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International Terrorism

Recent Developments and Implications for Australia

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International Terrorism:
Recent Developments and Implications for Australia

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INTRODUCTION

The phenomenon of terrorism has gained renewed prominence over the past year as a result of such dramatic events as the attempted assassination of the British Prime Minister and her Cabinet by the Irish Republican Army (IRA) in Brighton, the hijacking of a TWA aircraft to Beirut, and the spate of bombings against NATO installations in Europe. Moreover, as this last development indicates, this period has witnessed the recrudescence of terrorist activities by groups such as West Germany's Red Army Faction (RAF) and France's Action Directe. These developments in turn have contributed to a wide ranging policy debate within the United States Government over the appropriate level of response to such acts of terrorism. They have also directed further attention to the dilemmas which terrorism poses for the international political system, especially for those states which are functioning democracies.

Australia, hitherto, has been little affected by the issue of terrorism, and the phenomenon had not been a major problem in this country. Nevertheless, since 1980 several incidents have drawn the Australian Government's attention to the problem, which was considered in detail by the Hope Royal Commission. Moreover, some form of relationship between certain Australian criminals and international terrorists has been suggested by recent allegations of links between Australian narcotic smugglers and an unnamed Middle East terrorist organisation.

This paper addresses the following issues: the historical evolution of political terrorism; the substantial problems involved in providing a precise, value-neutral and widely accepted definition of the problem; and the recent developments in international terrorism together with the impact of technological and socio-economic changes on the phenomenon. The specific problems faced by democratic states in their attempts to combat terrorism and at the same time maintain the desired democratic structures of their societies are surveyed, and the final section considers the Australian situation and discusses, in particular, the nature of the Australian Government's response to the perceived threat of terrorism and the civil rights issues to which it may give rise.

FACTORS SHAPING THE CURRENT SITUATION

Political terrorism has had a long history as a tactic in both national and international politics, but it is only over the past 15 years that it has begun to be perceived as a serious threat to Western democracies. The processes of technological and social change have enhanced the appeal of terrorism as an effective political weapon. The rapid development of international communications has increased the opportunities available to terrorist groups for violent actions which can secure immediate world-wide publicity. Recent developments

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in arms technology have made available to terrorist groups compact destructive hardware such as miniaturised weapons, and have given rise to the possibility of nuclear terrorism. Indeed the dependence of Western industrialised societies on a decreasing number of critical processes and locations has greatly enhanced the terrorists' potential to wreak economic havoc in such societies by means of selective sabotage.

Moreover, it can be argued that substantial changes in social attitudes over the last 20 years, particularly as regards the nature of authority, have helped to create conditions which are more conducive to terrorism than at any other time in the recent past. In this period the legitimacy of all forms of authority including State authority, has been thoroughly questioned and the concept of authority itself has come to be regarded as something that must be earned rather than something which automatically pertains to either a particular group or a system of government. Such critical attitudes towards authority can provide a favourable milieu for political terrorists. Many of these belong to groups which consider themselves the victims of the existing international political order (of which the Western democracies form an intrinsic part), and therefore seek to deny the legitimacy of that order as a means of advancing their own particular cause.

In fact, certain aspects of the current state of international relations tend to favour political terrorism. Since the end of the Second World War most of the territories colonised by Europe have emerged as sovereign nations, often after a period of prolonged guerrilla warfare against the colonial power. As a result such newly independent Third World nations have sometimes come to equate terrorism with independence struggles, and are frequently extremely critical of the political positions of the Western democracies, many of whom are, in fact, their former colonial masters. This situation in part explains the relative ineffectiveness of repeated attempts to gain agreement in international forums (such as the United Nations) on an acceptable definition of political terrorism and on co-operative action to combat it. A recent example of this clash of values was the resolution of the United Nations General Assembly passed in December 1983 which called for world-wide action to combat international terrorism. Although the resolution condemned terrorism 'which endangers or takes innocent lives or jeopardises fundamental freedoms', it also reaffirmed the 'legitimacy' of the struggle of national liberation movements against 'colonial and racist regimes and other forms of alien domination.'[1]

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1. The Canberra Times, 21 December 1983.

A BRIEF HISTORY OF POLITICAL TERRORISM

Terrorism as a political tactic has had a long history and it has been practised by a great variety of individuals, groups and governments for revolutionary, conservative and reactionary purposes. The use of torture by the State and the Inquisition in Mediaeval Europe can be described as terrorist in intent as can the activities of the Assassins in the Middle East during the twelfth century. However, the modern term 'terrorism' derives from the period of the French Revolution when Robespierre and the Jacobins used terror as an instrument of policy (the 'regime de la terreur') against ill-defined 'enemies of the revolution' during the years 1793 and 1794.

In the latter half of the nineteenth century terrorism was used extensively by both the anarchist and nihilist movements. Certain Russian anarchist leaders, such as Bakunin, Kropotkin and Nechayev, provided a theoretical rationale for the use of terrorism, which they described as 'propaganda by deed'. In fact, Nechayev in his Revolutionary Catechism (1869) provided one of the most famous (and influential) definitions of the psychology of the revolutionary:

> The revolutionary is a man under vow. He ought to occupy himself entirely with one exclusive interest, with one thought and one passion: the Revolution... He has only one aim, one science: destruction... Between him and society there is war to the death, incessant, irreconcilable... He must make a list of those who are condemned to death, and expedite their sentence according to the order of their relative iniquities.[2]

In the late nineteenth century and early twentieth centuries terrorism was used by Russian revolutionaries (the People's Will, Narodnaya Volya, 1878-1881), by anarchist groups in France, Italy, Spain, and the United States, and by radical national groups in Ireland (the Fenians), Macedonia (IMRO - Internal Macedonian Revolutionary Organisation), Serbia (the Black Hand) and Armenia. After the Second World War there was a resurgence of terrorist activities associated with the anti-colonial and independence movements, such as the Irgun and Stern Gang in Palestine, the FLN in Algeria, the Mau Mau in Kenya, the Eoka in Cyprus, and the NFL in Vietnam. Although these subsequent movements had quite different aims from those of anarchism it can be argued that they, together with contemporary terrorist organisations, owe a philosophical debt to the Russian anarcho-terrorists of the late nineteenth century.

