

# 13 Russia's approach to the fight against terrorism

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From the point of view of finding an adequate definition, there can hardly be a more contested phenomenon these days than terrorism. One of the explanations for the highly contested nature of terrorism may be that there is more than one type. The events of 11 September 2001 in the United States and the 'war on terrorism' that followed, while adding to the general confusion about the term, have particularly stressed the need to distinguish between at least two types of terrorism:

- The so-called *terrorism of conflicts*, or conflict-related terrorism – a violent tactic or a mode of operation, that is directly and inseparably tied to the concrete agenda of a concrete armed conflict and used by armed groups (non-state actors) in an asymmetrical confrontation with a state (or several states), usually along with other modes of operation (such as guerrilla warfare). These armed actors tend to identify themselves with some political cause in that conflict – a cause that may be quite ambitious (to seize power, create a new state or fight against occupation), but normally does not go beyond the local or regional context and, in this sense, is *limited*. While these groups' fund-raising, logistical, propaganda or even planning activities may be *internationalized* (conducted in and from the territory of several states beyond the conflict area), their goals and agenda, by and large, remain *localized*. In sum, conflict-related terrorism is employed for *limited* political goals (i.e. goals that are limited to local or regional context) and by *limited* technical means.
- The more recent phenomenon called *super-terrorism* which was highlighted primarily, but not only, by the 11 September events and may have manifested itself in a number of more recent cases (from Bali to Istanbul). In contrast to conflict-related terrorism, super-terrorism is by definition global or seeks to create a global outreach and, as such, does not have to be tied to any particular armed conflict. The targets of super-terrorism are primarily linked to the developed world: they are either located there, or directly associated with it. Super-terrorism has far more ambitious, even *unlimited* and non-negotiable goals (to

challenge the world order and the West, as in the case of al-Qaida, or to achieve global dominance, as in the case of Aum Shinrikyo) and is more likely to involve the use of more advanced or even *unlimited* technical means, including weapons of mass destruction (WMD).

While they are not the only types of terrorism,<sup>1</sup> these two have been most often confused in the course of the post-11 September global anti-terrorist campaign. Needless to say, while conflict-related and super-terrorism are two functionally different types of terrorism, they do share some common characteristics (which, after all, allow us to call them both terrorism), demonstrate some structural and ideological parallels, and even maintain some direct contacts and links. Al-Qaida's own origin can be traced to the anti-Soviet jihad in Afghanistan in the 1980s. In the 1990s, al-Qaida's super-terrorist network was one of the donors to several local groups engaged in conflict-related terrorism. But all the links between conflict-related and super-terrorism still do not make one a mere substitute or outgrowth of the other, or fully dependent or conditional upon the other – each of these two types of terrorism retains a great degree of autonomy and its own logic and dynamics. It is therefore a question not so much of one universal integrated terrorist system spreading from global to local levels, but rather of *two* (and more) functionally different types of terrorism and the complex and disturbing interrelationship between them.

The 'war on terrorism' generated by the events of 11 September 2001 has inevitably turned into the fight against all known types of terrorism (which in itself is a very positive process), but it has also led to increasing confusion between different types of terrorism and to attempts to make them all fit one uniform pattern and to bring them all down to a common denominator. In practice, this often results in the same methods and instruments being applied to different types of terrorism, with insufficient attention being paid to their specifics and nuances, despite the fact that the methods and tools used against super-terrorist networks, which have a global outreach or ambitions and unlimited goals, and are ready if necessary to use unlimited means, should at least be modified and refocused when dealing with locally and regionally based groups involved in more traditional conflict-related terrorism, so that these anti-terrorism tools and operations complement and reinforce the longer-term conflict resolution and peace-building tasks.

### **The nature of the terrorist threat for Russia**

Against this background, what is the nature of the threat posed by terrorism to Russia's security? In the Soviet Union terrorist acts carried out in the country or directed against Soviet targets abroad were rare exceptions,<sup>2</sup> but post-Soviet Russia has voiced concerns about terrorism as a major security threat for much of its short history, as its citizens have

increasingly become targets of terrorist acts, including such large-scale hostage crises as those in Budennovsk in June 1995 (with more than 2,000 people held hostage), in Kizlyar in January 1996 (over 2,000 hostages taken) or in Moscow in October 2002 (over 800 hostages taken at the Dubrovka theatre showing the musical *Nord-Ost*).

It has become commonplace to cite all the difficulties of Russia's post-Soviet transition – the collapse of the political structure which for some years had not been replaced by an effective mechanism of governance, the protracted economic crisis, the marginalization of large segments of the population, the criminalization of society, the revival of inter-ethnic tensions, the growth of political and religious extremism, lack of an ideology and even 'moral nihilism' – as causes of terrorism in Russia.<sup>3</sup> But, while these basic conditions and processes affect the entire country, they have not proved to be sufficient by themselves to turn political extremism or general social dissatisfaction into terrorism on a massive scale. In fact, many of the problems and grievances seen in Chechnya (including an ethnic minority's drive for greater independence, coupled with the spread of Islamic extremism) could also be observed to some extent in other parts of the country, such as the other North Caucasian republics or Tatarstan. Even so, in all the problematic regions of Russia that have been torn by a combination of political, socio-economic, ethnic and religious problems and unrest, a peaceful solution has been found to major disagreements – in all, that is, except Chechnya. In Chechnya, it was the armed conflict that motivated the separatist side to resort to terrorism as a mode of operation in an asymmetrical confrontation with the federal centre. And, while all the fundamental socio-economic and political problems of Russia's post-Soviet transition could be seen as 'root causes' of the conflict itself, it was the armed confrontation in and around Chechnya that became the main generator of the surge of terrorism in Russia throughout the 1990s.

It is no coincidence that Russia's Criminal Code, inherited from the Soviet period, was first amended to include a special article on terrorism in 1994, the year in which a major armed conflict in Chechnya started. As the conflict became protracted, the number of cases registered as terrorist acts each year in the country as a whole has grown dramatically, from just 18 in 1994 to 216 in 2000, 339 in 2001, and 407 in 2002. Of all terrorist acts committed in 2002, 385 (or 94.5 per cent) took place in and around Chechnya (360 in Chechnya proper, and 25 more in Ingushetia, North Ossetia and Dagestan).<sup>4</sup> Overall, as of early 2003, there has been a more than twenty-fold increase in terrorist activity since 1994.<sup>5</sup> While the number, intensity and scale of terrorist attacks in Russia did not grow in a strictly linear progression, and terrorism had its own peaks (in the mid-1990s and between the late 1990s and the early 2000s), the indicators of terrorist activity kept growing, implying that the Chechen armed opposition has increasingly resorted to terrorist means. What are the possible explanations of this trend?

