

AFERM 2013

*Maximizing Risk-Informed Decision Making
in a Period of Change and Uncertainty
The example of Counter-Terrorism*

Paul Swallow

September 2013

Outline

- *Terrorism – beyond criminality?*
- *Government and public attitudes to it*
 - *Inconsistency, negligence or overreaction?*
- *Difficulties this poses for tacticians*
- *Scenario analysis and creativity – accurate risk assessment.*

Terrorism – beyond criminality?

- *Recent phenomenon*
- *Definition varies (153 different definitions)*
 - *by country (those with/without direct experience)*
 - *by standpoint (political opinions)*
 - *over time (IRA pre 1922/Fine Gael)*
- *Treated separately from other crimes*
 - *Powerful terrorist motivation*
- *Massive powers given to law enforcement authorities*





Brian Jenkins

- *“What is called terrorism thus seems to depend on one's point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label ‘terrorist’ to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint.”*

Bruce Hoffman

“On one point, at least, everyone agrees: terrorism is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one's enemies and opponents, or to those with whom one disagrees and would otherwise prefer to ignore.”

League of Nations Convention 1937

- *‘all criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public’.*

UN

- *‘Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.’*

European Union

- *“(criminal acts which) given their nature or context, may seriously damage a country or an international organisation where committed with the aim of:*
- *seriously intimidating a population;*
- *or unduly compelling a Government or international organisation to perform or abstain from performing any act;*
- *or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.”*

USA

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States;

(B) appear to be intended –

- *(i) to intimidate or coerce a civilian population*
- *(ii) to influence the policy of a government by intimidation or coercion; or*
- *(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping*

(introduces concept of ‘non-combatants’)*

UK

- *"terrorism" means:*

the use or threat of action designed to influence the government or to intimidate the public or a section of the public, and:

the use or threat is made for the purpose of advancing a political, religious or ideological cause.

Miscellaneous

Russia – ‘frightening the populace and exerting influence of the decision making of the government authorities’ (Criminal code)

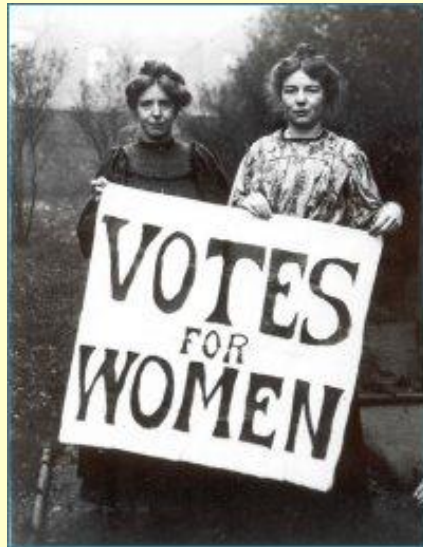
Canada – allows one person to be ‘terrorised’ (Bill C-36)

UK includes attacks against computer systems (TA 200)

*‘Terrorism is a term without
legal significance’*

*Higgins, R (1997) ‘Terrorism and International Law’ OUP London
introduction*

Terrorists?



Government and public attitudes to terrorism

- *Inconsistency?*
 - *Metro/subway systems v public buildings*
 - *Eurostar/Thalys*
- *Negligence?*
 - *Eurotunnel/Cross channel ferries*
 - *Metal detectors*
 - Ceramic knives
- *Overreaction?*
 - *Airports ?*



United States CT Strategy

- *Protect the American People, Homeland, and American Interests.*
- *Disrupt, Degrade, Dismantle, and Defeat al-Qa'ida and Its Affiliates and Adherents.*
- *Prevent Terrorist Development, Acquisition, and Use of Weapons of Mass Destruction.*
- *Eliminate Safehavens.*
- *Build Enduring Counterterrorism Partnerships and Capabilities.*
- *Degrade Links between al-Qa'ida and its Affiliates and Adherents.*
- *Counter al-Qa'ida Ideology and Its Resonance and Diminish the Specific Drivers of Violence that al-Qa'ida Exploits.*
- *Deprive Terrorists of their Enabling Means.*

UK and EU CT Strategy

- *EU*
 - *Prevention, Protection, Pursuit and Response*
- *UK – ‘Contest’*
 - *Pursue, Prevent, Protect and Prepare*

Difficulties this poses for tacticians

- *Objectives*

- *Defined only in broad terms – encourages reliance on ‘capability options’*

- ‘Security has been tightened ...’

- *Emphasis on ‘reactivity’ (i.e. post-event)*

- ‘Security has been tightened ...’

- *Environment*

- *Fast moving environment, unclear enemy, sensitive public debate. Requires exploration.*

- *Capabilities*

- *Premium on creating range of options*

Scenario analysis and creativity – accurate risk assessment.

- *Good examples -*
 - *Gasoline tanker*
 - *NYSE*
- *Less good examples*
 - *SAM Heathrow airport*
 - *'Ship of Sugar' (MV Nisha)*

What to do?

- *Admit/accept fallibility*
 - *100% security is unachievable*
 - *Risk from CT will never disappear*
 - *We can never think of everything*
- *Address both Risks and Countermeasures*
 - *Risk assessments are vital*
 - P.I.R.A / water supply attacks

What to do?

- *Creativity*
- *Develop new techniques*
 - *Focus groups*
 - *Network*
 - *Consult widely*
 - Academia/journalists/security/ex-military
 - Experts groups
- *Don't be afraid to challenge conventional thought*

Examples

- *Three ‘security’ approaches*
 - *Marriott Hotel*
 - ‘traditional’ approach
 - *Disneyland*
 - ‘layered’ approach
 - *Ben Gurion Airport*
 - ‘invisible’ approach

- *Any questions?*