, and is certainly a key consideration in their planning given that the impact of their attack on a population continues long after the event itself. The terrorist succeeds not because of the attack, but because of the response to the attack. If not managed carefully, the state response may well alienate further sections of the population, leading to more willing recruits or supporters of the terrorist.

Counter terrorist measures are intrusive and expensive. Deploying additional security on key possible target areas requires significant increases in human resources on an

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2 Attributed to Aristotle - Greek Philosopher and Scientist.
3 The 2004 Madrid train bombings were coordinated bombings against the Cercanías commuter train system of Madrid, Spain, on the 11th March 2004 – three days before Spain's general elections. The Spanish judiciary investigation attributed blame to an al-Qaeda terrorist cell.
4 On 22nd May 2017 a home-made bomb was detonated as people were leaving Manchester Arena following a concert by the American singer Ariana Grande. Twenty-two people were killed, including the attacker, and 250 were injured. Police reported that the terrorist acted alone, but that others were aware of his intentions and may have provided logistical support.

ongoing basis, with attendant financial costs.[5] Terrorist organisations have therefore switched their focus from high value/high profile attacks on key installations, to selecting "soft" targets to inflict maximum casualties. The targets in themselves have no strategic value to the terrorists, but it is the subsequent publicity that they engender, irrespective of how negative or damaging it may be, that is important. The terrorists must ensure they have the oxygen of publicity, to keep their cause to the forefront of public consciousness. That is the primary goal, with the secondary long term goal being to force the hand of the establishment and decision makers to come to the table to discuss terms. For counter-terrorism strategies to be successful, these twin precepts must be fully understood, acknowledged, and kept to the centre of any security response.

Countering terrorism - challenges from a military perspective.

In order to fully understand terrorism and military-led counter terrorism strategies, it is important to take a historical perspective. In the not too distant past, nations sent men and women to war wearing distinctive uniforms that were readily identifiable. While uniforms of today have morphed into terrain appropriate camouflage, the soldiers who wear them are still identifiable through the use of national arm patches and other recognition devices. Wearing the uniform of your country, and by inference, serving with your countrys' allies, bestows a level of protection upon you, but also an ever increasing level of responsibility and accountability for your actions.

While levels of command and control in organised and structured military forces have always existed, they have not been as readily accountable as today. The military commander of yesteryear, operating in isolation far from his home base, frequently had considerable autonomy as to how he conducted his business. There were defined standards of what was acceptable behaviour on the battlefield, particularly between so-called Christian armies.[6] However, these standards were frequently ignored, or completely abandoned when militaries suppressed local resistance in colonial or similar wars.

With todays' proliferation of media; social, television and printed, the conduct and reporting of military activities is very much under the spotlight, with instantaneous news flashed around the world as it occurs. Much of this finds its way onto social media, where a news hungry public read, click, share, comment and criticise in seconds, without bothering to critically analyse what it is they are supporting. Ill-informed, or un-informed opinion can force its way into mainstream thinking in a matter of hours - and this development has also been a key driver of terrorist strategic thinking.

This raises an interesting dilemma for the modern-day battlefield commander grappling with counter terrorism strategic considerations. His historical predecessor might behave in a manner that today would be considered very questionable, but he could do so in the knowledge that there was little likelihood of anyone telling him to stop - because

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5 A state of emergency was declared in France following the 13th November 2015 Paris attacks. France called up 12,000 police reservists to boost security after the terror attack in Nice on the 14th July, 2016, in which more than 80 people were killed. Military forces were also redeployed from other duties, to increase the security presence.
6 The Geneva Convention was adopted on the 22nd August, 1864, and has been amended and updated on a number of occasions since. It specifies the required conduct of belligerent nations regarding humane treatment of prisoners, wounded, civilians and the conduct of military operations.

of distance, lack of communications and in reality, lack of oversight. Military tactical operations did not have to consider the implications of external influences - particularly so when the embedded journalists reporting the conflict were restricted as to where they could go, wore military uniform and relied on military communications to submit their articles.[7]

The temptation for the local military commander to propagate war, or counter-terrorism operations, in a more brutal fashion, whether state sponsored or not, has been witnessed countless times throughout the twentieth century, and continues up to today. While nobody is advocating that military commanders be permitted, encouraged or facilitated to stray from accepted standards of decency and humanity, it does make aggressive and forceful military decision making a more difficult and involved process. Today, military forces are much less likely to engage and defeat a belligerent and openly identifiable enemy - but are far more likely to be involved in winning the support of the local population through counter terrorism, security stabilisation, and CIMIC.[8]

When you then couple military activity with the effort to win the hearts and minds of the local populace, it becomes a much more attractive proposition for those opposed to this, to remain within the local populace, and not adopt a formalised military uniformed structure. This is why we have seen such an increase in what is loosely termed "terrorism" - for these organisations to go public and wear uniforms as in the past, will inevitably lead to their easy identification and destruction. Terrorist organisations have learned that they may not win an arm wrestle with a numerically superior force, but they can have a dramatic effect if their tactics and strategy maximise the use of their limited resources to greatest effect. They have learned that; "supreme excellence consists of breaking the enemys' resistance without fighting."[9]

In conventional warfare, a sniper hidden and blending into the background while operating behind enemy lines, will generally inflict a relatively low level of casualties amongst the enemy force. But it is their intelligence gathering, and the fact that they are present and could strike at any time, that inflict the greatest psychological damage to their opponents. Terror organisations have adopted and adapted elements of these tactics. They have seen how being hidden in plain sight delivers considerable advantages in terms of mobility, and the ability to maximise damage or casualties with minimal input in terms of resources and personnel.

I believe it very appropriate to take a step back and use whatever resources can be provided, to fully understand, appreciate and evaluate the strategic thinking of terrorist organisations as part of counter terrorism strategic responses. Historical lessons can be of tremendous value here. The modern military commander might feel he or she has nothing to learn from operations conducted 100 years ago, given how technology has

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7 War Correspondents are journalists, both television and printed, who report on conflicts worldwide. As non-combatants, they do not bear arms, and are subject to military restrictions regarding areas of travel. During the Vietnam War, news networks from all over the World sent television crews and journalists to report on the conflict. As these were not US citizens, they were not subject to US military control, resulting in unfiltered reporting of events and military activities. This trend has continued, with military forces engaged in police or other actions, having very little influence on the tone and content of news reporting.
8 Civil-Military co-operation - promoting, sponsoring and delivering community and other projects to local people.
9 Attributed to Chinese military general Sun Tzu. 544 BC - 496 BC.

dramatically changed the way wars are conducted, but I beg to offer a caveat to this overly simplistic perspective.

Lifestyles may have improved, we may be healthier, more prosperous, better educated and more resourceful, but mindsets, particularly those amongst poorer communities where economic progress will be much slower, will not change as dramatically as you may think. To take this hypothesis further, it would be interesting to learn just how much recent study was conducted on past wars fought in the middle east and elsewhere, with the specific scope of trying to understand the likely reaction and attitudes of the local population, when presented with a foreign military force arriving in their country on counter terrorist operations, engaged against members of their own local community.[10]

It is very difficult for military leaders to objectively examine past engagements, because the modern military thinker is constantly disregarding large tracts of learning that are considered not relevant in a modern battlefield context. However, I would suggest that there is much to learn from recent historical battles - particularly by concentrating on the likely human capital and support that may or may not be provided to counter terrorism operations. Military leaders would do well to remember; "to know your enemy you must become your enemy."[11]

Counter terrorism strategy must ask; "what do these terrorists actually want?"
While we may think that terrorism is a modern development, the reality is that terrorism, in various guises, has been ever-present. The term terrorism is a label applied by others to those engaged in what are generally accepted to be terrorist activities, but the definition of a terrorist is entirely subjective. In fact, the United Nations has no internationally agreed definition of terrorism, with disagreement among member states continuing.[12] Given that the term "terrorist" is most certainly not a badge of honour, and is applied to individuals or groups by those with whom they are in conflict, ergo, in historical terms, all manner of groups were called "terrorists"; Jewish Zealots fighting the Romans, the Irish Republican Brotherhood, and even the Womens' Suffrage Movement. It is a term thrown around that often has no basis in fact - Terrorflieger, or "Terror flyers", have nothing to do with terrorism, but date from the second world war.[13]

In the United States in December 1883, local Brooklyn Fenians organised a series of lectures entitled 'Scientific Warfare or the Quickest Way to Liberate Ireland'.[14] These lectures had a practical use, in that through the "Brooklyn Dynamite School", lessons were provided on how to manufacture "infernal machines".[15] These "infernal machines" were destined for England - to bring the struggle for Irish independence onto the streets of Britain, and are arguably the first use of modern terrorist techniques. These men

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10 There are a number of historical engagements that bear further study, such as the Iraqi revolt against the British in 1920, the Soviet-Afghan war, 1979-1989.
11 Attributed to Chinese military general Sun Tzu. 544 BC - 496 BC.
12 http://www.humanrightsvoices.org/EYEontheUN/un_101/facts/?p=61
13 Official German communiqué referred to allied airman bombing German territory as part of the war, as Terrorflieger (terror flyers or terrorist airman). The airmen were engaged in a war between states, so clearly were not terrorists as we understand the term today.
14 Whelehan Niall, "Scientific Warfare or the quickest way to liberate Ireland : the Brooklyn Dynamite School". Issue 6 "History Ireland", Nov/Dec 2008, pages 23/24.
15 Infernal machines were the forerunners of modern time-delay explosive devices or booby traps. Society considered them to be very devious and underhand, hence the name.

were clearly terrorists, or were they freedom fighters? Your answer will depend on your perspective, and this is the age-old issue with addressing terrorism.

However, the terrorists themselves would never consider what they are doing to be anything other than an attempt to push their own agenda by whatever means they deem to be necessary. We have also seen how the absence of a popular political mandate from the local population does not prevent or deter "terrorist" organisations from pursuing their own path to their own destination. A recent example is the Irish Republican Army, who did not enjoy the majority of support in Northern Ireland, but continued their activities until they felt progress had been made and their political agenda had gained sufficient traction.[16] History repeatedly teaches us that terrorist organisations regularly reinvent themselves to the point where, if their aims are largely achieved, they become reasonably mainstream.

To my mind, this is where any effort to counter terrorism and terrorists must begin. To label those who firmly believe in their own convictions as "terrorists", may well be accurate and appropriate, but it does nothing to help understand or appreciate why these terrorist organisations deeply believe that they have no recourse other than to violence.

The average man or woman in the street cannot really analyse or distinguish between the various terrorist groupings - even if their names are well known through media and other reporting outlets. How many amongst us really know what the stated aims and objectives of; Al-Qaeda, Boko Haram, ETA, Hezbollah, Real IRA, Liberation Tigers of Tamil Eelam, to name a few, actually are? When you critically analyse each of these examples, they are all very different in their geo-political aspirations, are geographically and ideologically poles apart, yet they are all well acknowledged as terrorist organisations. This labelling suggests they have much in common, when in fact, they may have nothing in common, other than a determination to force their will and use aggressive targeting, often of a despicable nature, on anyone they deem to be a threat.

Some groups such as ETA and the IRA may be able to present themselves as representing just causes, particularly to their own communities and supporters, with their methodology to obtain their reasonably clear aims being the principal societal criticism. For these organisations, a negotiated compromise, such as the 1998 Good Friday Agreement,[17] is the end game they strive to reach. For other terrorist organisations such as ISIS or Al Qaeda, where individual motivation to become involved is widely varied, and their stated aims are blurred, it is much more difficult for counter terrorism strategies to work, simply because there are a myriad of complex and complicated strands at play. What is abundantly clear though, is that marginalised groups can easily justify to themselves, the need for vicious attacks on "soft" or innocent targets, in an effort to correct their version of historical injustice.

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16 The varying strands of Ulster Unionism held the majority of representative seats following Northern Ireland elections, during the period of the "troubles", prior to the signing of the "Good Friday Agreement".
17 The Good Friday Agreement was negotiated between the conflicting Catholic and Protestant factions in Northern Ireland. It involved eight political parties from Northern Ireland, together with support from the British and Irish governments. The Good Friday Agreement primarily focused on civil and cultural rights, as well as justice and policing.

The obvious first question to be understood of all terrorist organisations, by counter terrorism agencies grappling to contain and defeat them is; "what is this terrorist organisation hoping to achieve?" While the answer may be unpalatable and not likely to be seriously entertained, it does bring clarity and a sense of direction. From here, counter terrorism agencies can begin to better understand those with whom they are in conflict, and strategise how to defeat, or at least contain them.

Effective counter terrorism - lessons from history.

So what can history teach us about counter terrorism? Firstly, it is very difficult to soundly defeat terrorism, particularly so when the terrorists enjoy local support, so in the initial stages containment is the most appropriate response. During the troubles in Northern Ireland,[18] police and military on both sides of the border worked hard to ensure the conflagration did not spread. It may not have been perfect, and it wasn't always fully effective, but these security measures did manage to ensure that the bulk of the conflict was confined to the territory of Northern Ireland. The reason this was so important, was that by preventing the violence from spreading, meant largely restricting the protagonists and their supporters to a relatively smaller area, making it easier to deal with their activities. Consider how very different the Northern Ireland troubles would have been, if the Republic of Ireland and its citizenry had become embroiled in, and become active participants of the conflict?

History also teaches us that the only real way to defeat terrorism, or at least get it to a point where the participants realise that they have largely achieved their aspirations, or have realised that their aspirations are not achievable, is through tangible evidence that the reasons the violence and terrorism began in the first place, are now anachronistic and no longer relevant. This may sound very simple, but the root causes and contributors to the growth of terror organisations, is a strong belief that their way of life, culture and traditions, are somehow not respected, or worse, are not valued and are under direct threat. Whether this is true or not is a whole other question, but those individuals who see violence against so called "soft" targets as a legitimate tactic to further their political agenda, clearly do not question the morality of their modus operandi. It will therefore take a certain period of time to convince such people that they have improved the status or prosperity of their supporters, and their terrorist activities can be ended. It is also important to consider that political parties in many countries, including Ireland, have their roots firmly in militarism or a military struggle - frequently begun without a political mandate. From a historical look-back, some will take the view that these were freedom fighters, while opponents will see them as terrorists - the use or not of that particular moniker is always an exclusively subjective one.

From a counter terrorism context, it could be argued that terrorism today takes many forms. The bomber who detonates a suicide vest and kills many innocent civilians is clearly a terrorist, but by definition, so too is the individual who produces content on-line for the recruitment and radicalisation of vulnerable and impressionable young people. To propagate their cause, terrorists become insurgents, seek to destabilise regimes or

18 The "troubles" in Northern Ireland from 1968-1998, saw the deaths of 3,500 people. Dissident Irish Republican attacks from 1998-present, have caused the deaths of 150 people.

organisations, while the efficient ones are experts in information technology and operate their own version of cyber warfare. To fund all of this, terrorist organisations frequently have links to organised crime, or perhaps state-sponsored support from a benevolent neighbouring country.

The democratic countries of the world have also realised that finance and the flow of capital is a key enabler of terrorism - but it has always been thus. Financial institutions throughout the world are very familiar with anti-money laundering legislation, originally introduced to interrupt the operations of drug cartels and organised crime.[19] However, this legislation has been expanded to include "Countering Terrorist Financing",[20] and is ultimately going to be the key battleground in the fight against international terrorism, not solely to disrupt the money supply to these organisations, but to provide vital intelligence on their money making activities with an audit trail to aid prosecutions.

I also believe that state sponsored counter terrorism agencies continue to be well behind the activities of media savvy terrorist organisations. Using mass media as a propaganda tool is nothing new, and has been very much part of PSYOP[21] for many years. The First World War saw the early beginnings of the leaflet air drop, which was very quickly expanded to be used by all warring sides during the Second World War.[22] The Viet Cong during the Vietnam War regularly held briefings and information sessions with their fighters and local supporters, to ensure their continuing support and commitment to the cause.

However, what modern-day terrorism also exploits is the proliferation of social media platforms, and the ease and speed at which they can distribute their message. It is here that the real war on terror will be fought - and there are alarming signs that the terrorist has a head start. The Mumbai terror attacks on the 26-29 November, 2008,[23] exploited social media to plan, co-ordinate and deliver the attacks, but social media did much more than that. The terrorists were also monitoring social media to observe the response of the security forces, and also to attempt to locate people who had hidden themselves from the attackers.[24] This was a new development - and one which has serious implications for effective counter terrorism agencies.

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19 The United States Congress passed a series of laws, commencing in 1970, collectively known as the Bank Secrecy Act, which was the first acknowledged step against the movement of finance obtained through drug trafficking and other criminal activities. Since the Bank Secrecy Act, Anti money laundering legislation has been introduced on a piecemeal basis throughout the World.
20 EU's Third Money Laundering Directive in 2009 was to legislate against "the provision or collection of funds, by any means directly or indirectly, with the intention that they should be used or in the knowledge that they are to be used, in full or in part in order to carry out any of the offences that have been defined as terrorism". This legislation is being further strengthened in 2017 by the introduction of the Fourth Directive, known as "FATF4" - placing much more responsibility on financial institutions to monitor the flow of funds, in the fight against financing terrorist activities.
21 Psychological Operations are planned information release programmes to convey a particular viewpoint or preferred outcome. They are heavily reliant on information gathering and intelligence on local communities and are tailored to appeal to these audiences.
22 Leaflet air drops commenced during World War One on a large scale, when propaganda postcards were dropped by both sides on enemy trenches.
23 10 members of Lashkar-e-Taiba, a Pakistani Islamic Terrorist organisation, carried out a well organised series of attacks from 26-29 November, 2008, 164 people and wounding at least 308.
24 Onook Oh & Manish Agrawal & H. Raghav Rao "Information control and terrorism: Tracking the Mumbai terrorist attack through twitter." Inf Syst Front (2011) 13: 33. https://doi.org/10.1007/s10796-010-9275-8

If history teaches us anything, it is that the terrorist is always thinking ahead, reinventing himself and adapting to the real politick of the day. Democracy must somehow find a way, as it has always done, to protect civil liberties while at the same time necessarily intruding on the civil liberties of those who may wish to harm society. This was much easier in the past, but incredibly difficult today with the embedding and growth of social media and a strong awareness of individual rights.

The terrorists deploy whatever weapons are available to them - while those who fight terrorism are rightly constrained by the very thing the terrorists wish to destroy - the democratic processes of freedom, fairness and individualism. Perhaps that is the best lesson of all to take from the history of terrorism.

Terrorism wins only if you respond to it in the way the terrorists want you to; which means that its fate is in your hands and not in theirs.

Historian David Fromkin in 1975

CAPT DESMOND O'REILLY

How Might the So-Called "War On Terror" Be Linked to Samuel Huntington's "Clash of Civilisations" Today?

ABSTRACT

This essay postulates that the civilisational perspective embraced by Samuel Huntington is not powerful enough in order to explicate the large number of factors involved in the War on Terror. This essay argues that the different parties involved in the fight against Islamist terrorism use the civilisational perspective for the purposes of advancing their respective political agendas. However, there is not enough evidence to suggest that the ontological differences between Islam and the West are so pronounced as to propel a "clash of civilisations" marked by the widespread use of violence. The rise of terrorism of Islamist extraction does not respond to a fundamental clash of cultural values between Islam and the West. This essay states that the values espoused by mainstream Islam are not inimical to the political, social and economic principles that guide public life in the Western world. Any cultural differences that might exist are exploited by the United States and its allies in order to justify the existence of the "War on Terror" and by the Islamist forces, for the purposes of spreading terror in the Western democracies and Muslim countries that are opposed to fundamentalist Islam. This essay posits that the "War on Terror" is not a confrontation between the West and Islam. Instead, it denotes a state of military conflict between the West and mainstream Islam and the forces of international terrorism of Islamist extraction.

The question regarding the link between the War on Terror and the "Clash of Civilisations" depicted by Samuel Huntington after the end of the Cold War requires substantial empirical investigation. To begin with, this putative connection compels us to find out the manner in which the phenomenon of terrorism of Islamist extraction is capable of threatening the survival of Western civilisation. In addition to this, the question requires us to examine the competing arguments for the potential reasons behind the declaration of a War on Terror.[1] Huntington's best-selling book has en-joyed little support among academic and policy circles, with one representative review calling the argument "seductive" and "too simple."[2] This cool reception notwithstanding, Huntington's argument is worth exploring because of its populist appeal and the way in which it captures a rhetoric shared by Islamist groups and US conservatism. To be sure, the War on Terror is undertaken in order to protect the lives of civilians in the Western democracies. However, there is a strand of opinion that the interventionist approach of the Western powers in the Middle East is in-formed by economic factors surrounding the production, control, and distribution of oil. At the same time, the question also calls for a more conceptual investigation of the underlying validity of Huntington's original thesis and the extent to which it affects

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1 Tarek Osman, *Islamism: What it Means for the Middle East and the World* (New Haven, CT: Yale University Press, 2016), 103.
2 Shaid Qadir, "Civilisational Clashes: Surveying the Fault-Lines," *Third World Quarterly* 19, no. 1 (1998): 149.

the notion of sovereignty that guides interstate relations. The intellectual exploration of Huntington's central thesis should seek to explore the differences that are expounded between two key concepts: 'ideology', held by individuals about an ideal state of affairs, and 'culture', which constitutes the embeddedness of certain ideological principles that have become all but habitual and entrenched in concepts of identity.[3]

The main argument to be posited in this essay is that the civilisational perspective endorsed by Samuel Huntington does not explain the myriad factors involved in the War on Terror. It will be argued that the different parties involved in the fight against Islamist terrorism use the civilisational perspective in order to advance their respective agendas. However, the real civilisational conflict is one that parries the Western democracies and mainstream Islam against the rogue elements that seek to overturn the state of consent that exists in the West through the widespread use of violence against civilians. The first part of the essay will focus on the definitional aspects regarding the link between the "Clash of Civilisations" and the "War on Terror," paying attention to the conceptual nuances involved in those two terms. The second part of the essay outlines the link that exists between the War on Terror and the civilisational perspective endorsed by Samuel Huntington.