When terrorism is used as a mode of operation in an armed conflict it makes sense to start with the central issue of the conflict itself. On the political side, while the two wars have ruled out the independence option for Chechnya, attempts to stabilize the situation in the republic over a number of years have not produced any final legal decision on the issue of the status of Chechnya. It was not before the later stages of the second federal campaign in Chechnya that the political component of the stabilization process became more visible, and the status issue was addressed by the new constitution of the Chechen Republic, adopted in a referendum in March 2003. Despite the widespread scepticism about the viability of the new constitutional regime,<sup>6</sup> it creates a framework for a more legal regime and a more structured political process than the one that was in place before. It has to be noted, however, that, while the centrality of the armed conflict in Chechnya as a primary source of terrorism in Russia suggests the need to focus on the causes of the conflict itself and on resolving the underlying political issues as the most direct way to combat conflict-generated terrorism, this still leaves at least two unresolved questions.

First, not all internal armed conflicts lead to terrorism. What then are the factors and conditions that made terrorism a viable alternative mode of operation for the Chechen radicals in an armed confrontation with the federal centre? To answer this question we need to focus not only on the direct expressions of conflict-related terrorism (from a short-term perspective), or on the far more general and fundamental root causes that led to a violent conflict in the first place (from a long-term perspective), but also, from a medium-term perspective, on more specific prerequisites for the emergence of conflict-related terrorism.

The fundamental structural causes (root causes) of conflict-related terrorism, by and large, tend to boil down to or are identical to the 'root causes' of armed conflict as whole. While the root cause-centred approach may help explain why the conflict becomes violent in the first place, it does not necessarily explain why the violence takes the specific form of terrorism, why not all asymmetrical armed conflicts lead to terrorism, or why not all armed groups operating in the same conflict choose to resort to terrorist means. This suggests that there must also be some more specific prerequisites for conflict-related terrorism, at least some of which are more closely related to the violent non-state actors themselves. Even the particular brutality and bitterness of an asymmetrical armed conflict does not guarantee that terrorist means will be used in that conflict: the state can only be faced with conflict-related terrorism when it is confronted by a sufficiently capable and highly determined opponent. This means an opponent that possesses:

- a specific *structural/organizational capability* which is even more important than and cannot be merely substituted by access to arms, money and the availability of trained professionals;<sup>7</sup> and

- a high level of determination, facilitated by an *extremist ideology*. In particular, it is a combination of extreme nationalism with religious fundamentalism, supported, in some cases, by certain local social norms and cultural traditions (such as the blood feud in clan-based societies) that has proved to be most conducive to the resort to terrorism.

In sum, the two main prerequisites for the resort to conflict-related terrorism and the main comparative advantages of groups that choose to do so lie in their structural capabilities and ideologies.<sup>8</sup> It is important to note that in the Russia–Chechnya context these factors came fully into play *after, not before*, the conflict had already become violent.

At the same time, it is not only their own structural capabilities and ideologies that enable armed resistance groups to switch to terrorist means. This decision is also at least partly shaped by the environment in which they are operating, and particularly by the type and nature of the ‘opponent’ – which, in the case of an internal armed conflict, is *the state*. Terrorist means used as a mode of operation in a violent conflict tend to be more effective (and the resort to them is most rational) when they are used against a certain type of state – neither too liberal nor excessively authoritarian, neither too weak nor too strong.<sup>9</sup> These are in fact among the most typical characteristics of ‘semi-democratic’ transitional states in general and of the Russian state in particular.

Second, from the dynamic, rather than strictly causal, perspective, while violent conflict might have played the key role in motivating a weaker side in an asymmetric armed conflict to resort to terrorism in the first place, over time terrorist means may start to be used for purposes other than those initially planned or even, in some cases, develop a momentum of their own and cease to remain just a function of the armed conflict itself. Over the course of the conflict in Chechnya, for instance, both the driving forces behind it and the composition of the armed resistance have undergone significant changes. While the first war (1994–6) was essentially a post-Soviet conflict fought by the former Soviet military and security personnel (including seasoned veterans of the Soviet Afghan war) on both sides, the second (since 1999) has been increasingly fought on the Chechen side by the so-called ‘war generation’ that has been growing up, with some of its most radical elements playing the role of ‘spoilers’ by increasingly tailoring the use of terrorist means to disrupt concrete political developments. For instance, the July 2003 suicide bombings at an open-air rock concert in Tushino (Moscow) were timed to coincide with President Putin’s decree, issued a day earlier, ordering a local presidential election in Chechnya. The growing number of young (including female) Chechen suicide bombers in general, and the group of terrorists led by Movsar Baraev, which took hostages in the Dubrovka theatre in October 2002, in particular, are typical of this part of the resistance. It does not remember

peace, lacks education, and is not sufficiently constrained by such traditional local social structures and norms as respect for older people and the non-participation of women in armed struggle, which are increasingly being eroded by the violent conflict itself. This leaves an ideological vacuum that is easily filled by a type of Islamic extremism that is contrary to the local tradition of a moderate Sufi Islam. More active use of terrorist means by the Chechen radicals, particularly the upsurge of suicide attacks within and outside Chechnya after October 2002, may also be an indication of the growing need to resort to increasingly asymmetrical forms of violence, as the range of other options for resistance is becoming more limited.

This raises the following question: Will the political resolution of the violent conflict then automatically bring about the cessation of terrorist activities, even if initially the prime mover for terrorism was the conflict itself? While a political solution to the violent conflict is critical if the foundation of terrorism is to be undermined, it may not be sufficient to root out terrorism unless the structural capabilities of groups involved in terrorist activities are fully disrupted and their ideologies are successfully countered at all levels.

### **The impact of 11 September**

While the main type of terrorism threatening Russian citizens has apparently been generated by the protracted armed conflict in Chechnya, the 11 September 2001 'super-terrorist' attacks in the United States and the US-led global anti-terrorist campaign are the most significant international development. Both have had a profound effect on Russia's general approach to the fight against terrorism and important implications for its broader political, economic and security interests.

