Declaring War or Sentencing Criminals? Assessing Short-Term and Long-Term Counterterrorism Success

Arielle Lehner Galston
College of William and Mary

Follow this and additional works at: https://scholarworks.wm.edu/honorstheses
Part of the Defense and Security Studies Commons, and the International Relations Commons

Recommended Citation
https://scholarworks.wm.edu/honorstheses/943

This Honors Thesis is brought to you for free and open access by the Theses, Dissertations, & Master Projects at W&M ScholarWorks. It has been accepted for inclusion in Undergraduate Honors Theses by an authorized administrator of W&M ScholarWorks. For more information, please contact scholarworks@wm.edu.
Declaring War or Sentencing Criminals? Assessing Short-Term and Long-Term Counterterrorism Success

A thesis submitted in partial fulfillment of the requirement for the degree of Bachelor of Arts in Department of International Relations from The College of William and Mary

by

Arielle Lehner Galston

Accepted for 

Honors
(Honors, High Honors, Highest Honors)

Professor Amy Oakes, Director

Professor Dennis Smith

Professor Colleen Kennedy

Williamsburg, VA
April 28, 2016
TABLE OF CONTENTS

TABLE OF CONTENTS........................................................................................................2
INTRODUCTION CHAPTER..........................................................................................3
THEORY CHAPTER........................................................................................................8
    LITERATURE REVIEW..............................................................................................8
    PARADIGMS AND SUCCESS...............................................................................16
    RESEARCH DESIGN..............................................................................................23
THE IRISH REPUBLICAN ARMY..............................................................................29
    HISTORICAL OVERVIEW......................................................................................29
    CRIME OR WAR....................................................................................................32
    EXPECTATIONS.....................................................................................................38
    OUTCOMES...........................................................................................................40
THE EUSKADI TA ASKATASUNA..............................................................................44
    HISTORICAL OVERVIEW......................................................................................44
    CRIME OR WAR....................................................................................................46
    EXPECTATIONS.....................................................................................................54
    OUTCOMES...........................................................................................................56
THE LIBERATION TIGERS OF TAMIL EELAM.........................................................60
    HISTORICAL OVERVIEW......................................................................................60
    CRIME OR WAR....................................................................................................63
    EXPECTATIONS.....................................................................................................68
    OUTCOMES...........................................................................................................71
THE REVOLUTIONARY ARMED FORCES OF COLOMBIA.....................................75
    HISTORICAL OVERVIEW......................................................................................75
    CRIME OR WAR....................................................................................................77
    EXPECTATIONS.....................................................................................................81
    OUTCOMES...........................................................................................................83
CONCLUSION CHAPTER...........................................................................................86
BIBLIOGRAPHY............................................................................................................92
APPENDIX....................................................................................................................99
CHAPTER ONE

INTRODUCTION

On the evening of September 11, 2001, President George W. Bush addressed the American people and the world from the Oval Office. In his brief remarks, he portrayed the United States as a nation under attack and a military prepared to respond. He called on other nations to join the United States and “stand together to win the war against terrorism.” Using such rhetoric, President Bush labeled the 9-11 attacks an act of war. Declaring war on terror is not new in the post 9-11 world, becoming an increasingly popular response for leaders in the aftermath of large-scale events. Is a war approach to countering terrorism the best and will it be successful in the long-term?

Historically, countries have implemented various counterterrorism policies. Some of these policies have treated terrorists as criminals, using the existing legal system. Other policies have considered terrorist attacks as acts of war and implemented practices associated with combatants. Counterterrorism literature discusses these different perspectives, classifying the former as the Criminal Justice Paradigm (CJP) and the latter as the War Paradigm (WP). Existing literature briefly considers the benefits and disadvantages of policies implemented under each paradigm. However, it mainly focuses on the implementation of specific polices and how those have or have not been effective.

Scholars have debated the paradigms and specific polices, but there has been little work on examining the empirical record. In this thesis, I seek to adjudicate that debate by taking a step back from solely examining the individual policies and instead classifying the counterterrorism approaches as either CJP or WP. In doing so, I aim to fill the gap in

---

the existing literature and determine which counterterrorism paradigm approach leads to success in the short-term and long-term.

The creation of the 24/7 media and increased globalization has resulted in greater attention worldwide to terror attacks and government responses. States’ perceptions of terrorism as a criminal act versus an act of war influences policy choices. Depending on the counterterrorism practices employed, terrorists can garner support and legitimacy for their cause or be delegitimized as criminals. Understanding the long-term implications of policies and not just focusing on the immediate successes are critical in an age where instant rewards are expected. My research is therefore relevant to policymakers as states respond to terror attacks. A mourning public demands immediate assurance, but the policies that may provide short-term successes may only perpetuate the conflict.

This thesis is split into seven chapters. Following this introduction, Chapter Two discusses the rationale for my theory. The chapter is divided into three main sections. In the first, I present the existing literature on the two paradigms and definitions of counterterrorism success. I conclude the section by addressing what is missing in the literature. In the second section, I develop my theory on the CJP and the WP. From my theory, I present two hypotheses, one for each paradigm. In the final section, I provide my research design. In this section, I first introduce my four case studies followed by a review of the existing literature on measuring counterterrorism success. I then define how I measure success to be a decrease of violent attacks perpetrated by the terrorist organization. Finally, I discuss how I use articles and journals to qualitatively assess a state’s counterterrorism policies, determining each to be CJP or WP. I use the University
of Maryland’s Global Terrorism Database (GTD) to compare levels of violence with the implementation of CJP or WP policies.²

In Chapters Three through Six, I present my four cases studies. Each chapter is divided into four sections. First, I review the history of the country and the emergence of the terrorist organization. Second, I analyze the state’s counterterrorism policies and practices. I explain how each is either CJP or WP. Third, I provide my expectations on how the state’s counterterrorism policies affected the terrorist organization’s level of violence. Finally, I interpret the data from the GTD, explaining how the state’s policies influenced the levels of violence.

Chapter Three examines my first CJP case study, the Irish Republican Army (IRA). Since Irish Independence in 1922, Catholics in Northern Ireland sought to unite with their southern sovereign neighbor. The IRA emerged as the dominant terrorist organization fighting for the Catholic cause. The British government deployed troops to Northern Ireland in 1969 to resolve rising conflict between the ruling Protestant majority and Catholic minority.³ I selected the case of the IRA as the British government implemented a wide range of CJP policies in the 35 years of this study. The case highlights the implications on terrorist violence when CJP policies dominate.

In Chapter Four, I analyze my second CJP case, the Euskadi Ta Askatasuna (ETA). During the dictatorship of Francisco Franco, Basque nationals experienced extreme repression as the government banned their language and cultural symbols. The

---

² University of Maryland Global Terrorism Database (for mapping terror groups; accessed April 9, 2016), http://www.start.umd.edu/gtd/. All future references to the University of Maryland’s Global Terrorism Database refer to this reference.

ETA emerged in the 1950s in response to the harsh legislation. After Franco’s death in 1975 and Spain’s subsequent transition to democracy, the group continued to execute terrorist attacks.⁴ I selected to study the ETA for two main reasons. First, the Spanish government sought to avoid militarizing its response to the ETA. Second, while the Spanish government democratized and implemented CJP policies, the police force continued executing WP practices. Trained under Franco’s repressive authoritarian dictatorship, the police force had to be retrained in new practices. The case highlights the issue of overlapping CJP policies with WP practices.

In Chapter Five, I present my first WP case, the Liberation Tigers of Tamil Eelam (LTTE). The British colonizers favored the minority Tamils, providing them with better education and employment opportunities. Animosity towards the Tamils grew amongst the majority Sinhalese population. After Sri Lanka’s independence in 1948, the Sinhalese dominated the government, implementing anti-Tamil legislation. Responding to suppression, numerous violent and peaceful Tamil groups emerged to demonstrate against the government. Established in 1976, the LTTE became the most powerful Tamil organization. Growing tensions between LTTE members and the Sri Lankan security forces ignited a civil war.⁵ The government employed largely WP policies, using its military to launch operations against the LTTE and inviting its members to the negotiating table. I selected to study the LTTE because the case demonstrates the

---

implications of treating a terrorist organization as an insurgency and relying on the military to forcefully eliminate the group.

