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**COUNTER TERRORISM AND THE LAW**

Lesi Korovavala

**Introduction**

The topic of counter terrorism is seriously interesting because, among other reasons, it is current and, as we have learned, if not handled properly is highly deadly and costly. Many states, including Fiji, are struggling to cope with the requirements of dealing with terrorism. Some of these are part of the security requirements for ports and airports under the IMO and ICAO.

**Topic**

The first part of the topic – **counter terrorism** - focuses on response. The propensity of focus is more on the operational side. The *ultimate aim* of which is the provision of a capability to effectively and efficiently respond to terrorism activities in the air, land and maritime environments. This is to include maritime and land interdiction and land-based siege-hostage incidents. These are, preferably, last resorts.

These are operational matters and inherent in these are questions of jurisdictions, lines and scope of authority of the relevant agencies in the requisition and handover of incidences and situations during joint and combine operations. Further clarification of the law is needed in these areas. In raising this we are mindful that these are periods of deadly situations underpinned by extreme tensions and chaos.

For the time being I will leave the law part of the topic to my two esteemed colleagues. My intention now is to take a step back from the topic and then work back towards it drawing our attention to the menace that we are trying to manage: terrorism. I hope that in so doing this paper will provide for us windows that will enable some meaningful insights into where legal options (among others) could be applied.

In illuminating the topic I hope that we will be able to understand the structures of terrorism.

**Understanding Terrorism**

It is perhaps useful to establish some understanding of the form of modern terrorism that we are dealing with. Its ideological bases and modus operandi, its focus and extent of extremism, and trends and patterns of mobilization and continuance.

The paper refers to a form of extremism and radicalism that has nothing to do with the status and direction of the mainstream religions that the terrorism relies upon. Rather and more precisely it refers to the use of selected interpretations of verses and meanings from religious books to propagate certain thoughts and agenda. The examination of verses from the Islamic holy book, thoughts and writings are made with the sole purpose of understanding the behaviours and actions of Islamic terrorists and terrorist organizations.

Perhaps the best way to describe modern terrorism is to take a short visit into *al-Qaeda*.

### **What is *a- Qaeda*?**

Ask well-informed Westerners what they believe al-Qaeda to be and many will tell you that it describes a terrorist organization founded more than a decade ago by a wealthy Saudi Arabian religious fanatic that has grown into a fantastically powerful network comprising thousands of trained and motivated men, watching and waiting in every city, in every country, on every continent, ready to carry out orders of their leader, Osama bin Laden, to kill and maim for their cause.

The good news is that this al-Qaeda does not exist. The bad news is that the threat now facing the world is far more dangerous than any single terrorist leader with an army, however, large, of loyal cadres. Instead the threat that faces us is new and different, complex and diverse, dynamic and protean and profoundly difficult to characterize. Currently there is no vocabulary available with which to describe it. This leads to problems. 'Al-Qaeda' is a messy and rough designation. Often applied carelessly in the absence of a more useful term. Before attempting any analysis we need to look at the name, where it came from and why.

The word itself is critical. 'Al-Qaeda' comes from the Arabic root *qaf – ayn – dal*. It can mean a base, as in a camp or a home, a foundation, such as what is beneath a house or a pedestal that supports a column. It can mean the lowest, broadest layer of a large cumulonimbus-type cloud. And, crucially, it can also mean a precept, rule, principle, maxim, formula, method, model or pattern.

Given that it is a common Arabic word, this should not surprise us. For most of them it was used in a relatively mundane sense: to describe the base from which they operated.

However, the word al-Qaeda was also used to the most extreme elements among the radicals fighting in Afghanistan, particularly those who decided that their struggle did not end with the withdrawal of the Soviets from the country in 1989, in another sense. Abdallah Azzam, the chief ideologue of the non-Afghan militants drawn to fight alongside the mujahideen and an early spiritual mentor of bin Laden, used the word to describe the role he envisaged the most

committed of the volunteers playing once the war against the Soviets was over. In 1987 he wrote:

Every principle needs a vanguard to carry it forward and [to] put up with heavy tasks and enormous sacrifices. There is no ideology, neither earthly nor heavenly, that does not require...a vanguard that gives everything it possesses in order to achieve victory...It carries the flag all along the sheer, endless and difficult path until it reaches its destination in the reality of life, since Allah has destined that it should make it and manifest it. This vanguard constitutes the strong foundation (al-qaeda al-sulbah) for the expected society.