In contrast to the United States and some other Western states, for Russia less has changed since 11 September in terms of reassessment of the scale of the threat posed by terrorist attacks against the civilian population. By that time, Russia had almost become used to frequent terrorist attacks against its citizens.<sup>10</sup> What has changed for Russia's post-11 September threat assessment is the balance of threats. This is a result of the change in the international environment that was generated by 11 September and led to a shift of international attention towards the 'new security threats' and to Russia's new *rapprochement* with the West on anti-terrorism grounds. Among other things, the North Atlantic Treaty Organization (NATO) was downgraded as a potential source of national security threats for Russia, in contrast to the rise of Islamic extremism.

At the same time, Russia's approach to the fight against international terrorism remained somewhat more subtle and nuanced than the corresponding US approach, and not only verbally. Some real political and theoretical differences can be traced. While the US administration's

emphasis has been on the 'rogue states' (particularly on the authoritarian regimes of Iran, Iraq and North Korea) as the primary 'sponsors of terrorism', Russia rejected this vision both verbally and by openly cooperating with all three members of President George W. Bush's 'axis of evil'. Moreover, Russia increasingly viewed its relations with some of the states that are known to provide assistance or refuge to groups involved in terrorist activities (such as Syria) as a political and economic lever to alter these states' policies towards such groups. At the same time, Russia, as much of the rest of Europe, increasingly paid attention to the so-called 'failed states' or areas as actual or potential breeding grounds and safe havens for terrorists. For many in the Russian political elite, the 11 September events demonstrated that, on a global scale, a qualitative change in international terrorism had taken place. According to Yevgenii Primakov, former foreign minister and prime minister, international terrorism now 'appears as a self-sufficient organization not connected with any particular state' and, as such, can no longer be exposed by such traditional means as convincing or pressuring one or another state to stop supporting terrorism.<sup>11</sup> In contrast to the United States, Russia has not published any black list of states supporting terrorism, and Russian officials prefer to use the more flexible term 'arcs of instability'. At the same time, the Russian government has remained concerned with the growing number of states and areas where the existing power vacuum had been or could be filled in by terrorist groups and forces. The regions of concern, listed by Defence Minister Sergei Ivanov,<sup>12</sup> included the Middle East, the Balkans, East Africa, parts of the South Caucasus (Georgia), Afghanistan, and some other parts of Asia.

Despite these differences, in practice Russia's approach to the fight against terrorism has increasingly been evolving in the same direction as the US response to 11 September. The main impact of the US post-11 September anti-terrorism strategy, most evident in Russia's reaction to the October 2002 *Nord-Ost* hostage crisis, has been on Russia's anti-terrorist legislative efforts and strategic thinking, and most of the anti-terrorist measures proposed or discussed in Russia in the aftermath of the *Nord-Ost* hostage crisis seemed to follow the US model, with its fourfold policy on terrorism: make no concessions to terrorists; destroy them or bring them to justice; isolate and apply pressure on the actors (both state and non-state) which sponsor or support terrorism; and bolster the anti-terrorist capabilities of your partners.

While some of the measures employed might simply be the most natural steps to be taken by any state under similar circumstances, the similarities in the processes by which the two countries amended their anti-terrorist laws in the aftermath of 11 September and of the *Nord-Ost* hostage crisis, respectively, are striking. Many of the measures envisaged by the US Patriot Act of 26 October 2001 – such as giving the government vast new powers of surveillance and investigation, enhancing presidential

authority on counter-terrorism, the criminalization of all preparatory stages and support functions (thus expanding the definition of 'engaging in terrorist activities' to include planning, information-gathering, soliciting funds or recruiting individuals for membership in terrorist organizations, and so on), strengthening the criminal laws, and toughening migration legislation and immigration rules – have in one way or another been mirrored by corresponding actions by Russia. At the same time, the financial, political, diplomatic and other resources available to Russia have limited its ability to apply pressure against the sponsors of terrorism and bolster the anti-terrorist capabilities of partner states. For instance, Russia's attempts to apply pressure on Georgia, which was seen as if not intentionally harbouring terrorists then at least not doing enough on anti-terrorism, met with a distinctly cool reaction of the West, while Moscow's support for the anti-terrorist capabilities of other states has mostly been limited to its Commonwealth of Independent States (CIS) partners.<sup>13</sup>

In sum, however, while the 11 September events should have raised more questions for Russia about the US national security system in general and its anti-terrorist strategy in particular, rather than attempts to mirror them, the reverse seemed to have happened: in the aftermath of 11 September, the US security model appeared to be gaining increasing prominence in Russian discussions and thinking on anti-terrorism.<sup>14</sup>

This is all the more surprising as, on the operational level, the practical impact of the 11 September and the US-led global 'war on terrorism' on Russian domestic counter-terrorist operations and the situation in Chechnya *per se* has been (a) relatively limited and (b) as mixed as it has been for most conflict and post-conflict areas around the world.<sup>15</sup> The US-led war on terrorism may have had some positive anti-terrorist effect by helping to reduce foreign funding for terrorist activities, driven by the conflict in Chechnya, and by reducing the number of foreign fighters there. But the Russian security services had been very active and quite effective in blocking the Chechen radicals' external financial channels long before 11 September (attempts to block their domestic sources of funding have been less effective). As for the presence of foreign mercenaries in Chechnya, it has been an important element – but not a decisive one – for either the guerrilla or the terrorist activities of the armed resistance.<sup>16</sup>

The impact of 11 September has been far more evident where Russia's wider foreign policy interests are concerned. In the aftermath of the attacks on New York and Washington, closer international cooperation on anti-terrorism with the West in general and with the United States in particular has proved particularly valuable to Russia, as, perhaps for the first time in Russia's post-Soviet history, this cooperation did not come as a leftover from the past (such as the US–Russian cooperation on strategic arms control and disarmament) but stemmed from the need to counter a security threat of a post-Cold War type. Russia's active participation in the US-led global anti-terrorist campaign has also been in line with such

Russian national interests as improving relations with the United States and other Western countries. At the turn of the century, this goal became all the more pressing for Russia as it found itself in an increasingly peripheral position in world politics. Given the USA's global supremacy, the weakening of the United Nations, NATO's military dominance in the Euro-Atlantic region and the primacy of the European Union (EU) in European politics and economics, only the new *rapprochement* with the West would allow Russia to avoid the international semi-isolation which seemed almost imminent by the end of the 1990s.

