

# COUNTER-TERRORISM

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Terrorism is a form of warfare that relies principally on fear to deliver the message. The word terror has been derived from the Latin word *terrere*, meaning “to frighten” or literally “to make tremble”. Some have proclaimed that it is difficult to define terrorism but it is possible to do so objectively as long as we do it in terms of the quality of the act, and not in terms of the identity of the perpetrator or the nature of the cause.<sup>1</sup> This removes the dilemma of one man’s terrorist being another man’s freedom fighter. There can be four individually necessary conditions, whether jointly or not, but sufficient for an act to be termed as a “terrorist one”: it is committed by an individual or group; it is without the legitimate political authority of a recognised state; it is often directed towards non-combatants; its goal is to achieve something related politically; and this is pursued by fear-provoking violence.<sup>2</sup> The target of the violence often goes beyond the immediate victim. Its ultimate goal is theatrical. This holds well especially today, with television broadcasts together with the advent of cell phones. In recent times, we have witnessed bombings, hostage-taking incidents, with every new counter-measure resulting in new threats. While terrorists are unlikely to give up the car bombs and suicide

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1. Brian Michael Jenkins, “Terrorism: A Contemporary Problem with Age-old Dilemmas” in Lawrence Howard, ed., *Terrorism, Roots, Impacts and Responses* (Westport, Connecticut :Greenwood Publishing, 1992), p. 14.
2. Daniel D. Novotny, “ What is Terrorism?” in Edward V. Linder, ed., *Focus on Terrorism, Vol. 8* (New York: Nova Science Publishers, 2007), p. 23.

bombings, they are increasingly going to invest in non-traditional tactics<sup>3</sup> and also regular hand-held weapons to gain instant notoriety and gratification.

Terrorism was predominantly politically motivated but now most prominent groups today associate religion, making it increasingly difficult to counter them. Furthermore, the target of attack is going to be critical infrastructure which would also be owned and operated by the private sector, bringing a whole new group of players into the counter-terrorism game. Also, the question is not so much whether or not there is a possibility of a terrorist incident involving nuclear weapons but whether one can afford to not be prepared, first in preventing or countering it and then in dealing with the aftermath.

Maybe the only way to effectively deal with terrorism is to have a thorough understanding of its present-day characteristics. The players on the counter-terrorism team need to take stock what is in their tool kit; what works and what does not; and what is the extent to which one tool works. Military power is a vital tool in the kit. For many, military force application is not warranted. This is so because traditionally, the legal community has regarded the terrorism phenomenon as a crime, best addressed through a cooperative scheme for domestic prosecution of terror offences. The use of force is not contemplated beyond circumstances permitted even by the UN Charter, unless it is in self-defence.<sup>4</sup> Terrorism was, therefore, thought to threaten only small stakes; for many, the real challenge was thus to avoid over-reacting to vivid but minor acts of violence. However, things have been changing and the very survival and stability of nations are now at stake.

Can there be a role for the military in countering terrorism? For a long time, an effective counter-terrorism strategy was guided by the rule of law which was implemented through the criminal justice approach but the same

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3. The new cadre of terrorists of today is often computer savvy and well educated, bringing a whole new level of sophistication to the table. Further complicating terrorism calibrations would be the usage of the Internet and possibility of cyber attacks which may be used to extend the deadliness of an incident, but are not dealt with here in the context of military force for effect.

4. Devika Howell, "Dangerous Evasions: Enforcing Limits on Government Action in the War on Terror" in Jenny Hockin, Colleen Lewis, eds., *Counter Terrorism and Post Democratic State* (Cheltenham: Edward Elgar Publishing, 2007), p. 120.

has been refined and broadened, and military leaders can expect an increase in domestic employment of their forces to counter terrorism. Each instance of use will be accompanied by new and possibly unprecedented challenges. Public confidence in the military can best be maintained by strict adherence to the legal underpinnings governing domestic operations of the armed forces.

Air and space power capacity for preemption and retaliation makes it a preferred instrument.<sup>5</sup> Essential trends in the advancement of technology also support the value of deterrence of this dimension and importantly assist overall, the political leadership in leveraging a solution to, or mitigation of, this violent menace.

#### TERRORISM BACKYARDS

There have been periodic waves of different types of terror. History records one of the first manifestations of organised terrorism in the Middle East in the first century Palestine. The Zealot sect was one of the very first groups to practise systematic terror, of which there is a written account.<sup>6</sup> It is interesting to note that the Zealots enjoyed popularity among the lower classes and the young. The party's religious aims were inseparable from its political objectives and its two-fold objective right from the beginning was to impose a degree of rigour in religious practice and often by force. This dynamic has been seen very often where the amalgamation of religious and political animation of the concept has been induced in a systematic manner with one of the historically remarkable being the reign in northern Iran of the Hashisihins (Assassins) who were also familiar with political violence.<sup>7</sup> Towards the end of the 19<sup>th</sup> century and up to the outbreak of World War I, terrorist attacks took place in many places all over the globe. The terrorist wave of 1870-1914 ended with the assassination of Archduke Ferdinand in 1914 which was triggered

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5. With reference to the instance of the option to exercise counter-measures with surgical air strikes on the source of terrorism after the 26/11 terror attack at Mumbai.

6. Gerard Chailand, Arnaud Blin, "Zealots and Assassins" in Gerard Chailand, Arnaud Blin, eds., trans, Edward Scheineider, Kathryn Pulver and Jesse Browner, *The History of Terrorism* (California & London: University of California Press, 2007), pp. 55-57. Knowledge about the Zealots is based on reporting published in 93-94 C.E. by Flavius Josephus in his *Jewish Antiquities*.

7. Philippe Migaux, "The Roots of Islamic Radicalism", in *Ibid.*, p. 269.

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by nationalists and provided the spark for greater hostilities and can in a way provide one of the oft-cited examples of terrorism by assassination.<sup>8</sup> Terrorism has also been a key component of ambitious strategy involving several actors like a great power, Russia, a state, Serbia; and extra-territorial minorities. The case of Serbia in the years before the disaster of 1914 foreshadows the highly complex conflicts that marked the 20<sup>th</sup> century which exploited the advantages of indirect tactics and included terrorism.

