

**MEGATERRORISM:
NEW CHALLENGE OF THE NEW CENTURY**

SUMMARY

The monograph “Megaterrorism: The New Challenge for The New Century” explores shifts in terrorism as a socio-historical phenomenon and its transformation into a new phenomenon called “megaterrorism”, which is aimed at destruction of the target country and causing mass fatalities among the population. The book demonstrates that terrorism, while preserving its traditional forms, is evolving towards the use of sophisticated technologies, both military and dual-use, including the elements of weapons of mass destruction. Biological, chemical and radiological terrorist actions, together with elements of cyber-terrorism, eco-terrorism and psycho-terrorism, are integral components of modern-day terrorism. The book also examines the new phenomenon of merging of organized crime and terrorism.

Together with analyzing these new means and methods of inflicting terror, the authors examined Russian national and international legal foundations for combating terrorism.

The monograph was prepared for publishing under the editorship of PIR Center Research Council member Aleksandr Fedorov. The authors of the monograph are leading experts from the Russian Federal Security Service, Ministry of Foreign Affairs, Foreign Intelligence Service and Security Council. The director of Department of the New Challenges of the Ministry of Foreign Affairs of the Russian Federation Aleksandr Zmeevsky and the Head of Directorate of the Security Council of the Russian Federation Ambassador Extraordinary and Plenipotentiary Nikolay Uspensky, contributed to this publication.

TO OUR READERS

Dear readers!

Violence and terror have been going along with mankind through its evolution. The struggle for power has always used all ways available. Terrorism, however, has made violence towards an individual and society a technique of the political struggle. It is not the terrorists to be afraid of, what is disastrous is that by their actions they ruin the psychological imperative distinguishing a Homo Sapiens from a beast ravenous for power; they ruin the barrier beyond which a human life becomes a tool to achieve a political goal and where fear becomes an environment to plant aspirations for the world dominance.

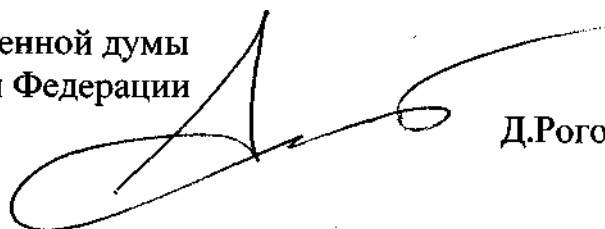
Terrorism is neither a Russian phenomenon, nor American nor Arab nor Hindustani. It belongs with neither nation nor religion. It is a horrible feature mankind has inherited from itself.

Activities of the Chechen terrorist groups resulted in the bloodshed, enormous victims and the republic's economy collapse. A thousand of hostages in the Moscow's Theater Center in the fall 2002 and explosions of houses in the Russian cities. Aum Shinrikyo chemical assault in the Tokyo subway. Anthrax spores in the Americans' mail. And the climax of September 11 – passenger-packed planes' rush on the World Trade Center and the Pentagon in New York and Washington, DC. These are just milestones on the road the terrorism has come over the recent decade to become a phenomenon the authors of this book term as “megaterrorism”. These milestones reconfirm that the terrorism has been created by the society and develops along with the society. And only the society is capable of creating conditions where there will not be a place for terrorism.

The combat against terrorism is the matter of law, the matter of development of a system of legislation, which would make violence meaningless and condemned methods of power struggle. All parliamentarians, all world community members must strive to develop national and global-scale mechanisms to effectively counteract terrorism, both national and international.

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FOREWORD

Terrorism becomes international. The state borders have ceased to exist for it literally. The cyberterrorist attacks are carried out not only from other countries but from other continents. The terrorist organizations, which previously had nothing in common, start interacting; the organized crime, primarily, drugs trading have become a substantial aid to terrorism. Separatists and extremists hiding behind the slogans of national and religious freedom conduct horrible acts of massacre. It happens in the Middle East, South Asia; it continues in Afghanistan and Chechnya. More data becomes available that many of them are linked together and assist each other forming a world terrorist network. "Organizations operating in Chechnya... are an intrinsic part of the international terrorist network... Their actions have nothing to do with interests of the Chechen people", President of the Russian Federation V.V. Putin noted in his statement after the terrorist act committed by two Chechen suicide-bomber-women in Moscow on July 5, 2003¹.

The overall picture of international relations, stable for nearly forty years after World War II, has changed dramatically over the last decade. The confrontation of two superpowers and their allied military blocs was replaced by a rather ambiguous and transient world order featuring, on the one hand, a trend of economic and political integration of the world community, and on the other hand, a higher potential for conflicts. National and religious contradictions have become more acute. The development of weapons systems enabled their owners to carry out military operations without being involved in a large-scale incident and without any threat to their national territories. De facto legitimatization of the use of force against countries with unwelcome political regimes, or "failed" states, has been reflected in the development of certain economic and legal standards, which, if violated, may become a reason for armed intervention.

The tension has mounted, and by the mid-1990s the western world heard a warning about threats it would be facing in the twenty-first century. Experts attributed such threats to the possibility of large-scale terrorist acts or wars with an "enemy without borders". The warnings became true in September 2001. The *Quadrennial Defense Review*, published on September 30, 1991 in Washington, DC, stated that because of the terrorist threat and the United States' global military leadership, "the United States is likely to be challenged by adversaries who possess a wide range of capabilities, including asymmetric approaches to warfare, particularly weapons of mass destruction."² In fact, terrorist acts have transformed into military threats and acquired a new strategic significance that can be proved by the words of President George W. Bush that the terrorist acts of September 11 are "an act of war" against the United States".

Terrorist doctrines are changing. The terrorist organizations' structure is changing. They use the most advanced technologies on a wider scale; acquire new weapons, enabling them to conduct operations comparable with military ones. The prospects of terrorists using the most terrible types of weapons have become a reality.

A new phenomenon comes into view: megaterrorism.

Formally speaking, today "megaterrorism" should be understood as the use (or threat of the use) for terrorist purposes of the most advanced weapons or technologies leading to massive casualties among the population or to sizable (in the scale of a state) economic or environmental damage. Presently, they are the components of weapons of mass destruction: nuclear, chemical and biological (toxin), as well as the means of affecting ecosphere, information environment and human psyche.

¹ Statement made at the Russia's Government meeting 07.07.2003.

² *Quadrennial Defense Review Report*, 2001, 30 September, p. 3

The threat of *nuclear* terrorism has been in view for a rather a long time³ and mankind has progressed significantly in combating it. This threat is accounted for in international law and in the laws of many national legislations.

The use of *chemical* poison agents for terrorist purposes is more difficult to deal with. Presently, there are no real mechanisms mitigating the hazard posed by this threat.

Biological terrorism is a relatively recent phenomenon. It moved from hypothesis to reality only in September 2001.

Ecological terrorism is still new and lacking of known examples. However, the terrorism hidden behind the environmental protection slogan has ceased to be a generality.

Information and psychological terrorist operations are of a “preparatory” nature so far. Psychological levers, when in the hands of terrorists, may be aimed at human consciousness.

Information terrorism (cyberterrorism) has recently become a special factor of international life. Its potential targets are key elements of all administrative, economic, transport, financial, and military structures, as well as mass media⁴.

The change in the form of terrorism has caused a change in its paradigm. The views on the terrorist struggle are transformed so as to be accepted by terrorists as a means of achieving their goal.

The international nature of megaterrorism is a complicating factor in combating it. The possibility of preparing an act and taking measures to support it far from its target also complicates the problem. Warfare starts at the moment of the first stroke.

The special hazard of megaterrorism is that due to a high impact potential and hidden source it can become a catalyst of international conflicts, especially, in conditions of tense relations between states.

Still, the nature of terrorism is the same – an unlawful act, a crime; therefore, it should be combated, primarily, in the sphere of law both at national and international levels.

Combating terrorism efficiently requires creation of antiterrorist communities, organizations and task forces as well as development of cooperation between states and the harmonization of national laws.

The issue of combating megaterrorism cannot be solved without wide-scale international negotiations on complex problems related to countermeasures against terrorism and disarmament including non-proliferation of weapons of mass destruction and new types of destabilizing armaments. The necessary condition of having progress in solving the problem is the understanding that such an approach is imperative.

This was demonstrated by the G8 leaders during the Kananaskis (Canada) Summit in June 2002 and the Evian (France) Summit in June 2003. Certainly, no one expected that ultimate solutions would be found. However, the approved documents, in addition to accumulating the history of the diplomatic quest to combat international terrorism, for the first time at the highest level secured the understanding that international terrorism, or megaterrorism, is the main threat to the world and that the world community united in combat against it is an absolute requirement for the further existence of mankind.

“CIA says al Qaeda ready to use nukes”⁵, “Chechen terrorism can become radiological”⁶, “Chechen terrorists don't give up attempting to acquire nuclear charge, Ministry of Defense

³ In this context the following bibliography may be of interest: Laqueur W. The New Terrorism. Fanaticism and Arms of Mass Destruction. N.-Y., Oxford, Oxford University Press, 1999

⁴ For information weapons and their possible and real application see: Fedorov A.V., Tsygichko V.N. (ed.), Information Challenges to National and International Security, M, PIR-Center, 2001.

⁵ Washington Times 3.06.2003 (CIA says al Qaeda ready to use nukes, “The Washington Times” USA3.06.2003

⁶ National Information Service. Strana.Ru,2000. 14.01.2003 (www.strana.ru)

official says”⁷. The WMD terrorism topic has rooted in the pages of newspapers and security and military officials’ statements. The events of the recent years are undoubtedly clear evidence that the terrorism utilizing weapons of mass destruction and other state-of-the-art high technology means of influence has become a reality. For mankind to ignore it would be as suicidal as to deny the mere fact of WMD proliferation and the possibility of new types of weapons getting into hands of individuals or organizations within the international terrorist network. This is stated by experts, this is stated by leaders of nations and heads of international organizations of our planet. This was confirmed by the G8 countries’ leaders at their Summit in Evian (France) in June 2003.

This book is an attempt to make one more move to elaborate on the problem of megaterrorism. The book has been prepared by a team of experts from well-reputed governmental and scientific institutions who attempted to describe the main aspects of the problem and the information necessary for its understanding.

It is important to note, however, that this book is not aimed at reflecting today’s picture of terrorism. The authors’ aim is to describe trends of terrorism as a phenomenon and show possible ways of how the world community can counteract its most dangerous forms. Therefore, the reader will not come across impressive but unverifiable and improvable statistics, diagrams, tables and charts, which are so plenty in the publications targeted to a broad circle of readers. The authors’ experience gained in the area of counteracting terrorism has shown that there is still much disagreement among experts. Any statistical analysis will be absolutely invalid should it become subject to professional discourse. Even the mere initial notions of “terrorism” and “terrorist act” are not clearly understood and interpreted by researchers, politicians, and lawyers. The statistical information, when it cannot be verified, is capable of becoming an information and psychological lever, thus a terrorist lever in this context. The book deals with real terrorist acts carried out by real terrorists and the authors cannot and do not intend to carry the torch for their activities even indirectly.

The book is intended for experts; however, it can be very useful for statesmen and the public by assisting in their understanding of key aspects of megaterrorism in national and international dimensions, as well as in the perception of the concrete dangers posed by this phenomenon.

In addition, this publication may serve as an information source for politicians, diplomats, militaries, and scientists in regard to the problem of combating terrorism.

The authors are grateful to the PIR Center team, especially, to its Director V.A. Orlov for support provided in preparing the book and its expedient publication.

⁷ ITAR-TASS, 30.01.2003

If I were to name the main threat of the 21st century I would think that would be the proliferation of weapons of mass destruction. And here of course, we should be talking not only about North Korea or the Middle East, we should mention South Asia, for instance. We should always remember that the proliferation of weapons of mass destruction is closely linked with yet another threat – terrorism, because terrorists are seeking to acquire certain means of mass destruction. Thus we need to monitor who is financing terrorists, where terrorists are hiding and which territories give them refuge.

Vladimir Putin
President of the Russian Federation

22 June 2003

INTRODUCTION

The large-scale terrorist acts occurred recently to various regions of the world and involved grievous losses of human lives make the experts, law enforcement and security officers, individual governments and all people on the Earth take a new look at the problem of terrorism which has become today a real and serious threat to stability and security of the world society and progress of mankind.

As the G8 leaders noted in one of the documents adopted by the Evian Summit⁸, after the September 11, 2001 terrorist acts in the United States the international community has united in its efforts to fight against international terrorism. However, the document says, the threat of terrorism still remains serious as has been seen in a series of terrorist incidents including in Indonesia, Kenya, Morocco, Pakistan, the Philippines, Russia, Saudi Arabia, Tunisia and Yemen over the past year.

Evidently, the terrorism as a phenomenon came into being simultaneously with the state and the system of political power. By the end of the XX century, however, having traveled a complex way of development, it transformed from a local intra-political factor into an international one as in terms of players and supporting force as in terms of nature of pursued goals, and created a serious threat to global security, vital interests of millions and millions of people including those who are too far from the politics.

The features of the contemporary terrorism are:

- quantitative growth of terrorist acts, their cynicism and violence;
- large scale of act's consequences, multiple massive casualties;
- aggressive attempts to gain possession of WMD for possible use;
- extending the arsenals with new means of pressure, in particular, information ones (primarily, cybernetic), ecological and psychic;
- professionalism and qualifications of terrorists due to their participation in various conflicts;
- increased technical capabilities of terrorist groups;
- extended financial support of terrorist activities;
- the use by various states of certain terrorist groups to expand the geopolitical influence;

⁸ A G8 Action Plan. Building International Political Will and Capacity to Combat Terrorism. (Evian, June 1-3, 2003)

- expansion by international terrorist organizations of their influence to other regions, intensive attempts to gain control over territories having vast amounts of energy carriers and natural resources.
- international nature of terrorist groups;
- fading of boundaries between intra-national and international terrorism;
- establishing firm links between terrorist organizations and transnational organized crime, primarily, drug industry;
- links with mercenaries.

Recently, the transformation of terrorists' goals has become more prominent. They often commit terrorist acts without putting forward any demands and without acknowledging the responsibility for the crimes committed. Their goal is to cause damage at maximum regardless of casualties; to spread havoc among the society; to shake people's belief that the powers are capable of controlling the situation and ensuring undisturbed and secure life of the citizens. The expansion of sabotage and terrorist activities is viewed by terrorist group leaders as one of the main means of achieving their goals. At this, terrorist acts are not especially targeted to civilians or facilities but to political interests of a country – that is the main goal.

A serious complicating factor for the combat with international terrorism is that the state powers of a number of countries consider support of terrorist organizations (as a rule, from other states) a significant factor of their politics. The term "states sponsored terrorism" has come into the international usage. These are the states, which not only encourage terror as a means of politics but also the states which do not participate in resolving the issues of combating terrorism in the form which the authors of such "black" lists consider the "only true" one.

However, setting aside the politics, one should acknowledge that the phenomenon of the state support of terrorism actually exists. It is characterized by the following key features.

1. Acts of terror planned and carried out by the state powers or terrorist organizations they support in vast majority are targeted to carefully selected objects and are comparable in terms of their scale and content to the practical political goals pursued by the sponsoring state.
2. The large-scale violence on the part of the state sponsored terrorism is similar to the violence featured by many conflicts between ethnic, nationalistic or organizations and national groups who are preaching up social revolution. In parallel, the targeted stroke tactics is in use: the acts which must discredit institutions of political power, demonstrate their disability. The violence on the part of law enforcement and militaries also must attract attention of the world community. The sponsoring states count on the effects of terrorist acts, therefore the latter are well-plotted in terms of goals, targets, and scale.

Many experts mark terrorism as one of the main threats to national security also due to the fact that the state-encouraged violence is supplemented by a more dangerous type of terrorism, i.e. religion motivated terrorism. Its existence is manifested through the religion advancing to the first place among ideas and goals of terrorist acts and an increased number of religion motivated self-sacrifices in the course of such acts. The new form, along with former signs (religious fanatic-terrorists, certainly existed previously), is characterized by an enhanced technological and operative competence of this group of terrorists and their urge to acquire WMD which is necessary, as they believe, to achieve amplitudinous goals of "holy struggle".

The number of religion motivated terrorist groups has sharply increased over the recent years with the number of victims of their actions proportionally increasing: in 1995 such organizations committed 25% of known terrorist acts in the world; in 1998 – 76%; and today this makes over 90%.

Terrorists driven by religious ideas believe that they struggle for restoration of “the golden age of religious beliefs and practices”. They raise political problems and their struggle to the rank of solemn duty by this attaching the outmost significance to them. They lay purely religious goals of moral renaissance in the basis of political challenge to contemporaneity shaped as active confrontation with “internal and external enemies”. In this context the militants believe that their struggle is blessed by Allah himself and acts of violence are its necessary elements, therefore the scale of violence cannot be limited.

Historical development has made more prominent the Islamic trend of the religion motivated terrorism. Its proponents, using the banner of jihad, aspire establishing the world dominance of their faith. Previously, the similar goals were pursued by the catholic Christians who were trying to implant the “true faith” through crusades and missionary activities. In doing so, no one counted the number of perished infidels and the death in such mission was taken as a deed in the name of faith. It is quite sufficient to remember the “child crusades” to understand the degree of the Christian fanaticism of those times. Still, even then in the Dark Ages there were political forces which were using this social phenomenon for their self-seeking interests⁹.

According to “jihadists”¹⁰, the creation of Caliphate in the context of today’s world includes the suppression or elimination of infidels, acknowledgement of the Koran as the only legitimate standard of rule and social life, condemnation as abjurers those Muslim leaders who do not struggle for restoring supremacy of Allah on the Earth.

Muslim terrorist organizations have broad capabilities of carrying out acts of violence because they have reliable financing sources, effective organizational structures, vast experience in warfare, good technical bases, well-developed system for educating and training militants, and capabilities for their fast movement. Generally, the militants in the groups know each other through training camps or visiting the same mosques. The groups feature both the mastered vertical (between the members of a group and leadership) and horizontal (between the groups and individuals within a group) links. This facilitates fast regain of the groups, operative leadership and control and hinders destruction of such groups or termination of their activities. A network-type organization built as the most reliable and difficult to detect and grounded on faith and sealed by it makes it difficult to identify members of such groups, to penetrate into them and to ruin.

Muslim terrorist organizations stick to a non-formalized system of new members’ recruitment. They use many of volunteers – engineers and cybernetists. They create rather effective covers for their activities, in particular, export-import companies. The latter enable terrorists to use international telephone, facsimile and computer communication lines, facilitate movement of militants and getting IDs, money, equipment and armaments. This creates the basis and prerequisites for acquirement and use of any types of arms, as well as additional capabilities for propaganda and recruitment of new members. Terrorists demonstrate good skills in conspiracy, illegal activities and preparing acts.

Though “jihadists” are considered the most threatful, the terrorist-adherents to other confessions and radical sects who also pretend to operate “on the world scale” are of the serious concern. They include the Christian Patriotic Movement of the USA, the Messianic Jewish Movement, the

⁹ No one of dozens of thousands of children gathered for the “child crusades” from France, Italy and other European states came back home, but ever got to Jerusalem. All either died of hunger and diseases or were sold for slaves to the Arabic East.

¹⁰ In publications on terrorism this term unites all Muslim extremists and terrorists who call for the “holy war” (jihad) against infidels and struggle for restoration of the ancient state Caliphate on the Muslim settled territories. For the warriors of Islam a fatwa is the excuse and ground for the holy war. Fatwas in a religious war declaring the necessity of bloodshed have replaced taking responsibility after a terrorist act.

Japanese sect Aum Shinrikyo, IRA (Irish Republican Army), etc. The Christian Patriotic Movement fights to liberate Jews and free masons and to establish religiously and racially “clean” state. For the Messianic Jewish Movement the perfect state existed in the II century B.C. when the Jews controlled both banks of Jordan belonging with the ancient Judea. Aum Shinrikyo adepts designed to facilitate the coming of Apocalypse where the corrupted world would be destroyed with only the sect members surviving.

The terrorism develops with the world. Terrorists work out and phase in new approaches to solve their strategic tasks. Religious terrorists of the new generation proceed from the fact that the desired effect can be securely obtained only when the state-of-the-art means of mass destruction (chemical, biological or nuclear weapons and new, primarily, information technologies) are used. In 1995 the Japanese sect Aum Shinrikyo, by using the home-made sarin gas in Tokyo subway system, stepped over the important psychological barrier: the use of WMD for terrorist purposes. Given the US intelligence information is correct, Osama bin Laden’s financing of chemical weapons productions (VX nerve agent) in Sudan proves that al-Qaeda also tries to acquire chemical weapons. The same US sources convince the world that bin Laden communicates with the Pakistani nuclear scientists and that Taliban plotted the creation and use of the “dirty bomb”.

This indirectly proves the al-Qaeda’s aspiration to acquire nuclear weapons.

In a sense, it is possible to speak about the natural course of events. Terrorists use the same weapons, which are offered by the level of armaments’ development in the world. Since there are no borders for terrorists, there are no borders for those who supply them with weapons. There are known cases of terrorist attempts to seize submarines, nuclear explosive devices, a communication satellite, and development of chemical and biological weapons. Now the terrorist organizations’ arsenals house the information weapons. What is next?

One of the serious problems facilitating spread of terrorism is the migration of thousands of well-armed and well-trained militants who do not want to adapt to the peaceful life. Some experienced Yugoslavia, some – Chechnya, some – Afghanistan and Central Asia where they took part and continue taking part in the warfare along with terrorists who came from other countries.

Therefore, the executive and legislative powers practically in all countries are facing the challenge of adopting the integrated counterterrorist measures. In doing so, the measures should be comparable with the degree of the terrorist threat and variety of its forms. In this context it is evident that there is a pressing necessity to involve in the combat all legal, social and political institutions.

It is known that the approaches of different countries to specific manifestations of terrorism sometimes differ greatly and the differences in assessments of terrorism and terrorist threats are difficult to distinguish. The international politics is often subdued by the momentary situation and a wish to use dual standards in this area. Evidently, that is why the unified international legal definition of terrorism has failed to be developed so far.

The lack of a unified approach, however, should not be the ground for inaction or delays in adopting coordinated practical measures to combat international terrorism and accompanying negative effects: illicit weapons and drugs trafficking, organized crime, money laundering, and illegal migration.

The course of events followed September 11, 2001 has shown that the challenge of maintaining in the world community the position of active aversion of terrorism becomes more acute. It is important to strip terrorists from the mythical halo of “great martyrs - fighters” against

oppression and violence, bearers of the ultimate philosophical and moral truths, “fighters for faith”. It is necessary to take practical steps to form in the individual and collective consciousness the understanding that any terrorist act or a threat of it, whatever motivation might be, is a grave offence to be severely punished both nationally and internationally. This leads to the importance of creating in the world a coordinated legal basis for combating international terrorism where international terrorism is attributed to a special category of offences against humanity.

In this connection the work being done by the UN to strengthen the international legal bases of the anti-terrorist cooperation is of special importance. It is necessary to broaden the circle of parties to the already adopted conventions on combating terrorism and encourage development of new agreements in this area. The UN achievements there include the International Convention for the Suppression of Terrorist Bombing of 1997, the International Convention for the Suppression of the Financing of Terrorism of 1999. Upon the Russia’s initiative the UN Security Council adopted Resolution # 1269 (1999), which has become a kind of the anti-terrorist manifest of the UN SC to maintain peace and security.