By participating actively in the global anti-terrorist campaign, Russia managed to associate itself directly with the United States as the world's leading power, outstripping cumbersome Western institutional bureaucracies, such as NATO and the EU, which seemed to find themselves almost out of business in the first stages of the post-11 September anti-terrorist operation, when it appeared that most of the critical decisions were being taken by national governments and leaders. As a result, Russian leaders prevented the country from sliding into international semi-isolation and went out of their way to try to secure Russia a specific niche in world politics as a reliable partner of the West in the global fight against terrorism. The preliminary foreign policy results of Russia's participation in the first stage of the international campaign to fight terrorism were summed up on 30 April 2002 at Russia's Security Council special meeting on anti-terrorism. It concluded that Russia had been able to avert the threat of regional destabilization along its southern borders posed by the situation in Afghanistan, to strengthen its relations with Central Asian states, and to achieve a remarkable *rapprochement* with the West on the basis of new common threats.<sup>17</sup>

Likewise, the financial measures taken by Russia as part of the global campaign to suppress the financing of terrorist activities, particularly those taken to suppress money laundering,<sup>18</sup> seemed better tailored to the general need to increase the transparency of Russia's banking and financial system in order to make it more favourable to foreign investors than for specific anti-terrorist tasks. In accordance with the Federal Law On Suppressing the Laundering of Funds Generated from Criminal Activities, adopted in August 2001, a Financial Monitoring Committee was established within the Ministry of Finance in October 2001, with the principal task of monitoring financial flows in order to detect monies of criminal origin. As a result of the Financial Monitoring Committee's activities and other legal, administrative and police measures, in June 2002 it was admitted to the Egmont Group of the world's financial intelligence services. Furthermore, in October 2002, Russia was removed from the Financial Action Task Force on Money Laundering (FATF) list of Non-Cooperating Countries and Territories (the 'black list' of organizations that are suspected of involvement in money-laundering activities) and in June 2003 became a full member of the FATF.

It should be noted that Russia has not been alone or particularly unique in 'using' the fight against terrorism to achieve wider strategic goals and to deal with a number of pressing foreign policy tasks and economic problems. In the post-11 September environment, the use of the anti-terrorism agenda as a multi-purpose strategic tool by many states has become almost inevitable, and may even be politically justified as long as it does not become counterproductive (when, for instance, there is a risk of the state's abusing, on anti-terrorist grounds, its legitimate right to self-defence, guaranteed by Chapter 51 of the UN Charter).

### **Russia's approach to the fight against terrorism: norms, concepts and definitions**

As Russia itself is primarily threatened by conflict-related terrorism, it is through the prism of this type of terrorism that its political, legal, and security approach to anti-terrorism should be analysed. Conflict-related terrorism can be defined as the deliberate politically motivated use of, or threat to use, violence against civilians or civilian targets by a weaker side in an asymmetrical armed conflict.<sup>19</sup> In the most general terms, what distinguishes terrorism from plain crime is its political motivation (while such a goal may also be formulated in ideological or religious categories, it always has a political dimension); what distinguishes it from such forms of political conflict-related violence as inter-communal and sectarian violence is its asymmetric nature (implying asymmetry not just in capabilities, but in the level and status of the actors involved in a confrontation between a non-state actor and a state);<sup>20</sup> and, finally, what distinguishes it from other types of asymmetrical political violence, such as rural and urban guerrilla warfare, is that it intentionally targets civilians.<sup>21</sup> While, even with all possible clarifications made, in some cases it may not be possible to make a clear distinction between terrorism and other forms of politically motivated violence (particularly in conflict or post-conflict settings where the line between combatants and non-combatants might be fairly arbitrary), it is still useful to keep these general distinctions in mind.

How does Russia's official legal interpretation of terrorism relate to this general definition? The 1998 Federal Law On the Fight against Terrorism, which is Russia's main conceptual document on the subject, defines terrorism as 'violence or the threat of using it against physical persons or organizations as well as the destruction (damaging) . . . of material objects, that creates danger to human life, causes considerable damage to property or has other dangerous public consequences, and is carried out in order to violate public security, terrorize the population or influence the decisions taken by the authorities to the advantage of terrorists or meeting their interests'.<sup>22</sup> While this definition would probably be satisfactory for addressing other types of terrorism (such as terrorism as a form of political extremism, not related to or generated by any armed conflict), it misses

the main point in addressing conflict-related terrorism<sup>23</sup> as it does not distinguish between terrorism and criminal violence or, even more importantly, between terrorism and other forms of politically motivated violence. Both these distinctions are crucial for dealing with conflict-generated terrorism.

Russia's federal anti-terrorism law does not recognize political motivation as a defining characteristic of terrorism, referring instead to 'terrorist goals', such as violating public security, terrorizing the population or influencing the decisions taken by the authorities to meet the interests of terrorists, regardless of whether these interests are political or, for instance, purely material, and thus blurring any line between terrorism and criminal violence. This point is further reinforced by the proposed division of responsibilities between the Federal Security Service, which is 'responsible for the prevention, detection and suppression of *terrorist crimes that have political motivation*' and the Ministry of the Interior, which is 'responsible for fighting *terrorist crimes motivated by financial gain*'<sup>24</sup> (Article 7 of the Federal Law On the Fight against Terrorism). In fact, 'political demands' as a potential motivation for terrorists are mentioned only once in the text of the law – in Article 14, on conducting talks with terrorists, which states that 'no political demands can be considered in exchange for calling off the terrorist act'. Terrorism, however, is always a form of politically motivated violence, where political goals are an end in themselves and not just a secondary instrument or a 'cover' for the advancement of other interests such as illegal economic gains, as in the case of organized criminal groups. (For instance, according to a UN assessment, the bulk of hostage-taking activities in and around Chechnya, including the kidnapping of foreign aid workers, have been undertaken purely for financial gain.<sup>25</sup>)

As Russia's legal concept of terrorism does not recognize political motivation as the defining characteristic of this type of violence, no attempt is made to distinguish between terrorism and other forms of politically motivated violence, such as guerrilla warfare. While often confused in practice, these are essentially different modes of operation that have different targets, and the resort to them has different implications from the point of view of international humanitarian law.<sup>26</sup> While guerrilla warfare is waged by rebels primarily against governmental military and security targets (acts that are not currently criminalized by international humanitarian law, although they are usually criminalized by national legislation), terrorism is intentionally directed against civilians and civilian targets, which in most cases is a crime under international humanitarian law.<sup>27</sup> What complicates matters further is that, in the context of an armed conflict the same organization can use different modes of operation at once in order to achieve its political goals, and engage in both guerrilla warfare and terrorist activities at the same time, be it the Islamic Movement of Uzbekistan (IMU) in Central Asia or various militant groups of Palestinian,

Kashmiri or Chechen resistance. That is why in this chapter the preferred term for a group engaged in conflict-related terrorism is 'organization involved in terrorist activities' rather than 'terrorist organization'.