Some analysts have taken this statement to indicate that a group called 'al-Qaeda al-Sulbah' had been formed by the time Azzam wrote these words. However, it was clear, not least from the constant references to **vanguards** elsewhere in radical Islam thought at the time and previously, that Azzam was talking about a mode of activism, not talking about an organization. Azzam certainly saw al-Qaeda as a base, but a base that was to be composed of individuals committed to the cause who would, through the cumulative weight of their actions, instigate great change. They would be the 'foundation' for the edifice Azzam hoped to construct, the bottom layer of the towering cloud, the foot of the pedestal. In short, they would be a revolutionary 'vanguard of the strong' who would radicalize and mobilize the Islamic world. Azzam was not referring to an extant organisation. He was referring to a 'tactic'.

Bin Laden and a number of close associates acted on Azzam's suggestion and, probably in August 1988, set up a military group, in the western Pakistani frontier city of Peshawar. The war in Afghanistan was over, and the unity that a common purpose has forced on the disparate groups of Islamic extremist who had fought the Soviets was disintegrating. To bin Laden's great distress, national and ethnic divisions reasserted themselves strongly among the volunteers. His group was formed with the express aim of overcoming these divisions and creating an 'international army' which would defend Muslims from oppression, though exactly how this would be done remained unclear. This group was small, comprising not more than a dozen men, and there was little to distinguish it from the scores of other groups operating, forming and dissolving in Pakistan, Afghanistan and elsewhere in the Islamic world at the time. Nor did it have the monopoly on the idea of internationalizing the struggle. Though most of the larger groups were focused on campaigning against their own governments, there was plenty of individuals or smaller groups, besides bin Laden and his small band, radicalised and enthused by their experiences in Afghanistan, were committed to a wider battle.

It seems unlikely that those involved with bin Laden called themselves 'al-Qaeda' at all at this stage. Certainly an 'Encyclopedia of Jihad', an eleven-volume compilation of the tactics and techniques of modern irregular warfare and terrorism put together in Pakistan some time

between 1991 and 1993 by veterans of the war against the Soviets for use in other theaters of conflict, does not mention 'al-Qaeda'. Instead, it thanks Azzam, bin Laden and, the only group or organization mentioned, Azzam's *Maktab al-Khidamat* (Office of Services', or MAK). And when, a few months before the 1993 bomb attack on the World Trade Center in New York, a militant called Ahmed Ajaj was detained on arrival at JFK airport and found to be carrying terrorist training manual entitled 'al-Qaeda', the word was translated by American investigators, correctly in my view, as 'the basic rules'. Again this is not a name for a group but is used in the real sense of the word, as *a maxim* or 'the fundamentals'.<sup>1</sup>

The American intelligence were remarkably accurate through the State Department's 1995 report on *Patterns of Global Terrorism* which explains that 'individuals and group-sponsored terrorist acts [now] overshadow state-sponsored terrorism'. It says:

Many of these terrorists – some loosely organized and some representing groups – claimed to act for Islam and operated, increasingly, on a global scale. These transnational terrorists benefit from modern communications and transportation, have global sources of funding, are knowledgeable about modern explosives and weapons, and are much difficult to track and apprehend than members of the old established groups or those sponsored by states.<sup>2</sup>

This is a fair characterization of the situation. Some analysts see the American's apparent failure to 'spot' al-Qaeda as indicating, not that the group did not exist, but that it was so secret that no one, militant or counter-terrorism agent, mentioned it. This is facile doublethink.

The period from 1996 to 2001 is when 'al-Qaeda' matured. Yet it was still far from the structured terrorist group envisaged by many commentators. Al-Qaeda at the time consisted of three elements: a hardcore, a network of co-opted groups and an ideology. This tripartite division is essential to understanding the nature, both, of the 'al-Qaeda' phenomenon and of modern Islamic militancy.

The term 'al-Qaeda hardcore' is clumsy but useful. During this time, bin Laden was able to attract, in addition to the dozen or so associates who stayed with him since the late 1980s, many of the pre-eminent militants active around the world. This was a key achievement. Together, these men formed the hardcore of the al-Qaeda project and the heart of al-Qaeda's capability.