In Chapter Six, I examine my final WP case, the Revolutionary Armed Forces of Colombia (FARC). Since gaining independence from Spain in 1819, Colombia has experienced almost constant cycles of violence. Initially a peasant defense organization, FARC has since dropped most of its Marxist ideology. The Colombian government has instituted a wide range of WP policies in its attempts to eliminate the terrorist organization. These policies have included military operations, negotiations, and targeted assassinations.\(^6\) I selected FARC as my final case study for two reasons. First, the case highlights the long-term affects of using WP policies, even with the introduction of improved American counterterrorism resources and intelligence. Second, FARC remains an active organization, controlling territory within Colombia.

I conclude with Chapter Seven, where I discuss my findings from the four case studies. I explain how CJP and WP policies impact levels of terrorist-sponsored violence. I then provide an evaluation of my theory, suggestions for future research, and policy implications.

---

CHAPTER TWO

THEORY

“The United States deliberately uses the word ‘war’ to describe our relentless campaign against al-Qa‘ida. However, this Administration has made it clear that we are not at war with the tactic of terrorism or the religion of Islam. We are at war with a specific organization—al Qa‘ida.” –2011 National Strategy for Counterterrorism

In this chapter, I will first review the existing literature on the two paradigms, criminal justice (CJP) and war (WP), as well as the literature on defining counterterrorism success. I argue that while there has been previous research on counterterrorism policy success, there is a gap in analyzing a country’s policies collectively under the two paradigms. Following this review of the literature, I will present my theory along with the two hypotheses generated from the logic. I theorize that policies under the CJP find short-term success elusive, but maintain long-term success. Conversely, policies under the WP achieve short-term success, but fail to succeed in the long-term. I define success as the decrease of violence by the terrorist organization. In the final section of the chapter I will outline my research design. The following chapters consist of four cases studies, which I will use to analyze the policies employed and successes attained.

Literature Review

Previous studies have largely focused on specific counterterrorism policies. Little research has been conducted on the paradigms under which these policies fall. In this section I first provide definitions of the two paradigms. Second, I outline the existing

---

literature on the CJP and the WP before discussing how others have defined success.

With this section I aim to provide context for the following theoretical discussion on counterterrorism policies’ short-term and long-term successes.

**Counterterrorism Paradigms**

In the CJP, terrorists are defined as individuals committing crimes. Esun Kurtulus argues that these individuals are killers, bombers, and hostage takers. They should be “charged, tried, and convicted” as any other criminal. In using the judicial system to try those perpetrating illegal acts, a government can “avoid claims that they were arresting terrorists for their ideas.” As the acts are criminalized, the cause is delegitimized.

The September 11, 2001 terrorist attacks accelerated the transition away from CJP polices that had begun in the 1990s. CJP policies focus on both the practices used to apprehend terrorists and the treatment of detainees. Audrey Cronin emphasizes that the treatment following imprisonment is just as important as how terrorists are taken into custody. The practices used in the CJP align with the policies utilized by law enforcement in the arresting and treatment of criminals.

---

12 *How Terrorism Ends*, 16-32.
The policies implemented treat terrorists as criminals who have perpetrated illegal acts. To arrest, put on trial, and convict a terrorist can be a lengthy process requiring many resources. Evidence must be found and compiled, often requiring cross border cooperation, something that is not always possible or easily facilitated. Cronin warns of the danger posed by the releasing of terrorists from prison should they return to the terrorist organization. Punishing terrorists with CJP policies does not guarantee their removal from the organization as is true in a WP policy.

CJP policies implement practices that maintain the protection of civil liberties. Actions violating a person’s rights give credence to the terrorists’ cause and tarnish the government’s image. A government’s destruction of civil liberties elevates terrorists as just fighters against an immoral state adversary. Paul Wilkinson cautions for the necessity of a balance between protecting civil liberties and the maintaining of order. Often the difficulty arises of finding such a balance of protecting rights and maintaining national security.

Following deadly attacks, calls for retribution and security can push a government to seek WP policies. Needing to respond to a terrified and enraged public, state leaders have often come to automatically declare war on the perpetrators and terrorism, employing war rhetoric. A declaration of war casts the terrorists as enemy combatants to

---

15 How Terrorism Ends, 17.
17 Terrorism versus Democracy, 75.
18 For more about the combination of various aspects of differing paradigms, see Chesney and Goldsmith, “Terrorism and the Convergence.”
be defeated by the state’s military.\textsuperscript{19} As terrorist acts are committed worldwide, a global battlefield has been established.\textsuperscript{20} In a conventional war, an enemy soldier is guilty for being a member of the military. Similarly, in the WP, guilt is established through association with an organization and not necessarily involvement with a specific attack.\textsuperscript{21} Basic rights of the criminal justice system are denied just as they are denied to enemy combatants and prisoners of war during a conventional conflict.\textsuperscript{22} The WP assumes that terrorism is a form of warfare.\textsuperscript{23} Policies are not concerned with finding individuals guilty as long as there is reasonable suspicion of association with a terrorist organization.\textsuperscript{24} Additionally, there is greater acceptance of measures by the public for otherwise unlawful actions.\textsuperscript{25} Through the use of discourse, what used to be unthinkable has become acceptable. Jackson analyzes the discourse post 9-11 that labels terrorists as the barbarous, uncivilized \textit{other} creating a normalization of extra-judicial measures.\textsuperscript{26}

\textsuperscript{20} Blank, “Consequence of a ‘War’ Paradigm for Counterterrorism,” 727.
\textsuperscript{21} Ganor, \textit{Counter-Terrorism Puzzle}, 9.
\textsuperscript{22} Blank, “Consequence of a ‘War’ Paradigm for Counterterrorism,” 734.
\textsuperscript{24} Ganor, \textit{Counter-Terrorism Puzzle}, 9.
\textsuperscript{25} Kurtulus, “New Counterterrorism,” 37-49.
The War on Terror, a creation of the WP, has established a global battlefield without boundaries.\textsuperscript{27} In a conventional war, detained enemy soldier are held without trial until released at end of the conflict. However, as Wilkinson details there is a problematic conundrum for those detained in the War on Terror. As terrorism as a tactic will never be defeated, detainees face indefinite imprisonment with few avenues for proving innocence.\textsuperscript{28}

Both the CJP and the WP have advantages and disadvantages to their use. A measure may be successful in the short-term, but detrimental to the long-term objective. A strong offense may warn against attacks, but it can also provoke others to join if the actions are perceived to be immoral or unjustifiable.\textsuperscript{29} As the literature details, there is a balance that needs to be found.\textsuperscript{30}

\textbf{Definitions of Success}

Little research has been conducted on whether counterterrorism policies succeed.\textsuperscript{31} Scholars who do examine these polices struggle to settle on a definition of

\begin{flushleft}
\textsuperscript{27} Blank, “Consequence of a ‘War’ Paradigm for Counterterrorism,” 728-728.
\end{flushleft}

\begin{flushleft}
\textsuperscript{28} Wilkinson, Terrorism versus Democracy, 77.
\end{flushleft}

\begin{flushleft}
\textsuperscript{29} Ibid., 102-103.
\end{flushleft}

\begin{flushleft}
\end{flushleft}

\begin{flushleft}
\end{flushleft}
success.\textsuperscript{32} While many conclude that there is no policy that brings lasting success, they nevertheless leave open the question of its definition.\textsuperscript{33}

Louise Richardson states that if success is defined as defeating terrorism, then it will never be accomplished. A definition must differentiate between the tactic, terrorism, and the groups who employ the tool.\textsuperscript{34} In combating specific organizations, Cynthia Lum et al. further caution that actions taken for short-term aims may undermine the ability to achieve the long-term objectives.\textsuperscript{35} Thus, not only does a definition need to differentiate between the tactic employed and organizations targeted, but it must also distinguish between short-term and long-term outcomes.

Several authors put forward possible definitions of policy success. One is simply achieving the aims the policy sets out. Upon achieving these aims, there must be support with very little critique from the public for the means employed.\textsuperscript{36} Simply stating success as achieving the aims set out is subjective to interpretation. As policies change so do their aims, meaning an ever-evolving definition of success.

Another proposed definition of success is the decreasing of radicalization. In analyzing Islamic terrorism and radicalization, Bryan Groves posits that “stemming the allure of the jihadist narrative” is a victory.\textsuperscript{37} However, this conception of success is

\begin{itemize}
\item \textsuperscript{34} What Terrorists Want: Containing the Threat (New York: Random House Trade Paperbacks, 2006), 203-204; English, \textit{Terrorism: How to Respond}, 122.
\item McConnell, “Policy Success,” 350-351.
\item \textsuperscript{36} “America’s Trajectory in the Long War,” 31-39.
\end{itemize}
limited as it allows for an assumption that radicalization is a precursor for joining a
terrorist organization. Not all who are radicalized commit terrorist acts and not all
terrorists are radicalized prior to joining organizations.\(^\text{38}\) While terrorism and
radicalization are linked, they are not synonymous and therefore the definition of success
for counterterrorism cannot be determined by radicalization.