On September 28, 2001 the UN Security Council adopted Resolution # 1373, which, on the one hand, incorporated the main provision of Resolution # 1269 and, on the other hand, determined a set of measures to isolate terrorists, ruin their infrastructure, and create legal and organizational prerequisites for terminating any forms of external make-up of terrorism. Resolution # 1373 envisaged the mechanism of control (by the Security Council Committee) over the factual terrorist activities, which provides for the creation of an entirely new cooperative structure to combat terrorism. The Resolution determines a wide range of measures to terminate the external make-up of international terrorism to be implemented under the UN auspices in an agreed manner at the national, regional, and universal levels. Such measures are binding and a failure to follow them may lead to imposition of sanctions by the UN Security Council (the Resolution deals with Chapter VII of the UN Charter where the acts of international terrorism are classified as a threat to the international peace and security).

Russia’s interaction with the UN in the area of combating terrorism has become regular and close that facilitates creation of a broad political and legal basis for the international anti-terrorist cooperation. At present, the process is under way to match all disagreements on the Russian Draft International Convention for the Suppression of Acts of Nuclear Terrorism and in parallel the work is being done in the UN on the Indian Draft Comprehensive Convention against International Terrorism.

On July 4, 1999 in the CIS frames Russia signed the Treaty on Cooperation between the CIS Member-States in Combating Terrorism. The Program on Combating International Terrorism and Other Manifestations of Extremism till 2003 developed and adopted in 2000, as well as the decision to set up the Antiterrorist Center of CIS Member-States, may be considered a striking example of the anti-terrorist cooperation of the CIS member-states. Eventually this decision was supplemented by an agreement to open an office of this center in Bishkek to coordinate specific measures to combat international terrorism in the Central Asia. The Center’s activities are planned to be supported through, among others, the Committee of Secretaries of Security Councils of Collective Security Agreement¹¹.

¹¹ The Collective Security Agreement (CSA) was signed May 15, 1992 in Tashkent by leaders of the six CIS states: Russia, Armenia, Kazakhstan, Kyrgyzia, Tajikistan, and Uzbekistan. Eventually it was joined by Azerbaijan, Georgia, and Belarus. According to Article 11, the Agreement came into force for all nine parties on April 20, 1994 for 5 years with subsequent extension (the “automatic” extension is not foreseen). On April 2, 1999 the Agreement Extension Protocol was signed by six states (Georgia, Azerbaijan and Uzbekistan thus left the Agreement). November 1, 1995 the Agreement was registered with the UN Secretariat.

In Russia there is a legislation package regulating various aspects of anti-terrorist activities. The Federal Law "On Combating Terrorism" was adopted on July 25, 1998. In January 2001 Russia ratified the International Convention for the Suppression of Terrorist Bombing and in June 2002 - the International Convention for the Suppression of the Financing of Terrorism thus becoming a party to eleven out of twelve anti-terrorist conventions adopted by the United Nations.

Russia respects and monitors the lawmaking activities in this area of other countries. The law of the Kazakh Republic "On Combating Terrorism" raised a great interest. The legislation adopted in the Great Britain is another prominent example to follow. It provides for the court proceeding of organizations and individuals for terrorist acts committed not only in the UK territory but also outside the country and for such acts committed against administrations and population of other countries.

The European Union, in view of the terrorist acts in the United States, adopted on September 21, 2001 an extensive international terrorism combat program which was approved by the EC leaders of states and governments at the Gent Summit on October 19, 2001. Its content in many aspects echoes the positions of Russia and CIS countries. This opens new opportunities for our cooperation on the anti-terrorist front.

The European Convention on Computer Crimes developed and opened for signing by the European Union may be considered a very important step to prevent cyberterrorism.

On October 3, 2001, basing on the EC-Russia Brussels Summit President of the Russian Federation V.V. Putin and the EC leaders adopted the joint declaration on combating international terrorism and agreed upon a mechanism of active bilateral consultations on this subject. The further consultations were focused on the necessity to work out a unified definition of terrorism that is actively pursued by the EC. In doing so, all forms of terrorism are meant to include those which use the weapons mass destruction and state-of-the-art information and psychological technologies. This was confirmed in the documents adopted by the G8 leaders in June 2002 in Kananaskis, Canada.

The contemporary terrorism cannot develop without a financial feed, because aspirations to acquire and use high-tech means of massive impact and WMD require enormous expenditures. Therefore, it is very important to cut off financial flows. Russia attaches a great attention to its coordinated participation in the international efforts to terminate financial assistance to terrorist organizations in accordance with the UN SC Resolution # 1373 of September 28, 2001. In this context, one may consider the unification of customs' regulations and border crossing procedures including export of capital, intensification of relevant information exchanges. In other words, the above should be pursued not only by intelligence but also central banks and other financial institutions.

The drugs trading is one of the most important channels of financial feed for terrorists. It is not a secret that the major part of cash raised through drugs sales is spent to finance militants' activities and infrastructure of various terrorist groups, especially in the countries of the "arch of instability" which expands from India to the Caucasus. This involves the whole civilized community into the combat against the drugs industry.

The Chechnya situation cannot be left behind while analyzing the issue of combating the international terrorism. Recently, this territory within the Russian Federation housed an uncontrolled enclave of international terrorism, extremism, and illicit drugs trafficking. There are facts of WMD, in particular radiological weapons, use in the region. Components of information

weapons are also in active use. The country's administration was forced to terminate these unlawful activities including by using force.

The presence of the Chechen separatists in Georgia, Turkey and some other, primarily Islamic, countries cannot but raise concerns. These countries' territory is used as a recreation and convalescence site for the Chechen militants and mercenaries from other countries and also for trafficking money to Chechnya.

It should be noted that the understanding of the Russia's position towards Chechnya has recently grown within the international community including the leading western countries. The discussions of Chechnya related topics by presidents of Russia and the US in Washington D.C. and Texas during the 2002 Russia-US Summit is the dramatic confirmation of that.

Russia can rightfully count on the world community, including authoritative international organizations, not only contributing to the combat against international terrorism in Afghanistan but also facilitating the termination of external support of the Chechen terrorists. This could become an important milestone on the path to overcoming the dual standard policy as regards extermination of the terrorist threat on our planet.

Recently, many of the world's countries have been developing and adopting legislation where the terrorism is classified as a grave crime. These countries have worked out and practiced methods to combat it, allocated responsibilities, rights and authorities to specialized anti-terror governmental agencies, police, prosecutor's offices, relevant civil ministries and agencies, intelligence and foreign offices. They have specified and toughen sanctions for participation in terrorist acts and support of terrorists, with the corresponding finance appropriated.

The anti-terrorism experts believe that today the issue of social and political roots of terrorism is the most acute. The recent events have demonstrated that the exclusively repressive measures to combat it do not pay off. Therefore, the international circles, in particular, the UN system highly estimate the Russia's approach. Russia was one of the first countries to raise the issue of undermining the social basis of terrorism during the 56th Session of the UN GA. At the same time, many experts justly stress the danger of a cursory or inadequate interpretation of this aspect of anti-terrorist interaction. They refer to a good example of gradual fading of comprehension of such factors of terrorism as poverty and illiteracy, harsh contrast in revenues of rich countries of the North and poor countries of the South. The aphorisms of Proudhon ("Property is theft")¹² and Heisterbach ("Any rich is thief or thief's heir")¹³ experienced and rejected by the European sophists have reincarnated in the North-South confrontation.

There is a complex of other causes of terrorism which are rare to mention since they may seem politically impolite or have not been clearly formulated so far.

As regards the above, many experts, especially from the third-world countries, give the top ratings to the behavior of the most developed countries, primarily to the United States. The Americans by their unilateral actions in various areas of international relations succeeded in poisoning the public opinion against themselves not only in the majority of developing countries but also in their own country¹⁴ and the U.S. allied countries including NATO member-states and in Russia¹⁵.

¹² Proudhon P.-J., *Qu'est-ce que la Propriété?* (Russian language edition, M., 1998, p. 14).

¹³ Quoted from: Bulgakov S., *The Two Cities*, St.P., 1997, p. 103.

¹⁴ See, for example: Noam Chomsky. "9-11". N.-Y., Seven Stories Press, 2001.

¹⁵ See, in particular, a big, still anonymous article *Bin Laden is Here* (phenomenon of "international terrorism" in the context of the "new world order"). *Zavtra*, 2002, No 4-6.

The national abasement is called another important “pro-terrorist” factor. This, rather than lack of material welfare, often facilitates ingress of new recruits to extremist organizations. It is not accidental, for example, that often before aggravation of the Middle East conflict there were calls “to inventory” measures directed against the Palestinians Israel was taking to ensure its security and to abolish the most odious of them.

Lastly, the economic and political isolation plays no small role in planting terrorism. The states, which are not integrated in the system of active international relations or being pressed out of this system, are less inclined to view terrorists as their enemies.

These factors are deepened and fostered by the continuous arms race. The aggravation of the non-proliferation situation facilitates new types of armaments getting in hands of terrorists, which creation and proliferation are not regulated by the international law. New types of armaments are a new technological level of international terrorism.

With all variety of opinions, the majority of experts agree that the contemporary international terrorism has acquired a new quality of megaterrorism (September 11, 2001 events, in spite of the whole tragedy of what happened are just a local manifestation of the trend) and therefore requires a determined and non-traditional approach. One of key means of ceasing megaterrorism is the understanding of its causes.

Chapter 1. TRANSFORMATION OF TERRORISM

New paradigm of terrorism

In spite of the fact that the issues related to an ideological motivation of the contemporary terrorism are often left behind by the experts' attention giving ground to the analysis of direct threats created by this phenomenon, it is impossible to consider the transformation of the terrorist activity without studying its doctrines and ideological prerequisites. And if the motivations of terrorism do not have a value for operative objectives, it is difficult to overestimate their significance for predicting the situation and long-term security measures.

In the context of an analysis of the contemporary terrorism one should acknowledge the truth of the statement on three basic paradigms of terrorism: terrorism as a means of coercive diplomacy; terrorism as a war; and terrorism as a precursor of the "new world"¹⁶. Until recently, the coercive diplomacy paradigm played the main part. The change in organizational structure of terrorist groups, however, has led to a change in their strategy and tactics. In particular, taking of hostages to compel this or other government to cater terrorist demands is replaced by actions resulting in large damage and multiple victims among members of the public. If until recently terrorist acts had served to evoke a significant political and social response, now they have transformed into a direct means of achieving the goal. At this, the true goals of acts remain known to the terrorist acts' plotters only; that fact conditions the anonymity of the act. In other words, the paradigms of "terrorism as war" and "terrorism as a means of achieving the "new world"" come upfront.

The great majority of analysts believe that the deviation of the "coercive diplomacy" paradigm is due to the following causes:

- inability to head-to-head fighting with well-equipped armies, especially, of the highly developed states and, as a consequence, a necessity to seek for new means of warfare, i.e. a transition to the "terrorism – war" paradigm. In this case the terrorism gets pretty close to the notion of the asymmetric war and its guerilla methods. The examples are the extremists' activities in Chechnya, radicals of the Irish Republican Army (IRA) in the Northern Ireland and the Palestinian intifada.
- impossibility to "modify" the current political system as to the terrorists' model and urge to completely destroy the world to create a new, more just, as they think, world order (a transition to the "terrorism as a precursor of the "new world"" paradigm). This goal was pursued by the Aum Shinrikyo sectarians.

The most well-known radical terrorist groups of the 1960s-1980s such as Red Brigades, Japanese Red Army, etc. made their goals the hijacking, taking of hostages, and explosions to manifest their views and compel the governments to meet their demands. The dawn of the classic ideological "coercive diplomacy" terrorism is linked to the decline of the leftist moods brightly colored by Marxist and anti-capitalist shades after the "Cold War". At the same time, according to Neal Pollard, the Co-Director of the US Terrorism Research Center, the "depolarization" of the world that followed exposed old-time ethno-religious conflicts, which had been hidden before¹⁷. Though this type of terrorism became massive in the 1990s in many regions of the world, however, it cannot be a pattern of the principally new form of terrorist struggle.

¹⁶ Arquilla John, Ronfeld David, Zanini Michele. Networks, Netware, and Information Age Terrorism. In: The Changing Role of Information in Warfare. RAND Corp., 1999.

¹⁷ Pollard Neal. The Future of Terrorism. N.-Y., Terrorism Research Center, 2001.

Another form of terrorism has appeared recently enough and does not possess a clear cut dominant in actions. For the scattered communities of quite different set the uniting element is the denegation of the current world order as such. Different groups and even ethnic or religious fractions who act remotely from each other are contacting to coordinate efforts, exchange information and provide direct assistance. The ties between talibs in Afghanistan and separatists in Chechnya or contacts between IRA representatives and radical Palestinian organizations¹⁸ may serve as examples of such international terrorist “collaboration”. It is quite obvious that the links between so promiscuous organizations cannot be close. In terms of organization such groups represent a classical example of an all-channel network or cell-type structure. The decentralized structure of the terrorist community in combination with ideological radicalism makes the negotiation process impossible or, at least, hinders it since, should that be the case, the formal leader of radicals loses his profile and ability to influence the situation, and the militant groups do not depend on him as regards planning and conducting operations¹⁹. At the same time, such form of organization increases sharply the effectiveness of actions of small-size and relevantly weak groups²⁰ whose isolated activities would not pose any hazard by themselves. There is a sense of considering this terrorist direction in the context of the “terrorism as a means of achieving the “new world”” paradigm.

This approach makes the coming into being of so-called “covert terrorism” natural and clear. This term was introduced earlier to define terrorist acts, which “appear as natural disasters or accidents and which are skillfully plotted as having nothing in common with terrorism”²¹.

The covert terrorism in the context in question represents a campaign of several stages which are taken for a chain of unlinked, chaotic, random events which are not even attributed to a certain locality but result in negative consequences. The goal of the covert terrorism is to spread panic and despair. In pursuing it, the low-technology and highly effective operations leading to destruction of various facilities as well as to creation of an advantageous, for terrorists, socio-political situation in a country or region could be used as a means of committing actions of the kind capable in their combination of posing even a strategic threat. At this, the effect of a covert terrorist attack should not manifest itself immediately, however, the country, which is slowly being destroyed by terrorists, should be the victim of a weaker adversary. Agriculture quite naturally can be a possible target of the covert terrorists. They, by using genetically enforced biological agents or natural pathogenic microorganisms, could make them a weapon to attack animals and plants. The outbreaks of foot-and-mouth disease in the Great Britain in 1967 and 2001 when hundreds of thousands of animals were eliminated can be representative as regards the scale of negative consequences resulted from such scenarios. Anticipating the course of events, it is easy to predict extremely negative results: huge economic damage, panic on the market, destabilization of the social situation in the country.

¹⁸ These examples may be supplemented with others, in particular, the links between the Latin American terrorist organizations with the Islamic groups HAMAS and Hizballah and IRA. These ties, however, are (so far!) of purely commercial nature: cocaine – armaments. In this connection it should be noted that this fact is the proof to the statement on the linkage between drugs mafia and terrorists.

¹⁹ Despite conclusion of peace agreements between IRA and the British government, the peacemaking process in the Northern Ireland was threatened by actions of so-called “real IRA”. Similarly, Yasser Arafat, the leader of the Palestinian Autonomy, seeking to continue the negotiations with Israel, failed to influence the most radical militant groups. That led not only to disruption of the peace dialogue but also to him loosing his profile among the Palestinians as a whole. This is also the cause of the fact that the significance of bin Laden as a man is not up to the significance of bin Laden as an embodiment of the jihadists’ idea.

²⁰ Neal Pollard states that as the terrorism is gaining strength, in the US the problems will become more acute of combating internal radical movements, in particular, “true” guerrilla movements whose terrorist goal is the destruction of the US governmental institutions, rather than influencing the government, a particular policy or public opinion. Pollard stresses that such radical views find more support with rural areas of the country rather than urban centers. It is illustrative that some of provisions of the US Homeland Security Doctrine echo these statements.

²¹ See: Probst P. Antiterrorism: Certain Aspects of Organization. *Natsionalnaya Bezopasnost*, 2001, No 9-10, p. 24.

Therefore, the change in terrorism doctrines speaks about emerging of its new pattern – the terrorism of action. In this context, the most dangerous is the transition from isolated actions to targeted terrorist campaigns (or “campaigns of violence”), which often are not constrained by activities of one group and are of the integrated nature that further complicates counterterrorism, especially in its form of megaterrorism.

Information-oriented terrorism

The substantive change in the global information space has become the key factor of the contemporary civilization’s progress by identifying in the late XX century the main directions of the society development as transition from the industrial to the information community. The global expansion of information technologies produces a significant influence on the international and political situation and future of every country by affecting the level of development of transport, financial and technological spheres, rate of economic and social development and thus, the place in the world industry.

Still, the development of information technologies brings about a set of negative international and political consequences. Primarily, this is an acceleration of the world’s polarization, widening of the gap between the rich and the poor, between the technologically backward and advanced countries in all fields, and an increase in the number of marginal countries as well as so-called “collapsed states”. The polarization is the main source of instability, current and future conflicts including those that could progress on a global scale. The military potential of the scientifically and technologically advanced countries increases sharply to change the global and regional balance of forces that may provoke concerns and even hostile reaction of the “backward” countries thus creating new islands of confrontation.

In other words, the development of information technologies is not only speeding up the civilization development but also brings about new threats to national, regional and global security.

In 1992 John Arquilla and David Ronfeldt, the experts of RAND corporation, proposed the cyberwar concept as a pattern of future conflicts. In the cyberwar the key role is to be for the information-related operations with the military units being network-structured rather than hierarchically. This, as the authors designed, should give them higher degree of independence and freedom in decision-making under the rapidly changing conditions of the contemporary warfare. In parallel, the same authors worked out the netwar concept²² to describe less intensive and less militarized conflicts. The main players of the netwar were terrorist communities, criminal and radical groups which, firstly, already had the internal network structure and, secondly, could have carried out remote actions coordinated between the performers and managers using the communications technologies.

Therefore, the described phenomenon could be correctly defined as the information-oriented terrorism, which is understood as the formation of flexible structures of terrorist communities having less formal still closer internal ties and the broader use by terrorists the products of technology which have come into being in the course of the information technology development.

The necessity of conceptualization of the new image of terrorism has greatly increased after the terrorist acts in New York and Washington D.C. on September 11, 2001. Some features of this terrorist operation call to attention:

²² In the Russian language the term “netwar” is closely associated with attacks in information networks and becomes a synonym of cyberterrorism, hackerism, etc., that does not correspond to the English notion of “netwar”.

- large-scale of actions (hijacking of several airliners and successful attack upon three targets with collapse of two of them) and massive victims;
- perfect coordination and harmony of actions;
- professionalism and absence of information leaks from terrorists;
- strong commitment of terrorists to sacrifice themselves to achieve the set goal;
- getting mass-media to solve the task of wide coverage and propaganda²³.

These features demonstrate that it is necessary to pay more attention to the issues associated with the transformation of the organizational structure of terrorist communities, to their doctrines and ideological directives as well as to the role which is played by the state-of-the-art information and communications technologies in the contemporary terrorism.

New organizational structures of terrorist communities

Organizational structures, which are qualitatively different from classical hierarchies, have been coming into being over the larger part of the human history. In fact, all guerilla movements can be attributed to such organizational forms where the significance of hierarchy recedes to the background. Despite the fact that often these movements were triggered and controlled by the state as, for example, the soviet guerilla movement during the WWII, the horizontal links between separate guerilla groups produced a significant effect to the general success of the conducted operations.

As the information technologies develop the network-based organizations gain a new impetus for development, since to make their actions effective, it is necessary that speed and quality of their information exchanges be much higher than that of the hierarchy-based structures. It may be stated to a certain extent that such information exchange is the binding element capable of replacing the vertical of command in the hierarchy-based communities. Since the governmental institutions are more conservative due to their nature, the network-based organizational forms are primarily used by non-governmental players. Moreover, in the current situation where the geographic remoteness loses its absolute role the network-based organizations can be not only of national but also of transnational nature.

A network organization is based on the three fundamental principles:

Firstly, the interaction within the organization is informal and at this, each member of the group can play the part which corresponds with the tasks set for a particular moment. The structure of organization becomes flexible, capable of adjusting to the specific tasks. The horizontal links acquire more significance then vertical ones.

Secondly, the internal organizational network is supplemented with informal links of the organization members with individuals beyond the organization who can be involuntary involved in the network terrorist organization's activities. In other words, members of the network organization who have a certain place in the social and governmental hierarchy can use this circumstance to carry along or use other persons (for example, officials).

²³ In this case terrorists (or someone else – no one before the court judgment has the right of categorizing the occurrence) used the “CNN effect” at maximum, i.e. no one could have been able to bring information to each family, each house, make them a party to the phenomenon. All the authors conversed with on the topic noted both the participation effect and the information-psychological impact retaining (see Section “Psychological terrorism in Chapter 2). One may state that CNN deliberately or indeliberately take on a part of implementation of this barbaric act.

Thirdly, internal and external links are not regulated by formal frameworks and responsibilities; they base mainly on general values and behavioral standards shared by the individuals involved with the group. Activities within organizations are carried out by self-controlled groups while the external links may be built against the generally accepted social standards and even in compliance with the legislation of the countries where the organization functions. Therefore, the formal signs of a terrorist or criminal activity may be absent until the moment when the organization starts actively manifest itself.

Both individuals and independent groups, where relations may be also of subordinate (hierarchical) nature, may be considered as elements of network structures. Despite the fact that this circumstance significantly complicates the general picture, still one may speak about availability of several baseline network patterns.

1. “Chain” or linear network – a criminal chain of individuals where products (items) or information are transferred to the end user indirectly, through intermediate nodes while the mediators sometimes even unaware of the total number of links, points of dispatch, and destination. Such structure is widely used by criminal communities involved in smuggling and transport of drugs.
2. Lateral structure or “star” – an arrangement where the different nodes (individuals or groups of individuals) are tied to the central node (a concrete individual or a group). The main task of the central node, unlike the hierarchical structures, is the mediatory activity rather than management and command. The lateral structure is widely used by criminal communities primarily acting in the field of finance, for example, in money laundering.
3. All-channel structure or “complete matrix” – an arrangement, which is used at the outmost by terrorist and militant structures. All elements of such organization (individuals or groups) interact with a general ideology, religious or ethnic dominant being the uniting constituent. The network as a whole (not necessarily each of its elements) contains just few paraphernalia of hierarchy and may have several leaders or no leaders at all. Therefore, the decision-making and conduct of operations are decentralized, i.e. there is a wide opportunity for initiative and independence. This type of network is the most complex and difficult to maintain including due to a necessity to provide for a stable and prompt communications between the elements. However, it gives significant advantages since the lack of a central element excludes a possibility of its extermination and, thus, extermination of the whole organization. The example is the Caucasian wars of Russia. If in the XIX century the Chechen war ended up with the capture of Shamil, in the first campaign the extermination of Dudayev along with separate “field commanders”, even odious ones as Arbi Baraev, or the arrest of Salman Raduev did not lead to cessation of the war.

The clear distinction between hierarchic and network forms is demonstrated by the Mideast terrorist organizations. The majority of groups created in the late 1960s – early 1970s had close ties with the Palestine Liberation Organization. In spite of the fact that their structures included separate independent cells, the general command was exercised within a routine bureaucratic hierarchy and their lengthy existence was possible only due to support by the third countries (Libya, Syria and Iran). Unlike terrorist groups forming around the Palestinian Liberation Organization, HAMAS, Hizballah, Palestine Islamic Jihad and a number of other organizations fundamentally have the decentralized network structure with religious and ideological (to a lesser degree political) motivation. It is interesting to note that as Israeli-Palestinian relations aggravate these organizations have become more active.

