A Strategic Framework for Countering Terrorism and Insurgency

Bruce Hoffman, Jennifer Morrison Taw
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Bruce Hoffman, Jennifer Morrison Taw

Prepared for the U.S. Department of State
This research was conducted for the Department of State within the International Security and Defense Strategy Program of RAND’s National Defense Research Institute, a federally funded research and development center sponsored by the Office of the Secretary of Defense and the Joint Staff. It was undertaken as part of a project entitled “Methodology for Determining the Most Effective Mix of Counter-Terrorist Policies and Strategies.”

This Note reports on our qualitative analysis of seven case studies: the three key British counterterrorist/counterinsurgency campaigns of the 1940s and 1950s involving Malaya, Kenya, and Cyprus; the more recent struggle in Northern Ireland; the 1965–1980 Rhodesian conflict; and the counterterrorist experiences of Germany and Italy during the 1970s and 1980s. The Note identifies lessons learned that may be regarded as the essential prerequisites to the development of national counterterrorist/counterinsurgency strategic plans. Its conclusions are based on our identification of broad trends that support the countermeasures’ application to countries afflicted by similar violence and subversion.

The research is based on an extensive review of the published literature on the seven country case studies and on detailed interviews with officials in Northern Ireland, Britain, Italy, and West Germany as well as with former British and Rhodesian military, police, and intelligence officers. This Note was prepared for the Department of State as part of its external research program. Views or conclusions contained herein should not be interpreted as representing the official opinion or policy of the Department of State.
SUMMARY

The strategies and tactics used by governments throughout the world to counter terrorism and insurgency over the past few decades have varied widely, from highly visible actions such as declarations of states of siege or martial law, enactment of antiterrorist legislation, and strengthening of judicial powers, to less visible measures such as the establishment of computerized data banks, enhanced intelligence capabilities, and various covert operations.

In the absence of a comprehensive national plan, however, the individual application of selected tactics and policies can prolong a conflict or even result in outright failure. As simple and obvious as this point is, historically it has been ignored or forgotten. Governments facing internal threats—whether insurgency, terrorism, or some combination of the two—must develop a plan that acknowledges all the elements of a counterterrorism or counterinsurgency campaign. Each government must then tailor its approach by emphasizing its strengths among these elements, which include:

1. Command and coordination.
2. Effective antiterrorist legislation combined with measures to build public trust and support.
3. Coordination within and between intelligence services.
4. Foreign collaboration amongst governments and security forces.

Many writers have offered lists of the “principles” of counterinsurgency or counterterrorism: Frank Kitson and Julian Paget are particularly notable among them.¹

This publication differs from previous offerings insofar as it applies these well-known but oft-ignored principles to a variety of case studies spanning regions, time periods and types of governments. Comparison amongst case studies yields lessons about the crucial relationship

¹See Frank Kitson, Bunch of Five, Faber & Faber, London, 1977; Frank Kitson, Low Intensity Operations, Faber & Faber, London, 1971; Julian Paget, Counter-Insurgency Campaigning, Faber & Faber, London, 1967. See also R. W. Komor, The Malayan Emergency in Retrospect: Organization of a Successful Counterinsurgency Effort, RAND, R-957-ARPA, February 1972. Julian Paget’s principles of counterinsurgency campaigning are applied to the case studies in Section 4, Centralized Intelligence. Although they can be applied narrowly to the effective coordination and collection of intelligence, Paget’s principles clearly have broader significance. His admonitions for integration, organization, and the advantages of popular support apply to every aspect of a counterinsurgency or counterterrorism campaign.
between a government's capabilities and the relative utility of each of the above elements in a national counterterrorist or counterinsurgency campaign.

COMMAND AND COORDINATION STRUCTURE

The command and coordination structure of a government and its security forces is the most important element of a counterinsurgency or counterterrorist campaign. The absence of such a structure leads to diffusion of authority and competition among security forces, the inadequate collection and poor dissemination of intelligence, stultifying bureaucracy, and inefficient tactical operations.

In most of the case studies reviewed in this Note, no adequate command and coordination structure was in place when the terrorist or insurgent campaigns began. Nor were the initial efforts to construct one expeditious or effective. Governments not only had to recognize their deficiencies in command and coordination, they had to go through a process of trial and error before finally developing adequate command and coordination structures. The initially uncoordinated responses gave insurgents or terrorists invaluable time to entrench themselves in the civilian population and consolidate their efforts while the security forces got themselves organized.

EFFECTIVE ANTITERRORIST LEGISLATION AND MEASURES TO BUILD PUBLIC TRUST

The importance of good government-civilian relations in a successful counterinsurgency or counterterrorism campaign cannot be underestimated. Terrorists and insurgents cannot ultimately succeed against the government without support from the general population; when the government responds effectively to the political and economic needs of the population, insurgency and terrorism have a much less fertile environment in which to grow. When, however, the government is not responsive, if its interest and the population's are completely immutable and popular dissatisfaction is allowed to grow with few or no political concessions offered, terrorists or insurgents are more likely to find both active and tacit antigovernment support within the population. This will severely compromise intelligence-gathering and can also be exploited for propaganda purposes by the terrorists or insurgents. In Malaya and Kenya, where Great Britain both recognized and responded to public concerns and interests, the counterinsurgency campaigns were extremely successful. In contrast, the Rhodesian counterinsurgency, though tactically successful, was lost because of the government's refusal or inability to acknowledge the interests of the majority black population.

Legislation that acknowledges the need for public support can play an extremely positive role in a counterinsurgency or counterterrorism campaign. Legislation that offered
lighter or even commuted sentences to terrorists/insurgents who abandoned their struggle and joined forces with the government, for example, proved extremely effective in Malaya, Kenya, and Italy. Unfortunately, legislation during a counterterrorism or counterinsurgency campaign too often takes on an altogether different character. In most of the case studies examined here, emergency regulations, laws, and other legislation that aided the security forces and facilitated operations against terrorists were deemed essential. In many cases, capital punishment was decreed for mere possession of firearms and explosives, or membership in a terrorist organization. Provisions for detaining or interning terrorists and suspected terrorists without trial for prolonged periods were promulgated, and requirements for warrants to arrest persons or search houses and commercial property were suspended. A variety of collective punishments and measures were defined, including levying fines, closing businesses, imposing curfews, and wholesale removal and resettling of local populations. Powers to deport persons connected in some way with terrorist or insurgent activities, to control the sale and movement of food and other goods, and to exercise censorship over the press were also accorded to the various governments discussed here.

Many of the emergency measures were designed to allow governments greater flexibility or severity in prosecuting and punishing both insurgents or terrorists and their sympathizers than would have been possible under nonemergency legislation. A number of the measures, however, were specifically intended to impede active or passive civilian aid to the terrorists. Such measures proved in many cases to be double-edged. Although they were effective in slowing actual aid to the terrorists or insurgents, they also often inconvenienced the civilian population; the public, resenting such impositions, increased both its passive and active support for the insurgents or terrorists. Such measures also allowed the insurgents or terrorists to portray themselves as the "true defenders" of the people. Moreover, much of the legislation did not meet international standards, such as those set by the 1977 Geneva Protocol on the Protection of Victims of Non-external War. Indeed, there is a fine line between the imposition of emergency measures and the restriction of civil rights, and in each of the cases discussed below, the government had to address this issue.

CENTRALIZED INTELLIGENCE

Appropriate use of information, the key to any successful counterinsurgency or counterterrorism campaign, depends on three tasks: the acquisition, proper analysis, and perhaps most important, coordination and dissemination of intelligence. This triad can be accomplished only by establishing a centralized, cooperative, and integrative intelligence organization that can channel information effectively to the security forces engaged in
tactical operations. The case studies examined here reflect the critical importance of intelligence: in each, campaign success was directly proportional to the emphasis placed on intelligence.

FOREIGN COLLABORATION

Foreign collaboration in counterinsurgency/counterterrorist campaigns has been sporadic at best. Individual countries often have political, economic, or diplomatic interests that affect their efforts to cooperate with other countries or pressure them to arrest or extradite terrorists or stop harboring or supporting hostile forces.

Of the cases examined here, the British counterinsurgency efforts in Malaya, Kenya, and Cyprus require little discussion in terms of foreign collaboration, which only took the form of continued international trade and diplomatic ties with Britain. Rhodesia, on the other hand, despite having sanctions imposed on it by much of the world, nonetheless received concrete support from South Africa for most of the counterinsurgency. Rhodesia, in turn, supported the Portuguese counterinsurgency efforts in neighboring Mozambique. And foreign collaboration has played an important, if often uneven, role in the counterterrorist campaigns in Northern Ireland, Germany, and Italy.

CREATION OF SPECIAL COUNTERTERRORIST FORCES

Although special response units, like those developed in Rhodesia, West Germany, and Italy, tend to capture the official as well as the popular imagination, their function is more preventive than reactive. Their very existence helps determine the kinds of actions terrorists or insurgents will take. In Rhodesia, for example, after the government’s response units were widely publicized, there were very few attempts to mount an urban terrorism campaign. After the West German GSG 9 unit’s brilliant success at Mogadishu, the nature of terrorist attacks in West Germany changed—making GSG 9 almost obsolete and relegating it mostly to internal and external training missions. Yet the creation and maintenance of such units is an extremely costly deterrent to terrorism, in terms of both highly trained manpower and resources. Less expensive preventive measures include public awareness campaigns, extensive police patrolling, and improved access-control in public places. Such measures were originally used by the British in Northern Ireland and were very successfully adopted in Rhodesia. Moreover, such measures can be subsidized by businesses, and they require the positive involvement of the community in its own defense—a step that can also lead to improved relations between the public and the security forces. Thus, special counterterrorist forces are rarely used over the long term for their original purpose—responding to terrorist actions—nor are they the most cost-effective means by which to prevent terrorist attacks.
may therefore be prudent to balance their relative deterrent value in counterterrorist and counterinsurgency campaigns with more day-to-day security force responsibilities.

CONCLUSION

In sum, counterterrorist and counterinsurgency campaigns vary as widely as the circumstances in which they occur. Even within the limits of this study, we examine cases in Europe, Asia, and Africa, spanning the 1950s to the 1980s, with governments ranging from colonial to democratic. Nonetheless, there are four elements, used singly or in combination, that successful campaigns contain regardless of geographic regions, time periods, and political systems. This study examines the way these elements were applied across the case studies, draws some conclusions about the relative utility of different elements under various circumstances, and makes some suggestions for future counterinsurgency and counterterrorism campaigns.
ACKNOWLEDGMENTS

The authors would be remiss not to acknowledge the assistance they received in the preparation of this Note. Karen Gardela, the manager of RAND's databases on terrorism, insurgency, and other aspects of low-intensity conflict, was invaluable in steering the authors to the wealth of information amassed in the databases upon which much of this document is based. We benefited as well from the original research conducted specifically for this project by Alison Jamieson, whose detailed knowledge of terrorism in Italy greatly informs that section of this Note. Finally, we were particularly fortunate to have James Quinlivan, of the RAND research staff, as the document's technical reviewer. His thorough review, incisive comments, and exceedingly helpful suggestions substantially improved the final product. The authors alone, of course, are responsible for any errors.
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1. INTRODUCTION

Throughout the world, terrorism and related forms of nonstate conflict are increasing. More terrorist groups are active, they are carrying out more attacks, and they are killing more people. Only 11 identifiable terrorist groups were active in 1968. Today there are seven times that number.\(^1\) Not only has the number of groups increased, but the level of violence they are responsible for has risen. Terrorists committed a third more attacks in the 1980s than in the 1970s and, even more disquieting, killed more than twice as many people in the last decade as they did in the preceding one.\(^2\)

Many contemporary terrorist and insurgent organizations are the same ones that first surfaced more than a quarter of a century ago. For example, Al-Fatah, the Palestinian terrorist organization led by Yasir Arafat, was founded in 1957. The Palestinian Liberation Organization (PLO) itself is now 28 years old. The Provisional Irish Republican Army (PIRA) was established more than 20 years ago—itself the successor of the 70-year-old “Official” IRA. The New People’s Army in the Philippines has been fighting since 1969, Germany’s Red Army Faction since 1968, and some Colombian groups since as long ago as 1964 and 1966 (the National Liberation Army (ELN) and Revolutionary Armed Forces of Colombia (FARC) respectively). In recent years a new generation of terrorist and insurgent organizations have intensified their attacks. Sendero Luminoso is slowly bringing Peru to its knees; the November 17th Organization used the Gulf War as an opportunity to dramatically increase its 20-year campaign against the Greek government; and even groups long thought dead, such as Dev Sol in Turkey, have resurrected themselves from the ashes of defeats inflicted by governments more than a decade ago to recommence operations today.

Although none of these groups have achieved any of their declared long-term aims, and have sometimes suffered grievous reversals or completely lost any semblance of popular support, they refuse to abandon their struggles. Many of these groups have demonstrated a remarkable ability to adapt to rapidly changing circumstances, rebound from setbacks, and continue to marshal their resources to carry on their respective campaigns. Moreover, in many parts of the world, terrorist and insurgent groups (i.e., Sendero Luminoso and FARC in Latin America, and Hezbollah, the PFLP, and ASALA in the Middle East) have become increasingly involved in narcotics cultivation and trafficking, thereby acquiring new sources

\(^1\)Numbers derived from the RAND Chronology of International Terrorism.

\(^2\)Ibid.
of financial aid—even as the end of the Cold War deprives these groups of traditional sources of sustenance and assistance.³

Accordingly, governments now face new problems and new challenges in developing effective countermeasures when terrorism, insurgency, and the narcotics trade flourish simultaneously and interchangeably. In such circumstances, security force responses and resources must be more flexible and innovative than they have ever been.

The strategies and tactics used by governments throughout the world to counter terrorism and insurgency have varied widely, from such highly visible actions as declarations of states of siege or martial law, enactment of antiterrorist legislation, and strengthening of judicial powers, to less visible measures such as the establishment of computerized data banks, enhanced intelligence capabilities, and covert operations.

Some of these countermeasures have been more successful than others, such as Italy's use of so-called repentant laws. Some have not only failed, like Britain's short-lived policy of interning terrorist suspects in Northern Ireland during the 1970s, but have proved counterproductive, alienating the public from the authorities and further polarizing an already fractured political environment. Other government countermeasures have had mixed results, such as amnesties, offers of cash rewards for information, etc.

This Note describes a qualitative analysis of seven case studies: the three key British counterinsurgency campaigns of the 1940s and 1950s involving Malaya, Kenya, and Cyprus; the more recent struggle in Northern Ireland; the 1965–1980 Rhodesian conflict; and the counterterrorist⁴ experiences of Germany and Italy during the 1970s and 1980s.⁵ It identifies lessons and experiences that may be regarded as the essential prerequisites to developing a comprehensive and coherent national counterterrorist or counterinsurgency plan. Its conclusions are based on the analysis of the countermeasures' apparent success or failure and on certain broad general trends that would support their use in countries

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³Both terrorists and insurgents wish to demonstrate to a given population that its government is inadequate or illegitimate, but the two groups take somewhat different approaches: whereas terrorists wish to draw government and public attention to certain issues, insurgents are interested in seizing and holding territory. Often, however, terrorists and insurgents share similar tactics. This Note therefore applies the same sets of principles to both counterterrorism and counterinsurgency campaigns, on the assumption that the principles outlined here can be effectively applied—in varying balance—in either situation.

⁴The term "counterterrorist" is distinguished in this study from the term "antiterrorist." The former refers to apprehending and punishing (combating) terrorists, the latter to changing or preventing terrorist behavior and to physical security measures as well.

⁵This Note will make reference to both West Germany, which faced an onslaught of terrorism in the early 1970s and began to develop responses, and today's reunified Germany, where the main terrorist groups persist and counterterrorist capabilities are still in place. The two will be differentiated by context and will not be used interchangeably.
similarly afflicted by violence and subversion. Each case study includes a detailed historical analysis so that key idiosyncratic factors—such as leadership and personal charisma; the nature and origins of terrorist/insurgent grievances and demands; the extent of popular support; the rapidity and nature of government responses, etc.—can be examined systematically and analyzed comparatively. A country facing an insurgency or terrorist campaign can therefore extrapolate from these cases to its own situation, if it takes into account the various factors that make some measures more effective than others and the factors or considerations that suggest the probability of success.

The individual application of selected tactics and policies without a comprehensive national plan can prolong a conflict or even lead to complete failure. As simple and obvious as this point is, historically it has more often been ignored or forgotten than followed. The three British counterterrorist/counterinsurgency campaigns during the 1950s are cases in point. In each successive campaign, the same mistakes in organization and intelligence were repeated, with the lessons of the earlier conflict seemingly ignored. Mistakes made in Malaya, for example, were made again in Northern Ireland more than two decades later, undermining Britain’s initial response to the growing violence in that province. And in Rhodesia’s prosecution of its own counterinsurgency campaign during the 1960s and 1970s, the same pattern was repeated, despite the fact that the Rhodesian approach was based on the British model of the 1950s.

A national plan should acknowledge four elements crucial to a successful counterinsurgency or counterterrorism campaign:

1. An effective overall command and coordination structure.
2. “Legitimizing” measures, taken by the government to build public trust and support, combined with antiterrorist legislation sensitive to public sentiments.
3. Coordination within and between intelligence services.
4. Collaboration among governments and security forces of different countries.

These must be applied discriminately, within a carefully coordinated framework designed to emphasize the government’s strengths.

First, a functioning command and coordination structure should be in place before terrorist or insurgent violence erupts, to detect and respond to the first signs of unrest and subversion. The lack of such a structure not only gives the initiative to the insurgents, but allows confusion to develop among the security forces about their respective roles and responsibilities, leading to competition, duplication of effort, and inefficient collection and dissemination of intelligence. If such a structure is not already in place, it must be erected as
soon as the insurgency begins and not only maintained but continually refined and adapted. The most effective structure will also be one led by an individual with responsibility and authority over all elements and aspects of the counterinsurgency/counterterrorism campaign.

Second, "legitimizing" measures are needed to build public confidence in the government and support for the counterterrorist/counterinsurgency campaign, as is antiterrorist legislation that is sensitive to public concerns over potential civil liberties infringements and restrictions. Legitimizing measures can encompass a wide variety of actions and legislation:

- Political concessions to ethnic or religious minorities.
- Economic measures to ameliorate housing and employment inequities or deficiencies.
- Defensive steps to protect the public from insurgent/terrorist reprisals.

The circumstances in a given country will determine which measures will most effectively improve government-civilian relations. Such measures are necessary to

- Deprive the terrorists and/or insurgents of legitimacy.
- Undermine their claims as a viable alternative to the government.
- Negate popular support or sympathy for the terrorists/insurgents.
- Redress any popular grievances that may indirectly fuel unrest or be exploited for antigovernment purposes.

At the same time, antiterrorist legislation must aid the government in the capture and prosecution of terrorists or insurgents, but must not alienate the general population. The role of the civilian population in the success or failure of an insurgency or terrorist campaign is key and cannot be underestimated. Indeed, short of the complete suppression of civil liberties, a government cannot hope to defeat an insurgency or terrorism using coercive measures alone. If, as in Cyprus during the 1950s, the majority of the population supports the terrorists/insurgents and the government can offer no inducements to break this bond, success, much less victory, will prove elusive.

Third, there must be a centralized intelligence service that detect early insurgent or terrorist activity and coordinate information-gathering and dissemination among the military, police, and other security services. The success of a campaign will rest not only on the type and quality of information gathered, but on the timely and effective dissemination of that information to all relevant branches of the counterterrorism or counterinsurgency effort.
Given the nature of these types of conflicts and the characteristics of the enemy, the emphasis must of course be on the cultivation and exploitation of human intelligence sources (HUMINT).

Fourth, collaboration between governments is essential to prevent insurgent use of cross-border bases and sanctuaries or uninhibited transnational movement by terrorists and their supporters. Such cooperation will also facilitate the coordination and sharing of intelligence collection and dissemination as well as the efficacious processing of extradition requests. For example, terrorists operating in Western Europe during the 1970s and early 1980s were able to find political refuge in France, East European countries, and the Middle East, and this seriously hampered counterterrorist efforts.

Finally, although special counterterrorist forces perform important missions in a counterinsurgency or counterterrorism campaign, their utility and ultimate value should not be overemphasized. Much attention is usually focused on, and disproportionate resources allotted to, special operations forces trained for barricade-and-hostage rescues, ending hijackings of passenger airliners, etc. The case studies presented here, however, indicate that while these forces carry out perhaps the most dramatic and publicly visible types of operations, the situations in which they can be effectively employed are relatively rare. Moreover, these units are often poorly integrated with the security force structure, leading at times to paralyzing competition, redundancy, and mission confusion.
2. COMMAND AND COORDINATION STRUCTURE

The command and coordination structure of a government and its security forces is the key element of a counterinsurgency or counterterrorist campaign. The absence of such a structure leads to diffusion of authority and competition among different security forces, inadequate collection and poor dissemination of intelligence, a dangerously stultifying bureaucracy, and inefficient tactical operations.

Yet in most of the case studies reviewed in this Note, no adequate command and coordination structure was in place when the terrorist or insurgent campaign began. Nor were the initial efforts to construct one either expeditious or effective. Governments not only had to first recognize their deficiencies in command and coordination, then they had to go through a process of trial and error before finally developing adequate command and coordination structures. Even in Cyprus, where the British seemed to have learned from their prior experiences and set up an integrated civil, military, and police administration before the Greek nationalist revolt gained momentum, the command and coordination structure needed to be revised and fine-tuned repeatedly before any significant progress against the insurgents could be made. The case studies demonstrate that initially uncoordinated responses to an emerging conflict gave the insurgents or terrorists invaluable time to entrench in the civilian population and consolidate their efforts while the security forces groped and stumbled about.

A successful command and coordination structure ensures coordination between the intelligence services, the military, the police, the judiciary, and the civil administration at all governmental levels. Often this has best been achieved by empowering a single individual to coordinate all aspects of the counterinsurgency or counterterrorist campaign. Such a position, with authority over the entire counterinsurgency or counterterrorist campaign, was created in most of the case studies cited here: in some instances with responsibility for both the civil administration and the security forces, and in others for just the security forces. Committees were also developed to coordinate federal, provincial, and district security forces with the local civil administration. In Cyprus and Malaya, moreover, interforce coordination was further enhanced through joint police and military training schools.

MALAYA

The command and coordination structure that existed in 1948 when the insurgency took hold in Malaya was completely inadequate. Disagreements over the roles that the
understaffed police and the equally understrength Army should play, along with a divided and ineffectual intelligence apparatus and no organizational framework to coordinate the counterinsurgency campaign, doomed the government’s initial responses to failure. The first steps toward redressing this situation were made in October 1948, when Sir Henry Gurney became the new High Commissioner for Malaya.

Gurney recognized that the nature of the war in Malaya was political and ideological rather than military, and that the Army should therefore be divested of any control it had over the conduct of the counterinsurgency campaign. He considered counterinsurgency primarily a police responsibility with the military to act in support.¹ A new Police Commissioner was therefore appointed, and the police were reorganized into a quasi-military force along the lines of the British-officered Palestine Police Force.²

Police-Army cooperation continued to falter, however, as the division of responsibilities between the two remained inadequately defined. Moreover, their respective methods and approaches contrasted sharply. The police and civil administration cautiously considered the civil and legal implications of all actions they took, while the Army saw its task as simply to defeat the insurgents with all available means in the shortest possible time.³ Given this discordant approach, coupled with the overall lack of any coordination among the various arms of the government effort, it is not surprising that by mid-1950 the security forces were losing the war.⁴

In response, Gurney established the new post of Director of Operations, with oversight over the entire conduct of the counterinsurgency campaign. The Director of Operations was equal in rank to the administration’s Chief Secretary (the number-two man in government), and his duties were, as the title suggests, operational rather than administrative. Gurney argued that the new Director of Operations should be “an experienced senior soldier, but as the Emergency was primarily a police task, he should serve as a civilian, and literally as a coordinator, not as a supreme commander.”⁵ An Army Lieutenant-General, Sir Harold Briggs, was ultimately appointed and arrived in Malaya in April 1950 with the mandate to “plan, coordinate and direct the anti-bandit operations of the police and fighting forces.”⁶

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⁶Quoted in Barber, The War of the Running Dogs, p. 95.
Briggs immediately began to develop an organizational structure to implement his vision of how the counterinsurgency campaign should be conducted (see Figure 1). He created the Federal War Council, a small supervisory group, to coordinate operations. Among its members were the senior Army and Air Force commanders in Malaya, the Police Commissioner, and the Secretary of Defense, with Briggs serving as the council's chairman. This framework for coordinating the civil administration, the police and the Army was extended to embrace the entire administrative structure in Malaya, with similar subordinate committees performing identical tasks at the state, district and settlement levels. The state subcommittees were chaired by the regional prime ministers, with the district and local subcommittees chaired by the local civilian district officer (usually a Briton). Furthermore, Briggs set up Joint Police-Army Operations Rooms in every district to ensure cooperation and coordination between units of both forces.

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Lastly, an integrated intelligence apparatus was established to redress the lack of coordination and the paucity of information that had plagued the security forces from the start of the insurgency. The police Special Branch (the plainclothes division responsible specifically for monitoring subversive groups and political crimes) was expanded, and a new Director of Police Intelligence was brought in to run it. This reinforced the police force's lead role: Special Branch was even able to restrain Army troops from entering any areas "frozen" by the police as a means of preventing disruption of intelligence-collection operations.\textsuperscript{9} The results of Briggs' reorganization were soon apparent. The establishment of a command and coordination structure allowed the development of a coherent plan of action known as the "Briggs Plan."\textsuperscript{10} In this scheme, the Army would not only continue to provide support for the police, but would itself be redeployed as an offensive striking force to eliminate the terrorist activity in specific locations and thenceforward provide security to the cleared areas. In 1950, the ratio of insurgent to security force kills was 1.6 to 1; in 1951, the ratio had risen to 2.2 insurgent dead to each member of the security forces killed.\textsuperscript{11} However, this was still not enough to turn the war in favor of the government. Dissatisfaction remained among the military command in Malaya over the prosecution of the campaign. The friction was no longer between the police and the Army in general, but between Briggs and Police Commissioner Gray. The latter, intent upon turning the police into a paramilitary force, greatly resisted Briggs' appeal for the police to give priority to routine police functions.\textsuperscript{12} Briggs in turn cited his lack of real authority over the police as the cause of his dispute with Gray. Briggs, according to one account, argued that he was not a commander, but a "coordinator under civilian control"—a half and half man in a country where for too long half-hearted measures dictated by Whitehall had so restricted his powers that even as Director of Operations he did not have the control he wanted (and needed) over the police force.\textsuperscript{13}

Before this issue could be resolved, the High Commissioner, Sir Henry Gurney, was assassinated in October 1950. Shortly afterward, a Conservative government was elected in Britain, and Briggs himself retired in December. The new Colonial Secretary, Oliver Lyttleton, personally visited Malaya, finding a state of general malaise. The police were

\textsuperscript{9}R. W. Komor, The Malayan Emergency in Retrospect: Organization of a Successful Counterinsurgency Effort, RAND, R-957-ARPA, February 1972, p. 43; Carver, War Since 1945, p. 20; Barber, The War of the Running Dogs, p. 98.

\textsuperscript{10}For more on the Briggs Plan, see Section 3.

\textsuperscript{11}Barber, The War of the Running Dogs, pp. 21–22.

\textsuperscript{12}Ibid., p. 140; Cloake, Templer: Tiger of Malaya, p. 197.

\textsuperscript{13}Barber, The War of the Running Dogs, pp. 140–141.
divided and intelligence scanty and uncoordinated. Lyttleton immediately fired Gray, whom he held responsible for the breakdown of police-military coordination,\textsuperscript{14} and then prevailed upon General Sir Gerald Templer, the Commander-in-Chief of Eastern Command, England, to accept the position of Director of Operations in Briggs' stead.\textsuperscript{15} Finally, in a major organizational adjustment in line with Briggs' earlier recommendations, Templer was also appointed High Commissioner.

Templer thus had complete authority over the entirety of the government's counterinsurgency machinery. He emphasized intelligence: strengthening the police Special Branch and separating it from the Criminal Investigation Department, and appointing a Director of Intelligence responsible directly to him. Further coordination was achieved at the state and district levels through the Joint Police-Army Operations Rooms previously established by Briggs.\textsuperscript{16} The appointment of a single authority to the positions of High Commissioner and Director of Operations proved to be the turning point in the counterinsurgency campaign. By giving one individual complete control over the campaign, internecine competition was eliminated and the excellent command and coordination structure established by Briggs could finally work smoothly and effectively.

**KENYA**

The British colonial government in Kenya had to revise its command and coordination structure dramatically in the face of the Mau Mau rebellion. As in Malaya, operational and intelligence coordination between the police and the Army initially was completely inadequate. It was not until January 1953, five months after the start of the rebellion, that the first steps toward remedying this situation were taken when Major-General Sir Robert Hinde was appointed Military Advisor to the Government and immediately began reorganizing relations between the police, the military, and the civil administration (see Figure 2). He started with the overhaul of the "Sitrep Committee," the senior policymaking body in Kenya, establishing in its place a three-tiered system of committees. At the top was the Colony Emergency Committee, presided over by the Governor and attended by Hinde, the Commissioner of Police, the senior members of the administration, and two European representatives from the Kenyan Legislative Council. Subordinate to this, Hinde created a

\textsuperscript{14}Ibid., p. 22.
\textsuperscript{15}Carver, *War Since 1945*, p. 22.
Figure 2—Initial Kenyan Command and Coordination Structure

Director of Operations Command under his direct control that consisted of representatives of the Army, police, and civil administration. Finally, provincial and district emergency committees were set up, staffed by local representatives of the civil administration, Army, and police.\(^{17}\)

Despite the reorganization, however, a diffusion of authority and responsibility continued to stymie coordination among the intelligence and operational elements of the colony’s security establishment.\(^{18}\) More importantly, Hinde himself exercised executive authority only over the Army. Even with his subsequent appointment in April 1953 to Director of Operations (with authority over the police as well), the command and coordination structure remained cumbersome and ineffective.

Accordingly, the command and coordination structure was again revised: this time, Sir George Erskine, a senior general, was appointed to the dual posts of Commander-in-Chief

\(^{17}\)Paget, *Counter-Insurgency Campaigning*, p. 93; Carver, *War Since 1945*, p. 35. See also Dewar, *Brush Fire Wars*, p. 54.

\(^{18}\)Paget, *Counter-Insurgency Campaigning*, p. 93; Carver, *War Since 1945*, p. 35.
and Director of Operations, with Hinde himself assuming the post of Deputy Director. Command of military forces in East Africa was separated from Headquarters, Middle East Command in Cairo and reformed as an independent command directly accountable to the War Office. With the creation of the joint Commander-in-Chief/Director of Operations post, authority over all colonial, auxiliary, police and security force units, including the Army and the Royal Air Force, resided in a single individual. Unlike Templer in Malaya, however, Erskine was not given responsibility for both civil administration and all military matters; the Governor retained full executive authority while Erskine was responsible for military operations and internal security. Erskine's duties were thus defined as "in support of the civil power"; even though the police fell under his operational command.

As the campaign progressed, Erskine made further modifications to the administrative structure (see Figure 3). In March 1954, the unwieldy Colony Emergency Committee was reorganized into a smaller Executive War Cabinet, composed of the Governor, Deputy Governor, the Commander-in-Chief/Director of Operations, and the Chairman of the European Community. In addition, an Emergency Joint Staff was established to coordinate planning for the War Cabinet. The subordinate committees at the provincial and district levels, which included representatives from the civil, military and police arms of the government, continued to function as they had before: planning operations and coordinating the flow of intelligence to the security forces in the field.

Reorganization of the command and coordination structure in Kenya allowed the government and security forces finally to devise a clear plan of campaign and establish a framework for more timely dissemination of intelligence. Indeed, by the end of 1953, Erskine's efforts to improve intelligence and coordinate military operations were reflected in the dramatic inroads made against the Mau Mau by the security forces: 3064 insurgents killed and more than 1000 captured, and an additional 156,459 suspects arrested. More tellingly, within a year of the government's reorganization, both the Mau Mau hierarchy and its cell structure in the Kenyan capital, Nairobi, had been shattered, and the movement's strength had more than halved, from a high of 12,000–15,000 insurgents to no more than 5000.

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19Ibid.
CYPRUS

The EOKA\textsuperscript{22} insurgents began their campaign against the British in April 1955, seeking not military victory but international attention and support for their cause: the unification of Cyprus with Greece. Attacks included bombings of government offices, military facilities, and police stations throughout the island, as well as an assassination attempt against the governor and other senior British officials who gathered for the annual Empire Day celebrations. The underfinanced, and consequently understrength, police force on the island was unprepared to cope with the threat. Moreover, the small British military establishment on Cyprus was similarly disorganized and unprepared for the conflict.\textsuperscript{23}

The British responded to the initial wave of terrorism by swiftly appointing Field Marshal Sir John Harding, the former Chief of the Imperial General Staff, as the new governor of Cyprus. With Harding's appointment, the government hoped that he would achieve for Cyprus what Templer had accomplished in Malaya. Indeed, like Templer,

\footnote{\textsuperscript{22}The Greek acronym for "National Organization of Cypriot Fighters."}

\footnote{\textsuperscript{23}Carver, War Since 1945, pp. 48–49.}
Harding assumed the post of Director of Operations, which gave him control over civil, police, and military activities. Emulating the framework first used by Briggs in Malaya, Harding coordinated the work of all three governmental arms, again placing a high priority on intelligence. To facilitate the closest exercise of command and coordination between the military and the administration, Harding created two posts: a Chief of Staff and Undersecretary for Internal Security. A special Joint Staff of military, police, and civilian officials was established under the Chief of Staff’s aegis, as was a Joint Intelligence Organization. The Undersecretary was directly responsible to Harding for all nonmilitary aspects of security operations as well as for liaison between the civil and military arms of the government. In addition, a single Joint Operations Centre was established and staffed 24 hours a day in order to ensure effective coordination and control over all operations. Harding thus had direct contact with his military commanders through his Chief of Staff and with the police, the intelligence services, and the civil administration through the Undersecretary for Internal Security (see Figure 4). He himself was represented in all these bodies by the Undersecretary.\textsuperscript{24} Police-military cooperation was subsequently enhanced further when

![Diagram](image)

This structure, except for the position of the Chief of Intelligence and the Joint Staff and Intelligence Organization, was in place before the revolt gathered momentum.

\textbf{Figure 4—Cypriot Command and Coordination Structure}

\textsuperscript{24}Paget, \textit{Counter-Insurgency Campaigning}, pp. 122–123.
Harding established a Joint Army-Police Staff School in November 1955, which two years later became the Internal Security Training Center. The administrative reorganization undertaken by Harding greatly improved the security forces' performance. But the conflict in Cyprus was unlike those in Malaya and Kenya. The EOKA insurgents relied exclusively on hit-and-run terrorist tactics, seeking not to control territory but to compel the colonial government to disperse its forces.\(^{25}\) The insurgents in Cyprus also represented the majority of the population, not a minority, as was the case in Malaya and Kenya. Over 80 percent of the island's citizens, as well as their brethren in neighboring Greece, supported the insurgents' cause. Moreover, the security forces' command and coordination structure in Cyprus, though carefully planned and introduced well in advance of the escalation of EOKA violence, was ultimately vitiated by Britain's political inflexibility. Although Britain had been able to make key political concessions in Malaya and Kenya that largely satisfied popular grievances and thereby effectively mitigated support for the insurgents, its interests in Cyprus were immutable. The civilian population in Cyprus, accordingly, could only be offered limited political incentives. Recognizing that its interests were of little consequence to Britain, the population therefore refused to cooperate with the government, thus undermining Army and police efforts to obtain information on the insurgents as well as reduce aid and support given to EOKA.