The 20<sup>th</sup> century also saw a transformation of terrorism through at least two stages. The first was through the use of terror to support larger revolutionary insurgencies. The earliest success was the overthrow of the Russian government and, following a brutal civil war, establishment of Soviet Communism. The Narodnaya Volya terrorist group was guided by the booklet *Catechism of the Revolutionist* by Sergey Nechaev (1869), which taught that the true revolutionary must always be prepared to face torture or death and must give up friendship and gratitude in the single-minded pursuit of the mission.<sup>9</sup> The breadth of Russian popular dissatisfaction and the weakening effects of World War I were coupled with the end of Narodnaya Volya which came quickly but the seeds planted by this group ultimately led to the Bolshevik Revolution of 1917 which ushered in the Communist era. Subsequent Communist movements employed terror tactics with varying degrees of success, most frequently against decaying colonial regimes or states only recently decolonised. Although certainly not inspired by Communism, Israeli terror tactics against the Palestinians were used effectively to support their cause and were sufficiently successful to hasten the creation of the state of Israel. Israeli success resonated deeply in the better organised and utterly committed minority Jewish population. In

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8. "The Golden Age of Terrorism" in *Ibid.*, pp. 177-178.

9. Pamela L. Griset, Sue Mahan, *Terrorism in Perspective* (California : Sage, 2003), pp. 7-8.



both the Russian revolution and the Israeli cases, the objects of terror were normally the civil administrators and the security apparatus, not the people, whose support was considered crucial. The counter-arguments to use of terror in such struggles in such connotation are somewhat better tolerated when it is part of a comprehensive strategy that embraces more traditional instruments of war.<sup>10</sup> However, in general, the less an act of terrorism resembles an act of war, the more likely it is to be condemned and, therefore, the term “terrorist” becomes a qualifier with negative connotations.

The second stage in the 20<sup>th</sup> century transformation of terrorism was the growth of state sponsorship. States which are unable to confront their enemies conventionally have provided imaginable assistance to terrorist groups in order to weaken their enemies physically or morally. State sponsorship does not necessarily ensure success, but does allow the fight to be prolonged. State-supported terrorism comes in several forms, including unwitting or inconsequential support, as in the case in many states where laws protecting civil rights also allow a form of refuge for some terrorists. Unwilling support, and an inability to take counter-action at times as in the case of Syria and Iran in support of Hamas and Hezbollah also categorises itself within this bracket; the Taliban in Pakistan being another manifestation of such phenomena. The Battle of Algiers is also worth particular review with respect to various approaches to terror tactics and the form of urban terrorism. In the early 1950s, Algerians started an insurgent movement in an effort to remove French colonial rule from that country. Repeated insurgent failures led to the adoption of terrorist methods. Terrorism against civilians, bombings, shootings and selective assassination of notable political figures figured prominently in the hostility of the FLN (*Front de Libération Nationale*— National Liberation Front). The FLN generally acknowledged that their activity was terrorism, although justifiable by their terms. Violence against lives and property was meant to “bring the war home”.<sup>11</sup> This enraged the French and resulted in the deployment of the French parachute division to Algeria. In a coordinated

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10. Gerard Chailand, Arnaud Blin, “Terrorism in Time of War: From World War II to the Wars of National Liberation” in Chailand, Blin, eds., n. 6, p. 211.

11. Martha Crenshaw, *Terrorism in Context* (Pennsylvania: Penn State Press, 1995), pp. 485-486.

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civil-military campaign of incredible ferocity, the terrorists were claimed to have been destroyed.

The growing use of religion for ideological purposes presented a different form of challenge as autocratic rulers who had characteristically come to power by a military coup or by the use of force legitimised such authoritarianism to unify people through the defence of national values. This changed to a growing attraction towards religion as was seen in the Arab world and also beyond the Middle East and notably in Afghanistan.<sup>12</sup> Before the Taliban, none of any orthodox sects had made inroads in Afghanistan's traditional social structure, where tribe and ethnicity were more important than religion. The Taliban were able to succeed because the collapse of the civil society brought on by the years of war-lordism had created a vacuum in governance.<sup>13</sup>

Terrorism is generally a tool of the weak; were terrorists strong enough, they would fight conventionally, which holds the promise of quicker results. Because terrorism is pursued by the weak, its infrequent success should be expected.<sup>14</sup> Terrorism's regular failure also stems from the reprehensible methods employed. Those methods can alienate terrorists from popular support and possibly from state support. Terrorism also can arouse the ire of the opposing state, which usually has the resources to crush terrorist movements if it can muster the will. Terrorists do succeed on occasion, but the record suggests strongly that very specific conditions need to obtain first. Since the target of terrorism almost by definition has the greater resources, only weakness of will can normally keep the

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12. David Martin Jones and Mike Smith, "Contemporary Political Violence – New Terror in the Global Village" in David Martin Jones, ed., *Globalisation and the New Terror: The Asia Pacific Dimension* (Cheltenham: Edward Elgar Publishing, 2006), p. 7.

13. Gabriel Palmer Fernandez, *The Encyclopedia of Religion and War* (London: Taylor & Francis, 2004), p. 423.

14. Dr Douglas V. Johnson II, Colonel John R. Martin, "Terrorism Viewed Historically", in Colonel John R. Martin, ed., *Defeating Terrorism: Strategic Issue Analyses* (Pennsylvania: DIANE, 2002), p. 3.

state from prevailing. Even with the will and resources, the target state can lose to terrorists if it lacks the ability to collect comprehensive intelligence and to act rapidly and forcefully on that intelligence. The historical record demonstrates that counter-terrorist campaigns are most successful when laws are adopted to address terrorist threats.

In India, the armed forces have been involved in tackling terrorism for more than two decades now. The dominant factor, however, has been to seek a political solution to the whole process. The lessons of history may not apply directly to India as the form of terrorism is fundamentally different from that used in the past. Although completely innocent civilian populations have been targeted previously by the Palestinians and the Irish Republican Army, the scale and manner of the November 26 attacks is unique. Foreign nationals were also attacked in numbers which had not been generally resorted to earlier and this within the precincts of a popular Indian destination which also happens to be the financial hub of the country. Further, the goal of the attacks may not be simply to inflict pain and destruction on citizens and the government, as it was in Beirut and Somalia, to acquiesce to another's aims; it could very well be an attempt towards disintegration of the country.

Military strength application has been focussed for the immediate and pervasive threats which are not on the conventional plane. The armed forces have gradually adapted themselves to this sub-conventional level. Over the recent period, it has become rapidly clear that terrorism has shifted to a more modern guerrilla nature.

