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11 September 2001: the response

'Look at that destruction, that massive, senseless, cruel loss of human life, then I ask you to look in your hearts and see there is no room for neutrality on the issue of terrorism. You're either with civilisation or with terrorists.'

Rudolph Giuliani, Mayor of New York, to the United Nations General Assembly, 1 October 2001.

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Summary of main points

This paper examines the reaction within the United States, the United Kingdom and the wider international community to the terrorist attacks of 11 September 2001. It contains background information on the main suspect, Osama bin Laden, and the *al-Qaeda* network, and looks in detail at the situation in Afghanistan, Pakistan and the wider region. It also details the military options available and the relevant issues of international law.

A collection of documents and a bibliography relating to the response to the attacks is contained in a companion Library Standard Note.

Researchers in the International Affairs and Defence Section are covering different aspects of the crisis. For further information on the Middle East and Central Asia, including Afghanistan and the bin Laden network, contact Tim Youngs (Ext. 6765); for military aspects contact Mark Oakes (Ext. 3852); for South Asia, including Pakistan, and aspects of international law contact Paul Bowers (Ext. 3621); for the United States contact Carole Andrews (Ext. 3978).

CONTENTS

I The Attacks of 11 September 2001

On Tuesday 11 September 2001 the United States of America suffered a series of catastrophic terrorist attacks, which were co-ordinated and calculated to inflict massive civilian casualties and symbolic damage. Four US commercial aircraft on internal flights were hijacked. Two were flown deliberately into the twin towers of the World Trade Center, the tallest buildings in New York City and the workplace for some 40,000 civilians. A third aircraft hit the Pentagon in Washington DC, and a fourth crashed in Pennsylvania after passengers attempted to take control from the hijackers.

The attacks on New York were captured live on handheld camcorders, and these pictures were soon broadcast around the world. Millions watched in dismay as broadcasters showed the aftermath. They saw workers jump from windows high up on the 110 storey buildings, in order to escape the intense heat. Within the next hour, as the World Trade Center was being evacuated, the South Tower, the second to be struck, collapsed. Hundreds of emergency personnel, working at the scene to rescue survivors, were killed, along with those still inside the building. The North Tower collapsed half an hour later. Vast clouds of smoke billowed through the streets of lower Manhattan and terrified New Yorkers ran for safety. Survivors described scenes of great carnage and human loss, and Americans at home and around the world suffered anxiety over loved ones, and experienced shock over the traumatising scenes.

The aircraft which was flown into the Pentagon caused extensive damage, and there were hundreds of deaths in the crash and the ensuing intense fire. The crash in Pennsylvania also cost the lives of all on board the aircraft.

In the midst of the attacks a nationwide state of red alert was invoked, all flights were grounded and US borders were closed. Major national buildings were evacuated, and around the world similar precautionary evacuations took place, while US embassy buildings were put under heightened guard. In these early hours there was considerable confusion as to the number of further attacks which might be expected.

In line with emergency provisions in time of military assault against the USA the President, George W Bush, in his capacity as Commander-in-Chief of the defence forces, was flown to a secure air force base in Nebraska, and as the crisis developed he and the Vice-President, Dick Cheney, were kept in separate locations.

The USA entered a period of grief and resolution. Mr Bush received news of the events during a visit to a school in Florida, and he described them as “a national tragedy” and said that “terrorism against our nation will not stand.”

Around the world communities and political leaders expressed dismay, sadness and anger. Prime Minister Tony Blair said that “we … here in Britain, stand shoulder to shoulder with our American friends in this hour of tragedy and we, like them, will not rest until this evil is driven from our world.”

The victims of the attacks included hundreds of British nationals, and others from an estimated 80 countries, from all continents and regions. Services, periods of silence and other forms of remembrance took place world-wide, and US opinion was touched when the Queen ordered the *Stars and Stripes* to be played at the changing of the guard, the first time such a gesture had been made, and the streets around St Paul's cathedral were filled for a broadcast service. On 14 September 2001, at 11.00am, hundreds of millions across the USA, throughout Europe and in many other countries observed three minutes silence.

The latest estimates of the number of deaths from the attacks on the World Trade Center vary between 4,620 and 5,756.[1] Hundreds more died in Washington and Pennsylvania. The exact figure may never be known: only 305 bodies have been found.

[1] *Associated Press*, 28 September 2001, & *Washington Post*, 1 October 2001

II Reaction to the Attacks

A. US Reactions

a. Public and political impact

The magnitude of the terrorist attacks of 11 September has had an understandably traumatic effect on the American people and on their leaders. This was evoked by President Bush in his address to a joint session of Congress on 20 September:

> On September the 11th, enemies of freedom committed an act of war against our country. Americans have known wars - but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war - but not at the center of a great city on a peaceful morning. Americans have known surprise attacks - but never before on thousands of civilians. All of this was brought upon us in a single day - and night fell on a different world, a world where freedom itself is under attack.[2]

Later in his speech, the President addressed the nature of the war against global terrorism, which is to be waged by America and her allies in response to the events of 11 September:

> Americans are asking: How will we fight and win this war? We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the disruption and to the defeat of the global terror network.
>
> This war will not be like the war against Iraq a decade ago, with a decisive liberation of territory and a swift conclusion. It will not look like the air war above Kosovo two years ago, where no ground troops were used and not a single American was lost in combat.
>
> Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no rest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

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[2] White House press release, 20 September 2001

> Our nation has been put on notice: We are not immune from attack. We will take defensive measures against terrorism to protect Americans.[3]

The President continued his speech with an appeal for the support of nations throughout the world:

> This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.
>
> We ask every nation to join us. We will ask, and we will need, the help of police forces, intelligence services, and banking systems around the world. The United States is grateful that many nations and many international organizations have already responded – with sympathy and with support. Nations from Latin America, to Asia, to Africa, to Europe, to the Islamic world. Perhaps the NATO Charter reflects best the attitude of the world: An attack on one is an attack on all.[4]

The domestic political impact of the events of 11 September was summarised in the *CQ Weekly* (the digest of congressional developments) of 15 September:

> Congress and the nation … were knocked reeling by the terrorist assault on Sept. 11, 2001. The shock waves now are rippling through government, society, commerce, diplomacy and culture. America's view of the world will change, with friends and enemies more sharply defined. Americans will debate fundamental questions of freedom and security.
>
> The entire agenda of the president and Congress, all the usual political plots and calculations, has been swept aside. Issues and arguments that a week ago seemed crucial now seem almost insignificant. For the present, there is only one issue, one agenda.
>
> It is for the president to set that course, as in all times of national crisis, and it is for Congress to close ranks behind him. After months without a mandate, President Bush has almost universal public support to do what he considers necessary, and, with a few reservations, lawmakers seem ready to agree. […]
>
> Ultimately, however, it is through Congress, the nation's deliberative and law-making assembly, that America must define the shape and limits of a changed world and strike a new balance between trust and safety.[5]

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3 White House press release, 20 September 2001

4 ibid.

5 John Cochran and Mike Christensen, 'Regrouping with a common purpose', *CQ Weekly*, 15 September 2001

The Democrat House Minority Leader, Richard Gephardt, has expressed the support for the President in Congress at this time of crisis: "We are working together here in the Congress in a completely nonpartisan way. There is no division between parties, between the Congress and the President."[6]

CQ Weekly acknowledged, however, that, despite the displays of unity in Congress, some difficult questions and splits are already beginning to emerge:

> Some members expressed frustration at the lack of information from the Bush administration and intelligence agencies. […] Some spoke of a failure of American intelligence and demanded an accounting. Others warned against finger-pointing in the face of such a dramatic outside threat.[7]

In the area of civil rights, "delicate and longstanding debates about the tensions between government's intelligence-gathering capabilities and privacy rights have taken on new urgency",[8] as have issues of airport security. Concern has been raised in some quarters by the possible waiving of the longstanding ban on US-sponsored assassinations of foreign leaders, which is said by Secretary of State Powell to be under review.[9] President Bush has already asked Congress for authority to waive all existing restrictions on US military assistance and weapons exports to any country for the next five years if he determines that such aid will help the fight against international terrorism. This blanket approach has raised concern on Capitol Hill and among human rights groups, who fear that it would undermine the "hard-fought legal architecture that ensures that US moral and political values remain an integral part of US foreign and defense policy".[10]

At present, however, American public opinion is strongly supportive of the President and his administration. The most recent *Washington Post* opinion poll on approval of the President, conducted on 25-27 September 2001, found that 90 per cent of respondents approved either strongly (70 per cent) or 'somewhat' (20 per cent) of the way George Bush is handling his job as President. This compares with approval ratings of 55-63 per cent in monthly polls from the beginning of his presidency until the events of 11 September, and 86 per cent on 13 September.

The same survey found that 64 per cent of the public trusted the federal government "just about always" or "most of the time" to do what is right, a result which marks the highest level of public trust in the US government since 1966. As the *Washington Post* noted, "The survey suggests that public attitudes towards government have been lifted by the

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6 *CQ Weekly*, 15 September 2001, p.2124
7 *ibid.*
8 *ibid.*, p.2117
9 *Financial Times*, 17 September 2001
10 *Washington Post*, 24 September 2001

surge of national pride and purpose that has swept the country since this month's suicide assaults on the World Trade Center and the Pentagon."[11]

As *CQ Weekly* has commented, "Bush's ability to inspire, console and mobilize the public – and his skill at conducting the war he has declared on terrorism – now becomes the gauge for measuring his success as president."[12]

b. Measures taken by the Administration and Congress

In his address to a joint session of Congress on 20 September, President Bush described the range of measures to be taken following the terrorist attacks of 11 September:

> Tonight, we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying, with direct assistance during this emergency.
>
> We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act, and find them before they strike.
>
> We will come together to take active steps that strengthen America's economy, and put our people back to work.[13]

A number of emergency measures and other longer term initiatives have already been implemented by the Bush administration or put before Congress, and the principal measures are summarised below.

Emergency funding

On 14 September, in the immediate aftermath of the terrorist attacks, both Houses of Congress cleared a supplemental appropriation amounting to a $40 billion (£27 billion) package of emergency spending, without a single dissenting vote.[14] However, this unanimity followed two days of difficult negotiations behind the scenes between senior administration officials and the bipartisan congressional leadership over how much latitude the President should have in allocating the money.[15]

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11 'Poll: Americans' trust in government grows', *Washington Post*, 28 September 2001
12 *CQ Weekly*, 15 September 2001
13 White House press release, 20 September 2001
14 The Senate voted 96-0 and the House 422-0.
15 *CQ Weekly*, 15 September 2001, p.2128

Under the bill, at least half the money must be used for relief related to the destruction in Manhattan, at the Pentagon and in rural Pennsylvania. The legislation makes $10 billion available immediately to the President to use for emergency rescue and rebuilding efforts; tightening security at airports and other transportation centres and at public buildings; investigating and prosecuting those involved in planning and executing the attacks; and enhancements to national security. The President would be able to call on a further $10 billion 15 days after submitting to Congress his plans for apportioning the money. The remaining $20 billion will be made available in the fiscal year that starts on 1 October 2001, with Congress directing the use of that money.[16]

According to *CQ Weekly*,

> in the end about half the money will be spent on efforts to recover from the attacks and half will be spent responding to them. But so far, it is impossible to estimate the precise costs of carrying out the Bush administration's promise to wage a comprehensive military campaign against terrorist networks and the nations that harbor them.[17]

Joint Congressional Resolution authorising use of military force

On 14 September, the Senate and the House of Representatives passed a joint resolution, supporting the use of force to respond to the terrorist attacks. The resolution authorised the President to

> use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.[18]

The Senate passed the resolution by a vote of 98-0 and the House voted 420-1.[19] While these votes boosted the President's efforts to rally international support against the backers of the terrorist attacks, *CQ Weekly* reports that discussions behind the scenes about the wording of the resolution also revealed "divisions about how to fight an unanticipated 'war' that most lawmakers acknowledged would be a long-term, if not permanent, campaign against a largely faceless and stateless enemy."[20]

Ever since the Vietnam War, Congress and the White House have engaged in periodic battles over their respective responsibilities in initiating military hostilities. The legal

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16 *CQ Weekly*, 15 September 2001, p.2128
17 *ibid.*
18 S.J.Res.23; H.J. Res.64
19 Representative Barbara Lee (D-Calif.) voted against the resolution.
20 *CQ Weekly*, 15 September 2001, p.2118

focus of such arguments has often been the 1973 War Powers Resolution,[21] which requires that in order for an overseas deployment to be sustained, Congress must either authorise the use of US forces or declare war within 60 days. Each president since the law was passed has questioned its constitutionality, arguing that it illegally undermines the commander in chief's authority to conduct foreign policy. President Bush qualified his signing of the joint resolution on 18 September by specifically noting that he maintained the longstanding executive branch position favouring the constitutional authority of the President to use force, and therefore regarding the War Powers Resolution as unconstitutional.[22]

Office of Homeland Security

In his address to a joint session of Congress on 20 September, President Bush announced the creation of a Cabinet-level position reporting directly to the President, entitled the Office of Homeland Security. This would be responsible for co-ordinating the work of the dozens of federal departments and agencies, as well as state and local governments, with responsibilities affecting homeland security. It was announced that the Governor of Pennsylvania, Tom Ridge, would fill this position and would "lead, oversee and coordinate a comprehensive national strategy to safeguard our country against terrorism, and respond to any attacks that may come."[23]

Freezing of terrorist assets

On 24 September President Bush issued an Executive Order, under the *International Emergency Economic Powers Act* (EEPA), to block all US property of terrorists and their supporters and prohibit all transactions with them in the United States. The order freezes all the US assets of "terrorists, terrorist organisations and their sponsors and associates", and bans all financial dealings with them. The prohibited transactions include making contributions and donations to or for the benefit of terrorists. The ban on financial dealings with terrorists applies to US citizens, permanent residents and any business and other organisations in the United States, including their foreign branches. The order also states that the US may impose financial sanctions on foreign nationals or organisations supporting terrorists, associated with them, or refusing to freeze terrorist assets. The President has ordered the State Department and the Treasury Department "to cooperate and coordinate with other countries in striking at the financial foundations of terrorism."[24]

This new order broadens existing authority in three main ways, namely by expanding the coverage of existing orders from terrorism in the Middle East to global terrorism; by expanding the category of targeted groups to include all those who are 'associated with'

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21 PL 93-148

22 *Washington File*, 19 September 2001

23 President Bush's address to a joint session of Congress, White House press release, 20 September 2001

24 US Department of State press release, 24 September 2001

designated terrorist groups; and by establishing the ability to block the US assets of, and deny access to US markets to, those foreign banks that refuse to freeze terrorist assets. It prohibits US transactions with those terrorist organisations, leaders and corporate and 'charitable fronts' listed in its Annex. Eleven terrorist organisations are listed, including those that make up the al-Qaeda network, and a dozen terrorist leaders are listed, including Osama bin Laden and his chief lieutenants. The order authorises the Secretary of State and the Secretary of the Treasury to make additional terrorist designations, as more information is gathered.[25] Separately, a multi-agency Foreign Terrorist Asset Tracking Center (FTAT) has been established at the Department of the Treasury, to identify the network of terrorist funding and freeze assets.

At a press briefing on the new Executive Order, President Bush said

> We have developed the international financial equivalent of law enforcement's most wanted list, and it puts the financial world on notice. If you do business with terrorists, if you support or sponsor them, you will not do business with the United States.[26]

Anti-terrorism legislation

On 24 September 2001, the US Attorney General, John Ashcroft, presented to the House Judiciary Committee the Bush administration's proposals for changes in the US laws dealing with terrorism. The proposed changes would

> streamline tracking of electronic communications among terrorists, make fighting terrorism a national priority in the criminal justice system, enhance the authority of immigration officials to detain suspects, and permit authorities to seize, not just freeze, terrorist-related financial assets.[27]

The new anti-terrorist proposals would eliminate the statute of limitations on terrorist crimes, and would also make harbouring terrorists a crime.

Anticipating the risk of further terrorist strikes, Bush administration officials are reported to have urged Congress to expand police powers by 5 October, in order to counter the threat.[28] Members of Congress are said to have resolved most of the civil liberty objections to anti-terrorism legislation, and there is reportedly wide agreement in Congress on the new provisions. The largest remaining issue is whether foreigners who have violated immigration laws can be detained indefinitely. The Democrat Chairman of the Senate Judiciary Committee, Joseph Biden, has commented: "We should have something in effect, like a speedy trial kind of provision, that required them to be held

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25 US Department of State press release, 24 September 2001
26 US Department of State Transcript on freezing terrorist assets, 24 September 2001
27 *Washington File*, 24 September 2001
28 *Washington Post*, 1 October 2001

only a certain amount of time and then released and/or the deportation matter taken care of", while Henry Hyde, the Republican Chairman of the House Judiciary Committee, said: "They're negotiating over seven days."[29] The Attorney General continues to argue for the power to detain suspects as long as immigration charges against them are being adjudicated. The *Washington Post* noted on 1 October that more than 500 people had already been arrested or detained, many of them on immigration violations.[30]

Compensation to airlines

Acting on the *Air Transportation Safety and Stabilization Act* passed by Congress on 22 September 2001,[31] President Bush on 25 September authorised up to $5 billion to stabilise the finance of the US airline industry. The money compensates airlines for revenue losses resulting directly from the Transportation Department's order grounding all civil aviation in the United States, immediately after the attacks of 11 September. The Transportation Secretary is authorised to divide the funds between airlines. The $5 billion compensation is part of a broader airline rescue package that also includes $10,000 million in loan guarantees and an open-ended federal fund to compensate victims of the terrorist attacks.[32]

Aviation security measures

On 27 September, in a speech to airline employees in Chicago, President Bush outlined a package of new airline security proposals in the wake of the terrorist attacks. He announced that he would work with Congress to put the federal government in charge of airport security and screening services. The new security arrangements would be carried out by a combined federal and non-federal workforce, with federal uniformed personnel managing all operations and maintaining a visible presence at all commercial airports. In addition, a $500 million fund would be established to finance aircraft modifications to delay or deny access to the cockpit area during flight. The President will continue to expand the number of armed air marshals travelling anonymously among airline passengers, and will seek congressional approval to make this expansion permanent. Interim arrangements have already been made by borrowing law enforcement officers from various federal agencies.

Full implementation of these security measures is expected to take four to six months. In the meantime, State Governors will be asked to call up the National Guard, at the federal government's expense, to augment existing security staff at every commercial airport nationwide. The Federal Aviation Administration will provide training for National Guard personnel in airport security measures.

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29 *Washington Post*, 1 October 2001
30 ibid.
31 PL 107-42
32 US Department of State press notice, 25 September 2001

Two task forces studying aviation security were due to report on 1 October to the US Transportation Secretary, Norman Mineta. Their reports are said to include recommendations that the new federal agency on aviation security, announced by the President on 27 September, be housed at the Transportation Department, and that the administration have flexibility to decide whether airport baggage screeners should be federal workers or contract employees.[33]

B. UK Reactions

a. Government Statement on the Terrorist Attacks

The Prime Minister, Tony Blair, set out his views on a general response to the terrorist attacks in the debate on international terrorism during the parliamentary recall on 14 September 2001. He emphasised three urgent objectives in the light of the attacks, but stated that a precise response was still under discussion. The three main objectives were:

- to bring to justice those responsible for the attacks;
- to form a common alliance against terrorism and maintain solidarity in support of any action; and
- to rethink the scale and nature of the action the world takes to combat terrorism to make it more effective.[34]

Although he had no "specific set of ideas to offer on the way forward", Mr Blair stressed the need to invigorate efforts in the Middle East peace process and not to let the events of 11 September deter this.[35] He spoke about the need to look at national and international extradition laws and the mechanisms for international justice; at the financing of terrorist groups money-laundering and links between terror and crime.[36] The methods would be the subject of discussion at international fora and discussion was already underway at European level on the formulation of a new convention against terrorism. He mentioned a role for the G8 group of nations and other bodies of which the UK is a member.[37]

The Prime Minister also tackled the ideological issues, saying:

> One value for which we fight is the democratic right to disagree. People are perfectly entitled to have their causes and feelings about any regime, Government, system or way of life, but it is up to us to ensure that they are not allowed to pursue those causes in anything other than a peaceful and democratic way. When we are under threat – and we are under threat from these events – it is

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33 *Washington Post*, 1 October 2001
34 See HC Deb, 14 September 2001, cc605-6
35 ibid., c.614
36 ibid., c606
37 ibid., c.606

> important that we react and do not allow the passage of time to make us weak in the face of that threat.[38]

When Jonathan Sayeed suggested that there might be a need to understand "why there is such hatred for so many institutions in the United States" in order to deal with some of the "deep-seated causes" of terrorism, the Prime Minister was adamant that there should be no "moral ambiguity" about the events in the US, that the entitlement to dislike the US could never justify the actions carried out. Mr Blair said that action had to be taken and the process of peace and understanding had to be pursued, but that this "should not draw us back in any way from pursuing those responsible for the atrocity".[39]

b. Diplomatic Response

The Prime Minister held bilateral meetings with several European leaders and with President Bush in the US. He attended an emergency meeting of the European Council (heads of state and government) in Brussels, at which an anti-terrorist plan of action was approved. The Foreign Secretary and other government ministers attended special sessions of the EU Council of Ministers (General Affairs, Transport, Justice and Home Affairs and Ecofin) at which initiatives were taken to combat terrorism at European level.

Mr Straw departed for the Middle East for talks with Iranian, Israeli and Egyptian leaders and the Arab League. At a lobby briefing the Prime Minister's official spokesman (PMOS) commented on Mr Straw's meeting with the Israeli Prime Minister, stating that:

> It was clear from [Mr Straw's] discussions, particularly with the Israeli Prime Minister, that we could build on the opportunity to reinvigorate the Middle East Peace Process to which we had already been committed prior to the events of 11 September, and which we were now redoubling our efforts to achieve. [….]
>
> Asked if the Prime Minister shared Mr Straw's reported view that the problems in the Palestinian territories had contributed to the terror attacks in the US, the PMOS said that in his view this was an attempt to go back over ground we had covered yesterday. The issue of the Middle East Peace Process was one to which we had already been committed prior to 11 September. We now believed that everyone should be committing their efforts to it. He added that it was a good thing of itself to try to resolve the conflict.[40]

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38 HC Deb, 14 September 2001, c613
39 ibid., c.616
40 FCO website, 26 September 2001

For security reasons the Prime Minister did not give details of any planned military response. In an interview in Brussels on 24 September, he said:

> Obviously as soon as we decide the appropriate military response and the planning of it, then of course we will tell people about it, but I think that there are two things that we have set ourselves now as clear objectives. Both ourselves, the United States of America, the international community. The first is action to make sure that those responsible for this atrocity are brought to account, are brought to justice. And secondly, then to construct, if you like, an agenda of action, at every single level, national and international, on the issue of mass terrorism: how it is financed, how they acquire the weapons capability that they have, how they operate, how they manage to move across the frontiers of different countries, all those things that went to allow that particular group of terrorists to commit that atrocity in the United States.[41]

The Home Secretary, David Blunkett, together with other government ministers, met representatives of the British Muslim community on 24 September at which each party reaffirmed its condemnation of the terrorist attacks in New York and Washington D.C.[42]

c. Views in Parliament

The leader of the Opposition, Iain Duncan Smith, assured the Prime Minister that the Conservatives would show "full support for his immediate pledge to stand shoulder to shoulder with the US" and would give their "total backing throughout in maintaining his position of unflinching support for the United States in its search for the perpetrators and its subsequent action."[43] He spoke of the values of democracy and the rule of law that had been "attacked with such callous and brutal ferocity, and contempt for human life", and assured the House that "we are united … in our determination not only to extend our genuine and heartfelt sympathy to the United States but to defend civilised values against those who seek to bring them down by violence."[44]

The Liberal Democrat leader, Charles Kennedy, expressed his support for the Prime Minister's comments and associated himself with the expressions of sympathy for the United States and those affected by the attacks. He also concurred with the Prime Minister that

> the scale of the tragedy is, in itself, a great opportunity. […] this is the moment for the international community to get its act together in a better way – certainly in a different way.[45]

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41 http://www.pm.gov.uk/news.asp?NewsId=2601
42 http://www.pm.gov.uk/news.asp?NewsId=2599&SectionId=30
43 HC Deb, 14 September 2001, c.607
44 ibid.
45 ibid., c.609-610

He questioned the Prime Minister as to the methods and fora for future anti-terrorist action and emphasised the importance of "sending the correct and legitimate signal to the Muslim community in Britain. There is no argument to be had here, and woe betide anyone in a position to influence public opinion who tries to suggest that there is."[46] He also acknowledged that some kind of military response was "inevitable". At the Liberal Democrat Conference on 24 September the international development spokesman, Jenny Tonge, said: "We must bomb this area - but we must bomb it with food and aid."

C. Other Reactions

a. European Union

Following the attacks there was a dramatic increase in diplomatic action at European Union and international level, with bilateral and multi-lateral meetings to discuss action against terrorism in general and the US attacks in particular.

After the initial condemnation of the attacks on 11 September, expressed in a joint Declaration of the EU institutions, there was a series of emergency meetings of the Commission, Parliament, Council of Ministers and the European Council (heads of state and government), as well as the European Central Bank. A number of initiatives were taken, some of which are considered in more detail below. The European Council met on 21 September, and from 24-29 September the EU Troika of past, present and future Presidencies, together with Chris Patten (Commissioner for External Relations) and Javier Solana (High Representative for Common Foreign and Security Policy, CFSP) visited Pakistan, Iran, Saudi Arabia, Egypt and Syria. Their aim was to explain the EU plan of action against terrorism and:

- to secure the confirmation of the countries visited that they will support the global fight being waged by the international community against terrorism;
- to stress that the right to riposte, as recognised by the EU on the basis of UN Security Council Resolution 1368, does not in any way equate terrorism with the Arab or Muslim worlds;
- to demonstrate the EU's concern at the situation of the countries in that region and its willingness to help them.[47]

On 20 September the President of the Council of Ministers, Belgian Foreign Minister Louis Michel, met the US Secretary of State, Colin Powell. In a joint statement of solidarity the two pledged to co-operate in the following areas:

- Aviation and other transport security;
- Police and judicial cooperation, including extradition;
- Denial of financing of terrorism, including financial sanctions;

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46 HC Deb, 14 September 2001, c609-10

47 Press release of Belgian Presidency, from: http://www.eu2001.be

- Denial of other means of support to terrorists;
- Export control and non-proliferation;
- Border controls, including visa and document security issues;
- Law enforcement access to information and exchange of electronic data.[48]

Between 12 and 24 September anti-terrorism initiatives were adopted by the European Parliament and the Council of Ministers. The Transport Council on 14 September agreed to step up air safety and security measures and to recommend further measures to the International Civil Aviation Organisation (ICAO). The Justice and Home Affairs Council met on 20 September and agreed two proposals for Council Framework Decisions, one on the establishment of a European arrest warrant and surrender procedures between Member States[49] and the other on combating terrorism.[50] The latter includes aspects of a definition of terrorism and guidance for minimum sentencing.

b. Germany

The perpetrators of the attacks have been linked to Hamburg, where four of the alleged hijackers had lived and studied. The Federal Office for the Protection of the Constitution has estimated that over 30,000 extremist or potentially violent Muslims may live in Germany, many of them directly or indirectly linked to Osama bin Laden.