**RHODESIA**

In 1965, when the insurgency in Rhodesia began to intensify, defense policy was determined by the Security Council, composed of the Prime Minister (as chairman); leading government ministers of cabinet rank; the commanders of the police, Army, and Air Force; the Director General of Central Intelligence Organization (CIO); and the head of the Internal Affairs Department.\(^{26}\) At that time, the Rhodesian police still ran virtually all Rhodesian internal defense operations. The police Special Branch had so thoroughly infiltrated the two insurgent organizations that police interdiction of insurgents crossing into Rhodesia from their bases in neighboring Zambia proved simple and fairly nonviolent. By April 1966, however, when the police fought their first real battle against the insurgents, they found themselves inadequately armed and trained for such armed encounters. Accordingly, following the engagement, formal (as opposed to the informal, ad hoc contact of the past)


\(^{26}\)The security forces officially remained subordinate to the government, and thus civil authority, throughout the conflict. However, through their direct access to the Prime Minister at council meetings, the various police and military commanders enjoyed virtually the same powers as their civilian counterparts in the cabinet.
cooperation among the Air Force, Army, and police was established. In addition, a system of responses to insurgent actions was promulgated whereby incidents that progressed beyond the control of a single service would be handled by special joint operational teams drawn from the police, Army, and Air Force. The institutional rivalries and organizational impediments to cooperation among the military, police and government were thus greatly reduced, though not completely eliminated.

These “Joint Operations Centers” (JOCs), as the new coordinating units were known, were established throughout the country. They were staffed by local commanders, holding equal or similar rank and drawn from each of the armed services and civilian government agencies involved in the insurgency. They met daily to make the tactical operational decisions affecting their areas of operations. The national police force’s Criminal Investigation Department (CID) and/or Special Branch (and thus the Central Intelligence Organization (CIO)—Rhodesia’s external intelligence service—to which Special Branch was responsible) were also represented on the JOCs, as was the Internal Affairs Department. This integration of police, military, and civilian agencies was critical to guide joint operations and direct the flow of intelligence from one service or agency to another. The JOC system thus effectively coordinated the activities of all five entities responsible for Rhodesian defense: the police, the Special Branch, the Army (and its special forces), the Air Force, and the Internal Affairs Department.

Until 1977, the senior-level Operational Coordinating Committee (OCC) stood at the apex of the JOC system. The OCC was responsible for the planning and execution of all combined security force operations, and its members included the national commanders of the police, Army, and Air Force, as well as the CIO Director General. The problem, apparent throughout the entire JOC system but especially acute at this level, was that no single commander had overall authority or seniority over fellow committee members. Accordingly, all decisions had to be reached through consensus, with each representative seated on the committee responsible for ensuring that his respective service or department carried out agreed-upon command decisions. In addition, issues that could not be decided by the JOCs or sub-JOCs were then referred up the chain of command to the OCC, where the debate was often merely carried on by more senior officials. Those issues not resolved by the OCC were referred still further up the chain to the Prime Minister himself. This process, not surprisingly, produced critical tactical delays; it also deprived the security forces of the overall national coordinating strategy that the JOCs and OCC were meant to provide.

Given this unwieldy arrangement—and the tension it engendered between the Army and the police in particular—the various services began calling for the appointment of a
"supremo": a single commander with overall authority over the entire security force apparatus and the power to enforce a unified strategy. The Prime Minister, Ian Smith, was initially opposed to the idea, arguing that he served as the supreme commander and that the OCC already referred controversial matters to him for policy decisions and subsequent enforcement. Eventually, however, as the services' demands intensified, Smith agreed to the creation of a more coordinated system of command. The Combined Operations Command (COMOPS) was thus established in 1977, and Lieutenant General Peter Wards, the Army commander, was appointed to head it (see Figure 5).

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**Figure 5—Rhodesian Command and Coordination Structure**

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*27* "Supremo" being the same as the High Commissioner/Director of Operations position in Malaya or Cyprus, for example.
Walls, as head of both COMOPS and the National Joint Operations Center (NATJOC), which replaced the OCC and to which COMOPS reported, was ostensibly endowed with the authority to exercise command over all the security forces and relevant civilian agencies. In practice, however, the Supreme Commander’s appointment did little to improve the situation, since he still lacked real authority over the other NATJOC members, most of whom had in any event just recently been co-equals on the OCC. For the most part, Walls therefore functioned as little more than chairman and NATJOC as little more than a looser version of the OCC. Moreover, the new command organization proved itself even less capable of meeting the demands of war than its predecessor. Directives not only had to be approved by the Supreme Commander but by the relevant security force commanders on the COMOPS as well. Thus, war by high-level committee continued. The situation was further complicated by the reorganization having given COMOPS control over the operational planning functions of the various services without the attendant integration of their respective planning staffs. Lacking a staff with which to undertake detailed logistical planning, COMOPS should simply have limited itself to coordinating the overall war effort along broad strategic guidelines. Instead, it became directly involved in the planning and execution of individual operations. The result was confused logistical planning and intelligence dissemination, increased animosity between the individual security force commanders and the Supreme Commander, and the continued absence of a unified strategic plan.28

In the final result, COMOPS did not meet the expectations of the security forces or the government. No doubt the Rhodesians had expected the appointment of a Supreme Commander to yield the success that a similar command structure in Malaya, under General Sir Gerald Templer, had achieved. The fact that Templer, as High Commissioner in a British colony, had enjoyed an absolute power that could never have been given to a Rhodesian supremo, however, had not been taken into account. Ian Smith never relinquished his, or indeed, civilian control over the counterinsurgency and, moreover, refused to give Walls carte blanche. Smith, however, should instead have exercised greater leadership himself in framing an overall strategy. As it was, the tedious decisionmaking process of the OCC was further compounded by the unarrested degeneration of interservice relations and the fractured command structure that continued even after COMOPS was created.

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NORTHERN IRELAND

The longstanding and continuing conflict in Northern Ireland is unique among the four British campaigns examined in this study. Foremost among its unusual characteristics is its location. Unlike past campaigns that were conducted in various far-flung colonial possessions often on the other side of the globe, this conflict is waged in the streets and countryside of a land that is constitutionally part of the United Kingdom. Moreover, in using its soldiers in this campaign, Britain has employed military force against terrorists within its own borders, a measure no other Western European country has so far deemed necessary or appropriate, not even Spain, whose Basque conflict is the most similar to that of Northern Ireland.\(^{29}\) The conflict in Northern Ireland also has not been confined exclusively to that land, which constitutes another crucial difference between this insurrection and the others that have plagued Britain. Terrorist operations have occurred across the border in the Republic of Ireland, in Britain itself, and in Europe.

Although intercommunal antipathy has existed in Ireland since Britain conquered the island in the seventh century, the more recent origins of the Northern Ireland conflict date from the founding of the Northern Ireland Civil Rights Association in 1967. The Association was formed to protest Protestant discrimination against Catholics in housing and jobs as well as the entrenched election gerrymandering endemic to Northern Ireland. Not surprisingly, this assertion of Catholic rights provoked the Protestants. On October 5, 1968, rioting broke out during an Association march in Londonderry. During another march in January 1969, Protestant thugs viciously attacked the participants, thus setting the stage for a province-wide conflagration.\(^{30}\)

The escalation of intercommunal violence breathed new life into the moribund Irish Republican Army (IRA). The IRA was the successor of earlier Catholic secret societies cum revolutionary/nationalist organizations, such as the Fenian Brotherhood and Irish Republican Brotherhood, that had been formed over the past century to oppose British domination of Ireland. Toward the end of the 1916–1920 uprising, which had culminated in the partition of Ireland, the IRA had emerged as a dissident force in the republic. Basically, the IRA wanted to create a truly united Ireland by completely eliminating British rule in the north.\(^{31}\) The failure of the sporadic terrorist campaign the IRA mounted between 1956 and 1962 sent the group’s power and influence into a decline. Deciding then to eschew violence,


\(^{30}\)Dewar, *Brush Fire Wars*, pp. 138–139.

the IRA began to concentrate its activities on the political front and assumed a Marxist-Leninist ideological dimension alongside of its traditional aims.\textsuperscript{32}

This new path, coupled with the riots of 1968 and 1969, split the organization into rival so-called Official and Provisional wings.\textsuperscript{33} On the one hand, the Official IRA, as the traditional organization is known, now preferred to concentrate generally peaceful efforts on social and ideological issues in close sympathy with the Soviet Union. On the other hand, the Provisional Irish Republican Army or PIRA, the name adopted by the dissidents, continued to espouse violent revolution as the way to achieve the unification of north and south into a socialist republic that would replace the government in the south. The Provisionals argued that the Officials emphasized ideology over nationalism and independence. Considering itself nonetheless to be a “revolutionary organisation,” PIRA sought to play the role of a Leninist-inspired “revolutionary vanguard,” its members using violence (“propaganda of the deed”) to convince their co-religionists that they are an oppressed and exploited people and thereby rallying support for the PIRA cause. As one PIRA propaganda statement declared, “A revolutionary movement does not depend on a popular mandate as a basis for action. Its mandate comes from the justice and correctness of its cause.”\textsuperscript{34} Although revolutionary violence is an integral facet of their ideology, the group’s members nevertheless stress that they are neither Marxists nor communists, but first and foremost nationalists.

In response to the growing number of Protestant attacks on Catholics, PIRA inaugurated a terrorist campaign of its own. Although the ostensible goal of this campaign was to defend the Catholics,\textsuperscript{35} PIRA also began to advocate confronting Britain directly until Ireland became a united republic of all 32 counties. In August 1969 a new round of rioting erupted in Belfast. On one day alone, eight persons were killed, 170 houses burned, and damages of some £8 million were caused. The scope and intensity of the violence completely overwhelmed the local police force, the Royal Ulster Constabulary (RUC). Moreover, some members of the overwhelmingly Protestant-dominated police force—and especially its reserve component, the so-called B Specials—had participated in the anti-Catholic violence, thus casting serious doubt on the RUC’s ability to function as an impartial, unbiased servant of all the people. When, on August 13, Britain called out the army in support of the police, PIRA was presented with a perfect opportunity to put into motion its broader revolutionary

\textsuperscript{32}Janke, \textit{Guerrilla And Terrorist Organisations}, pp. 87, 93.
\textsuperscript{34}Quoted in Bishop and Mallie, p. 98. See also Dewar, \textit{Brush Fire Wars}, pp. 139–140.
aims. Within weeks, the troops brought in to separate the two communities and, ironically, to protect the Catholics, themselves became the targets of PIRA terrorists.\textsuperscript{36} This intensification of PIRA terrorism quickly deepened the centuries-old sectarian divisions and irrevocably polarized the two communities against one another.\textsuperscript{37}

As had been the case countless times before in other such conflicts, the police continued to be unable to cope with the escalating violence without assistance from the army. Thus, by the end of the year, the number of troops deployed in the province had grown from 2000 in 1968 to nearly 8000.\textsuperscript{38} The violence in Northern Ireland reached its peak in 1972, when PIRA unleashed a massive bombing campaign and 1853 terrorist incidents were recorded.\textsuperscript{39} The campaign demanded the massive reinforcement of the army, with the number of soldiers on duty in the embattled province increasing to 21,800 (excluding the 8900 members of the Ulster Defence Regiment, the local militia).\textsuperscript{40}

The following year, PIRA took its terrorist campaign to Britain itself. Widespread bombings occurred in London and Birmingham that continued into 1974 and 1975. Initially, the terrorists used petrol and nail bombs, but soon their violence grew even more unsettling as their tactics and targets branched outward without pattern. Members set off car bombs—which ranged in size from a few pounds of explosives to over 1000 pounds—outside public buildings. They put incendiary devices in shops and department stores, sent letter bombs, and assassinated or kneecapped or tarred and feathered their enemies. Snipers shot soldiers, mortars bombarded police stations, military barracks and civilian airports, and delayed-action explosive devices and booby traps taxed the ingenuity of the security forces.\textsuperscript{41}

Not until 1977 did the British make any significant inroads in curbing the violence endemic to Northern Ireland, and even since then the conflict has continued without respite.\textsuperscript{42} However, the British government managed that year to impose a measure of order

\textsuperscript{36}Dewar, \textit{Brush Fire Wars}, p. 140.
\textsuperscript{39}Dewar, \textit{Brush Fire Wars}, p. 147.
\textsuperscript{41}Janke, \textit{Guerrilla And Terrorist Organisations}, pp. 98–99. These tactics have also been embraced by the Irish National Liberation Army (INLA), another offshoot from the Official IRA that was founded in 1974. See Janke, p. 93.
\textsuperscript{42}Dewar, \textit{Brush Fire Wars}, p. 155. It should also be noted that Protestant terrorist organizations, such as the Ulster Volunteer Force and Ulster Freedom Fighters, have been active throughout this period as well.
upon the province that enabled it to gradually withdraw the military forces deployed there in order to reestablish police primacy. The new policy, called “The Way Ahead,” replaced the senior army officer who had assumed overall direction of security operations in 1969 with a Chief Constable.\(^{43}\) In addition, it significantly strengthened the size of the Royal Ulster Constabulary (from its complement of some 3000 men in the 1960s to 8313 officers and 4543 reservists today) and halved the number of troops deployed in Northern Ireland to its level in late 1991\(^{44}\) of approximately 10,500.\(^{45}\)

Police officers, now in greater numbers than at any time over the preceding eight years, have replaced regular troops both on patrol and for crowd control. This process of introducing police in place of soldiers, a report by the Institute for the Study of Conflict stated, is “very nearly complete and regular army troops generally operate only in hard republican areas and along the border. Even then patrols are frequently accompanied by RUC personnel.”\(^{46}\) Thus, responsibility for internal security has passed to a reorganized and increasingly strengthened RUC.\(^{47}\) The RUC’s efficiency was also improved through the formation of some 20 special Divisional Mobile Support Units, organized throughout the RUC’s 12 divisions, to provide immediate mobile reserves for the entire province.\(^{48}\)

Coordinated command and control has also been strengthened by the establishment of a “Quadripartite Group for Security” that oversees and coordinates intelligence and operations for the province (see Figure 6). It is chaired by the Secretary of State for Northern Ireland, attended by a political adviser from the Northern Ireland Office, a police adviser (the RUC Chief Constable), a military adviser (the General Officer Commanding British Forces in Northern Ireland), and by an intelligence adviser/coordinator (the senior MI-6 official in the province).


\(^{44}\)As of February 1992, this figure has been increased to approximately 18,000 troops—the largest number deployed in the province for more than a decade.

\(^{45}\)They can be quickly reinforced by a standby force of some 600 soldiers, known as the “Spearhead Battalion,” which “is kept permanently on standby for emergency duty anywhere in the United Kingdom.” A Report Compiled for the Institute for the Study of Conflict, Northern Ireland: An Anglo-Irish Dilemma? pp. 21–22.

\(^{46}\)Ibid., p. 22.

\(^{47}\)Dewar, Brush Fire Wars, p. 157.

For the present, with the strengthening of the RUC, the number of active PIRA terrorists has shrunk to a hard core of about 500 total volunteers\(^\text{49}\)—roughly half the number that existed during the 1970s. But, given the depressed economic condition of the Catholic minority in Northern Ireland, the high levels of unemployment, and continued discrimination and intersectorial antipathy, there are ample recruits to replenish the organization.\(^\text{50}\)

GERMANY

Haunted by the specter of the Nazis’ centralized power, West Germany was cautiously designed as a loose federation, and a great deal of authority thus devolved to its individual semiautonomous states (see Figure 7). At the federal level, the Chancellor heads the government, with government ministers and a Parliamentary Secretary directly responsible to him. Germany’s federal intelligence and security services report to the Parliamentary Secretary and either the Minister of the Interior or the Minister of Defense.

The Minister of Defense is responsible for the German Army and its Military Intelligence Service (MAD), which maintains computer databanks available to provide information necessary for counterterrorist actions. The Minister of the Interior is responsible


\(^{50}\)Janke, *Guerrilla And Terrorist Organisations*, p. 101.
for the Federal Investigation Department (BKA), the Federal Border Guard (BGS), and the Federal Office for the Protection of the Constitution (BfV), a national intelligence service independent of the police and the military. The Parliamentary Secretary has direct authority over the Federal Intelligence Service (BND), Germany's foreign intelligence organization,\textsuperscript{51} and he is also kept informed of BKA and BfV activities. The Parliamentary Secretary is the one person in the government with a complete accounting of all federal-level intelligence activities, but he has no authority to direct those activities.

\textsuperscript{51}The role of the BND (the German equivalent of the American CIA) in counterterrorism is circumscribed, limited primarily to what intelligence it comes across related to foreign support for terrorists acting within Germany. Interestingly, since German reunification it has become clear how little the West Germans knew about East German support of terrorist activities in West Germany.
The BKA and the BfV have state-level counterparts (the LKAs and LfVs, respectively) which are almost completely autonomous from the federal agencies, under the auspices of the state interior ministers. Indeed, the BKA and the BfV were originally conceived to support their state-level counterparts. It was only after the events at the 1972 Olympics in Munich, when the West German government recognized the need for better coordination among the security and intelligence services, that the BKA and BfV were given any authority at all over the state-level organizations. Even today, the BKA and BfV are only supposed to coordinate activities among the various services so as to avoid redundancy and confusion.

Special counterterrorist teams also exist at both the federal and state levels. Within the Federal Border Guard is GSG 9, a specialized civilian police unit. Each of the former West German states also has its own special assault group, and there is currently a single special assault group for the former East German states. By 1992, however, each German state will have at least one assault group.

This diffusion of authority throughout the German intelligence and counterterrorism system makes command and coordination awkward and unwieldy. Yet the lack of coordination is to a certain extent intentional: the federal government is deliberately weak to guard against the threat of centralized authoritarian power. Indeed, in addition to the proliferation of police and intelligence organizations, there is also a layer of bureaucratic oversight to further guarantee that the intelligence agencies and the police will not exceed the authority allotted to them. The effect, however, is to encumber the counterterrorist machinery in administrative mire. The Parliamentary Control Commission operates at the federal level, with counterparts at all the states; the Data Protection Service, created by the federal Parliament, monitors the transmittal of intelligence between the various services; and special legislation has been designed specifically to protect the civil rights of citizens from intelligence activities.

What has not been intentional, though, is the complete lack of cooperation among these agencies. The competition between the state and federal levels of the BKA and the BfV, for example, is precisely what the legislation establishing these agencies envisioned. The BfV and the BKA thus were conceived to be equal partners with their respective state-

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52 For more on the GSG 9, see Section 6.
53 This structure has not changed much since the reunification of East and West Germany. New legislation has been written, however, defining the roles and restricting the actions of the security services. These laws took effect on December 20, 1990.
54 Among the most recent legislation is the Hesse Police Law of January 1, 1990, which increases the justifying factors required before police surveillance on individuals can be undertaken. See also Bundesamt für Verfassungsschutz, pp. 51–54.
level counterparts, and as such they are tasked with coordinating intelligence and activities among these partners. At the same time, however, they are given the authority to act independently in cases that extend beyond the boundaries of a single state, thus leading to circumstances in which representatives of both the federal and state agencies can claim command authority in a variety of situations.

The lack of cooperation extends beyond intelligence to operations and related counterterrorist activities. Both the federal and state-level special counterterrorist teams were created following the Munich Olympics massacre. But instead of being conceived so that their responsibilities and capabilities would be complementary and coordinated, the assault units were independently established and have always been extremely territorial. A revealing incident took place in 1974, when at the last minute, GSG 9's deployment on a nationwide sweep for terrorists was unilaterally cancelled by a state interior minister who explained dismissively that "all they can do is shoot." Much of the resentment of GSG 9 on the state level stems from the fact that although they are officially policemen, within the same career structure as other policemen, GSG 9 members are paid more. In addition, they consume federal funds that would otherwise be allocated to the state forces. Given the states' reluctance to call for federal assistance and indeed the resentment felt toward the elite unit, a situation exists whereby a state police force can attempt to resolve a crisis without calling on GSG 9 or, alternatively, where GSG 9 is involved but there is no coordination with the local force, leading to confusion, if not failure.

These lapses in communication and cooperation do not escape the notice of terrorist organizations. Indeed, a system such as Germany's, in which authority is dispersed and there is nearly no centralization of assets, can be exploited by any criminal or terrorist group that can effectively operate across state lines. This is precisely what has happened since the first wave of terrorism in the late 1960s. The terrorists have been able to act more cohesively on a national level than either the police or the intelligence organizations.

ITALY

Italy's present security and intelligence structures were established by Law 801 of October 24, 1977. Law 801 placed overall responsibility for national security and intelligence with the Prime Minister. The Prime Minister, in turn, can empower his Undersecretary to act on his behalf, and this has been the case with all but Italy's two non-Christian Democrat

55Ibid., p. 45.

The Ministries of the Interior, Defense, and Finance report to the Prime Minister and are responsible for the three most prominent police forces in Italy, respectively, the state police, the carabinieri, and the finance guard.\textsuperscript{57} The command and coordination structure becomes attenuated within each Ministry. Subordinate to the Ministry of the Interior, for example, is the Central Office for General Investigations and Special Operations (UCIGOS), whose function is to coordinate counterterrorist operations within the state police. Each province has a division office of UCIGOS, known as DIGOS. UCIGOS also controls the Central Operative Nucleus for Security (NOCS), which is made up of small tactical counterterrorist units on instant alert. Also responsible to the Ministry of the Interior is SISDE, the Service for Intelligence and Democratic Security, which acts independently of the state police. Subordinate to the Ministry of Defense is SISDE’s military counterpart SISME (the Service for Military Intelligence and Security) as well as the carabinieri. Subordinate to the carabinieri is the Special Intervention Group (GIS), a counterterrorist assault unit completely independent of the NOCS. The finance guard reports to the Ministry of Finance and elements of all three police forces—the state police, the carabinieri, and the finance police—act under the direction of the judiciary as the “judicial police” when they pursue criminal enquiries as part of an antiterrorist campaign (see Figure 8).

No single entity controls all the security forces, nor are there established lines of cooperation. The closest Italy comes to having the kind of coordinated interagency structure that existed in Malaya and Kenya, for example, is the Interministerial Committee for Intelligence and Security (CIIS), a purely consultative body that recommends general national security policy. The CIIS is presided over by the Prime Minister and consists of the Ministers of the Interior, Defense, Foreign Affairs, Justice, Industry, and Finance. In addition to having no authority, the CIIS does not serve to develop unified plans of action nor to coordinate the security services.

Not surprisingly, the lack of an overriding command and coordination structure led to a great deal of confusion and competition among the Italian security forces. Indeed, their division proved counterproductive: intelligence dissemination was far from adequate, and security force operations were frequently redundant. When the Red Brigades held a key

\textsuperscript{57} There are five national police forces in Italy: the state police; the carabinieri; the finance guard, which is responsible for border policing and controlling fiscal laws; the confinement police, or prison wardens, who report to the Ministry of Justice; and the forestry police, who are responsible to the Agriculture Ministry.
political figure hostage, for example, the public prosecutor in charge of investigations had to make out a special order to obtain documents so jealously guarded by the police that the *carabinieri* were not allowed to see them. The prosecutor claimed to have read some of the documents in the press before receiving them through official channels.\(^5\) When special intelligence-gathering units were established to fight terrorism, attracting some of the best personnel away from the state police and the *carabinieri* but remaining independent of UCIGOS and SISDE, the strain within the internal defense community was further compounded.\(^6\)

**SUMMARY**

As evidenced by the cases above, an adequate command and control structure is a fundamental requirement of a successful counterinsurgency or counterterrorism campaign. Without such a structure, the security forces will not be able to cooperate as effectively and


\(^6\) For further discussion of these units (the Antiterrorism Nucleus and the Interforce Antiterrorism Unit), see Section 4.
efficiently as possible, and intelligence will not be disseminated adequately. More importantly, the creation of a command and coordination structure makes possible the development of a unified plan and provides the means with which to carry it out. As the British discovered in Malaya, Kenya, and Cyprus, once they had a command and coordination structure and had appointed a single individual to direct it, they were able to emphasize the aspects of the campaign that were most critical. Elsewhere, however, the variegated bureaucracies of democratically elected governments made such a process impossible: elected officials could not be entirely replaced by appointed “supremos”; entrenched agencies and ministries could not be eliminated or superseded; and governments had to be careful lest they validate terrorists’ claims and prove themselves overly repressive and/or incompetent.

Indeed, in a democracy, the government cannot delegate too much power and authority to its security forces without inevitably threatening civil liberties; but retaining too much power and authority can paralyze or impede a counterinsurgency or counterterrorist campaign through bureaucratic lethargy or redundancy. Although appointing a single leader to head a counterinsurgency or counterterrorism campaign, as Great Britain did in Malaya, Kenya, and Cyprus, reduces internal security force competition; leads to more efficient collection, analysis, and dissemination of intelligence; and allows the development and effective prosecution of a single, unified plan—such a position is incompatible with democracy. In Italy, where a single head of operations could not possibly be appointed, the most effective countermeasures resulted directly from the formation of special antiterrorist units (with members drawn from both the state police and the carabinieri) headed by an individual with complete authority only over their operations. Yet even this small-scale version of “supremo” was problematical, despite its success against the terrorists. The Italian police forces, judiciary, and legislature all expressed grave concern that since there was no effective monitoring of these units’ activities, they could easily subvert constitutionally guaranteed civil rights.  

Within the constraints that accompany democracy, a government can, however, certainly make constructive adjustments to the command and coordination structure. Intelligence should be centralized, so that a single office functions as a clearing house for the collation, analysis, and effective dissemination of all intelligence. Each security force should have representatives in that office to direct the most relevant materials to the tactical forces best suited to act on it. Cooperation among the security forces can also be improved by joint

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60There is further discussion of these units in Section 4.
training and the creation of specific joint operations centers. Ultimately, the head of state or his specific representative should be responsible for making command decisions and, indeed, for developing a unified plan, with clearly defined roles for each service. Finally, whatever command and control structure is implanted at the federal levels of government should be reproduced throughout the subfederal levels of government as well, so that civil administration, security forces, intelligence-gathering organizations, and the judiciary are adequately represented at every level.
3. THE COMPETITIVE ROLES OF CONFIDENCE-BUILDING MEASURES 
AND ANTI-TERRORIST LEGISLATION

The role of government-civilian relations in a successful counterinsurgency or 
counterterrorism campaign must not be underestimated. Terrorists and insurgents force 
governments into struggles for political legitimacy. They put governments on the defensive 
both physically and, more importantly, politically, socially, and psychologically. Terrorists 
and insurgents are not trying to win territory or wealth or resources. They are engaging 
governments in a struggle for the "hearts and minds" of the citizenry. They are challenging 
governments' right and ability to lead, and they are doing so by encouraging the public to 
question its own loyalty to and trust of the government. Thus, terrorists and insurgents 
cannot ultimately succeed against the government without support from the general 
population; when the government effectively meets its population's political and economic 
needs, insurgency and terrorism have a much less fertile environment. But when the nature 
or interests of the government preclude political concessions or actions to assuage public 
discontent, terrorists or insurgents are more likely to find both active and tacit support 
within the population. Under such circumstances, intelligence becomes scarce and 
countermeasures can easily be manipulated and exploited by terrorists or insurgents to their 
own advantage.

A government fighting terrorism or insurgency must therefore recognize that it has 
been put on the defensive and that each of its actions will be scrutinized not only by the 
terrorists or insurgents but by a hypersensitive population as well. Yet governments are 
often tempted, when faced with insurgency or terrorism, to retaliate by using legislation and 
police actions to consolidate and demonstrate their control over the situation. In each of the 
case studies examined here, for example, emergency regulations, laws, and other legislation 
permitted the governments to impose harsh penalties on terrorists or insurgents and their 
supporters. In many cases, capital punishment was decreed for possession of firearms and 
explosives and for membership in a terrorist organization. Provisions were promulgated for 
detaining or interning terrorists and suspected terrorists without trial for extended periods, 
and requirements were suspended for warrants to arrest persons or search houses and 
commercial property. A variety of collective punishments and measures—including levying 
fines, closing businesses, imposing curfews, and wholesale removal and resettling of local 
populations—were also promulgated. Additional powers to deport persons involved with 
terrorist or insurgent activities, to control the sale and movement of food and other goods,
and to exercise censorship over the press were also wielded by the various governments in the campaigns discussed here.

Many of the emergency measures discussed here were designed to allow governments greater flexibility and/or severity in the prosecution and punishment of insurgents or terrorists and their sympathizers. A number of the measures, however, were specifically intended to impede active or passive civilian aid to the terrorists. Such measures proved in many cases to be double-edged. Although they were effective in slowing actual aid to the terrorists or insurgents, they were counterproductive to the goal of obtaining the cooperation of the civilian population, who resented the disruption and inconvenience that the measures caused. Moreover, many of the regulations and laws imposed in these situations would be unacceptable by current international standards, such as the 1977 Geneva Protocol on the Protection of Victims of Non-external War. Indeed, there is a fine line between the imposition of emergency measures and the restriction of civil liberties, and in each of the cases discussed below the government had to address this issue in the context of political legitimacy and popular support.

MALAYA

In Malaya, the nature of the conflict itself was amenable to relatively easy and straightforward political solutions. The communist insurgents represented and based themselves among the Chinese squatters, a minority of the population. Numerically inferior to the government's security forces, the insurgents could not seize and hold territory; instead, they dominated areas through intimidation of the local populace. Fear of insurgent reprisals, accordingly, effectively suppressed civilian support for the government in general, much less its counterinsurgency campaign. The colonial government's initial approach to this situation was predictable, conforming to previous British methods of dealing with popular unrest: a State of Emergency was declared under which the authorities were afforded vastly expanded powers.

The government promulgated the 149-page Malayan regulations shortly after the declaration of the State of Emergency in June 1948, with subsequent amendments enacted in 1949 and 1953. Members of the security forces in Malaya were empowered to arrest guerrilla suspects without warrant and to detain suspects for unlimited periods without trial (subsequent amendment allowed for detention only up to two years without trial); to search houses and other dwellings without warrant; and to impose curfews and otherwise control

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1Komer, The Malayan Emergency in Retrospect, p. 34.
and restrict population movement. The British deemed such measures necessary because the insurgents were particularly adept at using common techniques of intimidation, and few witnesses were prepared to give evidence in open court. The emergency legislation thus made it possible for the police, who often had little or no hard evidence against guerrillas, to arrest and detain suspects despite the reluctance of witnesses to come forth and give evidence.

Until its repeal in August 1952, the death penalty was applied not only to persons convicted of terrorist crimes, such as possession and use of firearms or explosives, but to persons convicted of simply "consorting" with insurgents. One observer cites this particular provision as among the major mistakes the government made in the Malayan counterinsurgency, since the security forces' own inability to protect or defend the public from insurgent reprisal made it nearly impossible for civilians to deliberately avoid interaction with the insurgents without risk to themselves.

The Malayan government could also impose, without warning, regulations governing food sales and distribution. This provision was crucial to the counterinsurgency campaign, as sympathetic or intimidated civilians regularly smuggled food and other goods to insurgent units. Known as "Operation Starvation," the program was described as "the most sweeping measure of its kind." Members of the security forces effectively assumed the role of customs officers to control this traffic. Shopkeepers themselves were required to keep a written record of their sales of the various prescribed items, including the purchaser's name and address. Both rationing and these strict accounting procedures effectively severed the guerrillas from this critical source of supply.

Perhaps the most powerful and controversial emergency regulation in Malaya, however, was 17-D, which allowed suspect persons to be detained indefinitely without trial. Between the declaration of the State of Emergency in June 1948 and the following December, some 5100 persons were interned under this provision. By the end of 1949, the number of detainees had increased to 8500 persons, before peaking in 1951 at 11,000. Between 1947 and 1957, a total of approximately 34,000 people were detained, although by mid-1955, after

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3Dewar, Brush Fire Wars, p. 31.
4Komer, The Malayan Emergency in Retrospect, p. 35.
5Barber, The War of the Running Dogs, p. 80.
6Dewar, Brush Fire Wars, pp. 109–110.
7Komer, The Malayan Emergency in Retrospect, p. 36. See also Paget, Counter-Insurgency Campaigning, p. 54.
the struggle had turned decisively in the government's favor, only 1200 hard-core persons were still under detention.  

The powers accorded to the government under Regulation 17-D, however, went considerably further than the individual powers of detention cited above: they also provided for the wholesale removal and detention of all inhabitants in a specified area. In this manner, the High Commissioner could order the collective internment of entire villages presumed guilty of aiding the guerrillas. So far-reaching a measure was deemed necessary because of the difficulty that the police experienced during the early stages of the emergency in distinguishing innocent civilians from communist guerrillas, and was therefore enacted despite its draconian character.

Even more dreaded than Regulation 17-D was Regulation 17-C, which allowed the deportation of noncitizens to their country of origin. Because the majority of ethnic Chinese residents in Malaya were not citizens, this was an especially powerful weapon to dampen popular support for, and aid to, the insurgents. The "Banishment Act," as this measure was called, was applied to specific individuals as well as members of their families. In 1950, for example, 3773 persons, along with 3324 of their dependents, were deported to China, and 73 to India. At one point in the campaign, 10,000 Chinese were repatriated in this manner during a single year. Before the government rescinded 17-C in 1953, some 26,000 persons had been deported to China.

Despite the extreme nature of the emergency legislation enacted in Malaya, martial law was never applied, either nationwide or in specific communities. Further, the civil courts retained jurisdiction over all cases arising from offenses under the emergency regulations throughout the conflict; military tribunals were never used. Nonetheless, the emergency measures were criticized not only by the population, but by senior government officials.

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10Paget, *Counter-Insurgency Campaigning*, p. 54.
11Komer, *The Malayan Emergency in Retrospect*, p. 36; Dewar, *Brush Fire Wars*, p. 31. During the first year and a half of the emergency, this provision was extensively applied to all areas of the country where terrorist activity was especially intense. Sixteen collective removal and deportation operations were carried out between January and October 1949 alone. See Cloake, *Templer: Tiger of Malaya*, pp. 194–195.
17Ibid., p. 34.
These officials forcefully argued that such measures were counterproductive and would succeed in alienating the public at the very moment when their support and assistance were most urgently required. In response to this criticism, and despite police demands to retain the collective punishment and evacuation and resettlement policies, the government decided that, except where special circumstances warranted it, the practice should be abandoned.\textsuperscript{18}

Indeed, the government’s policy was already beginning to change when Briggs was appointed Director of Operations in April 1950. Briggs quickly recognized the counterproductive nature of the State of Emergency and its concomitant legislation, and he developed the “Briggs Plan” as an alternative approach.

The Briggs Plan comprised the following four objectives:

1. To dominate the populated areas and to build up a feeling of complete security therein which will in time result in a steady and increasing flow of information coming in from all sources.
2. To break up the Communist organizations within the populated areas.
3. To isolate the guerrillas from their food and information supply organizations which are in the populated areas.
4. To destroy the guerrillas by forcing them to attack on the government’s ground.\textsuperscript{19}

The plan’s primary goal, Carver explains, was to

prove to the general population, including the Chinese element, that the government could and would provide for their security, so that they would not succumb either to the blandishments or to the threats of the communists . . . [The] plan was to clear up the country systematically working from south to north, making certain that, once the process had been completed in one area, a firm framework of sound administration and security could thereafter be maintained there.\textsuperscript{20}

The plan, as implemented by Sir Gerald Templer, who took over the complementary positions of High Commissioner and Director of Operations after Briggs’ retirement, entirely

\textsuperscript{18}The policy was employed only three times after 1949 (one of those instances was the aftermath of the assassination of the High Commissioner in 1951, when 2000 inhabitants of the nearby town of Tras were incarcerated). After the emergency was brought under control in 1953, the measure was rescinded altogether in view of its inequitable treatment of entirely innocent citizens. See Cloake, \textit{Templer: Tiger of Malaya}, p. 195; Komer, \textit{The Malayan Emergency in Retrospect}, pp. 36–37; and Barber, \textit{The War of the Running Dogs}, p. 199.

\textsuperscript{19}Barber, \textit{The War of the Running Dogs}, pp. 96–97.