One may note, as deficiencies of the network structure, the difficulty of strategic decision-making that requires consolidated and coordinated actions of different elements. The Chechnya example demonstrates that the scarce militant groups (where relations are of the

hierarchical nature) may even confront each other; still, that does not lead to the end of war with separatists. The similar example is demonstrated by the Northern Alliance in Afghanistan, which waging a rather consolidated war on Talibs included separate elements being in feud with each other.

Definitely, the patterns listed above are perfect schemes and a real organization may feature traits of some of them and even has some elements of classical hierarchies. For example, the militant groups arranged to the all-channel-type network receive weapons through the “chain” arranged channels with a third state being their end contractor, i.e. a case of classical hierarchy.

In the course of its development the network organization comes to the so-called SPIN structure (segmented, polycentric, ideologically integrated network) – a cell-type structure consisting of several groups with different leaders or of different polarity, which, however, may unite or cooperate to solve common tasks. Such structure can exist only in the conditions of a society which has a sound information standing. It is a highly dynamic system which rapidly adapts to the changing political situation. Evidently, the organized international terrorism should be considered in this particular context.

Role of information technologies for contemporary terrorism

The most important factor that creates a background for emergence of the information-oriented terrorism is the accessibility and wide use of information technologies, which allow for the terrorist organizations to improve effectiveness of their activity in the following key directions:

- *coordination of activities of scarce terrorist groups and exchange of information* to solve common tasks on the global scale while providing for a sufficiently high degree of anonymity;
- *reduction of communications costs* that creates prerequisites for increasing effectiveness of previously marginal organizations, which do not have sustainable sources of finance;
- *exchange of complex integrated information* including visual information (for example, maps or technical documentation).

Since terrorist organizations turn out to be more flexible than the governmental institutions as regards issues of implementing technical innovations, they gain obvious advantages for conducting well-coordinated complex operations. For their purposes they use off-the-shelf technical means and the information infrastructure objects of the country of their stay. In this connection, a special concern is raised about a possible use of information infrastructures for terrorist proposes in the states supporting terrorism. This, in particular, is linked to the fact that at present there is no a system of assessment of how information technologies are used and developed in the Arab states, in spite of the fact that the majority of the Middle East countries are serious in their considerations about a possibility of the asymmetric impact to the information sphere of the potential enemy. This is fully true as regards many of non-governmental organizations including extremist ones. At this, the United States, Israel and international organizations are not able to stop or even control the circulation of information and information technologies at the Middle East.

In particular, HAMAS widely uses Internet capabilities for communication and transmission of operative information. According to the Israeli experts, the HAMAS activists in the US coordinate activities of militant groups in the Gaza Strip and west bank of Jordan by maintaining communication with them via electronic mail or web-chats. The use of capabilities of the basically open information network (Internet), however, provides for the

necessary level of security. It is acknowledged that the Israeli security service fails to trace and decipher timely the HAMAS information traffic. This is due, in particular, to the availability on the legal market of the information encryption software. Attempts to constraint sales of the encryption software featuring lengthy keys, which create the highest degree of encryption protection, were not welcomed by businessmen. The decision on the constraints, which were being prepared by the Clinton administration, was not made²⁴. And the proposal to do this under the Wassenaar agreement after the mentioned Clinton's initiative was devoid of sense.

In addition, information technologies allow for substantial improvement of intelligence capabilities of terrorist organizations and not only for collection and analysis of critical information (for example, flight schedules and air corridors of civil aircraft) but also direct allocation (the use of the global positioning system GPS)²⁵. The latter circumstance allows, at least in theory, to speak on a possibility of precise guiding the means of delivery of weapons of mass destruction on a target should they get into hands of terrorists.

If terrorist groups had a possibility of conducting assault information operations, this would pose serious threats in future as the dependence of governmental and public institutions on information and communications grows. There three main classes of such operations are distinguished.

Operations involving impacts to perception of events and consciousness. Since the effect of propaganda and creation the atmosphere of fear and terror in the society or certain political (religious, ethnic) strata is one of the main goals of terrorism, the mass-media become to a great degree a tool of the terrorist struggle.

Traditional information dissemination channels such as TV, radio and press are widely used by different terrorist groups. Some groups have TV and radio stations of their own, which ensure direct impact to those public strata where they may find leaning towards their goals and ideas, and (potentially) used for recruiting new proponents. For example, Hizballah has TV and radio studios as well as a press center, which regularly and professionally supplies necessary information to foreign journalists. Often, TV operators are enlisted in militant groups of this organization. Then, the shot videos are made public in Lebanon and, that is peculiar, often retransmitted in Israel.

However, this strategy of propaganda and building the public opinion works only when a terrorist organization is interested in "self-advertising" of a kind. Groups, which choose the methods of direct, anonymous terror, use another, still efficient strategy that is to make terrorist acts large-scale and pretentious. A series of apartment house blasts in Moscow and Volgodonsk in the fall of 1999 and terrorist acts of September 11, 2001 in the United States are attributed to the acts of this kind. In the latter case, the national news agency CNN did a live broadcasting from the moment of aircraft collision with the towers until they collapsed completely. Therefore, terrorists, while retaining anonymity, succeeded in propaganda that is incomparable with anything.

The construction of web-sites by terrorists is a relevantly new form of influencing the consciousness. However, according to ICSS RAS studies²⁶, Internet is considered a basic source of political

²⁴ Instead, surprisingly to the whole world, in September 1999 Bill Clinton announced the initiative to lift completely even the previous constraint (this is not for the "outlaw states") regarding sales of encryption software with the key length over 56 bits.

²⁵ In 2000 the US President Bill Clinton signed a provision permitting for commercial use GPS systems with enhanced resolution (up to 10 meters), which in principle sufficient for guiding the high precision weapons. The United States made this move because commercial benefits, as it believed, would exceed negative consequences of possible use of data obtained through these systems by other states or individuals and groups for terrorist or military purposes.

²⁶ Gorshkov M. (Director of ICSS RAS). Interview to Kultura TV channel ("Chto delat?" talk-show). September 17, 2002.

knowledge by only 3 to 4% of grown-up population, but this is the most active part of it and plays a leading role in the political structure of the society.

The information placed on a site is differentiated according to the audience subject to the information influence. Thus, the information of propaganda nature is transmitted when the anticipated audience is to be represented by potential terrorists' supporters or sympathizers. Sites of the Islamic extremist groups, for example, those of the Islamic Brotherhood Movement (Egypt-based), Hizballah (Lebanon) or HAMAS (the Palestinian Autonomy) are primarily listed among such web-editions. The information directed to demoralize and form the public opinion of the enemy is the most efficient when the targeted audience is "information-hungry". A typical example is the site of the Chechen separatists Kavkaz-tsentr (the Caucasus-Center) created by Movladi Udugov. It is confidently known that one of the information servers was located in the US territory. At the same time, as the Russian official structures and mass media were developing the information policy and catering for the information demands as regards the Chechen issue, Kavkaz-tsentr ceased being popular and lost a major part of its audience.

Subversive operations. Generally, these operations are of supportive nature and targeted to temporary disable the infrastructure (as physical – electricity transmission lines, communications lines as "virtual" – web-sites, electronic mail systems, etc.). The communications lines could be disabled, for example, by electromagnetic disturbance or physical destruction, and the information networks can be broken down by information bombs, spam of electronic mail and facsimile communications or readdressing web-sites. Such operations in themselves are incapable of a significant damage but they can be used as a background for larger scale terrorist acts. Besides, their consequences could raise chaos and lead to a serious economic loss²⁷.

Targeted operations. The direct impact operations include terrorist acts targeted to direct elimination of facilities (or information systems). The most known recent terrorist acts are:

- attacks on the American embassies in Kenya and Tanzania in August 1998;
- blasts of houses in Moscow and Volgograd in September 1999;
- blast of the USS Cole destroyer by suicide terrorists on October 12, 2000;
- aggravation of terror in the Palestine Autonomy in 2000-2002;
- terrorist act in Kaspiisk on May 9, 2002;
- attack on WTC Towers in New-York and Pentagon in Washington D.C. on September 11, 2001 by hijacked airliners;
- dissemination of anthrax causative agents through postal service in the USA in the fall of 2001.

The outbreaks of acts like the above in the late XX – early XXI centuries demonstrate the change in terrorism paradigm that has already occurred. Though the above listed examples are difficult to attribute to "high-tech" terrorist attacks, the two aspects deserve attention. Firstly, despite their anonymity (only the Palestine militant groups in some cases took responsibility for acts of terror), all of them resulted in a significant psychological effect, i.e. they belong with the operations aimed at influencing perception of events and consciousness. Secondly, the two latter cases can be attributed to terrorist acts where the weapons of mass destruction were used. In doing this, the terrorists used complex technical systems (airliners, navigation systems, communications systems) or biological weapons while lacking an access to technologies and production capabilities for such weapons. Therefore, the effect of the use of complex technical means by terrorists including information systems transforms from a possibility to gain access to production technologies into the direct use of technical means and information.

Lastly, the technical progress creates new areas for terrorist activities. They include physical destruction of the information systems' components, degradation of their performance or acquisition of data through tampering software, impact to controlling information systems to disable large-scale industrial, power generation and other facilities (nuclear power plants, chemical plants, etc.). Such

²⁷ They will be considered in more detail in Section "Cyberterrorism".

acts have not come into practice yet²⁸

State terrorism

There are several viewpoints on the state terrorism²⁹ elaborated on in different countries. In this context, the emergence of rough totalitarian regimes accompanied by suppression of the civil rights and freedoms in a country may be considered a manifestation of the state terrorism. The second point of view deals with the state support of terrorist organizations acting against a third country. This perception corresponds with the US term “states sponsored terrorism”. And, lastly, the third interpretation of the state terrorism is the unjustified and unlawful use of force by one country against another, as well as a threat to use force as a blackmail to have the political decisions made in their favor³⁰.

A strong state has advantages which are quite evident. The fact that a weaker enemy also has an opportunity to win a conflict is based on three key provisions formulated back in the mid-1970s:

- considerable military power presupposes considerable interests;
- considerable interests mean considerable political vulnerability;
- considerable vulnerability means that a stronger enemy can be fought out.

At present this quite evident causal connection becomes the question of interest because of the following reasons:

- geographic factors lose their initial significance because of the development of means of communications and globalization processes;
- it is not necessary to have a technological basis for production of the weapons capable of threatening interests of a stronger state to possess the mere weapons;
- weaker enemy may not use any armaments at all (in traditional perception), however, the result of its actions would be quite damaging;
- uncommon methods of warfare allow not only for clandestine preparing for and attacking a stronger enemy but also for remaining anonymous later.

In fact, a step-by-step progression of new technologies and, what is more important, technical devices made to these technologies has allowed to reduce the gap between strong and weak enemy and pose a serious threat of asymmetric actions against highly developed states. Therefore, the terrorist methods are viewed by different states as effective and, sometimes, the only tools available to reach strategic goals.

The circumstance that a number of “hostile” states can use information infrastructures (this or other way) has led to emergence of a strategic information warfare doctrine. The strategic information warfare is understood as an asymmetric impact to those national information infrastructure segments, which disability could bring about the consequences comparable to that of the conventional warfare (e.g. political and economic collapse, shutdown of power generation facilities, disruption of transport, etc.) rather than the use of information technologies to support traditional combat operations. Many

²⁸ However, direct attempt have been repeatedly made; this will be demonstrated in the next chapter.

²⁹ Attempts often are made to equal state and political terrorism. It should be noted that the mere formulation of the case is not correct. As it has been noted above, terrorism by definition is a political phenomenon. There is no and cannot be another terrorism. Another thing is that organized crime and state military formations or special services can use the same methods as terrorists, terror can be a part of the state policy or military tactics. However, the army and intelligence, being the elements of the state, i.e. political, structure, act also in the political interests.

³⁰ Therewith, a well-known American student and politician Noam Chomsky in the already cited book *9-11* (see Note 10) demonstrates in well-founded manner that the United States is the key state who has been pursuing the policy of state terrorism for many years. This is the only country condemned by the International Court for such activities (in 1986 in connection with “the unlawful use of force” and intervention in the domestic affairs of Nicaragua) and a special resolution by the UN General Assembly.

analysts are inclined to believe, unlike provoking speculations that terrorists would attempt to disrupt functioning of information networks as a whole, that terrorists would be rather interested in keeping them operable. This would allow them to coordinate their activities in a better and more efficient way and receive information promptly. In addition, for instance, Internet is a very good background to cover-up acts of cyberterror proper and to promulgate ideas. Therefore, the open information infrastructure is potentially of danger for it can be used by terrorist groups.

Since the modern communications technologies allow terrorists to operate practically from any country of the world using the national information infrastructure of such countries, some analysts, like Michael Zanini, draw a far reaching conclusion that the terrorists depend on a certain kind of the state sponsorship. This statement could have been considered an oddity, if only top ranking US officials had not made similar statements.

Similar statements are the elements of a targeted campaign for transformation of the system of international law and increasing the opportunities to use or threat to use force on unwanted regime under the pretext of combating international and national terrorism.

January 29, 2002 the US President G. W. Bush in his annual State of the Union Address noted, speaking on goals of combating terrorism, that if the first goal were to “shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice”, the next goal would be to “prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world”. President Bush marked North Korea, Iran and Iraq as the state sponsors of terrorism and said that they and their “terrorist allies” comprise the “axis of evil”. Moreover, Bush stated that “some governments will be timid in the face of terror. And make no mistake about it: if they do not act, America will”. These statements can be formally taken as elements of the state-level blackmail and termed as manifestations of state terrorism. However, as it was noted above, the main feature of the contemporary terrorism as a phenomenon is the affinity of counterterrorism and state-level terrorist acts.

Even in 1998, after attacks in the Tokyo subway system, Yonach Alexander, the Director of the Terrorist Studies Program at the George Washington University, stressed³¹ that that event and the 1993 WTC bombings are the foreword to a more dreadful event he termed already at that time as megaterrorism. In doing so, he stated that there were prerequisites for megaterrorism to grow:

- terrorist acts resulting in havoc and a great number of victims are also an efficient means of affecting public opinion and stability of functioning of the main political and economic institutions in the country;
- on the whole, it is quite realistic for terrorist groups to ensure stable and protected communications, financing and possessing the capabilities for large-scale terrorist acts;
- the existence of widely spread international networks, which include as terrorist groups as individual states, substantially facilitates coordination during superterrorist acts. Having direct or indirect side support, even small terrorist groups are capable of conducting large-scale terrorist acts.

In this particular case, Alexander listed main features of the information-oriented terrorism and in fact leveled it with megaterrorism. He also stated that the traditional types of megaterrorism (nuclear, chemical, biological) may be added with cyberterrorism as a means of affecting physical elements of infrastructures through intervention into their controls using communication and information networks for such intrusion.

The terrorist acts of September 11, 2001 confirmed these ideas of megaterrorism. Firstly, the civil aircraft were selected as a high precision weapon of mass destruction (cruise missile). Secondly, these acts clearly show the features of information-oriented terrorism, notably: the new paradigm of terrorism and the high-tech aspect, however, one cannot state unambiguously what political force is behind.

The transition from the traditional, politically constraint terrorism to the targeted terror campaigns,

³¹ Proceedings of Seminar U.N.O. “Cyberterrorism and Information Warfare Threats and Responses”. Report PIPS/98/2, April 16, 1998, Potomac Institute for Policy Studies, Washington, DC, USA.

from the declarative terrorism as a means of blackmail to the anonymous terror as a direct means of achieving the set goals is the starting point for getting modern understanding of the megaterrorism.

Chapter 2. NEW FORMS OF TERRORISM. REAL MEGATERRORISM

In the context of the above, megaterrorism is understood as the use (a threat to use) for terrorist purposes the most advanced armaments or technologies resulting in massive victims among the members of the public or substantial (at the state level) economic or environmental damage. Today, they are the elements of weapons of mass destruction: nuclear, chemical and bacteriological (toxin) means as well as a means of affecting ecosphere and information space. Previously, terrorism was mainly associated with weapons of mass destruction (WMD-terrorism). The first discussions of WMD-terrorism started in the 1960s when the outburst of leftist political terror forced to discuss the possible use of nuclear or chemical or bacteriological weapons by radical terrorist groups as quite realistic acts. In the West the WMD-terrorism discussions gained the second wind after the disintegration of the Soviet Union when concerns were raised on a possibility of the former USSR's munitions' stockpiles to proliferate and of the critical technologies to be sold to the terrorist organizations interested. In spite of the clear political context of many megaterrorism related aspects, it has acquired a new quality - the reality – after September 11, 2001 events.

Nuclear terrorism

The first proposals to adopt the international legal acts, which would facilitate minimizing the threat of nuclear terrorism, were made in the UN as far back as the 1960s. The International Atomic Energy Agency (IAEA) was charged with the development of corresponding documents. As a result, 68 countries signed the IAEA developed Convention on the Physical Protection of Nuclear Material in March 1980.

The signing was “pushed” by over 150 incidents occurred during those two decades and demonstrated an increase in the degree of hazard in this or the other way. This number includes blasts in the vicinity of nuclear facilities, intrusion attempts, kidnapping and murders of nuclear physicists, theft and smuggling of various fissionable materials, etc. In 1961 a group of the French right-wing generals unhappy with president de Gaulle's policy had intentions to seize a nuclear explosive device at the Sahara test site to deliver a kind of political ultimatum to Paris. The French government, conscious of reality of the threat was forced to take firm measures to expedite preparations for a test explosion, which was done long before the preset date. In 1975 in Boston (USA) a group of plotters demanded the authorities to pay a large amount of money otherwise threatening to turn on a nuclear warhead clockwork. The danger was so serious that the president was notified on the event. This incident uncovered the fact that the state authorities of the country were completely unprepared to neutralize such threats. Thus, after the incident had been settled, the US set a special team equipped with means of detection of nuclear explosive devices and radioactive materials.

The imperfection of the system of control over fissionable materials and that of the antiterrorist legislation nearly in all countries created objective prerequisites for the expansion of criminal and terrorist groups' spheres of activity by increasing the probability of nuclear weapons getting into hands of terrorists. The situation was getting even worse due to the fact that hundreds of thousands experts and support personnel were involved in the nuclear sphere that substantially increased vulnerability of existed protection systems.

It should be noted that the weakest link in the nuclear security system is the human factor. The US publications described a case where a mentally sick USAF sergeant tried to “hand in his checks with a bang” by shooting a hydrogen bomb with a pistol. In this regard Russia has its peculiarities which could facilitate terrorist acts. For instance, recently the guard force at many

of military facilities were composed of soldiers originated from the Caucasus where separatist and extremist ideas are very strong nowadays. Therefore, many Caucasians (including Chechens) who did their military service at nuclear facilities are well familiarized both with their security systems and various “holes in the fence”, which provide a possibility of an unauthorized access to these facilities.

The nuclear weapons, which have been lost due to this or the other cause, could become a serious danger. There is a plenty of such lost weapons in the world. For example, in 1958 the US bomber “accidentally dropped” a high-power thermonuclear aerobomb near the Spanish coast. Two nuclear bombs were dropped from the US plane due to an engine failure and are still on the Atlantic Ocean sea-bed near Cape May (New Jersey). Two more American nuclear aerobombs are residing in the Pacific region of Puget Sound (Washington) and near Eureka (North Carolina). In 1986 in the Caribbean Sea the Soviet nuclear submarine with nuclear missiles on board sank. In 1986 the Russian multipurpose nuclear submarine Komsomolets, which was carrying nuclear warhead torpedoes, sank in the Norwegian Sea.

All the above facilitates, however indirectly, the emergence of nuclear terrorism. It may have various forms, though, only three are theoretically distinguished so far.

1. *Detonation of a nuclear device.* This option presupposes the availability of a nuclear explosive device to the terrorists, which has been “home-made” or acquired from a third party or a mediator. Today there are no direct indications that any terrorist organization has got nuclear weapons or works to create them. At the same time, the western experts believe that the danger of acquiring plutonium, which is a by-product of commercial reactor operations, by terrorists can increase.

Since it is unlikely that a terrorist organization or “outlaw country” could create a high-yield hydrogen bomb, it is reasonable to consider a possible use of a small-size nuclear device by terrorists comparable, in terms of yield, with those used by the United States in Hiroshima and Nagasaki. When detonated in a city, the wounding range would be 1.5 to 2 kilometers with the number of victims exceeding 100,000. For survivors in the city and the affected country the physical, economic and social, and political consequences of such catastrophe would be horrible. The only chance to prevent or mitigate huge casualties, if the explosive device were not to be disabled, is to timely evacuate the population from the possible destruction area. This is extremely difficult or even not possible in case of an unexpected attack³².

Recently, it was thought that the special knowledge and high level of technology development were necessary to create a nuclear bomb. Today, the more difficult problem, however, is to store radioactive materials. A nuclear explosion yield is not so important for terrorists as a psychological shock resulted from the act: it will be much more significant than the physical consequences of the explosion. Therefore, the use of small-size nuclear charges and radiological weapons by terrorists should be expected and patterned.

In this sense, the devices capable of explosive power of 10 to 20 tons TNT yield could be attractive for terrorists. It should be noted that fission of one gram of a radioactive substance produces energy equal to the blast of 17 tons of conventional explosives. Terrorists, however, could use a crude nuclear device where the explosion occurs “prematurely” (so-called “boom”) that reduces the nuclear substance decay, total yield of the nuclear explosion, and its negative destruction consequences.

³² Falkenrath Richard A., Newman Robert D., Thayer Bradley A. *America's Achilles' Heel. Nuclear, Biological, and Chemical Terrorism and Covert Attack.* Cambridge, Mass.; London, The MIT Press, 1998, p. 14.

To produce a home-made nuclear device the terrorists could be expected to seek to acquire reactor-grade plutonium since weapons-grade plutonium and uranium are guarded more securely and are practically inaccessible for criminals. Until recent, however, the development of such an explosive device (let alone nuclear weapons with the relevant means of delivery, control and monitoring) by a terrorist organization has been unlikely because of the improvement of the non-proliferation regime efficiency on the whole and the IAEA activities in particular. The seizure of a ready-made nuclear charge ready for use is also considered nearly impossible. It is more realistic that a state pursuing a clandestine nuclear military program creates a nuclear explosive device. Still, the direct involvement of a state, even an “outlaw country” in a nuclear terrorist act would have been a very risky move, which would threat such a state with a complete extermination if such act had been committed against a nuclear power. However, considering the changes in the form of terrorist activities outlined in the preceding chapter, one should not rule out a possibility of an anonymous terrorist act including by an “outlaw country”.

2. *Sabotage or its threat at a nuclear power plant.* One does not need special knowledge in nuclear physics to commit sabotage. This can be done by terrorists who did conventional militant training. Even if an act of sabotage does not result in an explosion of the nuclear reactor or radioactive contamination of the territory (e.g. due to low power or reactor design features), such actions would have a drastic psychological effect. Measures to protect nuclear power facilities are not capable of preventing terrorist acts which use unconventional means. Thus, it is assumed that one of the targets for the September 2001 hijacked aircraft was the nuclear power plant located near Pittsburgh. As back as 1973 a terrorist group seized a nuclear reactor in Atucha, Argentina, which was under construction at that time. In 1975 two blasts were committed at the two French nuclear power plants (NPPs): in Fessenheim and near the d’Arret mountain. In 1982 in France the ecological terrorists minethrew the constructed NPP Phenix in Creys-Malville (Isère)³³. In December 1995 in France during waves of protests against operation of Le Blayais nuclear power plant the extremists attempted to destroy the cooling circuit of one of its power units.