In a statement to the *Bundestag* on 19 September Chancellor Schröder assured the US of Germany's support and acknowledged the obligation of NATO partners to come to the assistance of the US under Article 5 of the NATO treaty. He said that "Germany is willing to accept risks, also in military terms, but not adventures,"[51] and that, in making decisions on action, "we will be guided by one objective only, that of safeguarding our country's future in a free world."

The government approved new anti-terrorist measures and announced that it would spend DM3 billion ($1.4 billion) on heightened security measures. The opposition CDU/CSU criticised the government for not going far enough. The measures are summarised in the following report from the German language daily, the *Frankfurter Allgemeine Zeitung*:

> Some DM3 billion ($1.4 billion) will be spent to upgrade national security. The money will be distributed among all security institutions, including Germany's armed forces.
> A new "paragraph on terrorism" is to be introduced into the criminal code. It will extend a law banning support for German-based terrorist organisations to groups that are based abroad. The existing law made it difficult to persecute members of

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48 From: http://europa.eu.int/comm/external_relations/us/news/minist_20_09_01.htm

49 COM (2000) 522, 19 September 2001. The texts of these Decisions can be found on the *Europa* website at http://europa.eu.int

50 COM (2000) 521, 19 September 2001

51 German Embassy website at: http://www.german-embassy.org.uk/

> foreign terrorist groups living in Germany, as investigators had to prove that the group maintained a cell here.
> Greater efforts will be undertaken to fight money laundering and cut off funds to terrorists. Penalties for large-scale tax evasion will be stiffened, and the definition of this offence broadened; if, for example, funds obtained through tax evasion are invested by a second person, he or she will be liable to additional punishment under laws against money laundering. Finance Minister Hans Eichel of the Social Democrats said it was of paramount international importance to stop the flow of money to terrorists.
> The rights of associations are to be curtailed. Until now, authorities have been unable to ban religious organizations, but the new measures will allow the government to outlaw those groups which abuse their religious status to engage in criminal activities.
> A series of new security measures for screening airport personnel will go into effect immediately. The tighter controls will target not only airline employees but also baggage handlers and cleaners. To this end, data protection laws are to be eased to give authorities access to personal information from the Federal Intelligence Service and similar organizations.
> The funds needed to finance these measures will come from an increase in the tax on tobacco and on insurance policies, both of which will come into effect on Jan. 1. "This will not hit anyone particularly hard," said Mr. Eichel. Any additional expenditure would depend on how the international situation develops, he said.[52]

There were initially some doubts as to whether the Greens in the ruling SPD-Green coalition would support German military support for the US. A minority has opposed German troops participating in peacekeeping missions in the former Yugoslavia, most recently in Macedonia. However, on 1 October the leadership of the Greens in the *Bundestag* indicated it would approve *Bundeswehr* participation in any military action.[53] In the annual debate on the budget on 26 September, the opposition CDU-CSU accused the Alliance 90/Greens of championing civil liberties measures which critics say could make it more difficult to hunt down terrorists.

The government said it would increase financial aid to developing countries joining the anti-terrorism coalition.[54] The Chancellor also proposed that bank secrecy laws, enshrined in the German fiscal code, should be loosened in order to help trace money-laundering and fraud linked to terrorism. The Finance Minister, Hans Eichel, called on the *Länder* (states) to relinquish certain areas of jurisdiction so that a central "financial intelligence unit" could be established at the national level. The agency would gather information on money laundering, have it evaluated and pass the findings on to federal investigators if necessary.[55]

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52 *Frankfurter Allgemeine Zeitung (FAZ)* English on line, 19 September 2001, at http://faz.com
53 *FAZ*, 2 October 2001
54 *FAZ* English on-line, 26 September 2001
55 *ibid.*, 27 September 2001

The secrecy of employment and university records is also being reviewed and a planned liberalisation of immigration laws has been abandoned. The government is discussing tightening laws on freedom of movement, possibly by including fingerprints in identity cards and passports, and the *Bundestag* has approved legislation allowing the authorities to prosecute people charged with terrorism outside Germany. The proposed new law will also remove a constitutional provision prohibiting the government from banning any group, even one advocating terrorism, that describes itself as religious or faith-based.[56]

c. France

President Chirac held talks with President Bush in Washington on 18 September. In the US Mr Chirac expressed France's solidarity with the US and in response to questions about the French "fighting shoulder to shoulder" with the Americans, and confirmed France's willingness "to discuss all the measures to be put in place to make the fight against terrorism effective" and "to do everything with the US that appears useful or necessary" to eradicate terrorism. Mr Chirac was hesitant to use the word 'war' to describe the situation, preferring to refer to it as a "conflict of a new kind", a "determining conflict for human rights, freedom and human dignity".[57]

France has put in place a number of anti-terrorist measures called 'Vigipirate' to check identity papers and investigate suspicious activities. Security has been stepped up in Paris where additional soldiers, local police and gendarmes have been deployed. There have been reports suggesting that a terrorist attack had been planned against the US embassy in Paris.

d. Spain

In a synchronised operation in five cities on 26 September, Spanish police arrested six Algerians suspected of being linked to Osama bin Laden and of belonging to the Salafista Group for Freedom and Combat, one of the organisations blacklisted by the US administration. They were charged with financing and supplying electronic and optical material to Algerian-based groups. Links have been established to a cell operating in Belgium and the Netherlands, where arrests have also been made.

e. Italy

Italy has frozen the assets of all alleged terrorists and in its 2002 budget plan the government pledged to increase spending on anti-terrorist intelligence. The Italian Prime Minister, Silvio Berlusconi, said in a press briefing on 26 September that one of the greatest assets of Western culture was its valuing of individual freedom and that this was not a tradition shared by Islam. He argued that Christianity was superior to Islam, and

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56 *New York Times*, 1 October 2001

57 Press release, US Mission to NATO and French Government website at: http://www.elysee.fr/ang/disc/disc_.htm

that the West "should be confident of the superiority of our civilisation".[58] He urged Europe to "reconstitute itself on the basis of its Christian roots."[59] Many other Western leaders condemned his comments. He later told the Senate that his remarks had been taken out of context and apologised to those he had offended.

The political right rallied to his support. Margherita Boniver, deputy foreign minister, said: "There is no doubt that this superiority is clearly evident in the area of women's rights, in particular when one thinks of the treatment that a number of Islamic regimes reserve for women". The European Affairs Minister, Rocco Buttiglione, said: "Our civilisation... is a civilisation which protects, better than others, the fundamental values which make life worth living".[60]

The Arab states accused Mr Berlusconi of racism and opposition politicians and the press have been highly critical, describing the remarks as ill-judged and unacceptable at a time when the West is trying to rally the Muslim world in the fight against terrorism. *La Stampa* warned on 27 September that such language could stir up extremists and play into the hands of others like Mr bin Laden who want to encourage a clash of civilisations. Louis Michel, leading the EU mission to the Middle East, denounced Mr Berlusconi's reported remarks as "not acceptable" and "not in line with European decisions and European values."[61]

f. Greece and Turkey

Both Greece and Turkey will allow the US to use their airspace. In Greece there have been anti-American rallies and in Istanbul there was a protest on 29 September by human rights and left-wing activists opposed to a military response.

g. The Neutral States

The neutral EU States, Ireland, Denmark, Sweden and Finland, have pledged non-military help, although not always without internal criticism.

In Ireland Prime Minister Bertie Ahern has offered the US the use of Irish airfields, although some maintain that this would violate Ireland's neutrality. The Foreign Minister, Brian Cowan, has rejected the criticism, arguing that Ireland could not be neutral on international terrorism. Danish intelligence agencies have been tracking links to the bin Laden network and airport security has been raised. The government is to ask parliament for more money for improved civil defence and medical facilities. Sweden has confirmed that a number of suspected terrorists linked to Mr bin Laden are under surveillance and Prime Minister Göran Persson has said that although Sweden will not participate in any

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58 *Agence France Presse*, 27 September 2001
59 *ibid*.
60 *ibid*.
61 *ibid.*

military action, it is willing to share intelligence with the US and its allies, and will also provide funding for refugee camps in Afghanistan and neighbouring countries.[62] Finland will not join any military action but the Prime Minster, Paavo Lipponen, might allow the use of Finnish airspace.

h. EU Candidate States

On 22 September Louis Michel met the Ambassadors of the 13 candidate countries to inform them of the proceedings of the Extraordinary European Council of 21 September. Asked whether these states could align themselves with the European Council Conclusions, the candidate countries were supportive of the Conclusions and the EU action plan. This means that the EU can effectively speak on behalf of 28 states in its discussions with other governments.

i. Japan

Offers of help from Japan's Prime Minister, Koizumi Junichiro, came swiftly, with some analysts suggesting that Japan had taken this opportunity to answer criticism of its response to the Gulf War ten years earlier. The government immediately pledged $10 million in rescue assistance. Mr Koizumi met President Bush on 25 September and has also been in contact with British, French and Italian leaders.

The government put forward a seven-point plan to enable it to support the US "as much as possible".[63] The measures include:

- logistical support for the US military in the case of a strike;
- strengthened security around US bases and other facilities in Japan (there are US air bases in Okinawa and Tokyo, a naval base in Yokosuka and Marines in Okinawa);
- the dispatch of Japanese ships in the Indian Ocean to gather information;
- $40 million in emergency humanitarian and economic aid to India and Pakistan to help with Afghan refugees;
- the dispatch of a Self-Defence Force team (i.e. Japanese military) to Pakistan to prepare for the reception of Japanese cargo aircraft carrying aid supplies;
- help in securing international financial stability.[64]

Japan has constitutional impediments to the use of force abroad, but in the 1990s it moved to allow the Self-Defence Force to participate in non-combat roles in international peacekeeping missions. Mr Koizumi is preparing emergency legislation to allow Japanese troops to "make all possible contributions on the condition that they do not

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62 *Associated Press*, 29 September 2001

63 Brad Glosserman, Pacific Forum CSIS think tank, Honolulu, in article in *International Herald Tribune*, 29 September 2001.

64 *ibid.*

require the use of force".[65] This might include the protection of US installations in Japan, logistical and medical support and diplomatic co-operation and intelligence, for which Japan's connections in Central Asia and the Middle East might be useful.

Japan has already sent envoys to Iran and Pakistan to discuss the refugee crisis and the provision of aid. According to press reports there is considerable public support for Japanese action against terrorism, but there are also fears that if this turns out to be no more than political opportunism, the domestic consensus might weaken.

j. Russia

The Russian President, Vladimir Putin, expressed his condemnation of the attacks in a telegram to his US counterpart:

> The series of barbaric terrorism attacks against innocent people arouses our indignation and resentment. Could you please pass over our sincerest condolences to the relatives of the victims. There is no doubt that such inhuman actions must not be left unpunished. We can understand well your grief and pain. Russian citizens know the horror of terror for themselves.[66]

In a television interview Mr Putin added his view that "Today's developments in the United States go beyond national borders. This is a brazen challenge to all of humankind, at least to all of civilized humankind."[67]

Russian officials offered rescue teams to help deal with the aftermath of the attacks and pledged full assistance from law enforcement bodies to assist the United States in its efforts to find the perpetrators. More detail on the Russian reaction and the government's position regarding possible military action is given in Section VIII B below.

k. China

At midnight on 11 September 2001 President Jiang Zemin sent President Bush the following message:

> I am shocked to learn that some parts of New York and Washington DC were disastrously attacked, which caused severe casualties. On behalf of the Chinese government and people, I would like to express sincere sympathy to you, and through you, to the US government and people and condolences to the family members of the victims. The Chinese government consistently condemns and opposes all manner of terrorist violence.[68]

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65 *International Herald Tribune*, 29 September 2001
66 *Interfax* news agency, from *BBC Monitoring*, 11 September 2001
67 *NTV International*, from *BBC Monitoring*, 11 September 2001
68 *BBC Monitoring*, Asia Pacific, 13 September 2001

The Chinese Ambassador to the UN, Wang Yingfan, said at the Security Council's meeting the next day that terrorism constituted "a serious potential danger against international peace and security" and "represented an open challenge to the international community as a whole."[69]

China has offered support to the USA in its efforts to create a global coalition against terrorism, but has stressed that this entails countries around the world being involved in discussions over major policy developments.

l. India

India's Prime Minister Atal Behari Vajpayee made a televised address after the attacks, in which he expressed "heartfelt sympathies to the families of those who have been killed" and said that "every Indian feels for them." He noted that many Indian families had lost relatives on 11 September. He said that

> terrorists have struck yet another blow at the United States of America, at humanity, at the civilized way of life, but I have not the slightest doubt about the eventual outcome. Democracies, open, free and plural societies shall prevail.[70]

India is the largest democratic state in the world.

Mr Vajpayee linked the issue with domestic concerns, saying that

> at least 53,000 families in India know exactly the pain [the bereaved] are going through at the moment; for terrorists have mowed down and blown up that number here in India over the last two decades.
>
> For years, we in India have been alerting others to the fact that terrorism is a scourge for all of humanity, that what happens in Mumbai [Bombay] one day is bound to happen elsewhere tomorrow, that the poison that propels mercenaries and terrorists to kill and maim in Jammu and Kashmir will impel the same sort to blow up people elsewhere.[71]

He expressed eagerness to work with the Bush administration to combat terrorism, and drew attention to the lack of a general treaty on the subject:

> India has taken the lead over the last two years to have the United Nations adopt a comprehensive convention against terrorism. That convention is ready. The international community should finalize it and begin acting on it in concert.[72]

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69 *BBC Monitoring,* Asia Pacific, 14 September 2001
70 *ibid.*, 16 September 2001
71 *ibid.*
72 *ibid.*

India has offered support for the US response, but, in common with other states, has not given details of what this might entail, on the grounds that no specific requests have been made and, if they had, they would be subject to intelligence considerations. Indian television reported that the government had 'stated that its offer of full cooperation to the USA was unconditional. It said no specific request has been made by Washington on the nature of assistance it sought from India.'[73]

m. Council of Europe

The Council of Europe (COE) in Strasbourg is composed of 43 European states, including Turkey and Bosnia with their sizeable Muslim populations. The United States has been an observer to the COE since 1996.

On 26 September 2001 the Parliamentary Assembly of the COE approved international action against terrorism but called for United Nations Security Council backing. In a resolution adopted following an emergency debate, the Assembly described the attacks as "crimes, rather than acts of war" and said that any action taken by the US or others should aim to bring the organisers and sponsors to justice, instead of inflicting "a hasty revenge".[74]

The Assembly expressed its sympathy for the victims of the attacks and declared that there could be no justification for terrorism, adding: "Long-term prevention of terrorism must include a proper understanding of its social, economic, political and religious roots. If these issues are properly addressed, they may seriously undermine the grassroots support for, and recruitment of, terrorist networks." Any military action in response to terrorism should "clearly define its objectives and should avoid targeting civilians". It should not discriminate on ethnic or religious grounds.

The Assembly recommended a range of measures to improve the legal fight against terrorism, including revising and updating the Council of Europe's 1977 *Convention on the Suppression of Terrorism*, enforcing economic and other sanctions against countries offering safe havens to terrorists, identifying and seizing funds used for terrorist purposes and providing access to bank accounts for investigators. It also proposed extending the proposed European Union arrest warrant to all 43 Council of Europe member states.

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73 *BBC Monitoring*, Asia Pacific, 21 September 2001

74 From COE website at: http://press.coe.int/cp/2001/669a(2001).htm Link to the report at: www.stars.coe.int/doc/doc01/EDOC9228.htm

III Osama bin Laden and the *al-Qaeda* Network

A. Background

In the aftermath of the 11 September attacks in the United States, international attention has focused on the whereabouts of Osama bin Laden, who is widely suspected of involvement, not only in the most recent attacks, but also in a series of strikes against US targets during the 1990s. The abortive attack on the World Trade Center in 1993, the bombing of the US embassies in Kenya and Tanzania in 1998, and the October 2000 attack on the USS *Cole* in Aden have been linked in varying degrees to Mr bin Laden and his *al-Qaeda* network.[75]

Osama bin Laden was born in 1957, the son of the most successful building magnate in Saudi Arabia, Mohammed bin Awdah bin Laden, from South Yemen. The bin Laden group has for many years been the largest construction group in Saudi Arabia and Osama bin Laden is believed to have inherited a sizeable portion of the family fortune.[76] He enjoyed close ties to the Saudi royal family and Saudi intelligence during the 1980s when he played a prominent role in co-ordinating the anti-Soviet resistance in Afghanistan. He reportedly saw combat in Afghanistan on a number of occasions.[77] In addition to raising significant amounts of money for the Mujaheddin, he helped recruit volunteer fighters from around the world.[78] In this role, he came into contact with the CIA, which supplied significant financial and military assistance to the anti-Soviet war effort. The extent of the contacts between the CIA and Mr bin Laden at this time is the subject of some debate, although US officials deny that any privileged relationship existed.[79]

To assist with the process of recruitment and funding, Mr bin Laden established a 'services office', which evolved into al-Qaeda around 1988. This grouping came to provide the basis for an emerging network of militant Islamist groups.[80]

Mr bin Laden's attitude to the United States and the Saudi government began to sour at the time of the Gulf War due to his strong opposition to the deployment of US and other

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75 Al-Qaeda is Arabic for 'the base'. An attempt to maintain consistency in transliteration has been made in this paper, although alternative spellings will be encountered in other sources. For example, *al-Qaeda* is often rendered as *al-Qaida*, and Osama is sometimes rendered as Usuma.

76 The US Department of State puts the amount inherited at approximately US$300 million, although analysts close to the Saudi royal house contest this figure, which they regard as a considerable exaggeration. 'The spider in the web', *The Economist*, 22 September 2001, p.17

77 For more information on the conflict in Afghanistan, see Section IV below.

78 Many of these were drawn from Arab countries and were designated 'Arab Afghans'. A number remained in Afghanistan after the Soviet withdrawal in 1989 and still form a significant part of Mr bin Laden's power base. See Section V C below for more information.

79 'The spider in the web', *The Economist*, 22 September 2001, pp.18-19

80 The term 'Islamist' is used to denote anyone who seeks to return Islam to centrality, to make faith the determining component of identity and behaviour and to structure society in accordance with Islamic principles. It encompasses a range of religious movements from a number of different countries, including Afghanistan and Saudi Arabia.

Western forces in the kingdom. His growing criticism of the Saudi government led to his expulsion from the country in 1992. By 1994 his Saudi citizenship had been revoked, his Saudi bank accounts frozen and his share of the bin Laden fortune confiscated.[81] Some reports suggested he had become estranged from his family, although this view is disputed by other commentators, who believe he continues to receive significant funds from his family.[82]

He set up base in Sudan where he established a number of companies, including banks, and agricultural and construction firms. His network is believed to receive significant financial backing – either directly or indirectly – from charitable organisations and rich donors across the Middle East. Fraud and financial crime are also believed to play a role. Reports suggest that the perpetrators of the 11 September attacks made a significant amount of money from the short selling of shares in the airline companies affected by the hijacks.

In February 1998 a meeting between Mr bin Laden and the leaders of other militant Islamist groups resulted in the formation of a new umbrella organisation, called the 'World Front for Jihad Against Jews and Crusaders'.[83] A statement released from the meeting claimed the United States had effectively declared war on God by stationing troops on the holy soil of Saudi Arabia, besieging and bombarding Iraq, and supporting Israeli oppression of the Palestinians. The concluding part of the statement declared a *fatwa* that called on every Muslim to comply with "God's order to kill the Americans and plunder their money."[84]

a. The Role of al-Qaeda

The role of the al-Qaeda network is apparently one of co-ordinating and supporting various groups around the world that have a militant Islamist and anti-western agenda. As a consequence, al-Qaeda has developed a global reach, with cells in up to 50 countries.[85] Mr bin Laden and al-Qaeda have a broad ideological base, advocating a pan-Islamic, rather than a pan-Arab, approach. Ties with other groups reportedly cross sectarian lines, bringing together Sunnis in al-Qaeda with Shi'as belonging to Hizbollah in Lebanon.

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81 'The spider in the web', *The Economist*, 22 September 2001, p.17

82 See *ibid*., p.17 and Rohan Gunaratna, 'Blowback: a special report on al-Qaeda', *Jane's Intelligence Review*, August 2001, pp.44

83 Some observers have noted the different connotations that language can have depending on the cultural perspective. In the Middle East, the term 'crusade' carries heavy historical significance.

84 For more information on the *fatwa*, see Magnus Ranstorp, 'Interpreting the Broader Context and Meaning of Bin-Laden's Fatwa', *Studies in Conflict and Terrorism*, Vol.21 (4), October 1998.

85 Al-Qaeda is believed to have a presence in Algeria, Egypt, Morocco, Turkey, Jordan, Tajikistan, Uzbekistan, Syria, Xinjiang province in western China, Pakistan, Bangladesh, Malaysia, Myanmar, Indonesia, Mindanao in the Philippines, Lebanon, Iraq, Saudi Arabia, Kuwait, Bahrain, Yemen, Libya, Tunisia, Bosnia, Kosovo, Chechnya and Dagestan in the Russian North Caucasus, Kashmir, Sudan, Somalia, Kenya, Tanzania, Azerbaijan, Eritrea, Uganda, Ethiopia, and in the Palestinian Territories. Source: Rohan Gunaratna, 'Blowback', *Jane's Intelligence Review*, August 2001, pp.42-45

Jane's Intelligence Review has subdivided the support given by Mr bin Laden into four categories:

- groups fighting regimes led by Muslim rulers which they believe are compromising Islamic ideals and interests (as in Egypt, Algeria and Saudi Arabia);
- groups that are fighting regimes perceived as oppressing and repressing their Muslim populace (as in Kosovo, India and Indonesia);
- groups fighting regimes to establish their own Islamic state (as in the Palestinian Territories, Chechnya, Dagestan, and Mindanao in the Philippines);
- bin Laden has also directed his efforts and resources to fight the USA, a country he sees as a direct threat to Islam, closely followed by Europe, Israel, Russia and India in importance as targets.[86]

In many cases, the relationship between al-Qaeda and other groups appears to be rather loose.[87] Most of the groups that are alleged to have received support exist independently of al-Qaeda and do not have aims outside their immediate geographical vicinity. For example, evidence suggests that Mr bin Laden's network has supplied assistance, in the form of explosives, logistics and advice, to Chechen rebel groups seeking independence from Russia, although there does not appear to be any direct control exerted by Mr bin Laden at a local level. The precise role of al-Qaeda is often difficult to substantiate due to the covert nature of many of the links.

There appears to be a high degree of compartmentalisation within al-Qaeda to ensure secrecy. With regard to the spate of terrorist attacks against US targets, some commentators believe many of the activists responsible for carrying out the attacks may have little knowledge of the wider network or of the people who are ultimately co-ordinating the process.[88] These suspicions have been born out by evidence drawn together during the trials of those suspected of carrying out the 1993 WTC attack and the 1998 embassy bombings. Peter Bergen – the author of a forthcoming book on the bin Laden network – believes that the evidence so far

> confirms a pattern of foot-soldiers who know very little about the wider plan, and masterminds who are spirited out of the country immediately after, or even before, the attack takes place.[89]

In addition, there is evidence of certain individuals and groups operating with the assistance of al-Qaeda, although not under any clear chain of command. Ramzi Yousef, who has been convicted of the 1993 WTC attack, reportedly received support from al-

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86 Source: Rohan Gunaratna, 'Blowback', a special report on al-Qaeda, *Jane's Intelligence Review*, August 2001, pp.43

87 For more detail on the bin Laden network, see Rohan Gunaratna, 'Blowback', a special report on al-Qaeda, *Jane's Intelligence Review*, August 2001, pp.42-45.

88 Mark Galeotti, quoted in *The Economist*, 22 September 2001, p.17

89 Quoted in 'The spider in the web', *The Economist*, 22 September 2001, p.19

Qaeda, but some commentators believe he may have been linked to Iraqi intelligence.[90] Mr Yousef is suspected of planning a series of other attacks that failed to materialise, including the assassination of President Bill Clinton and Pope John Paul in the Philippines, and a plan to bring down 12 US airliners in one day.

In light of the evidence that has emerged thus far about al-Qaeda, some commentators have raised doubts about the significance of Mr bin Laden's role in co-ordinating attacks, warning that it would be imprudent to focus unduly on one individual and to ignore the wider organisation or other groups.

B. Past Terrorist Attacks on US Targets

The attacks of 11 September were the latest in a series of terrorist strikes against US targets around the world over the past decade. In the majority of cases, although not all, Mr bin Laden and al-Qaeda are alleged to have been directly involved, or to have provided assistance to the perpetrators.

World Trade Center (1993)

On 26 February 1993 a van packed with explosives detonated in an underground car park beneath the World Trade Center in New York. Six people were killed and over 1,000 injured, although the attackers failed in their apparent aim of collapsing one tower into the other. The investigation into the attack led to a series of arrests and the detention in July 1993 of Sheikh Omar Abdel Rahman, the spiritual leader of the armed Islamist group, a*l-Gama'a al-Islamiya*, which was responsible for a number of attacks in Egypt. Four men were convicted in March 1994 followed by further convictions in October 1995. Sheikh Rahman was sentenced to life without parole plus 65 years.

The chief suspect, Ramzi Yousef, was arrested in early 1995 in Pakistan and extradited to the United States. He was brought to trial, initially for a separate conspiracy involving the plot to bomb 12 U.S. airliners for which he received a mandatory life sentence. Then in 1997 he was tried and convicted for his role in the World Trade Center bombing. In January 1998 he was sentenced to a total of 240 years.

Al-Khobar Barracks (1996)

In 1996 a bomb exploded next to a US barracks in Al-Khobar, Saudi Arabia, killing 19 US Air Force personnel. An investigation into who was behind the attack was concluded in the summer of 2001 with the issuing of a 46-count indictment by a US federal grand jury. The indictment charged 13 Saudis and one Lebanese of murder, attempted murder and conspiracy to use weapons of mass destruction. Many of the counts carry the death penalty. The Saudi suspects are alleged to be members of 'Saudi Hizbollah', a group

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[90] See for example, Laurie Mylroie in 'The spider in the web', *The Economist*, 22 September 2001, p.19

with training links to Iran, Syria and Lebanon that seeks to bring about a US withdrawal from Saudi Arabia. The statement accompanying the indictment claimed that "elements of the Iranian government inspired, supported and supervised" Saudi Hizbollah.

Saudi officials reacted strongly to the allegation of Iranian involvement, perhaps fearing it would undermine the recent rapprochement between Tehran and Riyadh. The Saudi interior minister ruled out any prospect that the suspects would be extradited to the United States and complained that the US had failed to co-ordinate with his government before issuing the indictment.[91] Some observers have argued that a lack of co-operation on the part of Saudi investigators prevented US officials from establishing a link with al-Qaeda and Mr bin Laden.[92]

US Embassy Bombings, Kenya and Tanzania (1998)

On 7 August 1998 bombs exploded outside the US embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. The attacks left 224 people dead and over 4,000 injured, the majority of whom were Africans. 12 US citizens died in the blasts. In the aftermath of the bombings, US forces launched cruise missile strikes against suspected terrorist infrastructure in Afghanistan and Sudan.[93]

In May 2001 four men were convicted of involvement in the bombings by a US federal jury in New York and were sentenced to life imprisonment. In addition to the four convicted men, another six are in US or UK custody awaiting trial. Public indictments have been issued against a further 26 individuals, including Mr bin Laden.