\textsuperscript{20}Carver, \textit{War Since 1945}, p. 20.
transformed the situation. Templer built upon and expanded the basic civil-military thrust of the Briggs Plan, inaugurating the campaign and coining the phrase “winning the hearts and minds” of the people afflicted by the violence. Military operations emphasized the complete defeat of insurgents in specified areas so that the government's harsh security measures could be lifted and normal life and commerce reestablished. This was precisely the incentive given to the population: that they should “endure and if possible cooperate with the very severe restrictions on their freedom in almost every aspect of life, which were imposed while the operations were in progress.”

The “hearts and minds” of the population were sought in other ways as well. Over 400,000 Chinese squatters were resettled into new protected villages, where their living conditions were vastly improved, carefully regulated, and effectively maintained. These settlements were defended by locally raised Home Guards, thus giving the people themselves a stake in, and responsibility for, their own security. In another effort to gain the population’s trust, the police were instructed to be especially courteous in their daily interaction with the local populace and to extend kindness and help to those in need. This simple measure soon resulted in reports of up to 20,000 instances of police service to civilians a month. Special government teams were organized to provide agricultural advice and medical treatment to villagers, and the government also instituted a rewards-for-surrender program, whereby monetary inducements and promises of resettlement were offered to guerrillas to defect or surrender to the authorities.

Such measures severely limited the insurgents’ resource base and gradually isolated them in the jungle. Intelligence from the population also began to flow to the government, as civilians began to trust that they would indeed be protected from insurgent reprisals. The public also began to play a bigger role in its own defense, as the ranks of the Home Guards swelled to 200,000 members. Finally, increasing numbers of insurgents began to take advantage of the government’s generous rewards and resettlement offer.

In response to these positive developments and the corresponding improvement of the situation, in 1955 Templer accorded full Malayan citizenship to all of the country’s immigrant citizens (mainly the Chinese squatters) and simultaneously proclaimed a firm date for Malayan independence from Britain, five years hence. With these two measures,

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21 Cloake, Templer: Tiger of Malaya, p. 76.
22 Carver, War Since 1945, p. 21.
23 Paget, Counter-Insurgency Campaigning, p. 67.
25 Kitson, Bunch of Five, p. 75.
Templer's biographer explains, he "removed the last remaining planks of the [insurgents'] platform."26 As one British Army officer and expert in counterinsurgency, Michael Dewar, observes:

Though the backing of regular troops, aircraft and relatively sophisticated equipment was a vital ingredient in defeating the insurgency, success could not have been achieved without the wholehearted participation of the indigenous population. . . . [C]ommunism was beaten not only by military measures and the emergency regulations but also by winning the hearts and minds of the people.27

KENYA

In many ways, the insurgency in Kenya was similar to that in Malaya. The insurgents represented a minority of the population, they exercised control over the population through fear and intimidation, and were outnumbered by the security forces almost five to one. In Kenya, however, the government did not have to actively woo the population; it merely had to recognize its existing support among the public and then act appropriately to take advantage of it. Nonetheless, the government initiated its campaign against the insurgents by declaring a State of Emergency in October 1952, the terms of which accorded the government many of the same extraordinary powers that had been wielded in Malaya and Palestine a decade earlier.28 Once again, provisions gave the authorities power to arrest and detain indefinitely suspects without warrant, and severe prohibitions were imposed on the possession or discharge of "offensive weapons"—in this case, defined to include even "pangas," the axe-like clubs carried by African tribespeople and Mau Mau insurgents alike. The detention orders were issued for all known Mau Mau leaders at the start of the emergency on October 21. They were subsequently arrested and interned in an isolated camp in the Northern Frontier District of Kenya.29

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26Cloake, Templer: Tiger of Malaya, p. 76.
27Dewar, Brush Fire Wars, p. 43.
Partly in recognition of the problems associated with such repressive measures, the authorities adopted a systematic approach to rehabilitating and converting surrendered or captured insurgents to the government’s side. Once this process was completed, the former Mau Mau would be released to the custody of his local chief, who was responsible for monitoring the detainee’s progress and assisting his reentry into society. The entire process of rehabilitation did not last long, as the former insurgents proved to be very responsive as a whole. It is estimated that upwards of 75,000 persons underwent this regimen at one time or another during the emergency, of whom only 1000 remained in detention when it was lifted.

Early in the campaign, the government had learned that whenever it was able to protect the population from insurgent reprisals, it received the community’s assistance and support. Indeed, once allowed to, the indigenous population became energetically involved in the counterinsurgency campaign, seeing in it the means of freeing itself from the dual burden of insurgent violence and the repressive government security measures the violence begot.

As in Malaya, the assistance provided by native Kenyans was invaluable. Whether as members of the security forces or simply as sources of information or intelligence, the support of the population emerged as the linchpin in the successful prosecution of the struggle against the Mau Mau.\(^{30}\) Indeed, between them, Home Guard and Tribal Police accounted for 42 percent of insurgents killed.\(^{31}\)

**CYPRUS**

The circumstances in Cyprus were altogether different from those in Malaya and Kenya. The insurgents represented the 80 percent Greek majority of the island’s population; they did not seek to capture territory, but used terrorist tactics to draw international attention to their cause and to embarrass the island’s colonial rulers; and they prosecuted their terrorist campaign in tandem with political activity and intimidation, thus effectively mobilizing the Greek Cypriot population in their support. Britain’s interests also differed from the two previous counterinsurgencies: in contrast to the relative political flexibility shown in Malaya and Kenya, British interests in Cyprus were strategic and therefore immutable, so only limited political concessions or incentives were offered to the population.

Many of the security measures undertaken in Malaya and Kenya were also inapplicable to Cyprus: there were too many insurgent supporters to institute any type of relocation program; the island’s geography made the establishment of “cleared areas” impossible; because of national loyalties, the political situation, and fear of insurgent

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\(^{30}\)Dewar, *Brush Fire Wars*, p. 57.

reprisals, the British could not involve the indigenous population in its own defense; and the British were not able or willing to offer the kinds of political incentives in Cyprus that they had in Malaya and Kenya. Nor were the British ever able to completely defend the local population from insurgent reprisals—the cornerstone of securing the population's allegiance—thus further undermining the prospects of securing popular support and cooperation, especially in the realm of intelligence.

Cyprus stands as an excellent example of how critical the local population is in an insurgency. Although the insurgents represented the political interests of the majority ethnic group in the Cypriot population, the insurgency's outcome was far from determined by that fact. Indeed, the insurgents inevitably alienated the population with indiscriminate violence and brutal acts of intimidation to deter cooperation with the government. Had the government relied less on restrictive measures and more on propaganda and public relations measures early on, taken strong, competent antiterrorist measures as a means of defending the population from insurgent attacks and reprisals, and made more of an effort to compromise on the political issues, the counterterrorist campaign might have been more successful.

Instead, the Emergency Powers Regulations promulgated with the declaration of a formal "State of Emergency" in November 1955, perhaps inevitably, conformed precisely to those used previously in Palestine, Malaya, and Kenya. The death penalty was imposed for a number of offenses in addition to murder, including shooting, bomb-making, or the placing of explosives, and life imprisonment was decreed for possession of firearms or explosives. Members of the security forces were empowered to arrest persons and to search houses and other property without warrant, to impose curfews, and to hold suspects indefinitely without trial. The latter provision was justified on the grounds that, according to the Annual Police Report for Cyprus in 1956, intimidation was so widespread that Cypriots were "completely terrified to be seen even talking to a policeman," a situation that nearly erased the likelihood that witnesses could be found either to cooperate with the police or testify in court.

In addition, the island's governor could ban political parties and related activities, forbid public assembly and demonstrations, and censor newspapers, magazines, and radio

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32Such measures are more useful in a situation like the one in Cyprus, where the insurgents attack in urban areas, than in circumstances like those in Malaya or Kenya, where the insurgents concentrated their attacks in rural areas—where government resettlement and Home Guard programs effectively defended the citizenry from the insurgents.

33Dewar, Brush Fire Wars, p. 71.

broadcasts. The Emergency Powers Regulations also provided for deporting persons suspected of involvement in, or support of, terrorist activities and for imposing collective punishment on communities that repeatedly abetted or passively permitted terrorist activity.

The policy of deportation, unlike in Malaya, had little appreciable effect on the level of violence in Cyprus. More effective were the collective punishment regulations. Under these powers, district commissioners, with the governor's consent, could impose four sanctions:

1. Order that a fine be levied on the assessable inhabitants of the area;
2. Order that all or any of the shops in the area be closed during such times and under such conditions as specified;
3. Order the seizure of any movable or immovable property of any inhabitant of the area;
4. Order that all or any dwelling houses in the area be closed and kept closed and unavailable for human habitation for such period or periods as specified.

On several occasions the government imposed curfews for prolonged periods on villages where guerrillas were thought to be hiding. This measure in particular incurred the wrath of both the local populace and their Greek brethren on the mainland. The government, however, rarely resorted to the other types of collective punishment. It levied fines on only twelve occasions, ordered shops closed just four times, requisitioned buildings twice, and seized property only once. These penalties were applied to fourteen areas altogether, although some areas were punished collectively more than once.

Both sides argued that collective punishment in Cyprus was counterproductive, for it alienated the population and created increased sympathy for the terrorists. As Paget argues,

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35 The Times of Cyprus, for example, was fined for violating a regulation prohibiting the publication of "any report or statement likely to cause alarm or despondency, or to be prejudicial to public safety or the maintenance of public order."
37 Carver, War Since 1945, p. 55.
39 Ibid., pp. 55–56.
40 Paget, Counter-Insurgency Campaigning, pp. 145–146.
41 Ibid.
The policy of collective punishment did not succeed in turning the people away from EOKA, and was widely criticized as doing more harm than good . . . in that it aroused bitterness among the uncommitted element of the populace and alienated potential good will. It was a step that was undoubtedly justifiable in that it might have helped to defeat EOKA and so end their intimidation of the populace. In fact, it confirmed that the insurgents’ hold over the people was so strong that no action by the Security Forces, except the defeat of EOKA, was likely to overcome the fear that the people had of insurgent reprisals against alleged “traitors.”

RHODESIA

Although the Rhodesian government adopted the Malayan model of counterinsurgency, it devoted the lion’s share of its finances and attention to the tactical side of the campaign and all but ignored the “hearts and minds” element. Indeed, the Rhodesian government’s tendency to treat all blacks as conspirators, and therefore emphasize punitive legislation in lieu of civic action and popular cooperation, irrevocably undermined any prospect for success.

Prior to 1960, special emergency legislation required the declaration of a state of emergency in a given area before the security forces were accorded additional powers of search and arrest. Once a state of emergency was declared, however, the police were empowered to impose curfews, restrict public assembly, and detain suspects without formal charges beyond the customary 48 hours.

This emergency legislation soon proved inadequate to cope with the escalating urban violence and unrest, so in 1961 the Rhodesian government passed the Law and Order Maintenance Act. The Act incorporated most of the previous emergency regulations, as well as complementary legislation, authorizing the police, for instance, to detain prisoners for up to 30 days without trial. The government could also, without lodging formal charges, order the restriction or indefinite detention of people suspected of participating in or abetting subversive activities. Political parties accused of subversion could also be banned, and public meetings and processions had to be approved in advance by senior police officers. Heavy

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43 Paget, *Counter-Insurgency Campaigning*, p. 146; One of the EOKA leaders, George Grivas, made the same point: “Village after village was made to pay sums ranging from a few £100 to as much as £7000 [sic]. . . . The British kept this practice up for six months until . . . they realized that the only result of their actions was to turn the people still further against them.” Cited in Hewitt, *The Effectiveness of Anti-Terrorist Policies*, p. 60. Though the imposition of collective punishment did indeed produce increased resentment towards the British, it may in fact have also reduced violence in those areas in which it was imposed for the first time (subsequent applications of punishment in the same area were found to be less effective and may in fact have increased violence). The communities on which this punishment was levied were indeed less prone to assist EOKA. This may be misleading, however, insofar as the decline in violence in the punished communities was “offset” by increasing violence in surrounding areas. See Hewitt, *The Effectiveness of Anti-Terrorist Policies*, pp. 88, 60, 59.
penalties were applied against anyone who threw stones or petrol bombs, broke up political meetings, incited riots, organized illegal strikes or boycotts, otherwise engaged in intimidation, or deliberately filed false or misleading reports in the press concerning security matters.

As the conflict wore on, the Act was repeatedly amended to keep pace with the security forces' changing needs. For example, the government approved a mandatory death penalty for petrol bombers. Although the measure was severely criticized as excessive, it effectively stopped the wave of petrol bombings that had preceded its enactment. The death penalty was also subsequently amended to cover a broad array of additional crimes, including illegal possession of firearms and explosives. This, too, was criticized as excessive, and unlike the petrol-bombing legislation, it had no deterrent effect. The threat of this penalty, however, nonetheless proved to be a useful tool in persuading captured insurgents to become government agents.

The Act also empowered certain government ministers during an existing state of emergency to pass ancillary legislation in the form of regulations, without requiring parliamentary approval. Such regulations could include curfews, collective punishment, censorship, martial law, and exchange control regulations. Dusk-to-dawn curfews in operational areas were primarily intended to protect civilians from being accidentally shot by security forces lying in ambush for insurgents. The curfews were usually respected, and consequently very few people were killed accidentally. The use of collective punishment was intended to punish tribes found guilty of assisting the insurgents and to deter other tribes from doing the same. District commissioners were empowered to impose summary fines, confiscate livestock, or relocate persons adjudged guilty of such offenses. But this measure only bred increased hostility towards the government, by placing the local population in a no-win situation. Whereas the government punished collaboration with the insurgents with fines and banishment, the insurgents exacted the far more serious penalty of torture and/or death for cooperating with the government. Since the government was unable to offer protection against insurgent reprisals, most villagers had no choice but to aid the insurgents and risk less dire government consequences. Collective punishment, therefore, was especially unpopular among—and did little to affect the behavior of—even those citizens who may have secretly sympathized with the government. In addition, these collective measures were sometimes applied to the families of persons serving in the police or military, which in turn had a disastrous effect on security force morale.

Censorship was combined with propaganda dissemination, as the Rhodesian government fostered positive media accounts of the struggle and favorable commentaries
about governmental policies and security force actions. This was intended to prevent the white population from panicking and fleeing the country, and it proved extremely successful. Critics of censorship, however, claimed that it was used more to stifle criticism than to ensure state security. They also maintained that, particularly after 1972, the government used censorship to cover up security force misdeeds.

Although martial law was imposed only in certain operational areas beginning in 1977, it was eventually applied throughout Rhodesia. In view of the broad powers already available to the security forces, this extreme measure seemed superfluous and was consequently criticized as yet another means to legitimize or camouflage security force excesses. Even senior security force officers questioned the need for martial law, given the already generous scope of powers accorded them under the existing state of emergency legislation. Many have suggested, in fact, that martial law was enacted at the instigation of the legislature and not the security forces. Nevertheless, because insurgents and collaborators could be executed under the provisions of martial law, its enactment was significant.

In order to prevent potential white emigration and foreign “disinvestment” in Rhodesia, the government also imposed strict limits on the amount of money, and later goods, that persons could take out of the country. Although there were people who managed to circumvent the law, the currency regulations were generally effective in restricting white emigration and helping to conserve foreign currency.

Finally, the Indemnity and Compensation Act was passed in 1975 to protect security force personnel from civil and criminal prosecution for acts committed during the state of emergency that would otherwise have been illegal. The same legislation also provided immediate economic compensation to civilians who suffered losses from security force actions. This Act was strongly criticized as a means to legitimize security force excesses, despite the intended safeguards that had been built into it, including review by the Director of Public Prosecution of all complaints brought against the security forces. Charges were in fact filed against some members of the security forces for excessive brutality and murder, although it is not clear whether they were ever brought to trial.

These attitudes were also reflected in the government’s tendency to treat civic action as an adjunct or afterthought rather than an integral part of the counterinsurgency campaign. The protected villages program, for example, was modeled on the protected villages program that the British implemented in Malaya, where villagers in insurgent areas

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of operation were resettled in new villages built by the government in regions with no guerrilla activity. Yet where the Malayan program had been the cornerstone of the British "hearts and minds" campaign, in Rhodesia the hearts and minds dimension was only an ancillary objective. The Rhodesian military simply saw the protected villages as a way to relocate persons from one part of the country to another in order to create depopulated, rural free-fire zones where the security forces could operate with impunity. This misplaced emphasis was apparent in the minimal amount of money the Rhodesians spent on the new villages and the attendant failures either to improve the relocated tribespeople's standard of living or to pursue an organized progovernment psychological campaign. Worse still, once the tribes were settled into the new villages, the government provided little if any protection from guerrilla attack or intimidation.45

This lack of attention paid to this critical aspect of a counterinsurgency proved extremely counterproductive, as formerly apolitical tribespeople essentially were driven to support the insurgents.46 Rather than trying to make the tribespeople partners in the counterinsurgency, as the British had done in Kenya, the Rhodesian government treated them in an avuncular if not patronizing manner. The government was unwilling to concede that blacks were capable of understanding the intricacies of government and therefore denied them political enfranchisement. The government also never adequately protected the rural black population from insurgent intimidation and violence, relying instead on its own repressive measures and attendant threats of punishment to try to prevent tribespeople from aiding the insurgents. This technique was doomed to failure: forced to choose between the insurgents' grisly violence or reprisals and the government's own petty forms of punishment and retribution for aiding the insurgents, the black population had no choice but to cooperate with the guerrillas. The Rhodesians, accordingly, never recognized that the insurgents' greatest success was in mobilizing the population, whether out of fear or choice. The

45See Ian Beckett and John Pimlott (eds.), Armed Forces and Modern Counter-Insurgency, St. Martin's Press, New York, 1985, pp. 180–181; and Cilliers, 1985, p. 88. Cilliers described "consolidated villages," a tactic used briefly after the cost of building and maintaining protected villages rose too high. The people in consolidated villages remained completely unprotected, and were simply concentrated in a single location to keep them out of the way of the security forces. Insurgents thus attacked these villages freely, burning them to the ground and sending their inhabitants fleeing into the bush, effectively negating the security forces' wishes to create free-fire zones.

46Of all the civic countermeasures employed, those that provided for the protection of the white population were the most effective because the whites had the money and resources to spend on supplementary private security measures. Physical barriers, security fences, sandbag emplacements, and window grills were all erected at farms and houses threatened by insurgent attacks. The "Agri-Alert" system, a simple radio alarm linking farms to the local police stations, also helped a great deal, as did the "Bright Lights" program, in which police reservists performed static guard duties in rural areas as a means of protecting farms from guerrilla attacks.
insurgents therefore were able to create a situation in which the black population could no longer afford to passively accept the white government. As one analyst has noted,

In their single-minded determination to eliminate insurgents or punish the local population for assisting the insurgents, Security Forces lost sight of their essentially supportive role. The Security Forces and even more important, the white politicians, remained insensitive to the less tangible aspects of the conflict. The local population were in fact the determining factor, not the insurgents.47

NORTHERN IRELAND

Special Legislation In Northern Ireland: Internment Without Trial

Special legislation conveying formal emergency powers to the government was not enacted until 1973 in Northern Ireland. In 1971, however, as a result of escalating sectarian violence, the government instituted internment without trial. The Army had strongly opposed this measure, which, as it had predicted, turned out to be disastrous.48 Not only was its execution flawed, as previously noted, the internment policy’s effect was entirely counterproductive, serving only to polarize the Catholic community further from the government and to create a situation that rendered Northern Ireland nearly ungovernable.49 Internment also laid bare the inadequacy of the security forces’ intelligence apparatus, as persons whose names appeared on long-out-of-date arrest lists were detained while more recent recruits to the terrorist organization remained unmolested.50

47 Gilliers, Counter-Insurgency in Rhodesia, p. 244. The Rhodesian government showed the same disregard for the Home Guard program it established, ostensibly along the lines of the program in Malaya, as it had for the resettlement program. Local militias were set up, but then armed with cast-off, antiquated weapons and accorded only the most rudimentary training, rendering them incapable of defending either themselves or their villages. The militias were further disadvantaged by their personnel: unemployed men from urban areas who were recruited without regard for their lack of tribal affiliations with the people they were defending or familiarity with the bush. The militias consequently lost credibility with the populace, particularly after they began to harass and intimidate the tribespeople they were supposed to be protecting. Ironically, the ease with which the guerrillas disarmed these poorly trained men sowed suspicion within the security forces about the militias’ loyalty and dependability. Thus, rather than providing an additional layer of protection for the villages, the way in which the Rhodesians organized, equipped, and supported the militias made the villages doubly vulnerable: they were specifically targeted by the insurgents, who saw them as a threat to their rural hegemony and distrusted by the security forces, who regarded them as potential, if not actual, “fifth columnists” and refused to come to the militias’ aid when the villages were attacked.


Worse still, the antagonism this measure created within the Catholic community led to a dramatic increase in the number of terrorist incidents. For example, violence in the province claimed the lives of 59 persons in the two-year period August 1969 to August 1971 (when the government instituted internment); 231 persons were killed in just the next six months. As the brigade publication of No. 45 Commando Regiment (one of the British units serving in Northern Ireland at the time) lamented,

The recent shootings of British soldiers during the past weeks and the continuing explosions make it evident that internment was quite inefficacious. It has, in fact, increased terrorist activity, perhaps boosted IRA recruitment, polarized further the Catholic and Protestant communities and reduced the ranks of the much needed Catholic moderates.

Accordingly, in March 1972—just seven months after the measure’s implementation—the government suspended internment. Its withdrawal, moreover, led to the dissolution of the Northern Irish Parliament and the institution of direct rule by London. Greer noted:

In the early 1970s, detention without trial was seen by those who advocated it as a potential panacea for the mounting disorder. It is now widely recognised, however, that this security initiative resulted in the incarceration of innocent men, thus further estranging large sections of the Nationalist community from the legal process, and that this in its turn dramatically increased the flow of recruits to the IRA and added fuel to an already bitter civil conflict.

The most innovative, and controversial, legal measure employed by the British in Northern Ireland was the use of so-called supergrasses. The origin of the appellation “supergrass” is variously ascribed to the term “grass,” as in Cockney rhyming slang “grasshopper-copper,” used to denote a police informer; to a popular song of the 1960s, “Whispering Grass” (which told of how the whispering grass revealed secrets); or simply as a derivation of the common aphorism, a “snake in the grass.” The practice of using a supergrass—that is, a convicted terrorist who agrees to testify against his former comrades

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53Quoted in Hamill, Pig in the Middle, p. 63.
54Ibid., p. 104.
56Greer, “The Supergrass System In Northern Ireland,” p. 29.
57Ibid., p. 2.
in return for a reduced prison sentence or freedom with a new identity—resulted when Army
intelligence officers in Northern Ireland complained that they could not offer legal
considerations or large sums of money to potential informers to obtain their cooperation.\textsuperscript{58} The case of Christopher Black, an IRA terrorist arrested in November 1981, is cited as the
first time that this practice was used, although British academician Steven C. Greer points
out that at least four persons arrested in Northern Ireland during the preceding ten years
had been treated in a similar manner. Within two days of his detention, Black made the first
of many statements that implicated himself and others in a variety of IRA-related terrorist
incidents. He was subsequently granted immunity from prosecution in return for his
testimony, and in December 1982, 38 persons Black had accused were put on trial, 35 of
whom were convicted. The successful prosecution of this case led to a succession of trials of
persons similarly implicated by imprisoned terrorists in Northern Ireland. The supergrass
system was applied to Catholic and Protestant terrorists alike. Between November 1981 and
November 1983, information provided by seven Protestant and eighteen Catholic
supergrasses led to the arrest of 590 persons charged with terrorist offenses.\textsuperscript{59}

But even though officials in Northern Ireland credit the supergrass system with
significantly decreasing terrorist violence in the province,\textsuperscript{60} it has emerged as a somewhat
flawed and controversial method of combating terrorism. In October 1983 a storm of protest
erupted in Northern Ireland from both Catholic and Protestant clergymen and politicians
and lawyers over this practice. According to Edward Daly, the Roman Catholic bishop of
Derry, the system had brought “the law into disrepute.” His Protestant counterpart, James
Mehaffey, described the reliance on supergrass testimony as “morally questionable.” And
even the Rev. Ian Paisley, the Protestant community’s most militant spokesman and
harshest critic of the inadequacy of British security measures in the province, claimed that
the supergrass practice was “undermining the rule of law.”\textsuperscript{61}

Then, in December 1986, the British Court of Appeals overturned the convictions of 24
men found guilty of more than 200 separate terrorist offenses based on the testimony of
Henry Kirkpatrick (the number-two man in the Irish National Liberation Army, who himself

\textsuperscript{58} Hewitt, \textit{The Effectiveness of Anti-Terrorist Policies}, p. 100. So dramatically was this situation
reversed that in 1984 alone £1.3 million was spent on protecting and resettling informers. See Hamill,
\textit{Pig in the Middle}, p. 291.


\textsuperscript{60} Hewitt, \textit{The Effectiveness of Anti-Terrorist Policies}, p. 100. See also \textit{Los Angeles Times},
October 7, 1983.

\textsuperscript{61} Ibid.
is serving a life sentence for having committed 5 murders and 72 other serious crimes).\textsuperscript{62} The "mass release," \textit{The Economist} commented, "finally discredited the 'supergrass' system." Moreover, the release of the 24 set in motion an almost unprecedented internecine bloodbath within the Catholic terrorist movement, as rival factions of the INLA moved to settle old scores and to attempt to take control of the organization.\textsuperscript{63} Among those murdered was Gerald Steenson, who until his death had been the group's commander. Steenson was one of those accused by Kirkpatrick and who had been released in December after his conviction was overturned (he had also been the best man at Kirkpatrick's wedding). Two other INLA leaders were gunned down after members of a rival faction had lured them to a hotel, ostensibly to negotiate a resolution of the internal power struggle. The wife of another group leader was murdered while she was bathing her two sons. And, within days of Steenson's death, two other INLA members were found dead from gunshot wounds.\textsuperscript{64} Although law enforcement authorities defended the supergrass system as "potentially the most important security breakthrough" in combating the violence endemic to Northern Ireland, serious doubts have been raised over its basic raison d'ètre.\textsuperscript{65} Its critics cite four inherent weaknesses. First, the informants themselves have been implicated in very serious, violent crimes for which immunity should not be granted. Second, in almost every case the police persuaded the supergrass to inform on his comrades in exchange for immunity or a more lenient sentence. Third, a supergrass is thus motivated not so much to tell the truth as to tell the police what they want to hear and thereby secure a lighter sentence or better deal. Under the accomplice evidence rule of British law, such a witness is inherently defined as a criminal, and therefore a person of bad character, whose testimony cannot be given the same credence as that of a law-abiding citizen. Finally, the supergrass may manipulate his testimony to shift to others the responsibility for crimes that he was involved in and thus present himself in the best possible light and his former comrades consequently in the worst. As Greer points out,

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All these dangers are particularly acute with respect to supergrasses. Each has been involved in serious and mostly violent crime and is, therefore, of unusually bad character even compared with other possible accomplice witnesses. The pressure to tell a story sufficiently appealing to the prosecuting authorities to attract the various rewards on offer is also likely to be more intense than with most other accomplices turning Queen's evidence. There is, in addition, ample
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\textsuperscript{62}\textit{The Times} (London), December 24, 1986.

\textsuperscript{63}\textit{The Economist}, March 21, 1987.


\textsuperscript{65}\textit{Los Angeles Times}, October 7, 1983.
time and opportunity during the many months spent in police "protective custody" for false evidence to be rehearsed in preparation [for presentation in court].

Apart from these concerns surrounding the reliability and veracity of evidence presented by supergrasses, the judicial machinery established for arresting and trying suspected terrorists in Northern Ireland has also been questioned. The Northern Ireland Emergency Provisions Act passed in 1973 gave the security forces wide powers of arrest and search and seizure without warrant, created special procedures whereby issues of probable cause and reasonable suspicion are discussed in closed court, and where trial by jury is suspended and a single sitting judge presides over cases arising from terrorist offenses (although in them the defendant has far more extensive rights of appeal than in normal trials).

In response to these criticisms of the judicial process, James Prior, then Secretary of State for Northern Ireland, stated, "There has been no evidence of a miscarriage of justice. The manner in which the trials have been conducted . . . has had a marked impact on the nature of terrorism and the strength of the terrorist organizations." But, as Greer explains,

The prosecuting authorities in Northern Ireland maintain that the closed and secretive nature of paramilitary organisations precludes recourse to normal investigative policing and that if those who have been active in such organisations are prepared to testify it would be wrong for charges not to be preferred on their evidence. Officially the initiative in each case comes from a suspect who voluntarily decides, usually after having been arrested, to testify for the Crown. Because the law enforcement process is deemed to be greatly facilitated by such decisions, certain rewards, e.g. police protection from potentially vengeful ex-comrades, immunity from prosecution or help in securing a reduced sentence, and, in some cases new identities and new lives elsewhere, are considered appropriate.

The record of convictions secured through the testimony of supergrasses also suggests that the system was not in fact the effective counterterrorist measure so highly touted by British security and government officials. Of 222 persons tried on evidence provided by supergrasses between November 1981 and January 1986, 106 persons were convicted (47 percent). However, appeals court decisions subsequently overturned all but 16 of the convictions, calling into question the ultimate utility of this practice. The supergrass

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67Los Angeles Times, October 7, 1983.
69Hamill, Pig in the Middle, p. 291.
conviction-rate," Greer argues, "is, therefore, considerably lower than the approximately 80 percent conviction-rate when confessions were the preferred source of prosecution evidence in terrorism cases." Moreover, Greer doubts that many of the convictions would have ever been obtained in the first place had the defendants been tried by juries as opposed to the lone judge sitting in judgement for offenses defined by the Northern Ireland Emergency Provisions Act. "In promoting the supergrass system," he points out,

conviction-maximization has been relentlessly pursued by the prosecuting authorities. There has been little attempt to follow the English policy of trying and sentencing supergrasses before permitting them to appear as prosecution witnesses rather than granting them immunity from prosecution. No attempt whatever has been made to follow the English practice of prosecuting only where evidence of a supergrass is corroborated. The English Court of Appeal's advice about limiting the size of trials has also been completely ignored.

One important reason accounting for both the low percentage of convictions and the widespread quashing of sentences secured by supergrass evidence is the inclination of many supergrasses to retract their accusatory statements either during or after trial. Fifteen supergrasses, for example, recanted their testimony after terrorist organizations made death threats against them and their families. An unusual exception occurred when the INLA kidnapped three members of Kirkpatrick's family, and Kirkpatrick nonetheless refused to withdraw his testimony. Indeed, Greer concludes that the system has made no real contribution to the restoration of "peace and stability" in Northern Ireland whatsoever. "Rather," he continues,

the conflict is increasingly being channeled into much more focused killings both by security force personnel and the IRA. It is impossible to measure precisely the contribution the supergrass system has made, or will make, to this developing pattern. It is clear, however, that it has not succeeded in eliminating terrorism from Northern Ireland. Indeed in overall terms it would seem it is more likely to have increased rather than decreased the likelihood of further violence. Paramilitary organisations thrive upon bitterness and a sense of grievance and injustice particularly when this is directed against authority. The supergrass system has apparently nourished such attitudes.

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72Ibid., p. 1.
73Los Angeles Times, October 7, 1983.
In support of this point, Greer cites a poll taken in November 1984 which showed that 72 percent of Catholics questioned “either disapproved or strongly disapproved of the supergrass policy whereas only 21 percent of Protestant respondents fell into this category.”

A useful comparison can be made between the supergrass system and the extremely unpopular policy of internment employed during 1971 and 1972, which, Greer concludes, “resulted in a dramatic escalation in the intensity of the conflict” and consequently led to its suspension just seven months later. “In the early 1970s,” he writes,

\[\text{detention without trial was seen by those who advocated it as a potential panacea for the mounting disorder. It is now widely recognised, however, that this security initiative resulted in the incarceration of innocent men, thus further estranging large sections of the Nationalist community from the legal process, and that this in its turn dramatically increased the flow of recruits to the IRA and added fuel to an already bitter civil conflict. The supergrass system has perhaps sown the seeds for a similar harvest.}\]

In any event, by December 1986, no one was imprisoned in Britain or Northern Ireland based on uncorroborated evidence provided by an informer, nor were any supergrass trials pending. The government’s mistake with the supergrass process, one official has averred, was in trying huge groups of people—not just one or two persons—based on the word of an accomplice. This uncorroborated evidence, heightened by the number of persons who could be convicted on the word of just one individual, ultimately undermined the process and led to the verdicts being overturned by the High Court.


Roy Jenkins, the Home Secretary when this legislation was enacted, later reflected on the dilemma confronting any democracy attempting to protect itself from terrorism. “Governments,” he averred, “must find a way to steer between two dangers; the first of failing to take effective and practical steps to deal with terrorism and the second of over-reacting and seriously damaging respect for human freedom and dignity.”