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2. George Woodcock, Anarchism: A History of Libertarian Ideas and Movements, Harmondsworth, Penguin, 1983, p.160.

THE PROBLEM OF DEFINITION

Despite its well-established historical pedigree the phenomenon of political terrorism still lacks a precise and widely accepted definition. The reason for this is obvious: the concept of 'terrorism' is both political and pejorative. What might appear as an evil act of terrorism to people in an affluent Western society may seem like a reasonable and legitimate political action to a liberation or rebel movement operating in the poverty-stricken and desperate conditions prevalent in the Third World. As Brian Jenkins, a leading United States authority on political terrorism, points out:

> Some governments are prone to label as terrorism all violent acts committed by their political opponents, while anti-government extremists frequently claim to be the victims of government terror. What is called terrorism thus seems to depend on point of view. Use of the term implies a moral judgement, and if one party can successfully attach the label 'terrorist' to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint. Terrorism is what the bad guys do.[3]

Thus the overtly political and pejorative aspects of the term 'terrorism' help to determine its usage. In the first place governments, in their desire to monopolise political legitimacy, attempt to argue that political terrorism is the exclusive province of anti-governmental forces. This ignores the fact that in certain polities - Nazi Germany, Fascist Italy, many of the military regimes of Latin America, and the Soviet Union under Stalin - the systematic use of terror has been an integral part of the political process. Moreover, certain governments either tacitly support or condone vigilantism against their political and/or social enemies; for example, the 'death squads' which either have been or are operating in Argentina, Brazil, El Salvador and Indonesia.[4] Again, governments frequently dismiss the actions of politically-motivated terrorists as merely the aimless violence of criminal madmen. This is merely an attempt to deny to the terrorists any possible legitimacy with the population they are trying to influence by their actions. Indeed, most modern legal systems do not recognise 'political' crimes as distinct from 'purely' criminal acts, and so governments can successfully portray acts which terrorists regard as political acts against the State as merely criminal activities.

3. D. Carlton and S. Schaerf (eds). International Terrorism and World Security, London, Croom Helm, 1975, p.14.
4. Amnesty International, Amnesty International Report 1984, London, Amnesty International, 1984, pp.125-9, 131-3, 148-53, 225-30.

However political terrorism is seldom mindless or irrational, and normally has a number of carefully defined objectives. Although its primary effect is to create fear and alarm, its objectives may involve gaining specific concessions, obtaining maximum publicity for a political cause, deliberately provoking repression and counter-terrorism to bring about the collapse of a government, creating widespread social disorder and demoralisation, and enforcing obedience and/or building up morale within the terrorist organisation.

Given the confusion, and deliberate obfuscation, surrounding the concept of terrorism, perhaps the best, value-neutral definition of the phenomenon is that provided by Grant Wardlaw, one of Australia's leading authorities on the subject. Wardlaw states:

> Political terrorism is the use, or threat of use, of violence by an individual or a group, whether acting for or in opposition to established authority, when such action is designed to create extreme anxiety and/or fear-inducing effects in a target group larger than the immediate victims with the purpose of coercing that group into acceding to the political demands of the perpetrators.[5]

RECENT DEVELOPMENTS IN POLITICAL TERRORISM

Certain developments over the past three years would seem to indicate that political terrorism, far from declining, will remain a significant problem in international relations for at least the next decade. In the late 1970s and early 1980s there was a certain optimism that political terrorism had begun to decline from its peak in the mid 1970s. There had been a series of successes against major terrorist organisations in the period 1979 to 1982, notably the arrest of the Baader-Meinhoff group in West Germany and the destruction of the Red Brigade networks in Italy.

However, the number of terrorist groups and terrorist incidents began to increase after 1982. In that year, according to United States State Department figures quoted by Grant Wardlaw in the Sydney Morning Herald, there were 117 groups representing 71 nationalities which claimed responsibility for terrorist incidents, the second largest total since 1968.[6] The London Times reported that there was a total of 1112 terrorist incidents world-wide in 1983. Moreover, not only has the incidence of political terrorism increased, it has also been responsible for a higher casualty rate. Whereas in

5. Grant Wardlaw, Political Terrorism : Theory, Tactics, and Counter-Measures, Cambridge, Cambridge University Press, 1982, p.16.
6. The Sydney Morning Herald, 24 May 1983.

1970 terrorist incidents were directed against people and property in about equal proportions, in 1981 eighty percent of such incidents were directed against people. This, in part, reflects a change in terrorist tactics which is due, ironically, to the success of governments' anti-terrorist strategies. Most major terrorist groups have abandoned embassy takeovers and skyjackings, because of the prohibitive risks involved, and have returned to the classic strategies of bombings and assassinations.[7] However, the hijacking of TWA Flight 847 to Beirut, the huge bomb blast at Frankfurt airport, and the mysterious crash of an Air India jumbo jet off the coast of Ireland, all of which occurred in June 1985, would seem to suggest that aircraft and airport facilities have once again become the targets of at least some terrorist groups.