The trial in New York offered a rare insight into the operating methods of al-Qaeda. FBI testimony during the trial claimed two of the accused had admitted their involvement under cross-examination. One reportedly linked Mr bin Laden directly to the embassy attacks, saying he had been instructed to scout out the embassy in Kenya. Khalfan Khamis Mohammad was reported to have said: "I took pictures, drew diagrams and wrote a report. Bin Laden looked at the picture of the American embassy and pointed to where a truck could go as a suicide bomber."[94]

The prosecution had sought the death penalty against two of the men convicted in May, but the jury failed to reach a unanimous verdict. There were also concerns that imposing the death penalty would have made the men martyrs.

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91 Ed Blanche, 'US indictments strain Saudi links', *Jane's Intelligence Review*, August 2001

92 See for example, *WashingtonPost.com*, at http://www.washingtonpost.com/wp-srv/world/binladen/front.html

93 See Section V A for more information on the military and diplomatic response to the embassy attacks.

94 Stefan Leader and Aaron Danis, 'Tactical insights form the trial', *Jane's Intelligence Review*, August 2001, p.48

USS *Cole*, Yemen (2000)

In October 2000 the US Navy destroyer USS *Cole* was struck by suicide bombers in a dinghy that drew alongside it in Aden harbour in Yemen. The blast left 17 US servicemen dead. Osama bin Laden was reported to have declared that

> In Aden, the young men rose up from holy war and destroyed the destroyer for injustice that had sailed itself into its own doom.[95]

In mid-June, reports emerged of a videotape in which Mr bin Laden allegedly told his supporters: "It's time to penetrate America and Israel and hit them where it hurts most." The following week a London-based satellite television station, the Middle East Broadcasting Centre (MBC), reported comments from supporters of Mr bin Laden that in the next few weeks "a severe blow is expected against USA and Israeli interests worldwide."[96] The reporter involved had travelled to Afghanistan to meet Mr bin Laden, who was present when the comments were made.

C. US measures against *al-Qaeda*

Mr bin Laden has been on the US Federal Bureau of Investigation's list of ten most wanted fugitives for over two years, and the US has offered a reward of $5 million for information leading to his apprehension or conviction.[97] He has been indicted on a number of counts, including the murder of, and conspiracy to murder, US nationals outside the United States, and for mounting an attack on a Federal facility resulting in death. The Bush administration has also named Mr bin Laden as the prime suspect for the 11 September attacks, and on 2 October presented NATO with a dossier of evidence, which was described by the NATO Secretary General, Lord Robertson, as "clear and compelling".[98]

In addition to the measures outlined in Section II A(b) above, US officials have announced a major effort against the al-Qaeda network and began by seeking to cut off its financial supply. On 24 September President Bush announced a series of measures to this end, including:

- a freeze on US assets and transactions of 27 individuals and groups alleged to be linked to terrorist activities;
- a pledge to freeze the assets and transactions of international banks that do not co-operate with the US anti-terrorist campaign;

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95 For more information on the trial, see Phil Hirschkorn, 'Convictions mark first step in breaking up Al-Qaeda network', *Jane's Intelligence Review*, August 2001, p.49

96 'Bin Laden "plans new attacks in two weeks"', *The Times*, 25 June 2001

97 For more detail, see the FBI web site at http://www.fbi.gov/mostwant/topten/fugitives/laden.htm

98 BBC News web site at http://news.bbc.co.uk , 2 October 2001

- a prohibition on transactions with groups believed to be linked by Mr bin Laden and the al-Qaeda network, and on donations to non-profit organisations suspected of providing funding; and
- the establishment of a Foreign Terrorist Asset Tracking Center to track down sources of funding for terrorist organisations.[99]

These moves towards tighter financial regulation represented a significant shift in approach by the Bush administration, which had previously resisted increased regulation of tax havens.

In response to the imposition of such financial restrictions, reports suggest al-Qaeda has become increasingly reliant on cash, which is impossible to trace. Vince Cannistraro, a former head of counter-terrorism at the CIA, believes the US "will never be able to cut off his funds entirely, only restrict them."[100]

[99] Source: *Financial Times*, 25 September 2001
[100] Quoted in 'The spider in the web', *The Economist*, 22 September 2001, p.19

IV Afghanistan

The Bush administration has indicated that its response will be directed not only against suspected terrorist networks that carried out the 11 September attacks, but also the states and groups that harbour and support them. Attention has therefore centred on the Taliban movement, which controls around 90 per cent of Afghanistan and is believed to have close ties with Mr bin Laden.

A. Background

The land-locked Central Asian state of Afghanistan has an area of 245,000 square miles, much of which is either sparsely populated desert or remote mountains. It is flanked to the west by Iran and to the north by the former-Soviet republics of Turkmenistan, Uzbekistan and Tajikistan. A narrow mountainous corridor to the north-east connects to China, but the longest common border is with Pakistan to the south and east.[101]

Within Afghanistan, physical geography splits the country into two, with the high Hindu Kush mountain range dominating the centre. Communications within the country are sparse. There are two main routes north from the southern city of Kandahar: the first heads north-west to the western oasis town of Herat, and the second heads north-east to the capital, Kabul. There the road splits, continuing east over the Khyber Pass into Pakistan, or north, through the Salang Tunnel, to the border with Tajikistan.

The geographical split in Afghanistan is roughly mirrored in ethnic terms. To the north of the Hindu Kush live a mixture of Persian-speaking and Turkic ethnic groups, while to the south live the majority of various Pashtun (Pathan) groups and some Persian speakers. Tajiks and Hazaras populate the central mountain region.[102] There are also strong linguistic differences: ethnic Tajiks and Hazaras speak Dari (the Afghani Persian dialect), whereas ethnic Uzbeks, Turcomans and Kyrgyz speak the Turkic languages of Central Asia. The Pashtuns speak Pashto, which is a blend of Indo-Persian languages. Most of the population is Sunni Muslim with the exception of the Shi'a Hazaras. Many Afghan groups were traditionally nomadic, moving herds in seasonal migrations.

Estimates of the Afghan population vary widely, although most place the figure between 23 million and 26 million. The accuracy of these figures, however, is open to question, given the collapse of the state and the unknown number of casualties incurred during the past two decades of conflict. Tajiks comprise around 25 per cent of the population, with Hazaras forming 19 per cent and Uzbeks around 6 per cent. Pashtuns form the largest contingent with around 38 per cent.[103] Afghan Pashtuns fall into a number of different

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[101] For more detail on the background to the current situation and the rise of the Taliban, see *Afghanistan*, Library Research Paper 97/41, 25 March 1997.

[102] For more detail on the ethnic balance and history of Afghanistan, see Ahmed Rashid, Taliban: *Islam, Oil and the New Great Game in Central Asia*, London, 2000, pp.7-13

[103] Source: CIA, cited in the *Financial Times*, 28 September 2001

groups (for example, Durrani, Ghilzai and Swat) but still share a common identification as Pashtuns. There is also a sizeable Pashtun population of around 7 million in Pakistan. Cross-border ties have been strengthened by the influx of Afghan Pashtun refugees into Pakistan in recent decades.

The diversity of ethnic groups owes much to Afghanistan's history and its strategic position at the crossroads of Central Asia. In past centuries, the country straddled important east-west trade routes and its mountain passes provided transit for the armies of successive empires, including the Macedonian Greeks under Alexander the Great, the Persians and the Mongols. By the nineteenth century the country had become the focus of rivalry between the British Empire in India and the Russian Empire expanding into Central Asia – an episode that became known as the 'Great Game'. The British failed on three occasions to conquer the country before choosing instead to co-opt the Afghans through financial assistance and subsidies. Afghanistan was effectively reduced to the position of a client state. Full formal independence from Britain occurred in 1919, although the diversity of ethnic groups and their long history of tribal autonomy hampered efforts to establish a centralised state structure and the period was punctuated by frequent revolts and assassinations.

In 1973 the royal dynasty that had ruled the country for over two centuries fell when King Zahir Shah was deposed by his brother-in-law, Mohammed Daoud. Afghanistan was declared a republic with Daoud as president and Zahir Shah fled into exile in Rome. Marxist army officers helped consolidate Daoud's position, although this process was hampered by growing splits between the two main communist factions known as *Khalq* ('the people') and *Parcham* ('the banner'). The situation was further complicated by the emergence of an influential Islamist movement led by Gulbuddin Hikmatyar, Burhanuddin Rabbani and Ahmad Shah Masud, who were to become key players in the decades that followed.[104]

B. Soviet Invasion (1979)

In 1978 a bloody coup by Khalq army officers resulted in the death of Daoud and his replacement by Nur Mohammed Taraki. Violence between the rival factions – including the murder of Taraki – coincided with wider rural revolts by Islamic opponents of the communist regime.

Concern in Moscow over the deteriorating security situation and fears that Taraki's successor, Hafizullah Amin, could turn to the West for assistance led to the intervention of Soviet forces into Afghanistan in December 1979. Amin was killed in the invasion and the Parcham leader, Babrak Karmal, was imposed in his place.

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[104] Hikmatyar, who heads the Hizb-e Eslami party, emerged as a leading Mujaheddin commander during the 1980s. Rabbani is currently the internationally recognised president of Afghanistan, and Ahmad Shah Masud, who was assassinated in September 2001, served as the military commander of the anti-Taliban Northern Alliance.

The invasion and subsequent occupation met with strong resistance from a disparate selection of Islamic Mujaheddin guerrilla groups, who received significant financial and military assistance from the United States, China and Arab states. Soviet losses mounted steadily, in spite of repeated efforts to crush the Mujaheddin through the widespread deployment of mines, carpet-bombing of rebel areas and the use of scorched earth tactics. A long war of attrition ensued, with the Soviets and their allies in control of the main towns, but unable to subdue the more remote regions. By the time of the Soviet withdrawal in 1989 the country had been devastated. An estimated 1.3 million Afghans had been killed and 4.5 million had fled abroad. Soviet losses were estimated at 15,000, with some 50,000 wounded.

C. Civil War (1989-2001)

The withdrawal of Soviet troops in February 1989 raised hopes of an imminent end to the conflict. Instead, fighting degenerated into civil war, as rival ethnic and political interests splintered the former anti-Soviet Mujaheddin coalition into competing factions. As a result, the pro-Moscow regime of President Najibullah was able to cling to power for a further three years after the Soviet withdrawal.

Kabul finally fell to elements of the Mujaheddin in April 1992 and a new government of the renamed Islamic Republic of Afghanistan was established. An agreement was reached between the Mujaheddin leaders to introduce a rotating presidency, starting with Burhanuddin Rabbani. However, disputes broke out over the division of posts within the government and fighting flared again. There was particular concern among Pashtun leaders, who resented the hand-over of power to other ethnic groups after more than 250 years of uninterrupted Pashtun rule.

By 1994 Afghanistan had disintegrated into a patchwork of competing groups and shifting alliances. The predominantly ethnic Tajik government of President Rabbani held Kabul and the north-east of the country, while the northern provinces were under the control of the Uzbek warlord, General Rashid Dostum. Ismael Khan controlled the western provinces around Herat, and the area to the south and east of Kabul were in the hands of Gulbuddin Hikmatyar. The Hazaras controlled the central province of Bamiyan. The eastern border with Pakistan was held by a council of Mujaheddin, and the south was split between scores of ex-Mujaheddin and bandits who used their control of the roads to extort large amounts of money from the cross-border trade with Pakistan.

D. Emergence of the Taliban (1994)

In late 1994 a new force, the Taliban movement, emerged rapidly onto the scene in the south, first seizing control of Kandahar and then the surrounding provinces. The name ‘Taliban’ (the plural of *talib*, from the Arabic for an Islamic student) derives from the fact that many of the movement’s fighters were drawn from the Islamic theology schools (*madrassahs*) that had been established in Afghan refugee camps in north-eastern Pakistan during the 1980s.

The Islamist Taliban leadership presented itself as a cleansing force that would be able to rid the country of the factionalism, corruption and violence that had predominated after the Soviet withdrawal. Frustration and war-weariness among the population in the south meant the Taliban was initially well received, and its forces were able to advance rapidly, capturing nine provinces out of 30 by February 1995.

The movement received strong backing from Pakistan and its influential Inter-Service Intelligence agency (ISI), which assisted in the recruitment of members and provided weaponry, training and technical assistance.[105] Islamabad was apparently motivated by a desire for stability in Afghanistan, which was seen as a potential bridge between Pakistan and the oil and gas-rich republics of Central Asia and the Caucasus.

a. Fall of Kabul (1996)

The first major military test of the Taliban came around Kabul where it was confronted with the combined forces of Mr Masud, the Hazaras and Mr Dostum. The latter had previously been an ally of the Taliban, but shifted allegiance to his northern neighbour, Mr Masud, to help preserve his own power base. A series of setbacks for the Taliban around Kabul led the movement to refocus its efforts on the western city of Herat, which duly fell in September 1995.

In September 1996 a Taliban assault to the east of Kabul outflanked Mr Masud's forces, allowing Taliban fighters to capture the capital. The former government of President Rabbani was forced to flee, yet the expected international recognition of the Taliban as the legitimate government of Afghanistan was not forthcoming, perhaps due in part to the Taliban's brutal execution of former president Najibullah, who had been sheltering in the UN compound in Kabul.

E. Human Rights and the Taliban

The role of Islam in Afghan society was a source of debate and conflict throughout the twentieth century. Attempts by central authorities to liberalise society, particularly with regard to the status of women, frequently provoked a violent backlash from more traditional elements of the population. An early attempt at liberalisation came in 1929 with the failed attempt by King Amanullah to outlaw the veil or *chador*. Thirty years later, under the leadership of Mohammed Daoud, a raft of social reforms was pushed through and women were permitted to work in the public services. These reforms were developed further under the pro-Soviet regimes of the late 1970s and 1980s, with the lifting of many restrictions for the urban female population. Women, particularly in Kabul, were able to dress as they wished and pursue an education and career. However,

[105] For more information on the depth of Pakistani involvement in the conflict, see Sections V C and VII C below.

the growing liberalisation in the cities contrasted strongly with the situation in more rural areas where traditional attitudes remained dominant.

One explanation for the current hard-line Islamist policies is that the attempts at liberalisation during the 1970s and 1980s have caused a severe backlash from advocates of traditional Islam, leading to a strong re-affirmation of Islamic principles in the form of the Taliban.

The religious beliefs of the Taliban share some commonality with the Saudi interpretation of Islam. The Saudi state is based on an alliance between the royal house of Saud and the Wahhabi religious movement, which emerged during the eighteenth century. Early Wahhabis, or Unitarians as they are known in Saudi Arabia, believed that the local practice of Islam had become corrupted, and so advocated the strict enforcement of religious doctrine and of religious observances. In modern Saudi Arabia, this includes the "strict segregation of the sexes, an absolute prohibition of the sale and consumption of alcohol, a ban on women driving and many other social restrictions."[106]

The Taliban is not drawn from Wahhabi school, but instead belongs to the small Deobandi movement, which emerged in the 1860s in the Indian Himalayan town of Deoband. Nonetheless, it has imposed an enforcement of religious strictures that is even tighter than Wahhabi orthodoxy. It has insisted on strict enforcement of its Islamic dress code, women have to wear the *burqa*, an all-enveloping robe, and they may go outside only in the company of a close male relative. Women are also banned from attending school, at least until the security situation improves, and are not permitted to work. Women's groups in Afghanistan and Pakistan have been fiercely critical of the Taliban, regarding the movement as deeply oppressive. The movement has also come into conflict with UN aid agencies over its attitude to women's involvement in humanitarian work.

Some of the Taliban's decrees have seemed arbitrary and appear to have tenuous religious relevance.[107] Men have been ordered to grow beards, music is banned and all sports – including the flying of kites, a traditional pastime in Afghanistan – have been outlawed. Religious police are responsible to enforcing the Taliban's decrees and anyone caught in violation is subjected to 'punishment' in the form of lashings, bodily mutilation or execution.[108] According to Amnesty International,

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[106] Roger Hardy, 'Analysis: Inside Wahhabi Islam', BBC News web site at http://news.bbc.co.uk , 30 September 2001

[107] For examples of some of the Taliban's decrees relating to women and other cultural issues, see Appendix 1 of Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, London, 2000

[108] See for example: 'Flagrant Abuse of the Right to Life and Dignity', *ASA 11/3/98*, April 1998, *AI Report 1997: Afghanistan*, and 'Women in Afghanistan: the violations continue', *Amnesty International Report ASA 11/05/97*, June 1997

> *Taleban* Shari'a courts, whose procedures fall short of international fair trial standards, continued to impose cruel, inhuman or degrading punishments. At least 15 people were executed in public during 2000. At least one woman was stoned to death. There were at least five amputations, and over a dozen floggings.[109]

There has been widespread international condemnation of not only the Taliban's record on human rights, but also its destruction of the country's non-Islamic cultural heritage, such as the demolition of the unique giant statues of Buddha in central Afghanistan in March 2001. The destruction of the statues went ahead despite pleas to reconsider from international leaders and the UN Secretary-General, Kofi Annan. There was also much concern expressed over a Taliban requirement for Hindus to wear an identifying armband, although some argued that this would in fact protect them from the attentions of the religious police.

a. Debacle at Mazar-e-Sharif (1997)

After a lull in fighting during the winter months of 1996-97, the Taliban renewed its offensive against the Northern Alliance, or the 'United Islamic Front for the Salvation of Afghanistan' (UIFSA), as it became known. Attempts to seize the strategic Salang pass and road tunnel north of Kabul failed, but an apparently decisive breakthrough came for the Taliban in the north-west. In May 1997, the defection of a significant part of General Dostum's forces under General Malik enabled Taliban troops to capture the crucial northern stronghold of Mazar-e-Sharif without resistance. Mr Dostum was forced to flee to Turkey.

Many commentators assumed a final Taliban victory was imminent and on 25 May 1997, one day after the fall of Mazar-e-Sharif, Pakistan became the first country to recognise the Taliban administration as the legitimate government of Afghanistan.[110] Saudi Arabia and the United Arab Emirates are the only other states to have followed suit, although both have withdrawn recognition in the aftermath of the terrorist attacks in the United States. As a result, the Rabbani government is still internationally recognised and its representative is still accredited to UN bodies, despite protests from the Taliban. The lack of international recognition was due in part to concern at the Taliban's record on human rights.

In the event, predictions of imminent defeat for the Northern Alliance were proven to be unfounded. As the Taliban sought to impose control on the newly occupied area around Mazar-e-Sharif and disarm the defecting troops, fierce fighting broke out and the Taliban was forced to retreat in disarray, losing many men in the process.

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[109] *Amnesty International Annual Report 2001: Afghanistan*, from the AI web site at http://web.amnesty.org/web/content.nsf/pages/gbrlibraryhome

[110] The Taliban renamed the country as the 'Islamic Emirate of Afghanistan'.

By September 1997 the Taliban had recovered sufficiently from the debacle of May to launch a further offensive against Mazar-e-Sharif, but the town remained in the hands of the Northern Alliance. Fighting between the Taliban and the Alliance during the winter months was reported in the north and north-west, but wide-scale military activity was hampered by the extreme weather conditions in the mountainous terrain. Nonetheless the propaganda war between the two sides continued unabated with claims and counter-claims of massacres. In early January 1998 allegations were made by the Northern Alliance of Taliban involvement in the murder of 600 civilians in northern Afghanistan.[111] In turn, the Taliban claimed that 2,000 of its men had been massacred by Alliance forces.

In general, due to the remote nature of the area of conflict, independent verification of any claims of success by either side has been difficult to obtain. Few Western correspondents operate in the country and as a result the only source of information on a day-to-day basis has been the reports in the Pakistani, Iranian and Taliban media.

The image of the Taliban as a force capable of unifying Afghanistan was badly dented by reports of internal dissent after the defeat at Mazar-e-Sharif and of uprisings in the south around Kandahar.[112] Claims on Iranian radio of protests against the Taliban's rule were backed up by reports on Taliban radio of rebel activity that would be swiftly suppressed.[113] Commentators suggested that splits had emerged between hard-liners and moderates over the possibility of dialogue with the Northern Alliance, adding weight to suggestions that the fundamentalist doctrine of the Taliban was simply concealing deep-seated differences between rival factions.

The Northern Alliance was also faced with internal disputes. The return of Mr Dostum from exile – with the aid of Uzbekistan – rekindled tension with Malik and in March 1998 fighting was reported between rival Uzbek and Shi'a factions in Mazar-e-Sharif.[114] Plans for a new government-in-exile comprising representatives of all Afghanistan's major ethnic groups failed to produce results.[115] The Alliance was also affected by the severe earthquakes that hit Afghanistan in February and June 1998, killing approximately 7,000 people.[116]

During 1997 and 1998 the Hazara forces occupying a blocking position in central Afghanistan emerged as a significant threat and succeeded in inflicting a number of small-scale defeats on the Taliban. The Taliban responded with a blockade aimed at starving the isolated Hazaras into submission.[117] The civilian population suffered famine in consequence and the area remained inaccessible to aid agencies. This blockade is an

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111 *BBC Summary of World Broadcasts*, 9 January 1998
112 'Divisions Multiply', *Far Eastern Economic Review*, 31 July 1997
113 *BBC Summary of World Broadcasts*, 13 January 1998
114 'Afghanistan: Arms Buildup', *Oxford Analytica Brief*, 19 March 1998
115 *ibid.* and *Jane's Intelligence Review Pointer*, May 1998
116 *The Economist*, 13 March 1998 and *The Guardian*, 4 June 1998
117 'Playing Dirty', *Far Eastern Economic Review*, 27 November 1997

example of the Taliban's disregard for international law, as it breached Geneva Convention provisions on the treatment of civilians.

b. International Involvement

The rapid emergence and advance of the Taliban between 1994 and 1997 caused consternation across the region, as neighbouring states feared a spill-over of instability and Islamist militancy from Afghanistan. The result was an unprecedented polarisation in attitudes towards the Taliban. Ahmed Rashid commented in his book, *Taliban: Islam, Oil and the New Great Game in Central Asia*, that:

> … the Taliban have inadvertently set a new agenda for Islamic radicalism in the entire region, sending shock waves through Afghanistan's neighbours. […] Iran, Turkey, India, Russia and four of the five Central Asian Republics – Uzbekistan, Kazakhstan, Kyrgyzstan and Tajikistan – have backed the anti-Taliban Northern Alliance with arms and money to try and halt the Taliban's advance. In contrast Pakistan and Saudi Arabia have backed the Taliban.[118]

Throughout the latter half of the 1990s the United Nations made repeated attempts to mediate between the Northern Alliance and the Taliban, but without success. The UN's senior representative, Norbert Holl, complained in October 1997 that one of the principle obstacles to mediation was the interference by neighbouring countries. Although he said he did not view the Afghan leaders as puppets, he noted that "they need to get ammunition from somewhere".[119]

Another aspect to the regional confrontation was the battle to secure access to the oil and gas deposits in Central Asia. Governments and international companies advanced competing claims for potential pipelines, including a US-backed scheme for a route through Afghanistan that would bypass Iran.[120] Some commentators came to refer to this rivalry as the 'New Great Game'.

c. Taliban Advance Resumes (1998-2000)

In late spring 1998 fighting resumed between the Northern Alliance and the Taliban on a number of fronts. A major Taliban offensive during the summer of 1998 captured swathes of territory from the Northern Alliance, including the towns of Shiberghan, Mazar-e-Sharif and Kunduz.

The gains of 1998 were supplemented during 1999 as the Taliban advanced into the region around Faizabad. The capture on 6 September 2000 of the Alliance's political

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[118] Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, London, 2000

[119] 'Agonizing Aftermath', *Far Eastern Economic Review*, 30 October 1997, p.5

[120] For more information on the oil and gas pipeline issue, see Chapters 11 and 12 (pp.144-182) of Ahmed Rashid, *Taliban*

capital of Taloqan in the north-east left the Taliban in control of approximately 95 per cent of the country, although without the support of much of the local population. Around 90,000 Afghans were reported to have fled into the mountains to escape the Taliban advance, in the hope of crossing into Tajikistan.[121]

A number of factors lay behind the Taliban's military successes. Early Taliban operations between 1995 and 1998 had been marked by heavy casualties and a reliance on numerical superiority, but from 1998 members of the Northern Alliance noted a marked improvement in the military prowess of their opponents. This was due primarily to the influx of a significant number of non-Afghan fighters. Foreign mercenary volunteers fought alongside the Afghan Mujaheddin during the Soviet occupation, but the foreign presence dropped sharply after the fall of Kabul in 1992. Numbers began to increase again with the rise of the Taliban from 1995 and by 2000 these troops had come to constitute a significant part of the Taliban combat strength. There are estimated to be between 8,000 and 12,000 foreign fighters, forming between a fifth and a quarter of the Taliban's military force of 40,000-45,000.[122] The Taliban's dependence numerically has been mirrored by a growing dependence on the battlefield where the well-trained and equipped foreign units have been used with increasing frequency to spearhead attacks.

Over half the foreign fighters are drawn from Pakistan, many from the predominantly Pashtun areas of Baluchistan and North-West Frontier Province, although there are a growing number of volunteers from Punjab, Sindh and Karachi. A large, albeit declining, proportion of volunteers have been drawn from Pakistani *madrassah* religious schools, although they have been of questionable military value. Of greater effectiveness have been volunteers from Pakistan's militant *jihadi* groups, such as Harakat-ul-Mujahidin (HUM).

Northern Alliance leaders have also made repeated allegations of covert and overt Pakistani government involvement in the conflict. Claims that Pakistani commando units have been engaged in fighting appear unlikely, although there is circumstantial evidence to suggest military advisors from Pakistani intelligence and retired army officers have been operating with the Taliban.[123]

The second largest contingent of fighters is drawn from Arab states across the Middle East. Estimates of the number of Arab recruits have doubled since 1997-8, now standing at around 2,000. Most are apparently affiliated to, and financed by, Osama bin Laden and their influence has grown as the Taliban's international isolation has deepened. Arab instructors and recruits are believed to operate out of a number of training camps around the eastern city of Jalalabad, and around Kunduz and Kandahar:

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121 'On the Spot', *Far Eastern Economic Review*, 19 October 2000

122 Anthony Davis, 'The Taliban tinderbox', *Jane's Defence Review*, 18 July 2001, pp.18-19

123 Anthony Davis, 'Foreign fighters step up activity in Afghan civil war', *Jane's Intelligence Review*, August 2001, pp.14-17

> …Arab troops are widely recognised as the most aggressive fighters in the Taliban ranks, who before graduating to specialised "terrorist" training in demolition, sabotage and communications are generally required to serve first at the front…[124]

However, some recruits are sent directly for "specialised training for international operations without serving in front line units."[125]

Additional volunteers are drawn from the Caucasus and from the Central Asian republics and include members of the Islamic Movement of Uzbekistan (IMU).[126] Russian officials allege that Chechen fighters have established military bases and training facilities in Afghanistan.

These foreign ties have provoked discontent among some Afghans, who apparently resent the growing Arab influence and believe it undermines Afghanistan's independence. The extent of this discontent and the wider dissatisfaction with the Taliban has been difficult to judge, but it could emerge as an important factor if the Taliban begins to suffer reverses on the battlefield.