Having arrogated for itself direct responsibility for security in Northern Ireland, the British government sought to preserve this balance between protecting against terrorism and

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74Greer, “The Supergrass System in Northern Ireland,” p. 28.
75Ibid., p. 11.
76Ibid., p. 29.
77The Times (London), December 24, 1986.
safeguarding civil rights by enacting the Northern Ireland (Emergency Provisions) Act in 1973. The legislation resulted from a government-appointed committee headed by Lord Chief Justice Diplock to examine what could be done in Northern Ireland to improve the judicial machinery and therefore deal more effectively with terrorist organizations.\textsuperscript{79} The Act defines terrorism for the first time in United Kingdom statutory law as "the use of violence for political ends, including any use of violence for the purpose of putting the public in fear." Clearly, any form of counterterrorist legislation unavoidably involves issues of civil liberties and loss of due process and other freedoms. However, as former Home Secretary Merlyn Rees points out,

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The powers which have evolved nevertheless represent a determination by successive British Governments that such legislation will depart as little as possible from internationally agreed principles and from the tradition of British justice. The aim is to ensure both that the security forces have every assistance in their task of bringing terrorists before the courts and that the integrity of the legal system is maintained.\textsuperscript{80}
\end{quote}

Under the terms of the Act, all terrorist-related crimes are termed "scheduled" offenses. This means that trials are not only entirely conducted by a single, senior judge, but that the magistrate—not a jury—determines a defendant's guilt or innocence (although the defendant has more extensive rights of appeal than in normal cases).\textsuperscript{81} Only a High Court—and not, as is usual, an ordinary sitting magistrate—can set bail, and then only if special, strict requirements are met. The police are accorded the power to arrest without warrant and to detain suspects for up to seven days (instead of the 72 and 48 hours respectively that previous versions of the Act allowed) before entering formal charges in court against a defendant. After 48 hours, however, a senior police officer must apply to the Secretary of State for Northern Ireland for authorization to continue to hold the prisoner. Soldiers also may make arrests, but can detain suspects for only four hours before issuing a formal charge. In contrast to a policeman, however a soldier is able to arrest or search "without reasonable suspicion." The police do not have that right, under the logic that a policeman is trained in


\textsuperscript{81}These one-judge courts are known as "Diplock Courts" in reference to Lord Chief Justice Diplock, the chairman of the committee that recommended their adoption. In 1987, as a result of the Anglo-Irish Agreement, the Irish government demanded that this procedure be modified and that trial by three-judge tribunal be introduced instead. This was rejected by the British government. See \textit{The Times} (London), October 31, 1987.
the rules of law and evidence, while a simple soldier is not and in any event cannot be
expected to know. In addition, broad powers of search and seizure are accorded to the
security forces, where it is up to the accused to prove his or her innocence. Finally, the
Secretary of State can order that suspects be detained simply “on the basis of information
which the security forces believe[s] to be valid, whereas conviction for offences under the
normal criminal law is of course on the basis of evidence tested in court.” When the Act was
reviewed in 1974, a year after its initiation, by a commission under Lord Gardiner charged
with reviewing its possible infringement of civil liberties and human rights, the latter
provisions regarding detention were criticized, and the government subsequently suspended
them in 1975.\textsuperscript{82}

The Prevention of Terrorism (Temporary Provisions) Act, enacted in Britain in
1975\textsuperscript{83}—after the IRA bombed a Birmingham pub, killing 21 people—granted the
government two additional, important powers. The first allows the Home Secretary to
exclude persons suspected of involvement in, or support of, terrorism from either Great
Britain or the United Kingdom as a whole. A similar right permits the Secretary of State for
Northern Ireland to exclude persons from Northern Ireland or the United Kingdom. Either
executive, Rees explains, “may exercise this power only if he is satisfied that the person is, or
has been, concerned with in the commission, preparation or instigation of acts of terrorism,
or is attempting, or may attempt, to enter the country for that purpose.” Because the
executives will often base their decision on sensitive information provided by police or
military intelligence agencies that cannot be revealed in open court, such an order does not
require judicial involvement. Again, broader rights of appeal are given to persons banned
under this legislation; however, ultimate responsibility for determining whether a person can
be excluded from the country is reserved for the Home Secretary.\textsuperscript{84}

The second important power conferred on the executive is the right to order the
detention of a suspect for up to a maximum of seven days without either charging him or
bringing him before a court. Reasonable suspicion that the suspect has committed an offense
under the Act or is involved in acts of terrorism provides sufficient grounds for his detention,
since issuing a specific arrest warrant is not required. Alternatively, the police are
empowered to detain a suspect on their own authority for up to 48 hours. This latter
provision, Rees explains, enables the police “to make enquiries about the person to decide
whether to apply to the Home Secretary for an exclusion order or to charge the person and

\textsuperscript{82}Rees, “Terror in Ireland—And Britain’s Response,” pp. 84–85.
\textsuperscript{83}With subsequent amendments added in 1976.
\textsuperscript{84}Rees, p. 86.
bring him before the courts." Additional powers are accorded to the Home Secretary, under which he can proscribe organizations that he considers to be concerned in terrorism in the United Kingdom or involved in such activities in Northern Ireland. To date, the only organization proscribed in Great Britain is the IRA. Under the terms of the Act it is also an offense for persons or groups to raise money for acts of terrorism or to fail to disclose to the police information about terrorism connected with Northern Ireland affairs, such as the United States-based NORAID. Finally, specific regulations are defined to provide immigration and customs controls at ports. The Prevention of Terrorism Act also applies to international terrorists and their supporters and sympathizers.85

Both Acts, moreover, reflect a policy stressing the inherently "criminal" nature of terrorism. Terrorism is treated as a crime—admittedly a crime that must be fought with special measures and means—but a crime nonetheless. In recent years, persons convicted of terrorist offenses in Northern Ireland have been denied categorization as "political" prisoners. Accordingly, be they Republicans or Loyalists, they are treated in prison as common criminals.86

Both the Northern Ireland Emergency Provisions and the Prevention of Terrorism Act must periodically be reviewed and approved by Parliament at set time intervals, which further attests to the unique character of this legislation. In the case of the former, reviews are conducted every six months, and in the latter, annually. "By this means," Rees writes, "we hope that we can keep alive the realization that these measures are emergency ones only and should be temporary."87

Again, a major problem with this legislation—as with many antiterrorism laws—is in securing criminal convictions while avoiding police abuse and attendant public criticism. Between 1975 and 1980, for example, 4345 persons were arrested: only 205 of these were excluded; 381 were detained under extensions requested by the Home Secretary; 46 were charged with offenses under the Act; another 187 were indicted for various other criminal offenses on the British mainland; and 37 others were indicted for criminal offenses after exclusion from Northern Ireland. Hence, as one British newspaper complained, some 4000 persons were "picked up for questioning under the country's wide-ranging anti-terrorist law, held for up to seven days without lawyers and without being accused of specific offenses,

photographed and fingerprinted against their will in some cases, and then simply released." Information on these persons was retained and fed into a police computer databank even though they had "not been, and probably never will be charged with any criminal offense." In recent years, this record has not improved. Between November 1984 and November 1985, for instance, of 950 suspects detained, only 53 were excluded from Great Britain, 36 of them to Northern Ireland and 17 to the Irish Republic. Forty-four other persons were charged with criminal offenses—"ranging from murder to wasting police time"—but only three were charged under the Act with membership in the IRA, and charges against two of them were eventually dropped. Thus the potential for police abuse and harassment, and for public criticism and loss of confidence, is all too apparent. Indeed, in 1988 only 10 of the 186 persons arrested under the Prevention of Terrorism Act were formally charged. In October 1988, the government proposed an amendment to the Act that would remove a suspect's right to remain silent during police and prosecutorial questioning.

Perhaps the most far-reaching antiterrorist legislation that Britain has enacted banned all broadcast interviews with terrorists or their supporters. According to then Home Secretary Douglas Hurd, this extreme measure was not an attempt to impose censorship on the media but simply to deny members of the IRA, Sinn Fein, and other paramilitary groups an "easy platform for those who use it to propagate terrorism." Such a ban has been in force for the print media. In 1990, equally controversial legislation was enacted that permitted the court to draw inferences from a defendant's silence. In other words, a defendant is not deprived of the right to remain silent, but he puts himself at risk by not testifying on his own behalf, since silence is taken as corroborating the prosecution's evidence.

In contrast to these often harsh forms of legislation are the variegated socioeconomic reform efforts promulgated by the British as part of their counterterrorism efforts in Northern Ireland. Since 1973 the Housing Authority Act has banned discrimination on the basis of religion or nationality in the allocation of public housing; and since 1976 legislation has existed making it illegal to discriminate in employment on the basis of religion or nationality. In terms of housing, great strides have been made to improve conditions in some of the province's most economically depressed communities. In 1975, for example, 25 percent

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89*The Sunday Times*, November 2, 1985.
92Ibid.
of Belfast's houses lacked indoor plumbing and other basic amenities; today, those conditions apply to fewer than 8 percent of the city's housing units.

New antidiscrimination employment legislation came into force on January 1, 1990, superseding the 1976 law. The new law—which is described as "by far the toughest in the United Kingdom"—requires all employers in Northern Ireland to monitor the religious/national composition of their work forces and regularly review their employment and hiring practices. It also provides for mandatory affirmative action programs, including the setting of goals and timetables. In addition, the new legislation also establishes an oversight and enforcement framework that is empowered to impose severe criminal penalties and economic sanctions on businesses that violate the new legislation's provisions.93 A recent survey of hiring in Northern Ireland reveals that, while there is still much to be done, substantial progress has been made in integrating Catholics into the province work force, thus reversing decades of discrimination.94

In recent years there has also been a marked change in the government's approach to countering terrorism. Emphasis has increasingly been shifted from defeating terrorism by force to providing political concessions to the Catholic minority, ensuring fair employment and job availability, and genuinely redressing grievances about the allocation of public housing, the provision of social services, etc. These measures are pursued in tandem with efforts to improve relations between the community and security forces and between the community and government.

In order to improve interaction between the community and security forces, the Northern Ireland office has instituted a program of "Confidence Building Issues." Among them is the Committee on Security Forces and the Community, which meets monthly to review public complaints arising from house searches or other security force actions. The committee also attempts to identify patterns of security force-community problems and recommend steps to resolve them. Local liaison committees, organized by the RUC and composed mostly of clerics or lay workers, convey problems, present grievances, or raise other issues with the committee, largely referring problems that cannot be resolved on the spot. Security force searches of houses, for example, are a constant irritant.95

95During certain especially tense periods, more than 30 houses a day are searched in Belfast alone. In 1988, for example, the army carried out 2000 searches of houses and the police another 5000.
Northern Ireland Office fieldmen also act as civilian representatives (called "CIV REPS") to the community, helping to resolve disputes, smoothing over security force mistakes, and generally providing a point of contact for the community, usually through a local priest. For example, a CIV REP is attached to every Army brigade and advises each commander in the planning and conduct of operations. The CIV REP also talks regularly with the troops about the importance of maintaining good relations with the community.

The cornerstone of the government's socioeconomic reform package is the ambitious "Make Belfast Work" program. The focus inevitably is on Belfast, since two-thirds of the province's population lives within 30 miles of that city. The program aims to counter the poverty and disaffection that plagues the Catholic minority. For example, although total unemployment in Northern Ireland hovers at around 14 percent, the rate among Catholics is two and a half times greater. Moreover, the province has the highest birthrate in the United Kingdom, with 25 percent of the population below the age of 14, compared to only 18 percent in the rest of the United Kingdom. Thus, the focus of the "Make Belfast Work" scheme is on the Catholic areas of the city, and its aim is to ameliorate the socioeconomic conditions adversely affecting that segment of the population. It targets the most disadvantaged areas and people in the province and attempts to give local people "a sense of responsibility and involvement in their own future.” This assistance is designed to come directly from local community organizations or through their active support. The program has also established public day-care centers for infants and young children in some of the worst areas of the city, and it organizes community projects to clean up and reduce the squalor of public housing estates and other communities. These community activities are overseen by nine different "Belfast Teams," each with a budget of £750,000.

In short, "Make Belfast Work" involves small groups of government officials working closely with businessmen to encourage local enterprise, create jobs, and assist those who find employment. Today, some 140 individual projects make up the three-year-old program, which is built around four main themes:

- Increasing jobs and investment in the poorest areas of Belfast.
- Enhancing the skills and employability of residents in the areas.
- Improving the physical environment of these communities.
- Helping the most vulnerable groups in society.

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In 1990, the Northern Ireland Office allocated £90 million to the "Make Belfast Work" initiative to be spent over the next five years, this in addition to the more than £5 million provided from private and municipal funds. The success of the program—especially in creating new jobs (more than 1200 new jobs have been provided)—persuaded the Northern Ireland Office to increase government funding for the program from the fiscal year 1991 level of £22.5 million to £27.5 million for fiscal year 1992 (a more than 22 percent increase). Since 1988–1989, in fact, a total of £123.6 million in additional government funds will have been allocated to the initiative. Within the program, "Local Enterprises Development Units" have been responsible for more than 2000 new jobs in Belfast and its environs—three times the number that existed before the program began. In addition, the Belfast Industrial Development Board has created over 1700 new jobs and ensured the retention of an additional 900 employment positions. It has also placed over 6500 people in job training programs.\footnote{Ibid.}

Another ambitious program involves transforming the abandoned slum areas separating Catholic and Protestant communities into so-called Enterprise Parks cum industrial zones. The rationale behind the project is that if people from both communities can learn to work together in the industrial zones bridging their communities, then possibly they can learn to live together as well. The first two Enterprise Parks have generated some 3000 new jobs. Investors are given a number of attractive tax incentives and generally get priority in cutting through the bureaucratic red tape that attends the establishment of any new large business concern. Efforts are also under way to involve businesses and professional institutions in projects designed to reduce the gap between the province's two communities and to facilitate reconciliation through community work and services. In 1987, for example, the government established the Central Community Relations Unit to encourage such initiatives. Together with the Education Department, it has sponsored a wide range of initiatives, including grant aid towards the costs of establishing and developing contacts between schools, youth groups and community groups, and the Cultural Traditions program. This last program, which began in 1989, aims to widen the appreciation of the richness of Northern Ireland's cultural heritage by supporting projects in such areas as the arts, museums, the media, and the Irish (Gaelic) language.\footnote{British Consulate-General, New York, \textit{British Information Services Press Release, 05/91}, February 12, 1991.} Some 450 schools and 300 youth and community groups are engaged in a similar Cross-Community Contact Scheme.
while the separate Eniskillen Bursary Scheme encourages young people to live abroad for a period of time and then return to Northern Ireland to promote better community harmony. 99

GERMANY

The legacy of Nazi rule makes contemporary Germany extremely sensitive to any claim that the current government has too much control or misuses its power in any way. The terrorists manipulate this apprehension by claiming as their own issues of popular concern on which the government has been slow to respond. The terrorists have thereby proved themselves adept at reading public sentiments—and have challenged the government on a variety of antiestablishment or popularly contentious issues, ranging from membership in NATO to environmental concerns. Ironically, among the most compelling issues is the government’s treatment of the arrested and imprisoned terrorists.

The government and the terrorists are therefore locked in a struggle for public support, and each tries to cast itself in the best possible light. Thus far, the terrorists—even the murderous Red Army Faction (RAF)—have been able to milk the German public’s social consciousness. This strategy helps the terrorists arrest attrition, because it assures a steady supply of recruits, sympathizers, and supporters from the general public. Moreover, it is a more effective alternative than attempting to terrorize the populace into refusing to cooperate with the authorities. For example, although the police were able to learn a great deal from public tips in the early 1970s, it was not long before public sympathy for the government turned in favor of the terrorists, and sources of information accordingly dried up.

The government, for its part, has unwittingly played into the terrorists’ hands not only by creating legislation extending security force powers while circumscribing the terrorists’ legal rights, but also by legislating restrictions on rallies, public support for—and even tangential involvement in—radical organizations. Well before the events at the 1972 Munich Olympics, both the government and judiciary recognized the need to change the German criminal code to address the country’s rising tide of terrorism. Thus, in 1971, special legislation was drafted as a part of overall reforms specifically incorporating terrorist actions and activities into the legal statutes and criminalizing them by name. 100 Moreover, the laws regarding the conduct of trials were changed, as were those regarding the relationship between defendant and counsel, witness presentations in court, etc. Statutes governing the powers of the BKA (Federal Investigation Department) were also liberalized, allowing the

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agency more freedom from governmental oversight in its investigations. Finally, possession of unlicensed firearms was made illegal.

Although some of the new legislation and attendant modifications freed the courts and security forces to prosecute what were in effect new kinds of crimes arising from the country’s escalating terrorist incidents, others did little more than infringe on individual rights and create new support among the general population for the terrorists. The most effective legislation aided specifically in the prosecution of terrorists by adequately defining terrorist crimes, clearly and in detail. Such legislation was generally more productive than laws designed to aid in the legal capture and detention of terrorists, which more often drew criticism from civil rights proponents.

In the fight against terrorism, West German law was modified along four different lines:

- Legal and police procedures.
- Criminalization of previously noncriminal acts.
- Firearms registration.
- Identification measures.

Of the four, the only effective changes occurred in legal and police procedures pertaining to newly prosecutable actions. Terrorists adapted quickly to the new firearms registration regulations by obtaining weapons from outside the country or simply stealing them.

Although identification laws were passed, including the issuance of identification cards to the public and changing license plates so that they could not be modified or removed from vehicles, they were never implemented because of civil liberties concerns.

The following were included in new or modified legislation regarding legal and police procedures:

- The BKA was given the right to directly investigate cases of terrorism, and its role as a research agency was upgraded to give it the power to coordinate federal and state terrorism investigations.
- Relations between lawyers and defendants were legally limited.\footnote{A lawyer suspected of conspiring with his/her clients to commit further crimes could be dismissed as defense counsel; (b) written communication between lawyers and defendants was controlled by the court, though oral communication was not; (c) the Kontaktsperre (preventing any contact between imprisoned terrorists, their lawyers, visitors, and other prisoners) was legalized; (d) suspension of up to five years was provided for lawyers who transgress their prerogatives; (e) a defense lawyer could be excluded from trial if he/she was suspected in being involved in the crime of the...}
• Early investigation rights were done away with.
• West German police were given the right to tap suspects' phones, open and read
  suspicious mail crossing the country's borders, set up street checkpoints in pursuit
  of suspected terrorists, and detain for up to 12 hours anyone incapable of producing
  proper identification.\textsuperscript{102}

Among the newly criminalized acts were the following:

• Air piracy
• Hostage-taking for blackmail
• Hostage-taking
• Public exhibition or glorification of violence
• Anticonstitutional endorsement of criminal acts
• Inducement to criminal acts
• Approbation and rewarding of criminal acts
• Threatening criminal acts
• Feigning a criminal act
• Threats
• Founding of a terrorist organization
• Membership in an armed gang
• Public advocacy of an armed gang
• Nonreporting of a planned crime
• Wearing masks and carrying defensive weapons at demonstrations (including
  wearing motorcycle helmets or raingear as protection against truncheons and water
  cannons)\textsuperscript{103}

Each of these changes was made in response to specific incidents and circumstances.

For example, the law restricting written communication between prisoners and their lawyers

\textsuperscript{102}“Stricter Laws on Demonstrations, Assembly,” \textit{DPA}, April 21, 1989.

\textsuperscript{103}Kellen, \textit{The Impact of Terrorism}; “Stricter Laws on Demonstrations, Assembly,” \textit{DPA}, April 21, 1989.
was enacted after evidence surfaced that hardcore RAF leadership imprisoned in Stammheim prison were continuing to direct terrorist operations and attacks through their attorneys. This Kontaktsperrre was first enforced after the RAF kidnapped West German industrialist Hans Martin Schleyer in 1977 and held him hostage for the release of eleven imprisoned terrorists. At the time, the authorities believed that the RAF leadership was directly involved not only in the planning and control of Schleyer's abduction and eventual murder, but in the subsequent hijacking of a Lufthansa airliner to Mogadishu, Somalia by sympathetic Palestinians as well. Although it later became apparent that this was not the case—the imprisoned RAF members communicated amongst each other, but they had no role in the events of autumn 1977—Ardnt Mueller, a radical lawyer, was later charged with bringing the weapons into the prison with which three jailed terrorist leaders committed suicide. Hence, various new laws were enacted to restrict the carriage of weapons and interaction—both legal and illegal—between lawyers and their terrorist clients.104

The changes in legal and police procedures, however, were double-edged. For example, new legislation passed to criminalize specific actions in support of terrorist groups made it possible to convict and punish those who aided terrorists. At the same time, it also increased the likelihood that these persons would be drawn deeper into the hard core of terrorist activities, disappearing underground to avoid apprehension.105

The Kontaktsperrre was probably the most controversial of the new measures. The imprisoned members of the RAF responded to the measure, and to prison conditions in general, with repeated hunger strikes. These proved alarmingly successful in galvanizing sympathy for the terrorists and marshaling public opinion against the government, which was assailed time and again. The image of prison conditions promulgated by the terrorists persisted despite the fact that in truth their regimen was not nearly as bad. For example, prisoners were given four newspapers a day and were allowed to have 20 books at a time, their own radios, unlimited mail privileges, and contact with other prisoners.106


105 This applied more to members and fringe members of the RAF; members of the other terrorist groups refused to go underground, part of their strategy being to remain unidentified as terrorists and to continue leading normal lives.

Nevertheless, there continued to be large public demonstrations in support of the terrorists' demands for improved conditions. Democratic organizations, church groups, and trade unions joined RAF supporters in lobbying the government on behalf of the prisoners. In an interview in April 1989, Christian Lochte, then director of the Hamburg Office for the Protection of the Constitution, made the following response to questions about the RAF's tenth hunger strike:

These actions of RAF prisoners have always only apparently served to bring about a change in prison conditions. In reality, they have pursued political goals. . . . Terrorism in the Federal Republic can be combated most successfully by such measures as offers of amnesty or dialogue, that may lead to the RAF's internal erosion or disintegration. By their hunger strike, the prisoners protect themselves against such offers as well as against possible attrition. In addition, they intend to improve communication between themselves and the self-styled revolutionary left outside the prisons. So this is a purely tactical calculation.¹⁰⁷

In response to this hunger strike, however, the government made the concession that RAF prisoners could meet together, reasoning that it would make little difference in terms of security and could have substantial positive effects on public opinion. Moreover, it was hoped that the concession would actually exacerbate quarrels among the prisoners and thereby undermine group cohesion.¹⁰⁸

Partly in response to public outcry, the West German judicial system became increasingly sensitive to the need to follow strictly correct procedures in terrorist cases. This was also a reflection of continued uncertainty in the laws regarding the categorization and evaluation of evidence, which led to confusion at trials and disagreement between prosecutors and the courts. The 1982 case of suspected Revolutionary Cell (RZ) terrorist Rudolf Raabe made this particularly clear.

Raabe came under suspicion when evidence of his involvement in terrorism was found at an apartment in which he had previously lived. Raabe disappeared before the police could arrest him, and it was assumed that he went underground. The police remained unaware of his return to a normal life a little over a year later when he checked into a hospital for medical treatment, even though he had already given a public speech in Frankfurt entitled "Rock Against Right," and had also informed the German Press Agency (DPA) that he was back.

¹⁰⁸Ibid.
The prosecution's evidence against Raabe included his employment in a bookstore managed by the head of the RZ; his cohabitation with a woman whose sister and friends were all suspected RZ members; a telegram he sent to his parents reporting that he had passed his examination and gotten a job at a university (though in reality he had dropped his studies and disappeared); the coincidence of his movements with the claims of another RZ member that someone had gone from Frankfurt to Mainz in order to start a new cell; and the time he spent in Ireland, presumably training with the IRA. Although Raabe publicly deplored the use of violence in the pursuit of political objectives, he was nonetheless caught at a police roadblock with a car full of texts on armed combat.

Any one of the facts presented as evidence can be innocently explained, as indeed the courts pointed out. Raabe's part-time job was to earn money; he did not realize that the sister and friends of the woman he lived with were suspected terrorists; he was embarrassed to tell his parents he had left school; the man who had given evidence about the new cell in Mainz retracted his statement and, in any event, had never met Raabe; and Raabe's time in Ireland was spent with friends. Thus, when Raabe was accused of bombing Mainz mayor Karl Delorme's house, as well as forging identity documents and being a leading terrorist figure, the judges of the State Security Division of the Koblenz Land Superior Court not only rendered the indictment invalid, but declined to initiate a trial, arguing that of all the charges, only the forgery one could possibly be substantiated—and that was a matter for the district courts to consider. When prosecutors brought the case to the supreme court, the court offered a compromise: the Land superior court would try Raabe, but merely as a member, not a leader, of a terrorist organization—and without the bombing charges brought against him.109

This kind of confusion over admissible evidence can only serve to impede the government's ability to prosecute terrorists.110 In the case of Raabe, who was in and out of court repeatedly as charges were made against him and then dropped for lack of substantive evidence, the government received negative publicity because of its perceived harrassment of a suspect.

Indeed, most of Germany's antiterrorist legislation has merely reinforced terrorist claims that the German government would not hesitate to apply the same repressive measures against the rest of the population. Interior Minister Gerhart Baum described the

110 In an underground pamphlet, the RZ mocked the government, saying: "The cops simply have no way to burn us. They cannot put out any dragnet; the only thing that can break our back is a bad mistake or some kind of goddamned accident." "Red Army Faction Fought Bitter Battle against Government for 12 Years," Stern, November 25, 1982, pp. 29, 292.
folly of such measures when he observed, "We always call for new laws when what we really need is more composure."  

More recently, the German government has awoken to the need to compete with the terrorists for public support. Analysts have begun to recommend measures aimed at educating the general population about terrorism and limiting the appeal of terrorism for young people; they have also suggested legislation designed to ease the terrorists' transition from their violent organizations back to a normal lifestyle. The German government, for example, has already enacted laws offering reduced or commuted sentences to terrorists who cooperate with authorities and/or repent their actions and opt "out" of terrorism. Through article 57 of the German penal code, a number of Red Army Faction terrorists have had portions of their sentences deferred or reduced. This legislation is intended to give members of the RAF the opportunity to "retire" without fear of government retribution.

ITALY

As in Germany, and indeed in most terrorist campaigns, a great deal of the battle between government and terrorists in Italy revolved around public relations. The terrorists of the right and left were each striving to prove that the government failed to represent the people's interests, whether Marxist or neo-fascist, respectively. They undertook operations intended to illustrate the government's lack of power, lack of unity, and lack of interest in the common working person. Although terrorists on the right attacked violently and indiscriminately, causing death and injury to innocent civilians, it was terrorists on the left who posed the greater and more consistent threat, even though their attacks were far more discriminate and were directed specifically at "representatives" of the establishment: factory owners, government officials and judicial magistrates, as well as politicians and ordinary policemen.

The terrorist campaigns of the 1970s unfolded against a backdrop of economic decline and instability, blamed by most Italians on the government. When the terrorists of the left, primarily the Red Brigades, initiated their struggle, the public stood staunchly in the middle, neither with the terrorists nor with the government. Indeed, some members of the public

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115Ibid.
expressed satisfaction that attention was finally being focused on their interests and grievances. And the terrorists themselves were adept at maintaining a certain level of support, if not outright compliance, within the population. Recognizing that their appeals to a proletarian revolution were not gaining them any followers, the Red Brigades seized on other popular causes, such as inadequate housing, the NATO pressure on Italy and Italian membership in the transatlantic defense organization, nuclear arms proliferation, and prison conditions.

The government, for its part, did little to counter the terrorists' propaganda or attempt to enlist public support. It staunchly followed a program of moderate reform and attempted to meet the splintered parliament's concerns, but did little to publicize or explain these efforts, despite mounting extraparliamentary criticism. Ironically, public sentiment began to sway toward the government only after it took action prompted largely by terrorist pressure. Indeed, far from inspiring the proletariat to rise, the terrorists catalyzed the government to address the workers' demands for job security and increased material benefit. For example, in September 1980, the Fiat plant in Turin announced 14,000 layoffs. In protest, workers occupied the factory for 35 days. The Italian Communist Party (PCI) promised full party backing for resistance to management proposals. The government, in turn, pressured Fiat to relent, fearing that mass layoffs would provoke more terrorist attacks and generate support among embittered workers. Fiat modified its proposal to 23,000 partial layoffs, guaranteeing 90 percent of pay for up to three years, and despite continued opposition from the PCI, this was accepted. The decisive moment came in October with the "March of 40,000" through Turin to demand the end of the factory occupation and the right to work, which according to several Red Brigades members, was when they began to realize that the battle was lost.

Another instance in which the government responded to Red Brigades demands with effective and popular policy decisions occurred after the November 1980 earthquake in southern Italy, when the government (indirectly) requisitioned houses in Naples to accommodate earthquake victims and distributed benefits to unemployed laborers. Although the government's response was ostensibly conditioned by the kidnapping of the Relief Committee's Deputy Chairman, and it was therefore taking action from a position of weakness, this did not diminish the fact that it had taken positive measures that benefited the public's interest and restored confidence.
Antiterrorist legislation in Italy initially suffered from the same kind of ad hoc approach. The Italian judiciary\textsuperscript{116} was catapulted into the front line against terrorism in the mid-1970s, facing the following problems:

- There was no experience to draw on for understanding or dealing with politically motivated violence.
- The law dealt with violent behavior primarily as a public order problem.
- Resources were few, investigative methods were antiquated and inefficient, there was no centralized judicial data bank (there still is none), offices were overcrowded and often primitively equipped, and documents were frequently written or typed out by the judges themselves.
- Criminal investigations into a nationwide problem were carried out at the local level.

This last problem was largely overcome in the late 1970s by the creation of an informal pool of judges who met regularly to share information on terrorist cases. By 1980, between 70 and 100 judges were presiding over terrorist trials, and the store of expertise grew correspondingly. Former Red Brigadists have admitted that this unofficial judicial coordination was a crucial factor in their defeat.

With the kidnap of Genoese prosecutor Mario Sossi in April 1974, the judiciary became participants in, as well as arbiters of, the terrorists' fight against the state. The attempt by the Red Brigades to free Sossi in exchange for the release of imprisoned group members divided the judge's colleagues, many of whom were in favor of releasing the terrorists. The refusal by Genoa's chief prosecutor, Francesco Coco, to accede the terrorists' demands was the principal reason for his own assassination by the Red Brigades two years later. From this time onward, judges and the democratic process of law were under constant attack:

\textsuperscript{116}Italy's judicial apparatus, penal code, and procedures remained virtually unchanged between the establishment of the "Rocco Code" in 1930 until the introduction of a new code of criminal procedure in October 1989. The new code abolished the inquisitorial system and replaced it with procedures more akin to the Anglo-Saxon adversarial system. Under the inquisitorial system, judicial action involving a serious crime was initiated by the Public Prosecution Office and passed to the Instruction Office. The Instructing (Examining) Magistrate evaluated the charges against criminal suspects and, at the end of a series of pretrial hearings, recommended whether charges should be dismissed or the suspects brought to trial. The new code provided that certain complex trials, including most of the outstanding terrorist ones, could be concluded according to the old system within a fixed time period. The minor instances of terrorist offenses judged under the new system are too few to constitute a useful comparison.
terrorists murdered ten judges and kidnapped three between 1976 and 1980.\textsuperscript{117} During 1980 alone, five judges were killed and one was abducted.

Judge Coco, for example, was murdered while the trial for the Sossi kidnappers was under way in Turin. The trial was consequently postponed. In April 1977, before it could resume, the Red Brigades murdered Fulvio Croce, president of the Turin Lawyers' Association, whose responsibilities included assigning lawyers for the terrorists' defense.\textsuperscript{118} Once again, the trial was postponed due to the impossibility of assembling sufficient lawyers and jurors. It recommenced a few days before the kidnapping of the president of the Christian Democrat Party, Aldo Moro, in March 1978, and continued despite threats from the terrorists who conducted their own “people's trial” of the former Prime Minister in deliberate parallel.

Despite the threats and intimidation, trials continued to be heard in public under more or less normal conditions: that is, the public was allowed in the courtroom as spectators after extensive searches. However, court procedures were modified in some respects:

- Specially reinforced “bunker courts” were constructed at great cost to accommodate terrorist trials, with defendants held in “cages” constructed within the courtroom.
- Because of the frequent interruptions from prisoners trying to read proclamations or shout defamatory remarks, from June 1978 onward any prisoner who interrupted proceedings more than once was banned from returning to court until the trial's final day.
- Days accumulated within a limited permitted period of preventive detention ceased to be counted towards a prisoner's sentence if the court was suspended for reasons which prevented the formation of a jury or the exercise of the defense.
- Magistrates and lawyers considered at risk were given armored cars and the services of bodyguards on a 24-hour basis if especially vulnerable. Jurors and witnesses were provided with armed escorts to and from the courtroom and once again, if considered especially at risk, a guard was posted outside their homes for the duration of the trial.

\textsuperscript{117}Two of the murders were carried out by the far right.
\textsuperscript{118}This was mandatory, since in Italy one cannot conduct one's own defense, but the Red Brigades defendants had rejected the provision.
The 55 days of Moro's kidnap clearly revealed the weaknesses of Italy's antiterrorist machinery: overshadowing every aspect of the ordeal was the lack of coordination between government, the legislature, the police, the judiciary, and the two security services.\textsuperscript{119} Neither security service provided a single written contribution during the entire period; the Ministry of the Interior failed to inform the public prosecutor of the findings of its committee of experts; the public prosecutor was not relieved of his other judicial duties, despite the gravity of the Moro enquiry, and was offered only a typist for extra assistance; moreover, lacking a telephone in his office, he was obliged to make calls from the Chief Prosecutor's office or from a pay phone in the corridor.

But modified court procedures were only one minor technique the Italian legal system adopted to combat terrorism. More extreme was the series of laws passed in response to the growing terrorist threat, listed below.

**Public Order Law No. 152 of May 22, 1975.** Known as the Reale Law, this was not officially intended as an antiterrorist measure (there were no references to terrorism in it), but was aimed at reducing the rate of criminality in general. It was enacted in response to the two neo-fascist "massacres" at Brescia in June and the Italicus train in August 1974 and to the first Red Brigades murders; thus there was strong impetus to introduce new legislation that would strengthen the arm of the state and give greater powers to the various police forces. The law circumscribed the power of a judge to grant provisional liberty to defendants charged with specific crimes; extended police powers to stop and detain, as well as carry out searches without warrant; restricted disciplinary actions against police; and forbade a citizen to take part in demonstrations wearing either a helmet or any kind of mask. In September 1977, the law was amended to enable police to provisionally arrest anyone believed to be engaged in "acts preparatory to armed insurrection."

**The Law Decree of March 21, 1978 (renamed Law 191, March 18, 1978).** This law was passed in direct response to the Moro kidnapping, which had occurred only a few days before. It expanded the definition of kidnap for extortion to encompass the "aim of terrorism and subversion of the democratic order" as an aggravating factor, making the crime punishable by up to 30 years' imprisonment or, if the hostage died in captivity, life imprisonment. The law also reduced the penalties for terrorists who turned state's evidence, renounced terrorism and membership in a subversive group and assisted in securing the release of a kidnap victim. It permitted magistrates to order telephone taps verbally, rather than through written authorization, and it permitted arrested persons to be questioned in

\textsuperscript{119}See Section 2.
situations of “extreme urgency” without legal counsel present—although the defense lawyer was to be summoned as soon as possible. Any evidence thus obtained could only be used for investigative purposes and was not valid in court. The law also permitted police to detain a terrorist suspect for up to 24 hours if they were not satisfied with his identity papers; created new rules for the formation of juries; permitted the Ministry of the Interior to ask a magistrate for copies of legal files; and made it obligatory to report any rental/sales agreements for residential or commercial property to the local authorities. The significance of this last codicil was revealed in hindsight: during 1977, for example, three women from the Red Brigades’ Rome column—who had no prior criminal records—each paid cash for an apartment safe house.

Law Decree of December 15, 1979 (converted February 6, 1980, to Law 15). Known as the “Cossiga Law,” this decree was passed at the end of the year in which the highest number of terrorist attacks occurred: 2513, or almost seven per day. This law remains in force today. The Cossiga Law introduced two new criminal concepts: “association with the aim of terrorism and of subversion of the democratic order” and “attack for subversive or terrorist purposes.” These were aggravating factors that allowed prison sentences to be increased by half. For these charges arrest was obligatory, and if the crime was punishable with more than four years of prison, no provisional liberty could be granted. Anyone who “promotes, forms, organizes or directs associations which propose acts of violence with the aim of subversion of the democratic order” faces a prison sentence of 7 to 15 years, while anyone merely “participating” in such an association is liable for 4 to 8 years’ imprisonment. For crimes bearing these two aggravating factors, preventive detention was increased by one third; accordingly, from this time until November 1984, when the clause was repealed, it was possible for a person to spend up to 12 years in prison before a definitive court verdict was reached.

The Cossiga Law also allowed police to detain persons for “reasons of security” and to search both suspects and their dwellings without warrant. It also empowered police to search individual houses or whole blocks of property without prior authority from a magistrate if they suspected that someone wanted for terrorist crimes was “reasonably believed” to be hiding there. Police were also given the right to detain and question a suspect for up to 48 hours before informing the judiciary.

120 The magistrate concerned could refuse on grounds of segreto istruttoria (the secrecy of the preliminary investigations).
Finally, the Cossiga Law made identification compulsory for individuals withdrawing or transferring sums in excess of 20 million lire (approximately $18,000) from banks. Perhaps most effectively, prison sentences were reduced for those who collaborated with the authorities and made decisive contributions to the reconstruction of facts from past terrorist cases, leading to the identification of participants. In such cases, sentences could be reduced by between two thirds and one half, with life sentences reduced to between 12 and 20 years. (This clause was extended in 1980 to the common crime of kidnapping for extortion.)

**Intelligence Collection.** Two laws instituted in late 1979 and early 1980 were designed to facilitate intelligence collection on terrorism and to improve coordination between the police forces. The former instituted a Parliamentary Commission to investigate the Moro case in particular and terrorism in general, while the latter provided for a computerized data bank to be set up within the Interior Ministry.

**Law 304 of March 29, 1982 (expired January 31, 1983).** Known as the “Penitence Law,” this law may have done more to end the Red Brigades terrorist campaign than any other anti- or counterterrorist tactic. It was specifically aimed at those who made a full confession of all crimes they committed and further made an “active contribution” to the cessation of terrorism. For the “pentiti,” those who did this, the law decreed that crimes of association were not punishable, nor was imprisonment mandatory for those who surrendered voluntarily to the authorities (this prevented retaliation from imprisoned members of the group). Sentences were also significantly reduced for persons already imprisoned who chose to cooperate.\(^{121}\) If the contribution of the *pentito* was considered of "exceptional relevance," his or her sentence could be further reduced by a third.\(^{122}\)

Repentant prisoners were given a differentiated prison regime, one that gave them more protection from attempted retribution and also allowed them to serve their terms near their homes, receive parcels, more visitors, etc. than normal prisoners. The *pentito* could be paroled after serving half the sentence if the prisoner's behavior demonstrated clearly that this change of heart was not in doubt.