Willem de Lint and Wondwossen Kassa argue for defining success as the
\textit{prosecution of terrorists}, as it can lead to a decrease in attacks.\(^\text{39}\) The assumption that the
two are inherently connected should be considered. Prosecuting terrorists could decrease
attacks as members are removed and others become fearful of acting. However, there
could also be a reverse effect of increased attacks as terrorist organizations attempt to
intimidate or appear strong despite losing members.

In Avi Kober’s analysis of Israeli action in the Second Intifada, he concludes that
the \textit{targeted killing} of political and spiritual leaders was a means for influencing Hamas
to terminate the use of violence. The targeting of military leaders was ineffective as these
deaths created martyrs for the cause and failed to disrupt operations or cause tensions
within the organization.\(^\text{40}\) Groves argues that targeted killings are only a tactical success

\(^{38}\) Radicalization is not always a precursor for joining a terrorist organization. A person can be radicalized
and never commit a terrorist act while conversely, a terrorist may only become radicalized after joining a
terrorist organization. For a further discussion on the radicalization process and its connection to terrorism
see Randy Borum, “Radicalization into Violent Extremism I: A Review of Social Science Theories,”
http://scholarcommons.usf.edu/jss/vol4/iss4/2 and Randy Borum, “Radicalization into Violent Extremism

\(^{39}\) “Evaluating U.S. Counterterrorism Policy: Failure, Fraud, or Fruitful Spectacle?” \textit{Critical Criminology}

\(^{40}\) “Targeted Killing during the Second Intifada,” 77-83.
that may even undermine the long-term objectives. Instead, the lack of spectacular attacks executed against the United States is a strategic success.\textsuperscript{41}

Daniel Byman concurs with Groves in proposing that success be defined as the \textit{elimination of intrastate violence}. In his analysis of Al Qaeda, Byman concludes that the terrorist organization’s transition to targets abroad is a success.\textsuperscript{42} This definition is problematic for several reasons. First, if a group continues to commit violence, it remains active, possibly gaining support, and spreading its message. The move to violence abroad could be a temporary transition until the group is capable of attacking more secure domestic targets. Further, targets abroad can still be valuable assets, creating harm militarily, economically, or to one’s allies.

I define success as the decrease of violence by the terrorist organization. A temporary decrease in violence followed by a resurgence of attacks is a short-term success. Continued reductions in violence are a long-term success. I emphasize that the decrease of violence and not the termination of a group is a success. The evolution of a group to a non-violent form is a means for freedom of peaceful expression.

\textit{What Is Missing}

Existing research has largely focused on individual counterterrorism policies. Defining and assessing success of individual policies is difficult as these policies are not isolated. As T.W. van Dongen concludes, it is difficult to judge where the successes and failures lie with regards to each specific measure.\textsuperscript{43} I argue that to better judge...

\textsuperscript{41} “America’s Trajectory in the Long War.”
\textsuperscript{42} “Scoring the War on Terrorism,” 81.
\textsuperscript{43} “Break it Down,” 364.
counterterrorism success, there needs to be a greater focus on the two paradigmatic approaches rather than individual policies.

A government’s perception of terrorism, as a criminal act or an act of war, influences the policies selected. Examining specific policies allows for conclusions on case specific counterterrorism campaigns, but fails to allow for broader conclusions. In using the paradigms, analysis can be expanded to suggest whether a criminal justice or war approach to counterterrorism will provide success. With this thesis, I aim to fill this gap in the research.

**Paradigms and Success**

Do policies that treat terrorists as criminals or enemy combatants produce long-term success? In this section I will discuss my theory of how a government’s perception of terrorism, as a crime or an act of war, produces policies that generate short-term or long-term success. I will then conclude with my two hypotheses generated from the proposed theory.

**Crime or War**

I have highlighted the policy focus of existing counterterrorism research. In categorizing a government’s perception of terrorism, I am able to assess which approach, criminal or war, generate success in the short-term and long-term. Success is defined as the decrease of violent acts by the terrorist organization. The difference between a short-term and a long-term success is that in the latter, the decrease to violence is lasting, while
in the former it is temporary. Individual policies are key to those successes and failures, but the paradigm is what remains consistent.

**Figure 1. Criminal Justice Paradigm**

Counterterrorism policies that use the criminal justice system treat terrorists as perpetrators of crimes (see Figure 1). Terrorist acts are criminalized just as a kidnapping, murder, or extortion is treated. A state’s criminal justice system is used to detain, try, and punish criminals. Similarly, in this paradigm, terrorists are arrested, charged with a crime, police gather evidence, a trial is conducted, and if found guilty, the perpetrator is punished. Criminal justice procedures can be lengthy and expensive as it takes manpower.
to proceed through the system, from first identifying an individual who needs to be apprehended until a punishment is delivered.

Identifying who is responsible for an attack in and of itself may be time consuming. If a group claims responsibility then the pool of suspects is narrowed, but knowing who is a member rather than a supporter or sympathizer may not be clear. Low-level operatives may not always be the faces on the videos released to the public claiming responsibility. Obtaining information on the identities of low-level members requires dedicated work by officials to infiltrate an organization. Whether that be imbedding an agent, developing trusted informants, or technological monitoring, these practices must be conducted in accordance with the law. Further, in arresting a member of the organization, officials risk revealing their source of information. The costs and benefits of such a decision must be weighed.

During the time that it takes to use the criminal justice processes, the terrorist group maintains operations. Undeterred, the group is able to continue planning and executing attacks. As these incidents continue, the state’s government appears weak and incapable of protecting its citizens. A powerless government image empowers the terrorists and instills fear in the public. In executing attacks, terrorists seek not only the carnage of a single incident, but also the fear that is instilled in the wider population. As the government fails to prevent attacks, the terrorists succeed. In the short-term the use of CJP policies fail to prevent a group from continuing to execute violent acts.

Just as criminalizing terrorist acts have short-term implications, so too are there long-term ones. A criminal act is an illegal, illegitimate act. Treating terrorist attacks as criminal acts delegitimizes the perpetrators and the cause. As terrorists continue to
commit these illegal acts for a cause, the terrorists’ objective is undermined. Supporters and members, both current and potential new ones, may be deterred as the cause is weakened by its illegitimacy. Just as a state must justify actions to obtain public support, so too must a terrorist organization. When the actions are delegitimized by a criminal status, obtaining support becomes increasingly difficult over time.

The criminal justice system aims to guarantee citizens’ rights and liberties. Often human rights abuses emerge when actions are taken outside the criminal justice system, such as during times of war or a crisis. Using a state’s laws to prevent terrorism builds protections against potential human rights abuses. Respecting the rights of individuals, even those who are accused of perpetrating horrendous acts, gives a state’s government a reputation of being just and acting with morals. Maintaining such a position elevates a government’s character in comparison to the terrorists. As the government seeks to eliminate the terrorist organization, other international actors are increasingly likely to express support and volunteer resources if the government is perceived to be the moral victim against an unjustified aggressor. More human, financial, and technical resources allocated to the counterterrorism policies, increases the possibility that members of the terrorist group will be located, deterring potential recruits and supporters.

Following the lengthy criminal justice process, those found guilty may be imprisoned. I theorize that imprisoning low-level terrorists does not disturb the group’s operations if there are plenty of recruits ready to take their places. However, the imprisoning of a leader or other top skilled member, such as the bomb maker or technology expert, does increase the probability that the government will eliminate the terrorist organization. First, the arrest of a skilled member is detrimental to the
organization as there may not be others readily available with such talents. Second, the arrest of the leader may prove to be even more detrimental to the organization. The removal of the leader may produce a succession crisis as various members vie to become the head of the organization. Further, some members may oppose the emergence of a new leader, as the previous remains alive. Allegiance to the individual leader poses a potential internal crisis for the group. Similar to the arrest of these influential members, the use of the death penalty produces instability within the organization as a skill or leadership vacuum emerges.