The military success of the Taliban during 1998-99 was aided by a lack of political unity within the Northern Alliance. The fall of Taloqan proved to be a significant blow for the Alliance and forced an urgent reassessment of its approach. In an interview in June 2001 the Alliance military commander, Mr Masud, declared:

> There were tactical reasons for our defeat, such as [Taliban] use of armour, but the most important strategic reason was that I was unable to get the war moving in parts of the country in the enemy's rear. When Taloqan fell I had only two helicopters left operating with considerable difficulty between [the] Panjshir [valley] and the north. The Taliban were able to bring forces and munitions from everywhere and concentrate pressure against one point.[127]

In an effort to address the problem, the leaders of the different factions within the anti-Taliban coalition forged a political accord to suspend the activities of competing political parties and to focus on the co-ordination of military resistance. Despite scepticism in some quarters that the deep political divisions within the Alliance had been healed, subsequent results on the battlefield suggested that "the exigencies of sheer survival [had] forged a genuine fighting alliance."[128] Negotiations resulted in the return of Mr Dostum in April 2001 and of Ismael Khan to the western provinces around Herat. During the winter and spring of 2001 there was a marked increase in military activity in pockets of

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[124] Anthony Davis, 'The Taliban tinderbox', *Jane's Defence Review*, 18 July 2001, p.19
[125] *ibid.*
[126] For more information on the IMU, see Section VIII C.
[127] 'Interview with Ahmadshah Massoud', *Jane's Defence Weekly*, 4 July 2001, p.32
[128] Anthony Davis, 'Afghanistan: prospects for war and peace in a shattered land', *Jane's Intelligence Review*, August 2001

resistance in central Bamiyan, in the west around Herat and elsewhere. This resistance helped ease pressure on the main frontline in the north-east and ensured the Taliban could not concentrate all its resources to the north of Kabul. The financial situation also began to improve for the Northern Alliance, as tighter controls were imposed on mining revenues and the marketing of gems.[129]

However, the death of Mr Masud in early September 2001 in a suicide bomb attack – carried out by Arab men posing as journalists[130] – appeared to have dealt a critical blow to the Northern Alliance, which has been heavily dependent on his political and military acumen.

[129] 'Interview with Ahmadshah Massoud', *Jane's Defence Weekly*, 4 July 2001, p.32

[130] The circumstances of Mr Masud's death have led some to conclude that associates of Mr bin Laden were responsible.

V Osama bin Laden and the Taliban

A. UN Sanctions on the Taliban

In the aftermath of the embassy bombings in 1998, US attention began to focus on the presence in Afghanistan of its chief suspect, Mr bin Laden. Washington launched cruise missile strikes against three suspected terrorist camps in Afghanistan and against the al-Shifa pharmaceutical factory in Sudan, where Mr bin Laden was alleged to have financed research into a chemical warfare capability. The strikes on the camps were widely judged to be of little military value, and there was widespread international condemnation of the al-Shifa attack. US officials subsequently admitted in private that the decision to strike the factory in Sudan was based on faulty intelligence.[131]

International pressure on the Taliban began to mount during 1999. On 15 October of that year the UN Security Council adopted Resolution 1267, calling on the Taliban to hand over Osama bin Laden for trial. Noting the indictment of Mr bin Laden and his associates by the United States for the 1998 embassy bombings, the Security Council made the following demands:

> Acting under Chapter VII of the Charter of the United Nations,
>
> 1. Insists that the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan, comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice;
>
> 2. Demands that the Taliban turn over Usama bin Laden without further delay to appropriate authorities in a country where he has been indicted, or to appropriate authorities in a country where he will be returned to such a country, or to appropriate authorities in a country where he will be arrested and effectively brought to justice;[132]

The failure on the part of the Taliban to comply with these demands led to the imposition of a range of sanctions from 14 November 1999, including a freeze on Taliban funds and a flight ban on aircraft owned, leased or operated by or on behalf of the Taliban.

In the aftermath of the suicide bombing of the USS *Cole* in October 2000, the UN Security Council adopted Resolution 1333 of 19 December 2000 under which additional

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[131] Bryan Bender, 'Poor US intelligence may have led to Sudan strikes', *Jane's Defence Review*, 2 September 1998, p.4

[132] The full text of UN Security Council Resolution 1267 is available from the UN web site at http://www.un.org/Docs/scres/1999/99sc1267.htm

measures were imposed on the Taliban. The resolution reiterated the demands made by the Council in Resolution 1267 and imposed an additional range of measures. These included:

- an arms embargo and a ban on the provision of military assistance to Taliban-controlled Afghanistan;
- closure of Taliban (non-diplomatic) offices overseas;
- closure of Ariana Afghan Airlines offices overseas;
- a ban on the supply of the heroin precursor acetic anhydride to Taliban-controlled Afghanistan;
- a ban on all international flights to or from Taliban-controlled Afghanistan (with exceptions for humanitarian flights);
- a non-mandatory call to all States to restrict the movement through their territory of senior Taliban officials;
- a non-mandatory call to States who have diplomatic relations with the Taliban to reduce the number and level of Taliban diplomatic staff at missions in their territory.[133]

The resolution imposed a freeze of the funds of Osama Bin Laden and those individuals and entities associated with him, as designated by the UN Sanctions Committee. A ban was also imposed on making any funds available to such persons.

In the view of some observers, the policy of seeking to isolate the Taliban internationally was mistaken. Anthony Davis, writing in August 2001, argued that

> As the past six months have proved, the isolation of the movement has achieved little beyond further radicalising it and strengthening the position of hardliners receptive to the Bin Laden programme of anti-Western jihad. Attempting to re-engage the Taliban and seeking out moderate elements will almost certainly require a reassessment of the current sanctions regime.[134]

B. EU Relations with Afghanistan and the Taliban

Under its Common Foreign and Security Policy (CFSP) the EU imposed on Afghanistan "an embargo on the export of arms, munitions and military equipment" in December 1996.[135] The EU sanctions were extended, in compliance with UN Security Council Resolutions 1267 and 1333, by two further Common Positions in November 1999 and February 2001 respectively.[136] In addition to the UN arms embargo and the flight ban,

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[133] Written Answer by Foreign Office Minister Peter Hain, HC Deb 9 January 2001, c509-10w

[134] Anthony Davis, 'Afghanistan: prospects for war and peace in a shattered land', *Jane's Intelligence Review*, August 2001, p.33

[135] By means of CFSP Common Position 96/746/CFSP of 17 December 1996 (OJ L342, 31.12.96)

[136] CFSP Common Positions 1999/727/CFSP of 15 November 1999 (OJ L 294, 16.11.99) and 2001/154/CFSP of 26 February 2001 (OJ L 57, 27.2.01). CFSP Common Positions are adopted by unanimity under Article 15 TEU and are binding on the Member States.

senior Taliban military and government officials are not permitted to enter the EU. A more general statement of the EU's position on Afghanistan was given in Common Position 2001/56/CFSP of 22 January 2001.[137]

In March 2001 a Council Regulation was adopted "prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban…"[138] The UK Scrutiny Committee considered the Draft Regulation in January 2000 and expressed concerns about draft Article 10 which provided for the Regulation to apply "notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation". The effect of this widely cast provision would, in the Committee's opinion:

> have … an uncertain effect on those EU persons or bodies who, before the Regulation comes into force, have had legitimate business with the Taliban. They will have had little prior warning and no mention is made of providing compensation or exemption from damage in given circumstances. No justification is offered by the Minister for such a draconian measure, though the reason for putting intense pressure on the Taliban, as provided for in the Regulation as a whole, is clear.[139]

The Scrutiny Committee did not clear the document until February 2000, following a letter from the FCO Minister, Peter Hain, in which he conceded that "all financial and economic sanctions inevitably have some effect on third parties" and stated that the government did not provide compensation in respect of action taken to fulfil the UK's international obligations.[140]

C. Debate on the Extradition of Mr bin Laden

The changed situation following the events of 11 September has left the Taliban in an even more isolated position internationally. The leadership is facing a stark choice on how to respond to the UN demand to extradite Mr bin Laden. It faces the prospect of having its power-base in Afghanistan degraded, whichever way the extradition issue is resolved. To hand him over and thereby sever ties with his fighters would pose a risk, as the financial and military support from Mr bin Laden's network plays a key role in the Taliban's battlefield superiority over the Northern Alliance. Some commentators believe Mr bin Laden has effectively emerged as the Taliban's defence minister, and he is reported to have close personal ties with Mullah Omar. In reality, the distinction between the Taliban and Mr bin Laden's network has become increasingly blurred.

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[137] CFSP Common Position 2001/56/CFSP of 22 January 2001 (OJ L 21, 23.1.01)

[138] OJL 67, 9 March 2001, pp1-23, amended by Commission Regulation of 4 July 2001, OJL 182, 5 July 2001, pp.15-23

[139] House of Commons European Scrutiny Committee, Seventh Report, HC 23-vii, 1999/00

[140] Scrutiny Committee Eighth Report, HC 23-viii, 1999/00

Yet there are also a number of benefits that could accrue for the Taliban if it were to comply with the UN demands. Prior to 2000 it was actively seeking international recognition as the legitimate government of Afghanistan. International demands for a crackdown on the growing of opium resulted in a decision by the leadership to destroy virtually the entire 2001 crop. The move cut global production of heroin by around 50 per cent,[141] but also increased popular resentment among ordinary Afghans over the loss of income. However, the key international demand over extradition remained unfulfilled. Were Mr bin Laden to be handed over, UN sanctions could be lifted, perhaps leading to a sharp rise in aid and, potentially, investment. This could help overcome the ongoing humanitarian crisis, which poses a threat to the Taliban's standing in the eyes of the population.

Furthermore, the assassination in early September 2001 of the charismatic Mr Masud offered the Taliban an opportunity to defeat the Alliance and establish control over the whole of the country. Such a scenario is endangered by the growing international isolation of the Taliban, the threat of US military action, and the increase in external support for the Northern Alliance.

The decision by Pakistan to cut its ties with the Taliban may prove critical, particularly if Pakistani intelligence is supplied to the United States. Pakistan has been alone among states neighbouring Afghanistan in its support for the Taliban, and the interruption of cross-border trade would impact heavily on what remains of the devastated Afghan economy. Furthermore, some analysts allege that both serving and retired Pakistani Army personnel have been providing extensive covert support to the Taliban in the form of military and technical advice.[142] There have also been claims that Pakistani special forces were directly involved in the Taliban assault on Taloqan, although it would be difficult to keep such involvement secret.[143] Even if these allegations are true, Pakistani official involvement is most unlikely to continue in the current circumstances.

On 1 October the Pakistani President, General Pervez Musharraf, issued a stark warning to the Taliban leadership that its days appeared to be numbered. He went on to predict that "confrontation will take place" between the Taliban and the United States.[144]

Nonetheless, there is considerable scepticism that the Taliban would even consider, or be capable of, handing over Mr bin Laden. By early October, there was still little sign of an imminent hand-over, although the position of the Taliban leadership had undergone an evolution. Initially, the leadership refused to contemplate handing over Mr bin Laden and

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141 *The Economist*, 22 September 2001

142 For a discussion of the possible involvement of Pakistani forces, see Anthony Davis, 'Foreign fighters step up activity in Afghan civil war', *Jane's Intelligence Review*, August 2001, pp.14-17

143 ibid. p.16

144 BBC News web site at http://news.bbc.co.uk , 1 October 2001

warned it would consider itself in a state of war with any neighbouring Islamic country providing support to US military operations.[145]

On 17 September a Pakistani delegation informed the Taliban that it would face US-led military action unless Mr bin Laden was handed over. Shortly afterwards, Mullah Omar announced that the issue would be decided by a grand Islamic council of around 800 clerics. The council concluded that Mr bin Laden should be asked to leave the country, a position that was endorsed by the Taliban leadership.

Taliban representatives in Pakistan subsequently claimed they had no knowledge of Mr bin Laden's whereabouts, although they later announced that the request from the clerics had been passed to him. On 30 September the Taliban ambassador to Pakistan, Abdul Salam Zaeef, declared that Mr bin Laden was being held at a secret location "under the control of the Islamic Emirate of Afghanistan". He also reiterated the Taliban's offer of negotiations with the United States and its request for firm evidence of Mr bin Laden's involvement in the attacks of 11 September. The United States rejected the proposal for talks as inadequate and demanded the Taliban comply immediately with the UN Security Council resolutions calling for his extradition.

Some observers have suggested that Mr bin Laden could face trial in a third country, rather than in the United States. They cite as a precedent the trial relating to the bombing of a Pan-Am jet over the Scottish town of Lockerbie. The two Libyans accused of involvement were tried according to a special arrangement at a court in the Netherlands under Scottish law. One was convicted and the other acquitted. However, there are doubts as to whether any country would be willing to offer its territory for the trial of Mr bin Laden and the United States has rejected any such proposal.

D. Northern Alliance

The events of September 2001 and the redeployment of Taliban forces in the face of the US-led military build-up in the region have altered the situation significantly. Northern Alliance forces have taken advantage of the Taliban's difficulties, launching an offensive towards Mazar-e-Sharif.

The Alliance is heavily outnumbered by the Taliban and has suffered from logistical difficulties and a shortage of heavy weaponry, a factor that was partly addressed by the supply of tanks and armoured fighting vehicles during June 2001. In August Anthony Davis warned that logistical shortages would

> complicate if not preclude the possibility of UF forces, short of ammunition and with limited mobility, recapturing provincial centres such as Maimana and Shiberghan let alone the key cities of Herat and Mazar-I-Sharif.[146]

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[145] *The Financial Times*, 18 September 2001

The Northern Alliance is also hampered by limited manpower. It is believed to comprise around 12,000-15,000 troops in the north-east of the country, with a further 10,000 fighters operating in around six pockets in the northern, central and western regions of Afghanistan.[147] By contrast, the Taliban numbers around 40,000-45,000 and its leadership has announced the call-up of several hundred thousand more, although analysts doubt such figures are realistic.

The promise of military assistance from Russia could help tilt the balance partially in favour of the Northern Alliance. There have been suggestions that US air strikes against the Taliban could help tip the balance further by destroying Taliban artillery, tanks and heavy equipment, although US officials have downplayed the prospect that the removal of the Taliban would be an aim of the military campaign. The spokesman for Mr Bush, Ari Fleischer, has declared that "[US policy] is not designed to replace one regime with another regime."[148]

E. Prospects for a Political Settlement

If the military situation were to change significantly, elements within the Taliban may be encouraged to enter into negotiations on a political settlement to the conflict, although the current leadership under Mullah Omar has consistently rejected such a move.

Reports began to emerge in late September of a sharp decline in support for the Taliban within Afghanistan, as concern over possible US military action spread. A 'senior UN official' claimed on 27 September that: "Support for the Taliban is melting away rapidly. Soldiers, officials, even senior people are abandoning the cities for the safety of the countryside."[149] Some of the so-called 'regional allies' – local political and military leaders that are allied to the Taliban but remain outside its leadership circle – are also reported to be considering their position. The forces under the command of these leaders form a crucial part of the Taliban's order of battle and ensure its control extends beyond its core areas around Kandahar and Kabul.

Any political settlement would have to take into account the complex ethnic makeup of the country and the rival groupings that have emerged over the past few decades. In the current situation, it would be almost impossible for one faction to impose its authority over the whole country, without provoking further conflict. Attention has therefore focused on the need for an intricate power-sharing agreement, perhaps involving elements of both the Northern Alliance and the Taliban.

In an interview in June 2001, Mr Masud called for an interim government to be installed – perhaps involving the 86-year-old exiled king, Mohammad Zahir Shah, and other

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146 Anthony Davis, 'Afghanistan: prospects for war and peace in a shattered land', *Jane's Intelligence Review*, August 2001, p.32

147 'Interview with Ahmadshah Massoud', *Jane's Defence Weekly*, 4 July 2001, p.32

148 *The Economist*, 29 September 2001

149 *The Financial Times*, 28 September 2001

neutral Afghans. It would be charged with overseeing the collection of weaponry, ensuring security and preparing for general elections with one or two years.[150] It has been argued that the return of Zahir Shah from exile in Italy

> would serve to undermine the Taliban's support in the Pashtun south where the king enjoys considerable respect; gain the loyalty of expatriate and neutral Afghans and strengthen the push towards negotiations.[151]

The Taliban leader Mullah Omar has warned Zahir Shah not to interfere and told him to "forget Afghanistan". Certain elements within the Northern Alliance are also opposed to the idea. Burhanuddin Rabbani, the internationally recognised president of Afghanistan, has warned that he would not accept a government imposed on Afghanistan by the outside world and has been critical of plans for the return of Zahir Shah to head any interim government, perhaps fearing it would undermine his own position.[152]

The exiled king has indicated he has no desire to see his family returned to power, although he is "ready to return to Afghanistan if it serves to help my people."[153]

Talks between Northern Alliance leaders and Zahir Shah took place in Rome in late September, culminating in an agreement on 1 October on the framework for a peaceful resolution of the Afghan conflict. The agreement provides for the formation of a supreme council of Afghan leaders, which in turn would convene a *Loya Jirga*, or Grand Council. Traditionally, the centuries-old institution brought together tribal elders, intellectuals and religious leaders to discuss matters of common interest within Afghanistan and northern Pakistan. The intention in the current situation would be to provide a forum for representatives from all the main ethnic groups to discuss ways of ending the conflict and establishing an interim government. The aim would then be to begin work on institution building and reconstruction prior to elections at some stage in the future. The agreement builds on a series of proposals made by the exiled king in recent years for the formation of a *Loya Jirga* to discuss the country's future and promote reconciliation.

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150 'Interview with Ahmadshah Massoud', *Jane's Defence Weekly*, 4 July 2001, p.32

151 Anthony Davis, 'Afghanistan: prospects for war and peace in a shattered land', *Jane's Intelligence Review*, August 2001, p.33

152 BBC News web site at http://news.bbc.co.uk , 25 September 2001

153 *ibid*., 1 October 2001

VI Humanitarian Situation in Afghanistan

The Afghan population has suffered heavily during the Soviet occupation of the 1980s and the ensuing civil war. In addition to the casualties, there are believed to be around 3.7 million Afghans living as refugees outside the country. The majority are located in neighbouring Pakistan (2 million) and Iran (1.5 million). Over a hundred thousand more are living in Russia (100,000), the Central Asian republics (29,000), Europe (36,000) and North America/Australia (17,000).[154] There are also at least 950,000 internally displaced persons (IDPs) within Afghanistan, including 387,000 in the northern region and up to 400,000 around Herat and in the southern provinces.[155]

Economically, the country has been battered by the conflict and the infrastructure has been largely destroyed. Agriculture, the mainstay of the economy, has been devastated by four years of drought, prompting warnings of an impending humanitarian crisis and widespread starvation in both Afghanistan and neighbouring Tajikistan. According to the BBC, "Aid agency officials have warned that 300,000 Afghans are expected to run out of food by the end of [September] and one million more by the end of the year."[156]

An emergency international donor conference was held in Berlin in late September to examine the situation in Afghanistan and to consider possible increases to existing aid programmes. An additional $150 million was pledged by donor countries, matching estimates put forward by the UN of the amount required to cope with the outflow of more than 1.5 million Afghans. In addition to short-term humanitarian aid, the German Foreign Minister, Joschka Fischer, highlighted the need for longer-term assistance to rebuild the country, saying: "We should also look further into the future. Today's meeting also has a major political dimension: we must send out a signal of hope."[157]

Pakistan is concerned over the possible influx of refugees and is seeking to establish screening centres to ensure militant Taliban sympathisers do not enter the country.

On 1 October a UN aid convoy arrived in Kabul, the first since the terrorist attacks of 11 September when concerns over the safety of UN staff had led to their withdrawal. The UN High Commission for Refugees (UNHCR) is focusing its attention on supplying food to the estimated 7.5 million Afghans inside the country, who are defined as "highly vulnerable", or dependent on UN food aid. The UN Under-Secretary General for Humanitarian Affairs, Kenzo Oshima, warned on 1 October that relief agencies had only a "short window" of six weeks to supply enough food and supplies to avert a humanitarian disaster before the Afghan winter set in.[158]

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[154] Source: *UNHCR Afghan Refugee Statistics*, 10 September 2001, from the UNHCR web site at http://www.unhcr.ch/news/media/afghan/stat0917.pdf

[155] *ibid*.

[156] BBC News web site at http://news.bbc.co.uk , 25 September 2001

[157] 'Donors pledge aid boost for Afghanistan', *Financial Times*, 28 September 2001

[158] *Financial Times*, 2 October 2001

VII Pakistan

A. Background

Pakistan shares a long border with Afghanistan to its north-west, and some 7 million of its population of 140 million, concentrated in the North-West Frontier Province, are of the same ethnic group as the southern Afghans from whom the Taliban predominantly are drawn. Pakistan was until the present crisis the most significant state supporter of the Taliban. Its geographical location alone would make it a crucial player in the search for Mr bin Laden, but the links with the Taliban brought it under particular attention in the days after the attacks on the USA.

The military regime which came to power in 1999 under General Pervez Musharraf is at the centre of a delicate web of considerations, faced with great pressure from the USA, loyalties within the military and secret services towards the Taliban, and volatile public opinion at home. Islamist groups, some of which use violence, and many of which are antipathetic to the USA, have been tolerated and to some extent promoted. They have acted in line with Pakistan's interests, as defined by the military, in Afghanistan and the disputed territory of Kashmir.

President Musharraf issued a statement after the attacks which said,

> the people and the government of Pakistan deeply mourn the enormous and unprecedented loss of innocent lives in the terrorist attacks in New York and Washington. We share the grief of the American people in this grave national tragedy. We strongly condemn this most brutal and horrible act of terror and violence.[159]

He announced that he would cooperate in certain ways with the USA. This would include opening Pakistani airspace to US military aircraft, sharing intelligence, allowing access to military facilities and allowing Special Forces and logistics teams to be based in Pakistan.[160] He has made clear that he would not commit Pakistani forces to military involvement. In an effort to deal with public disquiet he said that Pakistan faced "very grave consequences" if it did not support the campaign to apprehend Mr bin Laden. He cited Islamic precedents on compromise in the face of necessity, and argued in a televised address to the nation that "if you are facing two problems and you have to choose one, it is better to take the lesser evil." He also made the point that at no time in his discussions with US officials "have the words Islam or the Afghan nation been mentioned."[161]

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[159] *BBC Monitoring*, Asia Pacific, 13 September 2001
[160] *International Herald Tribune*, 20 September 2001
[161] *ibid.*

Pakistan's Foreign Minister, Abdul Sattar, has warned the USA against lending support to one faction against the Taliban, saying that

> any decision on the part of any foreign power to give assistance to one side or another would be a recipe for great suffering for the people of Afghanistan.[162]

This marks a break with Pakistan's policy before the present crisis, despite US pressure on it to distance itself from the Taliban. It reflects the realist analysis that none of the northern ethnic groups could command the confidence of the Pashtun majority in the south.

Mr Musharraf has argued that the situation in Afghanistan has changed and that this has forced a reevaluation of Pakistani policy. He told the BBC that he expected that he would be kept informed of US decision-making in relation to Afghanistan, and said,

> we have to see what the action plan is in Afghanistan, and then we are also concerned with what kind of dispensation there will be in Afghanistan.[163]

B. Ethnicity, religion and the military

Pakistan was created during the British decolonisation of India. It was based on Jinnah's 'Two Nations Theory', which held that the Muslim and Hindu communities were separate civilisations with separate histories, world views and cultures. As such, if they were no longer to be held together in a colonial arrangement, they could remain united only through the application of power by one group over the other: instead they ought naturally to be separated and accorded their respective nation states. The British government eventually became persuaded of the necessity of partition and it was under a variant of this scheme that British India was transferred to independence in August 1947.

The new state of Pakistan embodied from the start unresolved tensions which were to affect its fortunes for many years. These included the notion that the new state, though designed as a Muslim homeland, should itself be secular – a notion which was not shared by the Muslim clerics and became a pretext for later military intervention in politics (the army has acted consistently to move the country towards an Islamist constitution). There were also inherent tensions between the two broad geographic wings of Pakistan, which led to civil war and the secession of East Pakistan to form Bangladesh in 1971. Finally, there were ethnic differences between the groups living in Pakistan, despite their common religion.

The population consists of four recognised 'nationalities', the Punjabis, Sindhis, Pathans and Baluchis. Another group is the Mohajirs, Urdu-speakers from what is now northern India, in many cases heirs to the once imperial Moghul tradition, who, in the first years after

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[162] BBC News web site at http://news.bbc.co.uk , 25 September 2001
[163] ibid., 1 October 2001

independence, took the place of the departing Hindus as a local elite. According to the 1981 census, 48 per cent of Pakistanis were Punjabi speakers, 13 per cent were Pashto speakers, 11 per cent were Sindhi speakers and 7 per cent were Urdu speakers.[164]

Pakistan's history since partition has been characterised by the troubled relations between these groups, a consistent pressure to prioritise Islam in politics, and repeated interventions by the military. In time the Punjabis have become the dominant group, but in the north of the country there are tribal areas populated by Pathans, the Pakistani term for the group known in Afghanistan as Pashtuns. Many Pathans have never recognised the border and view their region, which extends into Afghanistan and also Kashmir, as a single tribal homeland.

Traditionally, Pathan society was nomadic and, like many nomadic groups, lacked centralised leadership and placed great value on the rights of individual household heads to exercise autonomous decision-making powers. Many groups across the 'northern tier' of the Middle East struggled to maintain their nomadic way of life against the efforts of urban governments to bring them under the control of the modern sedentary state. The Pathans in north-western Pakistan have a degree of autonomy in their affairs and adhere to traditional tribal codes. Western human rights groups criticise conditions in these areas, and in particular women's rights are nugatory in this part of the country.

The complex relations between these different forces within Pakistan, ethnicity, religion and the military, impinge still on the present context. The interrelations can be illustrated by reference to the shari'a, Islamic law.

Before President Musharraf's coup a bill was awaiting ratification in the Pakistani Senate, the 15th Constitutional Amendment Bill, which would have amended the constitution to give primacy to the shari'a. The shari'a already has a status in the Pakistani legal system, being used for certain categories of crime and particularly in the tribal areas. However, its application has always been a source of controversy. First, some of the punishments which it allows are not consistent with international human rights standards, as they include for instance corporal punishment and the practice of capital punishment through public stoning. Secondly, it can be regarded as discriminating against religious minorities (and conflicting thereby with other provisions of the Pakistani Constitution). The blasphemy laws in Pakistan are defined from an Islamic point of view, and have led to complaints by Christians and members of a minority rite known as the Ahmadis that the profession of their faith makes them guilty by definition of blasphemy, which is a capital offence.[165] Thirdly, the shari'a is used to uphold practices which discriminate against women. For instance, under laws introduced by General Zia ul-Haq in an effort to islamicise the penal code, if a woman accuses a man of rape, but is unable to prove that she withheld consent, the courts assume that her accusation is proof that intercourse did

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[164] 'Language and Politics in a Pakistan Province,' T Rahman, *Asian Survey*, November 1995

[165] The death penalty is not obligatory for the offence and has rarely if ever been imposed.

take place and may charge her with fornication or, if she is married, adultery. The punishment for adultery is stoning to death and that for fornication 100 lashes, and this does much to deter women from reporting rape. It is difficult for them to prove their allegations as the relevant law does not recognise their testimony as evidence, admissible evidence consisting of the confession of the accused or the testimony of four Muslim men of good repute who were eye-witnesses. It is extremely unusual that a woman can persuade four men to take her part, and in practice rape prosecutions are rarely successful in the absence of very clear medical evidence of forcible intercourse.