**Law No. 34 of February 18, 1987.** Known as the “Dissociation Law,” this was in force for only one month and was applicable solely to crimes committed prior to December 31, 1983. Dissociation from terrorism meant that the person definitively left a terrorist group;

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\(^{121}\) "Life" was reduced to 10–12 years, and other sentences were reduced by half, not to exceed 10 years.

\(^{122}\) This was applied in the case of Patrizio Peci, whose information led to the arrest of nearly 100 Brigadists and a thorough understanding of the Red Brigades structure and organization.
admitted crimes that he or she committed; formally renounced the use of violence as a means of political struggle; and behaved compatibly with all of the above.\textsuperscript{123}

For those who dissociated, prison sentences were reduced from life to 30 years for the most serious crimes; offenses involving associating with terrorist organizations and various lesser offenses were reduced by half; crimes of bloodshed for which life sentences had not been given were cut by a quarter and all other crimes by a third; and those serving sentences of less than 10 years were paroled.

The phenomenon of repentance led to great tension within the prisons—in 1980 alone, nine terrorist murders occurred. With greater protection and increased security, however, more imprisoned terrorists talked, and from 1981 onward, prisons were the authorities' main source of intelligence on left-wing terrorism.

These emergency laws were enacted amidst great tension and controversy, but they were supported in the end by a substantial parliamentary majority. Some argued that the new legislation was not rigorous enough; others believed that the laws exceeded the boundaries of democracy. The most common criticisms were of the "aggravating factors" introduced in 1979–1980: these were considered too generic, and there was a risk of their being used as catch-all clauses to arrest suspects who had little or no concrete evidence against them but whose removal was considered desirable.\textsuperscript{124} The law was used to capture young people on the fringes of terrorist violence—those who, without fully understanding the consequences of their actions, had driven the cars, hidden the terrorists, and provided vehicles, documents, and cash. Unfortunately, a few years in top-security prisons in many cases, coupled with repeated contact with bank robbers, mafiosi, and kidnappers, further hardened and embittered these individuals. Many were banned for life from working in the public sector. Even those who could work following their arrests faced discrimination and restricted employment opportunities. For a large category of intelligent young people, this situation left little choice: menial labor or crime. The Catholic Church and its many charitable organizations, however, have played a crucial role since then in helping to resolve this problem.

Parliament has also been severely criticized for the clause in the 1980 law which lengthened the maximum period of preventive detention by one third. The need to protect society was not in doubt, but to many this clause obscured the central issue, namely the

\textsuperscript{123}The category of \textit{pentito} was carefully differentiated from that of \textit{dissociato}, who confessed personal responsibilities and contributed to the cessation of terrorism without necessarily implicating others by name.

\textsuperscript{124}This has been admitted by former judge, now senator, Ferdinando Imposimato.
much-needed reform of an anachronistic criminal trial procedure that allowed court cases to
drag on for years before reaching definitive verdicts. Notable cases in which defendants were
acquitted after several years in maximum-security prisons highlighted this problem, which
had earned Italy a formal reprimand from Amnesty International. Had Parliament allocated
enough funds to make the judiciary's allocation and manpower more efficient, reformed the
penal procedure code sooner, and recognized the inherent dangers of a patently unjust
detention system, many of these problems would have been avoided. Thus, terrorists
released from prison at the end of the maximum period they could be detained, simply fled
the country or returned to the underground rather than await trial and the certainty of
prison. Many, of course, returned to terrorism.

Of all the emergency laws, however, the penitence law of 1982 was the most criticized,
on account of its excessive pragmatism. To become a pentito there was no requirement for
the repentant terrorist to prove any genuine regret or change of heart; all he or she had to do
was provide information leading to the discovery of terrorist safe houses or the arrest of other
group members. Sentences, accordingly, were imposed not on the seriousness of crimes
committed but on the extent of collaboration offered. On this basis, Red Brigades member
Patrizio Peci, who was implicated in eight murders, and Prima Linea members Michele
Viscardi and Roberto Sandalo, who between them were responsible for eleven murders,
walked out of prison free men after only a few years' incarceration. Meanwhile, others such
as Red Brigades founder Renato Curcio, arrested in 1974 and convicted of no crime involving
bloodshed, remain in prison today. On balance, however, the law doubtlessly saved lives and
prevented still more terrorism.

The dissociation law was less controversial than the penitence law, although the
wording "confession of the activities undertaken" was held to be ambiguous and the simple
renunciation of terrorism was considered too easy. There was no requirement that the
dissociato contribute to the cessation of terrorism, a loophole which, according to at least one
antiterrorist judge, allowed (criminal) reticence to masquerade as (honorable) silence. Many
dissociati landed in prison thanks to the revelations of the pentiti whose example they
refused to follow. Even so, the phenomenon developed entirely within the prison
environment, where designated relaxation areas were made available to those showing a
willingness to renounce the antistate armed struggle. The possibility of meeting other
prisoners and also outsiders (journalists, politicians, and researchers) in these areas has
without doubt contributed to the rehabilitation process. Even those who have refused to
formally renounce their past have declared that communal discussions in an ironically more
relaxed prison atmosphere helped them to realize that the armed struggle is "a cycle which has run its course."

The most striking factor that emerges upon examining the record of the judiciary during the 1970s and 1980s is the discrepancy between convictions for right-wing and for left-wing terrorists. Starting with the bomb attack on Milan's Banca di Agricoltura in December 1969, there have been eight massacres (stragi) attributed to the far right. In not a single case have definitive guilty verdicts been reached. Although questions remain about many aspects of left-wing terrorism—particularly the Moro kidnapping—all major crimes committed by the far left have been resolved and convictions obtained. Investigations into far right terrorism, however, have long been hampered by the noncollaboration—and in some proven cases by the direct collusion of—members of the security services.

The judiciary itself did not remain unscathed by its role in the counterterrorism process. The antiterrorist judges were criticized on the grounds that they had become politicized by their roles as active protagonists in the struggle against terrorism. Most of all, they were considered too powerful, especially by Parliament, whose own power had begun to wane in the 1970s. It is not coincidental that Parliament tried to wrest back sovereignty after the virtual disappearance of terrorism at the end of the 1980s. But few would deny that the judiciary, even more than politicians, was at the front line of the left-wing terrorist assault, and in general that its members acquitted themselves honorably.

The emergency laws in Italy were a necessary response to a crisis. They helped to bring criminals to justice; in their severity they had a dissuasive effect in that they discouraged all but the most dedicated terrorists. The most effective pieces of legislation, however, were those most criticized by the public: the penitence and dissociation laws. These succeeded in undermining terrorist organizations by sowing distrust within their ranks and providing an exponentially growing source of intelligence (i.e., one captured terrorist would provide intelligence leading to the arrest of a number of terrorists, some of whom would turn pentito or dissiociato, thus leading to the arrests of yet more terrorists). The premium laws, passed when the crisis had been successfully overcome and when the state had shown itself to be stronger than the terrorists, further encouraged dissociation and rehabilitation and thus inhibited recidivism.

It is interesting that in the case of Italy, it was not the repressive legislation that most incensed the public but the legislation that offered leniency for terrorists who gave evidence against their cohorts. Yet this reaction showed that the government was in an ideal situation, since it signaled the government's upper hand in the public relations battle: by 1982, the Italian public was sick of terrorism and supported strong responses and harsh
punishment. This allowed the government some flexibility in the prosecution of its
counterterrorism campaign, and any criticism it received for leniency was a positive sign that
the terrorists had lost the contest for public support.

SUMMARY

Building solid relations with the public is one of the keys to a successful
counterinsurgency/counterterrorist campaign. Poor relations will inevitably prolong, if not
thwart, a government's struggle against its insurgent or terrorist opponents. Intelligence
becomes much more difficult to gather, measures directed at the insurgents/terrorists often
become focused on the population at large, and the government must spend precious
resources either courting the public after having already alienated it or punishing it with
increasingly repressive measures. Bad relations can also completely undermine the
effectiveness of even a sound command and coordination structure (as in Cyprus, for
example); good relations give the authorities a margin for error that can buy critical time in
the counterterrorist/counterinsurgency struggle.

Public relations thus become a serious battleground, especially where the
insurgents/terrorists seek not to gain territory but to effect government policies.
Governments must take the struggle for public sympathy and support as seriously as any
other: as was done in Malaya, special government information offices should be created
expressly for the purpose of disseminating propaganda, divining and responding to the
interests of the public, and using psychological warfare against the insurgents/terrorists.
Such measures should begin early in the campaign and be continued without respite. They
also require predetermined points of concession and acceptable incentives, so that the
government can act in a timely and unified manner.

The potentially counterproductive role that antiterrorist legislation can play in the
battle for public support must also be taken into consideration. Thus, even though the
imposition of emergency laws, enactment of new legislation, and changes in the judicial
process can be extremely effective tools in the fight against terrorism and insurgency, they
must be developed carefully to avoid impugning civil liberties and thereby engendering
popular resentment. Where such legislative and judicial changes were heavy-handed, as for
example in Rhodesia and Germany, they had few positive effects on the counterinsurgency/
counterterrorism campaigns. Moreover, in some respects they proved counterproductive,
triggering public condemnation that the insurgents/terrorists manipulated to legitimize their
own position. In Italy, on the other hand, although some legislation increased the power of
the police and the judiciary, it was the penitence and dissociation laws that really broke
terrorists' power and gave the government the upper hand. Finally, in Northern Ireland, the government noted the fine line between repression and effective legislation but nonetheless ignored it, inciting drastic increases in terrorist recruitment and violence against the security forces.

Government's priority should be to develop consistent legislation and policies. Italy's inconsistent policy response to the Red Brigades' first kidnapping in the mid-1970s, for example, made kidnapping a viable tactic for the terrorists, who learned that at the least such an action would throw the government into public confusion. Indeed, in each of the cases examined here the development of legislation and governmental policy responses to terrorism/insurgency was ad hoc rather than preemptive or preventive; yet now that certain legislation has proved effective in these countries, appropriate versions of it could be adopted elsewhere early enough to have preventive effects. But it must be adopted with the understanding that there is frequently a trade-off between strong antiterrorist legislation and government's good relations with the public. Moreover, the tendency to use harsh legislative measures in a counterinsurgency or counterterrorism campaign often reflects a government's unwillingness to accept that terrorist or insurgent demands are often radical reflections of broader concerns within the populace. When the government is unwilling to make concessions, provide incentives, or acknowledge valid popular grievances, the counterinsurgency/counterterrorism campaign is condemned to eventual failure: it will rely on the tactical skills of the operations force, functioning with only limited intelligence; it will require expensive, long-term repressive measures to prevent a resurgent threat; and it will most likely alienate the international community, leading possibly to sanctions such as those imposed against Rhodesia.125

125Perhaps the best example of this is South Africa, where after decades of violence and repression, the government has finally been forced to acknowledge the political interests of the black majority population. Although apartheid remains far from being dismantled, the radical changes taking place would not have occurred without the constant struggle of the insurgents in the ANC and other black political movements.
4. CENTRALIZED INTELLIGENCE

"If it is accepted that the problem of defeating the enemy consists very largely of finding him, it is easy to recognize the paramount importance of good information," wrote one of the best known exponents of the "British School" of counterinsurgency, General Sir Frank Kitson. Appropriate use of information, key to any successful counterterrorist campaign, depends on three interrelated tasks: the acquisition, proper analysis, and, perhaps most important, coordination and dissemination of intelligence. This triad can be accomplished only by establishing a centralized, completely integrated intelligence organization that can channel intelligence effectively to the security forces engaged in counterterrorist operations.

In his seminal work on the subject, *Counter-Insurgency Campaigning*, Lieutenant-Colonel Sir Julian Paget, another British counterinsurgency expert, lists six principles on which any successful campaign must be based:

1. An effective intelligence gathering organization should be established before the insurgency begins.
2. Every effort must be made to know the Enemy before the insurgency begins.
3. The intelligence organization should be fully integrated, under one Chief of Intelligence.
4. Intelligence must be worked for and not waited for, and its acquisition should be made a top priority for the security forces.
5. The cooperation of the populace, though not essential to the gaining of intelligence, is a tremendous asset, and every effort must be made to win this support.
6. The best intelligence comes from penetrating the insurgent organizations.²

These dicta can be applied as a yardstick to assess the various security forces' use and application of intelligence in their respective counterinsurgency campaigns. Moreover, Paget's principles can be applied more broadly to the counterinsurgency or counterterrorism

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²Paget, *Counter-Insurgency Campaigning*, pp. 163–164.
campaign as a whole; indeed, the four principles advocated in this Note closely reflect Paget's general admonition for integration, cooperation, and the advantages of public support.

Paget's first, third, and fifth principles are also closely related to another widely accepted tenet of counterinsurgency/counterterrorism, namely the critical distinction between the military and police—particularly in the acquisition of intelligence. Clearly, effective police work, be it against common criminals or terrorists, relies on intelligence, which in turn depends on the cooperation of the populace. In comparison, apart from the fact that the average soldier's training does not generally encompass "public relations," army intelligence units and capabilities are not oriented or trained toward operations against an enemy who neither functions in discernible formations nor wears any distinctive uniform or badge identifying him as the "enemy." Moreover, in urban terrorist situations where there is no enemy order of battle to be discerned and no field force to be sighted, attacked, and destroyed, the limitations of military forces combating small groups of armed men often indistinguishable from the surrounding civilian populace are obvious. Thus in any counterinsurgency or counterterrorism campaign, it is important to involve the police in the campaign and to carefully coordinate the police and the military roles and responsibilities in the collection, analysis, and dissemination of intelligence. The degree of police-military cooperation, accordingly, is another yardstick by which counterinsurgency and counterterrorism campaigns can be evaluated.

MALAYA

Although the British attempted to organize intelligence services in Malaya years before the post-World War II insurgency began in that country, their efforts were unsuccessful. Thus, Paget's first and second principles were not met in Malaya, where, in the early days of the insurgency, intelligence was very much a hit-or-miss venture. On the one hand, no effective organization was in place prior to the emergency's start, nor were potential terrorists or their sympathizers and supporters "known" to the security forces; on the other hand, no fully integrated intelligence organization existed under a single chief, so that Paget's third principle was violated. Finally, intelligence was neither actively sought nor effectively cultivated, thus violating Paget's fourth principle.

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5Komer, The Malayan Emergency in Retrospect, p. 42.
Seeking to redress these deficiencies, the High Commissioner in Malaya requested that Britain appoint a “Director of Operations” to oversee the counterinsurgency effort, and in April 1950, Lieutenant-General Sir Harold Briggs arrived in Malaya to direct and coordinate security force efforts against the insurgents. Unfortunately, continued resentment between the police and the Army, and the personal competition between Briggs and the Police Commissioner, Nicol Gray, thwarted many of Briggs’ most ambitious scheme. With Briggs’ retirement in the fall of 1950, London decided to reorganize the direction of the counterinsurgency campaign and thereby revitalize the security force effort. Gray was fired and General Sir Gerald Templer, the General Officer Commanding-in-Chief (GOC-in-C) of Eastern Command, England was appointed as Briggs’ successor and given authority over the new Police Commissioner and indeed the entire force.

Templer became both the Director of Operations and the High Commissioner while also assuming the responsibilities of the Director of Intelligence, a position that ceased to exist formally. Templer, a former Director of Military Intelligence himself, was convinced that Malaya was a war of intelligence and that communism could not be beaten with troops alone. Upon his arrival he drove home this point, telling a reporter that intelligence was to be given “absolute top priority. The Emergency will be won,” he predicted, “by our intelligence system.” Templer not only recognized the need for a highly capable intelligence service with broad powers; with his overall responsibility for police, military, and civil operations, he was in a position to develop such an organization. Specifically, his mandate gave him the authority to coordinate and evaluate the intelligence services provided by the Special Branch of the police, the navy, army, and air force intelligence organizations, and security intelligence.

Templer completely reorganized the entire intelligence effort in Malaya. He emphasized strengthening the police Special Branch, separating it from the Criminal Investigation Department (CID), and making it a distinct unit within the police force under a Director of Intelligence responsible directly to him. The new Director separated the military’s intelligence functions from those of the police, so the military became responsible for gathering raw intelligence through its operations (i.e., information gleaned from captured documents and interrogations of prisoners and defectors, etc.), but only handled that information which was local or pertained to immediate combat. The rest of the raw information was channeled to the police department’s Special Branch for analysis and

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6Barber, The War of the Running Dogs, p. 152; Carver, War Since 1945, p. 22.
dissemination. Under this plan, the military possessed no independent intelligence capabilities, but attached itself to the Special Branch via some 30 “special military intelligence officers” to ensure that raw information was funneled to Special Branch and that the processed operational intelligence was sent back to the relevant military officers or combat units promptly and in a militarily useful form (i.e., to assist the planning of operations). The Joint Police-Army Operations Rooms established under Briggs were also strengthened and further integrated at the state and district levels.9

Thus, under Templer, intelligence capabilities were developed to an extent that they successfully supported the entirety of the counterinsurgency effort. Although the first two principles outlined by Paget were not fulfilled, perhaps prolonging the conflict, the other four principles were all eventually met. An effective, integrated intelligence organization was established, under the auspices of a single chief, thus meeting the third principle. Intelligence was actively and aggressively sought, thus achieving the fourth principle. Police, who were instructed to get out among the people, actively patrol, and extend kindness and aid to the population at large, began to receive the cooperation of the local populace and, subsequently, the intelligence leads and information on guerrilla activity that the security forces required. Improvements in the relationship between the security forces and the population were further enhanced by Templer’s “hearts and minds” campaign, through which the government began to win the support of the people first by ensuring their safety and protection from guerrilla attacks and reprisals and second by raising their standard of living.10 The fifth principle was thus met. Finally, the sixth principle, “penetrating the insurgent organizations,” was met through the “turning” of captured terrorists into government agents who were then deployed through the Special Operational Volunteer Force (SOVF) on operations against their former comrades. The SOVF was formed in the summer of 1953, under the command of the Head of the Special Branch,11 and operated alongside regular police and Army units. The “turned” insurgent force proved extremely effective, and the SOVF eventually grew to some three hundred men.12

9Komer, The Malayan Emergency in Retrospect, pp. 43-44.
10Barber, War of the Running Dogs, p. 180; quoted in Paget, Counter-Insurgency Campaigning, p. 67.
11Note: SOVF was under the direction of a police-intelligence officer, not a soldier.
12Barber, The War of the Running Dogs, p. 196; Paget, Counter-Insurgency Campaigning, p. 69; Komer, The Malayan Emergency in Retrospect, p. 44.
KENYA

In Kenya, too, the first two principles of counterinsurgencies as outlined by Paget were violated, in part because of the physical and informational insulation of the colonial administration and security forces from the districts lying outside Nairobi, the capital. No integrated intelligence service existed in the colony prior to the insurgency, and the Special Branch, understaffed and underfunded, was completely unprepared to deal with insurgency when it arose, depending entirely on information forwarded to it by the poorly manned local police forces and district administrations.13 This, however, should not have been the case in Kenya: in 1950, two years before the Mau Mau rebellion actually began, the British had established a joint internal security intelligence committee precisely to provide warning of such an ominous development. But, because neither the Internal Security Working Committee (ISWC) nor the governor or other top-ranking officials in Kenya considered the Mau Mau a serious threat, little was done to keep abreast of their actions.14

Concerned about the rapidly worsening situation at the beginning of the insurgency, London sent the head of the British MI-5, Sir Percy Sillitoe, to Kenya to investigate and make recommendations about the clearly inadequate organization of the colony's security apparatus. He concluded that the intelligence collection and analysis carried out by the police and the government's security service needed to be better integrated with the operational arms of the security forces, along the lines of the Malayan model.15 The Kenya Intelligence Committee was therefore established, and it became responsible for political and security intelligence collection and analysis. The post of Personal Staff Officer to the Governor was also created, which grew as the emergency escalated to become a bona fide Director of Operations.

This organizational framework specifically emulated the Malayan model in its integration and coordination of police, civil, and military intelligence and operations.16 Committees were formed at the provincial, district, and national levels, comprising representatives from the police, military, and civil administration to plan operations and coordinate the flow of intelligence to the security forces in the field. Special Branch personnel hitherto based in Nairobi were assigned in increasing numbers to the provinces and settled areas. Yet, because of a continued diffusion of authority and responsibility,

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13 Paget, Counter-Insurgency Campaigning, p. 91.
15 Carver, War Since 1945, p. 33.
16 See Section 2.
intelligence remained ineffectively integrated, particularly in its dissemination and actual operational use. Nonetheless, the first steps toward meeting Paget's third and fourth principles, namely integrated intelligence under a single responsible individual and aggressive intelligence collection and analysis, had been taken. Subsequent refinements over the course of the emergency included the establishment of Joint Army Police Operational Intelligence Teams (JAPoITs) and further reorganization and integration at the colony level. Coordination was vastly improved by these later measures, especially in terms of expedited turnaround from the collection and analysis phase to dissemination for operational forces.\(^{17}\)

The fifth principle of a successful counterinsurgency was also met in Kenya, where native Kenyan assistance proved to be the linchpin in the successful prosecution of the campaign against the Mau Mau. Indeed, the Kikuyu Home Guard and the Tribal Police (into which the Home Guard was incorporated in the later stages of the insurgency) were key in destroying the insurgency. Of the total 10,527 terrorists killed by the end of 1956, the Home Guard and Tribal Police were responsible for 4,686, or 42 percent.\(^{18}\)

No less important were the "countergangs" of surrendered enemy personnel (SEP). By May 1955, when Lieutenant General G. W. Lathbury replaced Erskine as Commander-in-Chief/Director of Operations, events had turned decisively in the government's favor. Lathbury quickly recognized that small-scale operations had become more appropriate than large-scale sweeps, and he therefore placed greater emphasis on the special forces tactics initiated by Erskine some months earlier.\(^{19}\) Such tactics included British troops operating in "pseudo gangs," disguising themselves as insurgents to surprise and entrap the real insurgents.\(^{20}\) Major Frank Kitson, a young officer serving in Kenya, conceived the idea of using ex-Mau Mau insurgents themselves in combat against their former comrades. Unlike the SOVF in Malaya, who had fought as regular troops alongside government forces, the "countergangs" pretended that they were still insurgents and operated primarily to gather intelligence on their ex-comrades. They were thus able to provide the intelligence needed for making immediate—and successful—enemy contact. This was an essential asset to the Special Branch, which though capable of furnishing excellent background information, could rarely provide up-to-the-minute intelligence.\(^{21}\)

\(^{18}\) Magdalany, State of Emergency, p. 221.
\(^{19}\) Dewar, Brush Fire Wars, p. 59.
\(^{20}\) Paget, Counter-Insurgency Campaigning, p. 102.
\(^{21}\) Kitson, Bunch of Five, pp. 59, 149–150.
Lathbury was so impressed with Kitson's idea that he instructed the Commissioner of Police to authorize five “Special Forces Teams,” as the pseudo-insurgent units were called. By December 1955, these SEP units accounted for nearly 70 percent of the successful contacts with Mau Mau gangs. Reflecting on the slow development of an effective intelligence structure in Kenya, Paget observes:

It is easy to use hindsight, but it is evident now that the establishment of an effective joint intelligence organization at an early stage might have done much to defeat, and possibly even to prevent, the Mau Mau insurgency.

CYPRUS

Although the command and coordination structure of the colonial government in Cyprus was thoughtfully and effectively organized before the EOKA revolt could gather full momentum, the security forces' intelligence capabilities failed to benefit from this organization. Despite the creation of various joint committees and operations centers, police and military intelligence staffs remained uncoordinated. Moreover, existing intelligence was not adequately collected and disseminated, thus failing to fulfill Paget's first and second principles.

Recognizing that this was a problem, Governor Harding appointed a Chief of Intelligence to coordinate intelligence sources and resources. This step (meeting Paget's third principle), proved to be extremely effective, and was to represent Harding's emphasis on intelligence as a top priority of the counterinsurgency (Paget's fourth principle). In November 1955, Harding further smoothed police-military cooperation and intelligence exchange by establishing a Joint Army Police Staff School, which two years later was replaced by the Internal Security Training Centre. Unfortunately, despite Harding's commitment to intelligence, the political situation in Cyprus and Britain's immutable strategic needs on the island made the attainment of Paget's fifth and sixth principles (obtaining the cooperation of the population and infiltrating the insurgent organizations) impossible. A majority of the population supported the insurgents' political goals, even though it condemned EOKA's violent terrorist tactics. Because the British were unwilling to meet the insurgents' demands and, furthermore, unable to protect the population from insurgent attack or reprisals, the vast majority of Greek Cypriots proved resilient to any

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22Ibid., pp. 33–34.
24Paget, Counter-Insurgency Campaigning, p. 109.
25Paget, Counter-Insurgency Campaigning, pp. 124, 151.
British attempts to acquire their support and cooperation. This situation, in turn, made the creation of "countergangs" or "pseudo-insurgents" impossible. Unlike the situations in Malaya and Kenya, the nature of the conflict in Cyprus was not conducive to "turning" insurgents. The EOKA insurgents were intensely loyal to their cause, with their own national and ethnic interests at stake. Moreover, even if some insurgents had been interested in "turning," the population density and geography of Cyprus made it impossible for the government to relocate turned insurgents and their families to protect them against insurgent reprisals. The government could therefore offer no incentives large enough to compensate for the danger of collaboration.

RHODESIA

One of the greatest weaknesses of the Rhodesian counterinsurgency campaign was its lack of emphasis on military/operational intelligence. Prior to 1973, Rhodesian intelligence was almost exclusively the responsibility of the Central Intelligence Organization (CIO), which was divided into eleven branches, the two most critical being internal intelligence and external intelligence. Internal intelligence fell under the domain of the police force Special Branch, which was headed by the Director of Internal Affairs, administered through the police, but ultimately controlled by the CIO. Branch II, or external intelligence, operated independently of the rest of the intelligence community, and was responsible primarily for psychological and propaganda programs, including disinformation.

The army developed no real independent intelligence capabilities and, until 1975, relied completely on Special Branch. This accorded with the wishes of the Rhodesian Treasury Department and the CIO, neither of which saw any reason for the army to have a separate intelligence organization: the former seeking to minimize duplication and expenditure, and the latter regarding the establishment of an independent military capability as a threat to its own existence. The army had representatives at the CIO, who were responsible for providing advice and assistance regarding the military's intelligence requirements, but this was as far as the integration of intelligence capabilities went, thus

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26 For example, a £38 million development plan was announced in mid-November 1955, and negotiations were opened with the EOKA leaders in the hopes of convincing them that only through cooperation with the government and the cessation of terrorism could the political goals of the terrorists be met. By this point in the terrorism campaign, however, which had been under way since April and in the planning stages for nearly six years, it was too late for the British to offer compromise solutions. See Dewar, Brush Fire Wars, p. 73; and Paget, Counter-Insurgency Campaigning, p. 46.

leading to severe problems in assessment and dissemination. Indeed, all army intelligence requests were generally routed through Special Branch, which had control over, and access to, sources in any given area of the country. Special Branch's monopoly was such that its agents were responsible not only for briefing the army on relevent intelligence, but even for the interrogation of insurgents captured by the army.

Although Special Branch had been particularly effective in blunting any concerted urban terrorist campaign through its near-total penetration of the insurgent forces, it was considerably less successful in providing the army with the hard tactical intelligence its combat units required. Special Branch agents, trained in the police tradition, had too little knowledge of the military to be able to adequately tailor their processing and distillation of information and intelligence to the army's needs.\textsuperscript{28} Moreover, Special Branch's external intelligence network had largely dried up by 1972, drastically reducing the flow of information to the military. In response to these problems, the army created the Directorate of Military Intelligence (MID) in 1973, under the auspices of the CIO, to which the MID Director reported. MID was staffed by territorial soldiers (i.e., reservists) charged with gathering and analyzing intelligence for military purposes. This system, however, soon proved ineffective because of the reservists' general lack of training or experience in intelligence matters. The problem was compounded by Special Branch's refusal to work with MID, and the army's continued dependence on Special Branch intelligence, which undercut support for the MID.

In 1975, the army made a second attempt to improve operational intelligence by creating the Rhodesian Intelligence Corps (RIC), which assumed MID's limited responsibility for internal military intelligence. The CIO controlled the RIC and had acceded to the new unit's formation only on the condition that the RIC would report to Special Branch. Although the RIC fulfilled its purpose to some extent, deploying a small number of RIC/Special Branch personnel into the field to collect and process operational intelligence, most RIC staff, once trained, were assigned to brigade headquarters. At this level, RIC staff were relegated to updating maps and conducting basic research.

These problems with intelligence were exacerbated by the lack of military coordination at a national level. When the civil, military, and police administrations were reorganized from the top down in 1977 (creating COMOPS, the Combined Operations Command), only a

\textsuperscript{28}This was directly responsible for the security forces' failure to recognize either the insurgents' changing tactics after 1970 or the development of the alliance between insurgent organizations in Rhodesia and Mozambique—two critical turning points in the conflict. Cilliers, \textit{Counter-Insurgency in Rhodesia}, p. 220.
small intelligence section was created, and it lacked the capacity or authority to collect and collate intelligence from the other organizations. This led to duplication of effort not only among the various intelligence services, which included the RIC, CIO, MIC, Special Branch, and the COMOPS planning team, but with intelligence sections of the special forces units and intelligence support organizations as well. Although an attempt was made in the early 1970s to coordinate the intelligence sections of the special forces under a single organization, the CIO Director General was afraid of losing control of internal intelligence and quashed the proposal.

Paget's first, second, third, and fourth principles of counterinsurgency were clearly unfulfilled in Rhodesia, where infighting among the various organizations responsible for intelligence made it impossible to coordinate and integrate the entire intelligence apparatus in any effective manner. Moreover, the neglect of the need for greater coordination of intelligence when the entire organizational structure of the security forces was overhauled in 1977 reflected the Rhodesian government's low priority on intelligence in its counterinsurgency efforts. Paget's fifth principle, the improvement of relations with the population, was also underemphasized by the Rhodesians, who, despite conscious attempts to learn from the British experiences in Malaya, failed to implement any "hearts and minds" measures and were inflexible about the political aspirations of the black majority population. The only principle met by the Rhodesians' actions was the sixth, the penetration of the insurgent organizations, which took two forms: infiltration early in the insurgency, and the use of "turned insurgents" or pseudo-operations (as in Malaya and Kenya) later in the insurgency.29

29In the early stages of the insurgency, between 1962 and 1969, Special Branch agents had penetrated the highest levels of both ZANU and ZAPU, the two competing insurgent organizations (Flower, Serving Secretly, p. 105). Intelligence supplied by these agents initially enabled Special Branch and the police to arrest insurgent groups entering the country before they were even able to commence their operations. Special Branch also used agents of influence, who were employed to try to redirect the organizations' strategies and policies in a manner beneficial to Rhodesia. By 1969, however, Rhodesian intelligence penetration of both ZANU and ZAPU had virtually ceased. Moreover, in the years that followed, neither the CIO nor Special Branch managed to obtain the same level of infiltration and influence it had with the insurgent organizations during the 1960s. One of the reasons for this difficulty was ZANU's increased recruitment activity among tribes in the northeastern border area, where the police generally had less coverage and Special Branch fewer assets. At the same time, however, Special Branch was able to maintain its effective intelligence networks in the urban areas throughout the conflict. Informers were situated at all the nationalist parties and local community organizations and provided a steady flow of information. As infiltration of the organizations became more difficult, and as increasing insurgent subversion of the rural areas led former sources of intelligence to dry up, the Rhodesians began to investigate alternative intelligence-gathering techniques and sources. By 1973, their attention had fastened on "pseudo-operations" like those used in Malaya and Kenya by the British. With the encouragement of the Prime Minister and senior CIO and Special Branch officials, a new unit—known as the Selous Scouts—was established in November
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By the time of the recrudescence of the conflict in Northern Ireland during the late 1960s/early 1970s, British terrorism authority Professor Paul Wilkinson points out, the British had "developed a huge reservoir of practical knowledge, expertise, strategy and tactics, covering not only guerrilla warfare generally but also the rapidly proliferating challenge from urban terrorism." But at the same time, this experience was the product of vastly dissimilar campaigns in far-off colonial settings. British troops were first deployed in Northern Ireland not to combat terrorism per se, but as a peacekeeping force to defend the Catholic minority from Protestant violence. Troops had not been used on such a large scale for internal peacekeeping within the United Kingdom in this century. Moreover, they had to execute this delicate task, Wilkinson continues, "under all the constitutional and judicial restraints on parliamentary democracy, among their own fellow citizens, and under the full glare of TV and the press."30

At the time, little help could be expected from the police. The Protestant-dominated RUC had proved that it was incapable of insulating its personnel from the sectarian prejudices that had produced the conflict in the first place. Indeed, it was the inability or unwillingness of the police to discharge its duties so far as the Catholic community was concerned, and indeed the involvement of some RUC in the actual violence, that had necessitated the Army's intervention. This had serious consequences for the maintenance of law and order in Northern Ireland. It bears repeating that the basic tenet of British doctrine concerning public security has long been that the police, not the military, should play the predominant role in upholding the law and maintaining order. The reasoning behind this is obvious: policemen are trained to deal with the public and to meet a variety of exigencies with the minimum use of force. Soldiers, quite simply, are not. Soldiers are trained to kill and to fight mostly against a discernible enemy, distinguishable from civilians by uniform or

1973. For administrative purposes, the Scouts were placed within the Rhodesian army's command structure, though the Special Branch commander coordinated and directed the unit's intelligence-gathering function. The Scouts' mission was not to engage the insurgents in combat, but to determine their size and location and then report this information either to helicopter attack teams or ground combat units, which would then take over. The Scouts proved extremely effective in providing the security forces with usable and timely intelligence—indeed, they provided the best operational intelligence. According to one internal assessment undertaken by the Directorate of Military Operations, the Selous Scouts were responsible for 88 percent of all the insurgent kills and captures in their areas of operation, clearly lending credence to Paget's assertion that active intelligence-gathering (fourth principle) and penetration of insurgent organizations (sixth principle) are both valuable in running an effective counterinsurgency campaign (cited in Cilliers, Counter-Insurgency in Rhodesia, p. 32).

some insignia, under rules of engagement where an army's might can be fully exercised. As a British expert on police tactics, F.E.C. Gregory, explains,

The Police role is one of keeping the peace by the use of traditional procedures and machinery whereby in a democratic society lawlessness is contained and processes are controlled by methods acceptable to the public as a whole. Conversely, the soldier is the embodiment of the ultimate sanction of force necessary to every government for the protection from external attack or dealing with extremist activities which only can be countered by the machinery of government.\footnote{31}{Gregory, "The British Police and Terrorism," in Wilkinson (ed.), \textit{British Perspectives on Terrorism}, p. 107.}

In no area is this distinction more critical than in the acquisition of intelligence. Clearly, effective police work—be it against common criminals or terrorists—"depends on intelligence, and intelligence depends on public co-operation."\footnote{32}{Richard Thackrah, "Army Police Co-operation: A General Assessment," in \textit{Police and Society Research Centre Papers}, Vol. 1, No. 7 (October 1982), p. 10.} In a situation like Northern Ireland, according to Carver, the British had to chose between two alternatives:

One is that the police should remain primarily responsible for order and security, looking to the Army to relieve them of additional burdens, such as guarding potential terrorist targets, forming cordons and carrying out large scale searches. The alternative is to look to the Army to deal with violence in all its forms, from street rioting to terrorist acts, such as sabotage, ambushes, armed robberies by the insurgents to acquire arms, money and supplies, while the police continue with their normal duties in the hope that they can thus maintain their links with and the support of the population at large. . . . But the alternative also has many disadvantages. The Army is not likely to be familiar with the people or the area. It will demand from the police detailed information about the terrorists, which the police will almost certainly be unable, and perhaps, unwilling, to give. . . . The police will want to keep the control of intelligence in their hands, partly to protect their sources.\footnote{33}{Carver, "The Army and The Police," pp. 38–39.}

Given the peculiar circumstances in Northern Ireland at the end of the 1960s that required the Army's involvement, the second course was chosen. Hence, it is not surprising that by 1970–1971, Army commanders were voicing complaints over both the paucity of information on the terrorists and the poor coordination of intelligence resources in the province. "The RUC," one Army officer bluntly stated, "was a shambles. They had always kept to themselves, they had no contact with London, they had no expertise."\footnote{34}{Quoted in Hamill, \textit{Fid in the Middle}, p. 51.} Further, the perceived unreliability of the police because of the sectarian nature of the conflict meant that
its Special Branch officers were distrusted by the military, which therefore meant that the Army could not turn to perhaps its best source of information. In this respect, then, the first three of Paget's six principles were not fulfilled. An "effective [intelligence] organisation" was not existent before the insurgency began; consequently, no real effort was made to know the "enemy" before it started. Also, no "fully integrated intelligence organisation under one Chief of Intelligence" existed in the province.

