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VPLIV NOVIH OBLIK MEDNARODNEGA TERORIZMA NA KREPITEV NACIONALNIH PROTITERORISTIČNIH ZMOGLJIVOSTI V REPUBLIKI HRVAŠKI

THE INFLUENCE OF NEW FEATURES OF INTER-NATIONAL TERRORISM ON THE STRENGTHENING OF NATIONAL COUNTER-TERRORISM CAPACITIES OF THE REPUBLIC OF CROATIA

Professional article

Povzetek

Pojav novih oblik mednarodnega terorizma je vplival na novo razumevanje nevarnosti in boja proti terorizmu, v skladu s tem pa je mednarodna skupnost sprejela ustrezne ukrepe za preprečevanje novih groženj. Odzivne ukrepe lahko obravnavamo z globalne, regionalne in nacionalne ravni. Republika Hrvaška je prav tako izvedla več ukrepov za zaščito pred terorizmom in njegovo preprečevanje tako na nacionalni ravni kot s sodelovanjem na regionalni in globalni ravni. Da bi potrdili ali ovrgli tezo, da nove oblike mednarodnega terorizma vplivajo na krepitev nacionalnih protiterorističnih zmogljivosti Republike Hrvaške, je bilo treba analizirati, katere so te nove oblike in prek primerjalne analize ugotoviti, zakaj so drugačne od razumevanja terorizma. Opravljena je bila analiza, da bi ugotovili, na kateri od treh omenjenih ravni naj bi to vplivalo na nove oblike groženj mednarodnega terorizma. Tako so bili analizirani protiteroristični instrumenti Združenih narodov, EU in Nata, s tem pa naj bi ugotovili, ali in na kakšen način je Republika Hrvaška okrepila svoje protiteroristične zmogljivosti tako individualno kot prek mednarodnih instrumentov.

Ključne besede

Mednarodna stabilnost, varnost, globalni terorizem, nove oblike, odzivi, protiteroristične zmogljivosti Republike Hrvaške.

Abstract

The appearance of new features of international terrorism influenced the new understanding of the danger and fight against terrorism, and in accordance with it the international community undertook adequate measures with the aim of suppressing the new threats. The response measures can be viewed at from the global, regional and national perspective. The Republic of Croatia also carried out a range of measures with the aim of preventing and suppressing terrorism, both on the national level and also through its participation on the regional and global level. In order to confirm or refute the thesis that new features of international terrorism influenced the strengthening of national counter-terrorism capacities of the Republic of Croatia, it was

necessary to identify these new features and to make a thorough comparative analysis why they differ from the understanding of terrorism as it was up to now. After that an analysis was carried out in order to establish in what way the three stated levels attempt to influence new forms of threats from international terrorism, analyzing counter-terrorism instruments of the UN, EU and NATO in order to establish whether and in which way the Republic of Croatia strengthened its counter-terrorism capacities, either individually or by means of international instruments.

Key words

International stability, security, global terrorism, new features, responses, counter-terrorism capacities of the Republic of Croatia.

Introduction

If we examine the stability of the international system in relation to the period of bi-polar structure or in relation to the multi-polar period which existed before the outbreak of two world wars in the last century, we could come to the conclusion that the current structure which is rather uni-polar than multi-polar is the reason for a favourable stability situation. However, such conclusions can be reached only if we understand the changes of stability in traditional categories which relate to the absence of wars between great powers of the international system or to the impending confrontation between those powers. Hence, during the period following the restructuring of the international system after the cold war era there was no confrontation between great powers nor were they in such relations that would lead to the possibility of wars between them. However, the question appears whether only the wars among great powers are the true measure for stability of an international system. From the structural aspect, changes of forms of an international system definitely are and certainly represent the worst case scenario for our civilization if we analyze stability in neo-realistic categories. The structural aspect that can have repercussions also on the appearance of new features of global terrorism can be understood from the statement of Rosenau, according to whom the characteristic of structural change means that, apart from the traditional state-centered world, a multi-centered world was also created that involves a wide range of various players on the local, regional, national, international and global level, and in which more and more educated, organized and mobile individuals are involved trans-nationally on various levels. This bifurcation of the global structure hence causes turbulences and complexity of the world policy (Taylor and Horgan, 2003: 179).