In late 1984 and early 1985 there appeared to be a resurgence of terrorist attacks in Europe against political and military targets. The most dramatic of these incidents was the attempt by the IRA to assassinate Prime Minister Thatcher and her Cabinet by means of a bomb attack during the Conservative Party's annual conference at Brighton in mid October 1984. The IRA bomb, which killed four people and wounded 32 others, prompted a far-reaching review of United Kingdom security arrangements and the creation of a new anti-terrorist intelligence unit to combat IRA guerrilla activity.[8] These incidents also included over forty petrol bomb and arson incidents against NATO and industrial targets in West Germany in December 1984 and January 1985, and a mortar attack on six NATO ships in Portugal.[9]

An ominous recent development in international affairs has been the increasing use of terrorism as an instrument of State policy. It has been estimated that about twenty-four percent of all terrorist incidents in 1983 (270 out of 1112) received some form of State sponsorship.[10] Among the most notable of those states which have used terrorism as an extension of their foreign policy are Libya, Iran, Syria, Iraq and North Korea (DPRK). The most serious recent examples of State-sponsored terrorism include the bombing of the headquarters of the French and United States elements of the multinational peacekeeping force in Beirut in October 1983 by the Iranian-supported Hazeballah group; the North Korean involvement in the terrorist attack on the senior South Korean Government delegation while on an official visit to Burma in October 1983; and the activities of the Libyan People's Bureau in London against Libyan

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7. The Times, 12 March 1984.
8. The Australian, 16 October 1984; The Canberra Times, 24 October 1984.
9. The Age, 30 January 1985; The Sydney Morning Herald, 2 February 1985.
10. The Times, 12 March 1984.

dissidents, which culminated in the shooting of anti-Gaddafi demonstrators and a British policewoman in St James's Square in April 1984.

One reason for the rise of State-supported international terrorism is the increasing fluidity in international relations. This is due in part to the increased uncertainty of Great Power dominance of international affairs and the need to take account of the interests of less-powerful states and important non-state bodies, such as the Organisation of Petroleum Exporting Countries (OPEC) and the Palestine Liberation Organisation (PLO). As a result of this diffusion of international power it would appear that traditional measures of restraint in international affairs may become less effective. Moreover, as the costs of conventional and low-level warfare become prohibitive, it is possible that an increasing number of states might well resort in the future to sponsorship of terrorism as a form of 'surrogate warfare'. Some observers believe that this situation has already arisen. At a press conference in Los Angeles in mid February 1985, United States Senator Arlen Spelter made the following observation:

> There must be an international reappraisal of responses to terrorism because terrorism has become a form for the waging of what used to be war. Today it is really a substitute for war with terrorism being the exercise of international objectives short of what has been traditionally defined to be war.[11]

The emergence of such a phenomenon as 'surrogate warfare' is a cause for major concern since it has the potential to undermine the existing system of international relations on which the Western democracies rely for the predictable conduct of state-to-state relations.

In the last few years significant evidence has emerged of increased co-operation among terrorist groups from diverse political, geographic and ethnic backgrounds. Such co-operation embraces training, weapons procurement, target reconnaissance, and terrorist operations. Prior to the Israeli incursion into Lebanon in 1982, the PLO training camps provided instruction for terrorist groups from such countries as Ireland, the Netherlands, Norway, Japan, Turkey, Italy and Germany. Right-wing terrorists have established their own co-operative networks. One such network brought together Klaus Barbie's Neo-Nazi group in Bolivia, Italian neo-Fascists, the Italian P2 Masonic Lodge, and the Spanish 'Guerrillas of Christ the King'. The latter organisation, although not well known, was responsible for the assassination of many leading Basque separatists in the 1970s.[12]

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11. United States Information Service (USIS), Pacific Wireless File, no. 42, 15 February 1985.
12. The Australian, 24 September 1983.

A major reason for this co-operation is the sheer financial cost of maintaining terrorist organisations and mounting terrorist operations. According to Grant Wardlaw:

> Modern terrorists need plenty of money, and major international groups need budgets rivalling those of major business corporations. Money is the fuel of international terrorism.[13]

Such terrorist budgets can involve hundreds of millions of dollars, especially the financing of the operations of certain political organisations in the Middle East. Co-operation between radical groups is one attempt to keep financial overheads down and to ensure the rational use of expensive resources. Indeed the high costs of maintaining terrorist organisations has led to some of these groups becoming increasingly involved in such overtly criminal activities as bank robberies, extortion, kidnappings and the drug-trade. This latter development has given rise to what the US Drug Enforcement Authority (DEA) terms the phenomenon of 'narco-terrorism' - the co-operation between drug traffickers and international terrorists. The DEA claims that numerous terrorist groups world-wide finance their operations through illegal drug sales, and that such drug finance is a major factor in terrorism and/or armed dissidence in Turkey, Italy, Colombia and Burma. The DEA, moreover, identifies Cuba and Nicaragua as important 'pirate havens' for drug smuggling and arms running.[14] In mid 1985 it was alleged that an Australian drug syndicate had purchased up to 10 tonnes of cannabis resin, worth an estimated A$40 million, from an unnamed terrorist organisation in the Middle East and imported it into Australia in March 1984. This allegation was followed by the arrest of over thirty members of the syndicate by the Australian Federal Police in mid August 1985. According to Dr Grant Wardlaw the terrorist group involved is probably a PLO splinter group operating out of the Bekaa Valley in eastern Lebanon, where such groups are involved in growing and exporting hashish under Syrian protection. At the same time it was reported that five members of just such a PLO splinter group had been convicted by a British court on charges of smuggling drugs and buying guns with the proceeds.[15] The forging of such links between narcotics traffickers and terrorists carries serious implications for the attempts by Western governments to achieve effective international controls over drug smuggling.