An extraordinary letter written in early 2001 and found on a computer used by senior militants close to bin Laden, reveals how important this process of 'ingathering' of experienced militants was. The letter, written in crude code so as to resemble an innocent business

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<sup>1</sup> Amir Taheri, 'Al-Qaeda's Agenda for Iraq' New York Post, 4 September 2003. In January 2004 bin Laden spoke of the occupation of Iraq as 'the latest episode in Zionist-Crusader series'.

<sup>2</sup> 1995 *Patterns of Global Terrorism*, US Department of State, Office of the Coordinator for Counterterrorism, April 1996.

communication, lists the benefits of Afghanistan as a base and shows how critical the use of the country as a 'safe haven' was to radical activists. 'We have been trying to go back to our main, previous activity', the latter says.

The most important step was to opening of the school [ie. training camp]. We have made it possible for the teachers [ie. skilled militants] to find openings for profitable trade [ie. terrorist operations]...Our relatives in the south have abandoned the market [ie. our former allies in Sudan are now hostile to us] and are suffering from international monopoly companies [ie. the American government and its security agencies]. But Allah enlightened us with His mercy when the Omar Brothers Company [ie. the Taliban] was established...One benefit of trading here is the congregation in one place of all the traders [ie. militants] who came from everywhere and began working for his company.<sup>3</sup>

Most of the traders came purely for pragmatic reasons. Afghanistan between 1996 and 2001 was an excellent place to be. For militants who had spent years trying to mobilize and act, struggling all the while with domestic security services or 'international monopoly companies' like the CIA, Afghanistan was the department store designed specifically for them, where everything was available at cut-price rates. Recruits, knowledge, ideas and even cash could be had off the shelf. Bin Laden and his associates were running the whole floor – the biggest, the best-stocked and the most high profile.

By the time of the 9/11, bin Laden and his dozen or so close associates had been able to attract and retain the loyalty of around a hundred highly motivated individuals from throughout the Islamic world, who all had key skills and expertise and were committed to a similar agenda. A substantial proportion of these men were veterans of the war against the Soviets in Afghanistan and many had taken part in fighting in Bosnia or Chechnya, Algeria or Egypt. Some had been putting together terrorists attacks against 'the enemies of Islam' for nearly a decade. Some had looked to exploit bin Laden's ability to access funds before. Others had had no previous contact with him.

Once on Afghanistan, these men, expressing a nominal loyalty to bin Laden, pooled their talents and experience. They acted as trainers and administrators, and, on occasions, were sent overseas to recruit for bin Laden's group, to act as emissaries or ambassadors to other militant organizations, or so more rarely, to run specific terrorist operations. However, it is a mistake to see even this 'hardcore of al-Qaeda' as physically and ideologically close to bin Laden from the end of the Afghan war to 2001. There were significant divergences of opinions over methods, tactics and political and religious beliefs.

The **second element of al-Qaeda** in the 1996 – 2001 period involved the score of other militant Islamic groups around the world that were somehow linked to bin Laden and his

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<sup>3</sup> Published in *Al-Sharq al-Awsat*, London, 16 December 2002.

associates. Again, a careful examination of the situation shows that it is wrong to imagine that there was any kind of international network of active groups obedient to bin Laden or created by him.

To label local groups as 'al-Qaeda' is to overlook the particular factors that led to their emergence. It is true that elements within many local groups may have had some associations, though often very tenuous ones, with members of the 'al-Qaeda hardcore'. But similar links tie almost all Islamic radical groups and individuals active in the world today. Groups and individuals have multiple associations and multiple lines of logistic support. Even during the 1996-2001 period there were other sources of funding and of expertise and training beyond bin Laden or those close to him. Funds, for example, could be obtained locally or from a range of wealthy overseas donors. Groups or elements within them, cooperated with each other or with bin Laden on occasion, if they felt it suited their purpose. But, though many of them may have seen bin Laden as a heroic figure who symbolized their collective struggle, individuals and groups had their own leaders and their collective agendas, often ones that were deeply parochial, which they would not subordinate to those of bin Laden or his close associates or any other sponsor.

