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PROBLEM OF INTERNATIONAL TERRORISM

John E. Karkashian, Acting Director, Office for Combatting Terrorism, before the Subcommittee on Foreign Assistance of the Senate Committee on Foreign Relations.

Mr. Chairman, I appreciate the opportunity to appear before this committee today to discuss the problem of international terrorism and our efforts to protect our citizens at home and abroad and the citizens of other countries in the United States from this threat.

I should point out that in addition to my Department of State responsibilities, I am also the chairman of the interagency Working Group for Combatting Terrorism. That body is responsible for developing and coordinating effective working relationships between the Federal agencies which have operational responsibilities for dealing with terrorist incidents.

My office in the Department of State is responsible for developing and refining the policy and operational guidelines for dealing with terrorist threats to American citizens and interests abroad. In operational terms, this means that my office provides the leadership and the core personnel for the crisis-management task forces which are organized whenever an international terrorist incident involving the United States takes place. Whenever necessary, we immediately mobilize the regional and functional specialists available to us in the Department and in other Federal agencies and carry on our task force activities on a 24-hour basis until the incident is either resolved or under control.

Our objective is to protect American citizens and interests by preventing or controlling terrorist attacks. Our methods include intelligence on ter-

rorist movements and plans, physical security measures for our people and installations, effective crisis-management procedures during an incident, and cooperation with other governments, including the apprehension and prosecution of those who carry out terrorist acts.

Terrorism is neither a new nor an easily defined phenomenon. But modern society is particularly vulnerable to such violent acts due to several factors, including:

- The political fragmentation which is taking place around the world;
- Disaffected national groups who have grievances against the established order;
- Modern weapons which enhance the striking power of the few;
- Commercial aircraft which not only provide ready-made hostages, but also the place to confine them and the means to transport them and their captors anywhere in the world;
- Additionally, there are states which finance, arm, and train terrorists and also give them sanctuary; and
- Finally, there is worldwide media coverage which attends every major terrorist incident, thus satisfying a principal terrorist objective: world attention for their cause.

Terrorism has been defined in various ways and yet there is no universally accepted definition. One man's terrorist is often another's "freedom fighter." It is precisely for that reason that we have been frustrated in various efforts to achieve comprehensive multilateral agreement on effective international proscription of terrorist acts and appropriate sanctions. And yet we know the degree

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of fear and human tragedy that is caused by terrorist attacks, kidnappings, and the indiscriminate murder of innocent victims, whose only fault was to have been in the wrong place at the wrong time.

Despite the definitional problem, the consequences of terrorism are clearly incompatible with a humane world order. Such acts, whatever their motivation, are criminal and intolerable. Thus, it is the firm policy of the United States to take all lawful measures to prevent acts of terrorism and to bring to justice those who commit them.

Terrorism today clearly transcends national boundaries and is a matter of international concern: What, then, are the dimensions of the problem? Between January 1968 and December 1976 there were approximately 1,150 separate international terrorist incidents. While the progression has not been even, the overall trend in the annual totals of these incidents is increasing. Nineteen hundred and seventy-six saw a record of 239 separate incidents.

I referred earlier to various means which are being used in our efforts to deal with the terrorist threat. I would like to expand on those comments. We have greatly improved on the physical security measures now available against terrorist attacks both at home and abroad. For example, civil aviation security in the United States has been strengthened to the point that there has been only one successful hijacking of a regularly scheduled commercial flight in the United States in the past five years. Unfortunately, the situation is not as favorable elsewhere in the world. The downward trend in worldwide hijackings which was experienced in 1976 has been reversed in 1977.

We have also greatly improved our ability to safeguard our Foreign Service personnel and our diplomatic and consular installations overseas. I would like to express on behalf of all Foreign Service personnel and their dependents our sincere appreciation to the Congress for the funds appropriated in recent years to make those safeguards possible.

We are vitally interested in the safety and welfare of all American citizens abroad—tourists, businessmen, students, and resident Americans. In recent years, American businessmen working abroad have increasingly become targets of terrorist attacks. To counteract that threat, we have developed a close working relationship with the

Department of Commerce and with other Federal agencies to counsel and provide information to businessmen and corporate interests which will assist them to protect themselves against terrorist attacks. This is done both here in the United States and through our embassies and consulates abroad.

Since the nature of the threat transcends national boundaries, it must be dealt with on the international as well as the national level. In the field of antihijacking, the United States played a major role in negotiating three conventions on the hijacking and sabotage of commercial aircraft—the 1963 Tokyo Convention, the 1970 Hague Convention, and the 1971 Montreal Convention. These agreements, now ratified or adhered to by more than 70 countries, play an important role in our efforts to deter aircraft sabotage and hijackings by providing for the apprehension, prosecution, or extradition of those who commit such crimes.

The United States was also instrumental in having the International Civil Aviation Organization (ICAO) adopt technical security standards for use by its 140 member countries in preventing aviation crimes. We support and seek adoption by ICAO of even stronger security standards and recommended practices. Also, we will continue bilateral programs to provide technical assistance to, and to exchange information with, foreign nations to improve security at foreign airports having a direct impact on the safety of U.S. citizens abroad.

Unfortunately, there are some basic obstacles to our efforts to expand other areas of multilateral cooperation against terrorism. Too many governments are predisposed to accept the arguments advanced by terrorist groups that the weak and the oppressed have no effective alternative to using terrorist methods as a means of seeking justice or of publicizing and advancing their cause.