The definitional aspects regarding the link between the "Clash of Civilisations" and the "War on Terror"

It is important to begin the discussion by providing some definitional parameters regarding the conceptual framework of the War on Terror and the fundamental tenets of Huntington's work. Huntington rejected the assumption that the end of the Cold War had brought about "the end of history," outlined by Francis Fukuyama.[4] According to Fukuyama, the defeat of Communism attested to the primacy of economic concerns over questions of "recognition."[5] In this context, capitalism and liberal democracy became "the last port of call for mankind" because human beings are more interested in attaining economic well-being and personal satisfaction than in pursuing questions of honor and recognition, in the manner proclaimed by alternative ideologies such as Communism.[6] Huntington rejected this view, arguing that the end of the Cold War would bring in a state of turmoil characterised by cultural conflict. His characterisation of "civilisations" included "the West," Latin America, the Eastern Orthodox world, the Sinosphere, the Muslim world, and several outliers and cleft countries. This classification is, of course, highly arbitrary. The focus of Huntington's work is the existence of "bloody borders" along the arc of the "Muslim civilisation" and the role of swing states, such as Russia and China. He also promoted the idea that although there were more than six identifiable civilisations, the narrative that would inform the configuration of the international order in the twenty-first century would echo Mahbubani's "West versus the Rest" narrative.[7] This thesis asserts that states are necessarily drawn to and dependent on the modernisation elements that

3 Richard C. Martin and Abbas Barzegar (eds.), *Islamism: Contested Perspectives on Political Islam* (Stanford, CA: Stanford University Press, 2009), 47.
4 Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992), 13.
5 Fukuyama, *The End of History*, 221.
6 Fukuyama, *The End of History*, 224.
7 Kishore Mahbubani, "The Dangers of Decadence: What the Rest Can Teach the West," *Foreign Affairs* 72, no. 4 (1993): 10.

characterise the heart of Western culture but that this would create a tense relationship between cultural differences and functional dependence. This state of affairs would lead to a great deal of resentment and could potentially constitute a breeding ground for conflict.[8] At the heart of Huntington's thesis there were six fundamental reasons that ex-plained the inevitability of a culture clash between civilisations; most notably Islam against the West. The first of these reasons is the fundamental and entrenched nature of the cultural differences concerning history, language, tradition, and significantly, religion. Huntington indicates that as modernisation and border-transcendence occurred, religion filled the gap previously occupied by territorial identity cohesion, widening the "source" of conflict in the international political system.[9]

Huntington goes on to state that these cultural elements are far more dominant and "less mutable" than alternative economic or ideological factors and therefore; a stronger breeding ground for disruption. This is an important point in order to under-stand the emergence of the phenomenon of Islamism.[10] The failure of the Middle Eastern countries to attain a modicum of economic and social modernisation through secular ideologies such as Pan-Arabism, nationalism and Communism led to the re-emergence of Islamism as an ideological factor to be reckoned with.[11] The fourth factor cited by Huntington is that while conceptual distance previously mitigated the extent to which these elements clashed, technological advancement has increased civilisational consciousness and the degree to which cultures interact.[12]

According to Huntington, Western culture is in permanent evolution. Nevertheless, the Muslim seeks to revert to its traditional roots and establish a different orientation in matters pertaining to the recreation of the international order.[13] Huntington argues that the Muslim nations would have the power and resources to achieve this, particularly since economic regionalism increases and reinforces civilisation consciousness.[14] Huntington's thesis presents the idea that because of technological and economic progress and modernisation, the boundaries between countries that have held back fundamental life-choice differences, and particularly that of religion, are now falling. The limitations that had prevented an inevitable clash with the Western world regarding these matters no longer exist.[15]

The concept of the "War on Terror" was originally used by the Bush Administration on September, 20, 2001, immediately following the terrorist attacks that took place in New York and Washington.[16] The War on Terror constitutes the global military action taken against Islamist terrorist cells and the regimes that support them. It has included military operations against the Taliban, Al-Qaeda, the Islamic State and Al-Shabaab in

8 Ibid., 12.
9 Samuel P. Huntington, *The Clash of Civilisations and the Remaking of World Order* (New York: Simon & Schuster, 1996), 122.
10 Osman, 54.
11 Huntington, 126.
12 Osman, 56.
13 Huntington, 129.
14 Osman, 59.
15 Martin and Barzegar (eds.), 44.
16 George W. Bush, "President Speaks To The United Nations General Assembly," *White House*, New York, 21 September 2004, http://www.whitehouse.gov/news/releases/2004/09/20040921- 3.html

Somalia.[17] It is important to take into consideration the motivations and actions of the Islamist organisations; namely, the terrorist networks and their sup-porting regimes. For this discussion then, the War on Terror is categorised not as the unilateral actions of the West in combating terror but as the actions of individuals and parties on both sides of the conflict. The ultimate aim of the War of Terror is root Islamism as a disruptive force in the international order.

The link between the "Clash of Civilisations" and the War on Terror

To begin with, it is possible to identify a link between the "Clash of Civilisations" and the War on Terror. Dunn cites elements of civilisational discourse and rhetoric coming from both sides, which indicates that a "Clash of Civilisations" sits at the heart of the concept of the War on Terror.[18] For instance, Osama Bin Laden repeatedly linked the fight of the Islamist terrorist networks to the historical experience of the crusades during the Middle Age.[19] Al-Qaeda regarded the War on Terror as an attempt on the part of the Western powers to prevent the unification of the Muslim world under one Islamic Caliphate. Dunn states that the term "War on Terror" is based on the idea of a group of "civilised" nations pursuing warfare against organisations that are willing to engage in acts of terror. For this, he cites Rumsfeld's claim contrasting the Islamic world to 'handfuls of countries that are generally like-thinking' [which] tend to be Western Europe and North America. They have freer economic systems and tend not to covet the land or property or lives of other nations'.[20] Such dialogue shows an apparent effort to juxtapose and contrast two sets of cultural values and encapsulate them neatly in an 'us and them' oppositional description. This rhetoric is based on the idea of a singular civilisation ("The West") being in conflict with rogue organisations willing to expand values that are diametrically opposed to the Western culture is found in the transcripts of Bush's declaration of the War on Terror. At the heart of the statement of a 'Clash of Civilisations' is the idea that there cannot be any form of resolution in the conflict between the Western world and the Islamist terrorist networks.[21] For the West, to admit to the existence of such a clash would be to recognise that it does not foresee a resolution to the conflict. How-ever, this acknowledgement goes against the values that characterise Western civilisation, which seeks to promote tolerance, acceptance, and compromise.[22] To openly declare that there is a War on Terror is tantamount to accepting that the values that underpin Western civilisation are better than those espoused by Islam. In addition to this, the War on Terror also prompts a significant rethink on whether it is advisable that the West should continue to embrace multiculturalism within its borders.[23]

The idea that the West fundamentally undermines its own values by not establishing a clear demarcation with the fundamentalist principles of Islamism also bolsters the discourse of a "Clash of Civilisations." Waskeler (2004) argues that George W. Bush was right in identifying the War on Terror not as a competition between two civilisations

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17 Osman, 140.
18 Michael Dunn, "The 'Clash of Civilizations' and the 'War on Terror,'" *49th Parallel* 20 (2006-2007), https://fortyninthparalleljournal.files. wordpress.com/2014/07/2-dunn-clash-of-civilisations.pdf.
19 Taewoo Kim, "Islamic Terrorism and Clash of Civilizations," *The Korean Journal of Defense Analysis* 14, no. 1 (2002): 103.
20 Dunn.
21 Martin and Barzegar (eds.), 50.
22 Osman, 144.
23 Eric Neumayer and Thomas Plümper, *International Terrorism and the Clash of Civilisations* (Cambridge: Cambridge University Press, 2009), 36.

but as the clash of one singular civilisation against a rogue or chaotic element. However, under Waskeler's classification, the concept of civilisation is not the West in isolation. It is the West and Islam united against a non-civil, chaotic element, often classified as that of radical Islam. Islamism (which is repudiated by mainstream, orthodox Islam) stands against universal values of democracy and decency.[24] Waslekar points to the variety of Muslim countries aligned with the United States and the West in the struggle against radical Islam, including Eritrea, Azerbaijan and Kuwait.[25] It is also important to highlight that the values espoused by the Western world are not juxtaposed to those of mainstream Islam. Both the West and Islam cherish the concept of justice and good governance as well as tolerance for minorities.[26]

It is also possible to argue that Islam is not necessarily incompatible with democracy.[27] Many Islamic nations such Iran and Turkey are governed by systems of political representation that incorporate many elements that are present in the democracies of the West.[28] In the West there is a sizeable population of Islamic origin that abides by the principles of democracy.[29] It should also be noted that terrorism of Islamist extraction constitutes a tiny fraction of all the terrorist episodes that take place in civilised societies.[30] Groups such as the Irish Republican Army (IRA), Fathers for Justice and environmental and animal protection organisations have carried out terrorist attacks based on ideological reasons.[31] However, the main difference that exists between those groups and radical Islam is based on the fact that the former do not seek to overturn the foundations of Western civilisation. Although it could be argued that left-wing terrorists groups including the Maoists to the Red Army Faction and the Red Brigades did seek to overturn certain conceptions of Western democracy, the destructive capacity of Islamist terrorism is far greater, as seen in the great causalities inflicted in the various theatres of action since the onset of the War on Terror.[32] From another perspective, it is the nature of the types of death that distinguish Islamic terrorist groups' destructive capacity. In other words, while state actors account for a far greater scale of death than non-state terrorist groups, the anti-civilisational underpinnings of Islamist terror qualitatively out-weigh the death tolls of state actors.

What then do these findings tell us about the relationship between Hunting-ton's theories and the War on Terror? At the outset, it identifies that there were two distinct questions. The first of these is "to what extent does the thesis of the 'Clash of Civilisations' adequately explain the reasons for the War on Terror? In light of the evidence provided above, it appears that this link is not as strong as it if often assumed. The War on Terror is not a war against Islam.[33] Instead, it is a conflict between the democracies and the law-

24 Bassam Tibi, *Islamism and Islam* (New Haven, CT: Yale University Press, 2012), 60.
25 Sundeep Waslekar, "War on Terror: Clash of Civilizations Or Civilization Versus Chaos?" *Workshop on "The Nexus of Terrorism & WMDs: Developing a Consensus- How Could a Leaders' Level G20 Make a Difference?"* Princeton University, 12-14 December 2004, https://www.uvic.ca/research/centres/globalstudies/assets/docs/publications/l20/war-on-terror-clash-of-civilizations-or.pdf; Salwa Ismail, *Rethinking Islamist Politics: Culture, the State and Islamism* (London: I. B. Tauris, 2006), 112.
26 Neumayer and Plümper, 38.
27 Kim, 98.
28 Mehdi Mozaffari, *Islamism: A New Totalitarianism* (Boulder, CO: Lynne Rienner Publishers, 2017), 10.
29 Ismail, 115.
30 Kim, 99.
31 Tibi, 63.
32 Neumayer and Plümper, p. 40.
33 Ibid., p. 43.

abiding nations against the actions of recalcitrant groups and individuals that endorse a literalist version of Islam. This version of Islam is not part of the main body of religious thinking within the Muslim faith.[34] While an incompatibility of civilisations might be the interpretation given by certain individuals in order to perpetrate terrorist actions, this does not indicate a fundamental disagreement between differing cultures.[35] Instead, the promotion of unique ideological ideas about how a culture *should* be constructed is voiced only by a few. Most segments of opinion within the West and the Islamic world deny that there is an incompatibility based on cultural reasons.[36]

The strongest alternative argument forwarded is, therefore, that the War on Terror represents a reaction against the uncivil — a fringe, rogue minority rather than a "Clash of Civilisations". In any case, there are alternative interpretations regarding the real reasons for the pursuit of the War on Terror. One of the most cited realist accounts for the invasion of Iraq was the economic motivation regarding the control of oil resources.[37] The theory of the War on Terror as a smokescreen for more traditional ideological and economic conflict motivations continues to gain traction within the scholarship and the commentaries. This state of affairs gives further credence to the weak link between the War on Terror and any putative "Clash of Civilisations."[38]

What though for the underpinning motivations of those who mounted the initial terror attacks? Even if a "Clash of Civilisations" does not adequately explain the actions and justifications of *all* stakeholders in the War on Terror international terror-based disputes, does it at least provide the base of the motivation for antagonist terrorists? The evidence suggests that terrorism is by no means isolated to a single civilisation.[39] At the same time, there is evidence that suggests that terror action is concerned with more than the promotion of single-agenda ideological differences. Waslekar (2004) cites that "an interesting trend emerging amongst the terrorist groups is to transcend ideological affinities and seek alliances with other groups and thus broaden their network and reach."[40] Although this has the potential to result in a significant degree of in-fighting, it represents a perspective that highlights that these parties are not so much concerned with the promotion of a single ideological goal; instead, they are united by the all-encompassing desire to eliminate their civilisational "other."[41]

However, this does not mean that these groups are representatives of the groups that they seek to champion. The number of people who have joined the jihadist cause is not great enough in order to allow us to speak of a "Clash of Civilisations." The *jihadi* cause is a fringe element within Islam.[42] Moreover, the economic decimation of many parts of the Islamic world are a product of the policies of terrorist bodies themselves.[43] The Islamic

34 Mozaffari, 12.
35 Neumayer and Plümper, p. 48.
36 Daniel Lieberfeld, "Theories of conflict and the Iraq War," *International Journal of Peace Studies* 10, no. 2 (2005): 4.
37 Neumayer and Plümper, 53.
38 Mozaffari, 56.
39 Tibi, 71.
40 Waslekar.
41 Lieberfeld, 6.
42 Gideon Rachman, "Do Paris Terror Attacks Highlight a Clash of Civilisations?" *Financial Times*, 16 November 2015, https://www.ft.com/content/96b9ed08-8c46-11e5-a549-b89a1dfede9b.
43 Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Anchor, 2009), 50.

State uses crippling economic devices to recruit members to its cause, thus negatively impacting the welfare of those who fall under its umbrella of protection.[44] This can be interpreted as a rejection of any economic grounds for conflict on the part of Islamist terrorism and arguably provides evidence that this phenomenon cannot be interpreted according to a civilisational perspective, in the manner envisaged by Huntington.[45]

Despite the rhetoric sometimes used by extremist parties, the leaders of terrorist groups act in a manner that can be seen as predominantly rational and strategic.[46] Their actions are aimed at gaining political influence on a domestic level and asserting their own particularly ideological concepts—most notably, a more conservative and extreme form of Islamic rule.[47] Western targets are selected as a result of their strategic value, particularly if there is an established relationship between the Western states and their support for secular Islamic countries. Terrorist actions against the West constitute useful strategic prompts for ideological concerns closer to home. This can state of affairs has significant repercussions for the ideological divide that exists within the Islamic world, as seen in the growing rift between Shi'ites and Sunnis.[48]

Conclusion

In conclusion, it could be argued that the War on Terror cannot be exclusively understood from a civilisational perspective in the manner envisaged by Samuel Huntington. There is a strong temptation to endorse Huntington's central thesis. It provides a *prima facie* understanding as to why aggressors with strong anti-West rhetoric continue to mount singular terrorist attacks and why the West has used force to not only quash these actions but strike at the heart of wider Islamic regimes.[49] However, the full body of evidence does not lead to such a simple interpretation. Islamic culture is not a civilisation that is fundamentally different to a point that it cannot coexist with the Western world.[50] The battle may be a clash of civilisations, but what that means is that it should be construed as an action of the civilised against the uncivilised, rather than a struggle of the West against Islam.[51]

44 Joanna Paraszczuk, "The ISIS Economy: Crushing Taxes and High Unemployment," *The Atlantic*, 2 September 2015, https://www.theatlantic.com/international/archive/2015/09/isis-territory-taxes-recruitment-syria/403426/.
45 Mozaffari, 14.
46 Osman, 104.
47 Tibi, 75.
48 Mozaffari, 49.
49 Tibi, 81.
50 Mozaffari, 56.
51 Mayer, 53.

CAPT. DENNIS FLYNN
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Addressing the Challenges of Clandestine Laboratories

A typical clandestine labratory set up. You have been tasked in the middle of the night to assess if there is an explosive risk present or not. It's a thousand piece jigsaw where every component presents either a vital clue or worse an immediate threat to life and health. Where do you start?

ABSTRACT

The challenges posed by the various types of clandestine laboratories (clan labs) involved in homemade explosives (HME), illicit drug and Chemical, Biological and Radiological (CBR) agent preparation is examined herein. The hazards posed to those who must attend such incident locations in attempting to safely identify, process and dispose (IPD) of the hazardous materials on scene while at the same time gaining maximum intelligence and forensically sound evidence for prosecutorial purposes is also outlined. The IPD of all hazards present at clan labs is a challenge faced by Explosive Ordnance Disposal operators in the Irish Defence Forces and other organisations within the State (Ordnance Corps Doctrine). One potential approach to effectively, efficiently and safely countering the threat such clan labs pose is presented which utilises some of the lessons learned in developing domestic Counter IED (C-IED) and Chemical, Biological, Radiological and Nuclear (CBRN) capabilities both at home and overseas.

Introduction

Locations in which the secretive production of illicit substances is undertaken for criminal or terrorist purposes are referred to clandestine laboratories or clan labs. Typically, there are three main types of illicit substances that are being prepared, namely: homemade explosives (HME) for use in Improvised Explosive Devices (IEDs), illicit drugs and Chemical, Biological and Radiological (CBR) agents (Donnell, 2004). While the three types of clan labs named each present their own set of hazards and challenges, many are common across each and dual purpose clan labs are often encountered also. In response, a systematic approach to effectively, efficiently and safely handle such clan labs has been

developed for law enforcement and security force personnel (Ordnance Corps Doctrine). This approach involves the identification, processing and disposal (IPD) of the hazardous materials contained within these locations in support of gaining maximum intelligence and forensically sound evidence for prosecutorial purposes (Ordnance Corps Doctrine). This paper outlines these three types of clan lab and how the IPD approach can be used within a wider counter threat networks approach to counter the threat these labs pose.

Homemade Explosives (HME) Clan labs

The use of HME, produced from readily available precursors using easily acquired equipment, for use in the explosive train of an IED is common particularly in theatres where access to commercial or military explosives is restricted to perpetrators (Oppenheimer, 2008). Such HME production may be on a small scale as in the case of low level "cranks" and criminals to sophisticated operations on a much more systematic scale such as can be the case with organised criminal gangs or sophisticated terrorist organisations (Ordnance Corps Doctrine). Large scale HME production on a dispersed basis was undertaken by the Provisional IRA (PIRA) during "The Troubles" in Ireland (Ryder, 2006) and similar large scale HME production was encountered in Afghanistan. Nowadays, HME production is attempted by both dissident republican elements and criminals involved in the production of IEDs (Ordnance Corps Doctrine).

The production of home made clandestine laboratory can involve a myriad of seemingly innocuous and easy to access everyday household consumables.

Illicit Drug Clan labs

The production of illicit drugs such as cocaine, opium refinement in heroin production or in the preparation of methamphetamine, fentanyl, methylenedioxy methamphetamine (MDMA), and phencyclidine (PCP) can all involve illicit drug clan labs (Kalchik, 1995).

In this thousand piece jigsaw, the first responder may only have access to a few pieces. Is this burnt syringe at he scene of a clandestine laboratory merely drug paraphernalia or a vital piece of an evolving terrorist plot involving home made explosives

While those involved in countering the illicit drugs trade are often trained in the indicators and hazard awareness of such illicit drug clan labs, the increase in small scale drug clan labs particularly in the preparation of methamphetamine has led to more law enforcement personnel or security force members coming into contact with these hazardous situations and thus requiring such training.[1] There is no classical description of an illicit drug clan lab with such activity now commonplace in domestic dwellings, disused premises, industrial facilities and even personal vehicles (Cashman, 2005).

Some of the processes involved in the manufacture of illicit drugs often have an explosive hazard associated with them in their own right. Those involved in the illicit drugs trade

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1 The requirements for such training are increasing in line with the evolution in the number and types of illicit drugs and their methods of manufacture. Such new and emerging methods of manufacture can lead to new hazards such as aerosolised fentanyl derivatives.

have often utilised IEDs as weapons of terror to exert their influence, protect their "patches" and intimidate or kill their opponents who may also be involved in this illicit trade or alternatively law enforcement and security forces personnel (Ordnance Corps Doctrine). The use of IEDs by narcotic groups in South America is one example of such a cross over between IEDs and illicit drugs (Esteban Parro Gallega, 2009); however, in many Western countries including Ireland, the same trend can be observed. For this reason, clan labs involving illicit drug manufacture can also have IED and HME hazards present also (Wynfield, 2001).

CBR Agent Clan labs

Another type of clan lab that has come into the public conscience post- 9/11 are those involved in CBR agent preparation and methods of dissemination for use in either assassinations or terrorist attacks. Such scenarios have graduated from the realms of improbable to a very real and present threat as terrorist organisations such as Islamic State recruit highly trained, specialised and motivated personnel to their ranks. The public perception of these attacks is largely that of an incredibly complex and well-funded organisation producing agents utilising highly skilled specialists. The natural perception when one considers this paradigm of the CBR threat is to assume that the technology necessary to produce them is outside the scope of most terrorist groups whereas the reality is distinctly different especially when one considers the ease by which most toxic industrial chemicals can be obtained. The limiting factor here could arguably be seen as the imagination and the resolve of the terrorist / criminal as opposed to the technical knowledge and experience (Ackerman, G. A. and Perera, R. 2014). A facet of these devices often overlooked is that they do not necessarily need to be complex. At the lower end of the spectrum, we find radiological dispersal devices incorporating a small radioactive (orphan) source with an explosive means of dispersion or the less thought of but arguably more dangerous "binary devices" which combine two or more non-toxic / non-lethal precursors to produce a toxic substance with damaging effects (Ordnance Corps Doctrine).

The nature of the current threat paradigm forces responders to think outside of the box. The improvised Binary Chemical Dispersal Device above contains no metal or circuitry and when complete is designed to evade most current detection methods.

Although potentially less likely to be encountered than HME or drug clan labs, the hazards posed by CBR clan labs may be even more challenging. The primary hazards posed by CBR clan labs are the extreme physiological toxicity of these agents which is often only a secondary hazard associated with HME and drug clan labs. If the CBR agent is being prepared in the same location as an explosive means of dissemination, then added complexities are present at such incident locations (Ordnance Corps Doctrine). Another challenge presented in the IPD of CBR clan labs is the potential for significant impact through media induced public panic. It is the actual or likely mass public hysteria following a CBR attack that has resulted in such agents being referred to as weapons of mass disruption. (Ackerman, G. A. and Perera, R. 2014).

Countering Clan labs Effectively, Efficiently and Safely – an IPD Approach

The many toxicological and explosive hazards which may be present at the scene of a clan lab necessitate the training and education of those who may have cause to attend such a scene. This includes a diverse group of law enforcement and security forces personnel. It is possible that in a bottom-up[2] type clan lab incident that the first responders may be members of the local police force, fire services, medical services or other non-specialists (Melnikova, N. *et al*. 2011). It is important that there is awareness among these persons as to the indicators to the potential presence of a clan lab, the associated hazards and the initial site scene

HME, Illicit drugs or Clean Lab? Sometimes the first question is to ascertain the absence of the normal and/or presence of the abnormal. In order to identify the hazards present, sometimes the processes present can help.

safety measures to take up such a discovery which will assist follow on specialists in their IPD efforts. The increased toxicity hazards associated with CBR clan labs make their early identification essential in order to ensure appropriate personal protective countermeasures are implemented as soon as possible for all first responders and follow up IPD and investigation personnel (Ordnance Corps Doctrine).

An effective multi agency approach is only achieved through training and the establishment of effective liasion between all partner agencies.

In cases of top-down[3] intelligence driven operations, it is important that planners are aware of possible information that could indicate clan lab activity and the hazards associated with them. They must then, time permitting, engage with the appropriate specialists, such as narcotics, Improvised Explosive Device Disposal (IEDD), CBRN and Hazardous Materials or HAZMAT personnel, on the risk mitigation measures to be implemented and actions to be taken by those responding to the suspected clan lab site (Kaszeta, D. 2013). Finally, the specialists involved in IPD need to have the competencies and specialist equipment needed to identify the actual hazardous substances on scene. For the identification of hazardous substances associated with clan labs to be effective a national joined up multi-agency approach is required (Ordnance Corps Doctrine). For such a joined up multi-agency approach to be effective, efficient and safe concerted cooperation, coordination and communication is required between the contributing partner agencies. One method in which this could be achieved would be through the establishment of a national clan lab working group.