In addition, relations between groups were dynamic. They evolved over time. Consider the Ansar ul Islam group that emerged in Kurdish-controlled northern Iraq in the autumn of 2001. It was built out of three factions, each of which had different relationship with bin Laden and those around him. Representatives from two of the factions had traveled to Afghanistan to meet with senior 'al-Qaeda' figures in the spring of 2001, but a third had been unwilling to deal with bin Laden or those around him. By the end of that year, however, an emissary from bin Laden had convinced the recalcitrant faction to join the other two and accept the nominal leadership of the Saudi. In the spring of 2002 Ansar ul Islam was joined by Arab fighters fleeing the US-led onslaught in Afghanistan, some of whom have been close to bin Laden, altering the relationship again.

One way of characterising the relationship between Bin Laden's and other groups between 1996-2001 would be by analogy with that of the USSR or US with their various proxies during the Cold War. The US state Department's 1998 report on terrorism outlined the advantages of state support for a militant group. 'With state sponsorship...a group often receives a safe haven, money, weapons, training, logistic support or use of diplomatic facilities. Some of the most violent terrorist attacks on record would not have been possible without such sponsorship'<sup>4</sup>. In many ways the 'hardcore of al-Qaeda' outlined earlier played the role of a state. In using Afghanistan bin Laden and his hardcore group had effectively had a country they

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<sup>4</sup> 1997 *Patterns of Global Terrorism*.

could virtually call their own. They were thus able to offer everything a state could offer to a military group by way of support. As during the Cold War, this was a two-way, mutually beneficial process. The local had their roots in a whole variety of short term reasons, were keen to ally with the major power. Indeed, many had been proxies before.

Another area of continuity is the tactics, used both by Washington and Moscow during the Cold War and adopted by Bin Laden and his associates, of attempting to broker deals between warring factions of local groups. If successful al-Qaeda established a degree of influence over everyone concerned. There are other models too that can be of use. Between 1996 and 2001 'al-Qaeda' acted in a similar way to a venture-capitalist firm, sponsoring projects submitted by a variety of groups or individuals in the hope that they could be profitable. Together these links, some tenuous, some more direct, allow us to speak of a loose 'network of networks'. This is not an 'al-Qaeda' network. It is a way of describing those elements within the broad movement of Islamic militancy which had some connections to the 'al-Qaeda hardcore'.

But along with that hardcore and the 'network of networks' was a **third element**: the idea, worldview, ideology of al-Qaeda and those that subscribe to it. After 2001, it is this latter element that has become most important.

Bin Laden did not kidnap young man and brainwash them. The young men who flocked to Afghanistan to seek military and terrorist training did so of their own volition. As is clear from the testimonies of recruits in the training camps run by the al-Qaeda hardcore in Afghanistan between 1996-2001, nobody was kept there against their will. Discipline was tight, but anyone who wanted to leave was allowed to go. Most of the volunteers were dedicated to the cause long before they reached the camps. Indeed many overcame considerable obstacles to reach Afghanistan. Importantly, bin Laden's associates spent much of their time in the 1996-2001 period selecting which of the myriad requests for assistance they would grant. The request – for money, expertise, advice and other logistic support - came from everywhere, from Morocco to Malaysia. These were requests for assistance with bomb attacks, assassination and murder on a horrific scale.

Bin Laden's ability to co-opt groups and to attract experienced militants and will neophytes to his banner depended on the resources he could offer. With loss of bases in Afghanistan in the late 2001 and the continued attention of US, Pakistani and other security forces, those resources largely disappeared. The base that he had built was destroyed and much of the power with it. The hardcore was scattered. A few of the experienced militants who came together in Afghanistan between 1996-2001 have escaped capture or death and are still active, but a large number have been rendered inoperative one way or another. The 'network of networks' has been disrupted by new campaigns by security forces all over the world. New

groups barely allied with Bin Laden, have sprung up. Some seek leadership or direction from bin Laden and those who are still around him. Others operate entirely independently of the Saudi. Most activism is now by individuals who look up to bin Laden as a symbolic leader but are acting in the style of al-Qaeda, along the agenda of al-Qaeda but are not controlled in any meaningful way by al-Qaeda. Islamic militancy has lapsed into a chaotic variety that characterized the early nineties, except for one major factor: the efforts of the Western governments, local regimes and security agencies across the world have been unable to break up the third element of al-Qaeda. The *idea* of al-Qaeda – the precept, the maxim, the formula, not the base – is more powerful than ever.

As time passed since 9/11 there has been a steady increase in understanding of the true nature of al-Qaeda. The debate over the right tactics to counter the threat against us has become more informed as a result. Yet in many quarters the misconceptions about al-Qaeda persist. Why is this?