In reality, we see the provocation to react strongly and an attempt may be to induce a counter-strike or counter-deployment. This has been evident from the strike on the Indian Embassy in Afghanistan on July 7, 2008, which led to the debate on whether India should deploy forces outside the geographical limits of the country to counter terrorism.<sup>15</sup> The second attempt was on our own soil which also provoked a counter-strike. The end result is two sides fighting with different strategies and seeking to exploit vulnerabilities and centres of gravity.

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15. By attacking the Indian Embassy, the militant actors hoped to draw India into the Taliban conflict on both sides of the Afghan-Pakistani border and to further aggravate tensions. "Afghanistan: Suicide Bombing at the Indian Embassy", available at [www.stratfor.com](http://www.stratfor.com).

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Political solutions are not discounted and will remain a mainstream remedy but where terror emanates from religion-based beliefs and doctrines which seek virtually no constructive political goal, and the social goals they seek can be fulfilled only by giving in to the bargain where people in general get no dispensation whatsoever,<sup>16</sup> it becomes increasingly difficult to give any concession. It is in this context that military force employment comes in for a closer look. It also emanates that the challenges to national leadership and defence are becoming more complex than normally accepted. Complexity here includes the time factor as such counter-terrorism efforts are likely to last longer than the military is planning for in the future.

#### THE NATURE OF TERRORISM

The features of contemporary terrorism need to be listed in some measure if they are to be dealt with, and managed, in an appropriate manner:

- Terrorism today has a trans-national element. Terrorist organisations target not only the country in which they operate but also those outside. The nationalities of terrorists are varied and they come from different walks of life. Terrorism can be supported by state as well as non state actors, directly or indirectly.<sup>17</sup>
- Regular occurrence at intervals.<sup>18</sup> Disorientation will occur when the terror attacks are not one-offs but part of a sustained effort, making the threat a permanent feature and creating a firm expectation that it will occur again.
- Upgraded and varied methods of perpetration that include bomb attacks

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16. Nadin Gurr, Benjamin Cole, *The New Face of Terrorism* (London: I. B. Tauris, 2002), p. 259.

17. States are good at dealing with security threats from other states, but become less effective when dealing with challenges when posed by trans-national elements and non-state actors. Phil Williams, "Strategy for a New World: Combating Terrorism and Transnational Organised Crimes" in John Baylis, James Wirtz, Colin S. Gray, and Eliot Cohen, eds., *Strategy in the Contemporary World* (New York: Oxford University Press, 2007), p.193.

18. Peter R. Neumann, Michael Lawrence Rowan Smith, *The Strategy of Terrorism: How it Works and Why it Fails* (New York: Routledge, 2007), p. 62.



to suicide terrorist activities, hijacking to modern guerrilla tactics in urban areas.

- Increased scope of terrorist attack targets. No geographical limits, government officials to security personnel, both military and non-military, and no limit to the type of target, that is, buildings to airports and hotels, and innocent citizens. These attacks also have economic costs attached. Sometimes, targets are specially selected and, at times, indiscriminately targeted.<sup>19</sup>
- Increased participation of the young, not so affluent, technically capable and physically fit.<sup>20</sup>
- For some years now, militants have been changing their target to focus more on soft targets involving strikes with Improvised Explosive Devices (IEDs), vehicle-borne IEDs, armed attacks or kidnappings and assassinations.

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The above will give us a reflection of what to expect to combat this malaise. It may also be necessary to know the emergence and development of terrorism but in this paper, it will suffice to mention that terrorism is closely linked with political and economic order, and has historical, social, philosophical and ideological roots. Also unresolved ethnic and nationalistic issues have traditionally been the leading sources of terrorism. A common understanding will explain that terrorism as a weapon has proved to be relatively inexpensive since the impact with the slightest amount of synergy in its perpetration is huge.

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19. Office of Technical Assessment, Congress of United States, *Technology Against Terrorism: Structuring Security* (Pennsylvania, DIANE, 1994), p21.

20. Jitka Maleckova, "Impoverished Terrorists: Stereotyped or Reality in Tore Bjørge, ed., *Root Causes of Terrorism, Myths, Reality and Ways Forward* (New York: Routledge), pp. 34-36. Also see, Dilip K. Das, Peter C. Kratochski, *Meeting the Global Challenge of Terrorism: Prevention Control and Recovery* (Lanham, Maryland, US: Lexington Books).

and diplomacy both contribute to the containment and ultimate resolution of conflicts. A systemic reaction follows in case inaction is perceived even when a strategic response has already been implemented. A certain requirement, thus, lies in visible action in an immediate response to a terror strike, even if it does not bring about its end.

State support to terrorism can be made in terms of three categories:<sup>21</sup> Category I support entails protection, logistics, training, intelligence, or equipment provided to terrorists as a part of national policy or strategy; Category II support is when a regime does not back terrorism as an element of national policy but tolerates it; Category III support provides some terrorists a hospitable environment, growing from the presence of legal protection on privacy and freedom of movement, limits on internal surveillance and security organisations, well-developed infrastructure, and émigré communities.<sup>22</sup>

There are several elements of value when assessing the nature of terrorism. Organising thinking in this way gets beyond analysing factors in isolation to focus on key *relationships*; in many cases, it is the nature of the relationship—rather than the absolute value of any of the factors—that truly contributes to a terrorist strike. This becomes important when developing accurate threat assessments because focussing on factors rather than relationships could lead to either high or low assessments of the threat posed by any terrorist group.

Second, focussing on such sets of matches and mismatches provides a relatively more streamlined thinking about how different methods and classes of security measures align or misalign to different and various types of threats. The search for certain mismatches between protective measures

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21. Dr Steven Metz, "State Support for Terrorism", in Martin, ed., n. 14, p. 22.

22. The 1994 and 1996 Declarations on Measures to Eliminate International Terrorism of the United Nations General Assembly condemned all terrorist acts and methods regardless of political, philosophical, ideological, ethnic, or religious considerations. This was further strengthened in Resolution 1269 (October 19, 1999) in which the UN Security Council: Unequivocally condemns all acts, methods, and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, in particular those which could threaten international peace and security. Documents like the International Convention for the Suppression of Terrorist Bombings (1997), International Convention for the Suppression of the Financing of Terrorism (1999), and the Draft International Convention for the Suppression of Nuclear Terrorism (1998) focussed on specific elements of the problem.

and possible offensive actions are a traditional part of any vulnerability-based threat assessment, but combining thinking about how a specific counter-terrorist force may or may not match a potential terrorist attack of known or unknown capability with a consideration of how well passive measures do or do not match those same threats provides a more integrated approach to protective planning.