The 15th Constitutional Amendment Bill generated great controversy in Pakistan. Many saw it as a sop to conservative Islamic views. In addition to its promotion of the shari'a, it would have conferred on the government the right 'of prescribing what is right and forbidding what is wrong.' Critics felt that this could be interpreted as a sweeping power to impose restrictions on the basis of a perceived offence against Islamic sensibilities.

Religious minorities, women's groups and opposition political parties voiced their strong opposition to it, and they gained the support of the army command, which was increasingly concerned over then Prime Minister Nawaz Sharif's accretion of power. The Human Rights Commission of Pakistan described the Bill as "regressive".[166] An overriding fear was the implication that the Islamic courts could challenge any other laws or constitutional provisions, effectively turning Pakistan into an Islamic republic along the lines of Iran (though obviously there would be doctrinal differences).

The history of Pakistan's movement away from the secular vision on which it was founded was intimately bound up with its experience of military dictatorship, particularly under Zia. Faced with the Soviet invasion of Afghanistan on his border, Zia found justification for his promotion of Islam as a political force. The resistance against the Soviets was characterised as a jihad, enabling Pakistan to attract money and fighters from elsewhere in the Muslim Middle East. Internally, the army and the intelligence services (Inter Services Intelligence, or ISI) embraced Islamist rhetoric, and the extremist Jamiat-e-Ulema-e-Islami (Islamic Scholars Society) developed a presence in the military.[167] During the Zia period the ISI cooperated with Islamist groups to train students in *madrassahs* (religious schools) as resistance fighters. Zia gave recognition to graduates from the *madrassahs* on the same terms as university graduates, allowing them access to employment in the civil service. It was from these *madrassah* graduates that the Taliban eventually emerged, but today's Pakistani armed forces also have many members whose early training took place similarly in the religious context of Zia's rule. There have been indications that portions of the military might not support President Musharraf's position on cooperating with the USA in its efforts to apprehend Mr bin Laden and disrupt his

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166 *Far Eastern Economic Review*, 22 October 1998

167 The Jamiat views Islam as an organising force for society, including politics and economics, and promotes the shari'a as a means of regulating society. It supports and provides recruits to the Taliban, and reportedly advocates jihad as a means to create an Islamic state incorporating Kashmir, Pakistan, Afghanistan and parts of Central Asia. *Daily Telegraph*, 18 September 2001

network. According to one intelligence source, "some of the corps commanders, from whom General Musharraf derives his powers, view Washington as Islam's enemy."[168]

C. Militant groups

Pakistan harbours groups supportive of the Taliban, and until the recent crisis was the main external backer for the Taliban itself. The US Department of State's *Patterns of Global Terrorism, 2000,* expressed concern over "reports of continued Pakistani support for the Taliban's military operations in Afghanistan," and said that there were credible reports of Pakistan providing materiel, fuel, funding, technical assistance and military advisers to the Taliban.[169]

Pakistan also sponsors groups active in Kashmir.[170] India has long accused Pakistan of arming and assisting these groups, which engage in both guerrilla and terrorist activities in the portion of Kashmir under India's control, but Pakistan has claimed it offers no more than political and moral support. However, in 1999 Pakistani troops backed a move by insurgents and mercenaries on its side of the Line of Control (the *de facto* dividing line between the two portions of Kashmir) to cross into the portion under Indian administration and take control of strategic heights in the mountainous Kargil sector. Pakistan at first denied any involvement in this, but later conceded it had been involved and withdrew its troops. The episode was characterised by Foreign Office Minister Peter Hain as one whose 'author' was Mr Musharraf,[171] and he also said that

> there is still far too much evidence - certainly over the past year to 18 months since the [K]argil incident, which was inspired by Pakistan - that cross-border terrorism is actively encouraged and, indeed, at times sponsored by agencies and elements closely aligned with the Pakistani authorities.[172]

Patterns of Global Terrorism, 2000 gave accounts of some of the groups operating in Pakistan. It concluded that the Musharraf regime was still supporting the Kashmir insurgency and allowing fund-raising and recruitment by groups responsible for terrorist attacks on civilians.

One of the largest groups is the Lashkar-e-Tayyiba (Army of the Righteous), which is led by Professor Hafiz Mohammed Saeed, and is the armed wing of an organisation called the Markaz-ud-Dawa-wal-Irshad (MDI, or Centre for Islamic Call and Guidance), also led by Professor Saeed. The MDI is described by the State Department as "a Sunni anti-

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168 *Daily Telegraph*, 18 September 2001

169 'Asia Overview', *Patterns of Global Terrorism, 2000*, US Department of State, April 2001

170 Kashmir was part of former British India which joined India at independence but was subject to countervailing claims by Pakistan. It has been the subject of military contest between the two countries, and is currently administered in two separate portions, the Indian state of Jammu and Kashmir and the autonomous Pakistani region of Azad Kashmir. Its status is still a matter of dispute.

171 HC Deb 20 June 2000, c147

172 HC Deb 12 December 2000, c477

US missionary organization formed in 1989" and it operates a number of religious schools in the Punjab.[173] Lashkar recruits many of its members from *madrassahs* and also has veterans of the Afghan war, variously described as Arab or Afghan. They are trained in mobile camps in Pakistani-administered Kashmir and Afghanistan. Lashkar has used suicide bombings against Indian civilian and military targets, as well as other attacks on civilian and military targets in Kashmir. It was suspected of carrying out a notorious sequence of eight separate attacks in a 24-hour period at the beginning of August 2000 which killed around 100 Indians, mostly Hindu civilians, during a period of talks between the Indian government and some other separatist groups. It uses a variety of machine guns, rifles, mortars, explosives and rocket-propelled grenades. Lashkar and MDI have connections with groups in many other areas, including the Philippines and Chechnya, as well as elsewhere in the Middle East. They are funded in part by donations from Pakistanis in the UK, the Gulf states, other Islamic organisations and businesses in Pakistan and Kashmir.[174]

The Harakat ul-Mujahidin (HUM) is a militant Islamic group which seeks to end Indian administration in Kashmir and employs the rhetoric of *jihad* to this end.[175] It has been linked in the past to the bin Laden network, although it is possible to see recent shifts in its leadership as evidence of a movement away from this connection. The State Department designates the HUM as a Foreign Terrorist Organisation, which

> continues to be active in Pakistan without discouragement by the Government of Pakistan. Members of the group were associated with the hijacking in December 1999 of an Air India flight that resulted in the release from an Indian jail of former HUM leader Maulana Masood Azhar. Azhar since has founded his own Kashmiri militant group, Jaish-e-Mohammed, and publicly has threatened the United States.[176]

The HUM was led until February 2000 by Fazlur Rehman Khalil, who signed Mr bin Laden's *fatwa* against the USA and Western interests in 1998. Mr Khalil is still a senior figure in the group, taking the post of Secretary-General, but the HUM is now led by his second-in-command, Farooq Kashmiri.

The HUM has several thousand supporters in Pakistan, Kashmir and Afghanistan, mostly in Muzaffarabad, Rawalpindi and other towns, and these include Afghan and Arab veterans of the Afghan war as well as locals. It has a mixture of equipment, including rifles, machine guns, mortars, rockets and explosives. The HUM reportedly operates terrorist camps in eastern Afghanistan, and also trains personnel in Pakistan. Its funding appears to come from private donations from Saudi Arabia and other Gulf states, as well

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[173] 'Background information on terrorist groups,' Appendix B, *Patterns of Global Terrorism, 2000*, US Department of State, April 2001

[174] *ibid*.

[175] The HUM was previously known as the Harakat al-Ansar.

[176] 'Asia Overview', *Patterns of Global Terrorism, 2000*, US Department of State, April 2001

as from local sources. It has links with a Kashmiri group which kidnapped and murdered five tourists in 1995, but it has lost many of its members to Mr Azhar's more radical Jaish-e-Mohammed (Army of Mohammed, or JEM) since his release from jail.[177]

JEM has expanded rapidly since Mr Azhar formed it in February 2000. He had been released from prison in India following the hijacking of an Indian Airlines aeroplane in Afghanistan with 155 people on board. Mr Azhar held rallies and recruitment drives across Pakistan after his release and reportedly attracted some 75 per cent of the former fighters of the HUM to join his new organisation.[178] JEM's official aim is to unite the whole of Kashmir with Pakistan, and it is aligned with Mr bin Laden, the Jamiat-e-Ulema-e-Islami and the Taliban, possibly receiving funds from the former. It has conducted a number of attacks in Indian-administered Kashmir, including a rocket-propelled grenade attack on the office of the elected Chief Minister Farooq Abdullah in Srinigar, and other grenade attacks on a bus stop and a marketplace. On 1 October 2001 JEM carried out an attack on the State Assembly building in Srinigar. A suicide bomber detonated his jeep outside the building and two other men entered it. They were killed after what police described as a gun battle lasting several hours. Thirteen people died in the explosion and sixty were injured.[179]

There are other militant Islamist groups operating from Pakistan.[180] These include the Harakat-ul-Jihad Islami (Islamic Jihad Movement), which lost some of its personnel to JEM when the latter was founded, and Lashkar-e-Jhangvi, which supports Mr bin Laden and has called for attacks on the USA in the past.[181]

Some of the militant groups have been implicated in sectarian violence against Pakistan's Shi'ite minority, which has caused considerable loss of life in recent years.

D. Popular reaction

In the northern tribal areas, where common ethnicity binds Pathans regardless of their location either side of the border between Pakistan and Afghanistan, and where the Islamist groups are strongest, there has been anger over Mr Musharraf's position since the 11 September attacks. These areas are heavily armed and not subject to transparent systems of law. According to the *Guardian*

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[177] 'Background information on terrorist groups', Appendix B, *Patterns of Global Terrorism, 2000*, US Department of State, April 2001

[178] *Terrorism: Near Eastern Groups and State Sponsors, 2001*, K Katzman, Congressional Research Service, 10 September 2001

[179] BBC News web site at http://news.bbc.co.uk , 2 October 2001. JEM has acknowledged responsibility for the attack.

[180] For further information see Jessica Stern, 'Pakistan's Jihad Culture', *Foreign Affairs*, Nov/Dec 2000

[181] *Terrorism: Near Eastern Groups and State Sponsors, 2001*, K Katzman, Congressional Research Service, 10 September 2001

> thousands of heavily armed men gathered in villages in several tribal agencies [on 18 September 2001] to pledge allegiance to the [Taliban] should the Americans retaliate.
>
> Clerics led protests and warned they would declare a jihad, or holy war, and target American interests if Washington decided to attack. One group in Hangu threatened suicide missions.[182]

Leaders of militant Islamist groups gave mixed signals. They tended to condemn the deaths, but argued variously that the USA should refrain from blaming Mr bin Laden precipitately, or that disaffected US citizens may have carried out the attacks. Many argued that the USA should change its foreign policy in response. For instance, Maulana Fazlur Rahman, described as the "central chief of Jamiat-i-Ulema-i-Islam",

> said his organization condemned all kinds of terrorism everywhere, and being Muslims they extremely regretted the loss of human lives. Now, he said, the United States should also make positive changes in its policies and it should recognize the fact that the people of Third World are in pain because of it.[183]

Hussain Gilani, described as 'deputy chief' of Jamiat, spoke of baseless international propaganda against Mr bin Laden, and said that the USA was carrying out terrorism and supporting terrorists all over the world. He told a Pakistan daily newspaper that "the United States was the root cause of all of the problems and its destruction is not too far away."[184]

Later, a range of religious leaders made statements expressing regret over the loss of life. According to Radio Pakistan,

> the leader of JUI-F [Jamiat-i-Ulema-i-Islam-Fazlur Rahman], Maulana Fazlur Rahman, said terrorism anywhere and in any form is condemnable.
>
> Amir [chief] of Jamaat-i-Islami, Qazi Hussain Ahmed, said no one can support such acts of terrorism and offered sympathies with the bereaved families.
>
> The JUI-Sami chief, Maulana Samiul Haq, pointed out that Islam is deadly against terrorism.
>
> The chairman of Pakistan Awami Tehrik, Dr Tahirul Qadri, and prominent religious scholar, Maulana Athar Naimee, also condemned the acts of terrorism.[185]

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[182] *Guardian,* 19 September 2001
[183] *BBC Monitoring,* Asia Pacific, 13 September 2001
[184] *ibid.*
[185] *ibid.,* 14 September 2001

Dissonant voices were raised in the Pathan areas of the north-west:

> Sawabi, North Waziristan: Political, religious, and tribal leaders and people of North Waziristan have announced they will take every kind of action against a possible US attack on Afghanistan. Terrorism in the United States has been conducted by anti-Islamic powers. Tribes not only have a religious relationship, but also a blood relationship with Afghanistan. They are part of each other. Tribes will not allow a war-stricken Afghanistan to be devastated further. The United States should come to its senses. It is not correct to act according to the wishes of the Jews.[186]

Pathan anger over US policy was used by some to make points relating to domestic politics. Professor Munawwar, President of a local branch of the National Awami Party, argued that the attacks were "a retribution from God" and that "Pakistan's economy could never improve unless Pakistan gets rid of the World Bank and the IMF."[187]

There was an indication of the possibly complicated loyalties of members of the security forces in comments reported in the newspaper *Al-Akhbar* by Lieutenant-General Hamid Gul, described as the 'ex-chief of the ISI', who

> said that there was an internal hand, not external hand, behind the terrorist acts in United States. He said that no-one, including Usamah Bin-Ladin, could be accused of this incident.
>
> Talking to Online [news agency], Hameed Gul said the way planes of different airlines were hijacked and how the attack was carried out according to a comprehensive planning, showed that an internal hand was involved in it. He said that during the Clinton era when Clinton urged Israeli Prime Minister Netanyahu to vacate the occupied territory of Palestine, Netanyahu had categorically said that they would blast Washington. The US media is under the complete control of the Jews, and they are not showing the statement in which Netanyahu had made the threat.[188]

Some religious leaders have made threats to strike at the USA if it uses force against the Taliban, and against the Pakistani regime if it supports such use of force. Others have focused on public demonstrations. Some have pledged support for the Taliban, and there have been demonstrations in support of Mr bin Laden, for instance in Peshawar, close to the Afghan border.

There has been some debate over the extent of the support for anti-American sentiment in Pakistan. It seems clear that the Islamist groups are not isolated voices, and they do command meaningful levels of support. In the north-west they appear to have quite

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[186] *BBC Monitoring*, Asia Pacific, 18 September 2001
[187] *ibid.*
[188] *ibid.*, 15 September 2001

widespread support, at least for the general thrust of their position. Their responses to the crisis have varied from belligerent to sceptical. However, there are varying opinions in the cosmopolitan cities further to the south where fewer people share the zealotry of the Taliban and the tribal austerity of traditional Pathan culture. More mainstream Pakistani sentiment was expressed, for instance, in an editorial in the newspaper Jang:

> The British and US media have widely publicized the scenes of jubilation of a section of Palestinians and Pakistanis. Of course this is not a reflection of a majority of Muslim sentiment. Islam teaches humanity, tolerance and compassion. Now when the entire world is deeply grieved over the tragedy and expresses sympathy with the United States, there is no reason why any group in Pakistan should be happy over this. On such occasions we must be guided by the teachings of Islam. Even our saints told us not to rejoice over the death of even an enemy. […]
>
> This is a moment of serious reflection for Pakistan's political leaders. They must have the interest of the country as supreme against any other consideration. If Pakistan is safe then all of us are safe, and if its harmed in any way, each one of us will suffer. In view of the sensitive situation emerging, we must be very careful in our statements and attitudes. President Musharraf has assured the US that the people of Pakistan strongly condemned the despicable act of terrorism on US cities. The entire Pakistani nation supports General Musharraf in his resolve to fight terrorism. Islam unequivocally condemns terrorism and killing of innocent people, therefore no Muslim can support terrorism in any form.[189]

The Pakistani regime has sought to play down fears over the popular reaction to its cooperation with the USA. A 'senior government official' told the *Financial Times* that

> we sometimes get the impression that some of the international television networks are exaggerating the threat that Pakistan's Islamic militants pose to our internal stability.[190]

Nevertheless, the Musharraf regime takes the question of public opinion seriously and has been at pains to meet Islamic concerns head on. Even in Karachi, a cosmopolitan city in the south, there have been warnings of "jihad on both sides of the border" and popular demonstrations.[191]

Prior to the present crisis there was already concern that support within the military for Islamism might inhibit the regime should a confrontation arise with militant Islamist groups. President Musharraf came to power in a coup which was largely a reaction to Mr Sharif's progressive dismantling of alternative institutional bases of power, but it was also a reaction to the widespread corruption and disorder which the latest period of civilian

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189 *BBC Monitoring*, Asia Pacific, 17 September 2001
190 *Financial Times*, 26 September 2001
191 *International Herald Tribune*, 20 September 2001

rule had delivered. Over this period Mr Sharif pandered to the Islamist constituency and strengthened its voice in politics. Since his overthrow these groups have put pressure on the regime to declare an Islamic state organised according to the shari'a. The Constitution was suspended after the coup, but in July 2000 Mr Musharraf revived the Islamic principles entrenched in it and incorporated them into the new provisional constitution.

In January 2001 *The Times* reported that over 300 Muslim clerics had gathered at Darul Uloom Haqqania, the largest institution for Islamic teaching in Pakistan, and declared that Mr bin Laden was a great Muslim warrior whose protection was a religious duty of all Muslims.[192] This followed a threat by one group, Tanzeemul Ikhwan, which is run by retired military officers, that it would storm Islamabad if a religious state were not established. The threat in itself may not have been meaningful, but such groups certainly have the capacity to spread disorder. Reports of the level of support for Tanzeemul Ikhwan, which is led by former soldier Muhammad Akram Awan, vary from thousands to hundreds of thousands of individuals across the country.

The appeal of such groups is bolstered by popular disillusionment with the years of decline under civilian rule, and many Pakistanis, whatever their views on the current crisis, look to either military dictatorship or religious zealotry as a means of achieving order.

[192] *The Times*, 17 January 2001

VIII Wider Context

A. Iran

The initial Iranian response to the attacks on the United States was one of condemnation, tempered by concerns over the extent of any US military response. President Khatami immediately sent a message of condolence to President Bush, and Iran's spiritual leader Ayatollah Khamenei declared on 22 September that: "Mass killings of human beings are catastrophic acts which are condemned wherever they may happen and whoever the perpetrators and the victims may be."[193] He warned, however, that Iran would condemn any action that heightened the suffering of the Afghan people. President Khatami said Iran would support a military response led by the United Nations, but cautioned against any unilateral action on the part of the United States.

Some members of the pro-reform camp allied to President Khatami saw the crisis as an important opportunity to improve relations with the United States and perhaps bring about an easing of the US economic sanctions on Iran. Some observers had hoped that the visit of the British Foreign Secretary, Jack Straw, in late September would encourage closer ties between the United States and Iran. However, conservative hard-liners linked to Ayatollah Khamenei are strongly opposed to any such rapprochement, fearing it could encourage the spread of US influence into the region.

Relations between Washington and Tehran have remained cool since the Iranian revolution in 1979, despite a gradual confluence of interests in recent years, particularly with regard to Afghanistan. Both governments have been highly critical of the Taliban and have reason to fear prolonged instability in Afghanistan. There are around 1.5 million Afghan refugees in eastern Iran and the cross-border flow of drugs has posed a serious problem for the Iranian authorities.

Relations between the Taliban and Tehran have been strained almost to breaking point on a number of occasions, particularly over the Taliban's poor treatment of Shi'a minorities. Conflict seemed imminent in 1998 when the killing of Iranian diplomats by Taliban fighters in Herat prompted Iran to deploy significant number of troops to the joint border in apparent readiness for military action. The crisis failed to escalate, although Iran continues to provide military and financial assistance to the Taliban's opponents, the Northern Alliance.

The prospects for an imminent improvement in the bilateral relationship between Iran and the United States now appear to have dimmed. By late September observers had noted a significant hardening of tone, particularly from President Khatami, in regard to the approach adopted by President Bush. President Khatami accused the US administration of falling prey to the arrogance of power and criticised President Bush's demand that all

[193] BBC News web site at http://news.bbc.co.uk , 22 September 2001

countries must be either with Washington or with the terrorists. His words echoed an earlier comment made by Ayatollah Khamenei that conversely: "We are not with you, nor are we with the terrorists."[194]

B. Russia

The emergence of the Taliban in 1994 caused considerable concern within the Russian government, which feared the spread of Islamist ideology and instability into Central Asia. By July 1997 Moscow concluded that the situation in Afghanistan represented the main security threat to Central Asia and consequently to the Russian Federation. To counter the threat Russia increased the provision of military assistance to the Northern Alliance and supported the imposition of UN sanctions on the Taliban in 1999 and 2000.

Following the attacks of 11 September, President Putin laid out his five-point approach to the crisis in a televised address on 24 September. Stressing his "political and moral support" for a campaign against the Taliban, he indicated that Russia would intensify existing international intelligence co-operation and offer greater military assistance to the Northern Alliance. He also offered to open Russian airspace to humanitarian flights and consented to the use by the United States of airbases in the former Soviet republics of Central Asia where Russia continues to exert a strong, albeit declining, influence:

> As we see it, attention must turn primarily to enhancing the role of international institutions established to promote international security – the United Nations and its Security Council. It is just as necessary to dynamically streamline the international legal basis and so allow it to respond to terror acts promptly and efficiently.
>
> As for anti-terror action in Afghanistan, currently in blueprints, our stance on it is as follows:
> First, it implies secret services' dynamic international partnership. Here, Russia intends to go on offering whatever information it possesses about international terrorist infrastructure, whereabouts, and training bases.
> Second. Russia is willing to open its airspace to be crossed by aircraft delivering humanitarian cargos to the anti-terror operation area.
> Third. We have coordinated the offer with our Central Asian allies, who approve of it and do not rule out their airfields used for the purpose.
> Fourth. If necessary, Russia will eagerly join international search-and-rescue efforts.
> Fifth. Our cooperation with the internationally recognised Afghan government, led by Mr. Rabbani, will be closer now. Russia pledges more assistance to its armed forces through arms and technological supplies.[195]

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[194] BBC News web site at http://news.bbc.co.uk , 26 September 2001

[195] 'Full text of Vladimir Putin's televised address', 24 September 2001, from the *Russian Information Agency* website, 25 September 2001, at http://en.rian.ru/rian/putin.cfm

In addition, he highlighted the conflict in the secessionist republic of Chechnya, where Russia has been engaged in intermittent conflict with rebel groups since 1994. Russia has long sought to portray the conflict as an anti-terrorist operation, citing the links that have emerged between Chechen rebel forces and Islamist groups such as al-Qaeda. In his statement, Mr Putin declared that "Chechen developments ought not to be regarded outside the context of efforts against international terrorism." He called on all Chechen rebel groups to

> sever whatever contacts with international terrorists and their organisations; and to contact official spokesmen of federal ruling bodies within 72 hours to debate the following: the disarmament procedure of the paramilitary groups and formations, and arrangements to involve them in peacetime developments in Chechnya.[196]

On 26 September a US official echoed Mr Putin's call for Chechen rebel forces to cut their ties with Mr bin Laden, marking what some believe will be a softening of US criticism of Russian action in Chechnya. The Chechen President, Aslan Maskhadov, welcomed Mr Putin's offer of talks, although there are doubts over his ability to deliver support for a cease-fire from some of his more militant commanders.[197]

In spite of his willingness to assist the US in other areas, Mr Putin has ruled out Russian participation in any military campaign. There are two main factors that influence this decision: firstly, existing military commitments in Chechnya are placing heavy demands on the poorly funded Russian military, and secondly, there are bitter memories of the difficulties Moscow faced during its decade-long occupation of Afghanistan during the 1980s.

Nonetheless, Mr Putin has acknowledged that the decision to provide assistance to any US-led campaign "has a very serious meaning for Russia's position in the world and in the future".[198] The Russian military has been cautious about allowing the United States to deploy forces into Central Asia, fearing it would lead to a diminution of Russian influence. There are concerns in Moscow that any US deployment could become a permanent feature, as it is perceived to become in the Gulf, and perhaps hasten the region's swing towards NATO. It is also feared that a failed US attempt to destroy the bin Laden network could leave Russia and Central Asia facing a greater security threat from Islamist militant groups and a resurgent Taliban.

It is possible that Moscow has sought concessions from Washington in return for its support. Commentators suggest that Washington may have agreed to delay future NATO

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[196] 'Full text of Vladimir Putin's televised address', 24 September 2001, from the *Russian Information Agency* website, 25 September 2001, at http://en.rian.ru/rian/putin.cfm

[197] For more information on the background to the Chechen conflict, see *The Conflict in Chechnya*, Library Research Paper 00/14, 7 February 2000

[198] *Financial Times*, 25 September 2001

enlargement or to support Russian membership of the World Trade Organisation. It also remains to be seen whether the events of 11 September will provide an impetus to US plans to develop a ballistic missile defence system – another source of tension between Moscow and Washington – or whether the demands of combating terrorism will force a reallocation of already stretched defence resources.

C. Republics of Central Asia

The five Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan have been affected to varying degrees by the regional spread of Islamist militancy during the latter half of the 1990s. Uzbekistan has been the main focus of Islamist discontent and unrest, which grew in response to official restrictions on all forms of political Islam. However, conflict has also spilled over into neighbouring Kyrgyzstan and Tajikistan, which emerged from its own civil conflict in 1997.

The main armed Islamist group in the region is the Islamic Movement for Uzbekistan (IMU), which is believed to have between 1,000 and 3,000 fighters. A spate of bomb attacks on the Uzbek capital, Tashkent, was followed by two IMU armed incursions into Uzbekistan in 1999 and 2000. The declared aim of the IMU is to bring about the overthrow of the fiercely secular Uzbek government and to establish an Islamic caliphate in the restive Fergana valley, which straddles Uzbekistan, Tajikistan and Kyrgyzstan. IMU fighters have extensive bases in the Taliban-controlled areas of Afghanistan and IMU units have fought with the Taliban against the Northern Alliance on a number of occasions.

The Uzbek President, Islam Karimov, has responded to the IMU campaign with a domestic clampdown on Islamist groups. The trial in September of suspected IMU militants was criticised by international human rights groups for the paucity of evidence. Observers fear that, in the cause of defeating terrorism, the US will consider making alliances with states that have a dubious record on minority and human rights. The *Financial Times* argues that:

> President George W. Bush has made a commendably forthright defence of Arab Americans. He should be equally strong in support of peacefully oriented Muslims throughout central Asia.[199]

In relation to Uzbekistan, Rachel Dunbar of Human Rights Watch warned that:

> What we're worried about is that people who have nothing to do with the Islamic Movement of Uzbekistan, but who are independent Muslims, we're worried that the government is going to try to blur the distinction between the two.[200]

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[199] 'Doubtful allies in central Asia', *Financial Times*, 17 September 2001

[200] 'Analysis: Coalition sparks human rights fears', BBC News web site at http://news.bbc.co.uk , 26 September 2001

Particular concern has been voiced over the mass arrests in Uzbekistan and Kyrgyzstan of members of the Muslim *Hizb-ut-Tahrir* (Freedom Party), which seeks the establishment of a caliphate across Central Asia through peaceful means.

The states of Central Asia are now of major significance for the US military, given the political difficulties involved for Pakistan in providing facilities for any US-led military action.