The first reason is that the idea that a single man and a single group are behind the current threat is convenient and reassuring. It is enormously difficult to conceive of the nature of modern radical Islamic militancy without simple ideas that make sense of hugely varied and shifting phenomena. Blaming bin Laden implies that his elimination will end the problem. A ‘gang of evildoers’, to use President George W. Bush’s term, can be hunted down. Creating ‘al-Qaeda’ as a traditional terrorist group constructs something that can be defeated using traditional counter-terrorist tactics.

Often, there are also more consciously cynical motives too. Labeling opponents ‘al-Qaeda’ allows repressive governments to do what they want with limited international criticisms. After 9/11, governments can expect US support, both materiel and moral, to help counter any perceived Islamic extremist threat. There were indications of this with the Islamic movement of Uzbekistan, Uighur Muslims in Beijing, a Pakistani group in Macedonia, Abu Sayyaf in the northern Philippines, in the Kashmir, and alleged connection between Saddam Hussein and bin Laden. What was rarely mentioned was that bin Laden consistently rejected the approaches from Baghdad. We have come to accept that there is a close link between Abu Musab al-Zarqawi and bin Laden. In effect they are rival militants.

Bin Laden has of course been complicit in the confusion over the true nature and capability of his group. He has never directly claimed credit or admitted responsibility, at least wittingly, for an attack. There have been various reasons for these. One was bin Laden’s own changing environment. While a guest of the Taliban, he was careful not to irritate his boss. It is true that strict Muslims believe it is wrong to claim credit for an act that has been successful solely due to the will of God. It is particularly wrong to claim credit for something with a view to

improving one's position in some material way. Tactical considerations have played a part too. Bin Laden and al-Zawahiri, though explicit about their status as 'vanguards', are aware that their minority status within the Islamic world should be played down as much as possible. Their support in the broader community should be emphasized instead. From this point of view, it is better to imply that unknown 'brothers' rose up of their own will.

Building bin Laden up to be a global mastermind directing a well-organised and effective network of terror is counter productive. With the al-Qaeda hardcore scattered by US-led action in Afghanistan and elsewhere, understanding the true nature of al-Qaeda and thus the threat we face is more important than ever. After 9/11 we are now in a 'post-bin Laden' phase of Islamic militancy. However, we must guard against turning to other oversimplifications. One of the most pernicious is the idea that the 9/11 attack were a product of some kind of a clash of civilizations between the Islamic and Judeo-Christian worlds.

As with the term al-Qaeda, 'Islamic terrorism' is a catch all of dubious use in helping us comprehend the phenomenon, and address the threat confronting us.

Repeatedly writing 'terrorist violence legitimized by a particular reading of Islam and conceived within a mythic religious narrative but rooted in a largely political project defined by local contingencies' is simply impractical.

Bin Laden is an activist with a very clear sense of what he wants and how he hopes to achieve it. Those means may be far outside the norms of political activity as we usually understand it, but his agenda is a basically political one, though it is couched, of course, in religious language and imagery.

Bin Laden's views grew strong, and continuing, tradition of dissent in Saudi Arabia, his native land, and the Islamic world more generally. Since 1996, bin Laden has demanded, among other things:

- The withdrawal of US troops from Saudi Arabia and tax, currency and sanitation reform in the kingdom
- Lifting of sanctions on Iraq
- An end to what he calls the oppression of the Palestinian, the Chechen and Kashmiri peoples

He has condemned US for its use of atomic bombs in WWII, for its continuing development of weapons of mass destruction, for alleged 'human rights' abuses and its support on Israel. Among the reasons for branding the US as 'the worst civilization ever, was the charge that the US is 'the biggest industrial waste', and then 'refuse to sign the KYOTO [sic] agreement, so that the US 'continue to profit from these industries, whilst leaving a world barely inhabitable for our children' . In late 2001 Ayman al-Zawahiri, the Egyptian activist (influencing bin Laden's

political thinking), listed the ‘tools’ adopted by the Western forces to fight Islam, and these included:

- The UN;
- The friendly rulers of the Muslim peoples;
- The multinational corporations
- The international communications and data exchange systems
- The International news agencies and satellite media channels; and
- The international relief agencies