We can agree with the statement that the current system is stable and we can also agree that there is a small chance of the breakout of great wars. However, the question whether this structurally stable system that we have is also safe opens a quite different chapter that relates to international security. According to Grizold (1998:30), international security does not represent only the addition of all national securities, but it also indicates adoption of certain values in international relations and in the state itself. Security in general and therefore also international security is influenced by sources of threats where the focus has moved recently from wars towards new

¹ See more in Theory of International Politics by Waltz K.

sources of threats: danger from climate change, global terrorism, diseases, poverty, organized crime, proliferation of mass destruction weapons and others.

With the appearance of global terrorism, its suppression went beyond state borders and the exclusive competence of national law enforcement agencies and a completely different dimension that can be seen in the launch of 'global war against terrorism'. There is also a modification of traditional characteristics of armed conflicts that takes place, since fewer countries are involved in armed conflicts – the conflicts start in the "Global South" and the conquering of the territory ceases to be the main motive for conflicts (Tatalović, 2007:11).

The power of global terrorism is manifested in the terrorist attack on the USA on 11 September 2001 which revealed the absence of measures carried out by the international community in addressing this problem. Vukadinović (2004: 256) stated that: "Many authors state already today that the terrorist attack on the USA on 11 September 2001 was the turning point for the establishment of a new structure of international relations. It is argued that from 1989 until 11 September a certain interphase existed, whereas the beginning of new global international relations took place in the period from the biggest terrorist act up to now".

This tragic event marked a turning point both in the fight against terrorism and in the understanding of international security. It became obvious that international security can no longer be observed in the traditional way.

New features of global terrorism demanded a new response and the international community did not wait long to carry out the respective measures.

The differences between the "new" terrorism and the terrorism we had observed and studied up to then became obvious very soon. According to Čaleta and Anžić (2007: 53): "It is obvious that modern terrorism tightly correlates with the phenomenon of globalization and successfully exploits all advantages that globalization brings into the 21st century. Even in previous history, it was impossible to connect the phenomenon of terrorism with any single religion or socio-political system. [...] Today terrorism in its own dimension is international and transnational, which means that state borders have lost their former meaning and significance".

Therefore it was necessary also to redefine the approach of fight against terrorism by international organizations such as the United Nations (UN), the European Union (EU), the North Atlantic Treaty Organization (NATO), Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE). Suppression of terrorism started to be viewed from the global level through the regional up to the national level, and with that national counter-terrorism capacities started to increase as well, both directly and indirectly. Hence, the analysis in the following text will attempt to show in what way the appearance of new features of contemporary terrorism led to the strengthening of counter-terrorism capacities of the Republic

of Croatia, having in mind all three main levels on which procedures are carried out in the attempt to suppress global terrorism.

1 CHARACTERISTICS OF NEW FEATURES OF INTERNATIONAL TERRORISM

In order to establish the cause-and-effect relationship of the appearance of new features of international terrorism with the strengthening of national counter-terrorism capacities of the Republic of Croatia, it is necessary to ascertain the characteristics of these new features, i.e. where the differences derive from the terrorism in the past and terrorism we have focused on in our analyses so far. In order to follow the analysis more easily it is assumed that the comparison would be efficient if we take the analyses before and after 11 September 2001 and isolate the differences between the two concepts of terrorism. With the aim of providing the complete picture of features of "new" terrorism we will apply the case study of the attacks carried out on the USA. This case shows that the Al Qaeda had the intention to demonstrate that the USA can be successfully attacked, that according to their opinion it is possible to take revenge on the USA for the killing of Muslims by the Americans and that in this way it is possible to publicly demonstrate the "justification" of aims for their fight. Further on, the intention was to harm the American prestige, economy, military power, leadership, to intimidate the public and to prevent through fear any further actions by the USA and to attack the freedom of their citizens (Robbins, 2002: 395).

Besides the aspects mentioned above, where the relationship of new terrorism with the attack target is visible, an important role is also taken by the key features, according to which the "new" terrorism differentiates itself from the terrorism known until then.