Since the 1970s the development of nuclear weapons technology and the proliferation of nuclear power plants has given rise to the prospect of nuclear terrorism. There are a number of ways in which a

13. The Age, 24 May 1983.
14. USIS, Wireless File, no. 150, 2 August 1984.
15. The Australian, 16 August 1985; The Australian, 17 August 1985.

dedicated group of terrorists could obtain a nuclear capability. They could steal a nuclear weapon from one of the numerous military storage areas, particularly in Western Europe; or they could seize a nuclear facility and threaten to release radioactive material into the atmosphere unless their demands were met; or they could construct their own crude nuclear device using readily available data (in 1975 a student at the Massachusetts Institute of Technology designed a technically conceivable nuclear bomb). However, to date, no terrorist group has exploited this capability, a situation which in part reflects such groups' self-imposed constraints and their conservatism in their preferred methods of violence. Nevertheless there is no guarantee that such a situation of self-denial will obtain in the future, particularly if there are significant changes in the organisational structure and political objectives of terrorist groups. As a result many Governments have taken steps to meet just such an eventuality. In the United States, for example, a Nuclear Emergency Search Team (NEST), composed of 250 atomic physicists, weapons designers and bomb-disposal experts, was set up in 1975. By the early 1980s NEST had dealt with 20 cases in which there seemed a real danger that a nuclear device would be exploded, although all but one proved to be hoaxes, and in that case the perpetrator was caught.[16]

Another development of the 1980s has been the rise of so-called single-issue terrorism. There have been indications that some radical elements within ecological, anti-nuclear and animal rights groups, frustrated with the limitations of peaceful protest, have turned to more violent methods of publicising their causes. According to newspaper reports in late 1983 an 'animal rights militia' in the United Kingdom had been responsible for over eighteen bombs and incendiary devices sent to politicians and leading scientists. The same reports noted that a French group, the Committee for the Liquidation of Computers, was responsible for bombing attacks on data-processing centres in Toulouse, Dusseldorf and West Berlin; and in Switzerland radical ecologists had begun a campaign of firebombing nuclear power plants and sending letter bombs to politicians.[17] If these activities prove to be a permanent feature of contemporary terrorism, then they would pose special problems for democratic societies. Unlike international terrorist groups, such single-issue groups are composed of predominantly middle-class citizens of democratic states who have rejected the processes of democratic politics in the pursuit of a single political ideal.

16. The Bulletin, 8 March 1983; Wardlaw, op.cit., pp.175-80; Martha C. Hutchinson, 'Defining Future Threat: Terrorism and Nuclear Proliferation', in Yonah Alexander et. al., (eds), Terrorism: Interdisciplinary Perspectives, New York, the John Jay Press, 1977, pp.298-316; Louis R. Beres, Terrorism and Global Security: The Nuclear Threat, Boulder, Colo., Westview Press, 1979, passim.
17. The Australian, 24 September 1983.

THE REACTION OF DEMOCRATIC STATES TO TERRORISM

During the 1970s many West European democracies experienced terrorist
attacks on their representatives and institutions. This was
particularly so in the Federal Republic of Germany and Italy where the
activities of the Red Army Faction (RAF) and the Red Brigades came
very close to paralysing the institutions of government. The RAF,
better known as the Baader-Meinhoff Gang from the names of its two
leaders Andreas Baader and Ulrike Meinhoff, grew out of the Berlin
student demonstrations of 1967 and 1968. It had a rather eclectic
revolutionary philosophy, which combined anarchist, anti-bourgeois and
anti-Establishment values, and pursued a terrorist campaign until 1972
when most of the original leaders were arrested. Various successor
groups continued the RAF's terrorist activities, achieving their most
signal, though short-lived, success with the kidnapping and subsequent
murder of Hans-Martin Schleyer, the President of the Federal Union of
German Industry, and the related hijacking of a Lufthansa jet to
Mogadishu by the Popular Front for the Liberation of Palestine (PFLP)
in late 1977. Although these events at the time virtually paralysed
German political and governmental life, the RAF was crippled shortly
thereafter by a series of arrests of members of its support networks.
One legacy of the RAF's terrorist activities in the 1970s was the
extension and elaboration of the internal security system, and the
consequent increase in the powers of the State. Indeed, the manner in
which certain aspects of this system have been implemented, notably
the Berufsverbot (which is designed to exclude political extremists
from employment by the State), has been a matter of continuing
controversy.[18]

In Italy, the Red Brigades emerged in the early 1970s from
the ranks of disillusioned middle-class students with the avowed aim
of establishing Communism through armed struggle. They waged a
violent anti-Establishment campaign and engaged in open warfare with
extreme right wing groups which were also terrorising Italy in the
1970s. With the arrest and subsequent trial of the leadership,
including Renato Curcio, in 1976 the Red Brigades engaged in a series
of terrorist actions designed to secure their release which culminated
in the kidnapping and murder of the former Christian Democrat Prime
Minister, Aldo Moro, in 1978. However, the Moro assassination damaged

18. Christopher Dobson and Ronald Payne, The Weapons of Terrorism:
    International Terrorism at Work, London, Macmillan, 1979,
    pp.153-4; Keesing's Contemporary Archives, 7 April 1978,
    pp.28914-24; Geoffrey Pridham, 'Terrorism and the State in West
    Germany during the 1970s: A Threat to Stability or a Case of
    Political Over-Reaction?' in Juliet Lodge (ed.), Terrorism: A
    Challenge to the State, Oxford, Martin Robertson, 1981, pp.11-56.

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the Brigadists' public image and led to divisions within their ranks over the efficacy of the terrorist strategy. These developments together with the anti-terrorist measures passed by the Italian Government led to a marked decrease in terrorist activities by the early 1980s.[19]

As the examples of West Germany and Italy indicate the methods of political terrorism are anathema to the principles on which democratic societies are founded and can have a corrosive effect on democratic institutions. As Paul Wilkinson, a prominent British authority on political terrorism, points out:

> The essence of liberal democracy is that it guarantees the maximisation of individual rights to life, liberty and property within the framework of the Rule of Law. Liberal democrats believe in the sanctity of individual life and liberty. Terrorist movements, on the other hand, believe that their political ends justify any means: by definition they are ready to treat their fellow citizens as expendable, mere fodder for their cause. For the terrorist there are no innocents, no non-combatants. Every one of us... is potentially a candidate for the terrorists' dominion of death.[20]

Wilkinson specifies five ways in which political terrorist campaigns directly challenge democratic societies. Such campaigns attack democratic values and institutions, and attempt to undermine the rule of law. They also threaten the basic human rights of the innocent by their refusal to recognise any non-combatants in their struggles with the State. Moreover, such movements can be manipulated by hostile powers to undermine democratic states, and this is certainly one consequence of the phenomenon of State-sponsored terrorism. Finally political terrorism has the effect of diverting scarce resources away from vital areas of social welfare and towards such security concerns as protecting political leaders, guarding strategic locations, providing airport security etc. Wilkinson has noted that the cost of security measures in Northern Ireland to the British Government (about 1.5 billion pounds sterling) was equal to the total reduction claimed by the UK from its European Community Budget contribution. The diversion of resources on a large scale over the long term could have an adverse effect on social justice and equity within democratic societies.