Individuals and groups turn to terrorism for a variety of reasons. The motivation of Mohammed Atta, who led the 9/11 hijackers, and Ramzi Yousef, who tried to blow up the World Trade Center in 1993, may superficially be similar. They both appear to be driven by a fanatical anti-Americanism based in a radical interpretation of Islam. Yousef saw his act as a personal achievement. In contrast Atta felt compelled to attack Western targets much as he felt compelled to pray five times a day and observe other requirements. He saw his action as an unavoidable religious duty. Similarly, the motivations, tactics and worldviews of the Indonesian Lashkar Jihad Movement and the al-Gamaa al-Islamiyya, the Bangladeshi Jihad Movement and the Pakistani / Kashmiri Jaish-e-Mohammed, though share certain elements, are very different. [All these are Sunni Muslim groups. There are hundreds of Shia groups.] Branding them all ‘Islamic terrorists’ conceals the importance of local contingencies in the evolution of any group and hides the essentially political nature of their aim of creating a perfect, or at least a better, society, even if that society is run on a religious basis.

The anger of the Algerian GSPC, Egyptian Islamic Jihad, the Islamic Movement of Uzbekistan or the Libyan Fighting Group may be misguided, but the grievances that they are seeking to resolve are not in any way metaphysical. Their sense of grievance might be extreme but it is rooted in reality. In their manifestos they refer to real events and real people and what are perceived to be real problems, as well as seventh-century battles and medieval thinkers.

While bin Laden’s discourse may be based on an interpretation of Islamic history, his power is derived from playing on the current social, economic and political problems of the Muslim world. Just because a lack of graduate employment, decent housing, social mobility, food, etc., is explained by an individual through reference to a religion does not make it a religious grievance. It remains a political grievance articulated with reference to a particular religious worldview. Other discourses, such as Marxist-Leninist dialectical materialism, can fulfill a similar function and indeed did throughout much of the Islamic world until relatively recently. At least one distinguished modern historian has referred to al-Qaeda as the extremist wing of a political religion, a term occasionally used to capture the nature of Nazism. The influence of modern left-

wing, and occasionally right-wing, language and thought on bin Laden, his associates and many other modern Islamic radicals is clear from their public statements.

Yet the political is seen within a mythic religious context, the strongest element of which is the idea of an ongoing ‘cosmic war’. Almost all terrorists consider themselves to be soldiers who are ‘at war’. American right-wingers use the greeting ‘RAHOWA’, which stands for ‘radical holy war’. Their tracts announce that they ‘believe there is a battle being fought this day between the children of darkness (today known as the Jews) and the children of light (God), the Aryan race’. Like most religious terrorists, they are convinced that a ‘cosmic war’ is underway around them. Hamas, the Palestinian Islamic extremist terror group, say they too are ‘at war’. Meir Kahane’s Jewish extremists talk of war between Jews and Arabs. In his 1998 fatwa, bin Laden announced that the American actions in the Middle East were ‘a clear declaration of war on God, His messenger and Muslims’. In 2003 a book published by a close aide of bin Laden stressed that the history of mankind was the story of ‘perpetual war between belief and unbelief’<sup>5</sup>.

If the world is understood as dominated by a cosmic struggle between good and evil, all problems are explained. An individual can explain personal and communal suffering and humiliation. Even better, they can blame someone for both. A battle involves a clear and present danger from an obvious enemy. Seeing the world as a battlefield enables an individual to deploy a whole series of mythical, cultural and religious references. This is hugely empowering. Those who take part in the cosmic struggle are holy warriors, proud, strong, deserving of respect and prestige.

Furthermore, being at war implies both the possibility of victory and offers a vision of the means to achieve it. When the war is seen as cosmic, this triumph can be understood as the moment of social and personal transformation when an individual casts off all limitations. Scholar and sociologist Mark Juergensmeyer posits: ‘To be without such images of war is almost to be without hope itself’. The idea of a cosmic struggle is thus enormously attractive. Yet it is clear that resources that enable such worldviews of cosmic struggle exist in all religions (and in revolutionary left-wing thought too) there are elements of Islam that are peculiarly powerful in this respect.

The Quran is a revealed text sent down by God and is thus perfect, unchanging and unchangeable. Alongside the Quran is the collection of narrative traditions that relate the behaviour and saying, the examples, of the Prophet, called *sunna*. These texts are known as the *hadith*.