In accordance with Howard's comparison the 'new' terrorism has become more violent than the previous one, and in comparison to the terrorism that has existed so far it concerns not only the media coverage but also mass human casualties and material damage. In contrast to the previous one, in which sub-state actors attempted to provoke a change of local politics, terrorism nowadays is "trans-national", acts globally and has the aim of destroying the West and all secular Islamic countries. Modern terrorists are much better financed than their predecessors. They obtain considerable financial means through legal and illegal activities and are not so much dependent on the sponsorship of countries supporting terrorism. The next feature is a higher level of training of 'new terrorists' which became obvious from the seized materials during operations in Afghanistan and other parts of the world. It is also obvious that the penetration into their surroundings is more difficult and that "new terrorists" have the intention of obtaining the weapons of mass destruction (Howard and Sawyer, 2002: 75-76).

As it has been indicated before, global terrorism has used all the benefits of globalization, starting from the movement of people and goods and reduction of restricting effects of national borders up to technical possibilities. We can mention the use

of Internet as an example, which is not only used as a means of communication but also as a means of radicalization, training, gathering of interesting security information, attacks etc. It is also important to stress that: "globalization has improved the technical capabilities of terrorists and given them global reach, but has not altered the fundamental fact that terrorism is the weakest form of irregular warfare, representing the extreme views of a limited minority of the global population. In other words, globalization has changed the scope of terrorism but not its nature" (Baylis and Smith, 2006: 495).

The appearance of new forms of international terrorism and its features has resulted in and will continue to result in the forthcoming period in changes of the work, methods and the structure of security systems, both national and multi-national, such as NATO (Deplech, 2002: 14).

The next part of the paper analyses the changes that occurred on the global and regional level, and the way these changes in the international security system influenced the changes in the system of national security of the Republic of Croatia with the focus on counter-terrorism capacities.

2 UN RESPONSE TO NEW FEATURES OF INTERNATIONAL TERRORISM

If we analyze the measures carried out by the United Nations Organization after the attack on the USA in 2001 by examining reference documents from the UN, it becomes obvious that this organization recognized the danger from global terrorism and that it carried out a range of measures based on that fact. The actions that the UN initiated are surely an answer to the new features of contemporary international terrorism, but since contemporary international terrorism cannot be successfully suppressed by focusing only on the differing features in relation to the previous features of classic terrorism, only the most important global actions of the UN have been taken into consideration in this analysis. The UN is fighting terrorism by setting up universal counter-terrorism instruments which are implemented by member countries. These instruments are the international community's response to this threat. Thus, in accordance with resolution 1373, any policy for the adoption of the 12 universal counter-terrorism instruments is mainly aimed at ensuring that each member state is equipped with the necessary mechanisms to prevent and punish acts of terrorism.²

Bearing in mind the fact that UN member states are obliged to carry out measures stated in Resolutions of the UN Security Council, it is apparent that by implementing the measures on national level conditions are fulfilled to claim that successful implementation of these measures is related to the improvement of the situation in comparison to the situation before that. In order to establish a connection between

² See more in Guide for the Legislative Incorporation and Implementation of the Universal Anti-terrorism Instruments. 2006. United Nations. New York.

the appearance of the new features of international terrorism and strengthening of Croatian counter-terrorism capacities, the Security Council Resolution 1373 shall be used. With this resolution, amongst others, states are required to carry out adequate measures for suppressing the financing of terrorism. After that, the Republic of Croatia reacted and made improvements in the legislative field. This means at the same time that it strengthened the counter-terrorism capacity that existed so far by amending the article of the Criminal Code concerning international terrorism. Namely that article was amended also according to the International Convention on Financing of Terrorism which was also a response of the international community to the emergence of new features of international terrorism. Likewise, besides the incrimination for financing terrorism, subsequent assistance to perpetrators of criminal offences of terrorism is also incriminated in accordance with the previous decision of the Security Council Resolution 1373 of the UN (Degan and Pavišić, 2005: 250).