While there may be an acceptance that there is a security threat posed by clan labs and that law enforcement and security force members should be aware of these, the training and education necessary to achieve such awareness is not an easy thing to

2 Bottom-up refers to incidents and operations which were unplanned but happen through a chance discovery or possibly responding to a poorly informed tip-off.
3 Top-down refers to clan lab incidents and operations which are planned to some extent allowing preparation of those who are to first on scene.

effectively achieve (Wynfield, 2001). One of the main challenges posed is the myriad of chemicals, materials and equipment that can be involved in HME, illicit drug and CBR agent preparation. Then one must consider what level of cross over can be expected between these. A particular scene may have equipment and precursor chemicals or processes present which may lead to the erroneous assumption that one is in a HME lab as opposed to an illicit drug lab or vice versa (Wynfield, 2001). Other legal activities involving the use of similar chemicals or processes and equipment such as precious metal refinement can lead to false declarations of clan lab activity by non-expert first responders. It can often be difficult for those who are considered experts to accurately identify the true purpose of these "other" similar but legal activities. The dual use nature of many of the chemicals, substances and equipment present at the scene of a clan lab can also make the identification of the exact activity being undertaken very challenging to determine by both expert and non-expert alike (Ordnance Corps Doctrine). This challenge can often be made all the more difficult by the improvised nature of such operations which can then be made almost impossible when compounded with the corresponding lack of cleanliness and order at such scenes. Labs which are involved in dual activities such as HME and drug production are an even greater challenge to process (Ordnance Corps Doctrine). An example of this could be a clan lab involved in peroxide based HME preparation along with methamphetamine preparation. The difficulties in accurate identification of processes involved can be equated to trying to guess the picture of a jigsaw when given only a few of the pieces. Even when the purpose of a clan lab is accurately determined, the hazards present can be difficult to identify and often depend on the stage of the preparation process in use at the time of discovery. The identification and prioritisation of such hazards is central in the development of an effective, efficient and safe plan for processing and disposal while maximising intelligence gained and the forensic return for prosecution purposes (Ordnance Corps Doctrine).

Processing Clan labs
Processing clan labs refers to the following steps in line with the doctrine of the Irish Ordnance Corps:

- The prioritisation of all hazards present on scene and the appropriate risk mitigation measures to be implemented to reduce the risk they pose to an acceptable level so the other steps in processing may be undertaken is essential.

- Once site scene safety has been established, the level of identification required needs to be agreed and the plan to achieve this established. This can be on site field identification using hand held identification means singularly or alternatively using multiple identification methods. In the case that it is intended to pursue prosecutions it may be necessary to conduct high level analysis in an off-site laboratory on samples retrieved from the scene. In this case specialist competencies and capabilities are required to obtain a sample, package it appropriately, transport it off-site and test it accordingly. An example of such a capability would be specialist SIBCRA[4] teams who can respond to CBR clan lab incidents.

4 SIBCRA is an acronym for Sampling and Identification of Biological and Chemical Agents.

- Once sampling and identification of substances on scene has been completed the disposal of those hazards and site remediation can commence. Considerations in regards to this include:
    - Is the substance to be recovered in full and held for evidential purposes as may be the case with illicit drugs but is highly unlikely in the case of HME or CBR agents?
    - If they are to be retained what are the intended means of storage and transport to the agreed location?
    - If all the substance(s) is to be disposed where is it to occur? Is it safe to move and if so by what means and does it need to be desensitised first or given special transport containers?
    - In the case of a substance being unsafe to move, what is the most appropriate means for on-site disposal and what risk mitigation measures need to be implemented e.g. evacuations.
    - Finally as part of the processing of clan lab locations, the decontamination or destruction of items contaminated on scene needs to be agreed.

The processing of clandestine laboratories requires the prioritisation of all hazards on scene in order to adopt the necessary risk mitigation measures. In the tools and capabilities of the first responder need to be diverse

Disposal of Hazardous Substances at Clan labs

The techniques and procedures used to dispose of hazardous substances at a clan lab location are multiple and extensive and beyond the scope of this paper (Al-Obaidi, A. T. & Fletcher, S. M. 2013). Those techniques and procedures used for HME are different to those for illicit drugs and also for CBR agents while scenes with dual hazardous substances present can pose even greater challenges in terms of effective, efficient and safe disposal (Ordnance Corps Doctrine). All disposal activities undertaken with clan labs are done so by specialist narcotics, IEDD, HAZMAT or CBRN personnel (Kaszeta, D. 2013).

One potential approach to countering clan labs is a strategy which integrates a state's subject matter experts in HME, illicit drugs and CBR to develop a cross agency strategy to counter them. Such clan labs experts can come from drug enforcement and counter terrorism units, EOD, forensics, SIBCRA teams, forensic laboratories and other similar branches of law enforcement or security forces both civilian and military (Kaszeta, D. 2013).

Through the formation of such clan lab working groups a strategy similar to the three pillars of Counter- IED (C-IED) can be developed to:

- **Train and Educate First Responders.** Develop suitable training and education programs to inform potential clan lab responders of the indicators, warning signs and hazards posed at such locations. Such education can also include

the "dos and do nots" at a suspected clan lab site as well as the personnel to be contacted upon making such a discovery. Products that can greatly increase understanding amongst potential first responders can be developed to include roadshow briefings, briefing packs, videos and threat awareness cards.

- **Defeat the Clan lab Threat.** Formation of task forces that can develop contingency plans to be implemented upon the discovery of a clan lab, with standard operating procedures that include forensic awareness and optimisation of evidence recovery, are advantageous. Such task forces can be moth balled for activation only upon clan lab discovery or can be formed into a fully activated state's security capability if the threat is deemed great enough.

- **Attack the Networks involved in Clan lab Activities.** In the wider counter threat networks approach to national and domestic security, the work of clan lab working groups and task forces can gain greater intelligence in all its forms to inform the intelligence community thus assisting in countering these activities. This should be a cyclical process as the greater the intelligence feed back into the counter clan lab process the better the training and education that can be provided to clan lab responders as well as the more effective the defeat of such clan labs will be and vice versa (Amoroso & Flynn, 2015).

The intergration and interoperability of existing capabilities and subject matter experts across all state agencies is crucial to combating existing and evolving terrorist threats such as those posed in clandestine laboratories

Conclusion

The security threat posed by clan labs both large and small is credible and likely to increase into the future with the operating environment as likely to be in domestic suburbia as a non-permissive insurgent stronghold. The use of some of the hard lessons learned in the development of C-IED strategy can be married with an IPD approach in national efforts to develop an effective, efficient and safe counter clan lab capability.

COMDT LAURA FITZPATRICK

Protect, Prepare, Respond: Ireland's National Response Capability to a Marauding Attack.

ABSTRACT

This paper investigates Ireland's national response capability in terms of preparedness for, protection against, and co-ordination of response to a marauding terrorist attack (MTA). As a result of this investigation this paper proceeds to answer the question of how may Ireland's national response capability to a MTA be improved? Situated between mainland Europe and the United States of America, Ireland is geographically positioned between President Trump's America, 'Brexit', and immigrant influx throughout mainland Europe. In an age of rapidly evolving international and geopolitical alliances and power surges, Ireland must be aware of its response capability and do everything in its power to ensure the most effective response possible.

A review of the current literature is used to examine theoretical frameworks for states' responses to terrorism in conjunction with grounded theory to extract the lessons learnt and recommendations from recent MTAs such as those in Paris, Brussels and San Bernardino. A review of the progress of Ireland's National Steering Group (NSG) Protocol for Responding to a Terrorist Incident is used to assess Ireland's current national governmental position in relation to a MTA. The research question is comprised of three distinct yet interdependent components of Ireland's national response capability; preparedness for, protection against, and effectiveness of potential response. Therefore the data will be analysed and findings presented within the structural framework of prepare, protect and respond.

The literature review, data gathered from international principle response agencies with experience of MTAs, and the NSG Protocol are combined and analysed to show that although Ireland has initiated planning, protocols and interagency training, the lessons learned from other MTAs in Europe and beyond have not yet been assimilated. These lessons learned are utilised to conclude with a suggested framework and roadmap for MTA response in Ireland by key stakeholders at the strategic, operational and tactical levels.

Introduction

"These types of attacks form a discrete pattern of violence of striking at soft, symbolic targets, which harkens back to the anarchist terrorism more than a century ago – a persistent source of fear and anxiety in Europe."[1]

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1 Al-Marashi, Ibrahim, "Making sense of the 2016 summer of terror", Aljazeera, 01 August 2016. http://www.aljazeera.com/indepth/opinion/2016/08/making-sense-2016-summer-terror-isis-160801072331216.html. Accessed on 03 February 2017.

Success is defined as "the accomplishment of an aim or purpose".[2] Success is therefore subjective, as the aim or purpose accomplished will depend on the subject's intent. Success for a terrorist is measured by the number of people dead, injured, and terrorised by his or her act. Success for a government, charged with the safeguarding and security of its people, is the minimum number of dead, injured or terrorised as possible. In order to safeguard its people a national government must analyse not only what has happened, but anticipate and prepare for what *may* happen.

This process is linked to, but not predicated on, the national terrorism threat assessment, the assessment of *if* it will happen. Threat assessments are a guide only, a suggested security assessment framework for daily routine, and do not predict the likelihood of events occurring in concrete, unassailable terms. It is the responsibility of every national government to plan for the worst case scenario, specifically not only what has happened and what is currently happening in the international sphere, but most importantly, what may happen in the future. If the attack does not happen, the result of this planning is improved Primary Response Agencies (PRAs) and emergency services in all aspects of their functions.

Genesis and Delineation

A number of geopolitical trends and personal observations led to this paper. They include a popular perceived decrease in threat from nationalist or subversive terrorism in Ireland since the Good Friday Agreement; the change in focus of national defence policy and Irish Defence Forces' mission in light of this changing threat assessment;[3] the perception of Ireland as a 'soft target' for jihadi, anti-USA or anti-EU terrorism specifically linked to a perceived lack of national surveillance and intelligence agencies, soft immigration policies and policing, and lack of visible counter-terrorism measures or training;[4] the disenfranchisement policies of the Trump regime; Britain's recent vote to leave the European Union; but most importantly, the trend toward MTAs of varying descriptions and characteristics as the modus operandi of terrorist attacks throughout the liberal democratic societies of Western Europe in the past two years.

A Marauding Terrorist Attack is one in which the terrorist or terrorists attack the civilian population in order to cause injury and death and is not killed nor attempts to escape immediately after the initial attack, but continues the attack over an extended period. The terrorist does not identify themselves and either attempts to prolong the attack to maximise the number of casualties, to take hostages, or to escape without identification, and is currently the terrorist zeitgeist. MTAs include those attacks defined as a Marauding Terrorist Firearm Attack (MTFA), "indiscriminate shooting by a terrorist for a period of

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2 http://www.en.oxforddictionaries.com. Accessed on 03 February 2017.
3 The White Paper on Defence widens the focus of Ireland's national security efforts and concept of security from the historical defence of the state's sovereignty and against the threat of internal subversion. The White Paper cites the European Security Strategy (ESS), 2003 in identifying security threats "which are more diverse, less visible and less predictable", including terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime. White Paper on Defence, August 2015, p. 2. http://www.defence.ie. Accessed on 03 February 2017.
4 "In the wake of the Paris terrorist slaughter and the subsequent counter-terrorist assault by police in St Denis, official Irish responses have been a mix of soothing words of reassurance combined with urgings to, in effect, stay quiet, lest we draw attention to ourselves." Murtagh, Peter, "Can Ireland really prepare for a terrorist attack?", The Irish Times, 24 November 2015. http://www.irishtimes.com/news/crime-and-law/can-ireland-really-prepare-for-a-terrorist-attack-1.2441077. Accessed on 03 February 2017.

time within a public or private arena causing mass casualties,"[5] and those such as in Nice and Berlin where the attacker used a vehicle as the weapon. The attacks such as those in Stockholm in April, London in March, and Istanbul in January 2017, Berlin and Jakarta in 2016, San Bernardino, Paris and Tunisia in 2015, Nairobi in 2013, Norway in 2011, and Mumbai in 2008 are all defined as MTAs for the purposes of this paper. The attack in Brussels in March 2016 is not defined as a MTA, as although it was a multi-site terrorist attack, the attack was carried out by suicide bombers and not by terrorists who continued to maraud in the vicinity. The lessons learned from Brussels are used as part of the grounded research due to its multi-site characteristics and its similarities of response caused by the fear of the PRAs that the attackers may have remained in any of the attack locations. The knife attack on soldiers at the Louvre in Paris in February 2017 and the shooting dead of a policeman in Paris in April 2017 may have had the potential to become MTAs but the attacker was shot dead at the scene.

Relevance: The Rise of the Marauding Terrorist Attack

If, as stated previously, success is defined as "the accomplishment of an aim or purpose,"[6] and success for a terrorist is measured by the number of people dead, injured, and terrorised by his or her act, there are two main reasons for the surge in popularity of the MTA – effectiveness and ease of execution.

One of the reasons that the MTA has created a culture of fear is that the terrorist has achieved its desired effect – novelty. In the same manner that 9/11 crossed the rubric of recognised norms, boundaries and mores of violence at the time of execution, these attacks have done the same. The emerging MTA trend has also created the necessary "it could have been me" effect.[7] There is no consistently predictable and significant target such as a transport hub or aeroplane as is the case with most bomb or improvised explosive device (IED) attacks; firearms, vehicles and machetes are more easily procured and take significantly less training to operate effectively than IEDs; and it is increasingly hard to identify the target as they continue to maraud taking cover in the population which they are attacking.

This type of attack has the added allure to the would-be terrorist that it is not a suicide mission, and notoriety will follow while the perpetrator is likely still alive, making the effort by terrorist groups to disseminate persuasion and guidance for 'lone wolf' terrorists and 'self-starter jihadis' easier. In many cases there is no intelligence trail on which to pick up prior to the attack or to follow afterwards, and little if any forewarning. The current training being given to 'lone wolves' by ISIL through literature and via the internet by members of Cyber Kahalifah, is in the three tactics required for the most successful MTA; bomb-making, hostage taking, and firearms tactics.[8] The objective is to overwhelm the authorities and the PRAs and to terrorise and confuse the population.

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5 www.westmidlands-pcc.gov.uk. Accessed on 03 February 2017.
6 http://www.en.oxforddictionaries.com. Accessed on 03 February 2017.
7 Wayment, H.A., "It could have been me: Vicarious victims and disaster-focused distress", Personality and Social Psychological Bulletin, 30(4), April 2004, 515-528. This article studied general distress and disaster-focused distress in college students who had experienced no personal bereavement in the 9/11 attacks. It found that perceived similarity to the victims predicted disaster-focused distress and mediated the relationship between attending to media accounts of victims and disaster-focused stress. One of the primary requirements of a terrorist action to cause widespread terror in a certain population is to make the audience feel "it could have been me".
8 International Institute for Counter-Terrorism, "Use of the ZeroNet Network by the Islamic State", 09 October 2016. www.ict.org.il. Accessed 20 February 2017.

Structure

In order to address the research questions "Is Ireland's national response capability to a marauding terrorist attack sufficient in terms of preparedness for, protection against, and response to?" and "How may Ireland's national response capability be improved?" two qualitative analysis methods are used: A review of the academic literature regarding state response to terrorism and current Irish national security and emergency planning literature; and coding of presentations given on the Advanced Commander's Counter-Marauding Terrorist Attack (ACC-MTA) Course run by the Irish Defence Forces[9] in relation to the conceptual themes and issues that emerge from the literature review as those most critical to the analysis and exploration of Ireland's national response capability to a marauding terrorist attack. The research questions are comprised of three distinct interdependent components of Ireland's national response capability; preparedness for, protection against, and effectiveness of potential response. Therefore the data is analysed and findings presented under the structural framework of protect, prepare and respond and is used to design a suggested framework and roadmap for MTA response in Ireland for key stakeholders at the strategic, operational and tactical levels.

Irish National Security Literature

The White Paper on Defence (2015), the National Risk Assessment for Ireland (2012), the Strategic Emergency Planning Guidance (2004), the Framework for Major Emergency Management (2006), and the National Protocol for Responding to a Terrorist Incident (2017) are the salient documents utilised to guide and codify Ireland's response to a national security threat. The difficulty is that by its very breadth and all-purpose nature, this literature which conveys intent but no method to achieve that intent, has in its effort to please and accommodate all mastered none, and has failed at a national level to provide concrete, practical guidance for PRAs and the population.

The White Paper on Defence (2015) summarises the national security literature since the White Paper on Defence (2000), in the context of the broadened concept of international and national security. The changing concept of international security in terms of the geographical, spatial, technological and interconnectedness spheres, combined with the "complexity and transnational nature of many of today's threats" require both collective engagement and a modern analysis of Ireland's emergency response framework.[10]

In this regard, the Office of Emergency Planning (OEP) published the National Risk Assessment for Ireland in 2012, which provided a risk matrix of the probability of occurrence and likely impact of four categories of hazards; natural, transportation, technological and civil.[11] Although these hazards are not directly linked to terrorism and therefore do not pose immediate national security threat, the latter three may be the result of terroristic act. The National Risk Assessment for Ireland in 2014 identified the financial

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9 I attended the Advanced Counter-Marauding Terrorist Course (AC-MTC) run by the Irish Defence Forces and sponsored by the Defence Against Terrorism Program of Work of the North Atlantic Treaty Organisation (NATO) in November 2016. The content of this course was predominantly lectures and briefs given by military and civilian first responders to terrorist attacks, in particular by persons who had been part of the response to the attacks in Paris, Brussels and San Bernardino. Permission was given by all personnel who gave a brief for the information presented to be used in this dissertation. See also "Can Ireland really prepare for a terrorist attack?", The Irish Times, 24 November 2015. http://www.irishtimes.com/news/crime-and-law/can-ireland-really-prepare-for-a-terrorist-attack-1.2441077
10 White Paper on Defence, August 2015, p. 2. http://www.defence.ie. Accessed on 03 February 2017.
11 A National Risk Assessment for Ireland (2012). http://www.oep.ie. Accessed 24 March 2017.

and non-financial risks which may have a negative impact on Ireland's well-being under an even broader framework than before and specified five categories of risks: economic, environmental, geo-political, social and technological.

In terms of preparedness, the national literature succeeds in addressing the wide, complex and congested national security threat space, but as we will see, fails in terms of literature focused on response, specifically in terms of overarching guidance documents for the constituent parts of Ireland's security architecture, or meaningful documents which address the operational or tactical considerations of an interagency response. There are however, a number of national publications aimed at guiding national response and emergency planning. One of these is the Strategic Emergency Planning Guidance document produced by the OEP in 2004.[12] The aim of the document "is to provide strategic guidance to Government Departments and key public authorities toward achieving effective management of the emergency planning process," and to "address the ongoing strategic emergency planning requirement of Government Departments, the long-term emergency planning and management goals and the legislative and administrative framework within which Departments operate". It does not, and is not intended to, "address the tactical or operational aspects of emergency planning at Departmental level or below."[13]

Emergency Planning Versus Emergency Management

The Strategic Emergency Planning Guidance document relates to both the 'prepare' and 'protect' phases of the research question. It is in this document that the delineation between the terms "emergency planning" and "emergency management" is drawn succinctly for those key stakeholders who will act in the interest of Ireland in both arenas; "emergency planning involves the preparation, development, exercising and validation of strategic emergency plans. Emergency Management involves implementation of strategic emergency plans in an emergency situation." Taking this delineation further for the purposes of this paper, the research question will analyse Ireland's national emergency planning capacity in terms of preparation and protection, and emergency management capacity in terms of its response capability, with specific reference to a MTA.

The national guidance document on the 'respond' phase of the research question is the Framework for Major Emergency Management (MEM).[14] It was adopted by Irish Government decision in 2006, sets out common arrangements and structures for front line public sector emergency management in Ireland, and proposes continuous emergency management activity through five stages of hazard identification, mitigation, preparedness, response, and recovery. Although the Framework does not address emergency response in the context of a security threat, one of its key objectives is to set out arrangements and facilities for effective co-ordination of the individual response efforts of the Primary Response Agencies (PRAs) to major emergencies, "so that the combined result is greater than the sum of the individual efforts". It states that a Lead Agency (LA) is to be identified from one of the three PRAs which are An Garda Siochana

12 Strategic Emergency Planning Guidance, the Office of Emergency Planning, Department of Defence, 30 November 2004. www.emergencyplanning.ie. Accessed 20 February 2017.
13 Ibid, p. 4.
14 http://www.mem.ie. Accessed 16 January 2017.

(AGS), the Fire Service, and the Ambulance Service, and be assigned the responsibility and mandate for the coordination function in local and regional scale emergencies. This, the Framework maintains, provides for clear leadership co-ordination and collaborative emergency management, and involves defining key roles and boundaries for the mandate, identifying the physical spaces, appropriate communication facilities and information management systems for coordination, and coordination of media liaison.

The LA concept and the Framework Document highlight the importance of the need for coordination of all PRAs in the case of any emergency as they do not respond in isolation, yet the available MEM Guidance Documents[15] outline the characteristics, consequences and generic response recommendations to fifteen specific emergencies such as motorway or severe weather emergencies, while the MEM Protocol Documents deal only with the response protocol for flooding, radiological or nuclear emergencies, rail related emergencies, and land based response to marine emergencies.[16] None of the Framework or Protocol Documents contends with a major emergency which involves a security or terrorist dimension.

A Protocol for Responding to a Terrorist Incident

"A Protocol for Responding to a Terrorist Incident" was drafted by the National Steering Group Sub-Group in April 2017 for presentation to the National Steering Group in May 2017. The Protocol document is a multi-agency protocol intended to support the Framework for Major Emergency Management and provide support to the coordination of a response to marauding terrorist or active assailant incidents. The Protocol acknowledges that due to the rapidity, violence and aggression of the MTA, guidance is required outside the Framework for MEM. Although due regard is given to the individual response agencies' existing protocols and procedures, it attempts to take the first step towards outlining overarching best practice for the police, health and local authority agencies.

The Protocol lists the possible key identifiers of a MTA, activation of the Protocol to include communication between PRAs, stages of response to a MTA and lead agencies, and briefly and summarily addresses certain interagency response issues such as command, control and communication, scene safety, criminal investigation, tracking of victims, training and equipment, and the management of information. It is an excellent inaugural discussion document, but in its stated attempt to give priority to the Framework for MEM and individual agency procedures, and its unstated attempt to avoid being seen to actively and meaningfully engage in the preparation process for a MTA,[17] it has become a broad guidance document only, which conveys intent but no method to

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15 A Guide to Managing Evacuation and Rest Centres; A Guide to Flood Emergencies July 2013; A Guide to Local Co-ordination Centres; A Guide to Miscellaneous Issues; A Guide to Planning and Staging Exercises; A Guide to a Major Emergency Plan; A Guide to Risk Assessment; A Guide to Undertaking an Appraisal; A Guide to Working with the VES; A Guide to Working with the Media; A Guide to Severe Weather Emergencies; Inter Agency Public Communication Plan Media Liaison; A Guide to Motorway & Dual Carriageway Emergencies – Strategic and Tactical; A Guide for PRA Local Competent Authorities. www.mem.ie. Accessed 28 January 2017.

16 A Protocol for Multi-Agency Response to Flood Emergencies; A Protocol for Multi-Agency Response to Radiological/Nuclear Emergencies; A Protocol for Multi-Agency Response to Rail Related Emergencies; A Protocol for Multi-Agency Land Based Response to Marine Emergencies. www.mem.ie. Accessed 28 January 2017.

17 "By training to counter terrorism you actually attract terrorism? To me that's not logical. We are [already] a soft target – Temple Bar, Google, other American corporate interests?" A statement by a security source in "Can Ireland really prepare for a terrorist attack?" The Irish Times, 24 November 2015. http://www.irishtimes.com/news/crime-and-law/can-ireland-really-prepare-for-a-terrorist-attack-1.2441077. Accessed on 03 February 2017.

achieve that intent. In this regard, we begin to understand the shortcomings and failure at a national level to provide concrete, practical and interagency guidance for PRAs and the population in the event not only of a national emergency in a general sense, but a national emergency with a security threat dimension, which may be used in the case of a MTA.