As the use of the criminal justice system delegitimizes the terrorists, protects against human rights abuses, and arrests individuals, the group’s ability to continue operations is hampered. Fewer recruits, decreased support, and internal turmoil weaken the terrorists’ propensity to plan and execute attacks. Internal conflict disrupts operations as individuals compete. Decreased membership, or the fracturing of the group into small sub-organizations, results in fewer individuals prepared to execute an attack. Members may decide to leave the organization as the risk of being arrested outweighs the benefits of fighting for the cause, furthering operational disruptions. In the long-term, the organization weakens and violence decreases, a success for the government. Such logic leads to my first hypothesis:

**H1:** Governments who adopt the Criminal Justice Paradigm will experience increased terrorist violence in the short-term, but decreased levels in the long-term.
A declaration of war on terrorism or the deployment of troops indicates a government’s decision to implement WP policies (see Figure 2). Similar to CJP policies, individual terrorists may be arrested. Where the two diverge is how those suspected terrorists are treated following detainment. In the WP, imprisoned individuals are treated as enemy combatants. Given the status of “prisoner of war” (POW), they remain in detention until there is a ceasefire or an exchange between the warring parties.

If the captured terrorist is a low-level member of the organization then he or she becomes a martyr for the cause. However, if the terrorist is a leader or a skilled member the indefinite imprisonment may produce a succession crisis for the former and a void in capabilities for the latter. Similarly, the targeted assassination of a top-level terrorist may
produce a gap in knowledge or leadership disrupting the organization’s ability to plan and execute operations.

In the short-term, the arrest or elimination of terrorists disrupts operations. However, the treatment of detainees, the POW status, and the use of targeted assassinations negatively impact the government’s long-term objectives in two ways. First, potential supporters sympathize with the victims of government counter terror operations. Second, war terminology and acts indicate the state is at war, which is traditionally conducted between legitimate actors. The declaration of war and POW status justify the terrorists and their cause. Terrorists achieve the self-desired image of warriors fighting for justice, generating prestige for themselves, their cause and acts.

Deployment of troops and the use of war rhetoric increase the propensity for human rights abuses. Enemies in war are often seen as evil and barbarous others. As the government generates a war environment, terrorists become depicted as the other. Often, war warrants the use of otherwise unjustifiable practices. Immoral and illegal practices tarnish the government’s image domestically and internationally. As the state is viewed to be using inexcusable acts, the terrorists gain support and the cause is reinforced. Recruitment of new members and resources enables the terrorist organization to continue perpetrating violent acts in the long-term. Through WP policies, as the government attempts to eliminate terrorists, the state perpetuates the group’s existence.

Ceasefires, negotiations, and peace talks are tools governments employ to find a peaceful solution to continued violence. The practice of talking and negotiating with terrorists is a WP policy. Ceding territory, political participation, or resources to a terrorist organization rewards violent action and legitimizes the group. Criminals do not
negotiate with the government to cease committing crimes in exchange for a reward. The practice of talking to terrorists provides an incentive for continued violence as a means to achieve a desired goal. Such logic leads to my second hypothesis:

**H2:** Governments who adopt the War Paradigm will experience decreased terrorist violence in short-term, but fail to achieve long-term success.

If my hypotheses are true, I should find that in the cases where CJP policies dominate the government fails in the short-term to reduce violence, but achieves long-term success. Conversely, a state employing a WP dominant counterterrorism approach achieves short-term success, but sees an increase in violence after the initial reduction.

Within this section, I proposed a theory that assumes a government’s perception of terrorism influences the type counterterrorism policy pursued. From this theory, I proposed two hypotheses, one for the CJP and a second for the WP. In the next section I will explain my research design for conducting the case studies in the subsequent chapters.

**Research Design**

In this section, I outline my research design. First, I discuss my four case studies, including what I hold constant across the cases. Second, I briefly review the existing literature on measuring success before selecting my own measurement of success. Finally, I conclude with explaining how the counterterrorism policies are identified as CJP or WP.
Case Study Research Design

I have selected four case studies, two from each paradigm. In all four cases I am able to control for several variables by holding constant the aims of the group, territorial, the targets, largely domestic, and the form of state government, democracies. There are, however, some important differences among the terror organizations. To investigate whether these differences might account for the policy outcomes in these cases, I will use process tracing. That is, I will rule out alternate explanations for success by closely examining the precise sequence of events that contributed to the success (or failure) of the counterterrorism strategy adopted.

The cases vary in the regions selected to demonstrate that the effects of the selected counterterrorism paradigm, criminal or war, have similar effects across continents. I will present the cases in the following order: the Irish Republican Army (IRA) in the United Kingdom, the Euskadi Ta Askatasuna (ETA), in Spain, the Liberation Tigers of Tamil Eelam (LTTE), in Sri Lanka, and the Revolutionary Armed Forces of Colombia (FARC).

---

Measuring Success

The literature varies on how best to measure counterterrorism success. Numerous authors provide explanations for why specific measures should be employed. However, the literature does not go into depth on how to differentiate between long-term and short-term success. I will first discuss several possible measures prior to selecting one.

Van Dongen proposes two measures, first the number of attacks and second, the number of victims, for gauging counterterrorism success. He argues that at first glance, these would seem like useful indicators. However, he concludes that terrorist organizations can increase or decrease activity for many reasons independent of the government’s counterterrorism strategy. Additionally, terrorist groups may decide to increase attacks on more soft targets as others become increasingly difficult to strike. Soft target attacks could be more frequent for numerous reasons—they are easier to execute and also have greater numbers of victims.

Byman similarly argues that attacks are necessary to demonstrate to the public that an organization is active and a threat. Therefore, it is in a terrorist organization’s interest to execute a sufficient number of attacks to maintain membership, a consistent flow of recruits, and awareness of presence for its target audience. A weak organization that is, for example, losing membership may increase attacks, and as a result, their number of victims. Thus, while the number of attacks and victims may sometimes

---

47 “Scoring the War on Terrorism,” 77.
indicate the efficacy of counterterrorism measures, there are other better measures of policy success.

Some scholars have suggested the number of arrests as an indicator of success. This measure differs from attack and victim counts, as arrest rates are the result of actions by the government, rather than strategic choices made by a terrorist organization. However, Van Dongen questions whether arrests accurately measure success—when arrests are made, others can be influenced to join an organization, replacing those lost, or even triggering a growth in membership.\(^{48}\) Byman adds that without knowing the actual size of membership, it is difficult to determine how much damage a specific number of arrests cause. There are benefits to arrests, such as for gathering information from detainees, but as a measure of success it is not sufficient.\(^{49}\)

Terrorists need to be able to recruit new members to maintain their organizations. Recruitment is partially dependent on the ability of an organization to operate freely. Several authors thus suggest recruitment rates and freedom to operate as measures of the effectiveness of counterterrorism actions.\(^{50}\) However, as Byman concludes, the former is not easily calculated, as these are clandestine organizations.\(^{51}\) For the latter, Richardson states that terrorists “have simply adapted,” evolving to compensate for the challenges posed by the counterterrorism policies.\(^{52}\) Thus neither recruitment nor freedom to operate is solely a sufficient measure.

---

\(^{48}\) “Break it Down,” 362-364.
\(^{49}\) “Scoring the War on Terrorism,” 76-78.
\(^{50}\) Ibid., 76-77; Richardson, What Terrorists Want, 209-215; Van Um and Pisoiu, “Dealing with Uncertainty,” 237.
\(^{51}\) “Scoring the War on Terrorism,” 76.
\(^{52}\) What Terrorists Want, 209.
Other scholars propose the support of the population for a terrorist organization as a measure of success. Fighting for a community, gives terrorist groups justification for their actions. The support of the community is key to the survival of the terrorist group, as it provides a secure base for operating. Cronin further details the careful balancing act terrorist organizations must play when implementing attacks, as they can risk losing valuable support. Without a safe haven, the group loses ease of movement. Strife among members can emerge, sometimes leading to fracturing of the group. However, not all terrorist organizations fight for an earthly audience, nor do all necessitate the support of a population. While some groups do rely on a community, it is not true of all terrorist organizations, making it a useful measure for only specific cases.

**Dependent Variable-Counterterrorism Success**

I will be using a similar measure to Van Dongen’s number of attacks for assessing counterterrorism success. While there are issues with this measurement, as previously discussed, I will not use it exclusively. Rather, I will combine this quantitative measure with the qualitative analysis of policies to provide context.