Uzbekistan has consistently adopted a more independent line from Moscow on political and security issues than its neighbours, although there have been signs that other Central Asian states are seeking closer ties with the West and the European Union. To a degree, therefore, Mr Putin's declaration on the stationing of US forces in the region was merely an acknowledgement that the decision was ultimately beyond his control. Uzbekistan had already indicated its willingness to discuss any form of co-operation with Washington, and reports – subsequently denied by the Uzbek government – claimed that US planes had started deploying to an Uzbek airbase on the Afghan border. In return, President Karimov is seeking security guarantees from the United Nations and Security Council members to guard against any further incursions by the IMU. In a television address on 1 October Mr Karimov declared his support for the "decisiveness" of the United States in combating terrorism, which he characterised as the "evil plague of the twenty-first century". He added that Uzbekistan wanted to make "its own contribution to the liquidation of camps and bases of terrorists."[201]

The President of Kazakhstan, Nursultan Nazarbayev, said on 24 September that his country would support the war on terrorism "with all the means it has at its disposal", although it is unclear at the present time whether Washington will require bases in Kazakhstan.[202] Turkmenistan has also pledged its support for the battle against terrorism, but its policy of 'positive neutrality' and a fear of conflict on its joint border with Afghanistan may mean the government in Ashkhabad decides against allowing US forces to use its territory as a base for military action.

Tajikistan is still recovering from a five-year civil conflict, which ended with a cease-fire in 1997. A complex power-sharing agreement, guaranteed by Russia, has secured some measure of stability, although the country remains economically impoverished. David Shukman from the BBC has characterised Tajikistan as "a nation that has slid from being part of a superpower to resembling the worst of Africa." The country has suffered as a result of the severe drought that is affecting Afghanistan, leading the International Committee of the Red Cross to warn of widespread starvation.[203]

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[201] *BBC Ceefax*, 1 October 2001

[202] 'Putin backs help from central Asia', *Financial Times*, 25 September 2001

[203] 'Tajiks stare starvation in the face', BBC News web site at http://news.bbc.co.uk , 2 October 2001

There is also a refugee crisis along the Tajik-Afghan border where around 10,000 refugees from the Afghan conflict have been trapped in no-man's land since the autumn of 2000 after the government in Dushanbe refused them entry. Analysts warn that the numbers of refugees could increase if fighting escalates in northern Afghanistan.

Russia has around 15,000 border guards along the border with Afghanistan and a further 10,000-strong infantry division based in the interior. The country also provides a vital base for the ethnic Tajik elements of the Northern Alliance, which is largely dependent on the flow of ammunition and equipment from Tajikistan. Analysts believe the government in Dushanbe will allow the United States to use its airspace if necessary, although it has not said so publicly.[204]

Concern over the spread of militant Islamism was one of the key motivations behind the formation of the 'Shanghai Five', a regional forum established in 1996 that brought together Russia, China,[205] Kazakhstan, Kyrgyzstan and Tajikistan to discuss regional stability, confidence building and security issues. The forum has since evolved into the Shanghai Co-operation Organisation (SCO). Uzbekistan joined as the sixth new member at a summit in June 2001, when the heads of state also signed a 'Shanghai Convention on Fighting Terrorism, Separatism and Extremism' to improve regional co-ordination on this issue.

D. Regional Context

a. Middle East Peace Process

The attacks in the United States have had a profound impact on the situation in Israel and the Palestinian Territories, where violence has continued, despite repeated attempts to secure a cease-fire. Images of some Palestinians celebrating the attacks on Washington and New York were relayed around the world, prompting a swift reaction from Mr Arafat, who condemned the terrorist action and gave blood for the victims. Palestinian officials also confiscated footage of some of the celebrations and clamped down on any further demonstrations among the Palestinian populace. Saeb Erakat, a senior Palestinian negotiator, expressed his concern that the scenes of celebration had been taken as representative of broader Palestinian attitudes:

> The vast majority of the Palestinian people stood firmly to condemn this act, and Yasser Arafat was among the first to offer condolences. But now the whole Palestinian nation is going to be held responsible for these pictures of six or seven children in the streets. It is extremely damaging.[206]

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[204] 'Dushanbe prepares for war next door', *Financial Times*, 28 September 2001

[205] In the western province of Xinjiang Islamic groups have articulated popular alienation among Uighurs from the Chinese state.

[206] *Guardian*, 13 September 2001

A series of Israeli military incursions ensued into Palestinian controlled areas, despite strong international pressure on both sides to halt the violence. Mr Arafat responded on 18 September by issuing a renewed cease-fire declaration,[207] to which the Israeli Prime Minister, Ariel Sharon, responded with a halt to all offensive military operations. The hope is that negotiations on strengthening the cease-fire will progress towards confidence building measures and political talks. Without progress on the political front, observers believe the cease-fire is unlikely to hold.[208]

Many Arab governments, and in particular the Egyptian government, have argued that progress in the Israeli-Palestinian talks is crucial to the future of any US-led coalition against terrorism. There is concern that popular anger at the continued unrest in the Occupied Territories could put Arab leaders in an untenable position domestically.

Consequently, the Israeli government has come under intense pressure from the Bush administration to enter into talks.[209] Observers noted a marked decrease in violence following Mr Arafat's renewed cease-fire declaration, although Prime Minister Sharon continued to insist that talks would only start after a 48-hour period of total quiet. In the event, Mr Arafat and Foreign Minister Shimon Peres held a much-delayed meeting in Gaza on 26 September, despite a number of further attacks by militant Palestinian groups. It was agreed that Israel would ease its closure of the Palestinian Territories and redeploy its forces.

The talks were welcomed by the US administration. A spokesman at the US State Department declared:

> It does contribute, I think, towards solidifying the coalition and to making the point that the United States is not against Muslims, that this fight against terrorism is not a fight against the Muslim world.[210]

In Israel Mr Sharon came under fire from the right-wing for entering into negotiations without a full cessation of violence. There was also opposition to the talks from Palestinian elements who warned they would not respect the cease-fire. As of 2 October the fragile political progress appeared under threat as further violence flared after an Israeli incursion into the Gaza Strip and a car bomb explosion in West Jerusalem.

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[207] The declaration was issued in Arabic, unlike earlier calls for a cease-fire.

[208] See for example, Ralph Atkins, 'An uneasy truce', *Financial Times*, 20 September 2001

[209] In an interview on Israeli Radio on 25 September Israeli Foreign Minister Shimon Peres gave an indication of the pressure being exerted by the United States: "The president of the United States calls the prime minister of Israel and puts extraordinary pressure on him... Secretary of State Colin Powell calls three times a day to ask for the meeting." BBC News web site at http://news.bbc.co.uk , 26 September 2001

[210] BBC News web site at http://news.bbc.co.uk , 26 September 2001

b. Iraq

Tension between Baghdad and Washington has remained high since the end of the Gulf War in 1991 and frequently spills over into the military sphere. US and UK planes patrol no-fly zones over northern and southern Iraq and carry out periodic strikes on Iraqi air defence positions in response to alleged Iraqi transgressions. Wide-ranging UN sanctions also remain in place, with the declared aim of securing Iraqi compliance with UN weapons inspectors. However, the process of inspection has been deadlocked since a series of crises in 1999 and attempts during the summer of 2001 to revive the flagging sanctions regime failed to make progress in the Security Council.[211]

The US has frequently expressed concern that Iraq is attempting to rebuild its chemical and biological weapons programmes. If evidence is uncovered linking Iraq to the perpetrators of the 11 September attacks, US military action could be expanded to include strikes against suspected weapons sites in Iraq. Allegations have been made in the past of links between Islamist militants and Iraqi intelligence, but little firm evidence has emerged. US officials have noted that Iraq is the only country on the US list of states sponsoring terrorism not to have condemned the attacks on the United States.

c. Gulf States

The six member states of the Gulf Co-operation Council (GCC) – Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE) – have close political and security ties with the United States and other Western nations. However, both the UAE and Saudi Arabia have also developed close ties with the Taliban movement and are two of only three states to have recognised the movement as the legitimate government of Afghanistan.

The attacks of 11 September and the subsequent US pressure for its allies to join an international coalition against terrorism have forced the two Gulf states to reassess their relationship with the Taliban and with other Islamist groups across the region. Reports suggest that during 2001 the former head of Saudi intelligence agency, Prince Turki al-Feisal, made repeated attempts to persuade the Taliban to moderate its support for Mr Bin Laden and to provide information about Saudis involved in his network. These efforts were unsuccessful and Prince Turki was replaced in late August.

US pressure may also force the Saudi government to cut its funding of Islamist groups abroad, some of which are alleged to be linked to Mr bin Laden's network. Some analysts believe that such financial support has been used by the Saudis to deflect Islamist criticism of their own government. It is feared that ending this support could ultimately put Saudi Arabia's stability at risk.[212]

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[211] For more information, see Library Standard Note, *UN Sanctions on Iraq*

[212] *The Economist*, 22 September 2001

The Gulf states also have to take account of resentment among elements of their population over the presence of US forces on their territories.

> The deployment has caused considerable fundamentalist opposition within the kingdom and aggravated domestic criticism of the al-Saud dynasty for its dependence on western military power. This is seen by many as an affront to Islamic values and has provided sympathy and support for Bin Laden's avowed aim of driving such forces out the kingdom.[213]

This resentment is coupled with popular disillusionment over US support for Israel and for the UN sanctions regime on Iraq. Some commentators believe the Saudi government could face a popular backlash if it is seen to side completely with the United States. Mai Yamani of the Royal Institute for International Affairs has declared:

> If Saudi Arabia is seen to be going blindly behind the US this would undermine further the legitimacy of the regime. They are stuck between the US and the people.[214]

There are also fears of a backlash from Saudi militants linked to Mr bin Laden, particularly if the al-Qaeda network remains intact or if any US-led military action results in large numbers of civilian casualties.

As a consequence, the Saudi government has adopted a cautious approach in its response to the crisis. Attempts by Saudi officials to persuade the Taliban to comply with international demands failed to make progress, and on 25 September the government announced that it was severing all ties with the Taliban regime:

> The Kingdom of Saudi Arabia regrets that the government of Taleban has exploited Afghanistan's special place not to build ties of fraternity, progress and construction, and not to consolidate the noble meanings represented by Islam, but to turn its territory into a centre for attracting, training and recruiting a number of misled people of all nationalities, especially from the citizens of the Kingdom of Saudi Arabia, to carry out criminal acts.
>
> These acts contradict all creeds. In addition, the Taleban government continues to refuse to hand over those criminals to be brought to justice.
>
> Despite everything that has happened, the Taleban government is continuing to use its territory to shelter, arm and encourage those criminals to carry out terrorist acts that terrorize safe and innocent people and spread panic and destruction in the world. This has hurt Islam and has distorted the reputation of Muslims throughout the world.

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[213] Ed Blanche, 'Saudi Arabia's dilemma', *Jane's Defence Review*, 3 October 2001
[214] *Financial Times*, 19 September 2001

> The Taleban government has not heeded the contacts and attempts made by the Kingdom of Saudi Arabia to persuade it to stop sheltering criminals and terrorists and training and inciting them, and stop turning its territory into a shelter and safe haven for them.[215]

The United Arab Emirates announced it was severing ties with the Taliban on 22 September.

The Saudis also adopted a cautious approach with regard to the possible use of Saudi bases in any US-led military action in Afghanistan. After an initial delay, approval was given on 28 September.

The other Gulf states face a similar, albeit less acute, dilemma over the extent of their support for any US-led military action. GCC foreign ministers held an extraordinary meeting on 23 September and expressed their "complete co-operation" with efforts to bring the perpetrators of the attacks on the United States to justice. However, they gave no indication over the possible military support their governments would provide in the event of military action. Particular attention has focused on the role of Oman where over 20,000 British troops are engaged in a large-scale exercise, which had been planned some time before the events of 11 September. More detail on the exercise in Oman is given in Section X C below.

[215] BBC News web site at http://news.bbc.co.uk , 25 September 2001

IX International Legal Issues

A. Treaties

There is no single UN convention on terrorism, although there are various treaties which deal with aspects of the problem. When international terrorism first became a major policy issue in the early 1970s states found it impossible to reach agreement on a definition. This was characteristic of the Cold War period, when consensus was absent in so many areas, but in particular many of the Third World states were hostile to the use of definitions which might trespass on the activities of what they regarded as national liberation movements. As a result states resorted to a number of specific instruments.

The *Convention on Offences and Certain Other Acts Committed on Board Aircraft* was concluded in Tokyo in 1963, the *Convention for the Suppression of Unlawful Seizure of Aircraft* was signed at the Hague in 1970, and the *Convention for the Suppression on Unlawful Acts against the Safety of Civil Aviation* was signed at Montreal in 1971. In 1973 the UN General Assembly adopted the *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents*, followed in 1979 by the *Convention against the Taking of Hostages*. In 1988 the *Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving Civil Aviation*, and the *Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* were concluded. In 1997 the General Assembly adopted the *International Convention for the Suppression of Terrorist Bombings*, and in 1999 it adopted the *International Convention for the Suppression of the Financing of Terrorism*. There were also regional treaties, such as the *Convention to Prevent and Punish Acts of Terrorism*, concluded by the Organisation of American States in 1971, and the Council of Europe's *European Convention on the Suppression of Terrorism*, concluded in 1977.

The Tokyo Convention is concerned with establishing jurisdiction over offences committed on board aircraft, and with extradition of offenders. Its provisions on the suppression of hijacking itself are weak, and the Hague Convention was intended as a remedy. This establishes hijacking of aircraft as a crime and obliges parties to make it punishable by severe penalties. It also introduces further provisions on extradition. The Montreal Convention deals with sabotage of aircraft, and follows a similar model to the Hague Convention. The Diplomatic Agents Convention is similarly concerned with establishing kidnapping and assaults on such persons as offences and with providing for punishment and extradition of offenders. The Hostage Convention covers the same ground in relation to hostages. The Council of Europe Convention is also largely preoccupied with matters relating to extradition. The Terrorist Bombings Convention obliges parties to establish crimes in this area, including jurisdiction over offences against its nationals abroad, and to cooperate in pursuing perpetrators. The Financing of Terrorism Convention obliges parties to establish crimes in this area and to take measures for the confiscation of such funds possibly for the purpose of compensating victims and their families, as well as dealing with related extradition matters.

The European Union has adopted a range of measures in an attempt to deal with terrorism, for instance empowering Europol to investigate such crimes and exchanging information on counter-terrorism capabilities.

Treaty making is a lengthy process necessarily involving compromise. On 28 September 2001 the UN Security Council adopted its Resolution 1373, which went a long way towards creating incisive new law on the subject. The Resolution is reproduced in Appendix 2 below. In it, the Security Council acts under Chapter VII of the UN Charter and 'decides' on a range of measures which states shall take against terrorism. Under Article 25 of the Charter all states agree to accept and carry out 'decisions' of the Security Council, so these measures are binding. The provisions of the Resolution outlaw support and recruitment for terrorism, harbouring of terrorists and financing of terrorism and oblige states to suppress these activities, as well as obliging them to cooperate (for instance through intelligence sharing and certain restrictions on movement) in efforts to suppress terrorism. A Committee is established to oversee compliance with the Resolution, and all states are asked to report to the Committee within 90 days on their activities to this end.

B. The use of force against terrorists abroad

In most circumstances the use of force is illegal in international law, as is intervention, which would include the use of armed force within another state's territory. However, such actions can be legal, for instance when carried out with the authority of a competent organ of the UN (almost always the Security Council), or when carried out in the exercise of the right of self-defence.

When President Bush signed Joint Resolution 23, *Authorization for Use of Military Force*, passed by both Houses of Congress in the aftermath of the attacks on the USA, he described it as 'necessary and appropriate that the United States exercise its rights to defend itself and protect United States citizens both at home and abroad.' This is broadly consistent with past US practice, for instance the attacks in Sudan and Afghanistan in 1998, which were intended to disrupt the activities of Osama bin Laden's network, and it amounts to an invocation of the right of self-defence.

a. The right of self-defence

Article 51 of the UN Charter reads as follows:

> 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. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

There is debate as to the extent of this right. It has been cited by states using force in the majority of incidents since 1945, but these claims have usually been rejected by other states and by organs of the UN. Among the more tenuous claims to self-defence were the Soviet invasions of Czechoslovakia in 1968 and of Afghanistan in 1979. The USA has frequently cited the right in support of its behaviour in Latin America and the Caribbean, including references to its own defence and to that of its neighbours ('collective self-defence' in Article 51). The UK claimed the right in support of its actions in the Falklands War, and this is often cited as an example of the proper use of Article 51.

Most authorities hold that the reference to an 'inherent right'of self-defence unimpaired by the Charter implies that the terms of Article 51 do not give an exhaustive account of that right, a view possibly supported by the *travaux préparatoires* of the Charter.[216] For instance, Article 51 does not actually state that force may be used, simply that an inherent right to self-defence exists. It is necessary to look elsewhere for the content of that right.

The International Court of Justice ruling on the *Nicaragua v USA* case upheld the view that

> Article 51 of the Charter is only meaningful on the basis that there is a 'natural' or 'inherent' right of self-defence and it is hard to see how this can be other than of a customary nature.[217]

Customary international law upholds a right for a state to use armed force to defend itself from an attack, to repel the attackers and to expel them from its territory. It also upholds a right to violate another state's territory if, for instance, the attacks are launched from there, or the attackers operate from bases there, or the attackers take refuge there.[218]

b. Necessity and proportionality

The right to use force in self-defence is qualified in various ways. The most widely held criteria are that it must be necessary and proportionate.

The classic formulation of the right of self-defence was given in the *Caroline* case, concerning the destruction in 1837 of a vessel in an American port by British subjects, concerned that it was being used in support of attacks on Canadian territory. The US Secretary of State, Daniel Webster, contended that there must be a 'necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation,' and that the act should involve 'nothing unreasonable or excessive, since the act justified by the necessity of self-defence must be limited by that necessity and kept

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[216] *International Law*, M Shaw, 4th ed, 1997, p788
[217] *ICJ Reports*, 1986, pp14 & 94
[218] *Oppenheim's International Law*, 9th ed, 1992, p419

clearly within it.'[219] Inevitably there are differences of view as to what these conditions precisely mean, but it is generally accepted that the use of force should not be employed when an alternative exists which has a reasonable chance of success, and that the use of force should be proportionate to the need to repulse the attack (though not to the attack itself).[220] The use of force would also be subject to the general laws of war, including the laws applicable in armed conflict, which include humanitarian considerations and might be relevant to collateral effects on civilians.[221]

c. Anticipation

The question remains whether there exists an anticipatory right to self-defence: the right to use force and, if necessary to violate another state's territory, without an attack being in progress but in anticipation that one will.

Some argue that the phrase 'if an armed attack occurs,' in Article 51, implies that self-defence can only be exercised in this circumstance, and cannot be cited as a basis for action in anticipation of an attack. However, many states have claimed such a right, often in conjunction with other grounds, and this represents a resort to customary law, to the 'inherent right.' Israel claimed this right in 1956 and 1967 for its attacks on Egypt and other Arab neighbours, Iraq did so in 1980 when it attacked Iran, Israel did so in 1981 for its attack on nuclear installations in Iraq, the USA did so in 1986 for its bombing of Libya, and the allies have cited this ground for their attacks against Iraq in the course of policing the air exclusion zones over the north and south of that country.

The USA has tended to argue that specific terrorist incidents are episodes within a larger, ongoing attack carried out sporadically over a long period of time. On this account the question of anticipation is nuanced. Many other states and commentators reject the whole notion, or at least contest it in specific cases.

The right of anticipatory self-defence raises a problem: who judges that a threat is such as to justify defensive action? The nature of defensive actions are such that the assessment of their necessity must normally be made in the first instance by the state seeking to defend itself, and can be validated by others only after the event. Customary international law allows states this latitude to make their own assessment, which in the case of an actual attack is relatively straightforward, but it does not allow *carte blanche* discretion to excuse any use of force through a retrospective claim of self-defence. The use of force in self-defence must be notified to the Security Council under Article 51. The Council

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[219] Quoted in *Oppenheim's International Law*, 9th ed, 1992, p420, and elsewhere.

[220] The question also arises as to whether it is ever justifiable to wage not a defensive repulsion of a specific attack but a full-scale defensive war, seeking to defeat an aggressor which seems likely to continue to pose an immediate threat even after a specific attack has been repulsed. See *International Law and Armed Conflict*, H McCoubrey and N White, 1992, pp99-100

[221] Shaw, op cit, pp790-1, and citing ICJ Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports, 1996

might, if it so chose, consider the validity of the claim, as it has primary responsibility for international peace and security, and could, for instance, adopt a condemnatory Resolution if it considered the claim unfounded. Other states can express their views through their own practice, and, in one case, the ICJ has adjudicated on a claim of (collective) self-defence.[222] The question of validating a claim of self-defence is obviously more involved when action has been taken in anticipation of an attack than when the attack is actually occurring.

The following position is given in *Oppenheim's International Law*:

> There are divided views whether it is permissible for a state to use force in self-defence against an armed attack which has not yet actually begun but is reasonably believed to be imminent. The better view is probably that while anticipatory action in self-defence is normally unlawful, it is not necessarily unlawful in all circumstances, the matter depending on the facts of the situation including in particular the seriousness of the threat and the degree to which pre-emptive action is really necessary and is the only way of avoiding that serious threat; the requirements of necessity and proportionality are probably even more pressing in relation to anticipatory self-defence than they are in other circumstances. In conditions of modern hostilities it is unreasonable for a state always to have to wait until an armed attack has begun before taking defensive action. States have in practice invoked the plea of self-defence to justify action begun to forestall what they regard as an imminent threatened attack.[223]

It is broadly accepted that an attack need not actually have been completed in order for the right of self-defence to be exercised (for instance, a missile may be in the process of being launched).[224] Some commentators have suggested a distinction between interception and anticipation in order to take account of this.[225] A possible difficulty with this distinction is that it could entail that a state would have no right of self-defence against, say, the massing of troops along the border of a hostile neighbour until a command had been given for those troops to attack. This might be an unreasonable restriction if the attacked state were thereby faced with a more difficult task of defence than if it were allowed to strike during the early stages of the massing. Effectively the state under threat would suffer just the same impediment as would apply if interception were forbidden altogether.

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[222] The *Nicaragua v USA* case. Amongst many other things, the ICJ rejected US claims to have acted in exercise of the lawful right of collective self-defence. *Oppenheim's International Law*, 9th ed, 1992, p426

[223] ibid., pp421-2. The footnotes in the original are not reproduced here.

[224] Cf the statement that 'it cannot be doubted that, if the United States had stumbled across the Japanese fleet clearly on course for Pearl Harbor in 1941, it could have acted in self-defence, instead of waiting for the devastating attack to materialise,' in McCoubrey & White, op cit, p92

[225] Shaw, op cit, p790

If a wider right of anticipation is accepted, much hinges on the question of the imminence of the expected attack. If an attack is judged to be imminent, then the argument is more likely to be accepted that an anticipatory right of self-defence arises. There are still difficulties in judging imminence, though. For instance, does the judgement relate to the likelihood of the attack or strictly to the timescale involved? Is an attack for which definite plans are discovered months in advance less imminent than one which appears possible in a matter of hours but the likelihood of which cannot clearly be shown, perhaps because it arises out of regular exercises? Brownlie draws what may be a useful distinction in this regard between 'facts which have objective characteristics' and 'estimates of intention,'[226] but the matter is still not easy to resolve.

d. Non-state Actors

The ICJ ruling on the *Nicaragua v USA* case held that customary international law recognises the right to self-defence against an attack from the regular armed forces of another state or from other groups (irregulars) sent by another state to conduct acts of armed force of a similar magnitude to an attack by regular forces. This imposes some notion of a quantitive limit: low-level attacks by irregulars would not imply a right of self-defence. The ruling did not accept that the right included defence against the supply of assistance to rebels, such as the provision of weapons or of logistical support (although such support may well be unlawful in any case and hence subject to other sanction), and it did not accept the right in relation to terrorism.[227]

e. Terrorism

In general, the use of force and the violation of territorial integrity in actions against terrorists abroad have not been found lawful in those cases which have been subject to legal deliberation. Nevertheless, many states consider that the challenges posed by international terrorism require preemptive action.

In its ruling on the *Nicaragua v USA* case the ICJ did not accept the US contention that the right to self-defence arises in relation to terrorist acts (and other forms of subversion, insurgency etc), although the USA held to the argument strongly and one of the judges did give a dissenting opinion in its favour on this point.

In addition to the ICJ ruling, relevant precedents might include the Israeli attacks on a nuclear reactor in Iraq in 1981 and on the PLO headquarters in Tunisia in 1985. In both cases Israel claimed to be acting in anticipation of attacks, in one case by non-conventional weapons still in development, and in the other by a terrorist group. In the case of the Iraqi reactor the Security Council adopted Resolution 487, in which it 'strongly condemns the military attack by Israel in clear violation of the Charter of the

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[226] *International Law and the Use of Force by States*, I Brownlie, 1963, p260
[227] Shaw, op cit, p789

United Nations and the norms of international conduct.' The USA voted for this Resolution, which was in fact adopted unanimously. In the case of the PLO headquarters, the Security Council adopted Resolution 573, in which it 'condemns vigorously the act of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations, international law and norms of conduct.' The USA abstained on this Resolution, while the other 14 members of the Security Council voted in favour.

As international terrorism has developed, states have felt a need to develop means of disrupting the capacity of terrorist groups to carry out attacks, without necessarily predicting a particular imminent attack. This may reflect the slow rate at which written international law progresses: terrorism is not the only area in which there is tension between the concept of state sovereignty inscribed in the brief period of consensus immediately after World War II, and the legitimate interests which states may have in one another's affairs. The USA itself has developed a principle of using force in self-defence to protect its nationals abroad, citing this ground in relation to the bombing of Libya in 1986, and the missile attack on Baghdad in 1993 in response to an alleged plot to assassinate former President Bush. There was a discussion of the latter incident in the House, on a PNQ by George Robertson. Mr Robertson asked,

> How can it be said that the raid is justified as falling under Article 51 of the United Nations Charter when the alleged assassination attempt failed anyway? It took place some three months ago, and the trial of the accused people has not been completed. How can it be said to be measured and appropriate, when the target building was in a busy city centre and at least three of the missiles almost predictably failed to hit that target and killed innocent civilians?[228]

The then Foreign Secretary, Douglas Hurd, gave the following account of 'the state of international law as we understand it.'

> Force may be used in self-defence against threats to one's nationals if: (a) there is good evidence that the target attacked would otherwise continue to be used by the other State in support of terrorist attacks against one's nationals; (b) there is, effectively, no other way to forestall imminent further attacks on one's nationals; (c) the force employed is proportionate to the threat.[229]

This doctrine was articulated in the USA by George Schultz as Secretary of State:

> the [UN] Charter's restrictions on the use or threat of force in international relations include a specific exception for the right of self-defense. … A nation attacked by terrorists is permitted to use force to prevent or preempt future attacks, to seize terrorists, or to rescue its citizens, when no other means is

[228] HC Deb 28 June 1993, c657
[229] ibid., c658

> available. The law requires that such actions be necessary and proportionate. But this nation has consistently affirmed the right of states to use force in exercise of their right of individual or collective self-defense. […]
>
> There is substantial legal authority for the view that a state which supports terrorist or subversive attacks against another state, or which supports or encourages terrorist planning and other activities within its own territory, is responsible for such attacks. Such conduct can amount to ongoing armed aggression against the other state under international law.[230]

The right to use force and to violate another state's territory against terrorist groups has also been cited by Israel against the PLO in southern Lebanon and, as noted, in Tunisia, by South Africa against the ANC in the frontline states, by the Soviet Union against Afghan groups in Pakistan, and by Nicaragua against the Contras in Honduras.

f. Reprisals

In general a state may undertake reprisals if it has suffered a previous act contrary to international law, has made an unsatisfied demand for reparation and provided the reprisal is proportionate to the offence. Thus,

> reprisals short of force may … be undertaken legitimately, while reprisals involving armed force may be lawful if resorted to in conformity with the right of self-defence. Reprisals as such undertaken during peace-time are thus unlawful, unless they fall within the framework of the principle of self-defence.[231]

g. The current situation

On 12 September 2001, following the attacks on New York, Washington and Pennsylvania, the UN Security Council adopted its Resolution 1368, the full text of which is included as Appendix 1. It condemned the attacks and stated that it 'regards such acts, like any act of international terrorism, as a threat to international peace and security' and expressed 'its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.' This is strong language in UN terms, and brings international terrorism into the ambit of Chapter VII of the UN Charter, under which the Security Council may authorise the use of force.