Finally, identifying mismatches between capabilities and what is known about intentions may also provide clues to the security forces about the activities to watch out for in the future. Any significant mismatch would suggest the need for more pre-attack preparation to reduce the shortfall, potentially creating additional opportunities to detect and disrupt terrorist activities. The success or failure of a past terrorist operation—or the likelihood that a future attack will succeed—can be best understood by thinking about the match or mismatch among three identified key sets of characteristics: (1) terrorist groups' capabilities and resources; (2) the requirements of the operation it attempted or is planning to attempt; and (3) the relevance and reliability of security counter-measures. For a terrorist attack to have the greatest chance of success, there needs to be a match between its capabilities and resources and the operational requirements of the attack it is seeking to carry out and a mismatch of security counter-measures and intelligence/investigative efforts with both the group and its plans.

#### **PROSPECTIVE CONSTRAINTS ON RESPONSE WITH MILITARY POWER**

Posturing of forces with intensive counter-terrorism capability would have a value. The value is that of deterrence up to the quotient of fear that can be instilled in the minds of terrorists. Politically, it will be an instrumental tool, coercive though, which may advance beyond practical utility if the application of its capability is overstretched. The boundary of this limit is not always very discernible. In our country, the situation is complex as we fight in the immediate proximity of our own citizens and within the country.

Political limitations by themselves impose constraints on the employment of military power. It is not whether or not military force application is required;

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it would be the question of what type of military response is to be applied: air strike, operation by Special Forces (SF), and what would be the quantum and intensity?

The proportionality of response can be taken forward to indiscriminate and disproportionate application of military power. As an example, attacking a country in response to a terrorist attack. Second, the response is proportional to the nature and amount of force. The stricture in the latter case does not mean that the state exercising its right in *self-defence* must limit the force to minimum. It

would have the leeway to plan military operations to include the commitment of sufficient force to accomplish the task.<sup>23</sup> If there is resistance, then additional force can be applied which can lead to escalation and, hence, the restraint factor.

Importantly, the imperative of tailoring political goals to the limits of military capability imposes massive constraints in a democratic country. Excessive military force could split the fragile support and cooperation of the citizens, and also the allies in government support. In other words, force might not only be ineffective, but may also backfire.

Technology, though not central, will otherwise definitely be a multiplier to reach a decisive outcome of military strikes. Procurement of technology is a direct outcome of budget allocation. Restraints on defence budgets and the rate of induction of technology will determine the ability of military power to that extent. Israel's basic approach to the Hezbollah threat has been that of counter-terrorism, and in the past, Israel has also pursued technological solutions but the economic costs have been seen as counter-productive in cost-benefit terms.<sup>24</sup>

A country will generally have something valuable to lose, such as its political standing and power if the desired result or goal is not achieved,

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23. D. W. Bowett, *Self-Defence in International Law* (New York: Praeger, 1958), p. 269.

24. Air Cmde Jasjit Singh AVSM,VrC,VM, "The Lebanon War 2006," Air Cmde Jasjit Singh AVSM,VrC,VM, ed., *Asian Defence Review* (New Delhi: Knowledge World,2006), p. 14.



and, therefore, the perpetual dilemma of committing military force. Also, employment of armed forces does not satisfy the quest of complete victory—it provides only temporary success. The situation in Iraq, Afghanistan and the Israeli stalemate are bound to affect perceptions about superior military power.

Development of international law has been premised on the notion that all states, whatever their size and relative power, are equal and that each is sovereign within its own territory. The Charter of the United Nations international law recognised a nation's use of force against another nation as a matter of sovereign right. This right was based on the presumption that armed conflict would be between states. The use of force by one state against persons in another state is deemed to be either an act of war or, at least, a violation of the other's sovereignty.<sup>25</sup> Therefore, the issue will rest on the fact of applying military power on such persons who are citizens of another country. It may precipitate to proving or accepting the fact of whether such terrorists or terror organisations belong to the country in reference. If they are accepted as citizens, then use of force would be deemed a conflict between states.

However, violation of international norms by a state provides grounds for the wronged state to use force lawfully in order to right the wrong or to prevent future wrongs. Though states are generally not permitted to use force under international law against another state /states that harm them wrongfully, the covert or overt support of terrorists may engage state responsibility and, thus, trigger the application of military force as a counter-measure. In order to justify military force against terrorism emanating from another country and an extension of the state sponsor, the actions of the terrorists under a teleological reading of the UN Charter would ordinarily have to rise to the level of an armed attack. This would, in turn, be deemed to be an act of war. Placing responsibility for acts of terrorism is more than merely a problem of proof. Where the terrorist groups avoid responsibility for the acts and

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25. David M. Ackerman, "Terrorism: International Law and Use of Force", in Diana Miller, ed., *Terrorism: are We Ready* (New York: Nova Science, 2002), p. 143.

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uncertainty exists as to the extent to which states protect or support terrorist groups, the country in question cannot legally entirely be bounded to such non-state actors.

Overall inconsistent community reaction to use of force to counter terrorism and unclear legal justifications for military action by victim states contribute in undermining any clearly accepted or permitted use of military force as a counter-measure. It becomes a virtual legal consideration to use or refrain from applying this nature of force. However, there

are exceptions, as Professor Ian Brownlie has categorised,<sup>26</sup> to the restrictions on the use of force, and selective mention includes acts of self-defence and measures to protect the lives of a state's nationals.

While terrorism and our western neighbour receive widespread attention, most of the threats to national security can be identified as domestic where external adversaries thrive on discord within the country. Despite our military might and capability, there is a generalist nature of employing military force and, as a consequence, with notable and rare exceptions, the military tends to be provided with inadequate time for planning operations.

#### **APPLICATION OF MILITARY POWER FOR EFFECT**

Since the intention of all terrorists is to instill fear into the population at large, there is a common motivation to all the criminal acts they perpetrate. Because there is a common element to terrorism, counter-terrorism has a foundation on which to base strategies and subsequently apply tactics for mitigation. Anything that can be done to reduce fear and anxiety among the general population is an effective defence against terrorism and military strength happens to be one of them. The availability or presence of military force, with the option to utilise this power, reduces the fear in general.

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26. Ian Brownlie, *International Law and the Use of Force by States* (Oxford: Clarendon Press, 1963), pp. 432-433.