Success is defined as the decrease of violent acts perpetrated by the terrorist organization. The difference between short-term and long-term success is that in the former, the organization resumes or increases violent means to achieve its aims within

---

54 Byman, “Scoring the War on Terrorism,” 76-78; Lum, Kennedy and Sherley, “Are Counter-Terrorism Strategies Effective?” 509; Cronin, *How Terrorism Ends*.
55 *How Terrorism Ends*, 104.
five years. The latter is when a terrorist group continues to decreasingly use violence. I use the University of Maryland’s Global Terrorism Database (GTD) to plot when violence increases, decreases, or remains constant over the course of time.

**Independent Variable- Criminal Or War Paradigm**

Articles and journals are used to qualitatively analyze the counterterrorism policies associated with combating each terrorist organization. These policies are then identified as either CJP or WP. Comparing which policies are used when the violence fluctuates or remains constant in the GTD enables me to determine which paradigm produces successes and failures in the short and long-term. I use process tracing to create a causal story that allows for me to estimate whether the policies implemented are responsible for the variations in my dependent variable.

**Conclusion**

In this chapter, I argued that research on counterterrorism has focused mainly on specific policies. As there is hardly ever a single policy being implemented at one time, I suggest there needs to be greater research on the two paradigms under which these policies may fall. Following my review of the literature, I presented my theory on paradigm influence on counterterrorism success. Two hypotheses were generated from this logic. Using the GTD combined with the qualitative analysis of newspapers and articles, I test these hypotheses in four following case studies. In the subsequent four chapters I will present and evaluate the findings of the case studies followed by a final concluding chapter.
CHAPTER THREE

THE IRISH REPUBLICAN ARMY

The first Criminal Justice Paradigm (CJP) case I study is the Provisional Irish Republican Army (IRA) in the United Kingdom from 1970 through 2005. During the first five years of the study, the British government instituted a range of emergency legislation. In 1976, the government transitioned to normalizing the IRA, relying predominantly on the normal criminal system.

The chapter is divided into four sections. First, I provide a brief overview of the history of the Northern Ireland conflict and the rise of the IRA. Second, I examine several counterterrorism policies, identifying each as CJP or War Paradigm (WP). Third, I conjecture how the policies implemented impact the levels of IRA violence. Finally, I provide an analysis of the data in the context of the policies.

Historical Overview

The Irish conflict originates from the creation of the United Kingdom in the 1800 Acts of Union. During the First World War, Irish protests to the Union peaked. In response to the demands, the British government passed the 1922 Government of Ireland Act, creating two separate Irish states. In the north, the six Protestant-majority counties formed as one and the 26 Catholic-majority southern counties created the second. In 1947, the southern state became independent as the Republic of Ireland (see Appendix A). The Constitution of the new Republic claimed sovereignty over not only the southern state, but also the six northern counties. However, to the dismay of the Catholic minority
in Northern Ireland, the northern state remained in the United Kingdom. For the better part of two decades, the Catholics sought to reunite with their southern neighbors.\(^{57}\)

In the late 1960s, Northern Irish Catholics accepted the Union and the local Stormont government, but demanded equality with the Protestant majority. A peaceful civil rights movement turned violent as the Protestant government forces responded harshly to Catholic demonstrators. In 1969, British military units deployed to Northern Ireland to restore order.\(^{58}\) Intended to be a short deployment, Operation Banner turned into a decades long mission, ending in 2007.\(^{59}\) Not only were the troops unable to quickly restore order, the British government in 1972 determined Stormont unfit to govern. The British Parliament dissolved Stormont, directly ruling Northern Ireland until the 1998 Good Friday Agreement.\(^{60}\)

**IRA Emergence**

In 1917, the IRA emerged from the integration of two predecessor groups, the Irish Republican Brotherhood and the Irish Volunteers, founded in 1859 and 1913 respectively.\(^{61}\) After the establishment of the Irish Republic, the IRA evolved to embrace a Marxist ideology, focusing on class rather than religious differences. As a result of the shift in ideology, the IRA largely ceased to exist militarily. During the Northern Ireland civil rights protests of 1968 and 1969, the IRA was unwilling to respond to calls for

\(^{58}\) Ibid., 66.
\(^{60}\) Richardson, “Britain and the IRA,” 66. Another name for the Good Friday Agreement is the Belfast Agreement.
mobilization in defense of the Catholics. In 1970 in response to the growing conflict in the north, the IRA split into the Official IRA (OIRA) and the Provisional IRA. The former largely remained in the evolved form of a Marxist non-militant organization while the latter resembled the IRA prior to Irish independence.

Aims and Tactics

The IRA used a three-pronged strategy to achieve its aim of a united Irish Republic. First, the IRA sought to raise British costs for continued occupation of Northern Ireland. The aim was to weaken the British government’s resolve for maintaining control and governance. Second, the IRA designed to terrorize the Protestant community to weaken its support for the Unionist militias, quasi-governmental organizations. Third, the IRA needed to establish itself as separate from the OIRA with its own base of support. Establishing itself as an army, the IRA planned to militarily achieve each of these three goals as a means to obtain the long-term objective of unification with the Irish Republic.

IRA tactics evolved throughout the Troubles with the improvement of bomb making technology and expertise. In the 1970s, the IRA targeted indiscriminately, planting devices in crowded city and economic centers. However, it became apparent to

---

63 Ibid., 63. Louise Richardson explains in “Britain and the IRA” (68) that the emergence of the PIRA did not eliminate the OIRA. Rather, the latter remained active in small numbers and ultimately joined the political system.
64 Freeman, Freedom or Security, 53. The acronym IRA refers to the Provisional IRA.
65 Ibid., 54; Richardson, “Britain and the IRA,” 71.
66 The conflict in Northern Ireland is often referred to as the Troubles.
the terrorists that they would garner greater support if they specifically targeted politicians and security forces.  

Crime or War

During the nearly four decades of the Troubles, the British government instituted a range of counterterrorism policies. There is no clear distinction between the end of one practice and the beginning of another. However, in the mid-1970s, counterterrorism policy shifted from emergency measures to predominantly employing the normal criminal justice system. I will now briefly discuss five of the policies used during the Troubles, highlighting each measure’s establishment and practice.


Growing civil rights’ violence necessitated British government action. In 1969, Operation Banner deployed troops to Northern Ireland to restore order. Initially welcomed by both Catholics and Protestants, the British troops contributed to the escalation of tensions. Despite efforts in the mid-1970s to turn over primary responsibility for security to local law enforcement, British troops continued to influence the environment. Two events highlight the continued impact of the British troops’ presence.

---

67 Richardson, “Britain and the IRA,” 71-72; Freeman, Freedom or Security, 55.
68 Britain uses Common Law and does not have a written constitution. As such, subsequent legislation supersedes previous pieces. For more information on Britain’s political system see Timothy Shanahan The Provisional Irish Republican Army (169) and Michael Freeman Freedom or Security (56-57).
69 Louise Richardson clarifies in “Britain and the IRA” (77) that Britain only deployed troops to Northern Ireland after the Irish Republic threatened to intervene and asked the United Nations for assistance.
First, on July 31, 1972, Operation Motorman deployed British troops to remove no-go areas. Republicans, those who wanted an independent Ireland, had established neighborhoods dangerous to outsiders. In response, Loyalists, those wanting to remain in the Union, had created their own. These neighborhoods came to be known as no-go areas. To improve security, remove IRA safe havens, and enhance patrol capabilities, the government ordered troops to retake control of the neighborhoods. The military anticipated heavy civilian resistance and prepared for a lengthy fight. Second, in May 1987, the British Special Air-Service (SAS) received intelligence of a planned IRA attack on a Royal Ulster Constabulary (RUC) barracks. The SAS set up around the barracks, laying in wait for the IRA members. As the terrorists arrived, the SAS opened fire, killing eight. The incident highlighted many Catholics’ fears that the British employed a shoot-to-kill policy.

The presence of an occupying military generated a warlike atmosphere for both the troops and civilians. However that was not Operation Banner’s intent. British troops deployed to act as a police force, a CJP policy. Nonetheless, the military at times employed WP practices within the overarching CJP.