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19. Dobson and Payne, op.cit., pp.188-90; The Sydney Morning Herald, 12 May 1984.
20. Paul Wilkinson, 'Terrorism, the Mass Media and Democracy', Contemporary Review, July 1981, p.35.

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It is well understood by democratic states that the best way to contain terrorism is through concerted international agreement and co-operation. Hence the seven nations attending the London Economic Summit in June 1984 issued a declaration supporting the strengthening of existing anti-terrorist measures and the development of 'effective new ones', including closer co-operation between the various national security forces in the exchange of intelligence, the review of weapons sales to nations supporting terrorism, and the expulsion of known terrorists. This merely supplements earlier anti-terrorist measures contained in the Declarations of the previous summits in Bonn (1978), Venice (1980) and Ottawa (1981).

However, although there is general agreement on the need for international co-operation to eliminate terrorism, achieving such co-operation has proved to be an almost insurmountable problem. Attempts to get an international accord on terrorism passed through the United Nations have invariably foundered over difficulties of definition, with many Third World nations equating political terrorism with self-determination, and the reluctance of nations to give up their right to grant asylum to those who commit politically motivated offences.[21] Moreover, even those nations that wish to obtain an anti-terrorism convention frequently differ on the methods to be used in combating terrorism. In the 1970s a number of European democracies adopted a 'soft' approach towards terrorism and chose not to enforce their laws against terrorists for fear of provoking an incident aimed at themselves. Such abdication of legal responsibility merely compounded the threat posed by political terrorism to these same democratic societies. The difficulties in obtaining co-operative action from among even those democratic nations which were agreed on the need to combat terrorism, was again revealed by the 1984 London Economic Summit. According to news reports the European and Japanese members were extremely cautious of even discussing the possibility of taking specific measures against terrorism as suggested by the United States. As a result, the advocacy of 'active defence' measures by US Secretary of State George Schultz was not reflected in the final communique on terrorism.[22]

The great difficulty in achieving an effective international response to the problem of political terrorism has generated feelings of frustration, and a sense of impotence, among some politicians in democratic nations. These feelings are heightened by the apparent inability of democratic states to respond effectively to the threat of terrorism, as revealed by the ineffectiveness of United States'

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21. The Canberra Times, 21 December 1983; Paul Wilkinson, 'Terrorism: International Dimensions', Conflict Studies, No. 113, November 1979, p.15.
22. The Sydney Morning Herald, 26 June 1984.

response to both the seizure of its diplomats in Teheran as political hostages in 1979 and 1980, and to the recent hijacking of TWA Flight 847 by the Islamic Jihad terrorist group to Lebanon. In these circumstances the view that nations threatened by political terrorism have a right to engage in pre-emptive attacks on known terrorists has gained currency in some quarters. Secretary of State George Shultz was perhaps making an oblique reference to such a possibility when he said:

> Can we as a country - can the community of free nations - stand in a solely defensive posture and absorb the blows dealt by terrorists? I think not. From a practical standpoint, a purely passive defence does not provide enough of a deterrent to terrorism and the States that sponsor it. It is time to think long, hard, and seriously about more active means of defence - about defence through appropriate preventive or pre-emptive actions against terrorist groups before they strike.[23]

Over the past year Mr Schultz has emerged as a strong advocate of the use of military retaliation against terrorists. In an address to the University of Hawaii's East-West Center in mid July 1985 he reiterated his view that international terrorism poses a most serious threat to democratic states and continued:

> We [the Western democracies] must realise that we are under a continuing attack. We must cooperate to deter and punish both the terrorists and those who support them and offer them safe haven.[24]

The possibility of democratic states taking extra-legal action in response to political terrorism was more clearly spelt out by Lord Chalfont when he chaired the Second Conference on International Terrorism hosted by the Jonathan Institute in Washington in June 1984. In his closing remarks Lord Chalfont made the following observations:

> If our intelligence services detect preparations for a terrorist attack on our countries, or on our embassies, or on our citizens, the most draconian action should be taken to prevent that taking place.

> If that means clandestine operations to eliminate the terrorists before they can kill us, then they should not be ruled out. And if a terrorist attack can be prevented then those who sponsor it, or shelter its perpetrators will not be

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23. The Sydney Morning Herald, 26 June 1984.
24. The Age, 19 July 1985.

immune from a terrible retribution. If that poses problems of international law or problems of the sanctity of the borders of international States, then these are circumstances with which I have less of a problem than I have with the spectacle of a busload of mutilated children or an unarmed woman police officer dying in a pool of blood in a London street.[25]