The Resolution also asserted the Security Council's primary responsibility for dealing with matters of international peace and security, but it did not impinge on the right to self-

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[230] *Low-intensity warfare: the challenge of ambiguity*, remarks by Hon George Schultz, Secretary of State, before the Low-Intensity Warfare Conference, National Defense University, Washington DC, 25 January 1986. Cited in 'Intervention to combat terrorism and drug trafficking,' G Levitt, in *Law and Force in the New International Order*, ed L Damrosch & D Scheffer, 1991.

[231] Shaw, op cit, p786. Footnotes not reproduced.

defence, which it in fact recognised in its preamble. It is conceivable that the USA might gain legal support from the Security Council for putative action in Afghanistan, but it might also seek to preserve its independence of action by relying on self-defence. Either way, Security Council Resolution 1368 represents an important statement of legal weight on the general issue of taking action to combat international terrorism.

It is also relevant that the Taliban is not the internationally recognised Government of Afghanistan. The seat at the UN is still held by representatives of the Government of Burhanuddin Rabbani, who was President at the time the Taliban took control of Kabul. If Mr Rabbani were to issue an invitation to the USA to undertake action against the bin Laden network inside Afghanistan then this could circumvent legal sensitivities concerning intervention and the use of force, since the state in whose territory those actions took place would have consented to them. Alternatively, it might be argued that no responsible and effective government exists in the country and therefore it is not possible for consent to be given or withheld. Similar arguments have been used in the past, for instance in relation to Somalia.

C. Humanitarian laws of war

In general, terrorists are not themselves beneficiaries of the laws of war, that is to say they do not enjoy protection as combatants under the *Geneva Conventions, 1949*, and their two *Additional Protocols, 1977*. Furthermore, the Conventions apply in various cases of armed conflict, and it is not clear whether actions which the USA might contemplate against the bin Laden network would qualify as instances of 'armed conflict'.

However, there are indications within the Conventions and Protocols that their provisions in relation to civilians should be taken into account during any military operation. For instance, Article 1(2) of *Additional Protocol I* states that

> in cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

Many of the provisions of the Geneva Conventions are themselves regarded as declaratory of this customary international law, and this is particularly so in the case of the common articles which are repeated in each of them. Common Article 3 spells out certain minimum provisions, including the treatment of those taking no active part in hostilities. Prohibited behaviour towards non-combatants includes

> (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
> (b) taking of hostages;
> (c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilised peoples.

X Military Options

It soon became clear, in the immediate aftermath of the terrorist attacks of 11 September, that the Bush administration was committing to a long-term, open-ended campaign against international terrorism. President Bush said on 15 September 2001:

> This will be a different kind of conflict against a different kind of enemy. This is a conflict without battlefields or beachheads, a conflict with opponents who believe they are invisible. Yet, they are mistaken. They will be exposed, and they will discover what others in the past have learned: Those who make war against the United States have chosen their own destruction. Victory against terrorism will not take place in a single battle, but in a series of decisive actions against terrorist organisations and those who harbour and support them.[232]

How this conflict was to be executed, and what the initial military targets and objectives were to be, was the subject of debate in the weeks following the events of 11 September.

A. Debate within the Bush Administration

The Department of Defence (DOD) appears to have proposed a rapid and robust response against a number of states. Some, led principally by Deputy Defence Secretary, Paul Wolfowitz, advocate a broad, essentially unilateral military campaign encompassing wide objectives, including the overthrow of regimes suspected of harbouring and supporting terrorists. Principal targets identified include the Taliban in Afghanistan and the Iraqi regime. Advocates of such a policy argue that the removal of these regimes would deny terrorist groups any safe haven and military facilities, and would send an important deterrent message to other governments considered by the US to be potential state sponsors of terrorism.

Other sections of the administration, notably the State Department under the leadership of Colin Powell, have adopted a more cautious approach, emphasising the need to build a broad-based international coalition and advocating limited and targeted use of military force. They have cautioned against making the removal of, for example, the Taliban government an objective of any military action, arguing that such an approach could entangle the US in the country's internal strife with no guarantee that a stable, pro-US government would emerge.

The language of early statements by the Bush administration following the terrorist attacks suggested to many that a broad military campaign was being contemplated.

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[232] *Washington File*, 15 September 2001, from http://www.usembassy.org.uk

During his radio address of 15 September 2001, President Bush declared:

> We are planning a broad and sustained campaign to secure our country and eradicate the evil of terrorism. And we are determined to see this conflict through. Americans of every faith and background are committed to this goal.[233]

He continued:

> Now we honour those who died, and prepare to respond to these attacks on our nation. I will not settle for a token act. Our response must be sweeping, sustained and effective. We have much do to, and much to ask of the American people.[234]

Some interpreted this as a sign of widespread military action, but there have been strong indications that, at least in the earliest phases, any US-led military action will be limited to apprehending Mr bin Laden and destroying the al-Qaeda network. In his address to a joint session of Congress on 20 September 2001, President Bush announced that, "Our war on terror begins with al-Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated."[235]

With regard to whether the administration intended to remove the Taliban leadership from power, Colin Powell commented recently, "It is not the president's goal to determine how the Afghan people will be governed or led".[236]

B. Operation *Enduring Freedom*

The Pentagon has codenamed the military element of the administration's campaign against terrorism as Operation *Enduring Freedom*.[237] On 14 September 2001 Congress granted $40 billion of extra governmental funding, approximately half of which is to help pay for any military response to the attacks and national security needs.[238] US military activity has included the mobilisation of large numbers of reservists and National Guard members. As of 1 October the total National Guard and Reserves called to active duty had surpassed 20,000 in 43 states, the District of Columbia and Puerto Rico.[239]

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233 *Washington File*, 15 September 2001 from http://www.usembassy.org.uk
234 ibid.
235 White House web site from http://www.whitehouse.gov
236 *International Herald Tribune*, 27 September 2001
237 The first title 'Infinite Justice' was withdrawn after it was found to be offensive to Muslims.
238 See Section II A for further details.
239 Department of Defense News Release , 1 October 2001, from the DoD web site at http://www.defenselink.mil

An outline of the nature of the military operation was provided by the US Secretary of Defence, Donald Rumsfeld, at a Defence Department press briefing on 25 September 2001:

> Needless to say, there's not going to be a D-Day as such, and I'm sure there will not be a signing ceremony on the Missouri as such. This is not something that begins with a significant event or ends with a significant event. It is something that will involve a sustained effort over a good period of time.
>
> Let there be no doubt as well that there will not be a single coalition as there was in the Gulf War. The kinds of things we're going to be engaged in will engage some countries on one aspect of it and still other countries on another aspect of it. And we will see revolving coalitions that will evolve and change over time depending on the activity and the circumstance of the country. The mission needs to define the coalition, and we ought not to think that a coalition should define the mission.[240]

Since 11 September there has been considerable US military activity around the globe. Several hundred aircraft have been deployed and two carrier battle groups are now present in the Gulf region. These two battle groups will probably play the key role in any air strikes in Afghanistan through the vast array of aircraft at their disposal and their armoury of several hundred *Tomahawk* land attack cruise missiles. Details of the US military assets in theatre are summarised in the following table:

Region	Forces Available
Gulf/Arabian Sea	<u>Carl Vinson Battle Group</u> *USS Carl Vinson* Nimitz-class aircraft carrier and eight other ships including a submarine, two cruisers and two destroyers. The Vinson carries 70 aircraft including a squadron of F-14 *Tomcat* fighters. It is estimated that the battle group has a combined arsenal of 400 conventional *Tomahawk* land attack missiles. <u>Enterprise Battle Group</u> Aircraft carrier USS *Enterprise* and 14 other ships including destroyers, frigates, nuclear submarines, support ships and US Marines. It is estimated that the battle group has a combined arsenal of over 500 conventional *Tomahawk* land attack missiles.

[240] Secretary of Defence, Donald Rumsfeld, DoD News Briefing, 25 September 2001, from the DoD web site at http://www.defenselink.mil

Saudi Arabia	Prince Sultan air base - 600-700 military personnel. Aircraft include: F-16 *Fighting Falcon* (Ground attack/interceptor), F-15 *Strike Eagle* (Bomber/air superiority fighter) F-117 *Nighthawk* (Stealth fighter/bomber) C-130 *Hercules* (transport), KC-135 (inflight refuelling).
Kuwait	3,000 troops, tanks and *Warthog* 'tankbuster' aircraft.
Diego Garcia – Indian Ocean	US airbase with B-52 *Stratofortresses* capable of mass bombing or firing up to 20 cruise missiles. Two oil tankers with 235,000 barrels of marine diesel fuel reported to have been sent here.
Mediterranean	Aircraft carrier USS *Theodore Roosevelt* with up to 80 aircraft on board is reported to be on its way to the Mediterranean.
Turkey	Incirlik airbase. Aircraft include: F-16, F-15, EA6B *Prowler* (Electronic warfare) KC-135, E3B/C AWACS.
Uzbekistan	Unconfirmed press reports suggest that US forces have deployed to the Chirchik air base in country.
United States - Missouri	Whiteman Air Force base - 16 B-2 *Spirit* stealth bombers on standby for long-range missions.

Sources: Department of Defence, *Financial Times*, *BBC Online*, *The Guardian*

It seems unlikely that there will be a major deployment of US ground forces into Afghanistan. Such a deployment would require several months of preparation and would carry the risk of a high number of casualties in the country's notoriously difficult terrain. The logistical problems facing any large US-led ground force would also be exacerbated during the winter months, which have just begun and are set to last until April. Major General Himmat Singh Gill, former Indian military attaché to Kabul, has commented:

> Temperatures plunging to minus 40 degrees Celsius, a wind chill factor of formidable intensity, snow and blizzards negate the fighting capability of any army, however well equipped.[241]

[241] *Jane's.com*, 26 September 2001 at http://www.janes.com/security

Phillip Mitchell, ground forces analyst at the International Institute for Strategic Studies, assesses that ground forces are the least likely option:

> I don't see large-scale infantry action whatsoever. I think it is going to be very, very long-term, with Special Forces identifying targets for aircraft to attack. It is going to be won by intelligence.[242]

The more likely scenario would be the use of 'surgical' air and missile strikes in tandem with raids by US and UK Special Operations Forces.[243] SOFs have the advantage of not necessarily having to hold ground for prolonged periods but are more likely to be inserted for an operation and then extracted as soon as the mission is concluded. The MH-60 *Black Hawk* helicopter would be the kind of platform used to insert US SOF personnel during a small-scale mission into Afghanistan. It is possible that countries neighbouring Afghanistan could be used as bases for any SOF incursions. There are unconfirmed reports that US aircraft and more than 1,500 US personnel have been deployed to the Chirchik airbase in Uzbekistan.[244]

A key problem facing military planners with regard to the use of air power is the lack of worthwhile military targets within Afghanistan. The degradation of military equipment in the years following the Soviet withdrawal has left the Taliban with poor quality military hardware and facilities (see Section V C & D). During a television interview on 30 September 2001, Donald Rumsfeld spoke about the possible approach the US would take regarding any military engagement in Afghanistan:

> I think that, however, unconventional approaches, obviously, are much more likely and more appropriate than the typical conventional approach of armies and navies and air forces.
>
> Now, what does that mean? Well, it means that if the problem is to root out those terrorist networks, and if you're dealing with a country that doesn't have high-value targets, that doesn't have armies, navies, and air forces, it doesn't have -- its capital has been pummeled by the Soviet Union to the point that it's rubble and by internal fighting among everybody there -- there's not much that they hold dear. They live in caves, they live in tents, they move constantly, and what we have to do is to deal with that kind of an enemy in a way that's appropriate.[245]

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[242] ITN web site, 26 September 2001, at http://www.itn.co.uk

[243] For further details on the nature of US and UK SOFs see Section X D below.

[244] *Sunday Telegraph*, 30 September 2001

[245] Rumsfeld interview with NBC "Meet the Press", 30 September 2001, *Defenselink* web site at http:www.defenselink.mil

Jane's Defence Weekly provided a summary of what primary targets there are in Afghanistan:

> Obvious targets will be airbases that are home to the Taliban's small force of Su-22 ground-attack fighters, MiG-21 fighters, Mi-8/-17 transport helicopters, Mi-35 attack helicopters and An-26 and An-32 fixed-wing transports. These include Kabul International, Kandahar in the south, Shindand and Herat in the west, and Mazar and Kunduz in the north and northeast.[246]

Secondary targets could include ground-force bases and training camps such as Qargah and Rishkhor on the outskirts of Kabul and Deh Dadi outside Mazar.

C. UK Military Assistance

a. UK Government Response

In addition to the strong political support given to the USA following the 11 September attacks, the Prime Minister has pledged to provide the USA with practical cooperation and military assistance in its forthcoming campaign against international terrorism. He informed the House on 14 September 2001 that:

> We have been in the closest consultation and cooperation with the United States, which is acting in exactly the right way. It is important that we recognise that the United States, like us, wishes to make sure that we base our identification of those responsible on proper evidence, but then we are relentless in our pursuit of those responsible and in bringing them to justice.[247]

Mr Blair described the attacks as the worst assault upon British citizens since the Second World War, and in an interview with CNN on 16 September 2001 he said:

> Whatever the technical or legal issues about a declaration of war, the fact of the matter is that we are at war with terrorism…There has to be a response to bring those terrorists who committed this attack to account, and we will play our full part in that.[248]

On 14 September the Secretary of State for Defence, Geoff Hoon, outlined some of the initial military assistance the UK was providing to US agencies:

> I have spoken to US Defence Secretary Donald Rumsfeld to express my solidarity and support to him and to the United States Department of Defence. We are united in our determination to bring those responsible to justice. The

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[246] *Jane's Defence Weekly*, 26 September 2001
[247] HC Deb 14 September 2001, c616
[248] *The Guardian*, 17 September 2001

> Chief of the Defence Staff and other senior military personnel have spoken to their counterparts to express their shock and their sympathy.
>
> Our strong relationship with the United States, and with their armed forces, is a practical expression of our close personal ties. The Government is identifying what practical help and expertise we can provide in the immediate aftermath of this tragedy. We have already offered a wide-ranging package of assistance, including specialist search personnel and equipment and forensic experts. Because we have faced terrorism ourselves, for far too many years now, we have developed some of the world's best counter-terrorist expertise and capabilities.[249]

On 2 October, in his speech to the Labour Party conference, Mr Blair indicated that military action involving UK armed forces could be imminent, declaring that:

> The action we take will be proportionate; targeted; we will do all we humanly can to avoid civilian casualties.[250]

He continued:

> Any action taken will be against the terrorist network of Bin Laden. As for the Taliban, they can surrender the terrorists; or face the consequences and again in any action the aim will be to eliminate their military hardware, cut off their finances, disrupt their supplies, target their troops, not civilians. We will put a trap around the regime.[251]

b. Operation Veritas

UK military preparations in response to the 11 September attacks are being made under the codename Operation *Veritas*. The logistics surrounding any possible UK contribution to military action in Afghanistan have been assisted by the presence of a large UK force participating in military exercises in the Gulf. In addition to UK forces normally present in the Middle East and Mediterranean, there are currently over 20,000 UK military personnel from all three services in Oman taking part in the UK-Omani military exercise *Saif Sareea II* ('Swift Sword'). The aim of the four-week exercise is to test the UK's ability to muster and deploy the sort of expeditionary rapid reaction force envisaged under the Strategic Defence Review of 1998.

One indication of the UK's expected participation in any future military action is that the Joint Force Headquarters, which runs tri-Service missions and was to deploy to Oman, has been ordered to remain reportedly in the UK.[252] In addition, the MOD has confirmed

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[249] HC Deb 14 September 2001, c664
[250] Labour Party web site at www.labour.org.uk
[251] ibid.
[252] *Guardian*, 24 September 2001

that HMS *Triumph*, a hunter-killer submarine equipped with *Tomahawk* land attack has been deployed to the Gulf region.

c. Forces Available

Saif Sareea includes the Royal Navy (RN) contingent, *Argonaut 01*, led by the aircraft carrier HMS *Illustrious*, consisting of 24 ships and two submarines, and representing the largest Royal Navy deployment since the Falklands. The UK amphibious task group is based around helicopter carrier HMS *Ocean* and the assault ship HMS *Fearless*, carrying Royal Marines and troops of 3 Commando Brigade.

The land element of the UK deployment involves a UK armoured division including equipment such as 66 Challenger II tanks and AS90 self-propelled guns. Air support is provided in the form of *Tornado* F3 (air defence), *Tornado* GR4 (strike/attack) aircraft and *Chinook* and *Puma* helicopters. These are supplemented by *Harrier* GR7 aircraft of the Joint Force Harrier air group from HMS *Illustrious*. Support aircraft include Boeing E3-D *Sentry* Airborne Early Warning (AEW) aircraft and *Nimrod* MR2 maritime patrol aircraft. Full details of the UK forces in the region, and those participating in *Saif Sarreea* can be found at Appendix 3 below.

With regard to the possible involvement of UK forces, the RN could assist in cruise missile attacks on targets in Afghanistan through its *Tomahawk* capable submarines. UK aircraft could also take part in bombing raids and provide air-to-air refuelling support. However, the most likely UK involvement in anti-terrorist military action would be through covert operations undertaken by Special Forces, such as the Special Air Service (SAS) and the Royal Marine's Special Boat Service (SBS).

D. Likely Key Elements of a Military Operation

a. Special Forces

On 28 September 2001 press reports quoted a senior US administration official as saying that both US and UK Special Forces were already present in Afghanistan.[253] The deployment was described as being "routine" ahead of a major military operation.[254] It is extremely likely that any initial military action in Afghanistan will involve the heavy use of Special Operation Forces (SOFs). Dr John Gearson, senior lecturer in defence studies at Kings College in London, assesses that "the most likely course is the significant use of air power and some sort of Special Forces deployment targeted on terrorist bases and hopefully supporting the [anti-Taliban] rebels".[255]

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253 *The Guardian*, 29 September 2001
254 *ibid*.
255 ITN web site at http://www.itn.co.uk

Should there be air strikes against bases in Afghanistan, Special Forces would probably be involved in carrying out reconnaissance and feeding back intelligence from the ground via satellite communications in order to guide pilots or precision-guided munitions to specific targets.

Although there are strong similarities between the methods and equipment used by US and British Special Operation Forces (SOFs), there is a different philosophy regarding the scale and nature of their deployment.

US Special Forces

The US Department of Defence defines SOFs as follows:

> Military personnel with cross training in basic and specialised military skills, organised into small, multiple-purpose detachments with the mission to train, organise, supply, direct, and control indigenous forces in guerilla warfare and counter-insurgency operations, and to conduct unconventional warfare operations.[256]

The main US units with special operations capabilities include the army Green Berets, Rangers, Navy SEALS (a sea-based assault force in the Marine Corps) and the counter-terrorist Delta Force. *Jane's Defence Weekly* reported that in 1998, US SOFs carried out 2,178 missions outside continental USA. The diverse missions spread across 152 countries and involved nearly 40,000 personnel, many on multiple deployments.[257]

Details of the organisation and role of SOFs were revealed in 1998 when the then US Under-Secretary of Defence, Walter Slocombe, publicly acknowledged the existence of covert action teams trained to combat terrorism and counter-terrorist use of weapons of mass destruction. He said, "We have designated Special Mission Units [SMUs] that are specifically manned, equipped and trained to deal with a wide variety of transnational threats."[258] According to *Jane's Defence Weekly*, SMUs are under the control of the Joint Special Operations Command (JSOC) at Fort Bragg, North Carolina.[259] It is believed that the SMUs include the Delta Force and SEALs, with the Rangers being assigned as needed. An article for the *Armed Forces Journal* in 1998 provided an insight into how army special forces operate:

> The key operating element of Special Forces remains the Operational Detachment-Alpha, or A-team.

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256 *US Department of Defence Dictionary of Military Terms*, 1991
257 *Jane's Defence Weekly*, 14 July 1999
258 *ibid.*, 11 March 1998
259 *ibid.*

> Each A-Team has 12 men, 10 of whom are experienced non-commissioned officers (NCOs). A captain is the team commander, and a warrant officer is its executive officer. The 10 NCOs consist of two medics, two engineers, two communications specialists, two weapons experts, and two operations and intelligence specialists. Cross-trained in each other's skills, each team member is also trained in a foreign language.
>
> Six A-teams and one 11-man B-Team headquarters element form a Special Forces company. Three companies form a battalion, and three battalions form a Special Forces group.[260]

Lt General William P Tangney, Commanding General of JSOC in 1998, reiterated the importance of the A-Team:

> The focus has evolved over the years, but the fundamental building block of the force – the A detachment – has remained basically unchanged. It has proven itself over time as the workhorse of Special Forces. As our Special Operations Forces have grown and matured, SF have taken on other regional specialities besides Europe and other missions – special reconnaissance, direct action, foreign internal defence, and since the early 1980s, counter-terrorism.[261]

SAS

The present SAS regular regiment is based in Hereford. The regiment consists of four 'Sabre' squadrons supported by training, signals and HQ squadrons. Sabre Squadron is the name given to a fighting squadron within the SAS consisting of 60 men, who are divided into four troops and a small headquarters section. Each patrol within a troop consists of four men; this unit has become the "the backbone of SAS soldiering".[262] Each troop member has an individual skill, such as medical, languages, demolition and signals.

Of particular relevance to likely operations in Afghanistan is the Counter Revolutionary Warfare (CRW) unit of the SAS. The CRW is the specialised counter-terrorism section within the regiment. The duties of the CRW unit are now believed to include infiltrating enemy organisations, gathering intelligence, undertaking demolition work and carrying out ambushes. Recent reports indicate that this unit is currently active in the Afghanistan region. The SAS is thought to have close relations with the Pakistani special forces and has been conducting mountain training in the country for the past five years. Such local contacts and knowledge should make the SAS particularly useful to any US-led military infiltration into Afghanistan.

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[260] *Armed Forces Journal International* , August 1998
[261] *ibid.*
[262] *The Complete Encyclopedia of the SAS,* Barry Davies BEM, 1998

b. Surveillance Technology

It is widely acknowledged that the US and her Western allies do not possess effective human intelligence (Humint) penetration of the al-Qaeda network or the Taliban. The US-led operation will be heavily reliant upon Pakistani and Russian intelligence agencies for assistance in ascertaining the whereabouts of Mr bin Laden. Nevertheless US forces have a wide range of airborne intelligence assets capable of providing collateral to Humint, satellite and signals intelligence (Sigint).

Aircraft

The U-2 high-flying reconnaissance aircraft is able to provide high-resolution radar images of both fixed and moving targets. The *Joint Stars* is a battlefield surveillance system mounted on a converted Boeing 707. The RC-135 *Rivet Joint* aircraft is able to eavesdrop on any electronic communications.

Unmanned Aerial Vehicles (UAV)

The *Predator* Unmanned Aerial Vehicle was extensively used during the Kosovo conflict. It sends near real-time video and radar images to controllers, but is vulnerable to surface-to-air missiles and mountainous terrain. On 23 September 2001 the Taliban's official news agency, *Bakhtar,* claimed to have shot down an unmanned spy plane. Later the same day the Pentagon acknowledged that it had lost contact with an unmanned aerial vehicle (UAV).

Global Hawk is a new high-altitude endurance (HAE) UAV. It has a 35.5m wingspan, can fly 4,827km; remain on station for up to 24 hours; and stay above a target area at 65,000 feet, relaying radar, optical and infra-red images. *Global Hawk* had its first flight on 28 February 1998, but has not yet been combat-tested. Reports suggest that the *Global Hawk* programme will be accelerated through a share of the $40 billion emergency funding approved by Congress on 14 September 2001.[263]

c. Hard Target Munitions

The most effective and basic defence available to armed forces in Afghanistan, whether they be recruits of Mr bin Laden or Taliban troops, is the use of caves as secure bases. The two main ways of combating underground strongholds are either to get close enough to fire munitions into the entrance of a hideout or to use high penetration and high explosive "bunker buster" weapons capable of piercing the mountainside and then exploding inside the cave. The US and UK have undertaken extensive research into such weapons technology. Following the Gulf War, Northrop Grumman Corporation of the US developed the satellite-guided, all-weather GBU-37 (guided bomb unit) which was used

[263] *Jane's Defence Weekly*, 3 October 2001

during the Kosovo campaign. Robert Hewson, editor of *Jane's Air Launched Weapons*, believes that the US would probably rely on such weapons initially and would deliver them via intercontinental-range B-2 *Spirit* stealth bombers. These could fly direct from their base in Missouri. The widespread use of *Tomahawk* cruise missiles is also likely.

In the UK, BAE Systems have developed the hard target-penetrating munition, *Broach* (Bomb Royal Ordnance Augmented Charge). *Broach* is a two-stage weapon that achieves its results by combining an initial penetrator warhead with a secondary follow-through bomb. The *Broach* system has been selected for *Storm Shadow*, the conventionally armed stand-off missile (CASOM) which is due for delivery to the RAF in the first half of 2002.