The inadequacy of this system was perhaps most clearly demonstrated during the Army's mass internment of suspected IRA terrorists in August 1971. The list of names of internees was often hopelessly out of date. Although 346 (or 70 percent) of the suspects on the Army's lists were arrested, many of the detainees were no longer active members of the IRA. Nevertheless, the Army regarded the operation as a tactical success given the high arrest rate. But as has often been the case in counterterrorist campaigns, such tactical "successes" proved counterproductive in the long run. The heavy-handed arrival of troops in the middle of the night, knocking down doors to apprehend suspects—in this instance, many times to arrest the wrong man or persons who had little, if any, involvement in the current "troubles"—senselessly created still greater animosity among the Catholic community against the Army. Such tactics also generated support and created sympathy for the terrorists (who now portrayed themselves even more vigorously as "protectors of the people") that perhaps had not existed before. The operation, moreover, eliminated any prospects of obtaining the community's cooperation, an element essential to the prosecution of a successful counterterrorist campaign (thus violating Paget's fifth principle). Indeed, as a report published by the London-based Institute for the Study of Conflict noted a decade later, the Army had initially been welcomed by Catholics as an impartial force who would protect them against loyalist [i.e., Protestant] attacks, which the RUC [had] manifestly failed to do. . . . The sharp imposition of "military" security—harsh action against street disorder, the sometimes rough handling of suspects, widespread screening of the local population and intensive house-to-house searches—progressively alienated the Catholic community from the Army.

The situation began to improve with the arrival of then Brigadier Frank Kitson to command the Army's 39th Brigade in Belfast. He immediately set out to tighten civil-

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35Tbid., p. 52.
36Tbid., pp. 60–61.
military cooperation, especially with regard to improving the strained relations between the
government and the community.\textsuperscript{38} No less important were Kitson’s efforts to give his troops
a specific tactical objective and the means with which to attain it. Kitson ordered every
company commander to become thoroughly familiar with the people in his assigned sector,
identifying terrorist suspects and their supporters, thereby building a body of intimate and
detailed knowledge of the local community and, in consequence, the likely terrorist
organization in each commander’s area of operations. Every company, accordingly, became
“a low-level intelligence unit” in its own right, learning about and cultivating an in-depth
knowledge and understanding of the terrorists and surrounding community. So successful
was this policy that it was subsequently adopted by brigade commanders in Londonderry and
other parts of the province.\textsuperscript{39}

Even so, Kitson’s innovation was a palliative, not a solution to the intelligence-
gathering problem. At this time, the main supply of information was what the troops on
patrol brought in. Although useful perhaps for immediate “operational purposes,” this
intelligence required detailed analysis and processing to determine its full value.\textsuperscript{40} In 1973,
according to British journalist Desmond Hamill, the number of military intelligence
specialists “involved in collating and assembling this information were left to each unit but
the numbers were comparatively small, around the normal wartime establishment of six
men.” Accordingly, additional analysts were assigned to this task until a large office
organization was created to collate, interpret, and disseminate information brought in by the
troops in the field. The method employed to organize and keep track of this intelligence was
a simple card-index system in which a card containing all relevant information, including a
photograph, was filed for every boy over the age of 12 and every girl over 14. “If any review
of this information,” Hamill explains, “revealed a close involvement with the IRA, that
person would then be put under personal surveillance which might well mean that he or she
became a subject for an Interim Custody Order. Despite it being laborious, however, units
used to compete with each other to improve their records.”\textsuperscript{41}

The success of this practice was predicated on the close integration of operations and
intelligence. Although the amassing of information on suspect persons, accompanied by
photographs, was a tremendous asset, intimate familiarity with the community itself was an

\textsuperscript{39}Hamill, \textit{Fig in the Middle}, pp. 41–42, 121.
\textsuperscript{40}A Report Compiled for the Institute for the Study of Conflict, \textit{Northern Ireland: An Anglo-Irish Dilemma?} p. 22.
\textsuperscript{41}Hamill, \textit{Fig in the Middle}, pp. 134–135.
equally essential element. As one officer put it, “You had to get to know the baddies pretty
damn quickly but while a photograph was one aid, there was nothing like seeing them in the
flesh and on location.” Consequently, patrols were regularly accompanied by “NCOs from
resident battalions who had been in the area for some time . . . [to] act as guides, going round
with the incoming soldiers and pointing out the ‘baddies.’”42 Other effective intelligence-
gathering measures, such as long-term, static, covert surveillance of specific areas, enabled
the Army to slowly build up a databank of detailed knowledge about almost every aspect of a
community and therefore to track suspected terrorists, detect weapons caches or safehouses,
and prevent terrorist attacks.43

Later on, computers were introduced to assist the Army in keeping track of
information on terrorist suspects. In 1976 a unified criminal intelligence system was
established.44 Initially, computers were used to file and store a wide range of intelligence
data. However, concern over potential civil liberties violations led to the imposition of
restrictions45 so that only information pertaining to vehicle registration and ownership could
be kept on the computer.46 Despite this restriction, the computer records nonetheless paid
vast dividends. As Hamill recounts, the security forces had determined that

nearly all the bombs came up across the border from the south. The Army knew
where they were being made and which roads were used, but the density of
traffic made it impossible to check all cars. So the Army put a computer
terminal down near the border to log all cars that came across, and the
computer then told them which of these came all the way to Belfast. These
could then be given a thorough search.

It was four months before the IRA caught on and was forced to change its procedures for
bringing explosives into the province.47

At the end of the decade, as previously discussed, a shift in policy in Northern Ireland
reduced the number of troops deployed in the province and reestablished the police force’s
responsibility for internal security. This change in emphasis inevitably created new
difficulties. Once again, intelligence acquisition was the nub of the problem. The main
difficulty, as one Army officer saw it, was “that when the Army had been in the lead there

42Quoted in Ibid., p. 243.
43Dewar, The British Army in Northern Ireland, p. 186; and A Report Compiled for the Institute
44Ibid., p. 21.
45Hamill, Pig in the Middle, pp. 134–135.
46Ibid., and A Report Compiled for the Institute for the Study of Conflict, Northern Ireland: An
47Hamill, Pig in the Middle, p. 135.
had been a close dovetailing of the police in support of the Army. Now that it was the other way around, the RUC was finding it very difficult to fit into its scheme of things." The Army had devised a set of color codes to designate the various degrees of violence afflicting specific areas of the province. Because of the intense terrorist activity in the regions bordering the Irish Republic in the south, for example, these areas were termed "black." Accordingly, the feeling amongst the military command was that the Army should continue to take the lead in "black" regions because it was simply too dangerous for the police to operate there on their own. In those parts of the province where the violence was less serious, which were designated "grey" areas, the police would perform their normal duties with Army support. Finally, in those areas designated "white," it was safe enough for the police to carry out their duties without Army support. But the police resented this arrangement and their relegation to second-rate status, and consequently relations with the military became strained.\footnote{Ibid., pp. 242–244.}

The shortcomings of this poorly coordinated arrangement were brought home during 1979, when the PIRA unleashed a massive campaign of bombings and attacks in Northern Ireland, in Britain itself, and on the continent as well. In March, 49 PIRA bombs exploded in 22 towns during one 48-hour period. Later that month, Irish terrorists assassinated the British ambassador to the Netherlands, Sir Richard Sykes, and an aide in the Hague, murdered an Army colonel in Germany, and attempted to blow up a British military band while it was on parade in Brussels (disaster was averted by an unrelated last-minute change in schedule). Then, as if this litany of violence and bloodshed were not enough, at the end of the month a member of Parliament, Airey Neave, who also served as the Tory shadow government's adviser on Northern Ireland affairs, was killed by a car bomb as he drove out of the carpark beneath the House of Commons. The INLA claimed both this murder and that of Lord Louis Mountbatten in August. Moreover, just hours after Mountbatten's death, 18 British soldiers were killed in an ambush staged by PIRA gunmen just across the border in Northern Ireland.\footnote{Ryder, \textit{The RUC}, pp. 221–223.}

Margaret Thatcher's Conservative government had been in power less than six months and had not previously devoted much attention to the protracted troubles in Northern Ireland. The assassination of Mountbatten and the murder of the 18 troops, cresting the nearly half a year of intensifying terrorist violence, now galvanized the Prime Minister and her administration. Thatcher immediately flew to Belfast, where she met separately with the Army senior command and the upper echelon of the police establishment. The GOC,
Lieutenant-General Sir Timothy Creasy, presented the military's point of view. He believed that a number of drastic changes were required if the government was to reassert control over the obviously deteriorated situation. First, Creasy argued that the system of cross-border liaison between the RUC and the Garda (the Irish Republic's police force) was inadequate and that direct radio communication should therefore be established between the British and Irish armies. Second, he wanted authorization to engage in "hot pursuit" of terrorists across the border into the Republic. According to Hamill, Creasy argued that "the Dublin Government must be made to see that they were all fighting a common enemy."

Third, Creasy sought permission to intern suspected terrorists without charging them. Finally, and most critically, he recommended that an intelligence supremo—"a man who could pull the whole operation together, Army and police, and make it work properly"—along the lines of what Templer had done in Malaya, should be appointed to oversee the entire information-gathering apparatus in the province.50

Not surprisingly, the police had its own views on the subject, and these ran counter to those of the Army. Thatcher had met next with then Chief Constable of the RUC, Sir Kenneth Newman. According to one account, Newman was aware of the general outline that the Army's position would follow and the demands that would be made, since each had been made—and rejected—at various times in the past. He pointed out that, notwithstanding the recent escalation of violence, the situation in the province was far better than it had been for nearly a decade. Not only were the total number of terrorist incidents lower than they had been since 1971, the level of intimidation, which Newman believed was an accurate indicator of terrorist activity, had been declining since 1974, and was at its lowest since the troubles began. Although the number of fatalities inflicted against the security forces admittedly had remained relatively unchanged, this, Newman explained, was because little attention had been paid to preparing the RUC to take over the lead from the Army throughout the period that the Army was in control. Moreover, he thought it wrong that the Army should continue to exercise the predominant role in operations occurring in the so-called black border areas and that, if the police force were expanded further, this responsibility could and should be returned to the RUC.51

"There had to be a balanced strategy," Newman said, "one which allowed a steady progress against terrorism to march side by side with improved relations between the police and the public . . . . This sort of progress," he concluded, "could never be achieved by the

50Hamill, Pig in the Middle, p. 252.
51Ibid., pp. 254–256.
measures advocated by the Army." His only major request was for permission to recruit an additional 1000 policemen to the RUC; Thatcher accepted this. Indeed, the only other action the Prime Minister took was to appoint Sir Maurice Oldfield, who had recently retired as the head of MI-6, the British Security Intelligence Service, to the newly created post of "intelligence supremo."\(^{53}\)

As his predecessors in Malaya, Kenya, and Cyprus had done, Oldfield set about to weld the Army, police, and civil administration into a coordinated organization.\(^{54}\) This aim was reflected by his choice of three principal assistants—a brigadier, a deputy chief superintendent, and a senior civil servant—\(^{55}\) to supervise the work of a special staff Oldfield created of some 40 persons, drawn from the RUC, Army, and Northern Ireland Office.\(^{56}\) "It was a unit," Hamill explains, "that had to be trusted by everyone because it had to bring everybody together."\(^{57}\) Oldfield's principal mission thus was to integrate and coordinate the various components of the intelligence establishment in Northern Ireland, which when he began, one Army officer noted, was "a bloody shambles. Nobody knew what anyone was doing. The Army didn't trust the police; the police thought rightly that the Army bungled operations."\(^{58}\) To this end, Oldfield defined for his staff two main tasks: One was to examine closely each of the geographic/commercial areas in Northern Ireland, bearing in mind that all had different characteristics, in order to judge the government's performance in these areas. The staff was to consider in this examination not just the security situation, but all aspects of life in the region, including the cultural, economic, commercial, and social. The other task was, as one security official rather bluntly put it, "to bang some Army and police heads together."\(^{59}\)

Oldfield thus set about to create an orderly system delineating the responsibilities of the RUC Special Branch and Army intelligence units so that their operations would no longer overlap or impinge on one another's domains.\(^{60}\) Oldfield's approach was to remain completely impartial at the head of the security committee while the Army and police each put forth their case for a particular change of policy or specific mission. This worked much

\(^{52}\)Quoted in Ibid., p. 256.

\(^{53}\)Ibid., pp. 256–259.


\(^{55}\)Hamill, Pig in the Middle, p. 260.

\(^{56}\)Deacon, 'C': A Biography of Sir Maurice Oldfield, Head of MI6, p. 226.

\(^{57}\)Hamill, Pig in the Middle, p. 260.

\(^{58}\)Quoted in Deacon, 'C': A Biography of Sir Maurice Oldfield, Head of MI6, p. 225.

\(^{59}\)Hamill, Pig in the Middle, p. 260.

\(^{60}\)Deacon, 'C': A Biography of Sir Maurice Oldfield, Head of MI6, p. 226.
better than the old method of alternating police and Army chairmen on security committees.\textsuperscript{61} He also redirected intelligence efforts toward building up networks of informers not only within the IRA but in the Garda, the Irish Army, and the Irish government as well.\textsuperscript{62} Although Oldfield was forced to relinquish his post because of ill health less than a year after assuming it, during that time he succeeded in achieving a greater integration of the various components charged with countering terrorism than had existed in the past.\textsuperscript{63}

Thus in Northern Ireland the creation of viable intelligence capabilities took place in two phases: the period that the Army was responsible for counterterrorism, and the following period, when the RUC gradually assumed that role. The two periods were distinct, insofar as the Army's abdication of its role in the late 1970s unavoidably set the entire intelligence system back and necessitated massive reorganization and development of the RUC's own intelligence capabilities. Each period must be assessed separately in terms of whether or not Paget's last three principles of counterinsurgency were met. During the first phase, for example, organization was improved but competition between the police and the Army continued to hamper intelligence efforts. Only after Oldfield was appointed intelligence supremo were the civil and military security forces effectively coordinated and made to work together, thus meeting the third principle. The fourth principle, the need to place priority on intelligence, began under the Army but reached fruition only during the second phase, when the RUC took over operations and intelligence received priority over the competition between the security forces. Because of the Army's frequent imposition of harsh security measures against the Catholic community it had originally come to protect at the start of the "troubles," the fifth principle, securing the cooperation of the populace, was not fully met during the first phase, despite Kitson's attempts to improve relations. The RUC, for its part, recognizing the value of good relations with the public, forestalled stringent security measures suggested by the Army after it took over operations in the early 1980s and opted for a more moderate approach. Finally, the sixth principle of counterinsurgency, penetration of the insurgent organization, was first met under the Army, though as mentioned above, infiltration and the cultivation of informants were further expanded under Oldfield.

Problems, nevertheless, still remained, but they were smoothed over by greater reliance on computer databanks. In 1980 a "Computer Assisted Policing" system was created

\textsuperscript{61}Ibid., p. 233–234.
\textsuperscript{62}Ibid., p. 241.
\textsuperscript{63}Ibid., pp. 243–245.
in Belfast. Together with another data system, CIRIS (Criminal Information Retrieval System), the computers assured “the efficient deployment of resources, [and] the central collation of all incident reports and other information.” Indeed, by 1982 CIRIS was effectively handling approximately 28,000 information requests per week.\(^64\)

At the start of the 1980s, the police finally were allocated the money and manpower needed to function effectively in place of the Army. By 1982, the RUC’s budget had been increased by £34,500,000 (bringing total expenditure to £350,000,000), and its strength increased by 500 full-time officers, 300 part-time reservists, and 336 civilian employees, thus enabling the continued reduction of military personnel in Northern Ireland.\(^65\) Indeed, as a result of improved intelligence, the Army could claim in 1987 that two-thirds of all planned IRA operations were being thwarted.\(^66\)

In addition, the government embarked on an active effort to encourage citizen tips through television advertisements depicting scenes of graphic terrorist violence. Viewers are asked to telephone the RUC on one of the 17 confidential telephone lines that the police set up in the province. Police have credited the phone lines with contributing to the record 40 percent of terrorism-related criminal cases solved in 1987 (up from 37 percent in 1986 and 35 percent in 1985). In 1987, however, for the first time in three years, the number of calls declined to 1109, from 2300 in 1986 and 1406 in 1985. This was a setback, given the progress that had seen telephone tips in Catholic communities such as Lurgan and Dungannon triple between 1985 and 1986. The government, accordingly, embarked on a massive new advertising campaign in January 1988 to rekindle public use of the call lines.\(^67\)

Cash rewards have also been used in Northern Ireland, but with mixed success. Until 1988, for example, the RUC generally awarded persons supplying information on terrorists no more than £5000, based on the quality of the information. In special circumstances, some persons were occasionally offered more.\(^68\) During the early 1980s, for example, some particularly important informers were reportedly given as much as £75,000 to cooperate. Indeed, according to the then Northern Ireland Secretary, a total of £1.5 million had been spent on protecting and resettling informers during the preceding seven years.\(^69\) In any event, in August 1988, the RUC decided to increase the money available to informers,

\(^{65}\)Hamill, *Pig in the Middle*, p. 267.
\(^{68}\)The Times (London), August 29, 1988.
\(^{69}\)The Guardian (London), May 9, 1991.
authorizing individual payments of up to £100,000 in an attempt to stimulate more public assistance. 70

Not only was the entire experience a learning process for the security forces in Northern Ireland during the 1970s, but given the wealth of experience Britain had amassed from previous counterterrorist campaigns, it was a surprisingly long process as well. More than a decade had passed before there was even a semblance of “a fully integrated intelligence organisation, under one Chief of Intelligence” (Paget’s third principle). Even so, the administration and organization of the intelligence apparatus in Northern Ireland remains—perhaps inevitably—imperfect and subject to the organizational rivalries and differences of mission and opinion among the Army and police in the province. By the same token, the frequently harsh security measures the Army applied to the community did little to secure the cooperation of that segment of the population against the terrorists. As previously noted, the welcome that the Army had received from the Catholic populace back in 1969 and 1970 was short-lived. Accordingly, the Army’s clumsy handling of this important aspect of any successful counterterrorist campaign prevented it from fulfilling Paget’s fifth principle, thus making an already difficult task even more arduous. On balance, however, the security forces did achieve an impressive measure of success in “penetrating the insurgent organisations” (Paget’s sixth principle). So effective were these efforts that in 1974 the IRA was forced to replace its “pseudo-military” organization—based on a “territorial” division of battalions, companies, and a clearly defined chain of command, including commanding officers, quartermasters, and intelligence officers who were known by terrorist foot soldier and leadership echelon alike—with the classic terrorist cellular organization consisting of small numbers of persons who know only their immediate superior or contact. 71

Perhaps the most audacious countermeasure the British used to combat terrorism in any of the campaigns under review was that of “turning” captured terrorists into government agents and deploying them in “counter-gangs” or “pseudo-terrorist” units for operations against their former comrades. The British, not surprisingly, brought Kitson’s “pseudo-gang” idea from Kenya to Northern Ireland when Kitson was commanding the 39th Brigade; the idea took the form of the Special Detachment, nick-named the “Freds.” The Freds operated within the Army’s clandestine special counterterrorist unit, the Military Reconnaissance

71 Hewitt, The Effectiveness Of Anti-Terrorist Policies, p. 12; and Adams et al., Ambush: The War Between the SAS and the IRA, p. 29.
Force (MRF). The genesis of the Freds was in 1971, when a PIRA bombing campaign was averaging two explosions a day and the security forces were becoming increasingly frustrated by their inability to penetrate the terrorist organization. The Army therefore attempted to emulate Kitson’s success in Kenya by using “turned” terrorists for operations in Northern Ireland. Officers selected ten captured IRA terrorists (one of whom, in fact, had formerly served in the British Army in Northern Ireland) and gave them the choice of either serving out their long prison sentences or working for the Army. They chose the latter.

The method by which these men were “turned” owed much to the principles Kitson had introduced nearly 20 years before. The Army focused on the three key factors that Kitson had identified as essential to persuade an individual to change his allegiances:

In the first place, he must be given an incentive which is strong is enough to make him want to do so. This is the carrot. Then he must be made to realise that failure will result in something very unpleasant happening to him. This is the stick. Thirdly he must be given a reasonable opportunity of proving both to himself and his friends that there is nothing fundamentally dishonourable about his action.

Satisfied that the ten candidates could be trusted, the Army placed the men under the command of a captain from the Parachute Regiment and secretly billeted them in one half of a semidetached house at the well-guarded British base in Holywood, just outside of Belfast (their British “minders” lived in the other half of the house to keep watch over their charges).

The Freds’ mission was to accompany the Army’s elite counterterrorist MRF units as they drove around the various terrorist strongholds in Belfast and point out members of the IRA they passed on the street. Identified in this manner, the terrorists were then placed under surveillance by other covert Army units and later arrested. However, the outcome of this practice—so far as the Freds were concerned—was less successful than it had been in Kenya. Although in both places terrorists who might not otherwise have been identified were apprehended, the survival rate of the Freds was considerably lower than that of the ex-Mau Maus who had performed a similar function. “It was a lethal, complex and bewildering game of cat-and-mouse,” Geraghty explains, “and not many of the ‘Freds’ survived to enjoy the freedom promised them after MRF service.” Unlike the experiment in Kenya, some of

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75Hamill, Pig in the Middle, p. 69.
the "turned" terrorists attempted to play both sides and became double agents. The IRA murdered one of the double agent Fredds, whose messages the Army had intercepted and rewritten to feed the terrorists with misleading or erroneous information. Others, following their service in the MRF, returned to their homes in the Catholic areas, were somehow identified by their former terrorist comrades and, with their covers "blown," were seized, tortured, and executed by the IRA.\textsuperscript{76}

The pitfalls of special, covert operations are dramatically demonstrated by an ongoing investigation of the Army's conduct of a so-called dirty war against Catholic and Protestant terrorists in Northern Ireland. In 1982, a special police commission was convened to examine embarrassing revelations surrounding the "special operations" that the Army and police allegedly used both in the province and across the border in the Irish Republic. Disclosures of these practices are based on accusations made by a former British Army captain, Fred Holroyd (who served in an intelligence unit in Northern Ireland from 1974 to 1975), and documented in a special investigative series published in the British newswEEKLY \textit{The New Statesman},\textsuperscript{77} and by Colin Wallace, a former Army information officer, who commanded an undercover psychological operations unit in Northern Ireland during the same period.\textsuperscript{78} Even if unfounded, the allegations nonetheless furnished the government's enemies and the terrorists and their supporters with potentially valuable propaganda that was mendaciously exploited and exaggerated.

The origins of the dirty war reputedly date back to 1974, when, in hopes of improving intelligence acquisition, the Army reportedly increased the number of Special Air Service (SAS) officers in Northern Ireland running field agents. As one observer explains, "This had the advantage that, without any overt structural changes in Intelligence-gathering; there would be a cadre of people accustomed to working together who could act as a sort of cement to bond an organization that seemed, at times, to be falling apart."\textsuperscript{79} However, neither the Army nor the government has ever officially acknowledged the deployment of the SAS to Northern Ireland.\textsuperscript{80} Many of the "field agents" assigned to operations in the province are there unofficially, not in uniform but disguised as locals.\textsuperscript{81} Other SAS personnel stationed

\begin{itemize}
  \item \textsuperscript{76}Geraghty, \textit{Who Dares Wins: The Special Air Service, 1950 to the Falklands}, p. 143.
  \item \textsuperscript{77}\textit{The New Statesman} (London), May 4, May 11, and May 18, 1984. \textit{See also, The Times} (London), March 2, 1987.
  \item \textsuperscript{78}\textit{The Times} (London), February 28, 1987.
  \item \textsuperscript{79}Geraghty, \textit{Who Dares Wins: The Special Air Service, 1950 to the Falklands}, p. 147.
  \item \textsuperscript{80}\textit{The New Statesman} (London), May 4, 1984.
  \item \textsuperscript{81}Geraghty, \textit{Who Dares Wins: The Special Air Service, 1950 to the Falklands}, p. 147.
\end{itemize}
along the border with the Republic, for example, posed (and portrayed themselves) as
surveyors attached to the Royal Engineers.\textsuperscript{82}

One allegation of the questionable practices the Army supposedly employed to combat
terrorism in Northern Ireland is an SAS team’s alleged assassination in January 1975 of a
leading IRA member across the border in the Irish Republic. Holroyd maintains that an ex-
Grenadier Guards officer, Captain Robert Nairac—serving in the SAS cover operations unit,
the Royal Engineers “Survey Troop”—admitted that he had committed the murder.\textsuperscript{83} Nairac
himself presents yet another unresolved controversy surrounding Army operations in
Northern Ireland. He ostensibly left the SAS in 1976, but remained in the province as “a
military liaison officer.”\textsuperscript{84} He was kidnapped and is believed to have been murdered by the
IRA in 1977, although his body has never been found. Nairac, according to many accounts,
was impersonating a left-wing Official IRA member when rivals in the PIRA seized him and
tortured him to death.\textsuperscript{85} His disappearance, and the circumstances in which he was
operating, have gone unexplained to this day; but the incident, when news of it broke in
1977, focused undesirable attention on the Army’s covert operations and provided the first
firm evidence that the SAS and other British officers on secondment were being used in a
variety of undercover roles in the province.

Additional allegations have been focused on the Army’s kidnapping of suspect IRA
members in the Republic who are then brought across the border into Northern Ireland for
interrogation. According to Holroyd, “kidnap teams” recruited by British Army intelligence
were paid £500 from secret intelligence funds to seize at least three top IRA leaders in 1974
and 1976. Two of the alleged attempts apparently failed; a third succeeded in 1976, when
Sean McKenna was kidnapped from a village across the border and brought into Northern
Ireland, where he was arrested by a conveniently passing Army patrol (at least, this is what
an official Army public relations statement claimed). On another occasion, the Army
resorted to more extreme methods when, in 1974, it discovered a supply of IRA bombs in the
Republic being prepared for shipment across the border. A team of Army ordnance experts
allegedly slipped into the Republic and sabotaged the bombs so that they exploded while in
transit, killing the IRA courier.\textsuperscript{86}

\textsuperscript{82}The New Statesman (London), May 4, May 11 and May 18, 1984.
\textsuperscript{83}The New Statesman (London), May 4, 1984; and The Times (London), February 28, 1987. See
also Adams et al., Ambush: The War Between the SAS and the IRA, pp. 83–88; and Dillon, The Dirty
War, pp. 162–196.
\textsuperscript{84}The New Statesman (London), May 4, 1984.
\textsuperscript{85}Geraghty, Who Dares Wins: The Special Air Service, 1950 to the Falklands, p. 147.
\textsuperscript{86}The New Statesman (London), May 4, 1984. See also The Times (London), February 28, 1987.
Holroyd also detailed how phony death threats, purporting to be from the IRA, were sent to peace activists in Northern Ireland; how bank robberies were supposedly carried out in the Republic by gangs hired by Army intelligence in order to replenish "their 'unattributable' funds . . . used to pay for agents and secret operations" (a particularly notorious gang of bank robbers in the Republic led by two brothers is alleged to have been in the employ of British intelligence); and how burglaries of both Catholic and Protestant community groups and offices are regularly carried out by special intelligence operatives. One series of burglaries, for example, was committed against a dozen or so Protestant Orange Lodges to get an accurate picture of the amount of arms they have stockpiled in caches.

Such practices—if true—while perhaps effective practical measures against terrorism, have the potential to cause serious embarrassment to the government and so ultimately prove counterproductive. For this reason, in a 1982 study based on his extensive experience in Northern Ireland, Major-General Colin Shortis reportedly urged strongly that the practice of sending "elite" forces on operations in Northern Ireland be discontinued. Their record, he averred, demonstrated that "highly trained, motivated and elite assault units can sometimes cause as many problems as they solve unless commanded by exceptional leaders of intelligence and moral stature." In 1977, for example, eight SAS men were tried in a Dublin court and convicted of illegally crossing the border into the Republic. Although they were found guilty, the eight were released shortly after their trial ended. Nonetheless, government officials maintain that even though the SAS contingent in the province is small, "their reputation alone . . . dampen[s] IRA activities."

Police "special operations" in Northern Ireland have been just as controversial as those of their military counterparts. The so-called Stalker Affair, which takes its name from John Stalker, the then Deputy Chief Constable of Greater Manchester who led an investigation of certain RUC counterterrorist operations, is a case in point. During November and December 1982, the existence of a secret, special RUC unit, known as the Headquarters Mobile Support Unit (MSU), came to light as a result of the deaths of six unarmed men. The

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87Ibid., May 18, 1984.
89Ibid., May 18, 1984.
90Quoted in Hamill, Pig in the Middle, p. 280.
91The Times (London), September 1, 1988.
MSU, based at RUC headquarters in east Belfast, functions as an SAS-type unit within the police force. According to one senior RUC officer, its training is designed to enable the unit to act with "speed, firepower and aggression." The MSU has its own chain of command leading directly to RUC headquarters and the office of the head of the Special Branch. It is staffed by both uniformed and plainclothes officers and relies on information collected by the RUC Special Branch—and fed directly to the MSU—on terrorist operations and plans as well as the results of security force searches and interrogations of arrested terrorists and suspected terrorists.

The first incident that focused attention on the MSU occurred on November 11, 1982, when its members killed three unarmed INLA terrorists in Country Armagh, firing more than 100 bullets into the terrorists' car. This seemingly excessive use of force gave rise to public speculation and attendant concern of a "shoot-to-kill" policy in the RUC as opposed to the traditional "minimum force" tenet that is supposed to govern all police operations. Two weeks later the MSU was involved in an even more controversial incident when a 17-year-old youth—with no terrorist connections whatsoever—was ambushed and shot to death. In an attempt to cover up its tragic mistake, RUC officials subsequently fabricated a terrorist dossier on the youth to justify the shooting. Finally, on December 12, MSU agents, who had illegally crossed the border into the Irish Republic, killed two more unarmed INLA terrorists in what was apparently a botched attempt to capture INLA leader Dominic McGlinchey.

The RUC's determined attempts to cover up the MSU's part in these incidents was revealed in May 1984 during the trial of four RUC constables—John Robinson, William Montgomery, David Brannigan, and Frederick Robinson—who were acquitted of murder at two separate trials. However, as a result of evidence presented in court that pointed to an official cover-up, in May 1984 the government appointed Stalker to conduct an independent inquiry into the killings and to determine whether in fact a "shoot-to-kill" policy existed. From the outset, the Manchester detective's investigations were thwarted by a wall of silence that surrounded the RUC. Stalker's report bluntly stated that he had "met increasing resistance and obstruction from members of the RUC at all levels from [the chief constable Sir John] Hermon down." Stalker was removed from the inquiry in 1986 and himself subjected to an investigation just as he was about to obtain from the RUC a tape recording of

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the innocent youth’s murder and then question Hermon and other senior RUC officials about it.98 Nonetheless, from what information he could obtain, Stalker concluded that although no official “shoot-to-kill” policy existed, some members of the RUC acted on occasion as if there were.99

Stalker’s dismissal has led to allegations that the government forced him off the investigation because his conclusions would have led to the resignation of a “swathe of senior police officers in Ulster”—including Sir John Hermon. “The potential loss of so many officers at the top of the Royal Ulster Constabulary,” a report in The Guardian speculated, “could have emasculated a force which the Government sees as its main bulwark against terrorism.”100 The entire episode was closed in January 1988, when Attorney General Sir Patrick Mayhew told the House of Commons it had been determined that no “shoot-to-kill” policy existed within the RUC and there would be no prosecution of the force’s senior officers.101

The MSU also works closely with another secret undercover police group specifically tasked to carry out surveillance, the so-called E4A. This elite unit provides specialist surveillance, bugging, and monitoring of the IRA. According to one report, the appearance of the cars used by E4A is constantly changed; they can be resprayed and altered to look completely different as often as once a day.102 The E4A also maintains close liaison with MI-5, occasionally using the domestic intelligence service’s equipment and expertise.103 A third elite police intelligence unit is the RUC’s antiracketeering squad, known as C13, that was established in 1982. This unit investigates terrorist money-laundering operations, bookmaking, fraud, extortion schemes, etc. In one mass sweep, 800 officers directed by C13 conducted 65 raids during the course of a single day in 1989 on alleged PIRA “fronts” (ostensibly legal businesses).104 The PIRA and other Protestant terrorist groups’ involvement in illegal financial activities prompted legislation that was proposed in 1989 in the British Parliament to establish four new offenses: investment of profits derived from racketeering in a legal business enterprise; acquiring an interest in a legal business through

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racketeering; running a terrorist organization on funds obtained through racketeering; and conspiring to do any of the preceding.\textsuperscript{105}

In addition to the elite SAS units deployed in the province, intelligence is also gathered by regular Army patrols. Both covert and overt patrolling are done. Overt patrols are designed to preempt and disrupt terrorist activity as well as to gather information. Approximately 16 patrols a day, for example, are mounted by the Army in west Belfast alone (the heart of Catholic Republicanism). In place of the massive, often counterproductive, cordon-and-search operations of the past, vehicle checkpoints (VCPs) are frequently set up. Because there is no national identity card in either Northern Ireland or the United Kingdom as a whole, the driver’s license—which in Northern Ireland, unlike the mainland, does bear a photograph—is the most effective means of population control and screening. VCPs also permit the computerized tracking of cars and the establishment of ownership through license plate numbers.

Each time a British soldier is assigned to duty in Northern Ireland, he goes through a detailed six-month training course known as NITAT. The genesis for this scheme to acclimate troops ostensibly trained for conventional warfare to the vagaries of urban terrorist warfare did not come from a senior general like Briggs or Harding, but from a young scientific officer attached to the Ministry of Defence (MOD), who came upon the idea during his annual service stint with his Territorial Army unit (the British equivalent of the U.S. Army Reserve or National Guard). While on exercises with the BOAR (British Army on the Rhine) in Germany, this officer—who was a specialist in “stay behind” parties designed to impede through ambush and hit-and-run tactics any Warsaw Pact force’s advance across the Fulda Gap—decided, according to Hamill, that the whole experience was “farcical. . . . So, when he arrived back from the exercise, he sat down and wrote a note to his training officer.” In it, he reportedly pointed out that for their role, a soldier on the ground needed to know what the Russians were like, how they mounted their sentries, how they searched for enemy ‘stay behind’ parties, and what sort of training their behind-the-lines technical troops went through. In short, he said he needed to know how the enemy would appear to him, and the other way round.