Research Design and Methodology

"The contemporary terrorist situation thus dictates that one…incorporate complexity, contingency, and continual adaptation and revision of thinking about, readying for, and preventing terrorist events and situations."[18]

In choosing the research design and methodology for this study, it was clear that the phenomenon of the MTA is both recent and relatively small. Despite the simplistic portrayal by popular media of a worrying trend toward marauding terrorist attacks carried out by self-proclaimed religious groups in Europe since January 2015, there have in fact been only eleven.[19] MTAs are a recent "micro phenomenon", and for this reason cannot be analysed in terms of meta-data or meta-explanations. Grounded theory is an approach to developing theory that is "grounded in data systematically gathered and analysed,"[20] but in the case of the phenomenon of the MTA, the data set is relatively small, and difficult to access considering the number and different nationalities of people involved in the response to MTAs, and the culture of not speaking out about shortcomings within state agencies in Ireland by members of the PRAs.

The Grounded Theory approach as outlined by Strauss and Corbin[21] involves comparative analysis in the form of the Constant Comparative Method. To begin with, based on observations outlined earlier when describing the genesis of this paper I asked the question "Is Ireland's national response capability to a terrorist attack sufficient?" Terrorist attacks have traditionally come in the form of a bombing, IED, or targeted assassination. The MTA typified the worst case scenario when responding to any of these types of attacks; a complex, multi-site combination of them all with the prospect of a rising death toll until the attacker is stopped. The MTA changed the way in which we think about how to respond to a terrorist attack: It is no longer about securing the area and waiting for the specialists to arrive and respond; it is about the actions of the first responders from the person who answers the emergency call to the person law enforcement person on routine patrol to every member of the public in the vicinity. I used coding to confirm the validity of this theoretical framework, and to analyse its implications in detail.

Grounded Theory allows for innovation and scope outside the usual data collection methods in order to fully maximise the potential for new theories.[22] I used the Constant Comparative Method to analyse the data collected. Open coding resulted in identification

18 National Research Council. *Terrorism: Perspectives from the Behavioral and Social Sciences*, Chapter 3 Responses to Terrorism in the United States, Washington, DC: The National Academies Press 2002, p.40. http://doi.org/10.17226/10570. Accessed on 03 March 2017.

19 EUROPOL, EU Terrorism and Situation and Trend Reports (TE-SAT) 2016 and 2017. https://www.europol.europa.eu/activities-services/main-reports/eu-terrorism-situation-and-trend-report.

20 Corbin, J. & Strauss, A., "Grounded theory method: Procedures, canons, and evaluative criteria", *Qualitative Sociology*, 13, 3-21, 1990.

21 Strauss, A. & Corbin, J., "Grounded Theory Methodology." In N.K. Denzin & Y.S. Lincoln (Eds.) *Handbook of Qualitative Research*, Thousand Oaks: Sage Publications, 1994, pp. 217-285.

22 Walsh, Isabelle, et al., "What Grounded Theory is: A critically reflective conversation among scholars", *Organisational Research Methods*, 18(4), pp. 581-599, January 2015.

of anchor words or codes within the transcripts. Axial coding resulted in those codes being grouped into categories. These categories presented as temporal and I then further selectively coded these into concepts. These concepts, understood in the context of and compared against the lessons learned in the Paris attacks case study, presented in the longer form of this paper, generated the theory in the form of a suggested roadmap for key stakeholders to optimise Ireland's response capability to a MTA in the future.

Data Analysis: Codes

I took data from transcripts of the presentations given by members of one of the national primary response agencies directly involved with response to the San Bernardino, Paris or Brussels attacks and coded by anchor words with specific reference to lessons learned or recommendations. The presentations on the lessons learned in the San Bernardino attacks were presented by two members of the Los Angeles Sheriff Department (LASD). The presentation on the lessons learned in the Paris attacks was by a member of Paris Fire Brigade (Brigade des Sapeurs-Pompiers de Paris, or BSPP), which is a French military unit. The presentation on the attacks in Brussels was by a member of the Explosive Ordnance Disposal (EOD) Group of the Belgian Armed Forces.

Initial Coding of Advanced Commander's Counter-Marauding Terrorist Attack (ACC-MTA) Course Data

Initial Coding		
San Bernardino	**Paris**	**Brussels**
Command and control	Engage and defeat	No-one to take charge
Inter-agency communications	Medical first response	Military EOD in charge for two days
Empower downwards	Communications systems	Co-ordination at the scene
Pre-positioned medical packs	Training of forces together	Co-ordination at national emergency services level
Immediate engagement	Training of public	Communications
Decision making process	Contingency Plans	Language
Standardised tactics	Designated Liaison Officers	Post-blast analysis for conviction
Standard Operating Procedures	Contain and Secure	Inter-agency protocol agreements
Critical Incident Stress Debriefing	Isolate attackers	Psychological impact on first responders
Familiarisation	Control media	
Habituation	Manage information	
Integrated capabilities	Evacuation plans	
Unified Command	Psychological support for PRAs and first responders	
Importance of crime scene	Command problems	

Data Analysis: Categories

I then grouped the codes into emerging categories through axial coding. Initially, six codes emerged but it was decided to group "Interagency Training" and "Interagency Standard Operating Procedures" into one overarching category as the two categories were linked and treated as the same lesson learned by the guest speakers.

Categories Derived from Coding of ACC-MTA Course Data

Initial Codes to Categories			
Categories	**Codes Included**		
Interagency Protocol & Training	Standardised tactics	Training of forces together	
	Standard Operating Procedures	Contingency Plans	
	Habituation	Inter-agency protocol agreements	
	Integrated capabilities	Language	
	Familiarisation	Communications systems	
	Inter-agency communications	Communications	
Command and Control	Command and control	Command problems	
	Decision making process	No-one to take charge	
	Unified Command	Military EOD in charge for two days	
	Designated Liaison Officers	Co-ordination at the scene	
	Evacuation plans	Co-ordination at national emergency services level	
Empower First Responders	Empower downwards	Contain and Secure	
	Immediate engagement	Isolate attackers	
	Engage and defeat	Psychological support for PRAs and first responders	
	Medical first response	Psychological impact on first responders	
	Training of public	Pre-positioned medical packs	
Information Management	Control media	Manage information	
Scene Preservation	Importance of crime scene	Post-blast analysis for conviction	

Data Analysis: Concepts

The data collection and analysis was approached with the initial research question "Is Ireland's national response capability to a terrorist attack sufficient?" Through repeated iterations of ACC-MTA Course transcript analysis a temporal sense of concepts emerged, although concerned with different stakeholders. The conceptual timeline that emerged from analysis of the codes and categories was before and after the MTA. The stakeholder grouping in those categories were the population and the response agencies. Thus, the

research question now became temporal and stakeholder based: "Is Ireland's national response capability to a marauding terrorist attack sufficient in terms of preparedness for (before; response agencies), protection against (before; population), and response to (after: response agencies and population)?" The concepts of preparation for, protection against and response to are symbiotic, distinct yet interdependent components of a country's response capability to a terrorist attack. Specifically it was conveyed by all ACC-MTA Course guest speakers that it was only through the state efforts in the preparation and protection phases that an efficient response phase could be achieved.

Table 4.3: Concepts Derived from Categories

Categories to Concepts	
Categories	**Concepts**
Interagency Protocol & Training	Prepare for and Protect Against
Empower First Responders*	
Command and Control	Respond to
Empower First Responders*	
Information Management	
Scene Preservation	

* Empowering first responders i.e. both members of the response agencies and the population, was the most oft-repeated phrase and sentiment throughout the transcript in relation to both best practice in preparation for and in response to, and is therefore included in both concepts.

Key Findings

The categories which emerged from the ACC-MTA Course transcript analysis and coding in relation to lessons learned by members of the response agencies directly involved in the response to the San Bernardino, Paris and Brussels attacks are:

- **Interagency Protocol and Training**
- **Empower First Responders**
- **Command and Control**
- **Information Management**
- **Scene Preservation**

For the purpose of conceptual clustering which includes temporal and stakeholder distinction, the following concepts are utilised to define the research question and recommendations of this research paper:

- **Preparation For and Protection Against**
- **Response To**

Prepare For & Protect Against

As previously discussed, "A Protocol for Responding to a Terrorist Incident" specifically attempts to provide an overarching response framework but gives priority to the individual response procedures of PRAs. Logically, this is the policy that must be adhered to as each PRA has practiced and is familiar with its own response procedures. One of the salient lessons learned from San Bernardino, Paris, and Brussels is the requirement for constant, continuous, large-scale inter-agency training to avoid the problems which arise from the differences in these responses when an attack occurs. This involves inter-agency training to the lowest ranks, the personnel who will ultimately be the first responders, as well as the personnel specifically trained for such an incident. The lack of political appetite to visibly prepare the response agencies and national law enforcement and military forces through large-scale inter-agency training must be overcome if Ireland is to respond effectively to a MTA, or indeed any large scale emergency.

At the level of the population the preparation effort must be educational and instructional, while maintaining the delicate balance of creation of awareness and increase in learned behavioural responses without hysteria or fatigue. "The desired equilibrium is to keep public consciousness high without whipping up public anxiety. Overtraining and overdrilling, moreover, can generate public indifference, irritability, and criticism of responsible authorities."[23] Through education and instruction of the population, as they currently do in France through state-run and funded, widely accessible, mass emergency first response and first-aid training every Saturday morning, the state's response capability is not only improved through a lower rate of death of the civilian population, but the population are also empowered through heightened awareness of the warning signs and key indicators of a potential attack, thereby creating an omnipresent early warning system.

The current projected political stance on Ireland and a major terrorist attack is that it will probably never happen to us, and if it could, the chances are so small that there is no need to excite the population by allowing them to think that we are meaningfully preparing for it. Explicit preparation or rehearsal of the state agencies and population equates to neither self-legitimisation as a terrorist target nor political suicide through scaremongering, but instead the empowerment and enabling of the largest first response cohort available.

Response Capability

Empowering down is a concept that ultimately encapsulates and addresses most of the lessons learned from other MTAs and terror attacks at the tactical, operational and strategic levels. Empowering down refers to the training and education required in the preparation phase in order that centralised command and incident commanders are confident enough to empower the least likely first responders and the civilian population. Empowering down refers to the use of meaningful community engagement by local and community groups and police and the utilisation of the national situation awareness that it provides. Empowering down refers to the tactical response, the medical response, the

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23 National Research Council. Disaster Resilience: A National Imperative. Washington, DC: The National Academies Press, 2012. http://doi.org/10.17226/13457. Accessed on 03 March 2017.

information response, the criminal justice response, yet it makes even more important the need for clear, explicit and practiced command, control and communications (C3) systems.

It must be remembered when considering the national state response capability that it is the intention of a multiple-site complex MTA such as the Paris attacks to overwhelm the state's emergency response capabilities. Attacks such Paris and Mumbai, in which attackers are organised into groups, with different attack-sites, often utilising different means of attack, the ultimate objective of which is maximum carnage specifically attempt to overcome the ability of the authorities to respond effectively. Simultaneous or contemporaneous attacks present significant challenges to the authorities in developing an accurate assessment of the ongoing situation and how best to respond to it. It is suggested that no amount of ambulances, fire service, police or military Special Forces' armed response can mitigate the risk posed by a MTA, but that the following roadmap, combined with visible and meaningful inter-agency training, and education of the populace may ensure the best response. Success for a government, charged with the safeguarding and security of its people, is the minimum number of dead, injured or terrorised as possible.

In addition to the roadmap proposed by this paper, which addresses the tactical and operational lessons learned, the Joint Emergency Services Interoperability Programme (JESIP), established in the United Kingdom in 2012 should be examined and utilised as a parallel construct at the strategic level. JESIP was convened to address the recommendations and findings from a number of major incident reports to improve the way in which the Police, Fire, Ambulance and Rescue services operated together when responding to major multi-agency incidents. JESIP produced the "Joint Doctrine: The Interoperability Framework" document which sets out a standard approach to multi-agency operations. The Five Joint Working Principles and Models which could be applied to any type of multi-agency incident can be utilised in a multitude of environments where organisations need to work together more effectively.[24]

Roadmap

In seeking to answer the research questions; "Is Ireland's national response capability to a marauding terrorist attack sufficient in terms of preparedness for, protection against, and response to?" and "How may Ireland's national response capability be improved?" this paper has shown that Ireland has not prepared for nor protected against a MTA sufficiently. The following road map, constructed from the lessons learned from previous MTAs, suggests how the national response capability at the tactical and operational levels may be optimised.

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24 www.jesip.org.uk. Accessed on 24 February 2017.

Fitzpatrick Phased Response Model by Key Stakeholder

1. MTA REPORTED	2. INTEGRATED PRA RESPONSE: AGS LEAD
KEY STAKEHOLDERS: • Emergency Call Responders • All PRAs • Government **ACTIONS:** • All PRAs and Defence Forces informed of suspected MTA attack. • Main Command Post (MCP) established at AGS HQ or designated AGS Station. • All PRAs send Liaison Officer (LO) to MCP.	As per previous inter-agency training.

3. COMMAND AND CONTROL	4. SECURE THE SITE & ELIMINATE THE THREAT
• OPERATIONAL – AGS HQ: Overview of all applicable incidents, resources, external factors, information-share up and across • TACTICAL - INCIDENT(S): AGS always in command in accordance with rule of law.	**KEY STAKEHOLDERS:** • PRA First Responders • EOD • PRA Specialist Forces **ACTIONS:** • Immediate engagement with target. • Cordon. • Clear by sweep. • Designation of zones. • EOD for explosive threat.

5. PROVIDE EMERGENCY SERVICES	6. MANAGE THE INFORMATION & INFORM THE POPULATION
KEY STAKEHOLDERS: • Fire Service • Ambulance Service • HSE • Military Med Corps • Air Corps **ACTIONS:** • Designation of zones. • Evacuation of population. • Triage areas. • Utilise population as per public training. • Movement of non-priority patients to other facilities not in vicinity of MTA.	**KEY STAKEHOLDERS:** • State agency Press and Information Officers • Government • Media **ACTIONS:** • Dominate Social Media. • Establish dedicated, cordoned media site at all incidents. • Negate misinformation. • Empower down. • Ensure situational awareness as per social media to incident commanders. • Co-ordinated key messages from all PRAs

7. INITIATE CRIMINAL INVESTIGATION
KEY STAKEHOLDERS: • AGS • EOD **ACTIONS:** • Ensure awareness of rules of engagement. • Ensure immediate investigation of sites to provide information regarding other possible concurrent or later attacks. • Use of zones.

Conclusion: National Resilience

Enhancing national resilience to a MTA, other type of terrorist attack, or indeed any national disaster involves actively seeking to create the ability to prepare and plan for, absorb, recover from and more successfully adapt to adverse events i.e. seeking to optimise Ireland's national response capability. Enhanced resilience allows better anticipation of deliberate attacks, hazards or disasters and improved planning to reduce resulting losses, whether of life, property or goods and services, rather than waiting for an attack or disaster to occur and paying for it afterwards.[25] Enhancing national resilience does not mean loss of political favour or support by admitting to its possibility. Enhancing national resilience does not mean legitimising ourselves as a target for would-be terrorists. Enhancing national resilience means being prepared for, protecting ourselves against, and optimising our response capability to a MTA, and toward which this paper has attempted to create a roadmap.

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25 National Research Council. Disaster Resilience: A National Imperative. Washington, DC: The National Academies Press, 2012. http://doi.org/10.17226/13457.
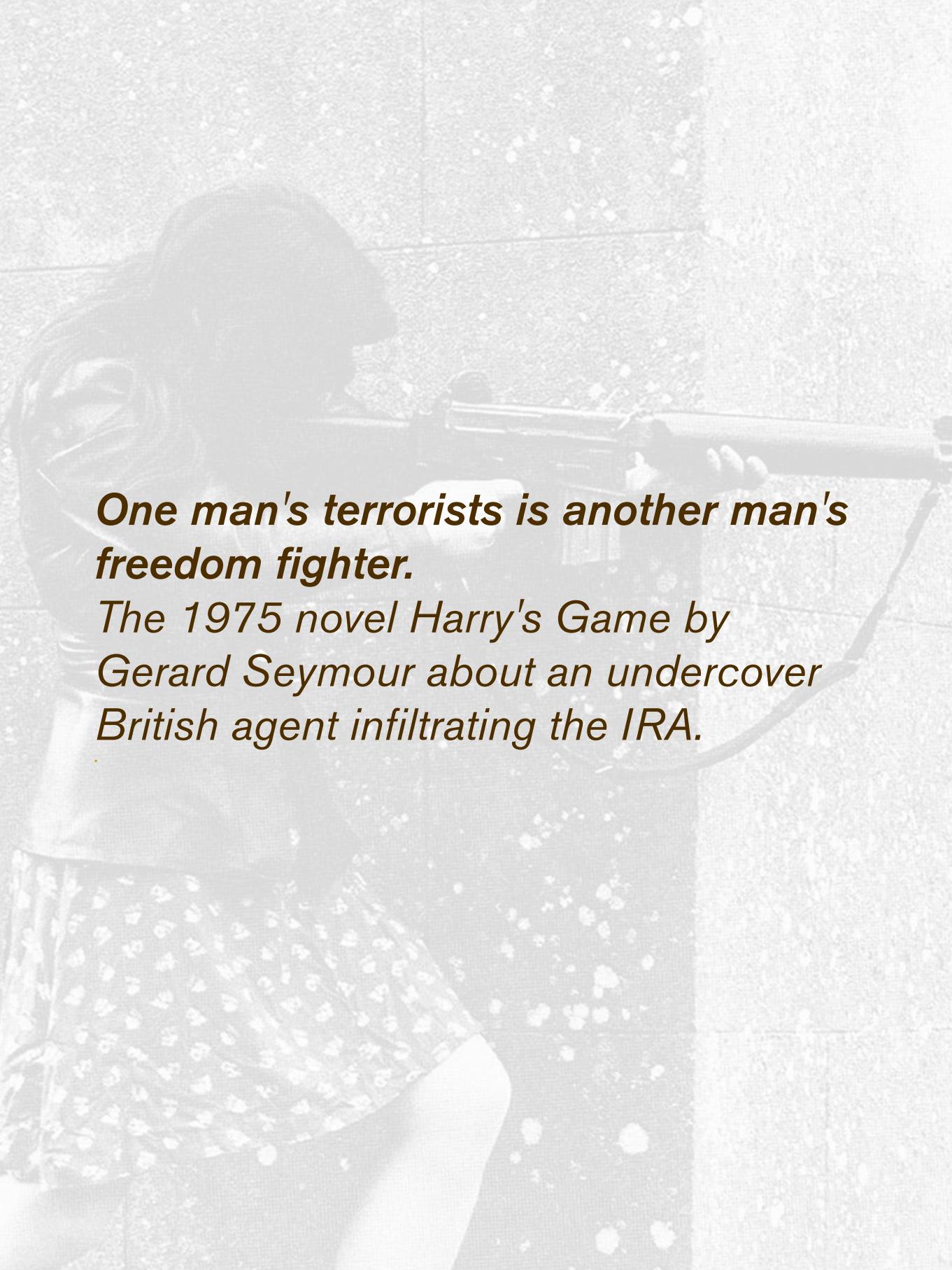
One man's terrorists is another man's freedom fighter.
The 1975 novel Harry's Game by Gerard Seymour about an undercover British agent infiltrating the IRA.

LT COL RAY MARTIN

Defining Terrorism – an Entry Point to Understanding?

ABSTRACT

Terrorism is a powerful and emotive term and ascribing the terms 'terrorist' to actors and organisations and 'terrorism' to actions and strategies convey judgement on those actors and actions. Indeed the terms are no longer part of the lexicon but have entered the armoury in the battle for legitimacy and are seen to be powerful weapons by parties to conflicts. It would be logical to assume that such powerful words are well understood and defined especially given their semantic power as well as the legal consequences of being associated with terrorism. Nevertheless, the term terrorism has eluded the establishment of a common definition. Indeed, while some might argue that definition is unnecessary as long as there is an understanding of what terrorism is, such a common understanding is also somewhat elusive.

This paper looks at the potential value of defining terrorism as a framework for researchers and practitioners in the field. It examines the discourse regarding particular elements that could be included within definitions and by doing so, may provide a reference frame examining the question of terrorism and terrorist acts.

In the paper the author draws on a previous case study but looks in particular at the elements of the actors involved in terrorism, the intent to cause wider fear and whether there may be differences in the perception of "terrorism" depending on the background level of violence to which the observer is exposed.

Introduction

Defining a topic might be regarded as a pre-requisite for meaningful treatment of that subject. Unfortunately a commonly accepted definition of terrorism has been elusive for decades. From 140 definitions identified in 1997,[1] by 2013 Schmid had identified 250 official definitions.[2] This might not represent progress. Although some may say that "we all know more or less what we mean by the notion [terrorism], even in the absence of a clear-cut definition"[3] and that time has been wasted in "definitional issues,"[4] others disagree. Richardson[5] says "… we know terrorism when we see it, or do we? … [the term] has come to lose all meaning." Bhatia asks if politicians and the media "are aware of any inconsistencies between the name applied and the subject."[6]

1 Martha Jordan, "Terrorism and US Policy: Problems in Definition and Response, (Thesis, Washington: Air Command and Staff College, 1997).
2 Alex Schmid, "The Definition of Terrorism," in *The Routledge Handbook of Terrorism Research*, ed Alex Schmid, (Abingdon: Routledge, 2013), 39-99.
3 Hans-Peter Gasser, "Acts of Terror, "Terrorism" and International Humanitarian Law," *International Review of the Red Cross,* 84, no. 847 (2002): 553.
4 Paul Wilkinson, *Terrorism versus Democracy The Liberal State Response*, (Oxford: Routledge, 2006), 2.
5 Louise Richardson, *What Terrorists Want: Understanding the Terrorist Threat*, (London: John Murray, 2006), 19.
6 Michael Bhatia, "Fighting Words: Naming Terrorists, Bandits, Rebels and Other Violent Actors," *Third World Quarterly* 26 no. 1 (2005): 5-22.

This article aims to give an overview of the difficulty in defining the term and considers three aspects where achieving agreement is challenging.

Consensus – a pipedream?

Gray is exceptionally clear - "Terrorism is warfare and terrorists are soldiers."[7] Terrorism as a Clausewitzian "continuation of policy by other means.... a continuation of political commerce"[8] is an attractive proposition, but if terrorism is to be treated as a distinct phenomenon, then definition becomes more necessary.

The main obstacle to consensus on a definition of 'terrorism' may be the pejorative use of the word, which has been likened to the use of weapons in conflict.[9] Eid Kabalu complained, "we [Moro Islamic Liberation Front] have been threatened that we will be pulverized, bombed out of existence and now they're using this terrorist label."[10] This goes straight to the heart of legitimacy. Townshend suggests that "official definitions of terrorism … are political, and few states will forgo their prerogative of interpreting such concepts. To achieve agreement among states on this is a Sisyphean task."[11]

Another difficulty with defining terrorism is that its usage has changed over the years.[12] Terrorist acts have been described since Alexander,[13] but the term, when coined by Burke, referred to the Terror subsequent to the French Revolution, describing government intimidation or terror, possibly diametrically opposed to the 'common understanding' alluded to by Gasser.