The passage of the Civil Authorities (Special Powers) Act in 1922 first introduced internment without trial as emergency legislation. In 1939, the Act was made permanent,

---

71 Ibid., 480-481.
72 Freeman, Freedom or Security, 67. Timothy Shanahan in *The Provisional Irish Republican Army* (180) defines the alleged shoot-to-kill policy as the fatal targeting of suspected terrorists who were either planning or executing an act of terrorism.
establishing internment without trial decades before its use during the Troubles.\textsuperscript{73} On the evening of August 9-10, 1971, officials arrested 342 Republicans in Operation Demetrius. True of most internment sweeps, very few of those detained were IRA members.\textsuperscript{74} The policy aimed to detain potential terrorists to prevent attacks. Theoretically, officials could question suspects once in custody to determine who was an IRA member. Those deemed not to be would be released with the remaining given trials.\textsuperscript{75} During the four years of use, authorities arrested a disproportionate number of Catholics, 1,874 out of a total of 1,981 individuals. The practiced continued until the release of the final detainee on December 5, 1975.\textsuperscript{76}

For nearly a whole year after Operation Demetrius, British officials conducted authorized torture on detainees. Government agents predominantly used five specific practices: placing a hood over a detainee’s head, forcing detainees to stand against a wall for an extended period of time, disrupting sleep patterns, limiting food and water, and continuous loud noise.\textsuperscript{77} Select detainees thought to hold key information about the IRA were subjected to the practices.\textsuperscript{78} Following reports of abuse, the British government commissioned the Parker Report in November 1971. Published in March 1972, the report declared the acts illegal.\textsuperscript{79}

The period of internment without trial was a combination of the CJP and WP. A piece of British legislation since 1922, internment without trial was a CJP policy. Yet, the

\textsuperscript{73} Freeman, \textit{Freedom or Security}, 58.
\textsuperscript{74} Ibid., 53-54; Sanders, “Operation Motorman,” 470.
\textsuperscript{75} Shanahan, \textit{The Provisional Irish Republican Army}, 185.
\textsuperscript{76} Ibid., 169.
\textsuperscript{77} Richardson, “Britain and the IRA,” 86.
\textsuperscript{78} Shanahan, \textit{The Provisional Irish Republican Army}, 178-179.
\textsuperscript{79} United Kingdom, Committee of Privy Counsellors, \textit{Lord Parker Report}, 1972. Timothy Shanahan in \textit{The Provisional Irish Republic Army} (179) provides March 2, 1972 as the official end of the use of authorized torture.
use of authorized torture provides for the presence of the WP for two reasons. First, the intent of the policy was to use practices on the internment detainees not used on the general prison population. Second, the practices were later declared illegal. While the policy of detaining individuals was a CJP policy the treatment of specific individuals once in custody was a WP policy, highlighting the overlap of the paradigms.


In the town of Derry on January 30, 1972, protesters took to the street demonstrating against the internment policy. The British military response resulted in the death of 13 protestors and spectators. Known as Bloody Sunday, the events propelled the IRA to increase their efforts. In response, the British government commissioned the Diplock Report. The Report recommended first, the gradual phasing out of internment without trial and second, the establishment of Diplock Courts.

The 1973 Northern Ireland (Emergency Provisions) Act formally established the CJP Diplock Courts. A tribunal of judges replaced the jury to protect against intimidation. In addition to the new trial system, suspects could be held and interrogated without charges for three days with information gathered admissible in a trial. In 1974 Parliament passed the Prevention of Terrorism (Temporary Provisions) Act, which extended the 1973 Act’s jurisdiction to all of Great Britain and increased the three days

80 Andrews Sanders provides information in “Operation Motorman” (471-473) on the events of Bloody Sunday.
82 Shanahan, The Provisional Irish Republican Army, 170-171.
of detention to a week. The Acts of 1973 and 1974 marked the transition towards the use of Britain’s normal judicial system.

*Criminalization and Ulsterisation (1976-2005)*

The CJP policies, Ulsterisation and Criminalization, both employed mechanisms of the normal criminal justice system, local law enforcement agents and prisoner statuses. Ulsterisation conceptualized the Northern Irish conflict as an internal security issue rather than an insurgency. Following the implementation of the policy, local officials, the RUC, became responsible for security as opposed to the military. Two main factors propelled the transition. First, the British Parliament sought to reduce the costs on the British military. Second, the government aimed to reduce the negative connotations that accompanied the use of troops. As demonstrated in the earlier years of the Troubles, the use of the military exacerbated the cycle of violence. In using local agents of the RUC, Parliament hoped to reduce the tensions driving the conflict.

Simultaneously to Ulsterisation, Parliament enacted Criminalization. The British government in June 1972 had granted incarcerated paramilitary members the status of political prisoners. The status provided certain rights denied to regular criminals. Paramilitary prisoners could meet with each other, wear their own clothing instead of prison jumpsuits, and did not have to work. However, Criminalization terminated the special status in March 1976. Both current prisoners and those arrested after were treated

---

83 Freeman, *Freedom or Security*, 59-60.
84 Shanahan, *The Provisional Irish Republican Army*, 171-172.
as ordinary criminals.\textsuperscript{86} IRA inmates responded with hunger, blanket, and dirty strikes into the 1980s.

\textbf{Supergrass Trials (1981-1983)}

Reports of abuse emerged following the implementation of the extended detention of suspects provided for in the 1974 Prevention of Terrorism (Temporary Provisions) Act. The British government subsequently tightened controls and implemented Supergrass trials.\textsuperscript{87} Beginning in earnest in 1981, Supergrass trials granted detainees the opportunity to submit testimony against other IRA members for a reduced sentence.\textsuperscript{88} The CJP policy of exchanging testimony for a lesser punishment predated the Troubles as a practice within the British judicial system.

\textbf{Negotiations (1986-2005)}

Not officially recognized, it is believed that secret negotiations began in 1986 between the British government and the IRA. Four years later in 1990, recognized talks commenced resulting in the 1998 Good Friday Agreement.\textsuperscript{89} The signatories of the 1998 Agreement agreed to, “renounce violence, establish a new Northern Ireland legislative body, increase cross-border ties, and free prisoners.”\textsuperscript{90} In accordance with the Agreement,

\begin{footnotes}
\item[86] Shanahan, \textit{The Provisional Irish Republican Army}, 171-172.
\item[87] Freeman, \textit{Freedom or Security}, 60.
\item[88] Shanahan, \textit{The Provisional Irish Republican Army}, 172-173. Michael Freeman explains in \textit{Freedom or Security} (61) that the peak use of Supergrass trials ended in 1983 with only two other cases in 1985 and 1987.
\item[89] Richardson, “Britain and the IRA,” 92.
\end{footnotes}
in October 2001, the IRA initiated its disarmament. Following British and Irish accusations of the IRA’s resumption of illegal activities, the group stalled disarmament in February 2005 for five months. A year later in July 2006, the British and Irish governments released a joint statement confirming that the IRA had finalized the decommissioning process.\(^9\)

The British and Irish governments’ negotiations with the IRA indicate the emergence of a WP policy during the mid 1980s. My theory argues that talking with the IRA and negotiating demands for peace legitimized the IRA’s cause and its members.

**Expectations**

In this section I discuss how I expect the British policies to have affected the levels of IRA-sponsored violence. The section is separated into three periods of analysis, War Atmosphere (1970 to 1976), Normalization (1976 to 1986), and Negotiating For Peace (1986 to 2005).

*War Atmosphere (1970-1976)*

Deployment of British troops, enactments of emergency legislation, and the use of torture highlight the overlapping of British CJP and WP counterterrorism policies in Northern Ireland. If my theory stands, the data should reflect an increase in IRA violence following the deployment of British troops as they were acting as a police force. As the troops remained in Northern Ireland, the level of IRA violence was dependent on the function the troops performed, policing or military. I expect violence to have continued

---

\(^9\) Ibid.
increasing even though my theory predicts a decrease as the presence of troops generated a war atmosphere.

The arresting of predominantly Catholics in internment raids and the use of torture on select detainees amplified the Catholic-Protestant divide. While my theory suggests the use of CJP policies should have reduced violence in the long-term, the context in which internment without trial was implemented negates these effects. Rather, the predominance of WP practices amplified the IRA’s cause, generating support, and enabling the propensity for increased violence in the long-term. I project there was an overall trend of an increasing number of attacks between 1970 and 1976.

Normalization (1976-1986)

After six-years of predominantly emergency legislation and military policing, the British government altered its counterterrorism strategy. From 1976 till the end of the Troubles, the British government actively sought to normalize the IRA threat. Ulsterization and Criminalization highlight this transition in the mid 1970s.

Following the turn towards normalization, I expect to see an initial increase of violence in reaction to policy changes and years of WP practices. However, in the long-term, I theorize that the violence decreased aided by the implementation of Supergrass trials in 1981. As the IRA was normalized and treated as criminals, the group lost legitimacy, resources, and support, hindering its potential to execute attacks.