His suggestions were well received and led him to contact a NITAT commander, who was persuaded that similar types of information were required by troops assigned to Northern

\textsuperscript{105}The Independent (London), November 6, 1990; and The Times (London), November 6, 1990.
Ireland. Accordingly, the young MOD officer was invited to the province to survey the situation there.\textsuperscript{106}

Hamill goes on to describe how the officer found “that, while soldiers very often had a clear insight into the enemy, their information was very ‘bitty.’” Hence he attempted to develop a complete, coherent picture of the terrorists, their organization, and their known sympathizers and supporters on which to base the training, tactics, and strategy of Army units being deployed to the province. He undertook detailed research on the PIRA organization in Northern Ireland’s urban centers: its demography, membership composition, strategy, the responsibilities of PIRA intelligence officers, the terrorists’ command structure, and the nature of their support network. What emerged from this compendium of information, according to Hamill, was “a comprehensive picture of the people and their lifestyle—as they would affect the soldiers, and as the soldiers would affect them.” The MOD officer subsequently expanded his studies to include the Protestant paramilitary groups and community as well.\textsuperscript{107}

“It was to be a very practical analysis,” Hamill points out, “not so much in uncovering vital new information, but in getting soldiers to think clearly about the enemy.” Eventually, the officer’s findings formed the core of the training provided to soldiers going to Northern Ireland. Hamill quotes one officer who observed that “in these various papers [the MOD officer] identified the problems which faced us. I have no doubt that this allowed us to improve our tactics enormously, so that by the end of 1973 we had the Provisionals well and truly gripped.”\textsuperscript{108}

Hamill quotes still another senior officer who avers that the MOD officer’s analysis was “probably the biggest single contribution to studying the campaign. From them were produced the beginnings of an answer to the tactics of mob riots and large scale ‘aggro’ as well as the IRA gunmen.” As Hamill explains,

Soldiers attending a NITAT course would spend five days learning about the extremist organizations, and would be taught about their own areas and the sorts of incidents which occurred in them, foot patrolling, reactions to an incident, the intelligence process and how to set it up . . . and all other details they would need to know once they got to Northern Ireland.

This classroom instruction was followed by various practical training exercises. “So the training improved enormously,” Hamill continues, “and as the months went by was to

\textsuperscript{106}Hamill, \textit{Pig in the Middle}, pp. 121–122.
\textsuperscript{107}Ibid., pp. 125–128.
\textsuperscript{108}Ibid., pp. 139–140.
become more and more sophisticated. On the ground the effects were noticeable as the
Provisionals found it more and more difficult to operate effectively." The drop in the number
of casualties the Army suffered between 1972 and 1973 (129 soldiers were killed in 1972 as
opposed to just 66 the following year) is credited in part to the improved NITAT training
schemes.109

By 1976, the NITAT training program had become increasingly sophisticated. Soldiers
would begin by reviewing basic skills such as shooting, fieldcraft, and patrolling. Then they
would go to special training areas at Smallcliff on England’s south coast, at a BAOR base in
West Germany, or a specially set aside area on Gibraltar, where they would practice both
ordinary patrolling and reaction to simulated terrorist attacks:

Exact replicas of the areas where the unit was to go would be reproduced, down
to the correct number of lamp-posts along the streets. Bomb explosions, vehicle
ambushes, hijacking of petrol tankers, hostage taking—all such incidents had
been carefully analyzed and the troops put through them again and again. It
was very concentrated, with seven or eight incidents a day—far more than
would ever really occur. It was also very hard work, and very varied.

During the third and final stage of the training, officers—and in particular company
commanders—would spend two full days in the “hot seat.” They had to react to a series of
incidents while their actions were recorded on video. After this intense “vetting” process,
officers who had reacted poorly or who had shown poor judgement might be replaced by those
deemed better suited for Northern Ireland.110

In essence, however, the NITAT primarily teaches intelligence gathering, inculcating
the principles laid down by Kitson at the start of the conflict that each company, each
platoon, each patrol, and every soldier should become a “a low level intelligence unit” in its
own right. It seeks to attune soldiers simply to the importance of looking and observing.
NITAT embraces both basic interrogation techniques as well as emphasizing the importance
of reporting even the little, seemingly usual things observed on patrol. The training package
for each unit begins six months before deployment, including three months of intensive
instruction in the political background to the conflict, the legal situation and powers accorded
both the Army and police, and that particular unit’s precise responsibilities. Before the
battalion arrives in Ulster, trainers are taught the skills and ability to think through
problems and to really get to know the local inhabitants and geography in detail. Course
instructors are drawn from military personnel who have served in Northern Ireland and from

109 Ibid., pp. 140, 143.
110 Ibid., pp. 196–197.
RUC police officers and civilian representatives from the Northern Ireland Office. The latter lecture two days on the political, social, and economic situation in the province as well as on the importance of maintaining good relations with the community. It is estimated that 80 percent of all British Army officers will have served at least one tour in Northern Ireland during their first six years in service.

Covert, static, observation posts are used for surveillance of built-up urban areas such as Belfast and Londonderry. Prior to 1973, standard operating procedure was for troops to be deployed in the streets on foot patrols. But, like their mobile counterparts on the border, these small groups of soldiers were inviting targets for terrorist attack. Snipers, positioned on rooftops or concealed on the upper floors of residential houses or commercial buildings, made a habit of picking off soldiers walking below. During his first month in command in 1973, for example, the GOC, Lieutenant-General Sir Frank King, lost eleven men in this manner. Accordingly, he came to believe that far too many troops were deployed on foot patrols in the street and that more attention should be given to covert operations. To this end, the Army began to use clandestine observation posts "where soldiers could lie up for days at a time with binoculars, high-powered telescopes and night-sights."111

Once a small unit of soldiers gained surreptitious access to the attic of one row house, they often found that they could move throughout an entire city block undetected, crawling from attic to attic. Then they would bore holes into the slanted roofs or move bricks and tiles until the observation team had an unimpeded view onto both the street below and the otherwise concealed backyards of houses. These units would frequently remain in place for upwards of three weeks, taking with them freeze-dried food, water, and a chemically treated latrine bucket. Only if absolutely necessary would these teams open fire from their positions, standard operating procedure being to alert a ground patrol and thereby preserve the covert post's secrecy. Apart from the inherent discomfort, these operations were potentially quite dangerous: the troops had to be especially quiet and could use their radios only sparingly. On one occasion, a pub owner discovered traces of urine down the sides of a wall and, upon entering his attic, discovered three soldiers. On another occasion, one of the aforementioned Freds blew the cover of an intelligence unit using a laundry as a cover (where clothes were also examined by Army specialists for any telltale signs of blood or explosives). An IRA ambush of the truck used to deliver the laundry (that was in fact also used for surveillance purposes) killed one soldier; and an attack was launched on the safehouse used by the

111 Ibid., p. 133.
soldier's two "co-workers," although both men managed to shoot their way out and escape unharmed.\textsuperscript{112}

On the strategic intelligence level, reportedly there have been increasing complaints within the intelligence services themselves about the inadequacy of the British intelligence apparatus to effectively counter the PIRA. Critics argue that every success against the terrorist organization "has happened by accident" and that the entire intelligence structure must be completely reformed. Whereas the PIRA is regarded as "a single force with clear goals," British counterterrorist intelligence is portrayed as antiquated, redundant, and ineffective. The British forces, for example, are composed variously of the RUC, the Metropolitan (London) Police Force's Special Branch, the Security Service (MI-5), the Secret Intelligence Service (MI-6), the Defence Intelligence Service, and all the local police forces throughout the United Kingdom. While the Special Branch is responsible for countering the PIRA in Britain, MI-5 collects intelligence primarily on the Protestant terrorist groups in Britain. MI-6 focuses on PIRA operations overseas and in the Irish Republic, while the RUC is responsible for the PIRA in Northern Ireland. "This unwieldy structure," it is argued, "is ill-suited to combat an IRA that has learned from experience precisely how to exploit the weaknesses in Britain's defences. There is a recognition among senior officials in the Home Office and in the Northern Ireland Office that reform is necessary." The solution preferred is a single counterterrorist force along the lines of the American FBI. Such a force, its proponents maintain, would "cut across traditional boundaries and remove bureaucratic layers from the edifice."\textsuperscript{113}

\section*{GERMANY}

At the November 1978 International Scientific Conference on Terrorism in Berlin, one participant argued that the development of an intelligence capability against terrorists is a prerequisite to all other control measures.\textsuperscript{114} He suggested that computerized databanks are necessary, that governments must authorize and fund the collection of data on terrorists, and that care needed to be taken to prevent "bureaucratic conflicts of jurisdiction" from interfering with the expeditious dissemination of information to operational security forces. He might have been describing the attributes and weaknesses of the intelligence system implemented in West Germany after the 1972 Olympics debacle.

\textsuperscript{112}Ibid., p. 134.
\textsuperscript{113}James Adams and Liam Clarke, "War Without End," \textit{The Sunday Times} (London), June 17, 1990.
Prior to 1972, the intelligence services in West Germany gathered data on communist radicals and subversives, paying little attention to the terrorist groups emerging and revolutionary activities unfolding throughout the country. Intelligence collection responsibilities were also far from centralized; although two federal agencies were tasked with gathering data—the police Federal Investigation Department (BKA) and the Office for the Protection of the Constitution (BfV)—each served merely to support the intelligence organizations established at the state levels (the LKAs and LfVs, respectively). By the time the federal government recognized the threat posed by foreign and domestic terrorists as well as the disarray of its own intelligence establishment, terrorism in West Germany was already out of control. Paget’s first two principles thus were not fulfilled.

After the events in Munich, however, the West Germans awoke from their torpor. As they reorganized their security system, they also began to centralize data collection and analysis. The BfV established specialized counterterrorism departments emphasizing the techniques and approaches of classical counterespionage. Unfortunately, however, the BfV’s departments continued to be understaffed, and their methods (infiltration, bribery, and close surveillance) continued to prove unsuccessful. Although the BfV databank, NADIS, for example, was built and developed at huge cost specifically to counter terrorism, it was far less useful than anticipated.

On the police side, the BKA became the coordinating agency for all the LKAs. The Fahndungsdatei search databank was created and linked to terminals at all border checkpoints and LKAs. The databank, which was formally implemented in 1976, became the core of INPOL, a nationwide police computer network. In its first year, INPOL resulted in a threefold increase in arrests (100,000 in 1976 compared to 30,000 in 1975), 60 percent of which were made at the border checkpoints and airports where the new computers were installed. The databank system was repeatedly refined, allowing police access to detailed data on arrested criminals, criminal evidence, people “known” to the police, terrorists, their friends and supporters, and their fingerprints. Moreover, the BKA could also access the BfV’s NADIS in addition to the databanks of the military intelligence organization, MAD, and the Foreign Intelligence Agency, the BND.

This system enabled the Germans to conduct nationwide computer dragnets like the Beobachtende Fahndung (BEFA, Seek by Observation), which involves gathering detailed information on the travel routes, residences, and contacts of people in any way affiliated or associated with suspected terrorists. Over time, BEFA allowed the police to compile a registry of 6600 “K-cases,” or files on people known to have contact with a member of the Baader-Meinhof terrorist gang (later known as the Red Army Faction or RAF). During the
late 1970s, the BEFA resulted in a number of successful arrests and the identification of some RAF safehouses.¹¹⁵

Questions, however, surfaced about the computer search's legality and even its effectiveness. For example, in their anxiousness to cull every possible avenue for information, the police "servants of the computer" often went to extremes, bringing entirely innocent people under temporary suspicion and violating their civil rights. Accordingly, since 1981, a series of laws have been passed restricting police surveillance and data collection and the exchange of that information between the police and the intelligence services. As recently as January 1990, the Hesse police law was passed, imposing more stringent requirements on police surveillance of individuals. As a result of these restrictions, the search databank today lists fewer than 200 suspected terrorist sympathizers, supporters, or associates.

Apart from sensitive legal issues, the painstaking accumulation of detailed data during the 1970s slowed the dragnet, as thousands of information entries were keypunched and processed into the databank. This meticulous process made the databank unwieldy, and indeed, terrorists could change their modus operandi much more quickly than the police or security services could adapt the data search process. The RAF, for example, soon recognized how the police unearthed their safehouses and tracked their members and merely changed the most obvious of their habits: Instead of using expensive sports cars, the terrorists switched to inconspicuous economy cars. Instead of renting apartments, members borrowed apartments from sympathizers on vacation. Moreover, by the late 1970s, most RAF members had left West Germany, entering the country only for operations and with local "legal" intermediaries arranging their in-country logistics for them.

The modus operandi of the third generation of the RAF is even less conducive to computer searches. This generation does not use safehouses, does not work in cells, and executes operations that require little in the way of prior arrangements. In sum, they deliberately have few observable habits or patterns, leaving the police with little to feed the computer. Indeed, the newest generation of terrorists (both RAF and "after-hours terrorists")¹¹⁶ operate like the intelligence services themselves, using coded messages, advanced telecommunications technology, and stealth. This is a dramatic change from the

¹¹⁵For more about the databank, see Dobson and Payne, Counterattack, pp. 103–105.
¹¹⁶Among the new generation of terrorists are those who are not tied into a close network like the RAF's, and who only practice terrorism in their spare time. These terrorists are likely to hold jobs and maintain fairly normal, average lifestyles.
first generation of terrorists who, almost defiantly, left their fingerprints at the scenes of their attacks.\textsuperscript{117}

The second-generation leadership of the RAF was in fact captured not because of West Germany's sophisticated intelligence capabilities, but because of a governmental reward and immunity program for information combined with the fortuitous discovery of an RAF weapons cache near Frankfurt containing a coded plan of all the group's other arms dumps in West Germany. It is ironic, therefore, that the databank was not even used in the second generation's capture, since it was for precisely these terrorists that the data-collection effort and attendant information dragnets had been concentrated for the previous decade.

Hans-Ludwig Zachert, the current president of the Federal Investigation Department (BKA), nonetheless justifies such broad intelligence-gathering methods. He describes his agency's job as precisely the "piecing of little bits of information together," and asserts that the media and the legal climate since the early 1980s have led to reticence within the police that has inhibited both intelligence gathering and data sharing.\textsuperscript{118} This in turn has aggravated internecine competition and poor communication between the various intelligence services at the state and federal levels. In one instance, although the intelligence necessary to prevent a terrorist assassination was available, it was not disseminated quickly enough to the appropriate agency, and the assailants were able to strike unhindered. In another case, BKA officers expended a great deal of time and effort tracking suspected terrorists who turned out to be BfV undercover agents setting up a sting operation of their own.\textsuperscript{119}

Although the Parliamentary Secretary in the Federal Chancellor's Office is privy to all the intelligence that the various organizations gather, the position is filled by appointment and the incumbent has no real authority to coordinate the efforts of the different agencies. Paget's third principle, of an integrated intelligence organization under the auspices of a single chief, thus remains unmet in Germany. The Germans have, however, fulfilled the fourth principle somewhat, by allocating greatly increased funds and manpower to their counterterrorist activities. Still, the lack of coordination between the various agencies is an indication that political constraints continue to make any real emphasis on intelligence


impossible. Finally, since the 1980s the German government has begun to emphasize public relations (the fifth principle) as well as the attempted penetration of terrorist organizations (the sixth principle).

The redundancy, confusion, and competition that exist among the security services are an unfortunate, but unavoidable, byproduct of the political constraints that they face. Nor will Germany be able to develop a more integrated intelligence system unless the public’s sensitivity to the centralization of power—especially police authority and intelligence—diminishes.\footnote{With the recent dismantling of the East German “Stasi,” however, and the disclosure of the extent of its files and influence, the issue of centralized power in security services has gained even greater prominence. One option for Germany, given the intrinsic weakness of its intelligence system, is to place less emphasis on the kinds of counterterrorist activities that rely on intelligence, and to emphasize antiterrorist, preventive activities.}

ITALY

Italy was not prepared for the terrorist campaign against the state that began in earnest in 1974. The only intelligence services were the Ministry of Defense’s Defense Information Service (Servizio Informazioni Difesa or SID) and its Ministry of Interior counterpart, the Office of Confidential Matters (Ufficio Affari Reservati). Both of these services were plagued with corruption, including, ironically, direct and indirect support of neo-fascist terrorists. (Table 1 illustrates the development of Italy’s intelligence and security services.) Moreover, although the intelligence services compiled files and dossiers on politicians, trade unionists and public figures, these had little to do with the left- and right-wing terrorists of the 1970s. Even SID’s success against the early left-wing Red Brigadists\footnote{The issue of public sensitivity is important: the Ministry of the Interior, the ministry responsible for the BKA and the BfV, publishes a great deal of literature explaining in sometimes very defensive layman’s terms the requirements of an effective intelligence or security service. See, for example, Verfassungsschutzbericht 1989, Fritz Busche Druckereigesellschaft mbH, Dortmund, 1990; Bundesamt für Verfassungsschutz, Möller Druck und Verlag GmbH, Berlin, 1990; Aufgaben und Kontrolle des Verfassungsschutzes, Der Bundesminister des Innern, Bonn, 1990; Verfassungsschutz und Rechtsstaat, Der Bundesminister des Innern, Bonn, 1990; Extremismus und Terrorismus, Der Bundesminister des Innern, Bonn, 1990.}

\footnote{SID turned or infiltrated an early Red Brigade member, Marco Piscia, in 1972; he wrote a long denunciation of comrades, strategy, and bases in the summer of 1972 and was largely responsible for sending the first generation of Brigadists underground. He was relocated to Switzerland, where he lived under SID protection.}
Table 1
Evolution of Italy's Intelligence and Security Services

<table>
<thead>
<tr>
<th>Ministry of Defense</th>
<th>Ministry of Interior</th>
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<tr>
<td>Defense Intelligence</td>
<td>Internal Intelligence</td>
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<tr>
<td>1949</td>
<td>SIFAR</td>
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<td>1965</td>
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<td>1976</td>
<td>SID</td>
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<tr>
<td>1977/8</td>
<td>SISME</td>
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</tbody>
</table>

merely served to send the first generation deeper into clandestinity. Thus Paget’s first and second principles were not met.

Recognizing the need for a concerted effort against the terrorists, and seeking to end the corruption in the security services, the Italian government formed the General Inspectorate for Action Against Terrorism (Ispettato Generale per Azione contro il Terrorismo) on June 1, 1974, officially replacing the Office of Confidential Matters, which had been an intelligence-gathering unit only. The Inspectorate was entrusted with the coordination of intelligence and operations for the protection of internal security. It had an entirely new staff of 200 personnel, and its head was formally responsible to the Chief of Police and thus to the Minister of the Interior.

The Inspectorate was divided into four sections. Three of the divisions were identified by their specialty—left-wing, right-wing and international terrorism—and were responsible for coordinating the intelligence activities of the Regional Units and of the Political Offices of each questura (police headquarters). The fourth section was an operational division for special investigations, in which personnel were trained in surveillance and undercover activities. These squads were used to back up Regional Units and were flexible enough to be able to transfer men and equipment around the country as needed. Each of the 13 Regional Units had a staff of 10 led by a deputy questor (deputy police chief) or chief commissioner. Many of the men chosen had police experience and already had good knowledge of, and informers in, the ordinary criminal underworld. This proved very effective in dealing with the left-wing group Armed Proletarian Nuclei (Nuclei Armati Proletari or NAP), which contained a component of common criminals who had been politicized in prison. The Inspectorate was particularly successful in rounding up NAP members in the Naples area
and Rome, and by 1975, NAP had been effectively destroyed. Unfortunately, corruption resurfaced in the Inspectorate as internal elements blocked intelligence collection on such far-right terrorist attacks as the “massacres” at Brescia (May 1974) and the Italicus train (August 1974). The unit had also begun investigations into Licio Gelli, Grandmaster of Propaganda 2 (P2) Masonic Lodge in 1974, but these were successfully blocked by P2 members at the top of the security services.

The Inspectorate was renamed the Security Service (Servizio di Sicurezza or SdS) on July 31, 1976. In 1977 it began essentially to “map” all subversive movements in Italy and gather data on some 2000 terrorists of the far left and 1800 of the far right. SdS also analyzed newspapers, books, and publications printed openly or clandestinely by subversive groups. The universities were closely watched and street demonstrations monitored. The Rome questura, in fact, had its own office in the university. The head of the political office of the Rome questura had 200 men at his disposal. Of these, however, 150 were assigned to bodyguard duties, with only the remaining 50 being spared for intelligence work.

Revelations of corruption and allegations of involvement in right-wing terrorism by SdS agents led to the establishment of the present organization of Italy’s intelligence services by Law 801. Although SdS had been moving towards a unified vision of the terrorist phenomenon, it was dissolved on October 24, 1977. In January 1978, the security and intelligence services were again reconfigured so that operations and intelligence functions were separated. Two intelligence services were created: SID was replaced by the Service for Military Intelligence and Security (Servizio Informazioni Sicurezza Militare or SISME), and the Service for Intelligence and Democratic Security (Servizio Informazioni Sicurezza Democratica or SISDE) was established within the Ministry of the Interior. In addition, the Central Office for General Investigations and Special Operations (Ufficio Centrale Indagini Generali e Operazioni Speciali or UCIGOS) was set up within the Ministry of the Interior to

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122SID’s predecessor, the Armed Forces Information Service (Servizio Informazioni Forze Armate or SIFAR) had been dismantled under allegations that senior carabinieri officers, politicians, and security service agents had been conspiring to mount a coup d’état in 1964. Giulio Andreotti, Defense Minister 1958–1966, admitted to a parliamentary committee that SIFAR had “become an uncontrollable political power.” His successor, Tremelloni, told the Senate that “SIFAR had created its own power group . . . thanks to the secret complicity of all the key figures in the Ministry and in the Defense and Army Staff” (Vittorio Borracchetti ed., Eversione di Destra, Terrorismo, Stragi: I Fatti e L’Intervento Guidiziario, Franco Angeli, Milan, 1985, pp. 33, 43). Although committees of enquiry were set up which officially absolved those convicted of conspiring against the democratic state, the Parliamentary Commission of Enquiry into Terrorism began to reexamine the case in 1990. The 1965 reform did little good in any case, as most SIFAR agents were simply transferred to SID. And the 1977 reform did the same thing again, with most SID agents transferred directly to SISME. At the end of 1980, however, the Ministry of Defense reported that more than 700 former security service agents had been replaced.
coordinate counterterrorist operations within the State Police (Publica Sicurezza). Related provincial offices (DIGOS) were set up concomitantly. Fifty percent of SdS personnel went to SISDE, the regional operatives went to the regional DIGOS offices, and the rest, plus all the files and archive materials, went to UCIGOS.\textsuperscript{123} The General Inspectorate (set up in Rome) was intended to amalgamate with the carabinieri unit, but in practice the two structures functioned autonomously. The carabinieri unit consisted of 40 men, including 7 officers, and had a specifically antiterrorist function. It relied on the painstaking work of surveillance, photography, tailing, infiltration and covert operations, examination of documents (e.g., telephone/electricity bills), and careful watch over property rental and method of payment (terrorists always paid in cash).

Dalla Chiesa succeeded in infiltrating the Red Brigades circle, using an ex-priest called Silvano Girotto who had achieved notoriety for revolutionary activities in Bolivia. Two prominent Red Brigades founders were lured into a trap and arrested. Given more time, Girotto could probably have caused the arrests of all the leading Brigadists at that time, but according to Dalla Chiesa, political pressure for quick results meant that news of the two arrests had to be given out immediately, thus permitting the remaining members of the organization to flee. Nonetheless, by the end of the year, nine more Brigadists had been arrested. Dalla Chiesa resisted pressure to return his entire unit to Milan, and eventually expanded to the cities of Milan, Naples, Genoa, Turin, and Rome.

In June 1975, Special Anti-Crime Sections (Sezioni Speciali Anti-Crimini) were created within the operational sections of carabinieri in the cities considered most vulnerable to terrorism. Initially these were in Rome, Naples, and Milan, but in time they were set up at each carabinieri command or division post. According to Dalla Chiesa, these were not as effective as the Antiterrorism Nucleus, but he was clearly in a minority, since in 1976 his organization was dissolved and the Anti-Crime Sections remained. By 1978, each Section

\textsuperscript{123}SISME "undertakes all tasks of intelligence and security for the defence of the country at military level and ensures the independence and integrity of the state from any danger, threat or aggression." It carries out both espionage and counterespionage and comes under the Ministry of Defense. SISDE "undertakes all intelligence and security tasks relative to the defence of the democratic state and of the institutions created by the constitution against whomsoever acts against it and against all forms of subversion" (Law 801 of October 24, 1977, published in Gazzetta Ufficiale, November 7, 1977, No. 103). It comes under the Ministry of the Interior.

\textsuperscript{124}The carabinieri (Arma dei Carabinieri) are administratively part of the Army and are ultimately responsible to the Minister of Defense.
had its investigative nucleus divided into four sections: kidnaps, drugs, murder, and terrorism (left and right). Replying to the Parliamentary Commission of Enquiry as to why his unit had been dissolved, Dalla Chiesa speculated that his entrepreneurialism and enthusiasm had been “more of a nuisance” to the political establishment than the terrorists.¹²⁵

But after the disastrous end to the 1978 kidnapping of Aldo Moro, the former prime minister and then president of the Christian Democratic Party, in which Moro was executed by the Red Brigades 55 days after his abduction, General Dalla Chiesa was handed a second mandate; this time he was given national command for coordination of an interforce antiterrorist unit. This force was formed from the Anti-Crime Sections of the three carabinieri divisions plus 60 State Police personnel. Police, carabinieri and the finance guard (border police) were now to give their full cooperation to Dalla Chiesa. He did not have to inform the judiciary of his activities and was answerable only to the Minister of the Interior. Dalla Chiesa’s mandate was renewed for a second year in September 1979 but was modified three months later when he was given command of the Northern Division of the carabinieri.

The interforce antiterrorist unit consisted of 200 personnel, and was tasked to

1. Do broad-based analysis of terrorism together with specific, specialist studies.
2. Search for and identify operational and latent terrorist cells, especially in the metropolitan areas.

Dalla Chiesa’s preference for the “watch and wait” technique was implemented, despite Italy’s strict criminal procedure which dictated (until 1989) that the deliberate failure to arrest a criminal was a crime of omission. Each of Dalla Chiesa’s agents was responsible for seeking particular terrorist suspects regardless of location. Agents lived in complete anonymity in 12 rented apartments, similar in type and location to those inhabited by the Red Brigadists. The bases were used for surveillance, photography, and general cover, sometimes for weeks on end. The method achieved “considerable penetration” of subversive organizations, according to Dalla Chiesa, although no names of infiltrators at a significantly high echelon in the Red Brigades have emerged to date. The Red Brigades arrest figures are notable, however: 32 in 1978, 67 in 1979, and 345 in 1980. The turning point came in February 1980 with the arrest of Red Brigades Turin column leader Patrizio Peci; after a few

weeks in prison he asked to speak to Dalla Chiesa and began to collaborate completely with
the security forces, thus initiating the wave of Brigadist "repentants."

Although Dalla Chiesa's unit proved very successful in gathering intelligence against
the terrorists, and was less burdened by the effects of corruption than were the security
services, it still had problems. The general's unorthodox methods and extra-constitutional
powers were regarded with suspicion by the Italian Parliament as well as by the judiciary.
This was partly because the exact terms of his brief were not made known to Parliament, the
judiciary, and indeed all police forces for nearly a year. Moreover, the unit's strict
compartmentalization led to an overlap with the responsibilities of other existing forces, who
sometimes found themselves under surveillance by another unit or following the same
terrorist suspect. Finally, there was hostility from the other police forces, in particular from
UCIGOS, because Dalla Chiesa had taken their best men for his hand-picked unit. Dalla
Chiesa was also resented by the police forces and the security services, not only for his
personal arrogance, but because he was too powerful—his unit combined the intelligence
work of a secret service with the enforcement power of a police force.

Thus, in Italy Paget's principles were only partially met. Paget's third principle, the
integration of the intelligence services, preferably under a single authority, was not achieved.
Wherever there was a supremo or Chief of Intelligence, as in Dalla Chiesa's unit, there was a
great deal of success. But Dalla Chiesa was never given authority over the entire security
service apparatus or the nation's police, and therefore could only request that they work with
him and his team. Coordination and integration of intelligence organizations was therefore
not achieved either; the frequent disassembling and reassembling of the security services
neither achieved its objective of stemming corruption nor helped establish continuity in the
battle against terrorism. Prior to 1978, for example, coordination of domestic intelligence
was attempted by merging intelligence gathering and antiterrorist operations within single
entities: first the General Inspectorate and then SdS. This was showing signs of success
when SdS was abruptly dissolved, its elements dispersed among SISDE, UCIGOS, and
regional DIGOS offices.126

Of those agencies collecting intelligence on the terrorists after 1977—including Dalla
Chiesa's unit, the State Police (who coordinated their efforts under UCIGOS), and the
carabinieri—only the work of two (SISDE and SISME) have been coordinated by the
Executive Committee for the Intelligence and Security Services (Comitato Esecutivo per i

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126 By the terms of Law 801, the dissolution of SdS could have been delayed until May 22, 1978.
Why a particularly efficient antiterrorist force should have been dismantled earlier, its expertise and
manpower dispersed at such a delicate time, has not been satisfactorily answered.
Servizi di Informazioni e di Sicurezza, CESIS). CESIS is chaired by the Prime Minister or his Undersecretary (who decides its composition apart from the directors of the two services, who are automatically members). The functions of CESIS are to:

1. Collect information from the two services.
2. Interpret the analyses carried out by the two services, integrate them, and thereby constitute a channel of information for the Prime Minister.
3. Prepare the agenda for discussion at meetings of CIIS and CESIS.

Paget's fourth principle was not met in part because, despite timely warnings, the government and internal security organizations failed to recognize the seriousness of the terrorist threat until it was too well established.\textsuperscript{127} Corruption within the security services further limited the extent to which intelligence was collected, particularly against right-wing terrorist groups. Paget's fifth principle, seeking the support and cooperation of the public, proved extremely difficult when up until 1977 or 1978, the Red Brigades were perceived as generally acting in the public's interests on such issues as state corruption, social injustice, and inhumane management within large factories. The most common attitude was "neither with the state nor with the Red Brigades." Nonetheless, the government and security services did little to appeal to popular support, and it was only after the Red Brigades' murder of Moro's five bodyguards and, 55 days later, of Moro himself, that the public's tacit approval of the Red Brigades began to deteriorate. Public opinion finally swung decisively against the Red Brigades when, in 1979, two more murders were committed: a leading judge, and a Communist Party worker cum trade unionist.\textsuperscript{128} Finally, Paget's sixth principle, the penetration of the terrorist organization, was met in Italy to some degree, with Dalla Chiesa's successful observation and infiltration tactics.\textsuperscript{129} These successful efforts, however, could not counterbalance the extensive corruption and disorganization within and among Italy's intelligence services.


\textsuperscript{129}The penetration of the insurgent organizations was partially successful because of legal strategies which induced captured terrorists to turn state's evidence on their compatriots. This is discussed further in Section 3.
SUMMARY

There seems to be a fairly high correlation between adherence to Paget’s principles and the overall success of a counterinsurgency/counterterrorist campaign, except for the anomaly of Italy (see Figure 9). This is of course somewhat misleading: unless other elements of the counterinsurgency/counterterrorist campaign are in place and functioning, a government will not be able to adequately emphasize intelligence. A well-organized command and coordination structure and recognition of the public’s role in a counterinsurgency or counterterrorist campaign are prerequisites for the development of an effective intelligence system. Indeed, of the basic elements of a successful counterinsurgency/counterterrorism campaign, intelligence is the one most dependent on the effective functioning of all the others.

Thus, where a formal command and coordination structure was instituted and the public was assiduously cultivated as a source of information, Paget’s principles were fulfilled, and the counterinsurgency or counterterrorist campaigns were successful. Where even one of these elements was not attended to—e.g., intelligence was inadequate—the counterinsurgency or counterterrorist campaign either stalemated or failed completely. In Rhodesia, for example, where the command and coordination structure was not fully in place until late in the campaign, the creation of a single authority was impossible, and the

<table>
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<th>Paget’s Principles</th>
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<tr>
<td>1. Effective intelligence-gathering organization in advance of the Insurgency</td>
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<td>2. Know the enemy before the insurgency begins</td>
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<td>3. Fully integrated intelligence organization under one Chief of Intelligence</td>
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<td>4. Actively work for intelligence as a top priority</td>
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<td>5. Gain cooperation of populace</td>
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<tr>
<td>6. Penetrate the insurgent organizations</td>
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<tr>
<th>Country</th>
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<th>2</th>
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<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malaya</td>
<td>W</td>
<td>O</td>
<td>O</td>
<td>O</td>
<td>O</td>
<td></td>
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<tr>
<td>Kenya</td>
<td>W</td>
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<td>Cyprus</td>
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<td>N. Ireland</td>
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<tr>
<td>Italy</td>
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<td>O</td>
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W = won  O = did not  L = lost  ● = did  SM = stalemate  ○ = did to some extent

Figure 9—Adherence to Paget’s Principles and Overall Performance
government was unable to obtain information on, or the cooperation of, the black majority population. Intelligence, consequently, was sparse and dissemination ineffective. In Germany, Cyprus, and Northern Ireland, the government’s poor relations with the population and the bureaucratically entrenched command and coordination structures hindered intelligence efforts. Only in Malaya and Kenya, where the colonial government had the flexibility to adapt organizationally to the needs of the campaign, were the intelligence requirements almost completely fulfilled.

Italy stands alone as an example of how other elements of a counterinsurgency/counterterrorist campaign can compensate for the lack of a single element: Italy relied on extensive legislative measures to undermine the terrorist organizations and gave less emphasis to either counterterrorist tactical operations or intelligence. Indeed, unlike Germany, which has relied on bulky data-gathering structures that tend to alienate the public and are easily circumvented by the terrorists, the Italians wrote legislation that brought the intelligence directly to them, in the form of terrorist confessions.\textsuperscript{130} Such a strategy takes into account the constraints a democracy faces. One could argue that Paget’s fourth, fifth, and sixth principles were actually met in Italy, not through intelligence efforts, but through the enactment of effective legislative and political and economic measures, leading to increased public support.\textsuperscript{131}

Finally, Paget’s first two principles were not met in any of the cases examined here. Had they been, it is possible that none of the security situations would have deteriorated as completely as they did. In every instance, recognition of the severity of the threat went unnoticed or unacknowledged until it was too late, due respectively to superficial intelligence gathering and insufficient dissemination. Governments must therefore create and take seriously intelligence capabilities that will give timely warning of any potential internal threats.

\textsuperscript{130}See Section 3.
\textsuperscript{131}For more on these political and economic measures, see Section 3.
5. FOREIGN COLLABORATION

Collaboration between countries in counterinsurgency/counterterrorist campaigns has been sporadic at best. Individual countries often have political, economic and/or diplomatic interests that work against their pressuring other countries to arrest or extradite terrorists or indeed to desist from harboring or supporting hostile forces.

Of the cases examined here, the British counterinsurgency efforts in Malaya, Kenya, and Cyprus require little discussion in terms of foreign collaboration, which only took the form of continued international trade and diplomatic ties with Britain. Rhodesia, on the other hand, despite having sanctions imposed on it by much of the world, nonetheless received concrete support from South Africa for most of the counterinsurgency. Rhodesia, in turn, supported the Portuguese counterinsurgency efforts in neighboring Mozambique. And foreign collaboration has played an important, if often uneven, role in the counterterrorist campaigns in Northern Ireland, Germany, and Italy.

RHODESIA

In 1967, South Africa sent a contingent of police to Rhodesia after evidence came to light of joint insurgent/South African ANC activities in Rhodesia. While the Rhodesian government welcomed this aid, the security force commanders were less enthusiastic, since they regarded it as unnecessary.1 But their position changed after 1972, when Rhodesia was confronted with an escalation of insurgent activity and South Africa's assistance became a critical factor in the counterinsurgency campaign. South Africa not only lent forces to the counterinsurgency effort, but allowed Rhodesia access to its port facilities, a critical trade and supply route.

Also, as early as 1967, Rhodesia was providing assistance to Portuguese forces fighting FRELIMO insurgents in Mozambique. Initially, Rhodesian Air Force helicopters were deployed in support of Portuguese operations in the province abutting Rhodesia. In 1968, however, the first Rhodesian ground forces were sent to Mozambique.2 The Rhodesians

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1Flowers, Serving Secretly, p. 108.
benefited enormously from these operations, acquiring experience and knowledge of insurgent warfare that would pay off in the years to come.³

In 1974, however, the Portuguese granted Mozambique its independence, and the insurgent forces established a new government that allied itself with the guerrilla forces arrayed against Rhodesia. These groups, accordingly, set up operational bases in Mozambique and began to conduct cross-border operations. Seeing this, South Africa doubted that the Rhodesian government could defend itself any longer, and therefore approached Zambia, another of Rhodesia’s neighbors from which cross-border insurgent raids were mounted, with a view towards jointly brokering a resolution of the Rhodesian conflict.