It has been argued that military force has rarely been the primary reason that ended terrorist groups. The result of data analysis since the year 1968 seems to be stark. Terror organisations which decided to adopt non-violent tactics and join the political process comprise 43 per cent and local law-enforcement agencies' arrests or killing of key members of the groups by the comprises 40 percent. Victory by such outfits accounts for 10 per cent. Military force has rarely been the primary reason for the end of terrorist groups and accounts for 7 per cent.<sup>27</sup>

What emanates on analysis will not always possess the attractiveness of numbers and percentage. For example, the movement for the creation of Khalistan was one of the most virulent terrorist campaigns in the world. Launched in the early 1980s, this movement consumed 21,469 lives before it was comprehensively defeated in 1993. The campaign that eventually crushed this menace, as dramatic as it was significant in its strategic inventiveness, has received scant attention. It is true that the defeat was unambiguously the result of counter-terrorist measures implemented by the security forces but the role of the army in the final phases of this campaign was crucial.<sup>28</sup>

It has also been argued that most terrorist groups are small<sup>29</sup> and that military forces are most effective against large groups.<sup>30</sup> It may be difficult today to account for terrorist outfits having the small number of 100 or fewer members. Also, even if such groups do exist, do they have isolated operations?

Also, while considering a terror organisation consisting of several dozen activists, a severe and effective military blow aimed at the 'underbelly', such as arrest or elimination of the leadership and destruction of operational infrastructure, is at times capable of achieving the aim. This was the case in the 1970s when the end of the "Red Brigades" and "Bader-Meinhoff" was heralded.<sup>31</sup> But when terror organisations happen to be popular, with

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27. Seth G. Jones and Martin C. Libicki, *How Terrorist Groups End* (Santa Monica: RAND, 2008), pp. 18-19..

28. K.P.S. Gill, "Endgame in Punjab: 1988-93," in K. P. S. Gill, Ajai Sahni, *Terror Containment: Perspectives on India; Internal Security* (Delhi: Gyan Books, 2001), pp.23-25.

29. Fewer than 100 members, as taken in the evaluation

30. Jones and Libicki, n. 27, pp. 31-32.

31. Boaz Ganor, *The Counter Terrorism Puzzle* (Edison, New Jersey: Transaction Publishers, 2005), p. 40.

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thousands of supporters and manpower reserves, military action may, at most, reduce the phenomenon and its resultant damage.

Terrorists do not merely kill people; they also threaten the democratic way of life<sup>32</sup> by placing themselves outside the society and the law. In its modern manifestations, terror is the totalitarian form of war. It shatters conventions of conflict, social and political codes. It breaches moral limits beyond which no further limitation seems possible. In essence, the terrorists do not play by any rules so they tend to get away as they do not act within the scope of lawful existence and disallow any democratic form of existence. So, despite being violators of humanity, they situate themselves somewhere outside the society and its democratic ways. The Indian Ministry of Defence defines terrorism as “involvement in violence” with a “view to overawing the sovereignty and integrity of the nation.”<sup>33</sup> Therefore, there arises a case of using military power as part of national power to protect our society, its integrity and democratic way of life, and the sovereignty to do so.

Domestic enforcement agencies deal with terrorist acts within the gambit of national laws. Various attempts have been made to expand the scope of defining terrorist acts so that definitive actions can be taken to counter them, including the recent one in the Unlawful Activities (Prevention) Amendment Act, 2008.<sup>34</sup> Notwithstanding versions, inconsistencies and lack of clear-cut definition of terrorism,<sup>35</sup> we agree that in the face of terrorist attacks and threats, there is an urgent need to first act in the interest of national security

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32. Jean Bethke Elshtain, “How to Fight a Just War”, in Ken Booth and Tim Dunne, eds., *Worlds in Collusion: Terror and the Future of Global Order* (Basingstoke: Plagrave Macmillan, 2002), pp. 263-269.

33. Joint Services Glossary of Military Terms, p. 119.

34. *Further to Amendment of the Unlawful Activities (Prevention) Act, 1967*, through Bill No 76 of 2008 presented in Parliament on December 16, 2008, and passed during the session, *The Times of India*, New Delhi, December 17, 2008, p. 1.

35. Scholars have long maintained that it is neither useful nor possible to define terrorism. Christopher L. Blakesley, *Terror and Anti-Terrorism: A Normative Practical Assessment* (New York: Transnational Publishers, 2006), p. 45.



and then respond subsequently through the legal paradigm<sup>36</sup> for future goals. It is also argued that the terrorists protect themselves by exploiting various lacunae in as many laws to their advantage and, therefore, these provide them the opportunity to get away without any redemption of justice. Justice forms the bulwark for national security which depends as much on the work of diplomats as on the achievements of soldiers.<sup>37</sup> Therefore, it may well become necessary to undertake an immediate response against terrorism as acts jeopardising national security.

The political dilemma of a defeat and losing international standing lies in adopting the victory-denial approach.<sup>38</sup> It rests on the belief in the superiority of defence over offence. The terrorist organisation should be deterred, and if deterrence fails, then defensive fighting capabilities of protracted resistance should be initiated wherein the intention to wage such acts erodes, because the cost may well exceed any anticipated benefit. It requires military action and heavy security measures to prevent radical elements from carrying out their attacks. Consequently, the successful strategy so far in Jammu and Kashmir has been that of continued military presence which has tested the tolerance limits of many a terrorist.

Thomas Schelling distinguishes between "brute force" and "compellence." Brute force is aimed at forcing a military solution; compellence is aimed at using the threat of force.<sup>39</sup> Attempts to coerce Saddam Hussein to comply with UN resolutions were termed a failure till coercive diplomacy in the form of military intervention stepped in. Coercive diplomacy consists of diplomatic

36. In response to the massacre of Israeli athletes at the Munich Olympics, the UN called for a legal suppression by its members of violent acts of terrorists through the ratification of the Convention for the Prevention and Punishment of Certain Acts of International Terrorism. Ben Golder and George Williams, "What Is 'Terrorism? Problems of Legal Definition", *University of New South Wales Law Journal*, vol. 27, issue 2; 2004; pp. 270-295. Available at :<http://search.informit/document/113455569204345;res=IELHSS>>

37. Brahma Chellany, *Securing India's Future in the New Millennium* (Delhi: Orient Blackswan, 1999), p. xix

38. Reflections of traditional and modern People's War doctrine as propagated by Mao and Sun Tsu. The traditional defensive strategic approach is associated with the teachings and theories of Mo Zi (470-390 B.C.) where he devised defensive fighting techniques in the event that peaceful resolution of conflicts failed. Ulric Killian, *A Modern Chinese Journey to the West* (New York: Nova Publishers, 2006), p. 225.