Many terrorist groups threatened to sabotage nuclear power plants. For example, in 1980 the Puerto Rican separatists threatened to blast the US NPPs. Similarly, during both Chechen wars the Chechen militants threatened to sabotage the Russian nuclear power plants. The realism of such developments was manifested in 1995 at Ignalina NPP where the terrorists, who were revenging the 1994 execution of their group member, could alter, through their insider among the maintenance personnel at the plant, the reactor refueling control computer codes. If it were not for the correct actions of the plant operating personnel, the explosion could have been unavoidable. It should be noted, that in spite of attractiveness of NPPs as a terrorist target, not a single act of sabotage has been committed so far.

3. *The use of fissionable materials*, even low enriched ones, to create the so-called “dirty bomb” capable of causing large damage due to radioactive contamination of vast territories in a densely populated area. In pursuing so, a device with a conventional explosive³⁴ is used. The radiological weapon which does not yield a nuclear explosion can constitute a device capable of spreading radioactive substances as aerosols. Since it is much easier to develop this type of weapon even than the most primitive nuclear device, it is likely that terrorists would use it.

The terrorists, for example, could have an unauthorized access to a nuclear reactor used for research and charged with uranium-235. Such reactor produces a significant amount of radioactive strontium, cesium, and plutonium. Given such substance is put in a home-made

³³ Environmental Encyclopedia, N.Y. Knopf, 1994, p. 390-391.

³⁴ This is the explosion, reportedly by the American intelligence, was plotted at the US territory by an al-Qaeda terrorist who was captured in the early June 2002.

explosive device and detonated at 100 meter height, the contaminated territory would be about 100 to 120 square kilometers³⁵. Though this weapon could contaminate a large territory with large amounts of money to be spent to decontaminate it, its use would unlikely bring about mass casualties (this would require a great quantity of radioactive materials, which, among other, pose a significant risk to life and health of terrorists themselves). The students foresee the highest degree of danger associated with the use of radiological weapons due to the spread of fear of radiation. A radiological attack can provoke havoc and socioeconomic instability which are incomparable with the real destructive power of this type of weapon.

Separate acts of radiation terrorism cannot produce a large impact. In 1995, for example, the Chechen militants planted a cesium-137 radioactive isotope container in a recreation park in Moscow. Still, this did not bring about any panic. Only series of terrorist acts may produce a large-scale effect when they would be playing a catalyst of tension and hysteria in the society. The “white powder” dissemination campaign in the United States turned out to be very effective as regards the psychological impact.

Therefore, one should consider the use not only of nuclear but also radiological weapons for terrorist purposes.

The seizure of nuclear power plants to blast nuclear reactors could also result in contamination of the territory with radioactive substances. Sabotage at nuclear facilities (NPPs, nuclear material storage facilities, etc.), contamination of air with aerosols containing radioactive substances, radioactive contamination of water supply sources could lead not only to massive human casualties but also to an ecological catastrophe with long-term consequences.

Besides, it should be understood that science, technology, and medicine use ionizing radiation sources, e.g. cobalt or strontium-based. Given 100 to 1,000 such sources get in someone’s possession, their total potential hazard would equal that of the spent material unloaded from a nuclear reactor. Therefore, the possibility of radiological weapons, which could be made of the commonly used radiation sources, getting into the hands of terrorists should not be ruled out.

Chemical terrorism

Chemical weapons are very attractive to the potential terrorists due to several reasons:

1. Easy access, low cost and possibility of quite legal acquisition of the chemical weapon components (the western experts even term it as “fertilizer-weapon”).
2. Capability of delivering the weapon components to the scene without evoking suspicions on the part of the law enforcement.
3. Accessibility to the information (also due to the information networks) which enables to fabricate chemical weapons even those who do not have required qualifications.
4. High damaging power of chemical weapons used for terrorism, especially in the conditions of a megapolis.
5. High “psychological impact” accompanying the use of chemical weapons and producing havoc and fear among a wide societal strata.

These features of chemical weapons facilitate the growth of chemical terrorism in the present-day conditions. The growth of this hazard is aggravated due to expansion of the terrorists’ capabilities of acquiring industrial chemical agents and their use by them in acts of terror. The hazardous chemicals can be seized during their transport, in their production or storage locations.

³⁵ Bolshov L.A., Presentation at the Russian-American workshop “Terrorism in a High-Tech Society: Legal Aspects and Contemporary Methods of Preventing and Countering Terrorist Activity”, Moscow, June 2001.

In addition, the powerful terrorist groups can engage experts to develop combat chemical agents using the chemicals available on the market³⁶.

The accidents occurred to chemical plants may illustrate the scale of the threat of chemical weapons if used by terrorists. So, the release of about 40 tons of methyl cyanide at Union Carbide's chemical plant storage tank in Bhopal (India) resulted in 500 immediate deaths and 2,500 more (other data estimate as much as 16,000) afterwards with the total number of affected being 60,000.

The Aum Shinrikyo sectarians' gas attack in the Tokyo subway system (where a sarine-type gas was used) may serve as an example of the effective application of chemical weapons for terrorist purposes. Though the number of victims turned out to be smaller than it could have been expected, the psychological effect was enormous. This event demonstrated a poor preparedness of the special services to eliminate threats of chemical pollution. The Japanese rescuers who arrived at the scene were poisoned. They were even nicknamed "blue canaries" (similarly to the birds used to detect presence of poisonous gases in the atmosphere).

The Tokyo subway tragedy evoked a lasting anxiety in all countries. It demonstrated that the threat of the use of chemical weapons and other WMD, which the intelligences of many countries have been warning about) had become a reality.

At present, the terrorists are gaining larger capabilities in accessing the chemical weapons production technologies due to free trade agreements, imperfectness of export control, expedite dissemination of new chemical technologies for the needs of growing industries, availability of a large number of "chemical secrets" on the Web, and wider internationalization of crime. So far, it is difficult for terrorist groups to fabricate, steal or just buy necessary nuclear munitions on their own. It is much easier to acquire legally the necessary feed materials and produce chemical agents or hazardous chemical compounds. According to different estimates³⁷, about 300 kg of tabun or sarine or 300-350 gram of ricine would be quite sufficient for an act of terror to poison humans and animals within 1 square kilometer territory. A relative accessibility of toxic substances, high damaging power achieved with small quantities, variety of impact options and terrorist targets, complexity of organization of population and individuals' protection, difficulty of timely detection of a chemical attack, which allows for performers to sneak into previously made shelters and stay safe – all these features make chemical weapons attractive for terrorists and criminals. And they seek to acquire it.

In 1975 Baader-Meinhoff-Group intended to commit a terrorist act using yperite gas (mustard gas) which had been stolen from a military storage in France³⁸. A part of the group did training in handling biological agents in Beirut. In 1975 in the United States when a neo-Nazi group was arrested, 115 kg of cyanides were taken in custody from them. The agents were intended to poison the New-York city and Washington DC water supply systems³⁹. In 1993 the Federal Bureau of Investigations put under arrest a US citizen who tried to ship 120 grams of ricine to the state of Arkansas⁴⁰. And lastly, in 1995 the terrorist act by Aum Shinrikyo was committed. The investigation found out the sect was seriously working through a possibility of producing

³⁶ As it was done by Aum Shinrikyo.

³⁷ Hillebrand B., McAllister J.F.O., Thompson M., The Price of Fanaticism. *Time*, 1995, 3 April, p. 26-29.

³⁸ *Obris*, 1993, Vol. 37, No. 3, p. 393-410. Cited from: *Borba s prestupnostiyu za rubezhom* (Inf. Bulletin). M., VINITI, 1994, No. 3, p. 8-18.

³⁹ *Obris*, 1993, Vol. 37, No. 3, p. 393-410. Cited from: *Borba s prestupnostiyu za rubezhom* (Inf. Bulletin). M., VINITI, 1994, No. 3, p. 8-18.

⁴⁰ *Chemical Weapon Convention Bulletin*, 1996 (March), No. 31, p. 22.

sarin, tabun, soman and V-gases, which are the most dangerous chemical agents⁴¹. The sect created their own science and productions facilities to meet its needs where it replicated the military CA production technologies developed in the West during the “Cold War”. The feed and equipment were purchased domestically and abroad. The sect especially trialed the means and ways of the use of CAs (for example, the use of a many-store residential building ventilation system to harm its tenants; the use of chemical agents within closed and semi-closed premises like subway systems). A Japanese military was involved by the sect as the consultant on the chemical protection⁴².

Earlier, on December 6, 1991 the Chilean newspaper *La Epoca* reported on investigations of cases involved the probable use of sarin-charged aerosol spray cans by the Chilean secret service officers. At that time, reportedly by the newspaper, at least, three individuals died⁴³. In 1995, nearly simultaneously with the Aum Shinrikyo’ act of terror, the Chilean right-wing extremist group threatened to spray sarin in the Santiago subway if general Contreras, the former head of special service, were not set free (the general was imprisoned by the court of law for crimes committed during the 1973-1990 dictatorship)⁴⁴.

Regretfully, Russia has not escaped the cases of chemicals’ uses for criminal purposes. In addition to the clearly criminal cases, there were reports on the threats to poison the Krasnoyarsk city water supply system with mercury⁴⁵ and the gas attack case in places of public use in Pertopavlovsk-Kamchatski⁴⁶.

Many experts believe that the terrorist act in the Tokyo subway has increased the danger of chemical terrorism. New forms and methods of terrorist acts are expected to emerge where human casualties will be massive. Such forms and methods include poisoning of foodstuff, water supply sources, pharmaceuticals, application of chemical and bacteriological warfare methods (pollution of air inside buildings, underground constructions and means of transport, pollution of air over settlements, and direct poisoning of people).

Dangerous chemicals can get into hands of terrorists through various paths. They can be stolen from military storages where chemical weapons is still kept, from different organizations and enterprises involved in chemical production, survey, research and other legal activities; they can be bought or stolen from the hazardous chemical (rodenticides, pesticides, pharmaceuticals, etc.) productions, distribution, storage, trade and practical use; they can be covertly fabricated in chemical laboratories (both legal and illegal).

As far as 1984 a special CIA report acknowledged that “the clandestine production of chemicals for various attacks is not hindered as clandestine drugs production”⁴⁷.

As a rule, the relevant professionals are required to select a toxicant or compound, prepare it for use, and, possibly, for a terrorist act. So, according to the Tokyo police data⁴⁸, CA plastic containers were planted in the Tokyo subway cars by the sect members who did special medical and chemical training. A chemistry expert synthesized sarin and the gas administering was

⁴¹ Starr B. Discovering a Japanese Cult Deadly Designs for Doomsday. *Jane’s Defense Weekly*, 1995, 18 Nov., p. 25.

⁴² Asaulova L., New Confessions by Aum Shinrikyo Members. *Segodnya*, 1995, 27 July.

⁴³ *Chemical Weapon Convention Bulletin*, 1992 (March), No. 15, p. 11.

⁴⁴ Chile Sarin Threat. *Jane’s Defense Weekly*, 1995, Vol. 23, No. 17, p. 12.

⁴⁵ Tarasov A., Blackmail of the Mayor by Threatening to Poison A Million of City Residents. *Izvestiya*, 1995, 23 March, p. 8.

⁴⁶ Voeikov S. Compatriots’ fortitude as combat CA tested. *Krasnaya Zvezda*, 1995, 3 October.

⁴⁷ Cited from: *Borba s prestupnostiyu za rubezhom* (Inf. Bulletin). M., VINITI, 1994, No. 3, p. 8-18.

⁴⁸ Varlamov A. Asakhara Casts Back Murder Accusations. *ITAR-TASS*, ser. A, 1995, 18 May.

guided by a medical doctor and an expert from the science and technology section of the Aum Shinrikyo community. It was not for nothing the sect recruited its members primarily from the youth with a good science and technology background.

Bribery of professionals in this field is the most attractive way for terrorists to acquire chemical weapons. For instance, an expert, having access to a chemical or biological laboratory, could be able to produce feed material for a lethal chemical.

The adoption and putting into force the Convention on the Prohibition of Chemical Weapons can solve the task of prevention of chemical terrorism only partially, since its content, at large, deals with the intergovernmental relations. The issues of intra-nation control are just marked in the Convention. To combat chemical terrorism, it seems expedient to adopt a special legislation which could concentrate the whole experience in combating the phenomenon.

The preventive activities should play the major part in debarring chemical terrorism. They include many aspects. Primarily, the protection of production facilities handling dangerous chemical should be ensured. Many of those use the obsolete equipment which does not meet the process requirements and, therefore, represents a potential source of chemical hazard. This equipment should be not only replaced – and this will require certain funds – but a reliable guard should be created to secure such facilities against criminal attempts or intrusion.

It is not less important to rule out a possibility of individual criminals and groups' access to hazardous substances and technologies through organizations involved in research and development in the fields of chemistry and pharmacy, as well as those involved in commerce in this field. Safety of operations with these substances in such organizations and their compliance with the law must be attested by a certificate providing them with the right to exercise a declared activity. The practical activity of an organization granted with the certificate can be started in a certain locality only after the local administration issues the relevant license. In pursuing so, there should be a recruiting procedure for organizations and enterprises to ensure that they are reliable as regards counteracting terrorism. Possibly, the organization's administration or special authority should issue work licenses to those who are involved in handling hazardous chemical or biological substances. The explosion experts have been granted with such certificates for a very long time.

The demands to de-classify chemical weapons information seem of extreme danger. Even after the Convention on the Prohibition of Chemical Weapons coming into effect and complete elimination of chemical weapons, the chemical agents and means of their use will not cease to be one of the weapons of mass destruction. Should its production secrets get into hands of terrorists or simply insane individuals, this could lead to many deaths among people. And at present, when Russia takes on a commitment not to facilitate global proliferation of chemical weapons, the de-classification of information could damage national security of as our country as other nations of the world.

Biological terrorism

Biotechnology methods have opened the opportunities for obtaining not only biological agents with advanced performance characteristics which improve their effectiveness but also for creating new classes of biological weapons (BW). The obtaining of biological aerosols with enhanced stability during storage and transport has become a reality. The 1980s-1990s achievements in genetic engineering allow for changing duration of incubation periods of the biological agents, increase their toxicity, pathogenic effectiveness, enhance stability to

pharmaceuticals, and hinder detection and identification by altering their structure. Biotechnology provides for expediting productions of biological agents and toxins in large amounts while using small-size equipment similar to that applied in pharmacy to produce vaccines and preparations.

The special perspectives are opened for the military biology due to the fact that the genome technologies can be used to develop new types of BW, which came into being 4 to 5 years ago because of decoding the human genome, microorganisms, viruses and other forms of life. Such BW types may include various bioregulators affecting the vital functions and systems of an organism as well as *the ethnic weapon*, which works using genetic and immune features of different ethnic groups of people. The decoding of animal and vegetation genes combined with information on biological variety of specific regions can result in invention of a way how to impact the economically essential breeds of animals and vegetation.

The bioterrorism in many ways is similar to the chemical terrorism; however, it was previously assumed that a probability of acts of bioterror was much lower due to a difficulty of acquiring bacteria culture or producing them in the backyard. The dissemination of anthrax spores in the United States in the fall of 2001 partially cast back this opinion. The effects this acts brought about are explained by the means of delivery of the biological agents rather than their mere use. The fact that the postal service, which is a major means of communications, was chosen as the means of delivery indicates the information and psychological pattern of these acts. The anthrax skin form is a relatively slight disease; it could not lead and did not lead to multiple human victims. However, it seriously complicated the work of postal service and dependable governmental and economic institutions for a prolonged period of time (over a month); besides, it increased uncertainty within the society.

Even before September 11, 2001 the sizable steps had been taken to prevent bioterrorist acts, primarily in the USA. In 1996 the US Congress adopted the legislation on anti-terrorism providing for an enhanced control over microorganism and toxin work which could be used as BW agents. The Center for Disease Control (CDC) was charged with establishing the controls and compilation of a listing of biological agents pertaining to this category. The listing, which included 30 pathogens – viruses and microorganisms – and 12 toxins, was put into effect as a supplement to the legislation in 1997. In 1998 President Clinton made a decision to further develop programs to combat possible manifestations of the bioterrorism. The decision pursued creation and renewal of vaccine stockpiles and other means of medical protection. In 1998-2001 a set of presidential directives were released to strengthen administrative and medical measures to prevent, combat and eliminate consequences of possible BW terrorist acts.

The funding was increased for research organizations (both military and civil) involved in the work on bioterrorism issues from US\$ 91 million in the 1998 FY up to nearly US\$ 40 million in 2000. The US Department of Health, Education and Welfare responsible for national health institutions and the Center for Disease Control received in 1999 additional US\$ 158 million and in 2000 this amount was increased by US\$ 72 million more.⁴⁹

In parallel with the bioterrorism threat prevention campaign, the United States carries out another large-scale campaign to anthrax vaccinate all troops. This decision was made by Secretary of Defense Cohen in December 1997. The process started in 1998. By 2004, 1.4 million troops and about 1 million of national reservists are expected to undergo this procedure⁵⁰. In the 1999 fiscal year about US\$ 25 million were allocated for fundamental research, which constituted a scientific basis for development of vaccines and preparations. The major part of

⁴⁹ *Chem. & Eng. News*, 1999, 5 July, p. 8-17; *Science*, 1999, 26 February, p. 1234-1235.

⁵⁰ *Washington Post*, 1998, 21 May, p. 1, 19.

those funds was distributed as grants to outsourcing research institutions involved in the studies of genetic features of pathogens of infections, in particular, anthrax, smallpox, plague, and tularemia. The research objective is to obtain information on structure of genomes and use it as the basis to identify target-spots for new vaccines and pharmaceuticals.

At that time already the US Administration realized that the threat was growing of bioterrorist acts associated with the foodstuffs and agricultural products: crops and livestock. In April 1999 the government under the auspices of the National Security Council set up a special group with participation of the US Department of Agriculture representatives charged with implementation of the antiterrorist measures program with the fund of US\$ 2.8 billion.⁵¹

At present, the research centers within the US Department of Agriculture conduct research over 500 topics annually devoted to studies of animal infectious diseases. However, the Department's experts consider the agriculture protection system vulnerable. The analysts believe that the terrorist acts to affect food stocks, crops and livestock are likely to be committed by bioterrorists guided by regimes adversary to the US, militant religious sects, and other extremist groups.

Regretfully, these years have demonstrated quite different developments as regards bioterror countermeasures in Russia⁵². Today, the previously existing epizooty counteraction capabilities have been lost. The regretful fact is that the ordinance for keeping infectious materials, which in the USSR was under control of the law enforcement force and KGB, has also been lost; that creates conditions for terrorists to acquire the viruses and to use them as a biological weapon component. Recently, the situation has started changing. The chemical and biological terrorism counteraction concept is under development; there are plans for creating a wide network of respectively equipped diagnostic laboratories. However, quite recently, our public health system could work preventively. In 1957 about six million people were vaccinated during preparations for the Moscow's World Youth Festival.

The problem of so-called agriculture terrorism still remains more than just pressing. The estimates show that the possibilities of use of the lethal viruses by terrorists to spread infectious disease in agriculture are manifold. There were cases where the leaders of some states declared animal infective episodes the acts of subversion. However, in such situation it is difficult to provide for an unambiguous answer whether the epidemic was due an evil plot or due to an unlucky train of events. For example, there is a viewpoint in Europe that the 2001 foot-and-mouth disease of cattle is a demonstration of the terrorist use of biological weapons. Still, even a version that criminals intentionally spread the infectious disease is not the ground to attribute the offence to a terrorist act. There was likely a commercial background of such actions. The most likely, there was no any vicious plot at all. The virus does not apply for an entry visa. Another matter is that the Great Britain was at least two weeks late to diagnose the disease that resulted in such large-scale negative consequences.

One has to bear in mind that terrorist attacks to agriculture with the use of bioagents are impossible for a solo-terrorist. There should be a thorough plotting and well-coordinated activities of many people.

Modern technologies create conditions where the hazard and scale of negative consequences of epizooty proliferation grow. This may happen when a well-establish food supply disrupts or unauthorized disinfectants or rodenticides or other wild animal killing agents are used. In any case, the population loses confidence in the government, which is incapable of protecting them,

⁵¹ *New York Times*, 1999, 22 September, p. A, B.

⁵² Safonov G.A., Presentation at the Russian-American workshop "Terrorism in a High-Tech Society: Legal Aspects and Contemporary Methods of Preventing and Countering Terrorist Activity", Moscow, June 2001.

the social tension aggravates, and thus, the social and political consequences of the offence are manifested to allow considering that offence as an act of terror.

Many experts, including the Americans⁵³, believe that vulnerability of the contemporary technological society to “agroterrorist” attacks is conditioned by the following factors:

- limited reserve of food in many cities and regions (e.g. large cities, generally have the three-day reserve of food);
- long distance for delivery of food from a producer to consumer (2 to 3 thousand kilometers);
- significant expansion of food producers (in the USA 97% of pork is supplied by five large companies with three companies being the main suppliers of poultry);
- limited genetic selection of livestock capita;
- high degree of food import with complex delivery chains from abroad;
- large amount of products at any food processing line;
- reduction in assortment of the major crops (50% of the Earth’s population are “tied up” to rice).

The following circumstances may be considered as favorable for agroterrorism:

- preparing and committing an act of terrorism is technically easy (the necessary biological agents are easily accessible and the spread of virus can start as soon as a couple of infected eggs gets into a truck delivering poultry);
- an effect of the use of biological weapons cannot be detected promptly but days and even weeks after while the criminals have got time to hide securely from the law enforcement agencies’ pursuit;
- terrorists are potentially invulnerable and stay unpunished, especially when the criminals and the infection source are beyond the jurisdiction of the affected state;
- the moral constraints are less as regards killing animals rather than plotting an attempt upon the life of someone.

The most vulnerable to terrorist attacks are the countries pursuing single-crop options, seeking to produce “clean” products, having large crop areas, lacking of capable veterinary units, as well as those neighboring the “adversary” states.

Today, the spread of foot-and-mouth disease and cholera with the pork and plague and mad cow disease with cattle may be considered the most dangerous as regards the negative consequences.

A virus attack in agriculture is always unexpected and its source is difficult to detect due to the above causes. In addition, it is difficult to determine confidently whether the virus spread was by chance or result of a terrorist attack. In October 1973, during the “Newcastle” virus outbreak in

⁵³ Hugh Jones M. (Louisiana State University School of Veterinary Medicine, Professor). Presentation at the Russian-American workshop “Terrorism in a High-Tech Society: Legal Aspects and Contemporary Methods of Preventing and Countering Terrorist Activity”, Moscow, June 2001.

Ireland 79 initial foci were detected. The source, however, was not found, since the versions included infection through water and the use by terrorists the chain of animal feed supplies (there were 15 suppliers in total). No one assumed responsibility for the virus proliferation, no recurrence was recorded. The epizooty consequence elimination costs were 2.3 million pounds of sterling (today this number would double).

The question may arise: why criminals are rarely use acts of agriculture terrorism since such attacks are easy to commit and escape punishment. The following grounds can be provided for to this account. The contemporary terrorists often manifest themselves in megapolises. This is explained by the fact that the ideologists and organizers of terrorism reside there, and by the fact that it is easier for them to escape the law in large cities. An act of terror committed in cities where the larger part of population lives will bring about a larger social response. Besides, the rural estates and farms are well guarded and any stranger will be immediately noticed by the local law enforcement.

The terrorists plotting such an offence should have a certain special training (at least not to get infected themselves with a lethal virus) and be psychologically charged to use the virus in the agriculture. Though it is difficult for terrorists to get such knowledge and experience, the world community must be prepared for such attacks; moreover, the infectious viruses were taken from some terrorist organizations. For instance, the biological weapon components were detected with the Aum Shinrikyo sectarians. A possibility of the use of biological weapons by the Chechen terrorists cannot also be excluded.