Not surprisingly, Rhodesia’s relations with South Africa became strained. Rhodesia was especially vulnerable to South African pressure given the closure of the trade and supply routes through Mozambique, which left only South African ports open to Rhodesia. But the Rhodesian government refused to negotiate with the insurgents, and the South African-Zambian effort collapsed. At U.S. Secretary of State Henry Kissinger’s behest, however, South Africa tried again to negotiate a settlement between the insurgents and the Rhodesian government. Although the Rhodesian government made some limited attempts to open a dialogue with the insurgents, this effort collapsed after the 1976 U.S. presidential elections and Kissinger’s departure from power.

NORTHERN IRELAND

The border dividing Northern Ireland from the Irish Republic has been a special problem, given that it is some 300 miles long and is completely open and largely neither recognized nor accepted by the communities on either side. One problem is that the Irish national police, the Garda, is primarily a rural constabulary without the extensive resources required for modern counterterrorist operations. Moreover, the Garda arguably lacks modern counterterrorist techniques and also often finds it politically difficult to cooperate overtly with British forces against Republicans in border areas.

The British Army initially relied upon mobile patrols of troops riding in armored vehicles to police the border. But it was quickly discovered that the distinctive sound of the vehicles could be heard far in advance of their arrival, which gave terrorists ample time either to organize an ambush or plant a remote-control-detonated bomb. This practice was consequently abandoned, and the Army relied instead upon inserting patrols by helicopter or

having them move stealthily on foot into various areas of particularly heavy terrorist activity. In addition, the SAS units deployed in the province since 1976 have frequently used their special surveillance techniques and their extended-period, all-weather outdoor survival skills to ambush terrorist infiltrators. Under a secret project known as "Operation Condor," for example, whose purpose is to take aggressive action against terrorists, the Army established a chain of covert observation points at key border crossings. This has proved an extremely effective means of controlling terrorist movement across the border. As one officer remarked, "We know everybody and everything that moves in the area, and this has a serious psychological impact on the terrorists."5

EUROPEAN COLLABORATION: GERMANY AND ITALY

Terrorism in Germany and Italy, though often influenced and aided by foreign terrorist organizations, has been primarily "homegrown." Thus, although both countries have been host to actions of foreign terrorist groups, the largest terrorist threat has always come from the left- and right-wing domestic terrorist groups that emerged during the 1970s and 1980s. Because of the predominantly internal nature of the terrorist threat in Germany and Italy, the legal and tactical countermeasures developed to combat terrorism were oriented strictly toward this particular threat. The legislative changes discussed in Section 3, for example, were directed toward isolating the terrorists from the domestic population and then successfully prosecuting them. West Germany, for its part, also developed the GSG 9 counterterrorist force in direct response to the indigenous terrorist threat. Although modeled loosely on the Israeli Border Guard and American counterterrorist organizations, GSG 9 emphasizes special training for West German circumstances, including terrain, weather, buildings, etc. The unit's armory and materiel, too, are specifically designed to meet West German requirements.6

Europe in general, however, has found itself increasingly concerned with international terrorism since the mid-1970s—not just terrorists from within the continent, although the creation of alliances between the West German RAF and France's Action Directe terrorist group, for example, prompted West Germany and France to develop a "common front"

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6Although it is therefore ironic that the first real-life test of the units' capabilities took place far from West Germany during the 1977 Mogadishu rescue, it is also testimony to the mobility and flexibility of the organization that it responded as successfully as it did.
against terrorism— but from non-European countries as well, particularly in the Middle East. Indeed, most of the attempts to coordinate West European antiterrorist activities have been in response to international terrorist attacks perpetrated on European territory by non-European terrorists.

The most important vehicles for multinational counterterrorist efforts have involved the European Community (EC) member states at the political- and security-level points of contact, the G7 Summit countries, and, to a lesser extent, INTERPOL. INTERPOL was prevented until 1984 from carrying out political investigations (including terrorist investigations), but nonetheless provided assistance with the identification of European criminals abroad. Multinational cooperation is further enhanced by participation in the TREVI Group, the Bern Club, and the Club of Five. The TREVI Group (an acronym for "Terrorism, Radicalism, Extremism, and International Violence") is the most senior European forum for the discussion and framing of joint approaches and policies to combat terrorism. It is composed of the Interior and Justice Ministers of the 12 EC member states. The Bern Club is a more operationally oriented version of the TREVI Group, in that its membership comprises the EC member states' senior security service officials. Finally, the Club of Five includes West European countries with common borders (i.e., Italy, Austria, Switzerland, Germany, and France) whose Interior Ministers meet regularly to monitor terrorist activity. In addition, the 1977 Strasbourg Convention and the follow-up Dublin Agreement, at least in theory, have made the "extradite or try" rule binding, eliminating the political exception clause.

In practice, each country has been able to elude such responsibilities when considerations of self-interest or related motives have made it convenient to release imprisoned terrorists or deny extradition requests. Further, differences between countries in the evaluation of evidence as well as in criminal code and even such basic issues as firearms laws, have impeded the harmonization of multinational counterterrorist efforts. Recently, as a result of fears during the war with Iraq of increased worldwide terrorist attacks, the NATO countries, their various security and counterespionage services, individual European police forces, the TREVI Group, and some moderate Arab countries worked closely to cross-reference data. Such a coordinated effort, though, required an overriding common interest.

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7 In February 1986, for example, the two countries arranged to improve lines of communication, so as to be able to share intelligence more efficiently and effectively. See "Urban Guerrillas: Better Late than Never," The Economist, February 9, 1986, p. 46; "France, FRG Discuss Antiterrorism Cooperation," DPA, February 5, 1985.

8 That is, a country either brings to trial an arrested terrorist itself or extradites said person to another country upon receiving an extradition request.
which the war against Iraq provided. Without such an incentive, countries remain likely to collaborate only if their own interests are not disrupted.

Because simple bilateral efforts are often either ad hoc or else regarded as more sensitive than typically well-publicized multinational treaties and agreements, open-source materials describing them are frequently sketchy and incomplete. For example, it has been reported that Britain sent members of the Special Air Service (SAS) Regiment to Italy during the Moro kidnapping to advise the newly formed Italian counterterrorist assault group (GIS) should the former prime minister's hiding place have been discovered and a special assault mounted. Similarly, the West German BKA gave its Italian counterparts access to information on its computers at Wiesbaden, sent technicians to Rome to effect the on-line link-up, and provided a special adviser who had played a role the previous year during the kidnapping of West German banker Hans Martin Schleyer. Reports have also surfaced that U.S. intelligence and law enforcement agencies provided their Italian counterparts with assistance in “crisis management” techniques, particularly the special assistance furnished during the 1981 Red Brigades' kidnapping of U.S. Army General James Dozier.

Bilateral cooperation has been most effective on the tactical or operational level. For example, although Germany (like other West European countries) has been reluctant to coordinate transnational legal solutions to terrorism that might infringe upon its sovereignty and international interests, it has nonetheless been very forthcoming in sharing with other countries the antiterrorist tactics and expertise developed by the GSG 9. Indeed, since Mogadishu, the primary role of the GSG 9 has been to train other special units, either in Germany or abroad. The unit played an especially active role in the development of Somalia’s, Saudi Arabia’s, and Singapore’s special forces. Swiss, American, British, and Dutch units have also benefited from studying GSG 9’s organization, training, and tactics.9

Germany has also been the most cooperative European country regarding Italian counterterrorist efforts. In addition to the assistance provided during the Moro kidnapping, following repentant Red Brigadist Patrizio Peci’s revelations concerning Palestinian arms sales to the Italian group, West German Interior Minister Baum provided authorities in Rome with supplementary information on Red Army Faction (RAF)-Palestinian arms deals and connections. During the investigation of the assassination attempt on Pope Paul, Baum and Austrian Minister Lanza also furnished the Italians with information on the travel of the Turkish gunman, Mehmet Ali Agca, through West Germany and Austria while en route to the Vatican.

9Rolf Tophoven, GSG 9: German Response to Terrorism, Bernard & Graefe Verlag, Koblenz, 1984, pp. 81–85.
By contrast, during the 1970s and early 1980s France hindered rather than assisted Italian counterterrorist efforts. Approximately 150 wanted Italian terrorists fled to France; in some cases, these were persons who had already been tried and found guilty by Italian courts but were nonetheless permitted to live unmolested in France despite repeated extradition requests. Several senior Italian security officials believe that the French security services were in fact “protecting” the Italian terrorists or, at the very least, were strongly disinclined to cooperate. France’s policy changed in 1986, following the wave of bombings that convulsed Paris in September and induced the Mitterand government to pursue international collaborative efforts more actively. During 1987 and 1988, in fact, French and Spanish police and intelligence service cooperation contributed to the arrest of some 242 Italian left-wing terrorists, including 21 persons seized in those two countries.

ITALIAN-AMERICAN COLLABORATION

Italo-American counterterrorist collaboration has varied, depending on the political situation and circumstances, the nationality of the terrorist groups involved, and the personalities of key Italian and American officials. The high point of these relations was certainly the rescue of kidnapped U.S. Army General James Dozier in 1981. Although the search and actual freeing of Dozier was handled entirely by the Italians, the United States provided valuable intelligence assistance. American officials also actively pressed for General Dalla Chiesa to be put in charge of the search, expressing their skepticism about the competence of other senior Italian security service officials assigned to handle the case. The low point in these relations, perhaps, involved the armed confrontation between U.S. military special operations forces and Italian carabinieri at Sigonella, Sicily in October 1985. The incident was triggered after U.S. warplanes intercepted an Egyptian airliner carrying the Palestinian terrorists who had hijacked the Italian cruise ship Achille Lauro and killed one of its American passengers, and forced the plane to land at the NATO air base. The Italians refused to surrender the four terrorists to the American force, whereupon a series of angry diplomatic exchanges between Rome and Washington ensued that strained Italo-American relations. Certainly, isolated episodes such as the arrival in Rome, shortly after the attempt on the Pope’s life, of a prominent U.S. Senator who repeatedly demanded access to

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10 Interestingly, according to several Red Brigades repentants, the group was approached by Bulgarian security service officers through an Italian trade unionist with responsibility for overseas liaison. The intermediary reportedly conveyed from the Bulgarians an offer of arms in exchange for the chance to influence the negotiations for Dozier’s release and to interrogate the captive general. A meeting was reportedly arranged to take place at a Rome movie theater in January 1982, but the Bulgarians broke off contact following an end-of-year speech of then Italian President Sandro Pertini alleging that East European elements were controlling Italian terrorism.
confidential Italian intelligence reports and details of the investigation while dogmatically insisting on Eastern-bloc involvement in the assassination attempt, have not, according to Italian sources, strengthened Italo-American collaboration. On a more positive note, the Bilateral Working Group on Drugs and Organized Crime, formed in 1984 to provide overall policy direction to police and judicial efforts to control the common problem of narcotics trafficking by criminal organizations based in both Italy and the United States, has been effective. Following the *Achille Lauro* incident, in fact, the Group’s charter was extended to terrorism as well.

**SUMMARY**

Foreign collaboration in counterterrorist and counterinsurgency campaigns is capricious, depending completely on the individual political and economic interests of the countries involved and, to a lesser extent, on the personalities and relationships between political leaders as well as senior police, military, and security service personnel. South Africa, for example, actively aided the Rhodesians until Pretoria decided that the Rhodesians could not win and halted the aid. The South African government was even willing to pressure the Rhodesians to accept a black majority government—despite the fact that such a concept was anathema to it—in an effort to save itself and curry favor with the United States.

The value of foreign collaboration also depends on the circumstances facing a given country: it can be merely helpful, or it can be critical to the success of an entire counterterrorist or counterinsurgency campaign. All campaigns, for example, can benefit from shared research and intelligence, mutual extradition agreements, and concrete aid. But foreign collaboration will be especially critical wherever terrorists or insurgents can base themselves in neighboring countries to stage cross-border attacks. When terrorists or insurgents receive supplies and training from foreign countries, collaboration can aid interdiction and, in admittedly rare cases (when sufficient pressure can be brought to bear), result in the cessation of external support. And when countries suffer a great deal of imported terrorism, whether against their indigenous populations or against foreign nationals, collaboration with the countries in which the terrorists are based will be critical.
6. CREATION OF SPECIAL COUNTERTERRORIST FORCES

A number of countries have created special counterterrorist units, specifically trained and armed to combat terrorists, usually in response to kidnappings, hijackings, bomb threats, or other situations in which action against the terrorists must be extremely precise so as to avoid harm to any hostages or bystanders.¹

RHODESIA

The war in Rhodesia was for the most part limited to areas outside the cities. In retrospect, the insurgents’ intent from the outset was clearly to encircle the urban areas, mobilize the black citizenry, and force the government to capitulate. This makes the effectiveness of the government’s countermeasures against urban terrorism difficult to assess. Certainly the Rhodesians’ urban response was calculated and well organized. As urban unrest intensified during the late 1960s, the Rhodesian police formed on-call, 24-hour riot squads: small, mobile stand-by units, manned by specially trained regular police on a rotating basis. In response to serious terrorist incidents, the police also created “Urban Emergency Units,” which were widely publicized in hopes of deterring the terrorists from carrying out any attacks. These countermeasures, combined with the police forces’ usual preventive activities, enabled the Rhodesian police to stifle insurgent operations in the cities. However, this success was more attributable to information obtained by police from their extensive informer network among insurgents and ordinary criminals alike, combined with effective public awareness campaigns, than it was to the existence of these special response units.

NORTHERN IRELAND

The elite terrorist forces countering the PIRA have already been discussed in the section dealing with intelligence, since the special RUC and Army units formed for service in Northern Ireland have intelligence, as well as “direct action” operations, as their principal mission. It remains to consider briefly the organization of counterterrorist operations within Britain itself. Here, the government has relied upon “permanent special emergency units and reserves rather than . . . the ordinary divisional policeman” and has expanded the role of

¹Special counterterrorist forces should not be confused with antiterrorist forces: the function of the former being operational and the latter being intelligence collection and analysis. For more on antiterrorist forces, see Section 4.
Special Branch (the force's intelligence arm). But this does not mean that the Army is, or can be, excluded from a special counterterrorist role in operations either in Northern Ireland or in Britain. Although the police are the first-line response to the terrorist threat, the Army is there to provide support—but strictly under police control. The difficulties come in knowing when and in what capacity to call on the Army for assistance. This problem is especially acute when Army special operations combat units are needed in situations that call for military equipment and training, but they still must operate under police rules of engagement (i.e., minimum force).

Nonspecialized situations, such as guarding embassies and airports and protecting VIPs, are a police responsibility. However, in special circumstances, such as maintaining a higher security profile at airports, the police can call on regular Army infantry or armored units for support. More specialized tasks, such as hostage rescues, usually necessitate the involvement of the 22nd Special Air Service (SAS) Regiment, the principal Army unit most trained for counterterrorist duties. In Britain itself, the regiment maintains special "antiterrorist units, wearing plain clothes and using Range Rovers and Rover 3500 cars, on permanent three-minute standby." In Northern Ireland, SAS units have regularly been used in a variety of covert and plainclothes operations since the mid-1970s. According to Thackrah, "Mostly these operations aim at collecting intelligence although they also are mounted in order to stop terrorists red-handed."

However, the police do not automatically rely on the unique attributes of the SAS. In fact, a Special Patrol Group, based in London and composed of some 205 volunteers from the Metropolitan Police, is available for use anywhere in Britain. Although they receive the same training and dress the same as regular policemen, the Group includes a number of expert marksmen. For example, during the Balcombe Street siege in London in 1975, when five IRA gunmen seized two hostages and holed up in a private house, the Special Patrol Group along with police support units were successful in resolving the incident without assistance from the SAS. But on the other hand, the more serious and complex barricade-and-hostage incident at the Iranian Embassy in London in 1980 required the SAS. According

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3Ibid., pp. 115–116, 118.
4Ibid., pp. 118–119.
6Ibid.
to former Metropolitan Police Commissioner Sir Robert Mark, several unique circumstances of the siege accounted for the SAS's intervention:

- The number of terrorists and hostages was greater than experienced in other sieges—criminal or terrorist.
- Terrorists planned this operation, whereas similar events were spontaneous acts during the course of escape from criminal activity.
- The size and character of the building involved was quite different from previous buildings. It presented a much more difficult target.
- The international politics involved made negotiations more complex.
- The terrorists showed a marked proclivity towards martyrdom.
- The terrorists were intellectually superior and likely to be better prepared and well equipped, compared with previous criminals.
- The scale and intensity of the operation was greater than anything the police had hitherto experienced.

The success of the operation—in 17 minutes all six terrorists were killed, without any injury to the SAS raiding party—was in large measure the product of the close cooperation long exercised between the police and the Army. “The one factor essential to that,” Mark states, “is a clear and universally understood pattern of administrative and political responsibility and an equally clear and unquestioned chain of command.” This experience, he continues, “is perhaps one of terrorism’s most valuable, if unintended contributions, to the stability of British government.”

Thus what has evolved in Britain is a doctrine which holds that wherever a terrorist incident occurs in the country, the police force’s response—like that of the military—will reflect a uniform, national policy. Under the procedures now in use, any of the 47 chief police officers in the United Kingdom can request military assistance from the Home Secretary. Upon his approval, the Home Secretary forwards this request to the Minister of Defence. Troops highly trained in counterterrorism are then made available under their own command system but cooperating closely with the police. In the case of a particularly serious incident, COBRA, or the Cabinet Office Briefing Room, can be activated, “thus enabling immediate decisions to be made in the light of police, Army and political representation. The system works extremely well,” Mark explains, “because it obviates doubts and uncertainties,

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avoids disagreements about jurisdiction and ensures that the national interest is not excluded from decision-making. The activation of COBRA," he continues, "is not essential . . . [But] its very existence has nevertheless eliminated the uncertainty hitherto affecting the reaction of the security forces to this kind of crime."\(^9\)

Additional intelligence units have been created at times to augment this system. Following the PIRA's October 1984 bombing of the Grand Hotel in Brighton, where the Conservative Party was holding its annual conferences and in which three persons were killed and 32 others injured, a special intelligence-analysis committee was formed. Composed of high-ranking civil servants from various concerned departments under the aegis of then Home Secretary Leon Brittan, its purpose was to "assess intelligence from the security services and terrorism experts and advise the antiterrorist Special Branch of Scotland Yard."\(^10\)

**GERMANY**

In response to the poor performance of the West German police during the 1972 Munich crisis, various security force counterterrorist capabilities were considerably strengthened. The antiterrorist role of the BKA (Federal Criminal Investigation Department) was extended considerably, as was that of the Federal Border Guard: the Federal Border Guard became a powerful adjunct to the police force, and was given the additional responsibility of protecting airports, government offices, and diplomatic missions abroad. Each of the West German states developed its own antiterrorist forces as well. The most direct response to the events in Munich, however, was the establishment of a special federal antiterrorist commando force, the Grenzschutzgruppe 9, or GSG 9.

The GSG 9 is an amalgam of federal and regional specialized police units tasked specifically with combating militant activist groups. Unlike other special police units created after 1972, including the Mobile and Special Assignment Squads (MEKs and SEKs) that function primarily for observation and investigation of individual criminals, the GSG 9 was developed in response to the proliferation of large, well-organized terrorist groups. The GSG 9 assignments are described in the draft of the February 15, 1974, Conference of Ministers of the Interior as such:

The GSG 9 is to be used in the carrying out of police missions of special significance. They may above all be employed in cases when the situation necessitates a single operation, whether openly or in secret, bringing to bear

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\(^9\)Ibid., p. 164.

immediate force against violent criminals. This is especially the case when larger, organised groups of terrorists become active.\textsuperscript{11}

The GSG 9 units can be used either as a complete force or deployed individually to aid regional police in performing particularly difficult or extra duties. When so employed, the unit is subsumed by the regional police authority, so as to prevent the federal authority from encroaching on any region's sovereignty. At the same time, the Special Unit retains full responsibility for the tactical execution of its mission.\textsuperscript{12}

Members of the GSG 9 receive nine months of extra commando training in addition to the training they receive in the Federal Border Guard (BGS) prior to volunteering for GSG 9. Of the nine months, five are used for basic training in martial arts and close combat, police duties, weapons and target practice, legal instruction, and basic psychology. The remaining months of training are devoted to special operations training, e.g., antihijack, antikidnap, and criminal pursuit. The GSG 9 is also organized differently from traditional police units. It is broken into seven units, each with its own command element, including four combat units, a training unit, a communication and documentation unit, and a combat engineers unit. There is also a supply unit, a fleet of helicopters, and attendant logistical support. At the next level up in the structure is the Headquarters unit, run by the deputy commander who is in charge of command and control, as well as an overall advisory group. Finally, the commanding officer presides over the entire structure.\textsuperscript{13}

Each combat unit is made up of five combat teams known as SETs: special combat teams consisting of five men, including a commander. This organizing principle is based on the theories of the Brazilian guerrilla theoretician Carlos Marighella, whose "Mini Manual do Guerrilheiro Urbano" has served as a tactical training tool for terrorist and urban guerrilla groups worldwide. Marighella taught that small units are exceedingly mobile, are difficult to trace, require no external supply, face no delays in awaiting orders, and are independent of each other, so one team can be destroyed without affecting the others.\textsuperscript{14} The SETs are equipped with pistols and revolvers, as well as submachine guns; aiming-point projectors for use at night; semiautomatic shotguns; large-caliber launchers for tear gas grenades, etc.; armor-piercing weapons; rocket launchers; night-vision apparatus; and a variety of supportive equipment like bullet-proof vests, ammunition, etc.

\textsuperscript{11}Tophoven, GSG 9, p. 11.
\textsuperscript{12}Ibid.
\textsuperscript{13}Ibid, pp. 30–36, 17.
\textsuperscript{14}Ibid, p. 23.
Although the GSG 9 is well trained, armed, and prepared, there are a number of bureaucratic and practical limits that inhibit the unit’s utility. For example, each federal state in Germany will be reluctant to call in GSG 9 as long as it believes that its own forces are capable of handling a given terrorist threat. Moreover, prior to GSG 9’s impressive performance in rescuing the hostages on a hijacked Lufthansa airliner in Mogadishu, Somalia in 1977,\(^{15}\) terrorist organizations were not aware of the antiterrorist group’s precise capabilities; since the hijacking and the GSG 9’s flawless performance, German terrorists have modified their own activities, deliberately pursuing objectives by means that circumvent the force’s particular abilities. Indeed, GSG 9’s operations since 1977 have largely been limited to training foreign special forces units and helping, in 1978 and 1979, to protect West German embassies in the Middle East. The one exception was the unit’s involvement in the 1982 “Operation Squirrel,” in which Brigitte Mohnhaupt, Adelheid Schulz, and eventually Christian Klar, the three most prominent leaders of the Red Army Faction (RAF), were apprehended.\(^{16}\) With a new, younger generation of terrorists, though, including the newest recruits to the RAF as well as members of the Revolutionary Cells and other newly founded terrorist organizations, the opportunity for such a sweep is less likely to arise. The new generation’s hit-and-run style, in contrast to the earlier terrorists’ large, spectacular attacks (such as hostage-taking), leaves little for a unit like GSG 9 to do.\(^{17}\)

ITALY

NOCS

The Central Operative Nucleus for Security (Nucleo Operativo Centrale Sicurezza or NOCS) was set up as a special SWAT-type assault unit within the state police to undertake particularly delicate and testing tasks, such as resolving kidnappings and barricade-and-hostage operations. It comes under UCIGOS control. A strict selection process based on physical fitness is applied to all candidates, and state-of-the-art weaponry and equipment are used by the unit’s members. Strict anonymity of unit members is maintained. The first major NOCS success was the combined police/NOCS raid on the kidnap location of General Dozier in January 1981. A Red Brigadist holding a gun to Dozier’s head had it skillfully


\(^{16}\)"Krarren im Wald" (Rifles in the Woods), *Der Spiegel*, November 15, 1982, pp. 130, 133; for further description of the operation, see Section 5’s discussion of Germany.

kicked out of his hand by a unit member—and the terrorists' surrender followed. Since then, NOCS has not been used in antiterrorist activities, but in successful operations to free kidnap victims abducted by the Sardinian Mafia operating on the mainland.

GIS

Increasing risk from hijacks, barricade-and-hostage situations, and other forms of terrorism in the mid-1970s created the need in Italy for crack antiterrorist assault units modeled along GSG 9/SAS lines. This was set up with British, American, and West German help and, according to Interior Minister Cossiga, was declared by UK instructors to be ready for action at the time of the Moro kidnap, although it was not in fact used. The special intervention group (Gruppo di Intervento Speciali or GIS), comes under the direct command of the carabinieri commander, and numbers less than 100 persons.\textsuperscript{18} It is divided into two rapid response units, one on instant call and the other on three-hour alert. Its tasks are to free hostages held by terrorists (with maximum priority being given to the preservation of life) and to retake vital installations held by terrorists (while also limiting damage and loss of life). Secondary tasks include providing specialized support to the carabinieri (e.g., in kidnap); training qualified instructors for specific responsibilities (e.g., VIP protection); and research and experimentation with specialized equipment.

GIS intervened successfully in December 1980 to put down a prison revolt in Trani top-security prison. The unit was on stand-by in August 1987 during the prison siege in Porto Azurro, Elba, but was not needed. It has never seriously been put to the test in action, thus it is impossible to comment on its efficacy in antiterrorist activities.

Protection Squads

The level of security around public figures was generally low until 1977–1978, despite the mounting threat in Italy. General security duties were evenly divided between state police and carabinieri; for example, carabinieri were deployed outside the Rome law courts, while state police were inside. The Ministry of Justice was responsible for the allocation of armored vehicles, but until the Moro kidnapping officials rarely used them. Interior Minister Cossiga had one; Prime Minister Andreotti had another but did not use it, as his driver found the vehicle too heavy and difficult to maneuver. Aldo Moro had a five-man bodyguard team; three belonged to the state police but were seconded to the Interior Ministry instead of the Rome police HQ as would have been normal practice, and the remaining two were a brigadier and a marshal of the carabinieri. Moro's family members were escorted by the Finance

\textsuperscript{18}Rivista Italiana di Difesa, No. 5, May 1984.
Guard and by *carabinieri*. Coordination was haphazard, informal, and undocumented. Moro’s route and timing to work had hardly varied for 15 years. The protection squads were given no special training in bodyguard duties, and their shooting practice was not weekly as prescribed but at erratic intervals. When the ambush occurred only one of Moro’s five bodyguards was even able to draw his gun; the others had weapons in holsters, wrapped up in bags, or in the trunk. All these faults, revealed by the Parliamentary Commission,19 were rectified following the Moro kidnap, and VIP protection in Italy is now considered to be of a high standard.

**SUMMARY**

Although special response units, like those developed in Rhodesia, West Germany, and Italy, tend to capture the official as well as the popular imagination, their function is more preventive than reactive. Their very existence helps determine the kinds of actions terrorists or insurgents will take. In Rhodesia, for example, after the response units were widely publicized, there were very few attempts to mount an urban terrorism campaign. The West German’s GSG 9 was brilliantly successful at Mogadishu, after which the nature of terrorist attacks in West Germany changed, making the unit almost obsolete and relegating it mostly to internal and external training missions. Thus the creation and maintenance of such units is a deterrent to terrorism but an extremely costly one, in terms of both highly trained manpower and resources. Less expensive preventive measures include public awareness campaigns, extensive police patrolling, and improved access control of public places. Such measures were originally used by the British in Northern Ireland and were very successfully adopted in Rhodesia. Moreover, such measures can be subsidized by businesses and require the positive involvement of the community in its own defense—a step that can also lead to better relations between the public and the security forces. Thus, special counterterrorist forces are rarely used over the long term for their original purpose—responding to terrorist actions—nor are they the most cost-effective means for preventing terrorist attacks. It may therefore be prudent to balance their relative deterrent value in counterterrorist and counterinsurgency campaigns with more day-to-day security force responsibilities.

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7. CONCLUSION

A successful national plan for a counterinsurgency or counterterrorist campaign need not be developed in a vacuum. Previous campaigns in a variety of circumstances, time periods, and regions have yielded "lessons learned" that can be applied to current strategic planning. Attention to these lessons can help a government battling insurgents or terrorists to avoid mistakes made in past counterinsurgency/counterterrorist campaigns and, equally importantly, can help that government to recognize the basic strategic elements that, transcending time and place, apply to any successful campaign.

Lessons learned, of course, vary in character. Those at the tactical and operational levels are not always relevant or equally applicable to different situations. Those at the strategic level vary as well; lessons from a counterinsurgency/counterterrorist campaign in which a single leader had complete authority or major political concessions were possible will not necessarily apply to a campaign in which democratic checks and balances or immutable political interests prevent flexibility of action. The cases examined in this Note range from counterinsurgencies in British colonial possessions—where "supremos" wielded complete authority over the government and the military—to counterterrorism campaigns in Germany and Italy, where measures against terrorists were constrained by both civil-liberties legislation and public concern and where concessions to terrorist demands would have indicated weakness in already unsteady democratic systems and might have led to further domestic political anarchy.

Nonetheless, the cases examined here have useful lessons learned for the development of a counterinsurgency or counterterrorist campaign. This study identifies four elements that, applied singly or in combination, augment or strengthen counterterrorist/counterinsurgency operations. They are:

1. An effective overall command and coordination structure.
2. Confidence-building or "legitimizing" measures and antiterrorist legislation developed to weaken the terrorists or insurgents while strengthening public support for the government.
3. Coordination within and between intelligence services.
4. Foreign collaboration amongst governments and security forces.
In ideal circumstances, all four elements will be present in a government's strategy. Administrative and operational control would be vested in one overall commander; the value of maintaining good relations with the public would not be underestimated or neglected and would be reflected in the development of explicit and balanced antiterrorist legislation; intelligence would be centralized to allow for efficient and expeditious collection, analysis, and dissemination; and governments would cooperate to inhibit transnational terrorist/insurgent operations.

Since ideal circumstances are unlikely to exist, however, it is critical for governments planning counterinsurgency or counterterrorist campaigns to be able to play to their strengths. Thus, a democratic government will clearly be unable to either endow a single leader with power over the military and civil administration or pursue intelligence or counterterrorist/counterinsurgent operational activities as rigorously or repressively as a government less cognizant of civil liberties would do. On the other hand, a democratic government can, for example, emphasize the development of thoughtful legislation that reflects popular concerns without capitulating to terrorists or insurgents.

Regardless of the nature of the government, the need for an effective command and coordination structure pervades the other elements of a successful national plan. Where coordination is lacking between or within these elements, the campaign will be plagued by redundancy, inefficiency, and discontinuity. This held true for each of the cases examined here. When a clear chain of command and practical coordination was established—whether in the campaign as a whole or within an integral element such as intelligence collection, collation, and dissemination—the successful resolution to the conflict was more quickly achieved. When such a command and coordination structure was lacking, campaigns foundered, citizens were alienated both by inconsistent government policies and (perhaps most importantly) by the government's inability to protect them, and insurgents/terrorists easily exploited the situation to entrench themselves firmly within the population.

In countries like Germany and Italy, public opposition to centralized security force command structures (in response to the memories of what had happened there in the 1930s and 1940s) severely inhibited coordination. Too much coordination is believed to raise the prospect of Orwellian state control; but too little coordination can hamstring a government into near-paralysis, thus reinforcing precisely those elements that seek to undermine democracy. In such a situation, intelligence and operational coordination are still possible, but what must then take precedence are the other elements of the counterinsurgency/counterterrorism campaign. Coordinated public-relations campaigns and nonpartisan, creative, and timely legislation can compensate for inadequate intelligence or an ineffective
overall command structure. This was the case in Italy, where the Red Brigades were arguably conquered more by innovative legislation than by well-coordinated and well-orchestrated counterterrorist operations. Where the two coincide, as they did during Great Britain's exceptional counterinsurgency campaign in Malaya, resourceful legislation and a well-conceived command structure make a powerful combination.

Depending on the circumstances, adequate and coordinated intelligence can be as useful to a counterinsurgency/counterterrorist campaign as an effective command structure or attention to public relations. In the cases examined here, excluding Italy, governments that placed an emphasis on intelligence conducted their campaigns much more successfully than those that did not. Human intelligence (HUMINT) is especially important in terrorism or insurgency, where the enemy is indistinguishable from the general population. Rhodesia's operational successes, though not sufficient to counterbalance the political struggle the government finally lost, were due in large part to human intelligence. Human intelligence also served Great Britain well in Kenya and Malaya. In Cyprus, on the other hand, where Great Britain could obtain little information from a recalcitrant population, and where the insurgents infiltrated the government more successfully than the government could infiltrate the insurgent movement, the scarcity of human intelligence almost completely undermined operations.

Intelligence is as sensitive an issue as centralization. Military intelligence, police intelligence, and national intelligence frequently exist as separate entities, usually for separate purposes. These agencies' objectives, training, and modus operandi are different, and bureaucratic competition and institutional rivalry between them often inhibit coordination. National intelligence is basically outward-looking and less relevant to internal, domestic affairs, although it is useful when terrorists or insurgents conduct operations from foreign bases. Military intelligence tends to be up-to-the-minute operational information geared to discerning enemy orders of battle and intentions. Police intelligence, in contrast, involves social and political information that defines the operational environment and operates under the rule of law if it is to be used in court. In an insurgency or terrorist campaign, both "environmental" and operational intelligence are clearly necessary if the military is to be able to distinguish its enemies from the population at large and then engage them successfully without alienating the general public. In democracies, concern over civil-liberties violations often makes gathering information on citizens difficult, and sharing that data with other agencies nearly impossible. This can obviously also severely handicap operational capabilities.
Effective collaboration between governments can deprive insurgents or terrorists of their access to bases outside the country where their struggle is being fought. RAF operations in West Germany, for example, would have been severely constrained had the group been unable to take refuge in East Germany. The Rhodesian conflict would have been much different had the insurgents been unable to conduct cross-border attacks from bases in Zambia and Mozambique. The most recent example of the power of foreign collaboration occurred during the war against Iraq: intelligence services from regions as diverse as Europe and the Middle East—including such traditional adversaries as Israel’s Mossad and Syrian intelligence agencies—mounted an unprecedented global counterterrorist security effort that reportedly thwarted planned operations, preempted scheduled attacks, and hindered reconnaissance, logistical supply, and transnational terrorist movements.

Special counterterrorist forces can also give the government a significant advantage over terrorists or insurgents. Such forces are primarily a deterrent to various types of terrorist operations—making actual employment of the forces rarely necessary. There are drawbacks, however, to the creation of such forces: they are expensive to maintain; they siphon off the best policemen or soldiers into a force that is rarely employed; disparities in pay between special counterterrorist forces and regular police forces create new sources of discontent and morale problems among services; and though some perceive such forces as perhaps the most effective weapon in a government’s counterterrorist or counterinsurgency arsenal, others perceive them as little more than government “hit teams” and a threat to civil liberties.

In sum, counterterrorist and counterinsurgency campaigns vary as widely as the circumstances in which they occur. Even within the limits of this study, we examined cases in Europe, Asia, and Africa, spanning the 1950s to the 1980s, with governments ranging from colonial to democratic. Nonetheless, there are certain characteristics of successful campaigns that appear to cut across geographic regions, time periods, and political systems. The four elements identified in this study are a distillation of these characteristics. There is no guarantee that these countermeasures, even when uniformly and consistently applied, will assure decisive victory. Nor can these countermeasures be duplicated exactly from case to case; individual governments will have to determine how best to create special counterterrorist forces, legislation, command structures, etc., suited to their circumstances. Yet when compared across the case studies examined here, the utility of these four elements is evident. They can thus serve as a broad guideline in future counterinsurgency/counterterrorist campaign planning.
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