The following subject of the analysis is the Global Counter-Terrorism Strategy of the UN that is implemented into to the National Counter-Terrorism Strategy of the Republic of Croatia. This is evident in the very beginning of the Croatian strategy where the following is stated among other things: "In addition, the Strategy supports the goals and values set out in the Global Counter-Terrorism Strategy of the UN and the Counter-Terrorism Strategy of the EU, and other main counter-terrorism documents within the field of work of the UN, EU, NATO, OSCE and the CoE".3

In view of the new activities and initiatives of international organizations as a response to new challenges which also includes new features of international terrorism, and in consideration of the need to create and implement a uniform strategy for the prevention and suppression of all forms of terrorism, at its session held on 21 April 2005 the Government of the Republic of Croatia adopted the Decision establishing the Inter-Ministerial Working Group for the Suppression of Terrorism⁴. The inter-ministerial group was tasked with monitoring the national implementation of the UN Security Council Resolutions 1267 (1999) concerning measures against the Taliban regime, 1373 (2001) concerning the suppression of terrorism, and 1566 (2004) concerning threats to international peace and security caused by terrorist acts. It was also tasked with the implementation of the provisions of other relevant international documents, i.e. initiatives of the European Union, NATO, the Council of Europe and the OSCE in the fight against terrorism. The inter-ministerial working group is also the framework for cooperation between law enforcement agencies and security services. Hence, by adopting UN counter-terrorism instruments and through their implementation into the national counter-terrorism system the Republic of Croatia has significantly increased its counter-terrorism capacities when compared to the time period before 11 September 2001.

³ See more in Croatia Profiles on Counter-Terrorist Capacity. 2009. Available at: http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/apologie_-_incitement/Codexter%20 Profile%20(2009)%20Croatia.pdf .p.2.[Accessed 05 November 2009].

⁴ See more in Croatia Profiles on Counter-Terrorist Capacity. 2009. Available at: http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/apologie_-_incitement/Codexter%20 Profile%20(2009)%20Croatia.pdf_p.2-3.[Accessed 05 November 2009].

3 EU, NATO, OSCE AND STRENGTHENING OF CROATIAN NATIONAL COUNTER-TERRORISM CAPACITIES

The analysis of measures undertaken by the EU, NATO and OSCE as a response to the appearance of new features of international terrorism shall focus on those measures that have improved the Croatian counter-terrorism capacities, i.e. to the implemented measures that Croatia did not have prior to 11 September 2001.

By establishing these measures in the national counter-terrorism system and by its comparison with the period prior to the appearance of new features of international terrorism, the thesis would be confirmed that the appearance of new features of global terrorism influenced the strengthening of Croatian counter-terrorism capacities. Here it is also important to mention that 11 September 2001 is only put as a framework for comparison because new features appeared also before that date if we take, for example, the attack on the World Trade Centre in 1993.

If we make a comparative analysis of the counter-terrorism strategy of the EU and the Republic of Croatia it can be seen that that the Croatian strategy implemented regulations of the European strategy in segments which refer to the characteristics of new features of international terrorism. So, for example, in point 9 of the European Strategy⁵ it is stated that practical steps exist that every individual must undertake to become involved in terrorism and that the ability to put the ideas in action has significantly increased through globalization. As a confirmation of the implementation of the above mentioned into national counter-terrorism capacities of the Republic of Croatia it must be noted that the subject issue is treated in the national counter-terrorist strategy, where the following is stated in point 29: "The measures of prevention include disabling the promotion and calls to terrorism, and any form of encouraging terrorism, and recognizing and thwarting radicalization and extremism which might grow into terrorism"⁶. As a confirmation of the previous statement it is also important to point out that two separate criminal offences were incorporated into the Croatian criminal legislation, namely: public enticement to terrorism and recruiting for terrorism which is connected with the new features. Further on, as a confirmation of the thesis of this paper, the fact must be pointed out that the Republic of Croatia completely fulfilled its international obligations towards the EU with regard to adoption of counter-terrorism standards. Since, however, the EU considers by that also measures through which also new features of international terrorism are treated, it can be seen that national counter-terrorism capacities have been improved.

⁵ According to the stated strategy this implies easy travelling, transfer of money and communication including the Internet, whereby the access to radical ideas and training is made easier. It is also stated that it is necessary to detect such behaviour and stop such behaviour by restricting activities of those who play a role in the radicalization; further on prevention of access to terrorist training by establishing a strong legal framework for prevention of encouraging and recruiting and by restricting terrorist recruitment through the Internet. See EU Counter-Terrorism Strategy. Available at: http://register.consilium.europa.eu/pdf/en/05/st14/st14469-re04.en05. pdf p.8.[Accessed 05 November 2009].