The United States in early 1984 carried out an extensive review of its anti-terrorism policy which involved discussion of such extra-legal actions as the authorisation of 'hit squads' to assassinate known terrorists. In the event the United States policymakers rejected these suggestions, although provision was made for the United States to launch military attacks against terrorist camps and bases in certain unspecified instances.[26] However, despite this policy decision, the Washington Post reported on 12 May 1985 that the Central Intelligence Agency (CIA) had hired a Lebanese terrorist group to act as its counter-terrorist instrument, and that this group had been responsible for a car bomb which killed 80 people and wounded 200 in Beirut in March 1985.[27] Although the United States Government emphasised that this incident was not authorised by itself, senior members of the Administration, animated by the inability of the United States to speedily resolve the TWA hijacking crisis, have not discounted the possible use of unorthodox measures such as kidnapping terrorist leaders in dealing with terrorism.[28] In late June 1985 President Reagan appointed his Vice-President, George Bush, to head a newly-constituted United States anti-terrorist task force. At the same time, the United States House Foreign Affairs Committee adopted a Bill aimed at improving security at foreign airports which would allow the American President to suspend foreign aid and military exports to nations who refuse requests to bring their airport installations up to United States' security standards.[29]

In these circumstances it could be argued that there is a danger that democratic states might overreact to the threat posed by political terrorism and thus, inadvertently, bring about the very conditions which the terrorists are trying to achieve (so far unsuccessfully) by their activities. In this context it is important to note that to date the actual physical damage caused by terrorists has not been great. Of the estimated 1019 incidents of international terrorism between 1968 and 1977, casualties occurred in only 303 incidents, with most lives lost in a small number of plane crashes and major assaults.

25. The Australian, 29 June 1984.
26. The Wall Street Journal, 12 March 1984.
27. The Canberra Times, 26 May 1985.
28. The Age, 12 July 1985; The Age, 15 July 1985.
29. The Age, 26 June 1985.

This is not to deny that political terrorism generates a considerable amount of fear because it is believed to be a threat not only to individual life and property but to the very existence of the democratic State system itself. However, it can be argued that political terrorism per se need not pose a significant threat to the existence of democratic states, and that it is the overreaction of these democratic states to the perceived terrorist threat, in the form of unnecessarily stringent counter-terrorist measures, that could pose a greater threat to democratic freedoms and institutions.

Most Western democracies have introduced some form of special legislation in order to deal with increased levels of terrorism at the domestic level. While there might be a temporary need for such legislation, it has been argued that such legislation should be carefully monitored in order to ensure that it does not unnecessarily infringe the civil rights of the state's citizens nor be used to suppress legitimate political dissent. The history of the United Kingdom's special legislation, the Prevention of Terrorism (Temporary Provisions) Act 1974 and 1976, suggests that there are grounds for concern. According to official Home Office figures a total of 4834 persons were arrested under the provisions of this Act between November 1974 and June 1980, and almost ninety per cent of these were released without being charged or having an exclusion order made against them. These figures would suggest that there may be some substance to the allegations made by such groups as the National Council for Civil Liberties that the police are using their powers under this Act to engage in 'fishing expeditions' for intelligence gathering and to harass those groups holding 'objectionable' political views.[30] In 1983 Lord Jellicoe completed a review of this legislation in which he argued that the rule of law must be strictly upheld in the face of terrorist attempts to undermine it. This involved ensuring that relevant safeguards were built into anti-terrorist legislation. Therefore he recommended that the existing legislation be replaced by a new Act which would have a five-year limit and be subject to annual review.[31]

A frequent response to the increased incidence of terrorism is the expansion of the activities of the State's security services and the creation of groups with special anti-terrorist expertise, such as the British Special Air Service (SAS) and the United States' Delta Force. Although such a development might be considered necessary in a situation of escalating terrorist violence, such as in Northern Ireland, it also represents a potential threat to the civil liberties of the state's population. The possibility that security organisations may use their increased powers to inhibit the expression of legitimate political dissent cannot be discounted.

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30. Wardlaw, op.cit., p.129.
31. The Economist, 19 February 1983.

A dramatic example of the tendency towards overreaction by State security services and of the thin line which divides counter-terrorist from explicitly terrorist activities was the alleged involvement of the French secret service, the DGSE (Direction Generale De Securite Exterieure), in the bombing of the ecologist organisation Greenpeace's vessel, the Rainbow Warrior, in Auckland harbour on 10 July 1985. Despite continuing argument as to who ordered the operation, there is little doubt that those involved in it, including the couple arrested by the New Zealand police, are all members of the DGSE. Even the official investigation conducted by Bernard Tricot at the behest of President Mitterrand, while denying DGSE involvement in the affair, did identify the six people implicated in the bombing as DGSE agents. Indeed, the DGSE (and its predecessor the SDECE) has in the past been involved in numerous scandals including political kidnapping (such as that of the Moroccan opposition leader Ben Barka in 1965), and is alleged to have been involved in heroin smuggling, and in an attempt to discredit a former French President (Georges Pompidou). The 'Rainbow Warrior' affair raises serious questions about the degree of control which a democratic State should exercise over its security services, and the legitimacy of justifying actions as being in the 'national interest' which involve murder and the violation of the sovereignty of a friendly democratic state. In fact some commentators in France have already made a judgement on this matter when they denounced the bombing of the 'Rainbow Warrior' as an exercise in State terrorism. The New Zealand Prime Minister, Mr David Lange, dismissed the Tricot report as 'utterly incredible', and reiterated his belief of French official involvement in the affair. In the course of expressing his Government's outrage over the incident, Mr Lange made the following observations:

> The fact is that we had operators of French Government intelligence agencies in New Zealand for some time and spending at a conspicuous level. The French Government, of course, is involved.
>
> It is totally unacceptable that a Government should authorise, at the highest levels, such clandestine illegal activities in the territory of a friendly country.[32]

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32. The Australian, 24-25 August 1985; The Guardian Weekly, 25 August 1985; The Sydney Morning Herald, 21 August 1985; The National Times, 23-29 August 1985; The Australian, 27 August 1985; The Age, 28 August 1985; The Australian, 28 August 1985.