So far, the problem of distinguishing in law between a group's guerrilla and terrorist activities has not been adequately solved by any state or international organization.<sup>28</sup> In Russia, according to the federal law, for a group to qualify as a terrorist one it is sufficient for at least one of its units to be engaged in any aspects of terrorist activities (not necessarily implementation but also organization, planning, preparation or incitement) with the consent of at least one of its top decision-making bodies.

In accordance with this broad definition, Russia's first list of terrorist organizations whose activities are banned on the territory of the Russian Federation was officially compiled by Russia's General Prosecutor's Office and adopted by the Supreme Court in February 2003. The most positive development regarding the compilation and approval of the list has been the procedure itself: according to the law, a group can only be defined as a terrorist organization by a court decision.<sup>29</sup> While it is less extensive than the corresponding lists compiled by the US State Department or by the EU (a reflection of Russia's concerns about terrorism as those of a regional rather than a global player), the Russian list is consistently based on the broad interpretation of activities that make a certain group liable to face charges of terrorism. As far as foreign groups are concerned, this explains why, apart from organizations directly responsible for attacks against Russian property or citizens (such as the Lebanon-based Sunni extremist group *Asbat al-Ansar*, which carried out a rocket-propelled grenade attack on the Russian Embassy in Beirut in January 2000), the Russian list includes several Islamic foundations and charities that have no operational capabilities to mount terrorist acts themselves, but have financial links to groups involved in terrorist activities or have been known to facilitate the transit of persons suspected of terrorism.<sup>30</sup> Russia's list of terrorist organizations also includes *Hizb-ut-Tahrir al-Islami* (the Party of Islamic Liberation), a radical Islamic transnational movement that is increasingly active in the Central Asian states. While *Hizb-ut-Tahrir* holds extremist views, it is well known for abstaining, at least for the time being, not just from terrorist means but also from violence in general and for advocating peaceful change (which, in the long run, makes it a greater challenge to the Central Asian regimes than professedly violent groups, such as the former *IMU*, included on the list under the name of the Islamic Party of Turkestan). While the inclusion of *Hizb-ut-Tahrir* on Russia's 'list of terrorist organizations' can partly be explained by political reasons, such as the need to maintain cooperative security relations with the respective Central Asian governments, it is also illustrative of how broad the Russian definition of terrorism is, as some of *Hizb-ut-Tahrir's* propaganda (which is its main type of activity) could well be interpreted as 'incitement to terrorism'.

Interestingly, as far as radical Chechen groups are concerned, the Russian list of terrorist organizations seems to be far less specific than even the corresponding US list. The Russian list includes two broad and loose sets of various smaller groups and formations, referred to as the Supreme Military Majlisul Shura (Consultation Council) of the Joint Mujahedin Forces of the Caucasus, chaired by Shamil Basaev, and the Congress of the Peoples of Ichkeria and Dagestan (led by Basaev and Movladi Udugov). In contrast, the US designation of terrorist elements within the Chechen resistance has been far more specific and focused on a particular group's involvement in concrete terrorist activities, singling out the Special Purpose Islamic Regiment (led by Movsar Baraev and, after his death, by Chechen commander Khamzat), Basaev's own Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs, and the Islamic International Peacekeeping Brigade (a group with international connections and a significant presence of foreign mercenaries, led by Khattab and, after his death, by Abu al-Walid), on charges of all three units' direct involvement in the seizure of hostages at the Dubrovka theatre in Moscow.<sup>31</sup>

Very broad wording characterizes not only Russia's official definition of terrorism but also its interpretation of what might constitute a 'counter-terrorist operation'. In contrast to the 1994–6 campaign, which was conducted in an almost complete legal vacuum,<sup>32</sup> in 1999 Chapter III, 'On the Conduct of Counter-terrorist Operations', of the 1998 Federal Law On the Fight against Terrorism was invoked as the legal basis for the second federal campaign in Chechnya, officially labelled as a counter-terrorist operation. The same law also legalized the use of the armed forces in an internal counter-terrorist operation by extending the number of state agencies responsible for fighting terrorism from two (the Federal Security Service and the Ministry of the Interior) to six (including the Ministry of Defence). As applied to the situation in Chechnya, however, the law was apparently stretched to breaking: while, for instance, 'an area of a counter-terrorist operation', to which a number of restrictions are applicable, is legally defined as 'a sector of land or sea, a transport vehicle, a building or its part, and adjacent territory', in practice it was expanded to include the territory of an entire national republic within the Russian Federation. This 'extension' had dramatic consequences for the population of the republic, as (a) all the human rights and other legal restrictions imposed on 'an area of a counter-terrorist operation' were applied to the entire territory of the republic, and (b) according to the law, the personnel taking part in a counter-terrorist operation are immune from criminal prosecution for damage incurred in the course of the operation.