39. Thomas A. Schelling *Arms and Influence* (New Haven: Yale University Press, 1966), pp. 2-3.

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means reinforced with instruments of power. Coercion in the form of threats of military intervention forces an adversary to cease unacceptable activities. The serious threat of terrorism has to be dealt with using a comprehensive strategy, leveraging intelligence, diplomacy and military assets to defeat terrorists.<sup>40</sup> This has been termed as “smart power,” the full range of tools in which military power provides for the combination. Diplomacy is a smart choice but sometimes military power becomes necessary.

Finally, military tools have increased in precision and lethality, especially with the growing use of precision stand-off weapons and imagery to monitor terrorist movement. These capabilities limit the footprint of other forces and also reduce operating costs involving sending forces to potentially hostile areas.

#### **AIR AND SPACE POWER FOR COUNTER-TERRORISM**

Choices about the use of force often produce unexpected effects at any level of war: tactical, operational and strategic. As an example, looking at the norm for employment of air power— an effort to achieve objectives quickly— limited air strikes often constitute the dominant part of the early phases of an operation. This selection is driven in part by the rapid response. In some instances, air and space power will also be the instruments in our counter-terrorism arsenal, though they should rarely be used independently henceforth. Air (and also space power) already plays the covert and intelligence gathering role. There will also be instances, as in the past, where air and space power will be the preferred instrument of choice in the fight against terrorism. Moreover, policies on terrorism and counter-terrorism are changing in ways that will significantly affect the future contribution of air and space-based assets that would contribute significantly to bolster the security of societies against external threats, peace-making and peace-keeping.

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40. Hillary Clinton, US Secretary of State, during the confirmation hearing before the Senate Foreign Relations Committee, *The Times of India*, New Delhi, January 15, 2009, p. 22.

Air power in the service of counter-terrorism will include, and also go beyond, the surveillance and punishment of terror sponsors. Deterrence and response will likely evolve in the direction of a more comprehensive approach, emphasising the monitoring and attack of key nodes in terrorist networks and the forcible apprehension of terrorist suspects, with or without the cooperation of local authorities.<sup>41</sup> Future demands on air power may be driven as much by requirements for intercepting and extracting suspects with the need to attack terrorist training camps, and to strike regimes supporting the export of terrorism.

Air and space power will help make terrorism an inherently amorphous phenomenon. The ability to make terrorism more transparent will help build the case for coordinated response. It can also serve force protection in an increasingly risk-prone environment.<sup>42</sup> The ability to identify and target terrorist related activity, and help expose terrorism and its sponsors for policy-makers and international opinion will be key contributions of air and space-based assets. Space-based sensors, surveillance with Unmanned Aerial Vehicles (UAVs) and Signal Intelligence (SIGINT) will facilitate the application of air power and other instruments in the fight against terrorism. Gaining leverage in addressing terrorism will be a key strategic and technical challenge. Future requirements for counter-terrorism will be part of a broader need to tailor air and space power to challenges posed by non-state actors, including networks of individuals.

Terrorism is increasingly becoming worldwide an urban phenomenon. Much terrorism and counter-terrorism action will focus on urban areas, with strong political and operational constraints. One explanation for this is that the political fate of most modern societies is determined by what happens in cities. Terrorists seeking to influence political conditions have many incentives to attack urban targets. Terrorists with transcendental objectives will, similarly, find symbolic and vulnerable targets in urban

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41. "Regional Taliban Chief Dies in Airstrike," The precision strike did not destroy any other building and nearby structures only had minor external damage, according to a military statement. *Asian Age*, (New Delhi), February 17, 2008, p. 8.

42. Ian O. Lesser, *Countering the New Terrorism* (Santa Monica: RAND, 1999), p. 134.

**The viability of air power as an instrument in such settings may depend on the capacity for discriminate targeting and the use of less than lethal technologies.**

settings. The use of air power in a counter-terrorist mode faces the more general problem of operating in an urban environment<sup>43</sup> Terrorists and their facilities will be difficult to locate and target. Operations against them or to rescue hostages will pose severe challenges for the use of air power, not least the risk of placing uninvolved civilians in harm's way. However, the viability of air power as an instrument in such settings may depend on the capacity for discriminate targeting and the use of less than lethal technologies. Military tools of targeting have increased in precision and this capability reduces the footprint of other forces and minimises the cost of sustaining a long drawn engagement.<sup>44</sup>

Air power's pervasiveness and speed are advantages in the face of trans-national and trans-regional terrorism. In an era in which terrorist acts may take place across geographical limits and where sponsors cross national and regional lines, counter- terrorism strategies will become 'horizontal' in character. Where terrorists and their sponsors can be identified and attacked with purpose, the expanse of sight and reach of air and space-based assets will be valuable to national decision-makers.

Air and space power will have a synergistic effect with other counter-terrorism instruments. Air and space power can be used in concert with covert action, diplomacy, economic instruments, and joint operations. The notion of "parallel warfare," developed in relation to attacks on infrastructure in war, will also be relevant to counter-terrorism operations. Operations using a range of instruments can be designed to act, in parallel, on terrorist supporters, terrorist infrastructure and networks, and the terrorists themselves.

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43. The difficult Israeli experience in Beirut and south Lebanon is instructive.

44. Paul R. Pillar, *Negotiating Peace: War Termination as a Bargaining Process* (Princeton, NJ: Princeton University Press, 1983), pp. 97-110.



### A SOLUTION MATRIX

An effective response to terrorism will ineluctably<sup>45</sup> be predicated on a strategy that effectively combines the tactical elements of systematically destroying and weakening the terrorists (kill or capture approach) alongside the equally critical broader strategic imperative of breaking the cycle of terrorist recruitment and replenishment that has so far sustained terror efforts. Such an approach would require a priority knit of political, economic, diplomatic, and developmental sides inherent to the successful implementation to the dominant military side of the equation.