⁶ See more in National Strategy for Prevention and Suppression of Terrorism. Croatian Official Gazette. 2008. no. 139. Available at: http://narodne-novine.nn.hr/default.aspx [Accessed 14 January 2010].

As regards NATO, it is very easy to prove that new features of international terrorism influenced the strengthening of national counter-terrorism capacities. Namely, NATO reacted most promptly and most concretely to the new features, i.e. to the new threats of international terrorism. As a confirmation for that, we can mention the call of the Secretary General Lord Robertson only few hours after the attack on the USA to unite NATO forces in the fight against creators and actors of the mentioned terrorist act (Čehulić, 2003).

The response of NATO forces to new threats can also be seen in the counter-terrorism campaign in Afghanistan and in the engagement in control at seas and many other operations such as providing security for the Olympic Games in Athens etc. Forces of the Republic of Croatia were engaged in the counter-terrorism operation in Afghanistan even before joining NATO. Hence it can be seen that our country has increased its counter-terrorism potential both through NATO and by the mere fact of joining NATO.

As regards the OSCE, it is apparent that regional approach and cooperation takes a significant place in the fight against terrorism, wherefore the mere engagement in initiatives of OSCE definitely had influence on improving counter-terrorism capacities.

4 CONCRETE CHANGES IN THE STRENGTHENING OF COUNTER-TERRORISM CAPACITIES OF THE REPUBLIC OF CROATIA

The mere fact that the Republic of Croatia developed a National Strategy for Prevention and Suppression of Terrorism which did not exist before speaks itself about the systematic improvements of counter-terrorism capacities on the level of the entire state and all relevant institutions for prevention and suppression of terrorism.

Concerning the improvements that have been made after the appearance of new forms of terrorism, it should be pointed out that in the Republic of Croatia a whole range of legal acts were adopted which strengthened the counter-terrorism capacities in the normative aspect. First and foremost, they included the changes of the Criminal Code and the Criminal Procedure Act that enabled criminalization and reaction in all cases of preparation, perpetration, assistance and participation in all activities that lead to terrorist acts. For illustration we can mention the improved new definition of the criminal offence terrorism in the amended Criminal Code with the following wording of Article 169: "Whoever aims to cause major fear among the population, to force the Republic of Croatia, foreign states or international organizations to do or not do something or suffer, or who aims to seriously jeopardize the fundamental constitutional, political or social values, constitutional set-up of the state government and economic units of the Republic of Croatia, of a foreign state or an international organization, who commits one of the following offences: assault against life, limb or freedom of another; kidnapping or hostage taking; destruction of state or public objects, traffic system, infrastructure including information systems, fixed platforms in the epi-continental belt, general goods or private property that might result in endangering the people's lives or significant economic

damage; hijacking aircrafts, ships, means of public transportation or transport of goods that might endanger lives of people; making, possessing, obtaining, transporting, supplying or using weapons, explosives, nuclear or radioactive materials or devices, nuclear, biological or chemical weapons; researching or developing nuclear, biological or chemical weapons; releasing toxic substances or causing fires, explosions or floods or undertaking other generally dangerous actions that might endanger people's lives; disturbing or stopping the supply of water, electricity or other basic natural resources that endanger people's lives, shall be punished by imprisonment for not less than five years. Whoever threatens to commit a criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for one to five years. If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons is caused, the perpetrator shall be punished by imprisonment for not less than ten years or by long-term imprisonment. If, by the criminal offence referred to in paragraph 1 of this Article, the death of one or more persons or largescale destruction is caused, the perpetrator shall be punished by imprisonment for not less than ten years"7.

In addition to normative improvements, administrative capacities were enhanced as for example by establishing the Office for Suppression of Money Laundering which is also responsible for suppression of financing of terrorism, further on by setting up the Terrorism Department in the Criminal Police Directorate responsible for prevention and suppression of all forms of terrorism.

Also inter-agency cooperation is improved among bodies tasked with prevention and suppression of terrorism through an inter-agency working group already mentioned before, and on this basis the flow among law enforcement agencies and security services that deal with the issue of terrorism is enhanced.