Finally, while Article 2 of the Federal Law On the Fight against Terrorism lists *prevention* as the second most important anti-terrorist principle, the law itself is clearly oriented towards the suppression rather than prevention of terrorist activities. This inadequacy of the anti-terrorism legislation and

conceptual thinking was sensed by many leading Russian experts, politicians and practitioners, but all subsequent attempts to bring prevention into the political and institutional focus of Russia's anti-terrorist efforts have been cut short – most often for the banal reason of the lack of funding for these purposes.<sup>33</sup>

While much criticism has been voiced against Russia's current anti-terrorist law, it has to be recognized that, although far from perfect, the law would probably be satisfactory if Russian citizens were threatened primarily by the classic 'terrorism of peacetime' – by a form of violent domestic political extremism, employed by relatively marginal radical political groups and not related to a protracted armed conflict on Russia's own territory. Indeed, the law had some positive impact in that, while still not sufficiently oriented to protecting the lives of ordinary citizens and victims of terrorism (the need to protect the rights of people who are threatened by terrorists stands sixth in the list of anti-terrorist priorities!), it at least guarantees the right of victims to seek compensation for physical and moral damage in court. Moreover, the anti-terrorist potential of the current law is not yet exhausted, provided that it is used in a proper and targeted way (the law, for instance, worked quite well when applied to the concrete situation of the *Nord-Ost* hostage crisis). The anti-terrorist legislation, however, cannot serve as a substitute for other legislative measures, let alone meet the general need to address far more fundamental processes and problems that generate or create favourable conditions for terrorism. In Chechnya, anti-terrorist legislation has been used for too long as a substitute for a far more legal state-of-emergency regime,<sup>34</sup> which, according to the new republican constitution, is to be established for the transitional period.

### **Conclusion: strategic options for combating terrorism**

In order to categorize Russia's approach to the fight against terrorism, some basic classification of various existing anti-terrorist strategies is needed. Such a classification would suggest a continuum from a short-term reactive approach, as one extreme, to a long-term preventive approach, as the other extreme. While in real life these two 'ideal' models are rarely seen in their extreme versions, and the particular strategy of any state has to combine elements of both, they are still useful for highlighting the dominant approach.

Throughout the 1990s and in the early 2000s, it has been the short-term reactive approach, emphasizing methods of coercion, retaliation and post-action investigation over the pre-emption, disruption and prevention of terrorist activities and networks that seemed to dominate Russia's anti-terrorism strategy and practice. Along with a number of other states whose citizens have for various reasons been attacked by terrorists on a massive scale (such as the United States, Israel, India or Indonesia), Russia tended

to rely excessively on the use of force and other coercive means in its fight against conflict-related terrorism. More specifically, in the Russian case, this approach involved both different types of offensive and other controversial punitive, enforcement and routine prophylactic measures of 'collective impact', such as *zachistka* operations<sup>35</sup> or administrative arrests. This does not mean that Russia's anti-terrorist strategy has been de-linked from the process of post-conflict stabilization and peace-building. In Chechnya, economic reconstruction is well under way, a local Chechen administration (including Chechen police), loyal to the federal centre, has been functioning (although not without problems), and attempts to address the deficiencies of the political accommodation and reconciliation process have slowly been gaining momentum. But, subject to domestic political and security pressures to respond rapidly and decisively to a terrorist threat, the Russian government seems to have little time, will and resources to explore other options for responding to a terrorist threat than those suggested by the dominant short-term reactive approach.

The effectiveness of the short-term reactive approach is questionable, even – in fact particularly – from the narrow counter-terrorist perspective. The problem here is that many, if not most, of the methods employed had in fact little to do with counter-terrorism as such. What distinguishes counter-terrorism in the narrow sense from other security tasks is that its central goals are the prevention, disruption and pre-emption of terrorist activities and networks, rather than post-action punishment, coercion or retaliation. While coercive measures can be used selectively in support of counter-terrorism (for instance, to prevent a specific act of terrorism), they are not what counter-terrorism is primarily about. Similarly, the focus of the short-term approach on the interdiction and suppression of terrorists' financial or arms flows, while important, downplays the fact that financial support or illegal arms trade channels have not been the main assets of organizations involved in terrorist activities – in other words, as long as these groups keep their *structural capabilities*, supported by *extremist ideologies*, they will find the weapons and the money for their terrorist activities.

At the same time, a long-term approach emphasizing prevention and prioritizing the need to address the political, social and economic roots of conflict and terrorism comprehensively, rather than on an *ad hoc* basis, while theoretically more adequate for addressing the nature of the threat, may take decades to produce results. In the Russian case it is even questionable whether the long-term preventive approach has any practical relevance at all at the present stage. While useful as a far-reaching goal to be fostered, in practical terms a long-term approach might be as ineffective in addressing the current security threat to Russian citizens presented by conflict-generated terrorism as Moscow's current strategy dominated by a short-term, reactive approach. By emphasizing the need to address the root causes of terrorism generated by the conflict in Chechnya, one

will end up either in a dead end or in a vicious circle, as it means that no practical solution to the problem will ever be found before Russia finally completes its reforms and becomes a fully developed democracy with a stable economy, functioning state bureaucracy, reformed security sector and healthy society. While these long-term processes may take decades, the scale and the scope of the terrorist threat faced by Russia today are such that this problem cannot wait that long to be solved; has to be adequately addressed as soon as possible.

In sum, at the current stage, neither of the two approaches described above taken in its extreme version would be an optimal strategic option for Russia in the fight against the main type of terrorist threat that it faces. Nor will this threat be adequately addressed by a mechanical combination of elements of specific short-term counter-terrorist measures, emphasizing pre-emption and the disruption of terrorist activities, with measures to tackle the longer-term needs of economic, social and political reconstruction and peace-building. Rather, the task of reconciling the fight against conflict-generated terrorism with post-conflict stabilization and peace-building might be best served by a medium-term anti-terrorist strategy focused on undermining the main comparative advantages of organizations involved in terrorist activities, such as their structures and ideologies.

From the structural perspective, the most logical way to challenge these groups is to try to deprive them of their main structural advantage – to find ways to formalize the informal links within these organizations and to turn decentralized horizontal networks into hierarchies. At the stage of the search for political accommodation, this imperative becomes all the more pressing as the structural model typical for many of these groups tends to complicate centralized strategic decision making and the coordination of action by their different elements, thus calling into question their adherence to any formal or informal agreements that could be achieved.

It might seem that the most logical way to achieve this objective is by stimulating these groups to get increasingly involved in non-militant activities and to form distinctive civilian/political wings which might gradually develop a stake in some legitimization for the original groups, and could even be incorporated into the political process. While that would not necessarily result in a group's rejection of violence once and for all, and may, in fact, lead to violent splits within the group, it could contribute to marginalize its most radical elements. (The main problem here is whether and to what extent the integration and recognition of militant groups that are or have been involved in terrorist activities can be politically and publicly acceptable. It is at this stage that a group's involvement in terrorist activities becomes a major, often insurmountable stumbling block.)