Success lies in untangling lines of authority and the ability to prioritise inter-agency operations and de-conflicting overlapping responsibilities in a timely and efficient manner. Clarifying these expectations and processes is a critical step towards tackling this contemporary threat. Facilitating this would go beyond the Ministry of Defence and Ministry of Home Affairs, and may require the sole authority of the Prime Minister to task, de-conflict and synchronise with the measured employment of the military which is one of the operational arms of the counter-terrorism mechanism.<sup>46</sup> Even the best strategy will prove inadequate if military, para-military and civil efforts are not engaged meaningfully.

An equally critical dimension of this process will be aligning the training of military, para-military, internal security agencies and intelligence counterparts ensuring that training to combat terrorism leads to operational effectiveness. The approach in training should be in complete harmony. In other words, align these training programmes with indigenous capabilities and have a common approach to counter-terrorism. May be it would be less beneficial to follow the democratic path in tackling terror.

Whatever be the combination of tools in 'smart power,' a modelled strategy approach could indicate the success-failure assessment thereby enabling a

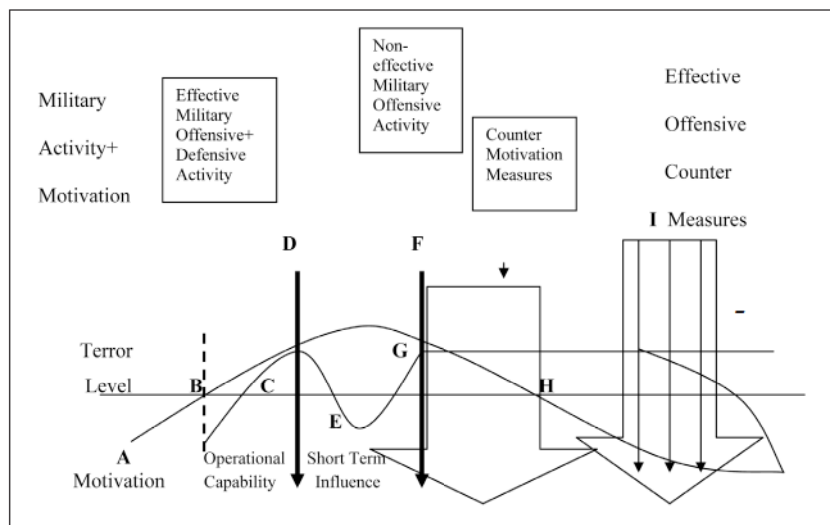
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45. The ineluctable principle was first defined by Field Marshal Sir Gerald Templer in Malaya. "The shooting side is only 25% of the trouble and the other 75% lies in getting the people of the country behind us." Quoted in John Cloake. *Templer: Tiger of Malaya – The Life of Field Marshal Sir Gerald Templer* (London: Harrap, 1985), p. 262.

46. Other agencies have been considered as either operational or functional arms in the process of countering terrorism.

structured path to countering terrorism. An adapted model (Fig. 1) illustrates the dilemma and represents a suggested combination between the means to reduce the operational capability and motivation of terror organisations.

Fig. 1



Adapted Source: Boaz Ganor, "The Terrorism Equation," in *The Counter Terrorism Puzzle* (Edison, New Jersey: Transaction Publishers, 2005), pp. 41-44.

The figure starts out with the motivation of a group of people to achieve any perceived aim (A). At first, their motivation level is lower than the threshold needed in order to decide to perpetrate terrorist attacks but, subsequently, for one reason or another, the group decides to employ violent means against innocent civilians, that is, terrorism, in order to achieve its aims. This is when motivation rises above the minimum threshold for perpetrating terrorist attacks (B). At this point, the group of people who have banded together into an organisation begins to attempt and gain capabilities that will enable it to act on its motivation to perpetrate terrorist attacks. When these capabilities exceed the minimum required for committing terrorist acts (when they cross the 'terror level' line), the organisation is liable to perpetrate attacks (C). At this point, the nation coping with terrorism takes effective offensive activity

against the terror organisation (D). Such activity diminishes the organisation's operational capability needed to commit terrorist acts. Sometimes, defensive activity can also reduce the terrorist organisation's operational capability – for example, the fence India has built along the international border and then subsequently along the Line of Control (LoC). The influence of the offensive activity is, however, a short-term one, and after a certain period of time, the organisation works to repair the damage or loss of operational capability (E). Then the capability line begins to go up once again, until it crosses the terrorism threshold. At the same time, as stated, the offensive activity raises the organisation's motivation to continue perpetrating, perhaps even to escalate, terrorist activity in retaliation and in response to the country's actions. The rise in motivation increases to a level after some time to a point higher than it was prior to the nation's offensive activity.

**When the nation carries out non-effective offensive activity against a terrorist organisation, the organisation's operational capability is not damaged at all, and the motivation to carry out revenge attacks only increases.**

When the nation carries out non-effective offensive activity against a terrorist organisation (F), the organisation's operational capability is not damaged at all, and the motivation to carry out revenge attacks only increases. The motivation curve is seen to rise due to non-effective military activity and a sober decline till the counter-motivation measures step in due to the natural effects on the morale of the terrorists because of sustained offensive operations against them.

Planning and carrying out effective offensive counter-terrorism activity is a complex task but this difficulty is negligible compared with that of carrying out activity to counter an organisation's motivation for terrorism. Taking steps to reduce the motivation for terrorism is essential when countering terrorism. The counter-motivation measures become vital. While the offensive counter-terrorist activities have immediate, tangible results, counter-motivational activities will make themselves felt in the long

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term. The motivation level then starts dropping significantly (G). This drop in motivation comprises not necessarily the feelings of the terrorists but primarily those of the people and organisations supporting them. Steps taken to counter motivation must be directed towards the population in order to isolate the terrorists and make it easier to undertake offensive measures against the organisation's hard core. We can now expect a decline in the level of motivation to below the terror threshold (H). The decline in motivation, however, does not impinge on the level of capability to commit terrorist attacks. Any factor that causes a temporary rise in motivation – offensive activity by the nation, inter-organisation or intra-organisational relationship, external pressures, etc— without restricting operational capability, will lead to a terrorist attack or a series of attacks. Therefore, the combination needed is counter-motivation activity with repeated offensive activity against the organisation's hard core in such a way that the organisation is not able to recover and improve its operational capability between one blow and the next strike (I).

The effort must also rest on eliminating/reducing the non-effective military activity which will in effect flatten the rise of motivation and operational capability curve, and provide more for effectiveness of military offensive and defensive activity. Eradication of non-effective military offensive activity and merging of effective military activity with counter-motivation measures will also weed away the necessity to look for short-term influence. The process will also mask the effects of terror, keeping the level of violence, and loss of life and property at bay. This would in effect provide the government a certain degree of leeway and the time required to formulate additional measures to counter terrorism.