There are a large number of infectious microorganisms in the nature with only a small part having been studied by scientists. Therefore, the task of today is to reveal new dangerous viruses and exchange information in this area. The key aspect in the process of improving the biological terrorism threat counteractions must be the improvement of preparedness of the public health system to detect timely the outbursts of virus diseases and promptly respond to them to minimize possible negative consequences. The inability to identify expeditely the nature and detect a source of the disease could lead to catastrophic consequences. For example, in Yugoslavia there was a case of trafficking of the latent smallpox by a monk on the pilgrimage. The disease was detected when about 170 individuals caught the smallpox. As a result, a great number of people had to be vaccinated to include not only the Yugoslavia citizens but also other nationals.

Ecological terrorism

In the background of the outburst of terrorism during the three recent decades the emergence of a new terrorist activity – acts of terror committed under a pretext of environmental protection – was left somewhat unnoticed. This trend formally manifested itself as an individual type of terrorism in the form of protest of environmentalists against nuclear tests. In 1972 activists of a small environmentalist group “Don’t Make a Wave”, which transformed eventually into the influential international organization Greenpeace, headed on board of the Greenpeace III ship to Muroroa Atoll (in the South Pacific) where France was conducting nuclear tests. This act disrupted France’s plans to develop nuclear military potential of its own. Since then, the mass media have reported on many of manifestations of anti-nuclear activism, demonstrations and rallies against construction of nuclear power plants, building roads, cutting forests, and urbanizing rural areas.

Since the late 1970s in the western countries organizations and groups have come into view which, while hiding behind the slogans of environmental protection, chose the tactics of “active action” and resorted to violence and terror. A unique type of terrorism has emerged – ecological

terrorism (ecoterrorism) or *single issue, special interest-terrorism*, as it is known from the western mass media.

In spite of multiple publications on the topic, there is no a definition of ecoterrorism, its differences from other types of terrorism and from ecological activism. Meanwhile, among other terrorism subjects it posed, especially in the mid-1980s, and still poses a real threat not only to the developed but also to developing countries. The mere name hints that this type of terrorism manifests itself in the area of ecology, protection of the environment and wild life. Therefore, the human activities damaging to the environment has become a target of the ecoterrorists' invasion. They stand for both wild and domestic animals, which are "mercenary exploited" by people. However, the noble ideas of the radical environmentalists turn out to be violence and terror in practice. Apart from the revolutionary terrorists or nationalists, they do not charge themselves with a direct goal of overthrowing the existing political system or seizing the power. They protect the environment. Still, as representatives of the radical trend of ecological activists who are well-known because of their fussy "green" campaigns (for example, protests against oil survey in the North Sea, mass protest rallies in March 2001 in France and Germany against spent nuclear fuel transport and storage), they ultimately pursue political goals: apply pressure on the government through wide public protests or draw additional attention to the "green" issues in parliaments.

The growth of interest to environmental issues and politicization of the environmental movements was mainly due to the circumstance that the population in the western countries realized the interconnection of the most important problems of modern times (ecological crisis, exhaustion of natural resources, threat of nuclear weapons proliferation, overpopulation) and their cause as the development of industrial society. In the light of the human environment protection capitalism has appeared as an unjust and imperfect social system. In the long run this predetermined the trend in activities of "green" parties and organizations, emerged from the environmental movement, opposed to the existing system. Ecologists have actively joined the protest movement primarily against the development of nuclear power. The German sociologists believe that it was the anti-NPP movement, which reflects a negative attitude to large capitalist companies, attracted to the ecologists' ranks many of those who did not place the environmental protection issue among political priorities⁵⁴.

Disappointment of many individuals in the parliamentary democracy institutions, impaired credit of the traditional parties' activities have motivated the interest to new political forces declaring their independence as regards the old political parties and the state. In these conditions the ecological "green" movement became a uniting basis for many of proponents of the alternative society. Since the late 1970s the ecologism has become an ideological background for various protest movements.

The growing popularity of the "green" movement was explained by the fact that it reflected mass attitudes: discontent with the technocratic system, critical attitude to traditional political programs and organizations; antagonism, on a part of the population, towards bourgeois ideals and standards. The "greens" put on the agenda the issues of global, human importance. As a result, the movement has started growing due to inflow of participants of antiwar, women's, youth movements protesting against nuclear power, arms trade, and for broadening assistance to developing countries to overcome economic backwardness.

"Greens" ideologists believe that "industrialism" has fulfilled its historical mission and has brought significant material comforts to mankind, but today is has reached the cut beyond which the further development would do harm rather than good and "gradually and unnoticeably

⁵⁴ Grigoryan S.Yu. The "Green" Party in FRG. M., INION RAN, 1986, p. 13.

transforms into anti-development". The modern industrial society, as stated by the western "greens", suffers a heavy disease debilitating economic, social and political systems and crippling people physically and spiritually. By negating the industrial society, critically revising the scientific and technical progress results the "greens" logically draw political conclusions: negation of the current political system. At the same time, today the high percentage of ecologists rallies for coming "back to nature", to the natural economy. The point of view that the creation of an ecological society is to build a new, ecologically acceptable society but not to destroy the industrial one, is gaining scores. To radically resolve the ecological problems it is necessary "to change the existing system rather than to adjust to it". One of the American "green" leaders – G. Chichester – when representing them at the Stockholm conference stated that "the ecologists' core in the US becomes more radical".

It should be taken that in near future in many industrially developed countries the disagreements will remain between the governing circles and citizens regarding such issues as the development of nuclear power, the use in the food industry and construction of insufficiently tested and, possibly, hazardous for health chemicals, the ways of resolving environmental issues at the local level, etc. These factors, in combination with the existing social tension and conflicts, will create real prerequisites for further existence of "green" movements. At this, the expansion of the ecological crisis to all regions of the Earth will facilitate buildup of new regional "green" formations who will inevitably introduce their national traits and peculiarities into the movement. "Green" parties have future also because of the fact that their major activities – prevention of environmental pollution and threat of nuclear conflict – are at the same time the key problems of modern times.

The Great Britain became the first country where the extremist environmental movement emerged. In the 1960s the overt actions were started by representatives of The Hunt Saboteurs' Association who physically punished hunters, "liberated" animal from research laboratories and then shifted to setting pharmaceutical laboratories ablaze. The Animal Liberation Front (ALF) created in 1976 became the heir and successor of the most radical methods of the association. It was acknowledged as the most dangerous extremist environmental organization in the Great Britain and in other countries.

The most common tactics of ALF is the animal "liberation" raids. ALF uses combustibles to destroy or damage buildings and vehicles. In addition to the common terrorist methods of direct violence and threats ALF poisons foods and spoils preparations. In 1986 ALF started planting bombs in cars for the first time. It carried out 11 such acts within five years only (1986-1990).

In 1982 ALF for the first time used bomb-letters when each leader of the four key political parties in the U.K. received such a letter. And if until 1993 there were sporadic cases of letter-bombing, this method was in the wide use in 1993-1994. Three options were employed: a bomb in a parcel, a bomb in a video or audio cassette box, and a bomb made as a mechanical mouse-trap-like injuring device stuffed with razors. Over 120 bombs of these types were sent within 18 months. In 2001 ten explosive postal deliveries were sent to the northern part of England, Wales, and central counties of the Great Britain. At this, five bomb-letters were delivered to the addressees and three persons were injured with various degree of severity.

It should be noted that ALF activities are not limited by the U.K. territory. Its activists are present in the United States, Sweden, Poland and Finland. In the countries such as France and Italy ALF activities are spontaneous in spite of individual outbursts, the responsibility being taken on by different groups. Evidently, this speaks of a lack of a centralized or long-acting organized ALF structure. Over 20 organizations took on the responsibility for the committed ecocrimes with the majority of them linked to ALF in one way or the other.

In the late 1990s the American organization Earth First! declared its readiness to protect the environment with all means available including violence. The organization has affiliates in other western countries, in particular in the Great Britain. It issues a magazine bearing the same name where it publishes recommendations on sabotage and terrorist practices to protect the environment⁵⁵. The activist tactics developed by ALF was inherited by Earth First! and is effectively used in its operations.

Presently, in the Great Britain the development of genetically modified foods has become another cause for protests. The GenetiX Snowball organized in 1997 is the most noticeable group in this field.

Since 1980 the USA has suffered, at least, 100 large-scale fires, bomb planting and acts of sabotage committed in the name of saving the environment and fauna, the material loss being US\$ 40 million. The scale of the ecoterrorists' acts was so large that the authorities were forced to involve FBI to investigate them. However, by the late 1990s only 20% of massive cases in process were solved. There was only one case where the police caught ecoterrorists red-handed. In other cases the remained anonymous, however, they disclosed the name of the group to attract attention to the committed crime⁵⁶.

It should also be stressed that the environmentalists' actions, as a rule, find support with the public. Such liking is often expressed toward the radically inclined environmentalist section. They are provided with a shelter, if necessary, and moral and material support as well as their numbers are replenished by radically inclined environmentalists.

The ecological and environmental protection issue is very acute in the case of Russia. Therefore, the Concept of National Security of the Russian Federation attributes it to the most dangerous threats to Russia's security and outlined as a major area of the state's activities in this field.

Psychological terrorism

As it has been noted above, one of the goals of terrorist acts, generally, is to produce a psychological impact to state powers, population, and public opinion. In other words, it is important to have a horrification effect which can be obtained without explosions and blood but through a direct impact to the mind of an individual or a certain social group. The psychotronic weapons and propaganda, social technologies and drugs – these are the means of contemporary terrorism.

The Doctrine on Information Security of the Russian Federation gives the notion of “unlawful information and psychological influence” (UPI), which pose a serious threat to an individual, society and state, primarily to the constitutional rights and freedom of a person, individual, group and social consciousness.

When UPI threats are mentioned, it implies the negative information and psychological impacts, first of all, *manipulating* influence to a person, his/her notions and emotional and volition sphere as well as a tool of psychological pressure to openly or covertly motivate individuals and

⁵⁵ Acts of Ecoterrorism by Radical Environmental Organizations: House of Representatives Hearing before the Subcommittee on Crime of the Committee on the Judiciary 1998, June 9. Proc. U.S. Congress, 105 Session. Washington D.C., US GPO, 2000, p. 11.

⁵⁶ Acts of Ecoterrorism by Radical Environmental Organizations: House of Representatives Hearing before the Subcommittee on Crime of the Committee on the Judiciary 1998, June 9. Proc. U.S. Congress, 105 Session. Washington D.C., US GPO, 2000, p. 11.

societies to act against oneself for the benefit of certain persons, groups or organizations exercising such influence⁵⁷.

Such UPI realized through propaganda, sedition or direct influence on the public consciousness can lead to disruption of social stability, damage to health and life of the citizens, and to social, racial or religious hatred. The same result is obtained through activities of totalitarian sects which propaganda violence and brutality. In reality, these impacts, even unperceived, are capable of bringing up serious psychological and physical disorders, washing out of natural and formed behavioral standards, distortion of human perception of the world and himself, and to an increase in risky social and personal situations.

Separate types of UPI directed to the population as a whole or towards concrete individuals, social strata and groups, political parties and movements can seriously disrupt normal functioning and routine of social institutions, governmental structures, public organizations, communities, and individuals. These impacts are categorized as negative because they raise psycho-emotional and socio-psychological tension, distortion of moral criteria and standards, moral and political disorientation and, as a result, inadequate behavior of individuals, groups and masses. It is they that are the basis for techniques and methods of psychological terrorism.

Presently, new UPI sources and technologies are becoming a powerful tool of consciousness formation and manipulation, i.e. in a way they can be a type of information weapon and, thus, used by terrorists.

The psychoterrorism, as compared with other types of terrorism (nuclear, chemical, bacteriological, cyberterrorism, etc.), is more attractive for organizers of terrorist activities since it features consequences of an enormous scale (slowing down of development rate and collapse of a state; instigation of large-scale conflicts between states, ethnoses, confessions and other communities; formation of regions with a “preset” lifestyle and readiness to hand over the rule to the designated subjects; and the like); it does not require material expenditure to achieve great effects; it is covert to the highest degree and does not involve material damage; and besides, such terrorist acts are not subject to international and national legislation and there are no mechanisms to legally protect the object of a terrorist act.

The following means can be used to exercise information and psychological influence to individual, group and mass consciousness and psychic⁵⁸.

Mass media. In real time they may widen or limit the influence range, adjust to the subject of influence considering its nationality, educational level, religion and social background. In doing so, it is possible to use various methodologies of covert influence on ideology and subconsciousness with the help of sound and video images that brings them closer to the weapons of mass destruction in terms of consequences.

The most dangerous feature of UPI is their capability of presenting information in such a way as to form a virtual picture of the real world behind the outward objectivity⁵⁹. However, the

⁵⁷ Anosov V.D., Lepski V.Ye. The Prerequisites of Information and Psychological Security. In: Brushlinski A.V., Lepski V.Ye. (ed.). The Issues of Information and Psychological Security. M., the Institute of Psychology of RAS, 1996, p. 7-11.

⁵⁸ Smolyan G.L., Lepski V.Ye. New Technologies of Information Influence on Individual, Group and Mass Consciousness. *Problemy psikhologii I ergonomiki*, 2001, No. 3, p. 18.

⁵⁹ One who watched “live” CNN reports on September 11, 2001 does not need further explanations: even the most gifted agitators during years and years of hard work could not ever produce a psychological impact of such force as the real-time worldwide broadcasting did. Therefore, mass media can be a horrible weapon in the hands of superterrorists. The CNN effect is more than just illustrative. If this channel broadcasts an act of terror scenes, the mere act of terrors becomes irrelevant. Such a report (series of reports, that is even more effective), which re-

“cooked and served” virtual reality exists in human consciousness only until it is put under doubt, then the information influence efficiency decreases sharply. The emergence of global broadcasting systems has provided an opportunity of retaining UPI effects for a long time. Such systems, which are used in peaceful and human ways in routine life, are capable of unobtrusive delivering a signal (including that charged with information and psychological impetus) to any place in the world.

Specially weighted information and psychological means (mobile radio and TV broadcasting centers, mobile loudspeakers, placards and fly-sheets and the like). Their application technology has been perfected and their further development mainly directed to seek covert ways of affecting human consciousness. The new means include laser systems for creating virtual reality and projecting it on large areas, for example, clouds.

Global information and computing networks. In the 1990s the Web – a unique means of information dissemination – was created. A relatively low cost of access, the freedom of dissemination and receipt of information make the Web a unique tool for enabling information influence mechanisms, especially in the conditions where the “subculture of information society” is actively being formed.

The information dissemination in the Web is not legally regulated that creates an opportunity to disseminate any, including aspersive and intentionally false, information. The facts may be seriously played with using textual, sound and video information handling techniques. Such techniques allow for managing the public perception or organizing large-scale propaganda campaigns to undermine public confidence in a specific governmental policy⁶⁰. The first attempt to treat as criminal the acts of dissemination in the Web of the harmful information has been done in the framework of the European Convention on Computer Crimes. The draft First Supplement to the Convention devoted to racism and xenophobia, which is under discussion, is important also in terms of countering the psychoterrorism. But so far the technologies of fast dissemination of information over the information and computing networks will be playing an ever increasing role since they provide for legal targeted information campaigns without any control on the part of the state.

The activities of the kind pose serious problems not only before the governments but also before the mass media which are taken by the consumer as sources of objective information. The direct result is that the leadership of countries and the society as a whole may not be aware of what is happening in the reality. Today it is difficult to understand already who treats the Al Jazeera videos as objective documents – average viewer or the U.S. government.

The formation of various track groups in the Web may become a basis for emerging of real terrorist or crime-inclined organizations with a structure and links which are difficult to disclose.

Software illegally modifying information environs which are the basis for human decision-making. Human activities are increasingly becoming supported by information and computing means. An official, to make decisions, uses the information provided by a computer. In many cases it is not possible to promptly verify the confidence of the information, therefore a deliberate modification of information massifs and messages results in erroneous decisions by the individuals who use them. Many countries develop special managing means including remote ones regarding the information circulating in the information management systems, their fact of

broadcasted in thousands of copies by all TV channels in the world, will be practically impossible to verify, more over to cast back. Is not it a rule over the world? The only thing that is necessary is that the central CNN studios get into the hands of information terrorism experts for half an hour.

⁶⁰ Above we noted the submersive web-site Kavkaz-tsentr, which creates large problems.

application and caused damage being difficult to detect. Such means are capable of long-term retaining the effects of information and psychological impacts.

Means of creating virtual reality. The maximum UPI efficiency can be achieved through creation on the screen of TV or monitor or the most advanced pilot's helmet of an image representing a virtual reality. There is information on development of the means to simulate voices and video images of political and public leaders. Especially designed simulations of their public addresses (there is information on such developments) can produce the outmost psychological impact to the population⁶¹.

Means of subliminal psychosemantic influence. A wide range of means have been developed to manage man (or a group) behavior, thoughts, and feelings through subliminal psychosemantic influence, e.g. by audio and visual stimuli. Consciousness does not percept very weak subthreshold signals, which penetrate deeply into subconsciousness. They covertly orient thinking and behavior to the required direction. Such "penetration" is easy through audio and visual channels. For instance, a tune pleasant for the object is mixed with a repeated worded operative suggestion 10-15 times slowed down. This is an easy way to suggest information to the citizens through radio. At this, neither the radio producer nor sound engineer notice that they are the performers of an act of terrorism. When video stimuli are used (influence through visual channels) a video, for example, is added with very short (0.4 seconds) "incuts" of the suggested text or image repeated each 5 seconds.

Acoustic or electromagnetic generators. Ultrasound is also used to influence the human cogitative faculties. These oscillations affect brain and nervous system causing headache, dizziness, disorders of eyesight and breathing, convulsion, and even the state of insensibility. Infrasound causes irritation, fear and discomfort allowing by that manage the man's health, his mood and response. UHF leads to perception distortions, fatigue, nausea, and headache. A terrorist UPI requires relatively low generating capabilities for such radiation.

The main task of psycoterrorism is to stealthily change (deform) different subjects (individuals, groups, organizations, ethnoses, states, etc.) through influencing individual, group and mass consciousness. Such impacts result, primarily, in destruction of subjectiveness that can be manifested through the loss of real freedom of choice and action for an individual or social group, alteration of traditional values, loss of historically formed way of life, etc. The common feature is to make a subject the object of manipulation. The most invariant and dangerous subjectiveness destruction mechanisms associate with the influence on response of consciousness. The blocking of response and reflex management can be used as the powerful means of subjectiveness destruction.

The psycoterrorism threats are becoming more acute as new information technologies, and especially the Web, develop. The information consumers become more dependent on individuals (web-sites are more and more looking like newspapers with their editors-in-chief, security service, and, of cause, owners who determine the site policy), and the dependence of mankind on the information sphere grows crossing sometimes the boundaries of reason and creating the "cyberspace dependence syndrome", which is the source of threats to a person, society, and state.

⁶¹ What should do a unit commander when he sees on his monitor the image or hears on the radio the voice of his commander-in-chief giving the warfare seizure order? And what should do the commander-in-chief for whom this fact will also be a surprise?

Chapter 3. ORGANIZED CRIME AND TERRORISM

Recently, the threat of merging of two social phenomena – organized crime and terrorism – has become serious. They, while co-existing and being independent at the same time, show a mutual interest which is conditioned by their qualitative characteristics. The organized crime needs terrorism, its techniques and methods to solve its political tasks effectively. Otherwise, the terrorism, by using the forms, methods and capabilities of the organized crime (e.g., drugs industry), strengthens its financial and material foundation and makes its activities more organized.

The integration of both social phenomena complicates the political situation, disrupts the activities of governing and managerial authorities, and affects significantly the processes ongoing within the society. The ingress of the organized crime, being armed with political extremism, into the international criminal structures creates a threat to security of a country, international organizations, and international security as a whole. Under globalization the transnational organized crime has expanded on such a scale that it has become a factor influencing the processes of sustainable development and the economic situation of the countries (in particular, a number of the UN General Assembly resolutions admit such influence produced by corruption). As regards the cyberspace, the traditional views on the territorial jurisdiction, administrative borders and the like are just losing their sense in many aspects. If the problem is ignored and the national and international law is lacking the required “breakthrough”, the organized crime would acquire forms still more dangerous for the international security and facilitate not only criminalization of societies but also the development of terrorism as a form of settling political conflicts.

In May 1988 the First International Symposium on Combating Organized Crime held under the auspices of Interpol in Saint-Claude (France) formulated the following working definition of organized crime, “Any venture or a group of individuals involved, irrespectively of the state borders, in unlawful activities with the primary goal of profit”⁶². *Four main organized criminal group types* are distinguished:

- mafia family-like communities with strong hierarchy, internal rules and “code of honor”; they are often multi-faceted and act in various legal and illegal businesses. Such unions are the most stable and possess large capabilities of exercising pressure on the authorities;
- groups which act (apart from the organized criminal groups pertaining to the first type) in one or several narrow illegal spheres and do not have such firm structure. Most often they specialize in autotheft, setting up and use of drugs producing laboratories, financial fraud, etc.;
- ethnic criminal groups. Two recent decades have witnessed a substantial growth of criminal communities of this type in the world;
- terrorist organizations pursuing political goals.

In the second half of the XX century the exacerbation of contradictions in various spheres of social life facilitated intensification of crime, growth of scales of all types and forms of criminal activities. The organized crime was not exclusion. It acquired a number of characteristic features solely pertaining to it while following the general trends. One of the features is the politicization

⁶² International Criminal Police Review. Jul.-Aug. 1989, No 419; Confidential Supply, No 12, p. 19.

of the organized crime communities' actions. Its main cause, in addition to the general politicization of the social life, has become the excessive accumulation of criminal capital, which requires enabling the structures that control it with power to it freely. The activities of the structures in question are expanding beyond the spheres of economy; they actively enter the process of political struggle.

The emergence and active expansion of the organized criminal communities' politics-related activities are conditioned by their goal of influencing the state-level decision-making and controlling the state authorities and management bodies. The result is a threat to the essential interests of a person, society, and state; a threat to existence of the main institutions of democracy. The politicization of organized crime, its trend to act against the states and democratic world order are destructive to components of the latter such as political system, form of government, economic and inter-ethnic relations, constitutional rights and freedoms of person, and law enforcement. Its increased danger to the society appears not only as a result of its use by structures with ever-increasing criminal potential but also by flexibility, dynamics of this type of crime, the mimicry towards the formed economic and political conditions and capability of negatively influencing them, capability of reproduction.

The strive of organized crime to influence the state-level decision-making including the political one, seizing controls over the governmental bodies' activities is manifested through its creating posts within governmental powers, infiltration into the managerial strata of ministries, agencies and their local branches. This strategic task, if being solved, facilitates strengthening of the financial and economic potential of the organized crime, of acquiring immunity to the law and law enforcement. The organized criminal groups and communities practice bribery of parliamentarians and local authority officials, representatives of administrations, officials of ministries, agencies, and institutions. During pre-election campaigns they actively promote criminal designees to the legislative and managerial bodies. Attempts are made to infiltrate young criminals into the law enforcement training and educational institutions to further promote them to high-rank positions within the system, etc.

The aspiration to achieve certain political goals also can be a driving force of such actions. It is widely known that satiety, the repletion of venal wants transforms into the craving for power.

The expansion of the trend to actively use extremism in the political struggle has facilitated the wider use of violence by the organized crime to achieve their goals. Their unlawful practices are replenished by the use of various forms and methods of extremism including terrorism. The solving of economic issues through unlawful techniques and methods of political nature have conditioned the interference of the organized crime with the sphere of international relations, in the activities of public unions standing for political and economic reforms, which does not correspond with its interests.