Agreement on a definition is also made difficult by the sheer number of different purposes for which a definition may be used. States require definitions to apply international and domestic provisions while police and judiciary require definitions to prosecute offences otherwise not covered by legislation.[14] Security forces need a definition to support doctrine in this "war amongst the people."[15] Lawyers believe defining 'terrorism' will enable either domestic or international courts to try mass casualty crimes of an international nature" and "that [an] opportunity [to define terrorism] should not be missed"[16]. A definition could prevent excesses by states and bolster citizens' rights. "It is today almost inconceivable that a nation could attach consequences such as life imprisonment and the invasion of privacy to a word so contested as terrorism without a legislature first seeking to define the term".[17] This concern was reflected in the judgement on RvsGul.[18]

7 Colin Gray, *Another Bloody Century,* (London: Orion Publishing Group, 2005), 213.
8 Carl von Clausewitz, *On War* (trans JJ Graham), (New York: Barnes and Noble, 2004), 18.
9 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006).
10 Michael Bhatia, "Fighting Words: Naming Terrorists, Bandits, Rebels and Other Violent Actors," Third World Quarterly 26 no. 1 (2005): 5.
11 Charles Townshend, "Terrorism: in search of the definite article" opendemocracy, Last accessed October 1, 2017. https://opendemocracy.net/terrorism_in_search_of_the_definite_article.
12 Edwin Bakker, *Terrorism and Counterterrorism Studies – Comparing Theory and Practice*, (Leiden, Leiden University Press: 2015).
13 Arrian, *The Campaigns of Alexander*, (Harmondsworth: Penguin Books, 1971).
14 Ben Golder and George Williams "What is 'Terrorism': Problems of Legal Definition," *UNSW Law Journal*, 27 no. 2 (2004).
15 Rupert Smith, The Utility of force: The Art of War in the Modern World (London: Penguin, 2006), 404.
16 PJ Wertheim, "Should "Grave Crimes of International Terrorism" be Included in the Jurisdiction of the International Criminal Court," *Policy and Society* 22 no. 2, 1-21.
17 Ben Golder and George Williams "What is 'Terrorism': Problems of Legal Definition," *UNSW Law Journal*, 27 no. 2 (2004), 293.
18 Lord Neuberger et al, *Judgement R v Gul* (Appellant), (London: United Kingdom Supreme Court, 2013).

Defining 'terrorism' is a prerequisite for research and study[19] and could prevent misuse.[20] However, researchers in different fields may need to refine, amend or invent definitions to assist defining data-sets for analysis or to provide an entry point for study.[21]

The public – the arena, target and victim of terrorism[22] - is not passive in the discourse of terrorism.[23] An agreed definition would "harness and tame a term that has powerful symbolic resonance" preventing abuses and facilitating public debate, but "should correlate … with public expectations about and understandings of the term."[24] In effect, a definition should respect semantic meaning and match expectations of the lay person. Asked how members of a victims' group would view the removal of the words terrorism or terrorist from descriptions of the troubles, a support worker replied, "… they would still call it terrorist no matter what anybody put it down as."

It would be foolish to attempt an in-depth examination of the debates on the definition of terrorism within a short essay. However, I will focus on three contested aspects of the definitional problem, namely: who can be terrorists?; whether there is a level of fear required?; and if there may be temporal or geographic aspect to whether an act is terrorist.

Who are these Terrorists?
The debate continues whether to include state-actors as well as sub-state actors. Saul says, "to maintain moral symmetry and broaden its legitimacy, a definition should cover acts of both state officials and non-State actors."[25] Wilkinson says states use terrorism as a tool of both domestic and foreign policy.[26] Gearty says that terrorism's meaning "should be restricted to the use of violence by substate groups"[27] echoed by Richardson who says "to understand terrorists we must see them as sub-state clandestine groups."[28] Hoffman comments that terrorism is "perpetrated by a subnational group or nonstate entity"[29] and "is designed to create power where there is none or to consolidate power where there is very little."[30] Several definitions exclude actions by state actors either by referring only to acts by non-state actors; or by constructing the definition around 'unlawful', 'unauthorised' or 'criminal' acts.

Saul[31] however, comments "only imposing liability for terrorism on non-State actors suffers from a lack of moral symmetry, undermining the legitimacy of any definition of terrorism." This resonated with comments made to me in Northern Ireland

19 Thomas Mockaitis, 'Conclusion: the Future of Terrorism Studies', *Small Wars & Insurgencies*, 14 no.1 (2003): pages 207 – 212, accessed September 14, 2007 url: http://dx.doi.org/10.1080/09592310412331300646>.
20 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006). Michael Bhatia, "Fighting Words: Naming Terrorists, Bandits, Rebels and Other Violent Actors," Third World Quarterly 26 no. 1 (2005): 5-22.
21 Edwin Bakker, *Terrorism and Counterterrorism Studies – Comparing Theory and Practice*, (Leiden: Leiden University Press: 2015).
22 Rupert Smith, The Utility of force: The Art of War in the Modern World (London: Penguin, 2006).
23 Michael Bhatia, "Fighting Words: Naming Terrorists, Bandits, Rebels and Other Violent Actors," Third World Quarterly 26 no. 1 (2005): 5-22.
24 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006), 22.
25 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006), 63.
26 Paul Wilkinson, *Terrorism and the Liberal State*, (Basingstoke: Macmillan Education, 1986).
27 Conor Gearty, *Terror*, (London: Faber and Faber, 1991).
28 Louise Richardson, *What Terrorists Want: Understanding the Terrorist Threat* (London: John Murray, 2006), 21.
29 Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 2006), 40.
30 Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 2006), 41.
31 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006), 318.

I would be exposed to a very strong counter-argument that [there was] something … specifically morally arbitrary about my use of the term 'terrorism' [if applied only to non-state actors] bearing in mind … the morally evaluative component of 'terrorism' is absolutely crucial.… [S]tate terrorism … can be a far more potent form of terrorism than something like paramilitary terrorism."

If you're a thug, you're a thug. The fact that you're in pensionable employment doesn't change the nature of what you are doing.

If you're on the high moral ground and can spell 'terrorist' then basically you have to be consistent. You can't shout 'terrorist' from the rooftop and then act in the same way.

So the state/non-state actor debate continues. Meanwhile the non-state actors involved have also changed. Once, the terrorist was the violent actor or the director of the violent actor. Now there are no such direct links required. The violent actors may be directed by people they will never have met or be inspired by an idea vaguely shared and could be as predictable as a brick thrown with an accompanying shout of "Up the Republic."

Even in the seventies and eighties there were nuances in relation to "terrorist" actors There was differentiation between the judgement of the actions of those "such hardened ones" and, on the other hand "some poor eejit" that got involved or "the poor cratur, I think she was really a bit soft."[32]

Today the challenge is more difficult. Violent actors may be part of, directed or inspired by an organisation. While radicalisation is significant, not all those with radical ideas are violent and become terrorists. Separating radicalisation of ideas from radicalisation of action may provide a better route to understanding entry to terrorism.[33] There have been cases where inspiration was probably the final and minor motivation to a violent act, which otherwise would have been merely criminal but following the modus operandi of a terrorist campaign. So the variety of actors and motivations on the stage may reduce the ability to predict accurately the security environment.

"Terrorism" or "Mild Anxiety-ism"
The intent to cause 'terror' or 'extreme fear' in a wider target audience must be included in any definition of 'terrorism.'[34] [35] The immediate target and victims may be instrumental. "The victim of the violence, and the audience the terrorists are trying to reach, are not the same … victims are interchangeable."[36] Gearty laments, "'terror' has been replaced by 'fear' [in some definitions], a much wider state of anxiety which is far more easily reached."[37] However, the legislative definitions of the UK, US and Australia do not have a fear requirement.

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32 Interview with author, Nov 2007.
33 Clark McCauley and Sophia Moskalenko, "Understanding Political Radicalization: The Two Pyramid Model," *American Psychologist*, 72 no. 3 (2017), accessed October 1, 2017, url: http//dx.doi.org/10.1037/amp0000062
34 Ben Saul, Defining Terrorism in International Law, (Oxford: Oxford University Press, 2006).
35 Paul Wilkinson, Terrorism versus Democracy The Liberal State Response (Oxford: Routledge, 2006).
36 Louise Richardson, *What Terrorists Want: Understanding the Terrorist Threat* (London: John Murray, 2006), 22.
37 Conor Gearty, Terror, (London: Faber and Faber, 1991), 16.

Those I interviewed in Northern Ireland believed that the intent of acts of terrorism must be to cause widespread 'terror' or 'extreme fear' otherwise they are "not an act of terror." The intention must be "to literally induce or create terror."

The fear of more personal violence seemed to be of greater concern than the impersonal act of bombing. This appears to be consistent with psychological research on fear of crime.[38] During evacuation due to bomb threats "you wouldn't be terrorised but you'd have that feeling of unease." People "wouldn't say 'don't go up your own street cos it's going to be bombed' – and we were bombed nine times."[39] This is reflected by Brussels residents "you'd be aware, but you wouldn't be afraid."[40]

> *The biggest fear was … when there was a tit-for-tat[41] going on. You could be just walking home one night from the pub or from the shop.… If you were in the wrong area it was you.*

> *When I'd come back to the house I'd fear…they could be waiting for me at the house and it may not be for me – it could be for my husband."*

> *Being burnt out, burnt out of the home and left on the street… would have been a huge fear because a lot of them [nationalists] were burnt out of their homes.*

While there is agreement that attacks on the civilian population constitute 'terrorism'; opinion divides on the other aspects. Some definitions use the term 'non-combatant' include targets of a military nature. The US State Department definition uses this form.[42] This question is connected with the battle for legitimacy and Saul[43] points out that Nazi forces classified resistance organisations in occupied Europe as 'terrorist'. Gearty[44] is critical of classifying terrorism where "attacking only police officers or members of the army is enough, even though the general public are not terrified at all" and argues that terrorist acts must be indiscriminate and random. Others, such as Hoffman, argue some discrimination may be present, provided that the intent is to cause widespread terror.[45]

English[46] reports that the IRA were surprised that their campaign was viewed as terrorist since its focus was on security forces but that they overlooked the effect on the unionist community. Richardson[47] suggests the IRA displayed

> *… a chronic concern on their part to tailor their targeting strategies in such a way as to inflict harm, gain attention and raise costs for Britain … but not to alienate the Catholic population of the province.*

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38 John Horgan, email message to author, May 2008.
39 Interviewswith author, April 2008
40 Interview with author, January 2016.
41 Tit-for-tat was the term used for situations in which paramilitaries on both sides would shoot persons at random in revenge for some act that had been carried out by the other side.
42 Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 2006).
43 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006).
44 Conor Gearty, *Terror*, (London: Faber and Faber, 1991), 16.
45 Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 2006).
46 Richard English, *Armed Struggle: A History of the IRA*, (London: Macmillan, 2003).
47 Louise Richardson, What Terrorists Want: Understanding the Terrorist Threat (London: John Murray, 2006), 84.

However, "killing members of the security forces in front of their families or … by explosive devices … or [by their] abduction and killing" caused wider terror within families, but were intended to cause wider fear to deter recruitment to the security forces and that "the selected killing of members of the security forces would have, within the Northern Ireland context, terrorising effects on the unionist population particularly in remote border areas."[48] In spite of seemingly selective targeting, messages were being sent out – it was suggested the selection of Warrenpoint for what was the most lethal attack on the security forces was not coincidental.[49] A UDR member described how a police colleague had said that he was assured [by IRA suspects] that the IRA would not waste a bullet on him - "they didn't, but they cut his throat."[50]

So what of the concerns about threat of, or actual, disruption of infrastructure? State variations typically include violence against property and some states fear that terrorists may target banking or utility sectors and include disruption of civilian infrastructure in their definitions. Although such tactics may be used in the future and must be guarded against there is debate as to whether such effects on infrastructure would constitute terrorism. The Ulster Workers Council strike of 1974 was not considered terrorism[51] although it disrupted essential services, was accompanied by intimidation and violence and would fall under the UK Terrorism Act. Bobbitt comments

we must prepare to respond to their consequences [infrastructural disruption] when we do not immediately know into which basket of causality they fall. Indeed the most important feature of twenty-first century terrorist attacks may be that we will not often know their authors and may have to act in conditions of uncertainty. If a power grid goes down we must respond without knowing whether it was the result of a terrorist attack, a lightning strike or the act of a precocious Californian teenager.[52]

Opinion divides on the inclusion of the threat of violence in definitions. Hoffman[53] and Gasser[54] consider the threat to be of equal importance to the violence yet Saul does not agree.[55] Of the FBI, US State Department and US Department of Defense, only the latter includes the threat of violence in its definition.[56] Gearty suggests that 'hoaxes' and 'threats' serve the interests of law enforcement agencies in inflating the incidence of terrorism.[57] Threats of disruption of infrastructure with the potential to be injurious to public health or safety are considered relevant by some states for inclusion.[58]

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48 Interview with author, April 2008.
49 "Castlereagh was no pushover and there was a lot of scores to settle.… Many a guy, when he was pulled in and it was suggested that a weekend in Warrenpoint would be appropriate...a weekend at the sea-side after getting a good hiding." (Interview with author, April 2008)
50 Interview with author, April 2008.
51 Interviews with author, April 2008.
52 Philip Bobbitt, *Terror and Consent: The wars for the twenty-first century*, (New York: Alfred A Knopf, 2008), 2.
53 Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 2006).
54 Hans-Peter Gasser, "Acts of Terror, "Terrorism" and International Humanitarian Law," *International Review of the Red Cross*, 84, no. 847 (2002).
55 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006).
56 A Williams and V Head, *Terror Attacks,* (London: Futura, 2006).
57 Conor Gearty, *Terror,* (London: Faber and Faber, 1991).
58 Ben Golder and George Williams "What is 'Terrorism': Problems of Legal Definition," *UNSW Law Journal*, 27 no. 2 (2004).

Although many, especially legal, definitions of terrorism include the threat of violence, hoaxes appeared to cause disruption and anger but may not have contributed substantially to the overall fear.

> *Threats of terror are only going to be effective … in the context where we have real acts of terror. Half of the time I think it was the kids trying to get us closed.*[59]

Interviewees described hoaxes as causing "frustration", "dislocation", and "disruption" and "can wear a population down." Hoaxes caused anger rather than terror and became part of life. This suggests that threats were not a major source of fear, but, in the context of an ongoing campaign, could cause disruption and add to a "backdrop of fear."

Location, Location

Saul[60] says the background level of violence increases during conflict, therefore to be described as terrorism, that violence must exceed the normal level of violence sufficient to induce terror or extend the current state of fear. Populations inured to political violence may not regard 'terrorism' as extraordinary[61]. Bakker describes how there was a greater concern about terrorism in the Netherlands after the assassination of film-maker Theo van Gogh than there was in the UK or Spain after the much larger attacks on transport infrastructure.[62] Both the UK and Spain experienced domestic terrorism in the decades before 9/11.

Northern Ireland residents described "a backdrop of fear throughout the Troubles" and how families of security force personnel avoided windows and being silhouetted in their homes to avoid observation. While "people accommodated themselves to it [the background actvity] … that doesn't mean that when the specific acts occurred it didn't generate an enormous sense of outrage."[63]

So while there was a backdrop of violence, it took significant events to stand out as terrorism. This brings us to the temporal location- whether the act is in peacetime or wartime and where the area is in the spectrum of conflict. Some suggest that terrorism could be defined as the peacetime equivalent of a war crime.[64] This is disputed by others who would suggest that terrorism can occur in war or peace-time. Saul's view on the background level of violence is potentially significant because it describes where the threshold of what constitutes terrorism may change across the spectrum of conflict.

59 Interviews with author, Nov 2007.
60 Ben Saul, *Defining Terrorism in International Law*, (Oxford: Oxford University Press, 2006).
61 Cairnes et al 2003 described how many persons affected directly by terrorist violence did not recognise themselves as being victims of terrorist violence – see Cairns E, Mallett, J, Lewis, C and Wilson, R, *Who are the Victims: Self Assessed Victimhood and the Northern Irish Conflict*, (Belfast: NIO, 2003).
62 Edwin Bakker, *Terrorism and Counterterrorism Studies – Comparing Theory and Practice*, (Leiden, Leiden University Press: 2015).
63 Interview with author, April 2008.
64 Alex Schmid, "The Definition of Terrorism," in *The Routledge Handbook of Terrorism Research*, ed Alex Schmid, (Abingdon: Routledge, 2013), 39-99.

It may be significant that interviewees in Northern Ireland appeared to differentiate between attacks on the local security forces and the terrorising effect on the community from which they were drawn, and those on British Army units on temporary tours of duty.

Defining terrorism as applying to acts other than those against civilians may fail to be commonly acceptable. Paradigm cases such as attacks against military forces using indiscriminate means using, for example, car bombs; or torture prior to killing; could be established extending a limited definition to include such acts against military forces while still being commonly acceptable and meaningful.[65]

This may point out to a geographical aspect to attacks on security forces – attacks on local security forces in a conflict zone may be regarded by some as qualitatively different to attacks on an 'assisting' force from elsewhere. With increased coalition type responses, greater geographical freedom for attackers and the ability for remote military operations through remotely operated vehicles the 'WHERE' is becoming more important. The concept of a soldier being a non-combatant when in an area wherein there are no major combat operations may be challenged by the operation of drones in support of combat operations piloted by aircrew based in their home countries.

The geographic location is also challenged by technological progress, something that R v Gul reflected, where the offence in question was the uploading to the internet in the UK of material claimed to be supportive of violent actors in Afghanistan.[66] Interestingly the judgement did not determine whether the violent activity in Afghanistan constituted terrorism as the upload, which was the offence at issue, occurred in the UK.

Conclusion

Who the terrorists are – both the violent actors and those that may inspire them – remains contested. The two pyramids approach to radicalisation may be highly significant but is there a question of those who turn to (political) violence without radicalisation? Still the state/non-state question remains.

Must the intent to create great fear be part of a definition? Consideration of the manner in which fear is created may assist prediction of methods. The threat to infrastructure may or may not have terrorising effects. Infrastructural vulnerabilities that might be exploited by terrorists may also be exploited for criminal purposes, and may be and have been triggered by accident sometimes without terrorising effects.

The reach of the terrorist through modern transport and communications is matched by the reach of the States in exerting their power. Associate this with Saul's concept that terrorism, to be recognised as such, must be above the threshold of the background level of violence and the importance of homeland security and defence is highlighted.

Finally terrorism resonates with the public which s both the target and potential camouflage for terrorist action, and should not be seen merely as a passive observer. If

65 Interview with author, April 2008.
66 Lord Neuberger et al, *Judgement R v Gul* (Appellant), (London: United Kingdom Supreme Court, 2013).

that public is directly affected by terrorism, it cannot be considered a lay observer. If the official definitions used in such areas do not resonate with that public's expectation then results may be unpredictable.

Eisenhower's view that plans are nothing but planning is everything is apposite to the definition of terrorism. While a common definition is elusive, consideration of what should be in a definition is not wasted. This consideration is a means of exploring the phenomenon and should provide a reality check on changed circumstances or new vulnerabilities and, most importantly, it should allow us to challenge our preconceptions.

LT ANTHONY DUFFY

To What Extent does Technology and Religion Contribute to the Radicalization Strategies of ISIS?

ABSTRACT

This paper considers the key influencers driving the radicalization strategy of the Islamic State and examines the role of technology and religion in the process. In the wake of a spate of attacks on European cities, the media tend to point the finger squarely at internet based technologies in order to explain how middle eastern terrorists can facilitate an attack on a European capital. As how else could an isolated terror group directly interact and radicalize individuals without a considerable physical network present? In order to understand how terror groups can continue to inspire individuals to commit large scale murder, despite being geographically removed from those individuals, it is vital that the process by which someone can be radicalized is understood. This paper aims to explore this concept, by first examining the evolution of terrorism and the link between religion and ideology. Then using this basis as a means to understand the and the relationship between religion and technology in the radicalization process.

Introduction

The rise of the 'so called Islamic State' whilst being meteoric, was not without warning. Through the course of this essay I will analyse the current academic works and theory regarding the key influencers driving the radicalization strategy of the Islamic State (referred to as ISIS for the clarity and consistency). The key question being 'to what extent does technology and religion contribute to the radicalization strategies of ISIS'?
I will focus on the period between the years 2000 – 2016 with the goal of understanding the relationship between the use of technology and ideological methodologies in order to achieve a strategic objective. In this instance the objective is the radicalization of the Muslim population to pursue a violent form of Jihad in order to achieve the objectives of ISIS.

New Terrorism

Extremist violence is nothing new nor is violent Jihad, the establishment of a caliphate and a caliph to rule the Ummah (entire Muslim community) has been a common ideological goal for centuries. However the barbarity of ISIS has captured global attention in a way that has not been seen since 9/11.

The relationship between this new terrorism and religious terrorism is evident in the violent Jihad associated with global terror trends since 2000. The Global Terrorism Index (GTI), from the Institute for Economics and Peace[1] 2016, states that the top 10 terrorist

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1 Peace, Institute for Economics and. 2016. "Global Terrorism Index 2016." economicsandpeace.org. 05 12. Accessed August 09, 2017. http://economicsandpeace.org/wp-content/uploads/2016/11/Global-Terrorism-Index-2016.2.pdf.

groups were Islamic, with the top four groups being responsible for 74 per cent of all deaths from terrorism. In 2017 it is predicted that this figure will be much higher.

Religion Vs Ideology

In understanding the implications of New Wave Terrorism and religion, it is beneficial to note the comparison between Religion and Ideology. As noted by David Satter "All religions are ideologies. Not all ideologies are religions"[2]. Satter posits "that a religion becomes an ideology when man-made dogma is treated as infallible truth". Elements of this in are explored by Hamid with his assertion that the ideology and the "religious dogma of the 5 pillars made many Muslims unable to use the transcendent moral truth to judge people like Bin Laden".[3]

The 5 pillars of Islam do not present a value system by which a Muslim can be judged on religious grounds. It is here where the 'man-made dogma' of ideology means that by adherence to the ritual, a radical can claim to be acting with religious purity of purpose encompassing the values of their community. Members of ISIS are free to use the fundamentals of Islam to further their cause. "The reality is that the Islamic State is Islamic"[4] in that they can directly quote from religious text to justify their actions. It has also been argued that some Muslims are left in a position where they are forced to declare their scared texts invalid or renounce their faith when considering the actions of ISIS.[5] However this is not a widely held opinion as comparisons could be drawn to fundamentalist Christian groups like Westboro Baptist Church using biblical reference. Whilst ideologies like communism and capitalism can offer both the atheist and the zealot a common set of values. The interchangeable nature of religion and ideology is an important factor when considering radicalization and ISIS.