#### **OTHER RELEVANT MEASURES**

At some point, the terrorists require a supportive population. That support can be broad-based or can be provided by a committed minority. Increasingly, in the late 20<sup>th</sup> century and beyond, media coverage has been a major factor in either sustaining popular support for terrorists or in separating them from it, and additionally to garner adverse observations against the security forces. State support may not be essential to the success of the efforts of terrorist organisations but can help provide a popular base through the control of state media organs. State support must be eliminated as an ideal measure, although this will require specialised approaches. Countries that willingly provide direct support to those who attack us should expect to see themselves bracing for limited conventional conflict in case they resist with regular armed forces any punitive action that may be executed on sanctuaries in their soil. For other countries providing unwitting or indirect support, concentrated application of international pressure through diplomatic efforts may be enough.

Terrorists must be separated from popular support, a much more difficult matter, especially since terrorists manifest religious motives which are widely shared. Serious efforts to address the underlying motivations for terrorism without outright capitulation to their demands must be addressed without making compromises. These efforts have to be accompanied by an information campaign highlighting the repugnance of terrorist methods and their ineffectual or counter-productive effect. For this, the will to fight terrorism must be maintained. This will hinge on several issues. With willingness to accept losses if vital interests are involved, tactical success is periodically demonstrated and operational and strategic success can be expected eventually. Casualties and tactical failures can be accepted if regular successes by law enforcement agencies and the military are honestly portrayed and widely broadcast. Continuing information operations should be conducted to affirm justice with transparent intentions and the reasonableness of military and other actions. The public should not be manipulated, but made to believe in the country's efforts in counter-terrorism.

**The heart of the problem then lies in the minds of the uncommitted population, with ideologies still in the formative stage, and in which military force application in absolute terms has no space to operate.**

Intelligence capabilities must be expanded first, followed quickly by elimination of any excessive concerns for the due process in law that might impede direct action against, and capture and prosecution of, terrorists. In a democratic country like India, any such expansion of police powers and military involvement in police matters must be accompanied by adequate safeguards on civil rights. Terrorists are neither legitimate soldiers nor common criminals, so special provisions are required to be tailored rather than a generalist approach to legal pinning. The dilemma rests on the requirement to act against terrorists as a national security risk without destroying the essential rule of law. Certain dilemmas make democracies like India simultaneously vulnerable and resilient and, therefore, make these tasks not any less difficult but multi-dimensional ones which urge a sophisticated approach focussing on the inherent weaknesses of terrorist organisations which can lead to their eventual destruction, both domestically and those being exported from outside the country's geographical boundaries. If the will is maintained, intrusions on civil liberties balanced against the need to gather intelligence and vigorous action taken on security measures against the terrorists which are inclusive of reducing the popular support base and suffocating financial sources for these organisations, then the light at the end of the tunnel is not too distant.

#### **SOLUTION DILEMMA THEORY**

The conception of terrorism implies a centre of gravity against which a sustained effort has to be directed. If our western neighbours continue to export terrorism in a shadowy and covert manner, we will not be able to cope militarily with the resulting flood of people being recruited and the resource harnessing that is being done. The phrase is often quoted that one man's terrorist is another man's freedom fighter, and reflects the fact that terrorism

is an approach sometimes taken by the weak against the strong to induce change. The heart of the problem then lies in the minds of the uncommitted population, with ideologies still in the formative stage, and in which military force application in absolute terms has no space to operate. If we can combine steady progress on the military front with political and social containment, thereby, restricting the size and shape of terrorist organisations, then there will be a fair chance to grind them down to a fixed operative level which can be contained. To do this, it may become an eventual necessity to cover a majority of the operatives if not all, with specific linkages.

To avoid sending the wrong message to future foes, military actions must be decisive in achieving operational and strategic goals. To precede this, rapidity is always preferred at all levels of the country's leadership, but decisiveness is the most essential requirement. Failure to achieve such results, as is too often risked when quick action is overvalued or commitments are too limited, would diminish a country's image as a power to be respected. The *carrot and stick* theory will work where countries see the justice of the cause but they may not make it their cause. Also, public support for military action is at levels that parallel the public reaction after the Parliament or Mumbai attacks. Belief in military action becomes appropriate, the consequences supported, with a general willingness to endure the negative consequences from the aggressive actions for countering terror. Support will become fickle, as most Indians will really not be involved, and opinions on the military action will vary; the favourable vibes will diminish unless the military continually shows progress in every action and operation, which would keep the nation connected to its armed forces.

## CONCLUSION

Terrorism rarely succeeds in achieving its political goals. Terrorists rarely have the resources to succeed in a fight against a state which understands the

**Terrorism rarely succeeds in achieving its political goals. Terrorists rarely have the resources to succeed in a fight against a state which understands the reprehensible methods.**

reprehensible methods which frequently inspire resolve within the target state. Those same methods also separate terrorists from crucial popular support. A study of history alone cannot provide a predictable way of finding a solution to the evolving terror problem, but historical insights suggest that:

- Laws governing domestic and international actions against terrorism must be adopted for comprehensive intelligence collection and for prompt action on that intelligence.
- Appropriate safeguards of civil liberties and human rights must be provided while applying military force, where applicable
- Terrorists must be separated from their popular support base. Separating them from state support is an important element of this effort, but not always necessarily critical because of the time and complexities involved when sanctuaries exist outside the geographical boundaries of the nation.

The military component should not be discounted as a legitimate and effective means for eradicating terror attacks, reducing their damage, and hurting such organisations till their elimination. Concomitantly, we must assess the nation's capability to prevent terrorist organisations from achieving their interests and goals over the long-term. All of this will enable us to determine the relationship between the military and political aspects of countering terrorism. We would realise that while total protection against terror attacks is impractical, commitment towards the safety of the citizens of the country requires a comprehensive approach which not only includes a list of the political aims but would rather be a combination of administrative and military responses out of which the latter element presently requires a more structured application, given the increased lethality with which the terror strikes are being executed. A firm balance of the humane approach is required in the application of force but any tendency to opt for a 'soft' approach may tend to spell disaster. Terrorism not being only a military problem will have other aspects to the solution matrix, and there is no short cut to it. Military power applied legitimately will create the conditions and influence the inclinations to renounce the path of terror.