As a result, the unlawful activities of the organized criminal groups and communities have incorporated such forms of unconstitutional activities as taking of hostages, hijacking of vehicles with passengers, threatening the governmental officials and public leaders, initiating serious disorders, committing explosions in places of public use, kidnapping, blockading settlements and regions with residents of different nationality by cutting off supplies of food, electricity and other essential items.

The need in armaments has brought in the assaults by the organized criminal groups on military munitions stockpiles, armory convoys, patrols, law enforcement and national security service offices, and smuggling arrangements with foreign organizations involved in the armaments' deliveries. Here, the most dangerous are the acquiring modern weaponry systems capable of causing mass destruction or significant damage (it is a known fact that a mafia-like group

attempted to seize a nuclear submarine). The seizure of such armaments can be done to blackmail to exchange hostages or get a ransom. Experts estimate a probability of such attempts as rather high. This can be done unnecessarily by force, bribery and infiltration into the top ranks of army units can also be used; it is quite realistic to make an active member of the criminal community out of an army officer. Already Boutros Boutros-Ghaly in his address to the 47th Session of the UN General Assembly stressed the necessity to take measures to prevent criminal access to nuclear stockpiles, devices and fissionable materials.

The knowledge of the main areas where the organized crime uses political extremism is of importance. This form of extremism is most prominent in the area of international relations. The study of causes of the Azerbaijani-Armenian conflict in Nagorno-Karabakh Autonomous Region (NKAR) allows to distinguish, as one of the causes, the aggravation of contradictions between the shadow economic structures operating in the territory of both republics. The struggle for markets and sources of raw materials and cheap labor facilitated initiation of the conflict, which eventually acquired the nature of an open warfare between these two state and national formations. The hidden confrontation was transferred from the economic sphere into political, and that, irrespectively of heavy casualties and material damage, was used by shadow economic structures to cater their economic and other interests.

The February 1990 Tajikistani events demonstrate that the organized criminal groups associate with the inspiring of serious disorders and other social disturbances accompanied not only by massacre and fires but also by the riots against population of another nationality. So, the criminal investigation on organizers and activists of the 1990 massive riots in Dushanbe revealed that the criminal communities' leaders had played an active role in plotting the seizure of power in the republic and declaring an Islamic state in its territory. The mass riots' organizers pre-designed assaults upon the non-indigenous population of the republic.

The similar events occurred in Tajikistan in spring 1992. By that time the political extremism had made enormous beachheads in the activities of the organized crime in the republic. The blockade of the Tajikistan Supreme Soviet building, taking the people's deputies hostages, and other violent anti-constitutional acts had become widely used practices of the organized criminal communities on the territory of the republic.

The violence towards other nationals took place in the course of the well-known events in Osh, Fergana, and Alma-Aty where the organized criminal communities were the most active in inspiring and further expanding the anti-constitutional acts.

In today's Russia the organized political extremism in the sphere of international relations has manifested itself at the outmost in Chechnya.

In the conditions of aggravated crisis which has seized political, economic and social relations in the Russian Federation and other CIS member-states the organized crime is further expanding. Its development is mainly influenced by the conditions facilitating illegal ways of gaining maximum profits, enrichment due to unbalanced distribution of the national income and loss of the state control over the governmental and public structures. In Russia, as in other countries, as the financial and material potential grows, the organized crime leaders and activists objectively tend to exercise pressure on the state powers and law enforcement. They develop not only tactics but also a certain criminal strategy of such pressure and ways of ensuring their own security while committing large-scale criminal acts. First, the purely self-security measures prevail. Further, as the riches accumulate, the organized crime more visibly shows the trend of infiltrating into the state powers. Now it designs not only its own security measures regarding the criminal acts and their performers but also the ways of producing pressure on the state powers, including violence, to have the managerial decisions in the area of economic policy or on other

social and political issues made for its benefits. In fact, the organized crime, being interested in destabilizing the state power, disrupting operative, investigation and judicial activities, ever-increasingly tends to conspiracy measures combined with the use of force to combat the state powers and authorities, to the methods of terror towards certain social groups and society as a whole. It seeks to low down efficiency and effectiveness of law enforcement and to make the society inactive. The above said leads to the conclusion that *the organized crime, in its nature and internal development logic, objectively creates the prerequisites for motivating the terrorism*. At the same time the terrorism influences the organized crime. It initiates the organized crime development, broadens the capabilities of mafia-like communities in achieving their political and economic goals. Therefore, in the contemporary conditions one may speak about the ongoing processes of interlinking and interacting of the organized crime and terrorism and of the motivating influence of the former on the latter.

The terrorism provides for expanding of the organized crime capabilities. On the one hand, it is used to suppress the society's activity, to overcome counteraction of the state powers and law enforcement. On the other hand, the organized crime itself has the feedback from the terrorism which adrenilize its development. To a certain degree, the terrorism parasitizes the organized crime. A part of terrorist formations is within the "operating range" of criminal communities. The terrorist formations, while executing orders of the organized crime leaders, create by their actions the favorable conditions for mafia-like organizations to achieve their political and economic goals.

Thus, the following should be taken into account while considering the organized crime motivations. Firstly, the organized crime leaders and players are interested in expansion of terrorism as an accompanying social phenomenon. Secondly, the organized crime, while building the own security system, in fact, presupposes the existence of terrorist formations as its element. These formations' acts not only destabilize the situation but also help to achieve concrete criminal goals, to gain profits, etc. They also evoke uncertainty in the society, paralyze its response and, by this, create favorable environs for development of the terrorism proper. Thirdly, the organized crime leaders under an ideological shade take the line of organizing campaigns and seditious acts against the state powers and law enforcement so as to disable them. By their acts and demagoguery they seek to create a state of impunity instigating by this the terrorism-inclined extremist organizations to commit acts of violence.

When analyzing this phenomenon, one should note the close interlink and interaction of terrorism and banditry as a marginal form of the criminal violence. On the one hand, the terrorism is inevitably linked with banditry even if the performers of terrorist acts do not want it. Under certain circumstances the leaders of political terrorist formations try to employ criminal violence and bandit terror to create the situation favorable for terrorist organizations in a region depending on the set goals. On the other hand, banditry produces socio-political and psychological influence on the society. The organized crime seeks to expand its influence within the society and suppress the social activity of the public. To this end, it builds up terror, uses blackmail and many forms of intimidation and reprisal to create an unfavorable moral and psychological climate in the society. The public, seeing inability of the power to protect them from criminal violence, treats it negatively in political terms. They criticize not only the crime countering policy and inefficiency of the law enforcement. They criticize the political regime as a whole. The population doubts the mere possibility and expediency of the democracy.

The trend of merging terrorism and banditry is more distinct at the level of the terrorist acts' performers. Leaders of criminal formations seek to build militant groups comprising such individuals, the groups which are mainly replenished by criminals.

The terrorism, whatever shade it has, whatever ideology it covers with, whatever political standing it pursues, must be considered as a criminal phenomenon, the subject to a thorough criminological analysis to find out causes and conditions of crimes, to survey personalities of the terrorist acts' doers, motivations of their instigators and players. It is important to study the social basis of terrorism in a country, social groups and strata which produce criminal terrorism leaders and organizers, as well as the stratum of individuals who are tending to radicalism in politics and extremist, terrorist methods of political struggle. As it is demonstrated by practice, criminals are the main combat force of the organized crime as regards the acts of terror provoked by the latter. While studying the criminal processes, presently, the approach of the 1980s prevails, which proceeds from the fact that the criminal world, its leaders are far from politics and instigated only by vested interests and inclination to violent criminal acts that is due to "stick-in-the-mud" mind. The analysis of available facts, however, demonstrates that the social criticism of the contemporary system of the rule and management influences the building up the readiness to commit violent acts without an ultimate goal within the criminal and anti-social stratum (hooligans, wasters, etc.). They are just "waiting in the wings" when they will be able to rob, rape, "settle scores" with the power and law enforcement without punishment (when counting on the "mob effect"). What is forming is a complex trend of politicization of the crime linked with actions of stealthy forces seeking the power and finding support in the criminal, lumpenized elements like the "mob resource" when crowds are ready to "attack" the system. Thus, the organized crime has sound resources for acts of terror, the resources that can be put in the game, if it is in the interests of the organized crime.

The organized crime and terrorism inter-linkage and interaction are also influenced by a trend of those phenomena to become world-wide. The development of international connections of the organized crime goes in parallel with internationalization of the terrorism. Presently, there are the "international organized crime" and the "international terrorism". International criminal syndicates pursue the goals of getting enormous profits and employ international terrorist organizations to this end. At the same time, the international terrorist organizations use for their purposes the positions the organized crime has within the powers and law enforcement. The organized crime, by providing for such support, creates the prerequisites for the terrorist groups to realize their tasks; that, in its turn, creates the prerequisites for motivating the terrorism.

Presently, the drug industry has become an acute problem. The vast feed potential of Asia and Latin America supplemented with the synthetic drugs productions facilitates transformation of the drugs industry into one of the most profitable types of the organized crime, which today has several features allowing for producing influence on the terrorist activities. These features are:

- world-wide spread of drugs industry, persistence of criminal groups, interregional connections;
- large finance, firearms, means of transport;
- readiness to finance destabilizing activities against "unwanted regimes".

The VIII UN congress on crime prevention and treatment of criminals stressed, in the context of countering the drugs trade, that under some circumstances there could be an interaction between the organized crime and terrorist groups. In some regions the close cooperation between large criminal organizations and terrorist groups has lead to illegal trafficking of drugs. In the past the criminal drugs traders considered successes of law enforcement in fighting them as "costs of production" accepting the losses in the fear of more active reprisals on the part of the governmental authorities. However, when countries adopted more severe legislation and law enforcement measures, the most important channels for drugs related products and services were

ruined. Then the criminal organizations became more active in protecting their “areals” using techniques and methods of violence.

Therefore, the emergence of the drugs terrorism phenomenon was mainly conditioned by the wish of drugs traders to use the existing extremist structures, the combat power and training system of terrorist groups to protect their economic interests. The extremist structures, in their turn, were interested in the offered large funds and new opportunities for financing and gaining profits from the activity, which had not been attractive financially before. The organizations involved in the illicit drugs trafficking often use terror to compel the state powers, justice, law enforcement and military authorities, to keep them away from tracking down, detaining, imprisoning or giving away their members.

The ever-increasing use of violence by drugs producers and traders in response to the measures to establish control over drugs spreading, as well as the drugs trade to acquire armaments and finance terrorists, create a serious threat to national security, constitutional stability of states and welfare of their peoples. This should be added with a possibility of involvement of foreign terrorist organizations in protecting the interests of international drug industries, which annual profits from drug production and distribution exceeds 0.5 trillion US dollars. This prognostic conclusion is becoming proven by facts.

Considering the mechanism of motivation of the terrorism by the organized crime it is important to note the dependence of the organized terrorist formations upon the nature of their interrelations with the organized crime.

In this context one can distinguish between two types of the organizational structures of terrorist formations interconnected with the organized crime. The first type includes the terrorist structures which exist independently and are motivated by the organized crime through material, financial, ideological and other means, but which themselves are not a part of the mafia-like formations though being controlled by the latter. The other type is the terrorist formations, which are directly subordinate to the mafia-like groups and fulfill their direct orders.

While studying the mechanism of interaction between criminal formations and describing them, one should consider the two types of such interactions depending on the scale of activities of these formations. The first functions at the macro-level and includes corporate criminal formations which spheres of activity and influence cover Russia, its large regions as well as territories of the CIS countries. They are in the direct interaction and interrelation with international mafia structures. The second type functions at the micro-level within the frames of separate organizations controlling their subordinate structures. Their interests are limited by one type of criminal activity and certain small-size territories. Such considerations of the interconnection of the organized crime and terrorism are important for effective countering the organized crime’s motivation of terrorism.

Therefore, the study of the issue of politicization of the organized crime allows to outline a number of features in the actions of its organizational structures, which converge it with terrorism. Not all particular formations incorporated into the structure of the organized crime channel their efforts to achieve political goals. Generally, these activities are pursued by large organized communities; their leaders, though unseen, have enormous criminal staff. The fact should not be ignored, however, that structurally small criminal groups may be subordinate to larger ones, be a part of the organized criminal communities’ system, and follow any their directives and fulfill their tasks.

The following features pertain to the organized crime activities in the field of political relations:

1. Active use of terror and other forms of political extremism. Their use by the criminal system indicates the commitment of the organized crime to achieve political goals, readiness for extreme measures to this end. Such stand in the organized criminal communities' activities speaks about an increased hazard they pose to the society, the real danger to safety of a person, public and state.
2. The organized crime becomes larger, interregional and international, in scale. Such ties and contacts include joint criminal acts and operations, financial and material assistance, exchange of information and criminal expertise.
3. The organized criminal structures include combat units and groups capable of extremist actions including those of terrorist nature. The criminal practices list the cases where the militants from criminal groups were sent abroad to commit acts of terrorism and other extremist acts.
4. Often enterprises and companies with joint and foreign capital play the role of mediators to support deliveries of large batches of firearms and munitions to a state's territory. This points to the fact that international centers armed with extremism attach great significance to such deliveries. Moreover, they consider such deliveries as a possibility of improving their financial and material foundation rather than achieving their political goals.
5. The activities of organized criminal communities more often feature the wish to influence (sometimes simply through acquiring or establishing control) the mass media to dictate their values and ideas to the society. It seems that one cannot exclude the organized crime influence on TV shows and publications which are flooded with a cult of violence and brutality. The making heroes out of physically strong and cruel people who ignore the law and morals produces impacts that lead to the loss of spiritual things and moral qualities by the society. This facilitates widening of the social foundation of the crime including the organized one, and increasing the number of unlawful acts⁶³. In addition, such acts of the criminal groups can represent the psychological terror campaigns.

At the level of national legislation the struggle with the organized crime, banditry and other related offences has been carried out for a rather long time. The international law is a different sphere. Though it has been noted above that the issue received attention even in the addresses of the UN Secretary General, until recently the serious work has not been done to resolve it at the international level. The situation has drastically changed when the international drug industry and international criminal organizations factually emerged on the arena. As a result the struggle with the transnational organized crime, while being the continuation of countering terrorism and illegal drug trafficking has found its place on the international agenda.

Recently, the cooperation in this area has been actively developing. Considering the fact that the standing international criminal court will shortly start functioning, one may speak of the international criminal justice being formed.

The cooperation between states to combat the transnational organized crime can be conditionally divided into the areas three of which are the questions of the present interest:

⁶³ When noting this circumstance, the general system of ideas and practices of the organized crime should not be underestimated. In terms of its significance it equals to the activities of the criminal communities directed to gain, for example, positions within the state powers. The public conscience already has a strong opinion that the mass media represent the "fourth power". Its use in the interests of the organized crime foster the building in the public conscience the spirit of law nihilism, anti-societal values and ideas, the reducing the social security immunity.

1. establishing by the states of the more rigid control over financial flows including the struggle with corruption and criminal profit laundering (this includes the struggle with financing of terrorism in terms of the mechanisms being employed);
2. countering various types of illicit trafficking including that of firearms, people and drugs;
3. prevention and countering the crimes in the area of high technologies including cybercrimes.

The distinct feature of all listed crime categories is their transboundary nature.

At the same time the borders established by the states – political, administrative, customs', tariff, jurisdiction constraints, etc. – are the obstacles for the law enforcement agencies, which are to counter the transboundary crime, rather than for criminals.

The powerful impetus to establishing interaction in the area of countering the transnational organized crime in the multilateral format must be given by the entering into force of the UN Convention against Transnational Organized Crime signed in Palermo on December 12, 2000 and its supplemental Protocol Against the Smuggling of Migrants by Land, Sea and Air (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001)⁶⁴.

Such actions as the participation in a criminal group, obstruction of justice, and laundering of proceeds of crime are treated as criminal by the Convention. In addition, the Convention contains a detailed description of such key areas of cooperation between the states as the forfeiture of proceeds of crime, extradition of sentenced persons, mutual legal assistance, protection of witnesses and victims. The feature of the Convention and Protocols is that they create a universal and integral legal basis for the practical interaction between the state law enforcement agencies in various field of countering crime. So far, the Convention has been ratified by 28 states (including Canada, Spain, and France), with forty ratifications necessary for it to enter into force.

At present, the anticrime efforts within the frames of the UN are focused on the draft Convention against Corruption, which is expected to be agreed upon and opened for signing even this year. The draft Convention contains a number of provisions important in principle and new for the international community. The most important is the establishing of a general rule according to which the proceeds of crime will be returned to the country of origin. The inclusion of this provision, which is highly debated by diplomats on the UN Special Committee against Corruption, will be of a revolutionary significance for many countries (including Russia) from which the proceeds are transferred for laundering to other countries. Adoption of this provision will require substantial alteration to many national legislations, which today provide for the confiscated proceeds to be turned into the state income.

The anticriminal cooperation of states develops not only through adoption of new international commitments taken on in multilateral agreements but also through getting agreement on higher cooperative standards, harmonization of relevant national procedures and law enforcement practices. Mainly, the issues of relevance are worked through at the level of the UN General

⁶⁴ In the Russian language the term “human trade” is strongly used to define the illegal trafficking in human beings. This Russian expression does accurately translate the English notion “trafficking in human beings”. The problem is not in the trading proper when people are sold and bought as it goes from the Russian term but in the fact that they are smuggled across the state border (borders). Regretfully, this creates serious difficulties in terms of application of our internal legislation since the Criminal Code contains the article prohibiting slave trading.

Assembly, the Economic and Social Council of the UN, and primarily, through its subsidiary Commission on Crime Prevention and Criminal Justice. The work of these bodies is supported by the Vienna-based UN Centre for International Crime Prevention of the UN Secretariat units.

The work on convergence of national legislations is also underway at the regional level. Europe discusses the issue of creating a common judicial space. The Council of Europe plays a special role in this process being the frames where a number of working bodies act to counter crime. The cooperative mechanisms created in the EC (including EUROPOL, EUROJUST and the European Arrest Warrant) represent an advanced level of interaction of states countering crime and can serve a model for other European states and sub-regional formations including NIS. The organizational forms of antiriminal cooperation developed in the EC are at the outmost meet the requirements of the common judicial space and allow to by-pass a number of formal legal obstacles in the way of enhancing such interaction. In particular, the European Arrest Warrant in essence provides for by-passing such traditionally huge procedure as extradition of sentenced persons and relieves the problem of adoption by the states of the court rulings made by other states.

Russia is a party to the CE conventions signed in the antiriminal area: the European Convention on Mutual Assistance in Criminal Matters (1959) and the European Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime (1990).

The main documents that regulate interaction of the CIS member-states in countering transnational organized crime are the Convention of Legal Assistance and Judicial Relations on Civil, Family and Criminal Matters (1997), the Concept of Interaction of the Commonwealth Member-States in Countering Crime (1999), and the International Program of Joint Measures for Countering Crime for 2003-2004. Majorly, the cooperation is based on interagency agreements in different areas of law enforcement, border guarding, customs', and intelligence.

Recently, the capabilities of the Coordinating Bureau for Countering Organized Crime and other Dangerous Crimes (CBCOC CIS) and international bureaus of Interpol have been used on a broader scale. In March 2002 the information assistance protocol was signed between the Antiterrorist Center and CBCOC CIS that significantly improved effectiveness of the joint work of these agencies.

Proceeding from the trends outlined above, one can be certain in forecasting the development and deepening of international relations in countering the transnational crime and, correspondingly, an increase in number of the agreements to be concluded.

Chapter 4. RUSSIA'S LEGAL BASIS FOR COUNTERING TERRORISM

In Russia in the 1990s the terrorism started transforming from a combination of separate, rare and practically unique manifestations of violent offences into a systematic and large-scale threat to security of the state and society. Before that the Soviet Union had had an effective legislation which provided for sufficiently strict measures to fight politically or socially motivated crimes. In this regard, the potential subjects of possible terrorist manifestations (nationalistically inclined individuals, clerics, members of extremist groups plotting the forceful change of the existed regime, etc.), even at the stage of designing antisocial and, moreover, unlawful acts, ever often were coming into view of the security authorities. They were subjected to overt and latent punishment to correct their behavior and return them under the shade of law. In addition, the country had an efficient state system of measures to prevent extremist and terrorist manifestations (propaganda of unconstitutional ideas and setting organizations advocating such ideas were subject to the criminal law; the state censorship of publications excluded massive issue and open dissemination of materials containing ideas of national, race or religious exceptionalism; the system of permits debarred seriously the acquisition of firearms and explosives, etc.). In such conditions, the separate manifestations of terrorism like the blasts in the Moscow's subway system arranged for by the Armenian nationalists in 1977 or the aircraft hijack attempt in Tbilisi airport in 1984 were truly taken as marginal phenomena, which were not characteristic of our country. In this respect the soviet law treated as terrorist crimes only two: a terrorist act and a terrorist act against a foreign national (Articles 66 and 67 of the Criminal Code of the RSFSR, correspondingly).

However, by the beginning of the 1990s the situation changed crucially. In the outbreak of so-called democratic reforms in the country the active destructive processes started on a wide scale to objectively create exclusively favorable conditions for the growth of crime, extremism and terrorism: economic crisis; aggravation of inter-national relations; separatist moods; devaluation and disappearance of such notions as patriotism, public spirit, sense of duty, internationalism, which previously had played the role of ideological cramps of the society. Unsanctioned meetings, rallies and demonstrations were becoming of more and more antisocial nature, violating the law, growing into mass riots, ethnic and socially motivated pogroms. The state power did not respond to them as promptly and adequately strict as expected. These destructive processes have resulted in the collapse of the state and, correspondingly, the state law enforcement system. The legislation also did not respond to the situation.

The role the negative socio-political processes played in Russia in the late 1980s – early 1990s to form the terrorogenic factors is exclusively important and turned out to be the decisive one in many respects.

The causes and conditions which in the early 1990s should have been considered as circumstances fostered the spread of terrorism in the Russian Federation should include:

- the collapse of the political structure of society without creating a new effective mechanism of social management;
- economic crises;
- loss of ideology by the society, lumpenicization of the majority of population previously engaged in industry and agriculture;
- national tension often growing into armed conflicts;

- weakening of security measures;
- expansion of illicit trafficking of firearms and other means of violent crimes;
- outgrowth of ordinary and organized crime on the background of high rate of corruption of officials;
- intrusion of political and religious extremism into the social and economic life, on the one hand, and criminalization of the society, on the other.

Since the early 1990s in the Russian Federation the number of crimes of terrorist nature has been continuously growing. For example, if in 1994-1995 in Russia 64 criminal explosions were recorded, in 1996-2001 there were about 600-700 recorded annually. At this, one should note the change in quality of offences committed with the use of explosive device. The ever-increasing number of such offences had all attributes of terrorism rather than that of trivial mobsters' zapping. According to FSB of Russia information, if in 1997 only 16 explosions out of about 600 could be treated as terrorist ones, in 2001, having approximately the same number of explosions, 150 were considered terrorist plots. The same criteria were used to categorize as terrorist 61 crimes out of 155 committed with explosion device only in the first quarter of 2001.

Besides, the trend of growing of social danger and scales of extremely negative and tragic consequences should be noted as regards explosions which have occurred in Russia during recent years. So, in 1997 the explosions' death toll was 153 people, in 1998 – 163, in 1999 – 506, in 2000 – 207 persons perished and hundreds were injured.