92 Richardson, “Britain and the IRA,” 86.
Negotiating For Peace (1986-2005)

In 1986, the British government and the IRA commenced negotiations, a WP practice. I theorize that the introduction of peace talks produced an increase of violence as the IRA sought greater concessions from the government. With the signing of the 1998 Good Friday Agreement and subsequent disarmament, it is rational to believe IRA-sponsored violence decreased. In the next section, I discuss whether the data supports my expectations.

Outcomes

In this final section I discuss the data compiled in the University of Maryland’s Global Terrorism Database (GTD) on the number of IRA attacks committed during the years 1970 to 2005 (see Appendix B). First I discuss the three periods of time within the conflict I highlighted above followed by a conclusion.

War Atmosphere (1970-1976)

Following the fracturing of the IRA into the Provisionals and the Officials in 1970, terrorist attacks increased sharply, peaking in late 1971. IRA violence decreased through early 1975, only beginning to increase again in 1976. The initial escalation succeeded by a contraction of IRA attacks appears to align with my projections.

The increase in violence can be attributed to several factors. First, an escalation of terror can be a resultant of the emergence of the Provisional IRA in 1970, which sought to establish itself independent of the Official IRA. Second, the military performed a policing function resembling a CJP policy, which according to my theory results in short-
term increased violence. Third, internment raids failed to disrupt IRA activity, as the majority of the 1,981 people detained were not IRA members. The disproportionate targeting of Catholics in the raids produced ready volunteers to join the Republican cause. Fourth, the use of authorized torture within the internment camps fueled the support for the IRA already generated from the British military presence and internment raids.

The lack of my predicted decrease of violence can be attributed to the use of CJP policies and the failure of WP practices to disrupt the group’s operations. The described increase of violence was significant as the military provided legitimacy to the IRA’s cause through the deployment of troops to Northern Ireland, the targeting of Catholics in internment raids, and the employment of torture. A subsequent decrease in violence from 1972 to 1975 can be attributed to the British troops’ ability to return stability to Northern Ireland in the short-term. However, the stability came at a cost of continued support for the IRA in the long-term as the escalation of violence in 1976 demonstrated.

Normalization (1976-1986)

Normalizing IRA prisoners to the status of criminals and using the police force as the primary law enforcer coincided with an initial increase of IRA violence from 1976 to 1979. According to my theory, the long-term affect of CJP policies is a decrease of violence as the terrorist group loses legitimacy, support, and operational capabilities. The decrease in violence from 1979 to 1986 supports my theory as violence continued to

---

93 Shanahan, The Provisional Irish Republican Army, 169-170.
decrease five years after the British government implemented the new CJP normalization policies.

A marked increase in violence from 1982 to 1983 contradicts my theory. The escalation can be attributed to the deaths of imprisoned IRA hunger strikers in 1981. A return to decreasing levels of IRA violence suggests that the temporary influx of attacks was an outlier to my theory.

*Negotiating For Peace (1986-2005)*

After eight years of an overall trend of decreasing violence, IRA attacks intensified from 1986 to 1988. There are two plausible explanations for the increase in terror attacks. First, despite both IRA and British government denials, it is believed that secret negotiations began between the two in 1986. As my theory states, an increase in IRA activity can be attributed to the group’s efforts to compel the government to cede to greater demands. Second, the public increasingly accepted that the British military had adopted a shoot-to-kill policy.⁹⁴ Believing the military was treating the streets of Northern Ireland as a combat zone resulted in increased animosity towards the government.

After the commencement of recognized negotiations in 1990, IRA violence surged again in 1991. According to my theory, a seat at the negotiating table legitimizes the terrorists and their cause. Given the image of fighters for a legitimate cause, the IRA could defend increasing attacks to achieve greater government concessions. Contrary to

---

⁹⁴ For more on incidents perpetuating the Catholic’s belief that the British military had adopted a shoot-to-kill policy see Timothy Shanahan *The Provisional Irish Republican Army* (180-184) and Andrew Sanders “Operation Motorman” (478).

**Conclusion**

The use of British troops in Northern Ireland presented an interesting issue for determining whether the deployment was a WP or CJP policy. As the troops performed a policing function, I concluded Operation Banner to be a CJP policy with instances of WP practices. The initial increase in violence following the implementation of the CJP policies aligns with my theory. However, there is a variation in the mid-1970s that is worth further investigation. The British government’s efforts to normalize the conflict in Northern Ireland resulted in another surge in violence despite the continued use of CJP policies. I suspect two factors contributed to the increase. First, while the paradigm continued, the actual policies shifted from emergency to normal legislation. Second, the use of emergency legislation may have a differing impact on violence than existing legislation, a variation my theory does not take into account and is worth future research.

In this case, I have attempted to highlight the impact of using CJP policies. However, it is important to note that external factors were at play to affect IRA violence, including international events, Parliamentary elections, and internal dynamics of the organization. I argue that while paradigm choices are key, the policies were not the single causal factor for levels of IRA attacks. After decades of conflict, the United Kingdom succeeded in eliminating the IRA.
CHAPTER FOUR
THE EUSKADI TA ASKATASUNA

My second case study is Euskadi Ta Askatasuna (ETA) in Spain from 1975 through 2010. The Spanish government predominantly employed Criminal Justice Paradigm (CJP) counterterrorism policies. I have selected to begin analyzing the Spanish case following the death of Francisco Franco and the commencement of democratic governance so that I may control the form of government across all four cases.

I have divided the chapter into four sections. First, I briefly discuss the history of Spain, including the implications of the Franco regime and the emergence of ETA. Second, I discuss the policies and practices used to counter ETA, identifying each as CJP or War Paradigm (WP). Third, I propose predictions on how the policies employed affected ETA violence. Fourth, I conclude with a section analyzing the data in context of the policies.

Historical Overview

Discussion of Francisco Franco’s dictatorship is necessary to contextualize the establishment of ETA. Franco emerged victorious at the end of the Spanish Civil War in 1939. He feared any action or speech that could threaten the country’s unity. To ensure allegiance to Spain and to suppress dissent, Franco ruled through the use of harsh policies that squandered freedoms enjoyed in other European nations. The Basques and Catalans experienced extreme repression, language restrictions, and many aspects of their cultures banned. These repressive policies motivated Basque support for the rise of ETA.
Franco’s response to the organization was nothing less than brutal. In December 1970, against his advisors’ recommendations, Franco held the public Burgos trials. ETA members accused of murder were sentenced to death and publicly hung. ETA garnered greater support following the trials and continued the cycle of violence. Not three years later, ETA successfully assassinated Carrero Blanco, a personal friend of Franco and the assumed future of the dictatorship. Franco was suffering from Parkinson’s disease, and his health deteriorated in the 1970s. Prince Juan Carlos assumed temporary power on November 13, 1975, becoming King seven days later upon Franco’s death. Despite the dictator’s wishes, the new King transitioned Spain into a democracy.  

**Aims and Tactics**

Responding to the repressive Franco regime, ETA formed in 1952, formally adopting the name later in 1959. In 1961, ETA attempted to derail a train of Spanish Civil War veterans. Despite the failure, the act marked the shift from a relatively peaceful organization to one committed to violence. A Policia Nacional (National Police) agent and a Guardia Civil (Civil Guard) became the first fatalities of the terror organization in 1968. ETA initially targeted the regime’s military personnel and politicians. However, the group became increasingly indiscriminate resulting in civilian casualties.  

---

independent Basque state continued to be the uncompromising objective for ETA from the Franco dictatorship through the decades of democracy (see Appendix C). 99

Crime or War

Following the death of Franco, the new government relaxed many of the former dictator’s harsh measures. However, as ETA continued to execute attacks, the government responded to pressures to institute greater counterterrorism legislation. Over the course of a half-decade, the legislation became increasingly repressive.

As Spain transitioned to democracy, government institutions had to adapt to the new democratic regime. For the police forces, evolving required the retraining in acceptable practices. The Policía Nacional and Guardia Civil, who trained and served under the Franco regime, continued till the mid 1980s using practices acceptable under the dictatorship. While policy changed with a vote in Parliament, the police took over a decade to reform. 100 Practices used by the police force and the limited use of the military highlight underlying WP factors to the decades of CJP policies.

I have divided the analysis of Spain’s counterterrorism policies into five time periods. The sections follow an escalation in repressive measures succeeded by a return to increasingly normal judicial practices.