Ideology, Religion and Radicalisation

Ideology forms an inseparable part of the radicalisation process. The European Commission defines violent radicalisation as "'the phenomenon of people embracing opinions, views and ideas which could lead to terrorism".[6]

It has been suggested that ideology in isolation is not effective and has to be complemented by factors such as sociocultural environment and a psychological need for identity.[7] [8] Using religion as a narrative, a "cognitive framework is built on religious fundamentalism and other ideologies to create solidarity and increase loyalty to the cause".[9]

2 Jamie Glazov, *SYMPOSIUM: WHEN DOES A RELIGION BECOME AN IDEOLOGY?* June 03. Accessed April 15, 2016. http://www.frontpagemag.com/fpm/61861/symposium-when-does-religion-become-ideology-jamie-glazov.
3 Hamid, Tawfik. *Inside Jihad: Understanding and Confronting Radical Islam* Paperback 2008.Abdelhamid
4 Graeme Wood, . *www.theatlantic.com*. March. Accessed December 2, 2015. http://www.theatlantic.com/magazine/archive/2015/03/what-isis-really-wants/384980/
5 Caner K Dagli,. 2015. *The Phony Islam of ISIS*. February 27. Accessed April 08, 2016 http://www.theatlantic.com/international/archive/2015/02/what-muslims-really-want-isis-atlantic/386156/.
6 Directorate General Internal Policies. 2007. *Reventing violent radicalisation and terrorist recruitment in the EU the Threat to Europe by radical islamic terrorist groups.* Brussels, December.
7 Anita Orav, *"Briefing European Parliamentary Research Service.".* March. Accessed April 05, 2016. http://www.europarl.europaeu/EPRS/EPRS-briefing-551342-Religious-fundamentalism-and-radicalisation-FINAL.pdf.
8 Jeroen Gunning, and Richard Jackson. 2011. "'What's so "Religious" about "Religious Terrorism"?' ." *Critical Studies in Terrorism*, Vol. 4, No. 3, 369-388.
9 Ruud Koopmans, "'Religious fundamentalism and hostility against out-groups: a comparison of Muslims and Chritians in Western Europe"." *Journal of Ethnic and Migration Studies* 41:1 33-57

Religious fundamentalism is defined by Orav as "a belief in an absolute religious truth which is challenged by the forces of evil and which must be followed today in the same way as in the past".[10] ISIS is a Salafi Jihadist militant organization that follows an ultra-conservative form of fundamentalist Islam.[11] Their strict interpretation of Sharia law stems from the Wahhabi sect of Sunni Islam. Orav states that; Fundamentalism can be seen to rely on three attitudes:

1.   Believers should go back to absolute and unchangeable rules established in the past.

2.   Rules allow for only one interpretation to be held among believers.

3.   Religious rules should prevail over secular ones.[12]

Academics note that fundamentalist Islamic preachers have developed a sense of Millenarianism, with religious terrorists seeing themselves not as components of any system worth preserving but as 'outsiders,' seeking fundamental changes in the existing system.[13] [14] This message is a powerful tool in influencing the Muslim community, allowing ISIS recruiters to use the galvanization of the West against Islam as validation.

Orav in her article for the European Parliamentary Research Service "if radicalisation is to be considered as a phenomenon based on ideology and religious views, it is important to consider it together with religious fundamentalism, and to set both issues in a broader political, economic, social and intercultural context."[15]

The origins of the contemporary shift towards religious terrorism or the 4th wave can be traced to the 1970's, with the Iranian Revolution and the 1979 Fall of the Shah, coupled with the Soviet invasion of Afghanistan.[16]

Stemming from this spirit of revolution, the move towards Millenarianism (the "belief in a coming ideal society and especially one created by revolutionary action") draws its contemporary inspiration.[17] It has been observed that modern Jihad rallied Arab's to join the ranks of the muhajireen (Arabic for "emigrants").[18] Traveling from different countries, they were being called to join the Mujahidin fighting against the Soviet Aggressor in Afghanistan to prevent the oppression of the Ummah. Radicalization quickly became a global factor.

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10 Orav, "Briefing European Parliamentary Research Service." 2014.P3.
11 Benjamin Hall, *Inside ISIS: The Brutal Rise of a Terrorist Army*. Center Street.2015.P.1
12 Orav, *"Briefing European Parliamentary Research Service."* P2.
13 Martha Crenshaw,""The Debate over "New" vs. "Old" Terrorism.", ." Presented at the Annual Meeting of the American Political Science Association. Chicago, September, 2007.
14 Jessica Stern and J.M. Berger. 2015. *"ISIS and the Foreign-Fighter Phenomenon".* March 08. Accessed December 6, 2015. http://www.theatlantic.com/international/archive/2015/03/isis-and-the-foreign-fighter-problem/387166/.
15 Orav, *"Briefing European Parliamentary Research Service."* P2
16 Benjamin Hall, Inside ISIS: The Brutal Rise of a Terrorist Army.
17 Merriam-Webster.com. 2016. *"Millenarianism".* April 22. http://www.merriam-webster.com/dictionary/millenarianism
18 Graeme Wood. *www.theatlantic.com.*

Since 2003, Iraq has become the focal point of global moral outrage for Muslims all over the world.[19] The injustices of Abu Ghraib and Guantánamo Bay evokes images of the "Crusader" disrespecting Muslim values and encourages anti-Western sentiment.

Religion can be seen to be the corner stone of ISIS strategy. Not on account of the associated value systems, as discussed earlier, but for the rituals associated with being a 'Good Muslim'. This perceived legitimacy allows for influential individuals in a society to open a discourse based on shared cultural beliefs. Moderate Muslims who still adhere to societal value systems and beliefs can be appealed to directly. The connotations of calling hijra had previously been a call to arms, now it is a call to all Muslims to help build an Islamic state, their own Caliphate. In June 2014, ISIS released its propaganda and recruiting piece "The Chosen Few of Different Lands", detailing the experiences of Westerners who had come to take part in Jihad.[20]

Many Muslims feel ostracized they don't belong in Western Society. This excludes non-European Muslim immigrants from truly feeling as if they belong.[21] But even those with strict religious opinions do not feel strongly enough to aspire to violent jihad. When we view the number of Muslims globally vs the percentage of Muslim terrorists it becomes obvious that strong religious belief alone cannot account for radicalization.

The importance of pre-existing social ties is a recurring theme in studies of the journey into radical activism.[22] The same is said to be true historically, as observed with the IRA by Staniland in Kalyva proposes that "the level of cohesion and performance of rebel groups is a function of the pre-war networks".[23] Busher also notes that recruitment can often precede ideological engagement.[24]

What transforms a very small number to become terrorists is mobilization by networks.[25] Groups of friends and communities can become radicalized together. The methodology behind the effectiveness of networks is known by as echo chamber theory.[26] As within these networks, individuals find their ideas supported and echoed by other like-minded individuals. Sageman observes that through "amplifying grievances, intensifying bonds and breeding values that rejected those of their host societies" group cohesion is ensured.[27] Group dynamics and human nature resulted in a spiral of mutual encouragement with the descent to radicalisation eased through the security of groupthink. The turn to violence and extremism becomes a collective decision, rather than an individual one.

McCauley and Moskalenko discuss three groups of pathways towards radicalization; individual, group and mass. Noting how large populations can also be radicalised through

19 Marc Sageman, *Jihad: Terror Networks in the Twenty-First Century*. Philadelphia: University of Pennsylvania Press. 2008.
20 Stern and Berger. *"ISIS and the Foreign-Fighter Phenomenon".*
21 Sageman, *Jihad: Terror Networks in the Twenty-First Century.*
22 M. Ranstorp, *In Understanding Violent Radicalisation: Terrorist and Jihadist Movements in Europe.* Abingdon: Routledge. 2010
23 Stathis N. Kalyvas. 2001. "New' and 'Old' Civil Wars: A Valid Distinction?".*World Politics* 99-118.
24 J. Busher. *The Making of Anti-Muslim Protest: Grassroots Activism in the English Defence League.* Abingdon: Routledge. 2015
25 Paul Staniland, " Networks of Rebellion: Explaining Insurgent Cohesion and Collapse" . *Studies in Security Affairs* Cornell University Press. 2014.
26 Von-Behr, Ines, Anaïs Reding, Charlie Edwards, and Luke Gribbon. 2013. "Radicalisation in the Digital Era: The Use of the Internet in 15 cases of terrorism and extremism." *www.RAND.com*. Accessed April 18, 2016. http://www.rand.org/content/dam/rand/pubs/research_reports/RR400/RR453/RAND_RR453.pdf.
27 Sageman, *Jihad: Terror Networks in the Twenty-First Century.*

some of the same mechanisms as non-state 'terror' groups.[28] Within these three groups of pathways they suggest twelve mechanisms by which people may become radicalised.

1.   Personal victimisation.

2.   Political grievance.

3.   Joining a radical group – the slippery slope.

4.   Joining a radical group – the power of love.

5.   Extremity shift in like-minded groups.

6.   Extreme cohesion under isolation and threat.

7.   Competition for the same base support.

8.   Competition with state power- condensation.

9.   Within-group competition- fissioning.

10.   Jujitsu politics.

11.   Hate.

12.   Martyrdom.

Based on the above 12 mechanisms it can be said that ISIS focus on their 'target market' of young Muslim males. Traditionally, we see victimization as being a primary pathway to radical thinking. The message from Al-Qaeda was always one of oppression from the Imperialist West.[29] The call for Jihad was in response to the weaker Muslim community being in threat in Bosnia, Afghanistan etc. This further links ideological tones like nationalism and religious aspects. ISIS, however, have managed, through clever manipulation of the strategic narrative, to alter their message to one of power.

Academics have noted that research into violent jihadism only mushroomed after 9/11.[30] This area of research is still in its infancy and is "largely fragmentary, small scale, and lacking in empirical rigour, with many issues yet to be explored at all".[31] However with consideration to the aforementioned concepts it becomes clear that ISIS use religion as a key component in the radicalization arsenal. Used in isolation religion or ideology it is not enough to convert a moderate population to an extreme set of beliefs.

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28 Clark McCauley and Sophia Moskalenko. *Mechanisms of political radicalization : pathways towards terrorism.* Noevmber 10. Accessed APRIL 2016, 25. http://www.radicalisationresearch.org/research/mccauley-2008-mechanisms/.2011
29 William McCants *The ISIS Apocalypse: The History, Strategy, and Doomsday Vision of the Islamic State.* Macmillan. 2015.
30 Voxpol.eu. Accessed 3rd April 2016. http://voxpol.eu/background/.2016.
31 Ibid.

Technology

It is important to note that the fast pace at which the technology is evolving, YouTube, came into existence in 2005 and currently has 48 hours of video uploaded to it every minute and Twitter, launched in 2006, now accounts for 500 million tweets per day.

The art of documenting and selling Jihad and terror has evolved with technological advancement in communication and media. Ghost Security Group, a hacking collective that focuses solely upon counter-terrorism, claims to have "terminated over 100,000 extremist social media accounts".[32]

ISIS use a social media department called Al Hayat Media, run by a former German Rap artist. Their role is to develop and manage the group's online presence and target the approximately 1.6 billion Muslims with a median age of 23.[33]

Evidence suggests that ISIS are using social media to target an even younger audience. David Kilcullen observes that "The average age of al-Qaeda recruits to Osama bin Laden's organization after 9/11 was between about 15 and 25.[34] The average age of recruits…in the West seems to be something between about 12 and 19". Kilcullen and Sageman note that ISIS is looking at a younger audience, more integrated with social media. Using modern filtering and online marketing, ISIS can tailor their radicalization approach.[35]

As discussed earlier, the importance of networks in considering ideology and religion is a continued theme in analysing the impact of technology. The internet is a global network. It is widely accepted that many people feel they do not belong, yet they do not aspire to wage violent jihad. What transforms a very small number to become terrorists is mobilization by networks. The act of networking is improved through the online medium and, thus, we see the facilitation of more efficient radicalization.

Sageman also notes that "the same support and validation that young people used to derive from their offline peer groups now found in online forums".[36] These forums have become virtual marketplaces for extremist ideas and the "invisible hand" that can organize terrorist activities worldwide. Holman uses an example of the movement of a radicalized group from France to Syria to illustrate the effect. The group were able to overcome the "initial absence of relational networks to locate a facilitator by turning to virtual networks, from which they were able to bridge their local circumstances and connect to the Syrian theatre".[37] Holman observed that "the creation of relationships can now occur through virtual willy channels – the contingent nature of facilitation of 'being in the right place at the right time' has to a certain extent altered with access moving from physical spaces

32 Don Reisinger, ISIS Has a *New Weapon: A Smartphone App*. December 10. Accessed December 15, 2015. http://fortune.com/2015/12/10/isis-smartphone-app/.2015

33 David Talbot, *Fighting ISIS Online*. September 30. Accessed December 4, 2015. http://www.technologyreview.com/review/541801/fighting-isis-online/.2015.

34 David Kilcullen, David Shipley, and Joanne Myers. *Blood Year: The Unraveling of Western Counterterrorism*. March 22. Accessed April 22, 2016. https://www.carnegiecouncil.org/studio/multimedia/20160322/index.html. 2016.

35 Sageman, *Jihad: Terror Networks in the Twenty-First Century*.

36 Ibid

37 Timothy Holman. "'Gonna Get Myself Connected': The Role of Facilitation in Foreign Fighter Mobilizations." *Perspectives on Terrorism Volume 10*, Issue 2 P8. , 2016

to virtual ones".[38] It can be noted that face-to-face radicalisation has been replaced by online radicalisation in a lot of cases.

Extremist groups like ISIS established a very effective and procedural system of recruitment and radicalization:[39]

1. **Information channels and frame acquisition** "Social networks provide an avenue through which prospective participants can come into contact with information about 'the cause'".[40] The private and relatively anonymous nature of this medium provides a degree of protection to both parties.

2. **Processes of identification:** Existing social ties can facilitate the radicalization process. If a group identify with a particular issue or collective identity, the individual is more likely to identify with and feel an affective bond with that issue.

3. **Facilitating first contacts:** The process and the anxiety that may be experienced by an individual in looking to make contact is removed. Accessing the relevant people regardless of how "senior" in an organization is facilitated by the horizontal nature of a forum style.

4. **Group decision-making:** Group think and reaffirmation of purpose allow for the bypassing of any hesitancy. When acting as part of a group, individuals who may harbour moderate convictions can develop herd mentality. In a study involving Right Wing Hooligan elements, it was noted that external groupings may get involved or make a collective agreement to attend an event.

Busher also discusses the relevance of Social networks and post-recruitment processes of radicalisation and notes how social networks can also shape processes of radicalisation post-recruitment.

1. **Tactical learning:** Social networks provide individuals with information and instruction on a variety of mediums. ISIS use PDF versions of the Dabiq magazine to provide aspiring terrorists instructorless lessons on everything from assassination to bomb making.

2. **Confirmation bias:** Social networks, 'can operate as polarization machines because they help to confirm and thus amplify peoples' antecedent views.'[41] Engaging with a close network who hold extreme beliefs, provides reassurance that what they are doing is normal. Whilst being a 'social' network, the confines of the group means that group members are encouraged to be reclusive, the group in effect becomes self-policing. When activities are open for view and discussion, individuals then are dissuaded from engaging in any activity outside of the status quo.

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38 Ibid. P 20

39 J. Busher. *The Making of Anti-Muslim Protest: Grassroots Activism in the English Defence League*. Abingdon: Routledge. 2015

40 Peter R. Neumann, ""Options and Strategies for Countering Online Radicalization in the United States"." *Studies in Conflict and Terrorism* 36 (6) 431-459. 2013.

41 Cass Sunstein, "*Going to Extremes : How Like Minds Unite and Divide.* ." 24. New York: Oxford University Press. 2009.

3. **Shaping conceptions of legitimate action**: Groups who "encourage participants to sever social ties with wider society are particularly prone to tactical radicalisation". The social ties that connect individuals to radical political movements make people less inclined to leave even when they may have doubts about the cause or activities they are undertaking. Fear of being excluded and ostracized by their peers keeps individuals from expressing any alternate view's.[42]

Von-Behr, et al. examined primary data of 15 radicalised individuals, of which nine were convicted for acts of terrorism in the UK. The study made use of interviews, trial records and computer registries as well as directly interviewing their subjects. They came to the following empirically-informed conclusions:[43]

1. The Internet affords more prospects for radicalisation. For all 15 cases, the Internet was a "key source of information, communication and of propaganda for their extremist beliefs".

2. The Internet provides a "greater opportunity than offline interactions to confirm existing beliefs".

3. The Internet does not necessarily accelerate the process of radicalisation.

4. The Internet is "not a substitute for in-person meetings but, rather, complements in-person communication".

5. The Internet does not necessarily increase the opportunities for self-radicalisation; interactions, be they physical or virtual, are still crucial for radicalisation.

Von-Behr also found data to support the suggestion that the internet may act as an 'echo chamber' for extremist beliefs. This confirms the previously mentioned point that; "the internet may provide a greater opportunity than offline interactions to confirm existing beliefs". From this we can see the importance of the physical social network or grouping as discussed earlier by Sageman and Staniland. Paul Gill, et al. Made an analysis on a number of case studies in order to develop an empirical understanding on some key questions regarding radicalisation.[44]

(a)   Whether those who interact virtually with like-minded activists display markedly different experiences than those who do not

(b)   whether the online space is an enabler for radicalisation or a substitute for previous locations in which radicalisation occurred

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42 J. Busher. *The Making of Anti-Muslim Protest: Grassroots Activism in the English Defence League.* Abingdon: Routledge. 2015
43 Ines, Von-Behr, Anaïs Reding, Charlie Edwards, and Luke Gribbon.. "Radicalisation in the Digital Era: The Use of the Internet in 15 cases of terrorism and extremism." *www.RAND.com*. Accessed April 18, 2016. http://www.rand.org/content/dam/rand/pubs/research_reports/RR400/RR453/RAND_RR453.pdf. 2013
44 Paul Gill, Emily Corner, Amy Thornton, and Maura Conway. 2015. *What are the roles of the internet in terrorism Measuring Online behaviours of Convicted UK Terrorists.* Vox-Pol Publication, VOX-Pol Network of Excellence.

(c)   how the Internet has helped individuals overcome some of the hurdles involved in undertaking a terrorist attack.

Similar to Von-Behr, the focus of the study was on those who were either convicted in the UK or died in the commissioning of a terrorist act in the UK. In total 227 offenders fit the profile.

It was observed that "the offenders captured in this database were largely male (96%). They ranged in age from 16 to 58 with a mean age of 28". The mean age of the individuals is similar to David Kilcullen's profile of the individuals ISIS are targeting for radicalization. Gill, et al. posit that there is "no easy offline versus online radicalisation dichotomy to be drawn. It is a false dichotomy. Plotters regularly engage in activities in both domains". It is noteworthy that from 2012 onwards 76% used the Internet to learn about some aspect of their intended terrorist activity. They go on to surmise that "Radicalisation should therefore be framed as cyber-enabled rather than cyber-dependent".[45]

ISIS have shown that they have a keen understanding of this. As can be seen from their multi-spectrum approach ensuring that there is a cohesive link between all aspects of their programs to recruit and radicalize. The high production values and 'Call of Duty' style approach to the viral propaganda campaigns is easily accessible to their target audience. It is also noteworthy that ISIS appear to have an understanding as to the importance of networks. We see evidence of this in the August 2014 video, which called for the muhajireen to join the caliphate.

Conclusions

It has become clear that neither technology nor religion in isolation, are effective in effectively forming a strategy.

Despite contemporary thinking and academic observations, it evident that the internet is not the single most important method or mechanism of radicalisation. The internet provides an instant medium for the purposes of education, dissemination and training. ISIS under Abu Bakr al-Baghdadi may call for Lone Wolf style attacks and an independent Jihad. But despite the readily available materials and instructions the instances of an individual becoming radicalized in isolation are minimal. Technology provides a fast moving medium for an ideological message. In order for ISIS to engage in effective radicalization of a population or community. A real world and grass roots network is required. Everything else is merely a medium or a facilitator.

The effectiveness of ISIS' strategy is as a result of a successful merging of both factors. The hugely successful utilisation of Twitter coupled with a powerful Islamic message. The idea of 'the caliphate now', as opposed to' a caliphate someday' provides their narrative with strength and relevance. The disaffected Muslim youth as identified in the aforementioned studies are seeking a sense of belonging to a movement larger than themselves. ISIS are reaching back to the local networks and requesting they gather to

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45 Gill,et al. *What are the roles of the internet in terrorism Measuring Online behaviours of Convicted UK Terrorists*. Vox-Pol Publication, VOX-Pol Network of Excellence. 2015.

collectively profess solidarity with a distant group of terrorist idols, whom they can follow online. The broadcasted barbarity provides exhilaration, which in turn is justified spiritually and morally through a constructed 'echo chamber' that transcends the online medium. To conclude it is the combination of technology and a strong religious message that explains the radicalisation strategy of ISIS.

Abstracts

73 Senior Command and Staff Course

MA in Leadership, Management and Defence Studies.

COMDT OLLIE CLEAR

Improving the Gender Balance of the Defence Forces –
Replicating Past Successes.

ABSTRACT

It has been 37 years since the first women joined the Irish Defence Forces and over 24 years since the full integration of women was announced. Currently, women make up just 6.1 per cent of the Defence Forces strength. The gender imbalance in the Defence Forces has been a recognised issue for a considerable amount of time.

The literature in reflecting on the participation by women in military organisations identifies the issue of gender to the forefront. Gender in this context refers to the social differences and social relations between men and women and is learned through interaction within society. It is about the ordering of society around one defining premise, the dominance of men over women. The literature points to military organisations as being extremely gendered. Through specific forms of socialisation, disciplinary models, and authority patterns, the military has functioned as a central agency for the construction of the masculine gender. While society is changing and progress is being made, these gender perceptions and stereotypes continue to act as a significant barrier to the participation of women in the Defence Forces. The literature also identifies a significant additional burden on those women that choose to serve.

Through a post-positivist constructivist approach this research utilises grounded theory methodology to develop an understanding of why women decide to join the Irish Defence Forces. This understanding contributes a perspective into the complexity that is gender within the Irish Defence Forces.

In every respect, this study confirms the Defence Forces as an extremely gendered organisation. The participants in this study speak loudly about an organisation that confronts women as masculine at every turn. This was identified by the participants of this study in the Defence Forces induction and training practices, in the advertisement used to attract new entrants to the Force and in the image portrayed of the Force in the media. The resulting gender inequality demands a significant sacrifice from those women who decide to join the Defence Forces. As tokens, these women experience a higher level of visibility and scrutiny of their performance, increased pressure to achieve high-performance standards and social isolation.

This research found that most women are attracted to the Defence Forces by the opportunities that are available within the organisation. These are identified as employment that provides opportunities for adventure and challenge. The quality of training provided is also a consideration. Participants identified with a desire to make a meaningful

contribution to society. For some this desire arose out of a family tradition for others it was more about personal respect and pride. This research has also demonstrated that parents, friends and members of the Defence Forces all have a significant role to play as gate keepers in supplying information and influence to young women in respect of their future career choice.

At the heart of the issue of the under-representation of women in the Defence Forces is the inequality between men and women. For the Defence Forces to be successful in addressing the gender imbalance in the organisation this research points to a requirement to question the values and culture of the organisation with a view to achieving meaningful gender equality.

COMDT RORY MCCANN

Job Rotation and the Defence Forces. Is it the Best Option?

ABSTRACT

Job rotation has always been a key feature of life in any military. Officers rotate through appointments for a variety of reasons gaining valuable experience as they do so. This thesis explores whether the Defence Forces are realising the true potential from job rotation or if there is more to be gained for both the individual and the organisation from job rotation.

The research critically reviews the literature on job rotation in both civilian organisations and in other militaries. It also reviews current Defence Forces human resource management (HRM) policies that are applicable to job rotation and examining its effects on an individual's career. In doing so, it attempts to explore the interrelationship between the benefits to the organisation and the individual and examines whether this balance is having an effect on the possible gains from job rotation.

A sequential explanatory strategy was utilised as part of a mixed method research approach into the phenomenon of job rotation. A survey of both junior and senior officers was conducted in order to gather both quantitative and qualitative data. This survey gathered information from 62 officers from Lieutenant to Lieutenant Colonel. The themes emerging from the survey were then used to explore the issues further with semi structured interviews with members of the human resource (HR) branch of the Defence Forces. A civilian HR manager was also interviewed to gain a non-military perspective.