At the same time there is an improved cooperation between the civilian and military sector which became operational during numerous mutual exercises on the national and international level.

There have been improvements also concerning measures of protection of the Croatian territory from possible misuse by terrorists in terms of state border protection and other measures. In this sense, the following measures are intensified:

- a. prevention of the use of the territory of the Republic of Croatia for the existence and activity of terrorist groups, their training and drill, and all persons and subjects connected with terrorism, the activity of whom is aimed against the Republic of Croatia, other states and/or international organizations;
- b. disabling the transit of all persons suspected of connections with terrorism through the territory of the Republic of Croatia;
- c. thwarting the transport and procurement of weapons, explosives and other materials intended for potential terrorist activities;

⁷ Amendments to the Criminal Code. 2008. Croatian Official Gazette no. 152. Available at: http://narodne-novine.nn.hr/default.aspx [Accessed 14 January 2010.]

- d. preventing the use of weapons of mass destruction and military and dual-use items to terrorist ends;
- e. thwarting the funding, collection of funds or any form of assistance to terrorist organizations or persons suspected of connections with terrorism;
- f. thwarting all forms of recruitment for terrorist groups, the activity of which is aimed against any state;
- g. preventing criminal activities which might be directly or indirectly connected with terrorism (transnational organized crime, proliferation of chemical, biological, radiological, nuclear weapons and materials, smuggling of weapons and explosives, military and dual-use items, narcotics and other products, counterfeiting of documents and money, illegal migration and trafficking).

Concerning the side effects related to the participation of the Republic of Croatia in international counter-terrorism measures it should be pointed out that so far no negative effects have been noted. Nevertheless, this fact needs to be taken into further consideration when making security assessments in the future.

Conclusion

Despite more or less optimistic prognoses, neither the possibility of eradication of terrorism is assured nor can this be concluded from the past experience. If we speak about 'more optimistic prognoses', we can agree with the following Rapaport's (2006: 22) statement: "Thus, the fourth wave may last longer than its predecessors, but the course of the Iranian revolution suggests something else. If history repeats itself, the fourth wave will be over in two decades" and: "That history also demonstrates, however, that the world of politics always produces large issues to stimulate terrorists who regularly invent new ways to deal with them. What makes the pattern so interesting and frightening is that the issues emerge unexpectedly – or, at least, no one has been able to anticipate their tragic course". Also if we speak about 'less optimistic prognoses' we can agree with Alexander's (2005: 7) statement:" There it is explained that several specific reasons exist why terrorism will grow in the future. The first of it is that terrorism has proven to be very successful in attracting publicity, disrupting the activities of governments and businesses, and causing significant amounts of death and destruction. The second reason is that arms, explosives, supplies, financing, and secret communications are readily available, whereas the third reason is that international support network of groups and states exist that greatly facilitates the undertaking of terrorist activities."

Regardless of these considerations, our focus needs to be aimed at most efficient suppression of all forms of terrorism which cannot be achieved on national level as it has been shown in the previously given deliberations and analyses.

With the appearance of new features of international terrorism a reaction followed by the international community in implementation of measures for prevention and suppression of international terrorism. This had as a consequence the strengthening of national counter-terrorism capacities. However, the states themselves carried out adequate measures for protection against terrorism by strengthening their internal capacities. Here it needs to be pointed out that the Republic of Croatia directed its attention to the strengthening and development of its own capacities not only through international but also through its own mechanisms. Therefore, the national counter-terrorism strategy highlights new features that the national security system needs to address, e.g. the fact that terrorism has a tendency to cause the maximum number of victims possible, increase the level of public fear of the consequences of terrorism, and the greatest possible destruction of material objects; terrorism targets the procurement and use of weapons and means of mass destruction, and military and dual-purpose items which can be used to terrorist ends; terrorists use an intricate logistics system, especially in the procurement of weapons, equipment and other resources; terrorist groups and organizations develop alternative ways of funding by using a number of covers and agents; modern terrorism takes advantage of the presence, availability, complexity and openness of communication and information technologies, especially the Internet, for attracting extremists and for communicating and disseminating terrorist ideologies etc. In the end, it can be concluded that the appearance of new features of international terrorism influenced, both directly and indirectly, the strengthening of national counter-terrorism capacities of the Republic of Croatia.

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