THE AUSTRALIAN SITUATION

Although Australia has not, so far, been greatly influenced by international terrorism, it could be affected, at some future date, by the developments which have been outlined in the earlier sections of this paper. In recognition of this potential, the Australian Government has given greater attention to the question of international political terrorism over the last few years, and has voiced its disquiet at the recent upsurge in such terrorism. In the course of a statement issued in late June which denounced the TWA hijacking and appealed for the release of the hostages, the Minister for Foreign Affairs, Mr Hayden, made the following observations:

> Governments are now all too frequently forced by terrorist acts to make crucial decisions involving the lives of their citizens held captive or threatened by terrorists. To give way to terrorist demands, however, only encourages further acts of terrorism and undermines the fabric of international relations. The use of terrorism against innocent civilians must not be permitted to become an accepted norm in international relations and negotiations.[33]

The first annual report of the Australian Security Intelligence Organisation (ASIO), which was published in May 1984, provides the first clear indication from official sources of the extent of the potential terrorist threat to Australia. Although the report generally considered the threat from terrorist groups to be low, it did reveal that Australia should no longer be seen as being immune from the influence of overseas terrorist groups, notably those from the Middle East. There is a very real danger that Australia might become an arena for terrorist attacks related to overseas political disputes in which Australia has no direct involvement. This has already begun to occur on a small scale. ASIO noted in its report that those groups likely to employ violence in pursuit of their political aims included 'Palestinian and Armenian terrorist groups' and Yugoslav separatists (for example, the Croatian Brotherhood). ASIO believes that, of these, the major threat is posed by 'supporters of Armenian terrorism in Australia'. In December 1980 the Justice Commandos of the Armenian Genocide were believed to have been responsible for the murder of the Turkish Consul-General in Sydney. Moreover, ASIO believes that 'violence-prone elements in the pro-Palestinian community' were responsible for the bombings of the Israeli Consulate-General and Hakoah Club in Sydney in December 1982.[34]

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33. Minister of Foreign Affairs, News Release No. M111, 28 June 1985.
34. Australian Security Intelligence Organisation, Annual Report 1982-83, 1984, p.17.

International Terrorism

The activities of Yugoslav separatists, especially the anti-communist Croatian Brotherhood, have complicated Australia's relations with Yugoslavia over the past few decades. The Croation Brotherhood, according to news reports, is dedicated to the overthrow of the Yugoslav Government, and in 1978 several people alleged to be members of the group were arrested and charged with conspiracy. In the following year, 1979, Croatian terrorists were alleged to be involved in a series of bomb attacks and assassination plots in Sydney.[35] Successive Australian Governments have blamed the historic animosity between Croats and Serbs as the reason for this terrorist activity, although members of the Croatian community claim that their animus is against the communist State of Yugoslavia rather than the Serbs. Whatever the reason, the Yugoslav Government continues to take a serious view of such activities. During a visit to Yugoslavia in August 1984, Mr Hayden, the Australian Foreign Minister, received a complaint from the Yugoslav authorities to the effect that his Government was 'not [being] stern enough in curbing emigre activities against the Yugoslav Communist system'.[36]

The Australian Government has responded cautiously to the potential threat from terrorism. In the wake of the Hilton bombing the Australian Government appointed Mr Justice Hope to conduct a Protective Security Review which he completed in early 1979. In this report Mr Justice Hope recommended against the provision of increased police powers to combat terrorism on the grounds that the existing powers were adequate. This recommendation perhaps also reflected Mr Justice Hope's awareness of the threat to civil liberties posed by draconian counter-terrorist legislation. As he stated in his report:

In some other overseas countries in which terrorism is a more pressing problem than in Australia, strong measures have been used to counter the problem. Many of these measures are restrictive of or antipathetic to civil liberties. They include new means of surveillance of citizens, restrictions on access to lawyers, abolition of trial by jury and employment barriers on suspected terrorist sympathisers.[37]

Although the Australian Government has enacted no domestic legislation specifically designed to counter terrorism, it did promulgate the Crimes (Foreign Incursions and Recruitment) Act in 1978, which is designed to prevent the recruitment and training of mercenaries and/or terrorists in Australia for operations against foreign governments. This Act has most recently been invoked in the case of an Australian, Mr Gary Scott, who has been accused of training OPM (Free Papua Movement) irregulars in their independence struggle

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35. The Sydney Morning Herald, 12 May 1984.
36. Reuter's, 14 August 1984.
37. Australia, Parliament, Protective Security Review Report, 1979, pp.46-7.

against Indonesia. According to Mr Justice Hope, in his 1977 Report
on Security and Intelligence, the Australian Government has the power
under the external affairs power contained in section 51(xxix) of the
Australian Constitution to investigate and deal with terrorism
directed against aircraft and against diplomatic and consular premises
and persons.[38] Legal action against terrorism can also be taken
under the relevant sections of the Commonwealth Crimes Act 1914,
especially Part II dealing with offences against the Government (which
include sections on treachery, sabotage, unlawful military drilling,
seditious intention, and interference with political liberty), and
Part IIA dealing with unlawful associations. The emergency powers
legislation of certain States also contains sections which could be
used to counter terrorism, notably Queensland's State Counter-Disaster
Organization Act 1975-1978 (section 6(d)) and the Northern Territory's
Disaster Act 1982 (section 4).

The Australian Government has also taken certain
administrative measures to counter any potential terrorist incident.
A Special Inter-Departmental Committee on Protection Against Violence
(SIDC-PAV) has been set up by the Commonwealth Government under the
chairmanship of the Special Minister of State, with the function of
providing contingency planning and co-ordination of policy regarding
counter-terrorist activities. In 1976 the Federal Government also
created a Protective Services Co-ordination Centre (PSCC). This body
has the dual function of protecting public figures, including foreign
dignitaries, who are considered potential kidnap or assassination
targets, and preparing and co-ordinating contingency arrangements for
the prevention and elimination of terrorist incidents. In the wake of
the TWA hijacking, the Australian Government, in mid July 1985, began
a major review of counter-terrorism measures throughout Australia, and
the Prime Minister, Mr Hawke, promised his country's complete co-
operation in any initiatives to counter international terrorism.