The findings highlight that the policies and processes being implemented by the Defence Forces in relation to job rotation conform to the literature but also show a number of issues that are reducing the gains to both the organisation and the individual. It unearths the perception that exists amongst officers in relation to job rotation and career advancement and how this differs from that of the HR managers.

On the basis of the findings a number of recommendations are made that may assist the Defence Forces in maximising the benefits from job rotation to both the organisation and the individual.

LT CDR FRANK O'CONNOR

Speak No Evil. Online Political Expression by Members of the Defence Forces

ABSTRACT

Members of the Defence Forces are no less connected or active on social media than their civilian peers – but, unlike those peers, they are forbidden from publicly expressing political opinions. As the centrist consensus politics of recent decades fragments and Irish society becomes increasingly politicised, is this prohibition still relevant? Can it be implemented, encouraged, monitored and enforced? Is there a better way of ensuring the impartiality of the Defence Forces?

This thesis examined the question of political expression on social media by members of the Defence Forces, using a phenomenological approach. Literature was reviewed to explore what constitutes political expression, how online expression differs qualitatively from expression via other media, the legal and regulatory framework for balancing the rights of individuals and the Defence Forces, and the approach taken by a different European military (the German Bundeswehr).

Research was then undertaken by means of active interviewing, using semi-structured interviews to explore the phenomenon, from the perspectives of both military personnel and experts on cyber-law.

A wide range of views was evident in the findings. Participants differed on whether it was possible to discuss some aspects of politics without being drawn into partisan argument. Ease of expression on social media means opinions can be passed on without significant consideration, calling into question whether the sharer actually endorses those opinions. A tension was highlighted between the requirements of Defence Forces personnel to display moral courage and speak out in support of what is right, and the requirement to stifle one's views on political matters. The Defence Forces lags behind the Bundeswehr in respect of educating its members on the place of the military in a democratic society, and on how that should influence the online conduct of its members; conduct which, the research shows, is perceived as being largely unmonitored and unsanctioned.

A number of recommendations were developed from the findings as to how the Defence Forces should grapple with this issue, which will become increasingly important against the backdrop of an ever-more politicised citizenry. These include enhanced education and training, consistently enforcing policies, and updating the relevant regulations (some written in 1937) to increase their relevance to the connected Defence Forces member of today.

COMDT PADDY KELLY

The Irish Defence Forces change Management Culture: a Product of Values and Leadership or Resignation to Inevitability.

Research in the fields of change management, human resources and organisational psychology reveals that employees in private and public sector organisations, particularly at middle-management level, are increasingly suffering from a phenomenon termed change fatigue. Studies demonstrate that change fatigue is influenced by perceptions of excessive change. There is a gap in the literature, however, in terms of its causal factors within an organisation that operates in rapidly changing and uncertain environments, particularly when that organisation may be noted for its ability to undertake successful transformation. This study makes an initial contribution to broadening the discussion on the causes of the phenomenon by exploring aspects of the Irish Defence Forces' change management practices that may contribute to the susceptibility of middle-management to change fatigue. The review of literature focusses on key influencers of employee reactions to change as a framework from which the themes of power-coercive change strategies, change frequency and an inability to resist change emerged.

The research was undertaken from a post-positivist qualitative perspective using a phenomenological approach to the collection and analysis of data. Semi-structured interviews were conducted with Commandants of various service duration and experience to assess the susceptibility of this mid-tier leadership group to developing change fatigue.

The findings indicate that change fatigue is a concern that the Defence Forces must consider within the human domain of change management. The research confirms that perceptions of excessive change contribute to the development of the phenomenon but also finds that the strategy used to execute change requires broader participation in the planning phase, and empowerment during execution to maintain the commitment and engagement of middle-managers. An organisational culture that inhibits the ability to challenge rather than resist change programmes, fuels frustration and emotional responses that facilitate the development of change fatigue. This is exacerbated when change communications are ineffective and when middle-managers are unable to influence the decision-making process while believing that their contribution may better effect the change outcomes for both the organisation and its personnel.

A number of recommendations from the findings include: the development of comprehensive internal communications plans to inform and prepare the followers, and support the officers charged with disseminating the change vision and implementing the intent of the senior leadership; an examination of the participation of middle-management

in the scoping or planning phase of the change decision-making cycle in line with current industry-recommended practices; and the development of a comprehensive educational and skills-development programme to enable an improved change process.

COMDT AP KEOHANE

What do they see? An Examination of the Defence Forces as a Family Friendly Organisation?

ABSTRACT

"Behind every great man is a great woman" is an old saying known by many. In the context of this research, it should it perhaps be put as "behind every soldier is their family".

This thesis examines how the fundamental concept of culture determines how the DF supports its personnel and by extension, their immediate families. The focus of this study is the families of serving personnel in the Defence Forces and its ultimate aim was to hear their voice. The thesis considers the concepts of work-family conflict, work-family interaction in the military context, and work-life balance. In addition it explores supports available to families, both formal and informal.

A qualitative study using a mix of phenomenological and ethnographical approaches was conducted using three different methods to collect data. Spouses of serving members provided the outside perspective by completing a questionnaire, a focus group conducted with serving members provided the inside perspective and a senior staff officer was interviewed to provide the organisational perspective. Thereafter, a comparative analysis of this data, using the information extracted from all participants, was performed.

The research findings highlight that families of serving personnel do not view the Defence Forces as a family friendly organisation and that knowledge and awareness of supports, that are available to families, is extremely low. Long term separations are stressful and challenging for the families of serving personnel and families do not feel supported by the Defence Forces during the time apart. An unexpected finding was that dual service couples feel frustrated at the lack of understanding they receive from the Defence Forces. The introduction of harmonisation measures by the organisation is welcomed but the research has highlighted that there is a need to do more about posting policy, overseas frequency, commuting policy, dual service couples, career advancement policy and geographical organisation. Finally, it was recommended that communication to personnel and their families, about Defence Forces supports that are available, is key to improving perceptions of the Defence forces as a family friendly organisation.

COMDT JOE MULLINS

Should I stay or should I go now? An Exploration into Senior Army Officer Voluntary Turnover from the Irish Defence Forces.

ABSTRACT

Why after a career of over 20 years in the same organisation does a Senior Army Officer decide to leave the Irish Defence Forces? This study explores voluntary turnover of Senior Army Officers, who have been exiting the organisation in large numbers. 59 Senior Army Officers left the Defence Forces of their own volition during the period 01 January 2014 to 31 December 2016. This thesis sets out to understand the factors behind their decision to leave and what, if any, actions can be taken to reduce the turnover of officers and restore confidence in an uncertain climate.

The methodology employed in this research was a phenomenological approach as part of a qualitative study of the factors and motivations influencing the voluntary turnover decision of Senior Army Officers. A web-based survey, with 34 respondents, explored the factors behind the turnover decision and allowed the researcher to focus the questions used during the interview section of the research. The use of a mixed method approach means that the researcher not only researched a larger group of Senior Army Officers that voluntarily left the Defence Forces but the corroboration between quantitative and qualitative data enhanced the validity of the findings. This method also enabled the researcher to gain a deeper insight into the phenomenon being researched.

The findings indicate that officers are leaving the Defence Forces because of a poor organisational climate. Retirees value their previous service in the Defence Forces and to the State. The majority of former officers felt that their careers and professional development was not managed effectively when in service. Family came first for all interviewees and all stated that their work life balance had improved since leaving the Defence Forces. The introduction of financial incentives would not be a cause for officers to remain in service and indeed the Defence Forces offer a competitive 'Total Reward' package.

The Defence Forces has an opportunity to address the identified issues and reduce the ongoing departures. A greater understanding of the main factors influencing the turnover process, will enable a focused and comprehensive approach to retain Senior Army Officers in service.

COMDT FIACRA KEYES

Capability Development in the Defence Forces.

ABSTRACT

Challenging infers a sense of difficulty. This is the climate the Defence Forces occupies today. With multiple roles assigned by Government and an expectation that the Defence Forces will deliver, it behoves the organisation that it remains capable and relevant. This is achieved by continuously modernising through husbanding resources and optimising its capability development.

This thesis critically determines if the Defence Forces has optimised capability development or if there remain areas to be exploited. The process includes an examination of literature, the practices of other military organisations, considerations of the capability development process, organisational learning and an exploration of the human aspect of the conceptual component.

The literature review revealed four main themes associated with capability development; firstly, the conceptual component ensures the rational intellectual foundation and theoretical justification for the Defence Forces. Secondly, organisational structure ensures the management of capability development processes. Thirdly, innovation is a requirement for the successful exploitation of new ideas. Finally, it is the learning organisation which encapsulates the preceding themes.

A qualitative methodological study was employed conducting semi-structured interviews with military and civilian personnel who have been engaged with capability development processes at the strategic and operational levels in the Defence Forces and heavy industry in Ireland. A comparative analysis was conducted between these interviews and documentary evidence. To ensure validity in the study triangulation was realised by merging data gathered from the literature review with semi-structured interviews and documentary analysis. This was grounded in a case study utilising the Defence Forces as the primary case.

The findings of this study identify organisational awareness that capability development is not optimised. Efforts to capitalise on opportunities presented by foreign engagement are advanced. However, cognisance exists of deficiencies in organisational structures which would better facilitate knowledge management and innovation. The establishment of a Capability Development Office would be the embodiment of the Defence Forces as a learning organisation. Furthermore the enshrining of capability development in policy, the White Paper, affords the necessary legitimacy to effect changes required in order to optimise capability development.

Recommendations emanating from this study include: the establishment of a Capability Development Office and the centralising of the Defence Forces Lessons Learned Cell in this office

MAJOR AARON FAßBINDER

The German Perception of War in Afghanistan". How did Germany's Discussion, if the ISAF Mission is to be Considered as a "war"- or not, Affect the Public Opinion

ABSTRACT

After a series of incidents in Afghanistan, including the so-called Kunduz Airstrike and the Good Friday Battle, German Defence Minister Karl-Theodor zu Guttenberg described the security situation in Afghanistan as "kriegsähnlich" (war-like). He later progressed to describing it as "war". This started a controversial debate. Before his pronouncements, the neutral term "Stabilisierungseinsatz" (stabilisation mission) was in official use. His actions stirred debate amongst the press and politicians in Germany about the International Security Assistance Force (ISAF) mission. This debate centred on the political and military objectives in Afghanistan and the label of war.

The thesis examines how language shaped the public discourse concerning the German ISAF mission between 2009 and 2010. It focuses on the political and strategic communication concerning the German contribution to the mission.

This paper examines a variety of definitions of war and discusses their applicability for the ISAF mission in Afghanistan. Although traditional, state-centered definitions of war are still relevant in legal respects, today inter-state wars between two belligerent states are the exception. Therefore, to be useful any definition of wars have to emphasise the effects of warfare and cover inter-state wars, and intra-state wars.

This study also looks at literature concerning the relationship between the media, governments and the military to gain a deeper understanding of the mechanics of communications in a setting with limited access and information such as the one that existed in Afghanistan.

Research examining the dramatic change in Germany's strategic communication requires a qualitative constructivist approach. To gain a deeper understanding of this phenomena, the research is led by a qualitative approach utilising a critical case study. The primary focus of this thesis is a discourse analysis reflecting the interaction between policy makers and the press. Additionally, interviews with the former Minister of Defence Karl-Theodor zu Guttenberg, the former Commander of the Regional Command North (RC North) General Frank Leidenberger, and Christian Wussow, an expert on security and defence policy for the Greens give further depth and context to the discourse analysis.

The research reveals the power of the term "war" in a political frame. Strategic communication has to be credible, reflect the realities in a comprehensible language and explain the military as well as the political goals. While the talk about "war" raised the attention of the German public, the term "Stabilisierungseinsatz" (stabilisation mission) had no resonance with the German public.

COMDT BRENDAN WELD

Military Acquisition Change: Can the current Capability Development Planning Process Adequately Provide for the Future Requirements of the DF?

ABSTRACT

The Irish Defence Forces (DF) is associated with many complex and diverse equipment projects in order to ensure that the DF has the necessary capability to undertake operations successfully considering the inescapable risks often associated with such tasks. Inextricably linked to a country's defence capability is the effectiveness of its procurement practices.

Procurement of defence equipment is unique and complex and it can present many challenges to the organisation. Large capital investment programmes in aircraft, ships and armoured vehicles often represent a thirty-year investment. Modern defence equipment is invariably intricate and expensive to maintain, accordingly defence planners must, therefore, take a long-term view when deciding on equipment required to provide the necessary capability.

This research question, explored through a conceptual framework, set out to critically examine the Irish Defence Forces procurement practices and structures and to raise awareness of better alternatives, where warranted. The research adopted a post-positivist, qualitative research methodology, utilising semi-structured interviews with document analysis employed as an additional source of information and triangulation of data. The use of a case study approach best suited the research where the object was to examine in detail the complexities and nuances of military procurement.

The significance of this thesis emerges from the findings which indicate that there is a difference between military procurement and other forms of procurement conducted in both the private and public service. The findings reveal that the DF is duplicating procurement resources due the decentralised nature of the Directorates and Subheads. The findings also indicate that the DF requires a capability development branch to provide an overarching vision that coordinates the procurement activities of the Subheads to deliver the military effects as defined in a capability development plan.

On the basis of the findings, a number of recommendations are suggested that will assist the DF hierarchy in planning for the future capability needs of the organisation.

COMDT NOEL MAHER

To Determine the Degree of Implementation of a Positive Safety Culture within the DF on Operational Training.

ABSTRACT

Military training is inherently dangerous. The unique nature and roles of the Irish Army (IA) make it necessary, if training is to be realistic, for personnel to experience high levels of demands during operational training, to build resilience and prepare them for both the physical and physiological demands they will encounter on operations. The IA at times, need to engage with risk in operational training, which would otherwise be considered an unacceptable risk in civilian work. However, a balance must be struck between acceptable levels of risk and realistic training. The purpose of this thesis is to determine the degree of implementation of a positive Safety Culture within the IA while on Operational Training. An organisation's safety culture has a major effect on how risk is perceived, accepted and controlled. Poor safety culture leads to accidents. Accidents result in pain and suffering inflicted on individuals and their families, loss of trust by Defence Force members in its organisation and its values, unnecessary strain on the resources through the resultant loss of personnel, and indeed the financial loss through reduced productivity, compensation and legal payments. A mature safety culture is linked to good leadership, greater productivity, employers and employees who have actively taken ownership of risk and an organisation built on trust.

A sequential exploratory strategy was used to gather information that involved the collection of qualitative data from a focus group and interviews. Based on themes that emerged, a quantitative data collection survey was conducted, to validate and triangulate the findings. This mixed method of research allowed for the researcher to gain an in-depth insight into key themes as well as exploring the prevalence of a positive safety culture across the IA.

It emerged quite clearly from the research that military training is safe and reduces unnecessary risk as far as reasonably practical and there is an in-depth understanding by all ranks, at all levels within the organisation, that militaries cannot avoid risks. The DF has shown to have strong learning culture where the organisation is willing to adapt and change and is open and flexible to continuous improvement through external evaluation and alignment of Safety Management best practices. The IA is currently working to improve its reporting culture. However, at middle management within units there appears to be a resistance to communicating negative outcomes and reporting inabilities in line with a military can do culture. Recommendations include the promotion of a just culture, empowerment of middle management through safety leadership and safety

risk management instruction on career courses. IA to engage with a validation system for checking procedures on training exercises and to investigate the extent that lack of resources is having on operational units training and safety standards. It is clear that the organisation faces a number of challenges. While the achievement of a total safety culture is challenging in any organisation, in the military organisational context it is further challenged by the uniqueness of the demands on the IA.

COMDT CONOR O'SHEA

What can we learn from how the Irish Defence Forces occupy the Humanitarian Space on Peace Support Operations?

ABSTRACT

Members of the Irish Defence Forces have been interacting with humanitarian actors and local communities since the beginning of its first contribution to overseas peacekeeping missions in 1958. In 2003, it introduced the concept of Civil-Military Cooperation to formalise this interaction and as the country with the longest unbroken record of overseas service in the world, the Defence Forces has gained huge experience in this regard. This thesis looks to harness that experience in order to learn more about how we should occupy the humanitarian space on Peace Support Operations.

Overseas service is central to the very existence of the Irish Defence Forces. Within that fundamental undertaking, interaction with the local population and humanitarian community, to varying degrees dependent on the mission, will be an everyday occurrence. While Civil-Military Cooperation will never trump operations in priority on these missions, its conduct, successful or otherwise, can have a major bearing on the overall success of the mission.

The research was conducted from a post-positivist, qualitative research position utilising autoethnography and participant observation to draw on my own experiences and those of guest lecturers with a unique insight into the topic. Furthermore, interviews were conducted with candidates sharing a broad range of backgrounds and experiences; military, humanitarians and some with experience in both.

The findings indicate that education underpins the discourse on the topic of Civil-Military Cooperation, both from the Defence Forces perspective and that of the humanitarian community. A full understanding of each other's practices, priorities and cultures through a shared platform in the more benign home environment is an essential starting point towards more fruitful relations in an overseas setting.

The thesis proposes a number of realisable recommendations around the area of shared educational and training opportunities as well as practical suggestions that should improve how personnel from the Irish Defence Forces interact with the local population and humanitarian community on overseas Peace Support Operations.

MAJOR MASON THORNAL

Trust in Mission Command – The Critical Component?

ABSTRACT

The threats presented by today's battlefield are moving at the speed of an increasingly interconnected and complex world. In order to effectively counter these threats, the United States Army needs to fully institutionalize the Mission Command philosophy to produce leaders who are empowered to conduct decentralized operations in pursuit of their commander's intent at all levels. This thesis critically examines the conditions that lead to the successful cultivation of Mission Command within organizations and determines the utility of those findings to the U.S. Army. Specifically, what is the linkage of trust to the successful implementation of Mission Command? Three key themes emerged from the primary research:

1.) Mission Command is happening at the unit level,

2.) Trust is central to Mission Command, but other leader traits are needed and

3.) More emphasis is needed to fully institutionalize Mission Command, specifically in the areas of leader development and training. Several key leader attributes were also identified in the research as being critical to the cultivation of Mission Command within units. These research findings identified room for improvement to the current U.S. Army Leadership Requirements Model to better align it with the principles that underpin Mission Command and to further institutionalize this philosophy across the Army.

LT CDR BRIAN MATHEWS

Big Brother is watching you. Has the Irish Naval Service suffered any side Effects in Migrating to Network Enabled Operations?

ABSTRACT

How do you effectively patrol 880,000 square kilometres of ocean, teeming with fishery activity and dissected by a narcotics highway into Europe with only eight naval ships? This is the challenge of the Irish Naval Service and the solution has been to engage technology to create a force multiplier. The Recognised Maritime Picture system delivers a Network Enabled Operations (NEO) approach to patrolling Ireland's vast maritime jurisdiction. Having entered into operational service in 2014, it has transformed the method of patrolling, ensuring ships patrol effectively and as part of a combined team where the right information is shared to the right people and at the right time. This is achieved through a near real-time common operational picture of Ireland's vast sovereign ocean segment, monitoring all available vessel tracks and naval ships' sensors. Three years after implementation, and on the cusp of proliferation of this technology to the wider Defence Forces, this thesis explores whether any side-effects exist within the Naval Service in adopting a network enabled approach to operations.

The literature bristles with the capabilities Network Enabled Operations deliver to a military force. But equally it warns that it is far more than technology, there are socio-cognitive elements to be considered that are perhaps a greater challenge for an organisation than the entire technical solution. Documented ailments such as micro-management, decision paralysis, and poor trust relationships are some of the side-effects that 'humans in the NEO loop' can suffer with.

The thesis methodology employed a triangulation approach to this case study; using in-depth semi-structured interviews, and a focus group to gain contrasting views of the NEO decision makers in the NS operations community. To gain an external view, key subject matter experts were interviewed from the European Defence Agency and the Irish Army. A reflexive posture was adopted by the researcher due to his extensive knowledge and experience in this subject.

The research found that the Recognised Maritime Picture has delivered the capabilities of NEO. The operational effect has been a transformation of capability in particular during high-profile pressurised operations. However during routine patrolling operations, side-effects are evident. A key finding is the requirement for an appropriate policy implementation strategy to develop a network enabled approach to operations. A trust environment among the decision makers promotes the operational enhancement NEO

can deliver. The lack of NEO doctrine affects trust relationships as Defence Forces personnel are not trained or educated in best practices. This hampers the development of standard operating procedures, which may cause personalities or interpretations to fill the void A clearly understood and well communicated commander's intent is critical in providing freedom of execution to Tactical Commanders in support of the mission command philosophy facilitated through NEO.

LT CDR TONY WILSON

Fail to plan, plan to fail. The case for Implementing Standardised Project Management Process Methodologies and Structures in the Irish Naval Service

ABSTRACT

The aim of this research is to identify if there is a case and commitment within the NS for the development of project management (PM) capability through the creation and implementation of its own PM methodology and associated training course.

The themes that emerged from a review of the literature include the importance of senior leadership support, PM methodology, training and experience. These themes, combined with the author's subjectivist ontological and interpretivist epistemological stances, shaped the qualitative research strategy which was applied by conducting phenomenological research using the methods of semi-structured interviews and qualitative questionnaires.

The research reveals that the NS may be falling out of step with current best practice in relation to PM by not having a PM methodology and policy in place. It reveals that the NS finds it difficult to deliver projects on time, within budget and to specification. The research indicates that there is a case for the development of a tailored PM methodology, policy and associated training course for the NS and that there is commitment from both junior and senior leadership in this regard. Having well-grounded PM capability within the organisation will help it to address the considerable challenge of ensuring that limited resources are utilised with maximum efficiency.

The study recommends that a tailored PM methodology be developed for the NS along with associated policy and training course and also recommends an overhaul of SOP55.12, the governing document for management of refits.

COMDT DAVID BRENNAN

Is Innovation Supported in Irish Military Aviation Maintenance and can it play a role?

ABSTRACT

The ability of a military organisation to adapt to changes internally or externally in an innovative way is vital to its success and its ability to effectively deliver its defence capabilities. The focus of this study is Irish Air Corps (IAC) engineering which is currently stagnant and too reliant on familiar processes and procedures. The need for an innovation process is essential considering engineering is experiencing increasing demands for aircraft operations and continued depletion of technical staffing levels. This thesis sets out to understand the innovation process; what is required to encourage the creative resources in the organisation and identify the factors that would assist in implementing innovation in the IAC for engineering.

The thesis critically evaluates the IAC's ability to achieve a creative culture and establish an innovation process. An examination of the relevant literature highlighted three main themes associated with organisational creativity and innovation; firstly, the culture in the organisation is the cornerstone to successfully stimulating creativity and accepting change in an organisation. Secondly, the structure must be flexible and accept that it must adapt to the different stages of the innovation process. Finally, it requires a leadership that understands its responsibility in maintaining the process and provide a strategic vision.

The research utilises a phenomenological approach as part of a qualitative investigation to get a sense of innovation from the engineering environment. In-depth interviews were conducted with two senior officers who represent key members in the innovation process at Air Corps Headquarters (ACHQ) level and engineering. From the interviews a number of themes arose which gave shape to a survey. A web-based survey explored the factors and perceptions relating to innovation from serving and retired Aeronautical Engineers (AE). Using a mixed method approach, combining both interviews and a survey, enabled the researcher to gain a deeper insight into the phenomenon being researched.