Already in the mid-1990s the legislator had to respond to the increasing threat of terrorism in the country and broaden the range of crimes attributed to the terrorist deeds. The Federal law # 10-FZ of July 1, 1994 introduced Article 2133 "Terrorism" into the Criminal Code of the RSFSR. Commencing this moment this definition has acquired the legal standing. The article defines terrorism as "committing for the purpose of disruption of public security or influencing the decision-making by the state authorities an explosion, setting fire or other acts posing the danger of human losses, significant material damage and other serious consequences".

Starting from January 1, 1997 the Criminal Code of the Russian Federation came into effect. It contains a legal niche for terrorism in Article 205 of Chapter 24 (crimes against public security) of Section IX (crimes against public security and public order).

Many Russian men of law and practical jurists are of one accord that the above definition does not adequately reflect the substance and content of the terrorism proper. In fact, the goal of terrorist activities (i.e. the individuals who commit acts of terrorism) may be not only influence the governmental decision-making. In the broader context the terrorism is "a way of controlling the society through preventive intimidation"⁶⁵. In this regard the goal of terrorist activity subjects may be to influence the people who have nothing to do with the state powers: social strata and groups; categories of citizens screened out by nationality, race, political standing, property, religion or other reason; lastly, all population.

However, such approach is also debated: "controlling the society" is the clear cut politics, i.e. by influencing it means to seek "to influence the decision-making".

⁶⁵ Odesski M.P., Feldman D.M. Poetics of Terror and New Administrative Mentality. M., Russian State Humanitarian University, 1997, p. 19.

Some experts believe incorrect the mere wording of definition of “terrorism”⁶⁶ given in Article 205, which is interpreted as “committing an explosion, setting fire or other acts posing the danger of human losses, significant material damage and other serious consequences for the public, if these acts have been committed for the purpose of disruption of public security or influencing the decision-making by the state authorities, as well as a threat of committing such acts for the said purposes”.

Also, it is doubtful to attribute intimidation of the public to the terrorist goals. In fact, intimidation is an important, substantive element of terrorism and in this respect Article 205 of the Criminal Code of the Russian Federation (CC RF) stands out from Article 213³ of the Criminal Code of the RSFSR where this element was missing. This element, however, serves as a tool to achieve terrorist purposes rather than its ultimate goal.

The criminal liability for crimes of the terrorist nature (besides Article 205 on terrorism the CC RF was introduced with Article 206 on taking hostage, Article 207 on deliberately false report on a terrorist act, Article 277 on an offence against life of a governmental official or public leader, Article 360 on assaults upon persons or agencies being under international protection) still did not solve the issue of countering terrorism as an extremely dangerous socio-political phenomenon. The necessity to solve this issue at the state level through the development of an adequate system of counterterrorist measures was realized as back as the early 1990s by the security and law enforcement agencies whose officers more often faced directly the manifestations of terrorism. As a result, in the late 1996 a working group on drafting the Federal Law “On Countering Terrorism” was set up and started functioning within the State Duma Committee on Security of the Federal Assembly of the Russian Federation. In spite of the small size of the group the resulted law is the end product of work done by dozens of students, experts, specialists and officials from different ministries and agencies directly or indirectly associating with problems of terrorism. In addition to what had been available in terms of antiterrorist regulations to FSB, MVD and General Prosecutor’s Office of RF, the proceedings of topical conferences were used and the foreign law making experience in this area was thoroughly studied and analyzed. So, the working group members had in their disposal the legislation of other countries (including the above said laws) which regulates issues related to countering terrorism in the Great Britain, Israel, Spain, Italy, Peru, the USA, Turkey, and FRG. The work on the legislation found understanding and support with nearly all deputies irrespectively of political creed of individual fractions and groups.

By the first hearing held on September 10, 1997, the terrorism was defined by the drafters as a socio-political phenomenon that is “the unlawful violence or a threat of violence towards physical persons or organizations as well as destruction (damage) or a threat of destruction (damage) of property and other material objects being committed to disrupt public security, international law and order or established routine of management through compelling the state authorities to adopt the decisions lucrative for terrorists”. Thus, the authors departed from the narrow juridical interpretation of terrorism. This was absolutely justified because the target was not a criminal legislation, but a federal law being designed to establish a system of measures to combat terrorism as a dangerous socio-political phenomenon. It was the quoted wording of the definition of terrorism that was adopted by deputies when the bill was read for the first time.

During the discussion that followed the legal subjects of the bill submitted a great number of similar comments⁶⁷ where the drafters were strongly recommended to bring the notion of terrorism in consistency with Article 205 of the CC RF. In particular, such comments were in the

⁶⁶ As Noam Chomsky points out in his book “9-11”, one of the students counted 109 definitions of terrorism existing in the world.

⁶⁷ In total over 300 comments and proposals were received after the bill was read for the first time.

letters of the President of the Russian Federation and the Government of the Russian Federation. Regretfully, this position was taken under pressure of the authoritative reviews. As a result, the notion of “terrorism” was narrowed down to a list of the criminalized acts in the criminal law as corresponded to Articles 205, 207, 277 and 360 of the Criminal Code of the Russian Federation. This could not but narrow in the legislation the sphere of the preventive function on the part of the state as regards countering terrorism, because, on the one hand, the focus of this function was formally shifted to the crimes of terrorist nature which prevention and termination is the responsibility of security and law enforcement agencies. On the other hand, the antiterrorist activity subjects could not handle many of the circumstances and processes which act as determining factors for terrorism and which to be managed should be covered by an especially built and used national system of measures that includes, among legal and special measure, the ones of economic, ideological, social and other nature.

One more serious deficiency should not be omitted, which occurred to the bill after it had been adopted by the State Duma on September 10, 1997 after the first reading. It deals with the status of the Interagency Antiterrorist Commission of the Russian Federation established in accordance with the Directive # 45 of the Government of the Russian Federation of January 16, 1997. At that time the Director of FSB of Russia was designated as the head of the said commission. In other countries, generally, the counterterrorist activities are carried out under the auspices of the supreme executive power. This is especially topical in the conditions of Russia. In this regard, while drafting the law “On Countering Terrorism” its authors in the article “The Interagency Antiterrorist Commission of the Russian Federation” defined that this commission is to report to the Government of the Russian Federation and the Deputy Chairman of the Government was to head the commission. In addition, the bill provided for setting up corresponding interagency antiterrorist commissions in the Russia’s federal subjects (or regional for several subjects). Therefore, it was planned to set up a national scheme of countering the terrorist threat with the top-to-bottom controls. This proposal, however, was also adjusted under the pressure from the presidential side and acquired the following “rubber” wording, “To coordinate activities of the subjects countering terrorism, the antiterrorist commissions on the federal and regional levels can be established by decisions of the President of the Russian Federation and the Government of the Russian Federation”⁶⁸.

Eventually, this deficiency of the bill was eliminated by the Directive # 1302 of the Government of the Russian Federation of November 6, 1998 with the Chairman of the Government being determined as the Head of the Interagency Antiterrorist Commission of the Russian Federation.

Therefore, the Federal Law “On Countering Terrorism”, which entered into force on August 4, 1998, cannot be considered a perfect document. However, it helped to relieve a number of problems previously existed in the area of antiterrorist activities. So, the legislation increases the legal and social degree of protection of persons directly involved in counterterrorist operations that is at the outmost important for the law enforcement operative officers. The legislation presents a system of notions associated with the area of countering terrorism and introduces basic terms.

The Federal Law “On Countering Terrorism” outlines the subjects charged with the responsibility of countering terrorism. Article 6 lists six such subjects: the Federal Security Service (FSB), the Ministry of Interior (MVD), the Foreign Intelligence Service (SVR), the Federal Agency of Protection Service (FSO), the Ministry of Defense (MO), and the Federal Frontier Service of Russia (FPS). In fact, their jurisdiction as regards antiterrorist activities is defined in very generic terms. For instance, paragraphs 2 and 3 of Article 7 of the Law state that

⁶⁸ Comments to the draft Federal Law “On Countering Terrorism” by the President of the Russian Federation. O/G # Pr-1705 of October 18, 1997.

prevention, detection and termination of crimes of the terrorist nature pursuing political goals is the jurisdiction of FSB of Russia and the countering crimes pursuing sordid motives is the jurisdiction of MVD of Russia. The legislation, however, does not provide for definitions of and clear distinction between the political and sordid motives.

The legislation establishes that, besides the subjects directly involved in the antiterrorist activities, the Government of the Russian Federation determines a list of other executive bodies which within their jurisdiction are involved in prevention, detection and termination of the terrorist activities.

The identifying of specific ministries and agencies in the legislation as subjects of countering terrorism is very important and far from pure formality. During the hearing the heads of some of the listed institutions tried to avoid the direct participation in countering terrorism referring to the previous federal laws where they had not been directly charged with solving such problems. If a law-maker were guided by such attitude, he would have placed the responsibility for countering terrorism in the Russian Federation only on two agencies – FSB of Russia and MVD of Russia since the task of countering terrorism in these or other forms had been their responsibility only before the draft Federal Law “On Countering Terrorism” was developed (in the Federal Laws # 40-FZ “On the Federal Security Service in the Russian Federation” of April 3, 1995 and # 27-FZ “On the Internal Troops of the Ministry of Interior of the Russian Federation” of February 6, 1997, as well as in the Presidential Decree # 1039 “On Approval of the Provisions on the Ministry of Interior of the Russian Federation” of July 18, 1996). The drafters of the Federal Law “On Countering Terrorism” proceeded from the fact that the new legislation could be capable of changing or broadening functions of ministries and agencies and the list of tasks they were charged with in accordance with the previous legal acts.

Further on, the Federal Law “On Countering Terrorism” introduces serious constraints on concessions to terrorists which are possible on the part of officials negotiating with the criminals for the sake of live of people. Only the persons especially authorized by the head of staff of the counterterrorist operation are permitted to negotiate with the terrorists should such negotiations deem expedient. In pursuing so, the transfer to terrorists of any persons, firearms and other means or items which use can pose a threat to life and health of people, as well as fulfillment of the terrorists’ political demands should not be considered as a condition of seizure by the terrorists of their criminal acts.

Lastly, the legislation makes an attempt to escape the traditional approach, which has been in use in our country during the recent years. That is to reduce the countering terrorism down to termination of acts of terror, though the mere definition of the terrorism given in Article 3 of the Law, as it was indicated above, is not correct in this sense. However, Article 2 of the Law (“Main Principles of Countering Terrorism”) following the principle of legitimacy declares the principle of priority of the terrorism prevention measures. Other provisions of the Law also direct to the necessity of preventive measures in countering terrorism, the measures which are to detect and eliminate the causes and conditions facilitating implementation of terrorist encroachments as well as to obtain timely preventive information on preparation of such acts.

It should be noted that the Law “On Countering Terrorism” does not outline new forms of terrorism, while disclaiming in Article 3 in the definition of notion “a terrorist act” that it can be carried out with the use a nuclear explosive device, radioactive, chemical, and biological and other device and substances. As a result, the Law does not determine the features of combating these forms of terrorism. Correspondingly, there is nothing said about other forms of contemporary terrorism and ways of countering them. The methods described (counterterrorist operations and the like) are applicable only to the old-time terrorist activities. On the other hand, attributing the financing of terrorist organizations and other support to them to the terrorist

activities, the Law does not elaborate on this area and translates all practical work as regards the sponsorship of terrorism into the jurisdiction of the criminal law.

In the early 1999, a draft Federal Program for Strengthening Counterterrorist Activities was developed in accordance with the Decree of the President of the Russian Federation and under the auspices of the Security Council. After review and concurrence with all relevant agencies the document was shelved in the Ministry of Economy and the Ministry of Finance due to a simple reason of lacking funds. As a result, only separate fragments of the draft were incorporated in the Federal Countercrime Program. It should be noted that the section devoted to antiterrorist preventive measures was the most representative among the five sections of the draft program. The preventive measures, among other, included the measures of active countering the dissemination of extremist and terrorist ideology. It seems that the lack of these measures played an extremely negative role in countering the chauvinistic social practices of the fundamentalist vakhhabites and Chechen separatists in August 1999 when they escalated Russia into a new military conflict in the Northern Caucasus.

Chapter 5. INTERNATIONAL RELATIONS AND MEGATERRORISM

In the early 1990s the growth of terrorist manifestations in number and scale at the international level caused concerns of the world society. This issue was addressed by the 49th Session of the UN General Assembly. On December 9, 1994 the General Assembly adopted the Declaration on Elimination of the International Terrorism. The document calls for all world nations to unequivocally condemn all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whoever committed, including those which jeopardize the friendly relations among states and peoples and threaten the territorial integrity and security of states.

The Declaration states the commitments of the UN member-states to refrain organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts.

The states are urged to take effective and resolute measures for the speedy and final elimination of international terrorism, in particular:

- (a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other states or their citizens;
- (b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;
- (c) To endeavor to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;
- (d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

- (e) To take promptly all steps necessary to implement the existing international conventions on this subject;
- (f) To enhance their cooperation in this area through, in particular, systematizing the exchange of information, mutual judicial assistance, and extradition on a bilateral, regional and multilateral basis.

The Declaration also encourages the states to review urgently the scope of the existing international legal provisions, ensure that there is a comprehensive legal framework covering all aspects of the matter.

In the Declaration the states that have not yet done so are urged to consider, as a matter of priority, becoming parties to the international conventions and protocols relating to various aspects of international terrorism.

Analysis of materials comprising the legal basis of organizing and practical combating terrorism at the international level demonstrates the following. The national legislation of certain countries clearly defines what acts are the terrorist acts according to their objective and subjective components. It turned out to be different at the international level, since the international players had quite different points of view in some cases. This regards, for example, such issues as the attitude to the national liberation struggle, guerilla movements against an aggressor, etc. It has not been decided upon whether consider it the terrorism or a legitimate right of the oppressed or assaulted countries and peoples.

Evidently, this was the cause for the first international documents applied were adopted proceeding from the commonly understood notions like killings of legitimate power officials, hijacking of aircraft and taking their passengers hostages, supply of terrorists with the means of terrorist acts⁶⁹.

Over the years the international community should have accumulated a good experience in theoretical categorizing terrorist crimes, however, the issue has not been resolved so far. The Committee on International Terrorism set up by the International Law Association during a decade was discussing possible approaches to giving a definition of this notion but did not come to a particular conclusion. In 1984 the Committee preferred to come back to the pragmatic method and proceed from the already applicable norms of the international law.

⁶⁹ In particular, the first internationally agreed definition of terrorism was provided for in 1937 by the League of Nations in the Convention for the Prevention and Punishment of Terrorism:

"All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public.

The terrorist acts shall mean:

1. An offence against life or security or health or liberty of a Head of State, persons enjoying prerogatives of a Head of State, their successors, hereditary or designated, spouses of the said persons, and persons performing the state functions or duties when an offence was committed because of performing by them these functions and duties.
2. Destruction or causing damage to the government property or property used for government purposes.
3. An act which may endanger life of people due to fear before the common threat and, in particular, seizure of airplanes, taking of hostages and all other violent acts regarding the persons enjoying international protection or diplomatic immunity.
4. Manufacture, acquisition, use, supply of armaments, munitions, explosives or dangerous materials with the purpose to commit a terrorist act".

The Convention does not mention, in particular, whether the general definition of terrorist acts covers the criminal acts directed against opponents to the political regime residing on the territory of other state or against political leaders deprived of power by unconstitutional methods and found asylum on the territory of other state. The definition of a terrorist act as "a criminal act directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public" irrespectively of their motivation, evidently, is broadening in nature and can be used inappropriately.

The modern system of multilateral cooperation on countering terrorism has formed mainly over four recent decades. Its basis is comprised by 12 universal conventions and protocols related to the countering various manifestations of terrorism in air, sea and land, which have been developed and adopted by the UN:

1. Convention on Offences and Certain Other Acts Committed On Board Aircraft, Tokyo, September 4, 1963
2. Convention for the Suppression of Unlawful Seizure of Aircraft, the Hague, December 16, 1970
3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal, September 23, 1971
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents, New York, December 14, 1973
5. International Convention Against the Taking of Hostages, New York, December 17, 1979
6. Convention on the Physical Protection of Nuclear Material, Vienna, March 3, 1980
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, February 24, 1988
8. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Rome, March 10, 1988
9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, Rome, March 10, 1988
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal, March 1, 1991
11. International Convention for the Suppression of Terrorist Bombing, New York, December 16, 1997
12. International Convention for the Suppression of the Financing of Terrorism, New York, December 9, 1999

The first step to create a universal legal basis for the international antiterrorist cooperation was the development in the framework of the International Civil Aviation Organization and adoption of the **Tokyo Convention on Offences and Certain Other Acts Committed On Board Aircraft** (1963).

The Convention Articles 1 and 2 determine that the Convention applies in respect of offences against penal law, acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or persons or property wherein or which jeopardize good order and discipline on board and their consequences go beyond the national borders.

According to the Convention provisions, when the aircraft commander “has reasonable grounds to believe that a person has committed or about to commit, on board of the aircraft, an offence or any unlawful act contemplated by the Convention” he may impose upon such a person “reasonable measures including restraint” which are necessary to protect safety of the aircraft or of persons or property therein. According to Article 6 of the Convention, the commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person he entitled to restrain. It is not less important that Article 10 of the Convention provides for a mechanism of protection of the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft against being made responsible in any proceedings on account of the treatment undergone by the person against whom “the actions were taken”.

For the first time the Convention committed the states to take all appropriate measures to restore control of the aircraft to its lawful commander when a person on board has unlawfully committed by force of threat thereof, an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight (Article 11).

The Convention states that the contracting states allow to disembark on their territories any person suspected in committing or has committed the offences pursuant by the Convention. In this regard it is stated that the authorities of the state of disembarkation should immediately investigate the case, report on its findings the other states concerned and indicate whether it intends to exercise jurisdiction.

The provisions of the Tokyo Convention were supplemented by the agreements that followed: **the Hague Convention for the Suppression of Unlawful Seizure of Aircraft** (1970) and **the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation** (1971), which to a certain extent develop the cooperation of states in preventing and punishing crimes affecting two or more states.

According to the provisions of **the Hague Convention**, the states undertake to make the offence committed by persons on board of the aircraft (i.e. at any time from the moment when all its external doors are closed following embarkation until the moment when any of such doors is opened for disembarkation) punishable by sever penalties, if such persons commits the following acts considered criminal:

- unlawfully, by force or threat thereof, or by any other form of intimidation, seizes or exercises control of, that aircraft or attempt to perform any such act;
- is an accomplice of a person who performs or attempts to perform any such act commits an offence.

The Convention is not applied when the place of take-off or the place of the actual landing of the aircraft on board which the offence is committed is situated within the territory of one and the same state. The exclusions are the cases when a criminal is on the territory of the state other than the state of registration of that aircraft (Article 3).

The Convention provisions are targeted to ensure the punishment of offenders is inevitable. It is based upon the principle of universal jurisdiction. The contracting states are committed either to extradite or to prosecute offenders.

The provisions that deal with the issues of prevention acts of criminals, information exchange, mutual legal assistance, settlement of disputes as regards application and interpretation of the Convention were eventually laid as the basis for the similar regulations stipulated in other

international agreements on countering terrorism including the convention against taking of hostages and on protection of the diplomatic agents.

The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971) defines as offensive the following acts:

- an act of violence against a person on board an aircraft in flight if this act is likely to endanger the safety of that aircraft;
- destruction of an aircraft in service or damage to such an aircraft so that it renders it incapable of flight or which is likely to endanger its safety in flight;
- placing or causes to be placed on board an aircraft in service a device or substance which is likely to destroy that aircraft or to cause damage to it which is likely to endanger its safety in flight;
- destruction of or a damage to air navigation facilities or interference with their operation, if any of such act is likely to endanger the safety of aircraft in flight;
- communication of information which he knows to be false thereby endangering the safety of an aircraft in flight.

Also an attempt to commit any of the above offences or being an accomplice to them is termed as an offence. The contracting states commit to apply strict measures to punish such offenders.

The Convention provides for inevitability of punishment. To this end it establishes the universal jurisdiction and obliges the contracting state either to extradite the offender or submit him to the competent authorities for prosecution.

Both conventions, while supplementing each other, constitute the international legal basis for the interaction of states to prevent offences against international civil aviation and for inevitability of punishment in case the offence has been committed.

However, the legal foundation of the cooperation in this area had been completed only by 1988 by adoption of **the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation**, which supplemented the Montreal Convention (1971). Therefore, the foundation was completed of the legal international cooperation of different countries as regards the protection of airports against terrorist encroachment. According to the Protocol, the range of issues was expanded that were treated as offensive in the context of the Montreal Convention. In addition to the offences outlined in the Convention, the Protocol states that “any person commits the offence if he unlawfully and intentionally, using any device, substance or weapon:

- performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause severe injury or death;
- destroys or seriously damages the facilities of an airport serving international civil aviation or an aircraft not in service located thereon or disrupts the services of an airport;
- if such act endangers or is likely to endanger safety at that airport.”

The said offences must be subjects to jurisdiction of a Montreal Convention contracting state when an offender is located on its territory and the state does not extradite him.

These documents are called for to provide for the cooperation between different countries in such a way and in form that to ensure safety against terrorist acts of the fastest means of transport used for international communications.

The issues of countering terrorist acts in the sea were addressed in the framework of the International Maritime Organization and through adoption in 1988 of **the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Rome Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**.

The Convention Preamble states that one of the reasons for its adoption is the wide-world escalations of acts of terrorism in all forms which jeopardize safety of persons and property, seriously affect the operation of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation. The world community's concerns with such acts were raised, in particular, by the hijacking in 1961 of the cruise ship Santa Maria with 600 passengers on board in the Caribbean Sea and the Italian liner Achille Lauro in 1985.

The Convention applies to a vessel of any type that is not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft. This Convention, similarly to the convention on civil aviation safety, does not apply to warships or the ships owned or operated by a state when being used as naval auxiliary or for customs or police purposes.

The Convention applies if a ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single state, or the lateral limits of its territorial sea with adjacent states"; its provisions also apply when the offender is found on the territory of other state party.

The parties to the Convention commit to make punishable the following unlawful and intentional acts considered as an offence:

- seizure or exercising control over a ship by force or threat thereof, or any other form of intimidation;
- an act of violence against a person on board a ship if this act is likely to endanger the safe navigation of that ship;
- destruction of a ship or causing damage to a ship which is likely to endanger the safe navigation of that ship;
- placing or causing to be placed on a ship a device or substance which is likely to destroy that ship or cause damage to that ship or its cargo, which endangers or is likely to endanger the safe navigation of that ship;
- destruction or causing a serious damage to maritime navigational facilities or serious interference with their operation, if any of such act is likely to endanger the safe navigation of that ship;
- communication of the information which is known to be false, thereby endangering the safe navigation of that ship;
- causing injury or killing any person in connection with commission or attempted commission of any of the offences set forth above.

The abetting to commit or threatening so to compel a physical or juridical person to do or refrain from doing any act if that threat is likely to endanger the safe navigation of the ship in question are also termed as offences.

The Convention states that its parties are obliged to prosecute offenders irrespective of the place where the act was committed or where the offence suspects have been found who are either to be extradited or prosecuted. The principle “either extradite or prosecute” is supplemented with the mechanism for submitting the offender to the competent authorities of the participating state.

As of the Rome Protocol (1988), it is of facultative nature for the participating states. Its provisions apply to the fixed platforms located on the continental shelf, i.e. to facilities and structures permanently fixed on the sea-bottom for the purposes of survey or exploration of resources as well as for other economic objectives, and to the physical persons present on such platforms when any acts regarding such persons are directed against the safety of a facility.