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<sup>5</sup> Amir Taheri, ‘Al-Qaeda’s Agenda for Iraq’, *New York Post*, 4 September 2003. Bin Laden, in January 2004 referred to the occupation of Iraq as the latest episode in the Zionist-Crusader series.

Any suggestion that Mohammed, as distinct from God, can be worshiped will be seen by pious Muslims as detracting from absolute primacy and unity of God. This theological principle of oneness or unity, known as *tauhid*, is a fundamental, and deeply political concept. Many Muslims, including bin Laden, believe it should be given political expression through the eradication of divisions, national or other, among Muslims and the unification of the *umma*, or Muslim community. Mohammed's demand that God only was the only recognizable authority was genuinely revolutionized, directly challenging the powerful tribal oligarchy that ruled Mecca.

The fundamental message of the Quran was that the community on earth had strayed from God's instructions over the years, and was now riven with social injustice and wrongdoing as a result. The nature of the society of these first Muslims has been proof to devout Muslims ever since that following the instructions of Allah and the examples of the Prophet will ensure a just and peaceable society and a concomitant cultural, military and political superiority of the Islamic world. They offer a vision of an 'authentic' and 'true' Islamic society, against which reality rarely stands much comparison. This is a political resource of enormous power. The core texts of the Quran and the hadith are thus 'closed', in that they are unchangeable, but also 'open', in that they are infinitely flexible, providing answers in principle to all questions of behaviour at all times.

Several key concepts within Islam have powerful resonance in current times. The division of the world into categories, including the *dar ul harb* (the realm or house of war) and the *dar ul Islam* (the realm of Islam), is one and has been repeatedly quoted by bin Laden. Another is what is called the 'Mohammedan Paradigm' - where Mohammed was forced to flee Mecca by the wealthy rulers who did not like his rejection of their authority in favour of God nor his attacks on idols. Such a flight in the face of oppression is explicitly recommended by the Quran. Following the Mohammedan Paradigm they understand that they will be tried by periods of oppression and difficulty but, as they follow Allah's will and Mohammed's injunctions, they, or the generations that follow them, will eventually triumph. For bin Laden and his associates, this model of flight (*hijra*) and struggle (*jihad*) is hugely powerful and frequently features in their statements.

It is disappointed aspirations, a sense of unfairness, that are critical in motivating much 'revolutionary' political action, not absolute deprivation, and this helps explain Islamic militants' constant reference to the humiliations of the *umma*. The aspiration is not world conquest but world leadership by the *umma*. Conceived of as a replication of the political, cultural, military and social superiority enjoyed by Muslims between the seventh century and the time of the

European Renaissance. The opposite of justice, tyranny, or *zulm*, can and must be resisted, as it was by the Prophet and his earlier followers, and by so many movements over the centuries.

The struggle against *zulm* is *jihad*. The root of the word is the Arabic *jhd* – meaning strain, effort, struggle, endeavour or striving. These meanings make a lot of sense when we imagine the Mohammed's small community, unpopular and barely tolerated by vastly superior forces. He urged patience and the spread of the word of Islam through non-violent means alone. The Quran refers (2:256) that 'there is no compulsion in religion, for the right way is clear from the wrong way'. After the time of the *hijra* (flight), Allah appears to have given permission for Muslims to engage in defensive warfare. Later verses, received by Mohammed when at the height of his power, enjoined an offensive against unbelievers: 'fight and slay the pagans wherever ye find them and seize them, beleaguer them and lie in wait for them' (9:5). These verses, known as the sword verses, were held by the ulema of the powerful and expansionist Umayyad and Abbasid dynasties to abrogate the previous more pacifistic Quranic injunctions. These interpretations provided a religious justification for armed expansion...They give a definite answer to anyone who questions [the Quran's clear definition [of *jihad*]. In November 2002 extremists circulated a lengthy rebuttal of moderate Muslims' claims, post 9/11, that the *jihad* of bin Laden and the hijackers were wrongly conceived...These moderates, they claim, were trying to water down Islam to make it more palatable for their Christian and Zionist masters'. The only true definition of *jihad* 'is fighting for Allah...True believers will never be deflected from this task...The highest *jihad* is having your blood spilled'.

It is a mistake to see *jihad* as merely a tactic aimed at achieving a specific worldly goal. This point is critical in understanding why acts of spectacular terror, especially those involving the suicides of the attackers, occur. Fundamentally, acts of *jihad* are conceived of as demonstrations of faith performed for God by an individual. *Jihad* is part of the cosmic struggle, and thus to expect an immediate result from it would be presumptuous and wrong. The scope of this struggle is not limited to this earth or to this life.