From the anti-terrorism perspective, suppression of the use of terrorist means by non-state actors operating in conflict or post-conflict areas is structurally complicated by the fact that their terrorist actions (deliberate

attacks against civilians) and other violent activities (such as rebel attacks against governmental security forces or property) are often concentrated in the same organizational units (wings). Until specific political, legal and other tools to distinguish between a particular organization's terrorist activities and other violent means, such as guerrilla warfare, are devised, preferably at the international level, an 'interim' solution to this problem, which may be relatively non-controversial from both anti-terrorism and peace-building perspectives, could be to target and exclude from the political process (a) individual terrorists responsible for ordering, planning and carrying out terrorist attacks, and (b) those units or groups in whose activities terrorist means seem to prevail consistently over all other activities (such as Basaev's Battalion of Martyrs), rather than broader resistance movements.

Finally, as demonstrated by the structural analysis of organizations involved in terrorist activities, one of the key factors bringing their various informally interconnected elements together, and the main 'fuel' of these groups and movements, is their shared ideological beliefs, goals and values. It is hardly necessary to stress that religious fundamentalism can easily play the role of an extremist ideology. The ideological challenges posed to Russia by extremist groups, particularly by Islamic radicals that choose terrorism as a mode of operation, such as their attempts to use or, rather, misuse Islam in its radical form as an ideological basis for terrorism, should be countered at the ideological level as well. And, while Russia's main partners in the fight against terrorism, in terms of financial might, and political, technical and security support, might be in the West, Russia's allies in the search for an ideological alternative to radical Islamic extremism are to be sought and found both within its own well-established and dynamic 20 million-strong Muslim community and within the moderate currents of Islam and moderate parts of the Muslim world itself.

## Notes

- 1 Other types, for instance, include terrorism as a form of violent left-wing, right-wing, and other 'peacetime' political extremism that is not related to an armed conflict.
- 2 See, for instance, D. A. Pluchinsky, 'Terrorism in the former Soviet Union: A primer, a puzzle, a prognosis', *Studies in Conflict and Terrorism*, 21(2), April–June 1998, pp. 119–48. Exceptions included the Moscow Metro bombing in January 1977, allegedly by a group of Armenian nationalists.
- 3 See, for instance, L. Drobizheva, and E. Pain, 'Sotsial'nye predposylki rasprostraneniia ekstremizma i terrorizma' [Social preconditions for the spread of terrorism and extremism], in *Sotsial'nye i psikhologicheskie problemy bor'by mezhduнародnym terrorizmom* [Social and psychological problems of combating international terrorism], Moscow: Nauka, 2002, pp. 41–5. For a critical discussion, see E. Stepanova, 'Whither the "root causes"?' (On the case of conflict-generated terrorism in Russia), Prepared notes for the international expert meeting on Root Causes of Terrorism, organized by the Norwegian Institute of International Affairs in Oslo, 9–11 June 2003.

- 4 According to Russia's deputy prosecutor, General Vladimir Kolesnikov (quoted by Rosbusinessconsulting news agency, 16 June 2003).
- 5 The primarily internal character of the terrorist threats faced by Russia has also been reflected in its official national security documents, such as the new Military Doctrine, signed by President Putin in April 2000. According to the Military Doctrine, 'the illegal activities of extremist, nationalist, religious, separatist and terrorist organizations and bodies, directed at the violation of the unity and territorial integrity of the Russian Federation, the destabilization of the domestic political situation in the country' ranked second on the list of *internal* threats to Russian security and 'organized crime, terrorism, smuggling and other illegal activities on a scale threatening the military security of the Russian Federation' ranked fourth, while 'international terrorism' came last on the list of *external* threats. See 'Voennaia doktrina Rossiiskoi Federatsii: Utverzhdena ukazom Prezidenta ot 21 aprelya 2000 g.' [The Military Doctrine of the Russian Federation, confirmed by a decree of the President of the Russian Federation, 21 April 2000], *Rossiiskaia gazeta*, 25 April 2000.
- 6 See, for instance, Ye. Borisova, 'Chechen vote is from the heart', *Moscow Times*, 18 March 2003, p. 1; 'Referendum results', *Chechnya Weekly* (Jamestown Foundation), 4(10), 27 March 2003; G. Feifer, 'Chechnya: Rights groups dispute Kremlin claim that new constitution sets foundation for peace', Radio Free Europe/Radio Liberty (RFE/RL), *RFE/RL Newline*, 27 March 2003. While the results of the referendum were met with scepticism by many human rights groups and foreign observers, the referendum reflected the hopes of a significant proportion of the population of Chechnya that the political and constitutional process would finally replace the status quo.
- 7 The more flexible, diffuse and networked the organizational structure of groups involved in conflict-related terrorist activities and the more informal the ties between its various units, the greater its comparative advantages in an asymmetrical confrontation with a state as a more classic hierarchy.
- 8 On the structural and ideological aspects of conflict-related terrorism, see E. Stepanova, *Anti-terrorism and Peace-building During and After Conflict*, Stockholm International Peace Research Institute (SIPRI) Policy Paper, Stockholm: SIPRI, June 2003, pp. 40–50 (full text available at <http://editors.sipri.se/pubs/Stepanova.pdf>).
- 9 Most of the existing research suggests that semi-democratic regimes and states in transition are more exposed to conflict-generated terrorism than either established democracies or rigid authoritarian regimes. For a useful review of the theoretical literature on this subject, see B. Lia and K. Skjolberg, *Why Terrorism Occurs: A Survey of Theories and Hypotheses on the Causes of Terrorism*, FFI (Norwegian Defence Research Establishment) Report, Kjeller: FFI, May 2001, pp. 18–20.
- 10 This might partly explain why public reaction in Russia to the October 2002 'Nord-Ost' hostage tragedy seemed to fade away faster than that the American response to 11 September (although another explanation might be that, after all, the outcome was not as deadly as that of the 11 September events).
- 11 For an interview with Primakov, see M. Rostovskii, 'Prognoz tiazhelovesa' [The prognosis of a heavyweight], *Moskovskii komsomolets*, 17 May 2002, p. 2.
- 12 Quoted in *Nezavisimoe voennoe obozrenie*, 8–14 February 2002, p. 1.
- 13 For more detail, see E. Stepanova, 'Partners in need: US–Russia cooperation on and approaches to antiterrorism', Program on New Approaches to Russian Security (PONARS) Policy Memo. 279, in *PONARS Policy Conference*, Washington, DC: Center for Strategic and International Studies (CSIS), 6 December 2002, pp. 187–92.
- 14 Some of the more concrete ideas discussed in the immediate aftermath of the

October 2002 hostage crisis seemed to be directly modelled on the USA's policies and responses. The Russian State Duma, for instance, put forward an initiative to work out a uniform model law on anti-terrorism in cooperation with the US Congress in an attempt to standardize the existing terminology in order to facilitate future cooperation; and there were calls from within Russia's security establishment for Russia to copy the newly created US Department of Homeland Security by amending or rewriting the outdated 1992 law on the Russian Security Council to upgrade its profile and task it with similar functions of coordination and control. While most of these ideas were unlikely to be realized, they may be illustrative of the widespread attitudes and sentiments in parts of the Russian ruling elite.