Other more developed countries are sometimes inhibited by political or economic considerations from taking actions which might offend governments which support or condone specific terrorist organizations. Some governments appear to be fearful that the apprehension or prosecution of terrorists will provoke new terrorist incidents in order to obtain the release of jailed comrades.

Because of differing attitudes on the nature of terrorism, a U.S. proposal for a convention to prevent the export of terrorism from one country to

another was not even considered by the 1972 U.N. General Assembly. However, a narrower Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, was approved at the 1973 General Assembly session and has since been implemented by the United States and other governments.

At present, the United States is actively supporting a West German initiative in the United Nations to draft a convention against the taking of hostages. We had hoped that this initiative would be considered in the forthcoming U.N. General Assembly. However, the 35-member drafting committee has been unable to reach agreement and will ask for a renewal of its mandate from the General Assembly.

There have been two regional efforts to deal with the threat of terrorism. In February 1971, the Organization of American States (OAS) adopted a convention to prevent and punish acts of terrorism against persons entitled to special protection under international law; i.e., diplomats and international civil servants. We ratified this convention in October 1976. The OAS convention preceded the U.N. initiative on internationally protected persons and contains similar provisions.

In January 1976, the Council of Europe adopted a Convention on the Suppression of Terrorism. This convention is a positive effort to deal comprehensively with terrorism under international law. It has been signed by every member of the Council of Europe, save Ireland and Malta, and is now in the ratification process. The convention addresses a broad spectrum of terrorist acts, including such offenses as the use of letter bombs, automatic weapons, and the taking of hostages. The convention seeks to depoliticize such designated acts of terrorism and will facilitate extradition of terrorists within the European Community. It can serve as an important precedent for similar regional agreements in other parts of the world.

Further on the multilateral level, the American Society of International Law (ASIL) is completing a study for the Department of State on the application of international and domestic law to the terrorist phenomenon. The study indicates that most countries have done little to enact legislation dealing specifically with acts of terrorism. Some countries which have assumed international obliga-

tions have not, as yet, undertaken to implement those obligations by enacting domestic legislation. In this regard, I would like to call attention to the fact that while the United States ratified the Montreal Convention in 1972, we have not yet implemented the convention by enacting enabling legislation. We sincerely hope that such legislation will be approved by the Congress at the earliest opportunity.

Other initiatives which the ASIL study suggests are needed, if we are to develop the legal bases for circumscribing terrorist activity, include conventions to deal with terrorism affecting airports, ocean vessels, and offshore structures.

In addition to regional and international efforts, we have undertaken to develop effective bilateral relationships with other governments to improve our respective efforts to prevent and control international terrorist activities. These include the review of respective crisis-management techniques and the sharing of practical "lessons learned" from past terrorist incidents, the exchange of research data, improved channels of communication, and closer cooperation on legal measures for controlling, apprehending, and prosecuting those who commit acts of international terrorism.

State support for terrorists spans a wide spectrum of activities and is subject to change with the passage of time. It ranges from governments which ignore the presence within their territory of known terrorists, to governments which actively finance, arm, train, and give sanctuary to terrorist organizations.

As the subcommittee is aware, there are provisions of the Foreign Assistance Act and the Arms Export Control Act which prohibit or limit economic and security assistance to countries which grant sanctuary to terrorists. However, those countries which are most active in this regard are not generally recipients of such assistance. Thus, we must review our overall relations with such countries to determine what effective actions can be taken to reduce the safe havens now available to terrorists.

In addition to diplomatic suasion, there are a variety of economic and commercial measures which conceivably could be taken against governments which support terrorist groups. However, the latter represent imperfect instruments at best

which may not produce the desired results and, in fact, could provoke undesired consequences. The application of economic or commercial sanctions, for example, could prove counterproductive in economic terms and might increase rather than diminish the threat of terrorist incidents directed against American citizens.

Whatever course of action we choose, it should be carefully tailored to the circumstances and designed to achieve specific objectives. Moreover, our efforts are more likely to succeed if done without fanfare. Finally, such measures cannot be considered in a vacuum; they must conform to the totality and the overall priorities of our foreign policy objectives in a given country or geographic area of the world. These caveats necessarily require a degree of patience and restraint which is frustrating, but necessary, if we are to maximize the chances of achieving our purpose.

Let me give a brief assessment of some recent trends in international terrorist incidents. The past year and a half have seen:

- A higher number of incidents worldwide than for any previous corresponding period.
- A reversal of the downward trend in the hijacking of foreign commercial aircraft outside the United States.
- A decline in the more complicated and risky hostage-barricade type of operation and a marked increase in simpler, but more lethal, attacks such as bombings, assassinations, and armed assaults.

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- A decline in the proportion of international terrorist incidents directed against U.S. citizens or interests from one-third to one-fourth of the total incidents. However, there has been a shift from targeting U.S. Government officials and facilities abroad to American businessmen and corporate facilities or to the foreign managers of these facilities.

International terrorist activity and governments which support it are in constant flux. Thus, any predictions about the future dimension or nature of the threat are speculative at best. It seems quite likely, however, that the problem will be with us for some years to come.

So far, we have been fortunate in the United States for having experienced few major international terrorist incidents within our borders. The targeting of American citizens for terrorist attack has occurred largely in other countries. That situation could change.

Terrorism is incompatible with our conception of human worth. Thus, regardless of the motivations which terrorists advance to justify their actions, we cannot accept or condone the taking of lives or the threat to do so in the name of some political or other cause. Such actions are criminal and represent the ultimate violation of human rights. Therefore, the U.S. Government is totally opposed to all forms of terrorism, regardless of the source or purpose, and we will take all appropriate measures to deal with this threat.

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