The findings indicate that the IAC aspires to be an innovative organisation; there is a willingness to change cultural norms, reap the benefits of creative ideas and encourage new ways of doing things. However, it is acknowledged that the present organisation does not facilitate creativity and innovation. The culture and the leadership must be orientated towards innovation which can be assisted by a strategic policy, communication of goals and objectives, and a flattening of the organisation. Finally, once a process for innovation exists, partnerships with industry and institutions can be established in order to progress

innovation, provide for knowledge sharing and best practices, and ensure professional development.

Embracing the spirit of innovation will facilitate IAC engineering in the dynamic environment it finds itself in, enabling it to remain flexible and adaptable for the future. A culture of creativity needs to be encouraged where norms are challenged and innovation is allowed to develop and shape the organisation.

COMDT FRANK BYRNE

Trust Me, Trust Me, I'm A Pilot. The Journey Towards a Just Culture in the Irish Air Corps.

ABSTRACT

A Just Safety Culture is one where the reporting of errors is encouraged, and honest mistakes are not punished, allowing others to learn. The Irish Air Corps (IAC) has taken great strides towards the realisation of a Just Safety Culture. However, a Safety Management System (SMS) Review conducted in 2013 highlighted certain issues which were impeding the development of Just Safety Culture in the organisation. One issue highlighted is that of trust in the efficacy of the system. Earning the trust of the reporters is of paramount importance if the reporting of errors is to be realised. The focus of this study is to examine to what extent front-line pilots place their trust in the SMS of the IAC. The study will concentrate on the lived experiences of the pilot-body of the IAC.

A mixed-methods sequential exploratory strategy was pursued by the author in seeking to answer the research question. In phase one, the pilot-body of the IAC was surveyed. This gathered 56 responses and resulted in the emergence of themes which were the focus of the semi-structured interviews. In phase two, the General Officer Commanding (GOC) the IAC was interviewed to gain a strategic organisational perspective. A middle management viewpoint was provided through an interview with a Squadron Commander, and two front-line pilots were also interviewed. Finally, the Air Corps Flight Safety Officer (ACFSO) was interviewed to gain his insights. The survey and interviews provided a mix of qualitative and quantitative data. This mixed-methods approach allowed the author to gain an in-depth insight into key themes and explore their prevalence within the IAC.

The findings highlight a generational change that is currently underway in the IAC. This is having a positive impact on trust relationships. However, critical HR challenges are placing a strain on certain facets of safety management in the organisation. A focus on administrative responsibilities is resulting in a perceived reduction in time devoted to supervision and mentoring.

IAC management is keen to support and promote the concept of Just Safety Culture and evidence suggests that the organisation is on the right track. The majority of pilots trust in the efficacy of Just Culture in the IAC. However, challenges remain, with a significant minority reporting a lack of trust in the 'Justness' of the system. Constant effort and engagement is necessary to demonstrate a desire to promote Just Culture throughout the IAC.

COMDT BARRY SILLS

Sleep Walking Towards Safety. The role of Military Culture in Fatigue Management in the Irish Air Corps.

ABSTRACT

Countering fatigue is a challenging proposition in complex aviation operations. This research is composed of three distinct objectives; to establish if fatigue is a factor in the IAC, to identify if there is a positive or negative attitude towards fatigue management in the IAC and finally to determine if military culture influences safety management to the extent that it inhibits open communication with regard to the reporting of fatigue.

Data for this qualitative approach was generated through a number of semi-structured interviews. These interviews were supported through the selection of a past incident involving fatigue and an analysis of existing data held by the ACFSO.

Analysis of this data confirms the existence of fatigue as an issue in the IAC. In addition, it is evidenced that military culture is adversely affecting both the reporting of fatigue and open communication about fatigue. It also indicates that fatigue management in the IAC is an issue in need of redress.

The IAC has demonstrated that it is an organisation that embraces safety initiatives. Within this safety culture, the IAC must acknowledge the existence of fatigue, particularly amid the prevalent influence of military culture. It must adopt initiatives aimed at confronting fatigue. It must be noted that fatigue cannot be eliminated, it must be manged. It is the responsibility of all in the IAC to manage such a threat.

COMDT COLIN MACNAMEE[1]

European Union Battlegroups - What are the Benefits of Ireland's Continuing Participation in the Eu Battlegroup Concept

ABSTRACT

The Defence Forces (DF) first participated in an EU Battlegroup in 2008 by committing an Improvised Explosive Device Disposal Unit to the Swedish led Nordic Battlegroup. Since then the DF has committed troops and resources to three other Battlegroups led by Sweden and Germany. The EU has never deployed a Battlegroup.

The research aim of this thesis is to examine the DF's experience in the Battlegroup project to date and identify the benefits of our continuing participation when considering the considerable human and equipment resources committed and the non-deployment of a Battlegroup to date.

The research methodology considers Ireland's engagement with Battlegroups as a case study, applying a post-positivist, qualitative approach. Ireland and the DF's experiences are considered at the Strategic, Operational and Tactical levels using semi-structured interviews and a focus group to listen to actors at all levels with direct experience of engagement with EU Battlegroups.

The findings indicate that DF participation enhances Ireland's reputation with its EU partners and ensures that Irish foreign policy is represented in decisions made at EU level. Battlegroup Units provide the ideal platform not only to develop and enhance our own capability but also to meet new roles assigned to the DF in the 2015 White Paper on Defence in the areas of innovation and engagement with industry and research entities. The research finds that DF personnel who participate in Battlegroups can gain enormously from their service if selection criteria, career enhancement opportunities and post service conditions are fully aligned.

The study recommends continued participation in Battlegroups whilst considering attempts to streamline EU and national decision cycles. Battlegroup Units are recognised as ideal platforms for organisational capability development and industry outreach. It is further recommended that the return on investment of personnel and resources could be enhanced through the deployment of a Battlegroup unit on Peace Support Operations at the end of their standby phase if not deployed by the EU.

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1   Corrigendum DF Review 2016

Short Biographical Details - Contributing Authors

Vice Admiral Mark Mellett DSM, PhD
Chief of Staff of the Irish Defence Forces
Vice Admiral Mark Mellett has over 39 years' service as an officer in the Irish Defence Forces. He is the first Naval Officer in the history of the Irish State to serve as Chief of Defence, having previously served as Deputy Chief of Defence and Head of Service. He commenced his military career as an Army reservist, serving in the reserve and enlisted ranks for over 4 years as an NCO and Officer Cadet.

For over two decades he has been a change leader, contributing to ongoing transformation and positioning the Irish forces in a post-modern setting. As Deputy Chief of Defence he led the Military input to the 2015 White Paper for Defence and on appointment as Chief of Defence, in partnership with Government, he quickly stood up implementation of over 80 major projects driving transformation. During the same period, Vice Admiral Mellett led the Irish Defence Forces' adoption of NATO's OCC E&F and Standardisation frameworks.

Vice Admiral Mellett has extensive experience at home and abroad, including in Afghanistan and Lebanon, in combined and joint operational missions. During his service at the Divisional HQ in Kabul with ISAF, Mellett conceived and drove the development of a 'cross cutting' framework between Afghan Officials, Coalition Forces, NATO/ISAF Forces and the UN. His capacity to act as an 'honest broker' proved highly effective in attaining unity of effort among disparate stakeholders in complex scenarios. As a specialist Naval Diving Officer and Commander of three seagoing commands, Vice Admiral Mellett participated in and led numerous counter terrorism and counter narcotic operations, often in very challenging sea conditions. He was the second Naval Officer in the history of the Irish State to be awarded "The Distinguished Service Medal (DSM)" by the Irish Government for his leadership of a complex maritime narcotics interdiction operation.

Vice Admiral Mellett is a champion of internal and external organisational diversity. He led the introduction of a Diversity and Inclusion Strategy in the Defence Forces (the first of its kind in the Irish Public Service), which focussed on gender, culture, creed, generation and sexual orientation. He is a strong advocate of external networks and partnership with other militaries, state bodies, research institutes and enterprise. He was co-founder of the 'Triple Helix' innovation partnership, the Irish Maritime and Energy Resources Cluster, between the military, academia, and enterprise, which received the Prime Minister's Public Service Excellence Award in 2012. The Cluster fuelled capability development within the military while facilitating academic research, new company spin outs and job creation.

Holder of a Doctorate in Political Science and a Masters in Government and Public Policy, Vice Admiral Mellett has a keen interest in research with a focus on European security, innovation, diversity and leadership within the framework of values. He has been

a member of the European Security Research Innovation Forum (ESRIF). He has also been a Visiting Professor abroad in Liverpool Hope University and is currently an Adjunct Professor of Law at University College Cork. He was the distinguished top graduate of each of the senior command and staff courses he attended at the Irish Military College, the US Naval War College and the UK Royal Naval College Greenwich, receiving course research awards on all three courses.

Capt Deirdre Carbery LLB joined the DF in 2004 and was commissioned to the 5 Inf Bn. Captain Carbery served overseas as Platoon Commander with UNIFIL in 2013. She previously served as an Instructor in the United Nations Training School Ireland (UNTSI) and has taken a lead role in the international and national level gender-policy planning and in deployments overseas in implementing the UNSCR 1325 and the Women Peace and Security Agenda. Her current appointment is as Aide De Camp to the Chief of Staff, Vice Admiral Mark Mellett.

Cdr (NS) Pat Burke is a Defence Forces Legal Adviser with 31 years' service. Commissioned into the Naval Service he has commanded State ships at sea and holds BCL and LLM Degrees from UCC which he completed while serving afloat, Barrister-at-Law Degree from the Honorable Society of Kings Inns and a first class honours MA (LMDS) Degree from NUIM. He was awarded the Lt Gen Tadhg O'Neill award for best military student on the 63rd Senior Command and Staff Course. He has completed professional military and legal courses with the Royal Navy, Defence Institute US Navy War College, International Institute of Humanitarian Law, Institute of Migration, UK Army Land Warfare Centre, the University of Liverpool, the Law Society and the US Army JAG Corps. He has lectured on behalf of the Defence Forces on the law of armed conflict, international human rights law and the law of the sea both home and abroad including at All Souls College, Oxford. He deployed as Legad for Operation Althea in Bosnia and with Irish Battalion Commanders in Chad and Lebanon. He was the Legad for Operations Seabight and Unity during the successful interdiction of cocaine at sea by the Naval Service. He is currently serving with UNIFIL as Legad to the 110th Inf Bn.

Comdt Ronan Corcoran is a Staff Officer in Operations Division, DFHQ. He has served on fifteen tours of duty on seven Peace Support Operations, including UNIFIL, KFOR, UNMEE and UNTSO. He was Senior Operations Officer in MINURCAT in 2009 and Officer Commanding the first Irish contingent to EUTM Somalia in 2010. In 2011 he was posted to Germany, where he served with the EU Battlegroup until 2013. In 2014 he deployed to the Golan, where he observed and reported on the battle for control of UNDOF's Area of Separation by jihadists. He holds a BSc (hons) in Communication Studies from Trinity College Dublin, an MA in Communication and Cultural Studies from Dublin City University, an MA in Leadership, Management and Defence Studies from National University of Ireland Maynooth and an MSc in Security, Conflict and International Development from University of Leicester's Department of Criminology.

Brendan Flynn has been a lecturer within the School of Political Science & Sociology, NUIG, since 1998. He has studied at the University of Essex for his Masters and PhD degrees, the latter on: "Subsidiarity and the Evolution of EU environmental policy". He

teaches on European Politics, and marine policy and politics, while his research is focused on marine renewables and EU marine security debates. Brendan is joint convener of the Panel on Maritime Security for EISA (European International Studies Association) annual conference 2017. His most recent major research project has been the EPA Funded EPIIC project which examines policy integration (2017). He is the author of "The Blame Game: Rethinking Ireland's Sustainable Development and Environmental Performance" (Dublin: Irish Academic Press, 2007) and a co-author of "Environmental Governance in Europe: An Ever Closer Ecological Union?" (Oxford: OUP, 2000). Recent publications include: Flynn, B (2016) 'Marine wind energy and the North Sea Offshore Grid Initiative: A Multi-Level Perspective on a stalled technology transition?'. Energy Research & Social Science, 22 :36-51; Flynn, Brendan. (2016) 'The EU's Maritime Security Strategy: a Neo-Medieval Perspective on the Limits of Soft Security?'. Croatian International Relations Review, 22 (75):9-37.and Flynn, Brendan (2015) 'Counter Piracy Today: how essential a mission for both NATO and the EU? ', Atlantic Voices, Vol.5, No.8, pp. 11-15, available at: http://www.slideshare.net/Atlantictreatyassociation/atlantic-voices-maritime-security

Orla Lynch is currently Director of Post Graduate Criminology at University College Cork, Ireland. Until 2015 she was Director of Teaching and a Lecturer in Terrorism Studies at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews. Dr Lynch's background is in International Security Studies and Applied Psychology; her primary training is as a psychologist. Dr Lynch is a Fellow with Hedayah (Global Counter Terrorism Forum) and is an Editorial Board member of the European Commission's Radicalisation Awareness Network. Dr Lynch's current research examines victimisation and political violence in relation to the direct victims of violence, but also the broader psycho-social impact of victimisation and the perpetrator-victim complex. Dr Lynch has also examined the notion of suspect communities in relation to the impact of counter terrorism measures on Muslim youth communities. Dr Lynch was until recently the principal investigator on two multisite EU funded projects valued at €1.8 million. Her recent books include Terrorism and Psychological Processes (Wiley, 2018), Victims and Perpetrators of terrorism; Exploring Identities, roles and narratives (Routledge, 2017) and Victims of Terrorism, a comparative and interdisciplinary study (Palgrave 2015).

Lt Arto Salonen is a Client Director in Core Media Ireland, a marketing communications group where he has worked since 2006 in a media buying capacity. He holds a Bachelor of Arts Degree in History and Archaeology from University College Dublin (UCD) and a Masters in International Relations from Dublin City University (DCU). He also holds a Master's Degree in International History from The London School of Economics and Political Science (LSE). He is a Lt in the Reserve Defence Forces (RDF), joining as a recruit in the 7th Infantry Battalion FCA in 1997 and was commissioned in 2005 while serving in the 65th Infantry Battalion RDF. He is currently a platoon commander in the 7th Infantry Battalion based in Cathal Brugha Barracks.

Sgt Brendan Cruise enlisted in the Naval Service in 1998 and later became a member of the Air Corps in 2001. He is currently an Office Information System Instructor in the Technical Training School in Air Corps College. He has previously served in the Military Training School instructing SERE, Potential NCO courses and basic military training course. He holds an

honours degree in Irish Law (LLB) and has just completed his MA in International Security and Conflict Studies. He has served overseas with 30 IRCON ISAF in Kabul.

Aaron Edwards is a Senior Lecturer in Defence and International Affairs at the Royal Military Academy Sandhurst. Awarded his PhD from Queen's University Belfast, he is a Fellow of the Royal Historical Society and Higher Education Academy. An expert on irregular warfare, he has briefed the UK Cabinet Office, Ministry of Defence and the Metropolitan Police Service on the threat posed by terrorism, as well as delivering conflict management and counter-terrorism courses to senior diplomats and military, police and intelligence officers in over a dozen countries worldwide. He is author of several books, including Mad Mitch's Tribal Law: Aden and the End of Empire (Mainstream, 2014/ Transworld Books, 2015), War: A Beginner's Guide (Oneworld, 2017), Strategy in War and Peace: A Critical Introduction (Edinburgh University Press, 2017) and UVF: Behind the Mask (Merrion Press, 2017).

Lt Col Richard Brennan was commissioned as an officer in the Defence Forces in 1991 following extensive infantry service he was appointed as a legal officer in the Defence Forces in 2004. He holds a BA and LLB from NUI Galway and is a graduate of the Kings Inns having being called to the Irish Bar in 2004 as a Barrister-at-Law. He holds an MA in Leadership Management Defence Studies from NUI Maynooth and is a graduate of the Military College Ireland, Command and Staff School (2007). He has had deployments as an infantry officer with UNIFIL (Lebanon) in 1995 and 2000 and Eritrea in 2002. He deployed as Ireland's senior legal advisor in 2008 to Commander Multi National Task Force Centre during Ireland's lead nation period with KFOR, and 2012 as legal advisor to Ireland's initial deployment with UNDOF (Golan). He has advised on Ireland's on deployments in CHAD and LIBERIA. He had recently returned from UNIFIL in 2017, where he served as the national legal advisor to the Irish Contingent. He is a graduate of the International Institute of Humanitarian Law at Sanremo Italy. He has also completed operational law courses at the NATO operational law school Oberammagau, Germany and the UK at the Operational Law centre Warminster. He has recently completed the advanced laws of war course at the University of Liverpool under Professor Dominic McGoldrick. He has instructed as class leader in San Remo and at the NATO/ PfP school in Ankara Turkey. He is currently an appointed prosecutor with the Director of Military Prosecutions and serves as Brigade Legal Advisor at 2 Brigade Headquarters.

Dr. Kenneth Mc Donagh is an Assistant Professor of International Relations in the School of Law and Government, Dublin City University. He holds a PhD in Political Science from Trinity College Dublin and a First Class Honours degree in History, Politics and Social Studies from the University of Limerick. His research interests include EU security, gender and peacebuilding, Foreign policy and Identity, US Foreign policy, Counter-terrorism and security discourse, and the politics of risk in international security governance. His publications include Risk, Global Governance and Security: The other war on terror (co-authored with Dr Yee Kuang Heng, Routledge, 2009) and articles in the Journal of Common Market Studies, the Review of International Studies, International Relations and the Journal of Global Change and Governance. He is a co-Editor of the Journal of Contemporary European Research.

Liridona Veliu is a PhD candidate at the School of Law and Government, Dublin City University. Her research focuses on the links between 'balkanization' and the Euro-Atlantic integration processes of Western Balkans. She holds a Master of Advanced Studies degree in Peace and Conflict Transformation from the University of Basel in Switzerland, and is currently finalizing her Master of Arts Program in Peace, Development, Security and International Conflict Transformation at the University of Innsbruck, Austria. She holds a Bachelor of Arts degree in Political Sciences from the South East European University in Macedonia. Liridona has experience in (political) discourse analysis through research assistance provided for institutions such as the University of Malmö and the Swisspeace Foundation in Bern with a focus on immigration and integration, peacebuilding, inter-ethnic relations and 'balkanization'. She has provided project assistance for the Center for Community Development in Kicevo, the Ipa Cross Border Cooperation Program in Skopje, the Training and Advice Center for Immigrants – ABSM in Basel, the Swiss multinational pharmaceutical company – Novartis in Basel, and currently the Erasmus+ European Commission funded project on the creation of the graduate curricula in Peace Studies in Georgia.

Capt John Quinn is an Infantry Officer with 15 years' experience. He was commissioned with the 80th Cadet Class in 2005 and began his career in an Chéad Cath, Galway. He has since served in the 28th Inf Bn and 7th Inf Bn as well as overseas deployments to the Middle East with the 104th Infantry Battalion UNIFIL in 2011 and the 46th Infantry Group UNDOF in 2014/15. Capt Quinn holds a B.A. in History and Legal Science as well as a first class honours L.L.B. from National University of Ireland, Galway. In 2017 he graduated from the University of Leicester with an MA in International Security Studies. Capt Quinn is currently serving as a Defence Forces Headquarters staff officer in Human Resources Management Branch (J1).

Comdt (AR) Tommy Martin is a self employed Business/Financial Consultant, who works with Credit Unions and businesses engaged in change management, improving operational efficiencies and staff competencies. He is also a Trainer, researching designing and delivering accredited Continuing Professional Development training courses for the Financial Services sector. In addition, he also practices as a certified Mediator. A graduate of University College Cork, he completed a Masters Degree in Local History, is a Chartered Member of the Institute of Logistics and Transport, a Licentiate of the Institute of Bankers, a Qualified Financial Advisor and is a Member of the Royal Historical Society. A regular lecturer to historical societies, he wrote a book entitled; "The Kingdom in the Empire - a portrait of Kerry during World War One", published by Nonsuch. He is also a playwright, with three of his plays produced and staged in his native Kerry. He is a Commandant in the Army Reserve, and was commissioned in 1995. He served as a platoon commander with the 15th Infantry Battalion, as Operations Officer with the 32nd Infantry Battalion, and is presently Officer Commanding F Company, 12th Infantry Battalion.

Capt Desmond O'Reilly was commissioned in 2005 and posted to An Chéad Cathláin Coisithe, Dún Uí Mhaoilíosa, Galway. Currently he is posted as a SO to 2 Bde HQ, Cathal Brugha Barracks, Dublin. He has served overseas as a Platoon Commander with the 35th Infantry Group KFOR, Kosovo in 2007, Training Team Leader with 2 IRCON

EUTM Somalia in 2011 and as a SO G2 Sector West HQ UNIFIL, Lebanon in 2016. He holds a BA (Int) from UCD and the University of Würzburg, an LLM from the Irish Centre for Human Rights, NUIG and is a graduate of the International Institute of Humanitarian Law, San Remo. This contribution was also given whilst undertaking the 29th Junior Command & Staff Course.

Capt Dennis Flynn is a serving operational IEDD officer with a Bachelor's of Science in Microbiology, a Masters in Molecular Genetics and other qualifications in Ordnance Mechanical Engineering. He has trained in both HME Identification, Processing and Disposal and CBRN Improvised Device Defeat. He completed the US Dept. of Justice ATF HME course and has instructed twice on the NCETR HME course in Redstone Arsenal, Alabama, USA as an assistant instructor.

Paul Amoroso is a retired Defence Forces officer who was an IEDD and CBRN Improvised Device Defeat operator. He has a Masters in Explosive Ordnance Engineering and qualifications in Ordnance Mechanical Engineering, Chemistry and Electronics and is currently undertaking Terrorism Studies with St. Andrew's University. He has completed the FBI National Improvised Explosives Forum Course along with the US Dept. of Justice ATF HME course.

Comdt Laura Fitzpatrick was commissioned in 2001 to 2nd Infantry Battalion in Cathal Brugha Barracks. Laura served in both 2nd and 5th Infantry Battalions between 2001 and 2011, when she transferred to the Military College. Laura has served in the Infantry School, Military College HQ, and is now Chief Instructor in the United Nations Training School Ireland. Laura has served as Platoon Commander in KFOR, Company 2IC in EUFOR (Chad), and Sector Liaison Officer in UNIFIL. Laura completed a Batchelor of Arts Degree in NUIG in 2006, a Higher Diploma in Terrorism Studies in the University of St. Andrews in Edinburgh in 2016, and went on to complete the Masters Degree in Terrorism Studies in 2017. The paper contained in the DF Review is part of the larger work she submitted as the Dissertation for that Masters Degree.

Lt Col Ray Martin was commissioned in 1987 and trained as a military Air Traffic Controller. He is currently Chief Air Traffic Services Officer. Holding a BSc from NUIG and a post-Graduate Diploma in Computer Modelling from TCD, he completed an MA(LMDS) in 2008, with a thesis entitled Terrorism – A Problem of Definition. In his role he has presented at symposia on controller training and ATS regulation and contributed to NATO Joint Air Power Competence Centre studies.

Lt Anthony Duffy was commissioned with the 89th Cadet Class in 2014 to the 1 Brigade Artillery Regiment. In 2016 Lt Duffy formed up with the European Rapid Reaction Land Roster (EURRLR) as the CIMIC team leader and was involved the British Army, MOSG Exercise LAMBUK SABI in Sierra Leone. In 2017 Lt Duffy served with the Recce Company of the 110th Bn in UNIFIL. Lt Duffy is currently studying for an MA in Strategic Studies in UCC and is writing a thesis examining the relationship between social media and the radicalization strategy of the Islamic State.