- 15 On the mixed effects of the 'war on terrorism' for both conflict and post-conflict areas, and for efforts to restore or build peace in those areas, see Stepanova, *Anti-terrorism and Peace-building During and After Conflict*, pp. 1, 3, 32, 33ff.
- 16 See E. Stepanova, 'Russia and the combat against terrorism in local and regional conflicts', in 'Russia: Arms control, disarmament and international security', IMEMO contribution to the Russian edition of the *SIPRI Yearbook 2001*, Moscow: Institute of World Economy and International Relations (IMEMO), 2002, p. 47.
- 17 For more detail on the meeting, see e. g. an interview with the deputy secretary of the Russian Security Council, Oleg Chernov, in *Rossiiskaya gazeta*, 30 April 2002; also cited by Prime-TASS new agency, 30 April 2002.
- 18 Targeting money laundering may not be the most effective tool to counter the financing of terrorist activities by radical Islamic groups, as money laundering is the cleaning of illegal gains from drug trafficking and other criminal activities, while the funding of Islamic terrorism often involves the reverse process – diverting some of the initially legitimate funds (such as the Islamic tithe, voluntary donations and alms) to finance illegal activity, including terrorism.
- 19 For a detailed discussion of the definitional problem in the case of conflict-related terrorism, see Stepanova, *Anti-terrorism and Peace-building During and After Conflict*, pp. 3–8.
- 20 This also means that terrorism may be employed as a tactic (a mode of operation) not in any armed conflict in the world but only in a conflict that is asymmetric or at least has a clear asymmetric aspect.
- 21 As is clear from this definition, it applies to non-state actors only. Deliberate use of force *by the state* against its own or foreign civilians is not included in the definition of terrorism, as it is not applied by a weaker actor in an asymmetrical armed confrontation. This, of course, does not make it less of an international crime from the point of view of the international law of armed conflict (hereafter referred to as international humanitarian law), according to which such activities by the state are explicitly forbidden and defined, depending on the scale and domestic or international context of atrocities, as either war crimes or crimes against humanity. See Article 7, 'Crimes against humanity', and Article 8, 'War crimes', of the Rome Statute of the International Criminal Court, UN document A/CONF. 183/9, 17 July 1998, pp. 7–13.
- 22 'Federal'nyi zakon Rossiiskoi Federatsii o bor'be s terrorizmom. Prin'at Gosudarstvennoi Dumoi 3 iyul'a 1998 g., odobren Sovetom Federatsii 9 iyul'a 1998 g.' [Federal Law of the Russian Federation on the Fight against Terrorism, adopted by the State Duma on 3 July 1998, approved by the Council of the Federation 9 July 1998]. For the full text see <http://www.fsb.ru/under/terror.html>.
- 23 Ironically, the law indirectly reflects the main type of terrorist threat faced by Russia by *not* emphasizing the need to counter 'new types of terrorism'. This

lack of attention to the ‘new types of terrorism’ – in contrast, for instance, to the equivalent US law – indirectly confirms that the critical terrorist threat to the security of Russia and its people is rather posed by the more traditional, conflict-related type of terrorism than by the high-technology super-terrorism with a global reach.

- 24 Emphasis added.
- 25 UN Office for Coordination of Humanitarian Affairs (OCHA), [UN Consolidated Appeal for the North Caucasus (Russian Federation), 1 December 1999–31 December 2000] (Russian version), Moscow: OCHA, 2000, p. 14.
- 26 On the definition of international humanitarian law, see note 21.
- 27 See, for instance, Human Rights Watch, ‘Human Rights Watch commentary 2 on the UN Draft Comprehensive Convention on Terrorism’, Press release, New York: Human Rights Watch, 22 October 2001.
- 28 The EU tried for some time to apply a more nuanced approach selectively by keeping only the military wing of Hamas (‘Izz id-Din al-Qassam Brigades), rather than the entire organization, on its list of terrorist groups and entities. Only since September 2003 has the entire group, including its social components, been included in the EU list.
- 29 See Article 25 of the 1998 Law on the Fight against Terrorism (note 22).
- 30 Examples are the Saudi al-Haramain, the Kuwaiti Social Reform Society and the Islamic Heritage Revival Society. For Russia’s list of ‘terrorist organizations’, see Rosbusinessconsulting, ‘Spisok organizatsiei, priznannykh Rossiei terroristicheskimi’ [List of organizations recognized as terrorist organizations by Russia], Moscow, 14 February 2003.
- 31 Richard Boucher (US Department of State spokesman), ‘Terrorist designation under Executive Order 13224 Islamic International Brigade, Special Purpose Islamic Regiment, and Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs’, Press statement, Washington, DC, 28 February 2003. For further detail, see US Department of State, *Patterns of Global Terrorism, 2002*, Washington, DC: US Department of State, April 2003, pp. 31–3, 136, 143–4.
- 32 No state of emergency had been declared, although the appropriate law did exist.
- 33 For more detail on this, as well as for an insider’s review of Russia’s anti-terrorism legislation and procedures, see V. Petrishchev, ‘Russian legislation and the fight against terrorism’, in *High-Impact Terrorism: Proceedings of a Russian–American Workshop*, Washington, DC: National Academies Press, 2002, p. 35.
- 34 The new version of Russia’s Federal Law on the State of Emergency was adopted on May 2001. According to the law, a state of emergency is established by a presidential decree, to be approved by the Council of the Federation within three days, and should not exceed 30 days if established for the entire country, or 60 days if imposed on a particular region.
- 35 Intense population screening by special police units in a certain populated area after it has been sealed by the military or Ministry of the Interior troops, or both.

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