The demonstrative sacrificial quality in *jihad* combines with another essential element of Islam, the *Shahadah*, the 'testament' or the bearing of witness, is of critical importance in understanding what happened on 9/11. *Jihad* shares this demonstrative quality, particularly when combined with that ultimate affirmation of faith – martyrdom.

Primarily martyrdom affirms the strength of the martyr's own faith, courage and bravery and the right to belong, to their own close community. A suicide attack is designed to demonstrate that faith is lacking on one side and exists on the other and so to force all of the martyr's action to conclude that, despite the imbalance of forces, when the most important quality is considered – ie. the faith that is necessary for victory in the long run – it is the suicide

bomber who has it in greatest depth. In an interview in September 2002, al-Zawahiri explicitly stated 'It is the love of death in the path of Allah that is the weapon that will annihilate the evil empire of America, by the permission of Allah'.

Finally the suicide attack demonstrates faith and strength to those the bomber, and his commanders, hope to motivate. It makes it impossible to ignore what the martyr believes and suggests strongly that only something with inherent value, authenticity and power could provoke such an act. Similarly, it suggests that the cosmic struggle is also a reality. On top of all this, there is a shaming element. A suicide attack, an incredible sacrifice carried out 'on their behalf', presents a challenge to a spectator's own lack of faith or inaction.

The extremists see their task as being to mobilize and radicalize. As bin Laden outlined in an interview with the Qatari al-Jazeera TV in 1999: 'We seek to instigate the [Islamic] nation to get up and liberate its land, to fight for the sake of God and to make the Islamic law the highest law and the word of God the highest word of all'. To wake the masses, a 'vanguard' is indeed to lead by example. It is here that the concepts of jihad and martyrdom, and of the spectacular, are the key. In his book al-Zawahiri warns: 'we must mobilize the nation in the battle of Islam against infidelity. We caution against the risk of...Muslim vanguards getting killed in silence'.

The political Islam's Communist Manifesto stated: 'To initiate the revival of Islam 'a vanguard must set out...marching through the vast ocean of jahillyya which encompasses the whole world'. Unless they separate themselves from the influence of the jahillyya they too will be contaminated and unable to follow the true path...We must free ourselves from the clutches of the jahili society...Our aim is first to change ourselves so we may later change society'.

The problem for bin Laden and others, however, is that the vast majority of Muslims, though they may feel profound sympathy with the Palestinians, oppose the invasion and occupation of Iraq, feel humiliated by the presence of US troops elsewhere in the Middle East and are concerned by burgeoning Western cultural and political hegemony, do not sympathise with his methods and rejects his extremism. Bin Laden and other extremists are aware that, of the many Muslims sympathetic to them, very very few are going to act on those sentiments. Though they may be pleased, sometimes secretly, that bin Laden is taking a stand and feel a profound, though complex, identification with his cause, the vast majority of Muslims do not condone his methods and are not disposed to take up arms.

## **Conclusion**

The journey through al-Qaeda has been very brief. There are lessons that can be drawn for Fiji, however remote. During the events of 1987 and 2000 certain individuals and members of the so-called vanguard were categorized as messengers of God. The rest are history.

In view of Fiji's relative smallness and history the area of focus is necessarily prevention. This brings this paper to the final issue.

The area that is not included in the topic that needs to be consider also is **anti-terrorism;** where the emphasis is on intelligence warfare, preventive and preemptive actions. The aims are on detection, deterrence, and delay. These aims are inextricably linked also to certain government policies such as in the areas of international relations, border control (movement of peoples and cargoes), transportation and communication, and financial transactions.

Many might have double thoughts about the former Fiji Intelligence Service. The issue is not so much the label but rather the need to have in place mechanisms that provide for the safety and well being of Fiji, its citizens and their properties. The realities of the operating environment require the strengthening of this area.

Fiji is part of the regional and global security network. Having legislations to cover the areas of counter terrorism and anti-terrorism, supported by an overarching educational and social programmes, and the determination to resource them fully are key elements in Fiji's stand against terrorism. As security issues are essentially integrity issues, focusing on areas other than law to complement national efforts is necessary.

Thank you for honoring me with your attention.

End