In 1973 under the auspices of the United Nations **the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents** was developed and adopted. Its Preamble states that offences against such persons jeopardize the maintenance of normal international relations necessary for the cooperation between the states. The Convention attributes to such persons the heads of states, heads of governments, ministers, diplomats, consuls as well as members of their families when they are present on the territory of other state and engaged in issues of international relations and whose status is determined by the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

According to the Convention Article 2, the intentional commission of a murder, kidnapping or other attack upon a person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodation of the means of transport of an internationally protected person likely to endanger his person or liberty; threats to commit any such attack or attempts thereof; an act constituting participation as an accomplice in any such attack must be made a crime. The Convention obliges the states to make “these crimes punishable by appropriate penalties” taking into account their grave nature.

The document established the principle of the universal jurisdiction which presupposes the inevitability of punishment wherever and whoever such crimes were committed.

The main areas of interaction of the states parties to the Convention are:

- the cooperation in prevention of crimes including measures to prevent preparations of commission of those crimes, exchanging information and coordinating respective activities;
- the cooperation in prosecution of offenders on the basis of the principle “either extradite or prosecute”: communicate to all states concerned the information on the alleged criminal location, on the circumstances of the crime committed, and its victims; take the appropriate measures under its internal law so to ensure the presence of the offender on the territory of the state participant for the purpose of prosecution or extradition; submit the case to the competent authorities for the purpose of prosecution;
- the cooperation in the criminal proceeding issues which provides for the broad mutual legal assistance in connection with the criminal proceedings brought in respect of crimes including the supply of all evidence necessary for the proceedings (the information on

the final results of the criminal proceedings is communicated through the UN Secretary General to other states participants);

- the cooperation in settlement of disputes concerning the application or interpretation of this Convention through negotiations as well as providing a possibility to refer to an organization of arbitration or the International Court of Justice.

The International Convention Against the Taking of Hostages (1979) aims at the most dangerous manifestation of terrorism – the taking of hostages. Such offence is taken by the Convention as an act committed by any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (“the hostage”) in order to compel a third party, namely, a state, an international intergovernmental organization, a natural or juridical person, or a group of persons to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage. Also an attempt to commit an act of hostage-taking as well as being accomplice of a person who commits or attempts to commit such act is taken as the said offence.

As compared to other antiterrorist conventions this Convention features the introducing, along with the criteria of jurisdiction as mandatory established by a state participant in connection with an offence (place where offence was committed, nationality of the alleged offender, the direction of the compulsion: to compel a state to commit or refrain from an act), a faculty jurisdiction if an offence was committed against a hostage when the hostage is a national of a given state.

The Convention Article 9 allows for not granting the extradition of the alleged offender if the requested state has substantial grounds for believing that such request “has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality, ethnic origin or political opinion”. Evidently, these provisions to a great degree determined the attitude of many states to their participation in this Convention because the broad justification of causes not to grant extradition is possible and, therefore, the certainty that the principle of inevitability of punishment would work disappears.

Our country joined this Convention only in 1987. In doing so, the statement was made which, in particular, noted that “article 9, paragraph 1, of the Convention should be applied in a manner consistent with the stated aims of the Convention, which include the development of international co-operation in adopting effective measures for the prevention, prosecution and punishment of all acts of hostage-taking as manifestations of international terrorism through, inter alia, the extradition of alleged offenders”.

The threat of use of nuclear weapons or its components by the terrorists presupposed the necessity of development of a number of legal international tools to regulate cooperation between the countries in strengthening the regime of security of such materials and prevention of their getting in the hands of terrorists. **The Convention on the Physical Protection of Nuclear Material** (1980) became one of such tools. This Convention applies mainly to the nuclear material used for peaceful purposes while in international nuclear transport. The scale of the problem becomes clear if one considers that more than a million of radioactive material shipments are carried out in the world annually. In some cases the Convention is applied to the nuclear material used for peaceful purposes while in domestic storage and transport.

The increased danger posed by the nuclear material conditioned the Convention provisions in accordance with which the nuclear material shipments are prohibited if there are no assurances that it is protected at the appropriate level (as established in the addendum to the Convention). The Convention obliges all states parties to identify their central authorities and point of contact having responsibility for the physical protection of nuclear material and for coordinated

countermeasures against unlawful acts in regard to it. In addition, the parties to the Convention take on the obligation to cooperate and assist each other in the recovery and protection of such material to any state that so requests in the event of theft or other unlawful taking of nuclear material or credible threat of such acts. According to the Convention, the means of implementation of such cooperation are to be determined by the parties concerned.

The Convention provides for the states parties will be taking appropriate measures “to protect confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another state party or through participation in an activity carries out for the implementation of this Convention”.

According to Article 7 of the Convention, the following intentionally committed acts are punishable by each state party:

- an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material which causes or is likely to cause death or serious injury to any person or substantial damage to property; a theft or robbery of nuclear material; an embezzlement or fraudulent obtaining of nuclear material; an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- a threat to use nuclear material to cause death or serious injury to any person or substantial property damage, or commit a theft of nuclear material or seize it in order to compel a natural or legal person or international organization or a state to do or to refrain from doing any act;
- being an accomplice to any of the above offences.

The Convention provides for the principle of the universal jurisdiction supplemented by a commitment of a state party to either extradite or prosecute of the offender. Two criteria are determined to mandatory establish a national jurisdiction: the offence is committed in the territory of the state party or on board a ship or aircraft registered in that state; the alleged offender is the national of that state.

Other articles of the Convention are in many respects similar to provisions of the universal international agreements aimed at countering various manifestations of terrorism.

The UN Security Council Resolution 635 (1989) on prevention of the use of plastic explosives for the terrorist purposes was the prologue to concluding **the Convention on the Marking of Plastic Explosives for the Purpose of Detection** (1991). The Convention called for fostering termination of terrorist acts presumably against the international civil aviation, laid the bases of an international regime prescribing to introduce in all explosives commonly known as “plastic explosives” including explosives in flexible or elastic sheet form the special detection agents (as described in Technical Annex to this Convention) to render them detectable.

In particular, the Convention provides for prohibition and prevention of the manufacture on the territories of state parties of unmarked explosives as well as their movement into or out of the state parties’ territories; exercising strict and effective control over the possession and transfer of possession of unmarked explosives, assuring of their destruction or consumption so that it will be in consistency with goals of this Convention. Certain exclusions are made only for the plastic explosives consumed by military and police authorities.

The feature of this Convention is that it is lacking of a criminal prosecution mechanism in combination with other norms facilitating the international monitoring over compliance with its provisions. For example, Article 7 stipulates that the state parties should inform the Council of the International Civil Aviation Organization (ICAO) on measures being taken to implement this Convention.

The International Convention for the Suppression of Terrorist Bombing (1997) takes in as an offence an unlawful and intentional delivery, placing, discharging or detonating an explosive or other lethal device in, into or against a place of public use, a state or governmental facility, a public transportation system or an infrastructure facility with the intent to cause death or a serious bodily injury or to cause extensive destruction of such a place, facility or system where such destruction results in or is likely to result in major economic loss. In the context of the Convention, an attempt to commit any of the said offences and participation as an accomplice to commit them, organization of other persons or commanding them to commit such offences or intentional contribution to the commission of one or more of such acts with the aim of furthering the common criminal activity or purpose or in the knowledge of the intention of the group to commit the offence or offences are also taken in as offence.

The Convention incorporates the mechanism of the universal jurisdiction based on the principle of “either extradite or prosecute”.

Among the features of the Convention one could note the more detailed (as compared with other antiterrorist instruments) list of preventive measures. In particular, they are the steps to prevent relevant terrorist acts including measures to prohibit unlawful activities of persons, groups, and organizations who encourage, instigate, organize intentionally finance or participate in committing offences outlined in the Convention.

To prevent an offence it is provided for exchanging information, a possibility of technology and equipment transfers in accordance with the national legislation, coordination of administrative and other measures. The states take on the obligation to cooperate in research and development of methods of detecting explosive and other dangerous substances which may cause death or injury; in holding consultations on issues related to development of detection agent standards to mark explosives for the purposes of identification of their origin during investigations after bombing.

Apart from other antiterrorist conventions, this Convention states that each state party adopts such measures as may be necessary “to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Convention Article 11 stresses the criminal nature of political offences, in particular “non of the offences set forth in this Convention shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives”.

Article 12 of the Convention, elaborating on the previous article, states that nothing in the Convention may be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested state party has substantial grounds for believing that the request for

extradition for offences set forth in the Convention or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice for that person's position for any of these reasons.

After the UN had developed and adopted the International Convention for the Suppression of Terrorist Bombing, it started working on the draft International Convention for the Suppression of Acts of Nuclear Terrorism. A draft of such instrument initiated by Russia in 1998 was called for to eliminate gaps in the list of measures necessary to prevent the use of nuclear weapons by terrorists, which were not provided for, primarily, by the Convention on the Physical Protection of Nuclear Material (1980) and the International Convention for the Suppression of Terrorist Bombing (1997). The draft is also aimed at encouraging interaction of states over the wide range of issues, first of all, to ensure security of nuclear power plants or any nuclear reactor including nuclear installation on marine vessels, aircraft and spacecraft, and other vehicles. The scope of the future convention includes also threats to commit terrorist acts or attempts to commit them regarding the said facilities as well as being accomplice in organizing of such acts, their committing or attempting to commit.

Recently, however, the activity to develop this instrument and adopt it has been hindered by an assumption that in accordance with Article 4 of the Draft it will not cover the activities of military force of the states. At this, the proponents of incorporation of the military force into the scope of the future Convention do not seem inclined to accept that the similar regime has already been stipulated in the existing antiterrorist conventions, primarily in Article 2 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988), paragraph 2 of Article 3 of the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), and paragraph 2 of Article 19 of the International Convention for the Suppression of Terrorist Bombing (1997).

Another stumbling block was the issue of whether acts of so-called "state sponsored terrorism" would be covered by the Convention and the issue related to introducing in it the provisions on damping regarding radioactive waste. Regretfully, these three factors hinder the completion of such important instrument which is to ensure an effective regime of security of nuclear facilities regarding the terrorist encroachment and which could become a significant element of existing universal antiterrorist conventions.

The International Convention for the Suppression of the Financing of Terrorism (1999) is called for bridging the gap in the existing international legal regime of the antiterrorist cooperation of the states. This Convention is of special significance for Russia since it is aimed at terminating the financing of the terrorist activities in the territory of our country from abroad.

The Convention stipulates the criminal, civil and administrative liability for offences related to the financing of terrorists. It is called for ensuring the inevitability of punishment of offenders basing on a broad range of provisions regulating the mutual legal assistance and extradition. The states parties to the Convention commit to assist each other on a possibly broad scale in the crime investigation as well as provide for legal assistance related to the offence committed within the meaning of this Convention. At this, paragraph 2 of Article 12 stipulates that the states parties may not refuse a request for mutual legal assistance on the ground of bank secrecy. Among the other measures it is stipulated that the parties to the Convention are obliged to develop and adopt such measures which would require financial institutions and other professions involved in financial transactions to utilize the most efficient measures available for the identification of their usual or occasional customers, as well as to pay special attention to unusual or suspicious transactions and report transactions suspected of stemming from a criminal activity.

The states parties must establish and maintain channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of offences within the meaning of this Convention. According to Article 2 such offences are committed when person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:

- (a) an act which constitutes an offence within the scope of and as defined in one of the basic international antiterrorist conventions;
- (b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

Similarly to other antiterrorist conventions, the organization of an offence, participation as an accomplice of an offence, assistance to commit an offence or an attempt to commit it are taken in as an offence. The Convention also stipulates the principle of the inevitability of punishment implemented through the mechanism “either extradite or prosecute” supported also by other elements allowing to establish the regime of the universal jurisdiction regarding offences.

According Article 8, the states parties have to take the appropriate measures “for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing the offences... as well as the proceeds derived from such offences, for purposes of possible forfeiture”.

The states parties also have to take measures for the forfeiture of funds used or allocated for the purpose of committing the offences and consider establishing mechanisms whereby the funds derived from the forfeitures are utilized to compensate the victims of offences or their families.

It is also provided for concluding agreements with other state parties on sharing the funds derived from the forfeitures.

The United Nations, besides the said Russian Draft International Convention for the Suppression of Acts of Nuclear Terrorism, is reviewing the India-initiated **Draft Comprehensive Convention on International Terrorism** submitted in 1996. In spite of the fact the document was initiated long ago, the negotiations in the UN to address it started only in 2000 in the frames of the Working Group of the Sixth Committee of the 55th Session of the UN General Assembly. The Draft contains provisions regulating the issues of liability of states, extradition and taking into custody of persons committed offences of terrorist nature as well as the assistance in conducting criminal investigations of terrorist offences or extradition procedures regarding persons committed terrorist offences. As in case of the Russian draft document, there are three factors hindering the final agreement and adoption of the Indian draft: disagreements regarding a definition of the notion of “terrorism”, the issue of consistency of the Comprehensive Convention on International Terrorism with already applicable antiterrorist instruments, and the disagreements between different groups of states on a distinction between the notions “terrorism”, “right of nations to self-determination”, and “struggle with foreign occupation”. Regretfully, all these disagreements, similarly to the Russian draft, substantially reduce the possibilities of coordinated adequate response by the international community to the terrorist challenges it has to counter nowadays.

The antiterrorist cooperation, primarily between the G8 countries, received a new powerful impetus by the directive by the leaders of these countries contained in their joint statement of September 19, 2001 regarding development of a specific counterterrorist joint action plan.

The first practical step to implement the said directive was the development by the ministers of finance the specific measures to shut down channel of financing the terrorists. In addition to the G8 countries, these efforts are actively supported by the Financial Action Task Force (FATF). Some estimates show that these efforts have resulted in freezing in total about US\$ 116 million; and there are serious grounds in believing that these funds are used to finance terrorist activities.

Another step was the preparing by the experts and adoption at the level of the G8 foreign ministers the Recommendations on Countering terrorism, which represented the standards, principles, best practices, and measures of interaction to be guided by to expand the possibilities of combating terrorism and allow for improving the existing mechanisms, procedures and protection networks of the G8 countries against terrorist threats. The obligation of the G8 member-states and their call for all other states “to conduct outreach, including technical assistance, to other countries”, with a view to building capacity to implement UNSCR 1373, the twelve United Nations counter-terrorism conventions and protocols, the Roma Group counter-terrorism recommendations, and the G8 Recommendations on Transnational Crime contained in the Recommendations (Section 10: Outreach To Non-G8 States) were the principally important aspect. If necessary, the G8 is to develop best practices to facilitate such outreach and cooperate closely on capacity building and outreach with the United Nations Security Council's Counter-Terrorism Committee. This section also stresses the necessity to use the potential of the international organizations and civil society, to increase the awareness of all individuals that any act or threat of terrorism represents a serious crime with appropriate penalties.

The June 2002 Kananaskis Summit initiative called G8 Action Plan on Transport Security developed by the experts has become one more step to implement the directives of the leaders. Considering the critical for the global economy and, at the same time, rather vulnerable nature of the world transport infrastructure, the G8 countries came to the conclusion that the land, sea, and air transportation security should be improved. To this end they developed a set of practical recommendations including the introduction of new, stricter security standards for international and domestic transportation of people by air, land and sea, as well as rigorous operational tests for the airlines in their countries. At the same time, the measures are directed to help the cost-effective and efficient movement of people, goods, including containers, and vehicles. The G8 is to review semi-annually the progress of work on these recommendations to ensure timely implementation of this initiative.

The G8 leaders at the June 2003 Evian Summit made a substantial move on the path of real combating the megaterrorism. The Summit adopted extremely important documents devised not only to counteract terrorism directly but also to prevent the possibility of weapons of mass destruction and radioactive materials getting in the hands of terrorists.

The work completed under the G8 Action Plan “Building International Political Will and Capacity to Combat Terrorism” within the frames of the Statement of September 19, 2001 should be attributed to the first direction. The document evaluates the actual situation with terrorism in the world, determines the strategy and outlines a specific action plan to build up the international capability of combating terrorism. In particular, it determines three main areas of counter-terrorist activities to focus on:

- to deny terrorists the means to commit terrorist acts (to prevent the financing of terrorism);

- to deny terrorists a safe haven and ensure that terrorists are prosecuted and/or extradited including the acceleration of conclusion of counter-terrorism conventions and protocols;
- to overcome vulnerability to terrorism, primarily to enhance domestic security measures.

At this, it is noted that such activity should be seen as complementary to initiatives to strengthen good governance, the rule of law, human rights and judicial reform, and to the analysis of factors which contribute to the emergence of terrorism.

The G8 leaders on behalf of their countries stated their readiness to assist in training experts in main areas facilitating the building of counter-terrorist capabilities of any other countries.

By having designed the main action plan the G8 charged with its implementation the especially set Counter-Terrorism Action Group (CTAG) that means the conversion of intentions into practical steps. In doing so, it is initially planned to have a close interaction of CTAG with the existing counter-terrorist institutions, primarily, the UN SC CTC, international financial institutions and organizations like WTO, ICAO, IMO and the international organizations for coordination and assistance in antiterrorist activities. CTC has already started working.

In the antiterrorist area one should consider important for organization of international legal actions the fact that four other Evian Summit documents directly treat the counteracting terrorism as the counteracting proliferation of weapons of mass destruction and ensurance of secure storage of radioactive materials⁷⁰. In fact, these documents launch the real combat with the international megaterrorism. Besides, they are the evidence that the leading world powers acknowledge that in the today's world it is impossible to divide the processes of proliferation of new armaments as towards the countries striving to regional dominance as towards the terrorist organizations desperate as regards the realization of their political ambitions. These confirms the approaches to non-proliferation and terrorism problems, which are contained in a number of Russia's initiatives implying the equal threat of WMD and other contemporary levers, in particular information weapons, getting to authoritarian regimes or terrorists. These G8 decisions seem to substantially facilitate the work to build the international legal basis to combat both WMD and megaterrorism.

Other joint steps of the G8 countries in the antiterrorist area are a large set of measures developed and approved at the level of leaders of the states. Though it is difficult to express the cost of these activities in numbers (the foreign ministers' report on the progress in antiterrorist activities approved at the Wistler meeting only indicates that the Group of Eight countries have allocated billions of dollars to improve security), it is evident, that if these measures helped to prevent at least one terrorist act, they would cost the effort and resource spent for their development and adoption.

The imposing political and legal potential to combat terrorism has been created also at the regional level. In this context one should mention the Organization of American States Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (1971), the European Convention on the Suppression of Terrorism (1977), the SAARC Regional Convention on Suppression of Terrorism (1987), the Organization of African Unity Convention on the Prevention and Combating of Terrorism (1999), the Convention of the Organization of the Islamic Conference on Combating International Terrorism (1999), the Shanghai Convention on Combating

⁷⁰ - A G8 Declaration. Non-Proliferation of Weapons of Mass Destruction,

- A G8 Statement. Securing Radioactive Sources,
- A G8 Action Plan. Non-Proliferation of Weapons of Mass Destruction. Securing Radioactive Sources,
- A G8 Action Plan. Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

Terrorism, Separatism and Extremism (2001), the Agreement on the Regional Anti-terrorist Structure (RATS) of the Shanghai Cooperation Organization (2002), the Treaty on Cooperation between the CIS Member-States in Combating Terrorism (1999), and the Program on Combating International Terrorism and Other Manifestations of Extremism till 2003.

In June 1999 the CIS states-participants signed the Treaty on Cooperation between the CIS Member-States in Combating Terrorism, which creates a legal basis for interaction of the competent authorities as regards prevention, detection, termination and investigation of acts of terror, and the Program on Combating International Terrorism and Other Manifestations of Extremism till 2003 was developed. The main areas of the Program are:

- joining of the CIS member-states the main international legal instruments on combating international terrorism developed in the framework of the UN, its special agencies, IAEA, and the Council of Europe;
- fulfillment of internal state procedures necessary for the international counterterrorism agreements come into force;
- development of a model legislation on combating international terrorism and harmonization of the national legislation of the CIS member-states in this area;
- joint headquarter and tactical antiterrorist exercises;
- coordinated interagency targeted preventive and special operations to prevent, detect and terminate activities of international terrorist organizations;
- compilation of a database on international terrorist organizations, their leaders, structures and individuals supportive of the international terrorists;
- operative information exchange;
- scientific and practical conferences on issues of combating international terrorism and other manifestations of extremism;
- training of experts and instructors of units involved in combating international terrorism.

The non-standard approach demonstrated by the CIS member-states who adopted in 2000 the relevant decisions to set up the Antiterrorist Center (ATC) cannot but be also noted. ATC is a standing coordinating structure for daily informational and analytical practical interaction of the competent authorities and intelligence of the CIS member-states created it. The main tasks and functions of the Center are:

- development of proposals on combating international terrorism for the CIS member-states;
- compilation of the specialized databank;
- participation in the antiterrorist headquarter and tactical exercises;
- assistance to the CIS member-states in preparing and carrying out investigations and integrated operations as regards combating international terrorism;
- development of patterns of coordinated antiterrorist operations and assistance in their conduct;

- establishing and maintaining working level contacts with international centers and organizations involved in the issues of countering international terrorism.

The CIS Member-States Council of Heads of Security and Intelligence exercises the overall command of ATC.

The potential built-in into this new form of the international cooperation on combating terrorism was appreciated by the states set up the Shanghai Cooperation Organization (SCO). Even before any SCO supporting structures had been created, its members started working on development of a Regional antiterrorist structure with the corresponding agreement signed at the St. Petersburg SCO Summit in June 2002.

The experience in combating terrorism has been accumulated at the bilateral level. In addition to the traditional interaction of the law enforcement agencies and intelligence, recently a new form of joint Working Group activities has been developed. The first of such working groups was created by Russia and the USA. Since August 2000 it has carried out five meetings. The prospects of such integrated interaction of foreign political agencies and intelligence have initiated creation of the similar working groups by Russia and India, China and the Great Britain, and the USA with India and Pakistan.

The past year has convincingly demonstrated that September 11, 2001 was not just a tragic date in the history of mankind. On that day the world entered a new phase of development where a state needs not only predictable international relations to ensure security of its citizens but something of the greater extend. In this context, Foreign Minister of Russia Igor Ivanov addressing the 57th Session of the UN General Assembly meant the “global system of counteraction to contemporary threats and challenges”, the system that “could be deployed to solve the real problems of security and meet the essential interests of each state, which could ensure international stability and long-term sustainable development”.

The strengthening of the international legal basis of cooperation of the states is another priority in combating terrorism. Russia, by ratifying the International Convention for the Suppression of the Financing of Terrorism (1999), became a party to eleven out of twelve universal antiterrorist conventions and protocols described above. On today's agenda the Russia's joining the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991). It is quite evident that without the maximum possible participation of the states in antiterrorist conventions and ensurance of their implementation it will be extremely difficult to put reliable, formidable barriers on the path of various extremists and bandits.

In this connection the task of getting the final agreement in the UN on the draft Comprehensive Convention on International Terrorism and the draft International Convention for the Suppression of Acts of Nuclear Terrorism, moreover, the issues in the draft documents submitted by Russia and India are similar in many respects. In the face of the terrorist threat to mankind it is important not only act actively and in concert, but also seek for other methods, in addition to force, to meet the challenge. The development of the Human Right Code against Terrorism could become a serious step on this path. The code could incorporate a wide range of measures: from criminal prosecution of persons who committed terrorist acts or in other way involved in them, assurance that the penalty will be inevitable up to assistance to victims of terror including financial assistance, social and psychological rehabilitation and reintegration in the society.

Mankind can and must, supported, primarily, by the manifold system of multilateral international legal instruments including the UN Charter, create a global system of countering contemporary threats and find, on its basis, effective and adequate responses to the challenges it was brought up against in the beginning of the third millennium.

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