Australian Governments have, on the whole, shown themselves
sensitive to the need to ensure that the operations of the security
services do not unnecessarily encroach on the proper functioning of a
democratic society. The problem was most recently summed up by the
then Attorney-General, Senator Gareth Evans, in a speech to the
Victorian Council of Civil Liberties in May 1984. Senator Evans made
the following point:

The nature of threats to security, and hence to freedom, is
such that the means necessary to combat those threats can,
unless properly controlled, present their own threat - in
some ways more serious - to civil liberties. If freedom is

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38. Royal Commission on Intelligence and Security, Fourth Report, vol.
1, p.62.

the goal to which security is directed, then the means have
to be organised in such a way that they don't overtake the
end.[39]

In the same speech Senator Evans emphasised that ASIO's functions in
counter-terrorist activities must be strictly limited to matters of
intelligence, with a clear demarcation between its role and the
operational role of the Federal and State police forces. The former
Attorney-General (Senator Evans) has stressed the need to strengthen
the system of ASIO's accountability to the Government which would,
inter alia, allow for better mechanisms for parliamentary scrutiny
such as the creation of a Joint Parliamentary Committee on National
Security. Earlier in the same year the Australian Labor Party had
already made the suggestion in its submission to the Hope Royal
Commission that a Joint Parliamentary Committee on National Security
be established.[40] Although Mr Justice Hope concluded that such a
parliamentary committee was neither necessary nor appropriate, the
Government finally decided that it met a real need. As Mr Hawke
stated in Parliament in late May 1985:

> The Government... believes a further improvement [in the
> accountability of the security services] can be obtained by
> directly involving the Parliament - on both sides and in both
> Houses - in imposing the discipline of an external scrutiny
> of the intelligence and security agencies quite independent
> of the Executive. While the Government has been conscious
> also of the need to protect intelligence and security
> information, it believes that appropriate arrangements can be
> made to ensure that a small but informed parliamentary
> committee would operate effectively in the public
> interest.[41]

The Liberal and National Parties opposed the creation of such a
committee and the then Leader of the Opposition, Mr Peacock, strongly
criticised the idea in Parliament. However, the Opposition parties
did agree to serve on such a committee if and when it was
established.[42]

39. National Security and Civil Liberties, address by the Attorney-
    General, Senator the Hon. Gareth Evans, Q.C., to the Annual
    General Meeting of the Victorian Council for Civil Liberties,
    Melbourne, 17 May 1984.
40. Australian Labor Party, Submission to the Royal Commission on
    Australia's Security and Intelligence Agencies, February 1984,
    p.7.
41. Australia, House of Representatives, Debates, 22 May 1985.
42. Leader of the Opposition, Press Release, 22 May 1985; The
    Canberra Times, 23 May 1985.

International Terrorism

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        Despite such indications of official concern, there have been
instances where the Australian security services' counter-terrorist
operations have come close to infringing civil liberties. In October
1983 the Australian Secret Intelligence Service (ASIS) conducted a
secret anti-terrorist exercise in the Sheraton Hotel, Melbourne, in
the course of which the hotel manager was threatened by armed and
masked secret service trainees. This incident was the subject of a
Royal Commission inquiry which criticised the planning and supervision
of the exercise and recommended, inter alia, that such exercises in
public places should obtain prior police clearance and that:

    no exercise should be conducted by ASIS which would harm or
    alarm members of the public, and ASIS trainees should be so
    instructed.[43]

As a result of the Sheraton Hotel incident the Federal Government,
following the recommendations made by Mr Justice Hope in his report on
Australia's Security and Intelligence Agencies, has decided that ASIS
should not hold weapons nor should it maintain a capability for
special operations or special political action.[44] Similar anti-
terrorist exercises conducted by the Special Air Service (SAS) on oil
rigs in the Bass Strait were the subject of complaints by the
Amalgamated Metals Foundry and Shipwrights Union and the Electrical
Trades Union in the course of 1984. Again, in early May 1985, a
further SAS anti-terrorist exercise conducted in the Sydney suburb of
Balmain was the subject of some controversy when several members of
the public, including a Federal Labor M.P., Mr Baldwin, became
inadvertently involved. Mr Baldwin subsequently wrote a letter of
protest to the Minister of Defence, Mr Beazley, in which he voiced his
disquiet concerning the methods used by the SAS members involved in
the exercise.[45]

        It can be argued that such cases emphasise the necessity of
the democratic state to ensure the strict accountability of its
security organisations. As Mr Justice White stated in his report to
the South Australian Government on Special Branch Security Records:

    The price of some security measures might well be too high.
    When peripheral security risks have been driven out by the
    over-zealous security measures, the second state of the
    nation may be worse than its first.[46]

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43. Royal Commission on Australia's Security and Intelligence
    Agencies, Report on the Sheraton Hotel Incident, February 1984,
    p.69.
44. Australia, House of Representatives, Debates, 22 May 1985.
45. The Age, 9 May 1985.
46. The Canberra Times, 17 February 1984.

CONCLUSION

This paper has addressed the issues raised by the renewed interest of
Western governments in the phenomenon of international terrorism and
the threat which it is believed to pose to Western democratic
societies. Despite a high level of concern, however, no generally
accepted definition of what constitutes terrorism has emerged, and
many of the definitions which have been attempted are not free of
ambiguity. This problem of definition is of course directly related
to the fact that terrorism is, in reality, a complex political
phenomenon which embraces a multiplicity of aims and forms of action.
Such a complex issue and its concomitant definitional problems carry
serious implications for the attempts by Western governments to
formulate effective counter policies. Perhaps the most fundamental
problem which terrorism poses for the Western democracies is the need
to balance their response to a perceived threat to the political
institutions of their respective societies or to the safety of their
citizens with the preservation of the individual and collective rights
of the citizens of the societies thus threatened.

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