E. Role of NATO

On the day of the attacks NATO Secretary General, Lord Robertson, stated:

> I condemn in the strongest possible terms the senseless attacks which have just been perpetrated against the United States of America. My sympathies go to the American people, the victims and their families. These barbaric acts constitute intolerable aggression against democracy and underline the need for the international community and the members of the Alliance to unite their forces in fighting the scourge of terrorism.[264]

The following day the North Atlantic Council (NAC) took the unprecedented step of invoking Article 5 of the Washington Treaty of 1949. Article 5 relates to NATO's commitment to collective self defence, i.e. that an attack against one member is regarded as an attack against the whole Alliance. The NAC agreed at its meeting that:

> if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington … Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.[265]

The full text of Article 5 reads as follows:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

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[264] NATO press release (2001) 121, 11 September 2001
[265] NATO press release (2001) 124, 12 September 2001

> Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

A note on the interpretation of Article 5 from the NATO web site provides further clarification on the nature of the commitment made by NATO member states so far. It states:

> Article 5 has thus been invoked, but no determination has yet been made whether the attack against the United States was directed from abroad. If such a determination is made, each Ally will then consider what assistance it should provide. In practice, there will be consultations among the Allies. Any collective action by NATO will be decided by the North Atlantic Council. The United States can also carry out independent actions, consistent with its rights and obligations under the UN Charter.
>
> Allies can provide any form of assistance they deem necessary to respond to the situation. This assistance is not necessarily military and depends on the material resources of each country. Each individual member determines how it will contribute and will consult with the other members, bearing in mind that the ultimate aim is to *"to restore and maintain the security of the North Atlantic area"*.
>
> By invoking Article 5, NATO members have shown their solidarity toward the United States and condemned, in the strongest possible way, the terrorist attacks against the United States on 11 September.
>
> If the conditions are met for the application of Article 5, NATO Allies will decide how to assist the United States. (Many Allies have clearly offered emergency assistance). Each Ally is obliged to assist the United States by taking forward, individually and in concert with other Allies, such action as it deems necessary. This is an individual obligation on each Ally and each Ally is responsible for determining what it deems necessary in these particular circumstances.
>
> No collective action will be taken by NATO until further consultations are held and further decisions are made by the North Atlantic Council.[266]

The crucial points are that each member can provide any form of assistance it deems necessary, and this assistance is not necessarily military. No collective action will be taken by NATO until further consultations are held and further decisions are made by the North Atlantic Council. In a press conference on 12 September, the NATO Secretary-General, Lord Robertson, "reaffirmed that NATO allies will take such actions as deemed

[266] 'What is Article 5?' *NATO Issues*, 20 September 2001

necessary, including the use of force, adding that members shall respond commensurate with their judgement and resources."[267]

The decision to invoke Article 5 in response to a terrorist attack has caused concern amongst some Alliance members and harks back to the long debate in the late 1990s between the US and European NATO members over future post cold-war roles for the Alliance. During the drafting of NATO's new 'Strategic Plan' in the build-up to the Alliance's 50th Anniversary summit in Washington in April 1999, the US wanted to expand NATO's role to include counter-terrorism. The European members were unenthusiastic about such an expansion and argued that the task of counter-terrorism was better performed by civil institutions such as the police and judiciary. The result was a vague compromise. The Heads of State at the Summit affirmed that the Alliance "specifically condemned terrorism as a serious threat to peace and stability and reaffirmed their determination to combat it in accordance with their commitments to one another, their international commitments and national legislation."[268] Article 24 of the new Strategic Concept announced at the Summit states that:

> Any armed attack on the territory of the Allies, from whatever direction, would be covered by Articles 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance. Arrangements exist within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, co-ordination of their efforts including their responses to risks of this kind.[269]

One senior NATO diplomat has been reported as commenting that invoking of Article 5 on 12 September amounted to Article 24 being "slipped into Article 5".[270] He added, "The legal experts should have been consulted. But the allies knew such consultations would drag on for days. It was a *fait accompli*. There was no time for legal niceties."[271] An EU diplomat was quoted as saying, "Whether or not the US invokes Article 5, it hardly matters. Last week, we gave the US what it wanted: a counter-terrorism role for NATO."[272]

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[267] NATO Update, 12 September 2001, from NATO website at http://www.nato.int

[268] NATO press release, 12 September 2001

[269] *The Alliance's Strategic Concept*, NATO Press release, 24 April 1999 from NATO website at http://www.nato.int

[270] *Financial Times*, 19 September 2001

[271] *ibid*.

[272] *ibid.*

On 2 October 2001 NATO formally invoked Article 5. This decision was taken following a classified briefing to the North Atlantic Council, by the US Ambassador at Large and Co-ordinator for Counter-terrorism, Frank Taylor, on the results of investigation into the attacks. At a special press conference after the briefing Lord Robertson stated that:

> The facts are clear and compelling. The information presented points conclusively to an Al-Qaida role in the 11 September attacks.
>
> We know that the individuals who carried out these attacks were part of the world-wide terrorist network of Al-Qaida, headed by Osama bin Laden and his key lieutenants and protected by the Taliban.
>
> On the basis of this briefing, it has now been determined that the attack against the United States on 11 September was directed from abroad and shall therefore be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack on one or more of the Allies in Europe or North America shall be considered an attack against them all.
>
> I want to reiterate that the United States of America can rely on the full support of its 18 NATO Allies in the campaign against terrorism.[273]

a. US approach to NATO

The role that the Bush administration perceives NATO performing in their campaign against terrorism was outlined by Deputy Defence Secretary, Paul Wolfowitz, during his visit to NATO Headquarters on 26 September 2001. Mr Wolfowitz did not request NATO-wide collective action but instead made clear the US intention to build *ad hoc* coalitions with individual European nations to preserve military flexibility. He told an informal NATO defence ministers meeting that, "If we need collective action, we will ask for it, but I do not anticipate that for the moment."[274] He added that the US regarded any future military campaign to be "a sustained effort to be made up of many different coalitions in different parts of the world".[275]

Mr Wolfowitz held a series of private meetings with key countries. While acknowledging the military support pledged by the UK, he reportedly received agreements from Turkey regarding the use of airfields, airspace and military bases, and from Hungary on the use of an airbase.[276] French officials said that France was open to taking part in military action if asked to do so. Mr Wolfowitz emphasised the assistance that NATO allies could make in

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[273] NATO Statements, 2 October 2001 at http://www.nato.int
[274] *The Times,* 27 September 2001
[275] *International Herald Tribune,* 27 September 2001
[276] ibid.

gathering intelligence against potential targets. "One of the most important things that we are asking for is being done in intelligence channels" he said.[277]

In a statement following the meeting, Lord Robertson expressed support for the US approach:

> With regard to possible NATO collective action, the Alliance continues to keep its options open. There has been no request from the United States for such action so far. This is consistent with the measured approach being taken by the US Administration.[278]

He added:

> It becomes clearer and clearer that all of the roads being pursued lead toward Osama bin Laden and the Al Qaida network…The United States has not yet made any definitive conclusion, but the bulk of the evidence that has been collected seems to be clearly pointing in that direction.[279]

During his visit Mr Wolfowitz also indicated the possible long-term impact the 11 September attack may have on the Alliance. He reportedly urged the allies to take seriously the threat that future terrorist attacks could make use of biological or chemical weapons. He said, "I think we all agree now that counter-terrorism has to be a major alliance priority".[280] He also warned the allies that the US administration's new emphasis on combating terrorism world-wide could eventually result in the USA reducing some of its contributions to current NATO operations in the Balkans.

F. Asymmetric Warfare

Some commentators believe that the Bush administration has failed to proclaim clear and attainable war goals. William Pfaff, writing in the *International Herald Tribune* on 27 September 2001, argued that, "This war is vast in ambition and global in scope, but unwinnable on the terms Washington has so far stated".[281] He points out that the current rules of engagement contrast with recent US military intervention doctrine which has demanded a "clear statement of attainable political objectives… and also of terms on which any intervention would be brought to an end".[282] It could be said that such comments underestimate the changed nature of the threat facing Western intelligence and defence agencies.

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[277] *The Times* 27 September 2001
[278] NATO Speeches 26 September 2001
[279] *International Herald Tribune*, 27 September 2001
[280] *ibid*.
[281] *ibid.*
[282] *ibid.*

The attack of 11 September represented the starkest example of what has become termed 'asymmetric warfare' – the capacity of an enemy to respond in unexpected ways to conventional warfighting methods and to inflict greater harm on its target than it is possible for the target easily to inflict in return. Although there have been a series of high impact terrorist attacks in recent years, the scale and location of these strikes has finally made long discussed theories of the complex nature of the post-cold war threat a reality.

The US Defense Advanced Research Projects Agency (DARPA) defines asymmetric warfare as:

> warfare activities with fewer and less-easily specified objectives [usually involving] smaller numbers of actors and/or force participants, using unconventional tactics that often have high impact (political or material) relative to the force level involved.[283]

Key asymmetric threats include the acquisition of Weapons of Mass Destruction (WMD) – principally biological and chemical weapons – the use of electronic and cyber-based warfare and the choice of a conflict environment, such as large cities or jungles, not conducive to conventional forces. At a Pentagon press briefing on 20 September 2001, Donald Rumsfeld acknowledged the different nature of this conflict:

> What we are engaged in is something that is very, very different from…the kind of things that people think of when they use the word "war" or "campaign" or "conflict." We really, almost, are going to have to fashion a new vocabulary and different constructs for thinking about what it is we are doing. It is very different than embarking on a campaign against a specific country within a specific timeframe for a specific purpose. There's no question but that the full resources of the United States government across the entire spectrum – from the political, diplomatic, the economic, financial, as well as other areas, plus military – are all going to have to be engaged.[284]

He emphasised the asymmetric nature of the threat:

> I would just add that the problem that we've talked about, from the day that I've arrived, of asymmetrical threats, of terrorism and ballistic missiles, cruise missiles, cyberattacks and weapons of mass destruction, are something that are front and centre to us because of the problem of proliferation and the problem that, with the end of the Cold War, there was a relaxation of tension, and almost anything that people want, they can get their hands on, if they're determined and if they have the money.[285]

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283 *Jane's Intelligence Review*, October 2000
284 *Washington File*, 20 September 2001, from http://www.usembassy.org.uk
285 *ibid.*

With regard to what would constitute a victory in this new situation he added:

> In this effort, victory means crippling the ability of terrorist organisations to coerce and terrorise and otherwise disrupt the way of life of the men and women in the United States and our friends and allies around the world. There's no question but that some steps will be visible, as in a traditional conflict, and in other cases they will be not visible. It will not be an antiseptic war, I regret to say. It will be difficult. It will be dangerous. And there is, as we are aware, the -- and have to regret to say -- the likelihood is that more people may be lost.[286]

The MOD's 1998 Strategic Defence Review outlined the UK's assessment of the changing post-cold war threat facing UK forces:

> There is an increasing danger from the proliferation of nuclear, biological and chemical technologies…There are also new risks which threaten our security by attacking our way of life. Drugs and organised crime are today powerful enough to threaten the entire fabric of some societies. They certainly pose a serious threat to the well-being of our own society. We have seen new and horrifying forms of terrorism and how serious environmental degradation can cause not only immediate suffering but also dangerous instabilities. And the benefits of the information technology revolution that has swept the world are accompanied by potential vulnerabilities.[287]

However, the Chairman of the Defence Select Committee, Bruce George, was critical of the SDR assessment:

> I fear that the Government's proposals on asymmetric warfare…are not the totality of the picture. What worries me is that asymmetric warfare is the weapon system of the dispossessed. Those are the poor man's and poor woman's weapons, and they will be used in the future. Even though the Government have said that there is no threat to our home base, more attention must be given to the matter of how we deal with asymmetric threats.[288]

More recently, on 14 September 2001, the Opposition defence spokesman, Bernard Jenkin, questioned the flexibility and readiness of UK forces to combat the new scale of terrorist threat:

> …these people will resort to weapons of mass destruction and even ballistic missiles if they have the opportunity. We must be prepared.
>
> We must be prepared to commit the necessary resources to ensure that we have the capability to respond to that threat. We need what is known as layered

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[286] Secretary of Defence, Donald Rumsfeld, DoD News Briefing, 25 September 2001, http://www.defenselink.mil

[287] *Strategic Defence Review*, Cm 3999, July 1998

[288] HC Deb 19 October 1998, c991

> defence: an ability to respond in a measured and effective way to the widest spectrum of threats. Our armed forces are already overstretched. While this is not the occasion to revisit that particular controversy, it is a factor which now surely more than ever must be addressed, particularly with reference to our security services.[289]

The need to reassess the ability of UK armed forces to respond to asymmetric threats was acknowledged by the Defence Secretary in his speech to the Labour Party conference on 2 October 2001:

> We have learned to deal with an international environment that is less certain and less predictable. Our forces are now ready to respond rapidly and flexibly to any emerging crisis. But the attack on the United States has brought home to us, with brutal clarity, the question of whether we are doing enough to cope with the full force of the new threats we face.
>
> The changes we have made since the Defence Review have given us Armed Forces far more able to deal with these kinds of asymmetric threats. But it is clear that we must build on what we have already achieved. As a result of the attacks on the United States, we will be looking again at how we organise our defence. This will not be a new Strategic Defence Review, but an opportunity, if necessary, to rebalance our existing efforts.
>
> We must have: the right concepts; the right levels of forces; and the right capabilities to meet the additional challenges we face from international terrorism conducted on this scale.[290]

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[289] HC Deb 14 September 2001, c663

[290] Labour Party web site at http://www.labour.org.uk/

XI Possible Developments

The attempt to apprehend Mr bin Laden has given rise to many questions and the same is true of the wider fight against terrorism.

Mr bin Laden has become an increasingly secretive and reclusive figure and is believed to have developed an intricate network to ensure his personal security. He has therefore become a difficult target for US intelligence to locate, at least so long as he remains in the remote territory of Afghanistan. Whether any other country would be willing to harbour him remains to be seen.

Jane's Intelligence Review offered the following assessment of the structure and potential weaknesses of the al-Qaeda network:

> Bin Laden has built an organisation difficult to disrupt, degrade and destroy. The intelligence community is unfamiliar with the network's fluid and dynamic structure and the past offers little guidance. The time-tested strategy to destroy a politically motivated armed group is to target the core and penultimate leadership, but in Bin Laden's case, this is difficult proposition. […]
>
> If Bin Laden is eliminated, he is likely to be replaced by another Islamist, although none in the second tier [of leadership] possess his charisma. The penultimate leadership is operationally significant, and so Al-Qaeda is likely to remain operational even if Bin Laden is captured or killed.[291]

Jane's noted that the US intelligence community did enjoy some success in disrupting the network in the aftermath of the embassy bombings of 1998:

> Thanks mainly to US intelligence agencies, Al-Qaeda has suffered gravely since the embassy bombings but it still retains a high capacity to replenish its losses and wastage. However, Al-Qaeda can be destroyed with the allocation and sustained application of resources, political courage, legal and diplomatic tools. The key to disrupting, degrading and destroying Al-Qaeda lies in developing a multipronged, multidimensional and multinational strategy that targets the core and the penultimate leadership and the network's sources of finance and supplies.[292]

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[291] Rohan Gunaratna, 'Blowback', a special report on al-Qaeda, *Jane's Intelligence Review*, August 2001, pp.45

[292] *ibid.*

With regard to wider issues, many commentators have offered initial thoughts. Dr Rosemary Hollis of the Royal Institute for International Affairs argues that the United States will need to address regional dissatisfaction with its policies:

> If the US government, with or without its western allies, is to galvanise support for the anti-terrorism cause in the Middle East and South Asia, it will have to show appreciation for the sources of popular disaffection across these regions. What is required is akin to a strategy of counter-insurgency, that is a policy to win over the hearts and minds of the majority and thereby isolate the fringe elements dedicated to violent solutions. This will mean attention not only to the resurgent Israeli-Palestinian conflict, but to the problems left over from the 1991 Gulf War, and the failure of US policies to successfully tackle either, at the same time as its military presence in the region has become more entrenched.[293]

Dr Hollis also highlighted the lack of reform within the Middle East and South Asia:

> Governments in the Middle East have fought shy of economic restructuring for fear of the social and political consequences. Moves to create political pluralism have been isolated and sporadic and corrupt bureaucracies are well nigh impossible to reform without alienating those that keep governments in power.
>
> The fact that the United States has urged economic and political liberalisation as a general principle is small comfort for the majority of people in the region, since such urgings have produced no real progress. Rather, the United States is almost universally blamed for keeping autocratic and corrupt governments in place.[294]

There has been considerable discussion of the perpetrators' political objectives or the lack thereof. Revenge against the United States for perceived past injustices may play a part, but there may be a broader set of goals across the Middle East and internationally:

> The aim is plainly destabilisation, both of America itself and of the broad status quo in the world. More particularly, the aim is likely to be the destabilisation of the Middle East and Central Asia, to alter or even remove the presence there of both America and Israel, and to change to destroy the regimes governing the countries of that turbulent region.[295]

Sir Timothy Garden, the former director of the Royal Institute of International Affairs, made the following argument:

> The perpetrators of these atrocities are different from the traditional terrorist group which seeks to use threats to make political gains. In this case the terror is

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[293] Rosemary Hollis, 'Sad and Sorry Picture', *The World Today*, October 2001
[294] *ibid.*
[295] *The Economist*, 22 September 2001, p.9

> an end in itself, the destruction of western power the motivation. … Against such threats deterrence and retribution have little hope of success.
>
> In the military and diplomatic field a difficult two pronged approach will be necessary. The remaining members of this group must be identified and removed from action. At the same time, the attractions of joining such an organisation must be reduced.[296]

Another article in the same journal dealt with contemporary terrorism in general. Its analysis concluded:

> beyond this cosmopolitanised world, resides another domain where people exist in different 'ages', with a different sense of time and reality. They inhabit a world of traditional rivalries where national, or religious myths flourish and where force rather than persuasion remains the essential arbiter of much political life. It is in this twilight zone of state disintegration, chaos and genocide that new terror is born and which the cosmopolitanised world in terms of both its threat perception and ideology of globalised rights is singularly ill-equipped to address.[297]

A *Brookings Analysis Brief* gave the following account from the US:

> Firm uses of force are needed, and can be effective; indeed, Libya's Muammar Qadhafi seems to have been dissuaded from most active support for terrorism after 1986 US air attacks nearly killed him. But if the country uses military force too broadly, it could do more harm than good - threatening the international consensus for strong action that the Bush Administration has impressively developed since September 11 without seriously weakening international terrorism. We cannot win the struggle against terrorism without the full-fledged cooperation of other countries.[298]

The *Far Eastern Economic Review* gave reaction from a regional perspective.[299] It argued against moral qualms over the use of force, and against cries for 'reasonableness', claiming

> that in our visceral reaction to barbarism is a reconfirmation of our core values. The slaughter of innocents is antithetical to modern civilization, whether Muslim, Christian, secular or whatever.

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[296] 'Weapon of mass destruction,' *The World Today*, October 2001
[297] 'Franchising terror,' D Jones and M Smith, *The World Today*, October 2001
[298] *Case for a careful military response*, M O'Hanlon, Brookings Analysis Brief, 25 September 2001
[299] Quotes are from two editorial articles in the edition of 27 September 2001.

It went on,

> terrorists don't discriminate between East and West. … a militant variant of Islam already has established an underground presence in Southeast Asia, to do battle against the region's fledgling liberal democracies. […]
>
> Thus, as Mahathir Mohamad rightly noted, 'We need to look at terrorism as a crime that has to be addressed by the whole world.' So what is needed from Asia are not only shows of condolence for America's loss, but also real assistance.

The *Review* argued against waiting for legally satisfying evidence to be collected against the perpetrators, instead stating that 'the only need is to be sure.' It concluded,

> if 'reasonableness' is to mean anything, it must be that we need to be on the offensive against terrorism, which may well mean strikes into Afghanistan and possibly elsewhere.

Philip Wilcox, former US Ambassador at Large for Counterterrorism in the Clinton administration, cautioned against the use of force, 'usually an ineffective and often counterproductive weapon against terror.'[300] Instead, he argued for 'strengthening traditional methods of counterterrorism, while reserving the use of force as a limited option.' This should be combined with 'a broader foreign policy that moves away from unilateralism,' and that 'deals not just with the symptoms but with the roots of terrorism, broadly defined.' In seeking these roots, Ambassador Wilcox drew attention to a number of issues:

> conditions that breed violence and terrorism can at least be moderated through efforts to resolve conflicts and through assistance for economic development, education, and population control. Limiting the proliferation of lethal materials also deserves higher priority as a measure against terrorism as well as for arms control.

He argued that the USA should 'reappraise its policies concerning the Israeli-Palestinian conflict and Iraq' and said that 'we can do all this without abandoning our basic commitments, including to the security of Israel.'

Anatol Lieven made out a detailed analysis. He suggested that, once the perpetrators had been located,

> a ferocious military response will be necessary. Not to do this would be to betray the victims and display weakness. However, successful war requires both a capacity for ruthlessness and an intelligent political strategy, including the attraction and conciliation of essential allies. So what we desperately need is a

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[300] 'The Terror,' *New York Review of Books*, 18 October 2001

> fundamental reassessment of many of the attitudes which have guided American policies since the end of the cold war. […]
>
> A hardline response from the US is appropriate in the short-term. Moreover it would be wrong to execute any significant policy shifts that could be construed as a victory for the terrorists. But if the US response results in too much pressure on the governments of Pakistan and other fragile states … these states may collapse - with radical Islamists left to pick up the pieces.[301]

He argued that key policy areas to change would include the attitudes towards Israel, Russia and China, and the National Missile Defence project.

He also considered possible root causes of Arab dissatisfaction, claiming that "to blame Muslim-based terrorism on Israel would be unfair and inadequate". He acknowledged an "infuriating" impact on Arab and Muslim opinion from the behaviour of Israel, but argued that this was connected to a wider sense of defeat:

> the key reason for these defeats has been the prolonged decline of the Muslim world relative to the west - defeats which were already producing radical Muslim responses (whether in Sufi or Wahabi guise) in the last decades of the 18th century. The key reason for this decline has been the multiple failures of development and progress within the Muslim world.

These failures, he argued, might be blamed in part on "the behaviour of elites and state services across most of the region", which "presents a deeply depressing picture."

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[301] 'Strategy for terror,' *Prospect*, October 2001.

Appendix 1 – UN Security Council Resolution 1368

Resolution 1368 (2001)
Adopted by the Security Council at its 4370th meeting,
on 12 September 2001

*The Security Counci*l,
Reaffirming the principles and purposes of the Charter of the United Nations,

Determined to combat by all means threats to international peace and security caused by terrorist acts,

Recognizing the inherent right of individual or collective self-defence in accordance with the Charter,

1. *Unequivocally condemns* in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C. and Pennsylvania and *regards* such acts, like any act of international terrorism, as a threat to international peace and security;

2. *Expresses* its deepest sympathy and condolences to the victims and their families and to the people and Government of the United States of America;

3. *Calls* on all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks and *stresses* that those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these acts will be held accountable;

4. *Calls also* on the international community to redouble their efforts to prevent and suppress terrorist acts including by increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions, in particular resolution 1269 (1999) of 19 October 1999;

5. *Expresses* its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations;

6. *Decides* to remain seized of the matter.

Appendix 2 – UN Security Council Resolution 1373

Resolution 1373 (2001)
Adopted by the Security Council at its 4385th meeting,
on 28 September 2001

The Security Council,
Reaffirming its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

Reaffirming also its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

Reaffirming further that such acts, like any act of international terrorism, constitute a threat to international peace and security,

Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),

Reaffirming 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,

Deeply concerned by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

Calling on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

Recognizing the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

Reaffirming the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Acting under Chapter VII of the Charter of the United Nations, 1.

Decides that all States shall:

(a) Prevent and suppress the financing of terrorist acts;
(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;
(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides also* that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;
(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;
(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;
(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);
(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;
(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and *calls upon* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

9. *Decides* to remain seized of this matter.

Appendix 3 - Operation *Saif Sareea*

a. Royal Navy

Carrier Task Group	
HMS *Illustrious*	Aircraft Carrier, with Fleet Air Arm Sea Harriers
HMS *Cornwall*	Type 22 Frigate
HMS *Kent*	Type 23 Frigate
HMS *Marlborough*	Type 23 Frigate
HMS *Monmouth*	Type 23 Frigate
HMS *Nottingham*	Type 42 Destroyer
HMS *Southampton*	Type 42 Destroyer
RFA *Bayleaf*	Support Tanker
HMS *Trafalgar*	Submarine
HMS *Superb*	Submarine

Amphibious Group	
HMS *Ocean*	Helicopter Carrier
HMS *Fearless*	Assault Ship
RFA *Sir Tristram*	Landing Ship Logistic
RFA *Sir Bedivere*	Landing Ship Logistic
RFA *Sir Galahad*	Landing Ship Logistic
RFA *Fort Rosalie*	Stores Ship
HMS *Fort Austin*	Stores Ship
RFA *Oakleaf*	Support Tanker
3 Commando Brigade	

Minehunter Group	
HMS *Inverness*	Sandown Class Minehunter
HMS *Walney*	Sandown Class Minehunter
HMS *Cattistock*	Hunt Class Minehunter
HMS *Quorn*	Hunt Class Minehunter
HMS *Roebuck*	Coastal Survey Vessel
RFA *Diligence*	Fast Fleet Tanker

b. Army

1 (UK) Armoured Division	
HQ & Signal Regiment	Herford Germany
4 Regiment Royal Artillery	Osnabruck, Germany
5 Regiment Royal Artillery	Catterick, Yorkshire
12 Regiment Royal Artillery	Paderborn/Sennelager

32 Regiment Royal Artillery	Larkhill, Wiltshire
39 Regiment Royal Artillery	Newcastle-upon-Tyne
HQ 1 Armoured Brigade	Tidworth, Wiltshire
4 Armoured Brigade – HQ	Osnabruck, Germany
Royal Dragoon Guards	Munster, Germany
9/12th Lancers	Hohne, Germany
Queen's Royal Lancers	Osnabruck, Germany
1st Battalion Irish Guards	Munster, Germany
1st Battalion The Highlanders	Catterick, Yorkshire
21 Engineer Regiment	Osnabruck, Germany
35 Engineer Regiment	Paderborn, Germany
4 Regiment Army Air Corps	Wattisham, Norfolk
30 Signals Regiment	Bramcote, Warwickshire
23 Pioneer Regiment RLC	Bicester, Oxfordshire
22 Field Hospital (plus Dutch Nursing detachment)	Aldershot, Hampshire
1 Close Support Medical Regiment	Munster, Germany
4 General Support Medical Regiment	Aldershot, Hampshire
1 General Support Regiment RLC	Gütersloh, Germany
2 Close Support Regiment RLC	Gütersloh, Germany
6 Supply Regiment RLC	Gütersloh, Germany
7 Transport Regiment RLC	Bielefeld, Germany
8 Transport Regiment RLC	Catterick, Yorkshire
17 Port Regiment RLC	Marchwood, Hampshire
1 Battalion REME	Osnabruck, Germany
3 Battalion REME	Paderborn/Sennelager, Germany
6 Battalion REME	Tidworth, Wiltshire
101 Provost Company, Royal Military Police	Osnabruck, Germany
115 Provost Company, Royal Military Police	Paderborn/Sennelager Germany

c. RAF

Tornado GR4/GR4A aircraft	RAF Lossiemouth, RAF Marham
Tornado F3 aircraft	RAF Coningsby, RAF Leeming
Nimrod MR2 aircraft	RAF Kinloss
VC-10 aircraft	RAF Brize Norton
Sentry E-3D aircraft	RAF Waddington
Chinook helicopters	RAF Odiham
Puma helicopters	RAF Benson
Hercules C-130 aircraft	RAF Lyneham
Harrier GR7 aircraft	Joint Force Harrier, RAF Cottesmore, deployed aboard HMS *Illustrious*
1 Squadron RAF Regiment	RAF St Mawgan
26 Squadron RAF Regiment	RAF Waddington

Source: MOD

Other relevant UK Forces:

Cyprus	2,462 (Army) 1,162 (RAF), 5 *Wessex* Helicopters
Turkey (*Northern Watch*)	185 (RAF), 4 *Jaguar* aircraft
Saudi Arabia (*Southern Watch*)	569 (RAF), 6 *Tornado* F3
Iraq/Kuwait *(Southern Watch)*	300 (RAF), 8 Tornado GR1
Bahrain *(Southern Watch)*	50 (RAF), 1 VC-10, 2 *Nimrods*
Armilla Patrol - Gulf	1 Frigate

Sources: *The Military Balance* 2000-2001, UK Defence Statistics 2000.

Appendix 4 – Map of Afghanistan

Appendix 5 – Map of Central Asia