Transition From Dictatorship To Democracy (1975-1977)

In the years following Franco’s death, the government reversed the dictator’s repressive practices. Misunderstanding ETA’s grievances and objectives, many in the government thought reversing the policies that contributed to the group’s emergence would facilitate its demise. Between Franco’s death in November 1975 and October 1977 the state granted nine hundred exiled or imprisoned ETA members amnesty. Additionally, the government legalized the banned Basque flag and the Euskera language.\(^{101}\)

In addition to the reversal of terrorist sentences, the government established the Audiencia Nacional (National Court) in January 1977. The creation of the court signified a marked change in the perception of terrorist crimes. Regular courts and judges conducted terrorists’ trials instead of the military tribunals used during the Franco years.\(^{102}\) The establishment of the National Court highlights a fundamental alteration of post-Franco Spain’s perception of terrorism.

Both of the policies demonstrate efforts in the two years after Franco’s death to deescalate tensions with ETA. Granting amnesty, legalizing Basque cultural symbols and language, and trying terrorists under the ordinary judicial system, are all elements of a CJP approach to counterterrorism.

\(^{101}\) Reinares and Alonso, “Confronting Ethnonationalist Terrorism,” 100-111.
\(^{102}\) Ibid., 115; Alonso and Reinares, “Terrorism, Human Rights,” 267.
Demands For Counterterrorism Legislation (1978)

Reforms culminated with the drafting and approval of the 1978 Constitution. The new Constitution granted the Basque region autonomy with its “own parliament, police force (Ertzaintza), tax collection system, health system, and public education system in the Basque language.” By the beginning of 1978 there ceased to exist any permanent counterterrorism legislation in Spain.

However, public pressure forced Parliament to pass two counterterrorism laws by the middle of 1978. First, Law 21/1978 passed in July, granted additional powers to the police forces. Detention of suspects could be extended beyond the initial 72 hours if officials notified the courts prior to the extension. The law provided judges with powers to reject an extension, but the courts rarely invoked the provision. Courts were no longer permitted to grant amnesty or pardons for crimes the law defined to be terror related nor could suspects be granted bail. Finally, the law provided the police with increased surveillance powers. Suspected terrorists’ mail and phone messages could be redirected and monitored. Second, in December, Law 56/1978 passed adding additional provisions. Known as “Special Measures toward Crimes of Terrorism Committed by Armed Groups,” the piece of legislation set a maximum of ten days for the detainment of suspects incommunicado.

CJP policies, Law 21/1978 and Law 56/1978, authorized special powers to the Spanish authorities. Following the mass grants of amnesty between 1975 and 1977, few Basque prisoners remained in prison. Little attention was given to the treatment of those

---

103 Ibid., 272; Shepard, “The ETA: Spain.” Carlos Pestana Barros provides greater detail on the institutions provided to the Basque region in “An Intervention Analysis” (403).
that remained incarcerated.\textsuperscript{104} Lack of attention to the conditions in prisons, extended detention times of suspects, and the use of law enforcement officers trained under a regime that contained animosity towards the Basque region contributed to the use of WP actions despite the implementation of CJP policies.

1978 marked the transition in Spain’s counterterrorism approach and perception of ETA. In the first two years following Franco’s death, the government hoped that relaxing the dictator’s repressive policies would contribute to ETA’s dissolution. However, as the terror group escalated violence, Parliament began passing special legislation to counter ETA in 1978.

\textit{Counterterrorism Legislation Escalation (1979-1982)}

In January 1979, Parliament passed “On the Protection of Citizens Security,” which criminalized verbal support, excuse, or defense of a terrorist act or group. Individuals found guilty of terrorist offenses faced increased punishments and restricted rights. Jurisdiction of the maximum-security prisons was granted to the National Police. Amidst concern of potential human rights abuses from the increased powers provided to authorities in the 1978 and 1979 laws, Parliament passed Organic Law 11/1980. However, the new law, also known as “Organic Law on Citizen Security,” simply restated most of the provisions authorized in the previous three. Constitutional rights of those suspected of terrorist crimes were suspended. Mail and telephone messages could continue to be intercepted while the power also expanded to searches of suspects’ homes. Detainees could continue to be held up to ten days incommunicado.

In May the following year, Spain passed two additional pieces of legislation. The first, “Law for the Defense of the Constitution,” defined terrorism to include any peaceful or violent expression for an independent region. It also permitted the government to close any news outlet or publication for expressing views sympathetic to terrorists. The second, “Law on the States of Alarm, Exception and Siege,” granted the Council of Ministers the ability to declare three different states of emergency. A “state of alarm” would permit authorities to control the dispensing of necessities; the movement of persons; and to freely enter private property. A “state of emergency” contained the previous provisions in addition to being able to arrest any individual regardless of cause, and to order the movement of individuals out of an area. A “state of siege” instituted martial law.\(^{105}\) The escalating measures legalized in the four laws highlight the increased anxiety in Spain.

As tensions rose, Spain deployed special counterterrorism police units to the Basque region in February 1980. Needing temporary reinforcements, the Army deployed personnel in February 1981 for “frontier surveillance” until more counterterrorism police units arrived in the summer.\(^ {106}\) Again, in 1982, troops deployed to the Basque region to protect public buildings and installations.\(^ {107}\) The Spanish government made conscious efforts to limit the role of the military in these operations. They did not want to appear to be using a “militarized” response to ETA.\(^ {108}\) However, the use of troops domestically contributed to the creation of a war atmosphere.

\(^{105}\) Ibid., 41-49.
\(^{106}\) Robert P. Clark provides more information on the counter terror units deployed to the Basque region in Negotiating with ETA (42).
As Parliament passed special counterterrorism legislation and reports of abuse continued, the government introduced a new policy, social reinsertion. Instituted in 1982, the program granted amnesty or reduced sentences to members renouncing violence. Members of ETA-pm signed the deal in 1982 with a few ETA-m members joining in 1984. The program demonstrates a continued effort to normalize rather than exceptionalize terrorism.

A complex overlap of CJP legislation with WP practices marked the period 1979 to 1982 in Spain. Increased fear in Spain promoted the passage of increasingly repressive legislation and abusive police practices. The escalating trend continued, peaking in the next two years.


Two laws passed in quick succession in 1983 and 1984 further limiting the rights of those suspected of terror crimes. First, in December, Organic Law 14/1983 reduced suspects’ access to legal counsel. Second, in March, Organic Law 6/1984 provided judges the power to approve the detention of suspected terrorists for 30 months without trial, to prohibit political parties organized by a terrorist, and to ban publications supportive of terrorists. Individuals found to be sympathetic or supporting of a terrorist

---

109 Reinares and Alonso, “Confronting Ethnonationalist Terrorism,” 111; Clark, *Negotiating with ETA*, 107-111. ETA split into two factions in the post Franco years, ETA political-military (ETA-pm) and ETA military (ETA-m). ETA p-m declared a temporary ceasefire in 1981 to negotiate with the government. Two factions emerged within ETA-pm, those who perceived the ceasefire as temporary and those who saw it as a step towards peace. The first faction joined ETA-m, dissolving ETA-pm. Robert P. Clark provides more information on the split in Clark, *Negotiating with ETA* (93-107).

110 As Spain continued to pass counterterrorism legislation, terror crimes encompassed more than just committing or contributing to a terrorist act or group. Even peaceful expressions of separatism were classified as terror crimes.

111 Clark, *Negotiating with ETA*, 53-64.
attack received the same penalty of the perpetrators. Attacking the armed forces became classified as an act of terror and Spaniards could be tried domestically for crimes committed abroad. Officials faced punishment for speaking out against the government, state; flag, or Spanish symbols. Further, local governors became responsible for ensuring demonstrations did not support terror groups. The 1984 law pushed the limit of acceptable practices. In 1987, the Spanish Supreme Court declared four provisions unconstitutional. However by then, the government had either repealed or let laps all of the law’s provisions.\textsuperscript{112}

\textit{De-Escalation (1985-1989)}

Following a half-decade of increasingly repressive legislative measures, the latter part of the 1980s was marked by a move back towards the normal penal codes. Efforts within Parliament culminated with the passage of legislation in May 1988 repealing the provisions of the 1984 Organic Law. For the first time since the post-Franco legislation repeals, Spain had no emergency or special counterterrorism legislation.\textsuperscript{113}

In May 1989, officials initiated new protocols for incarcerated ETA members. Instead of concentrating ETA prisoners into two facilities, the government spread the 500 inmates across Spain. By dispersing the prisoners, officials aimed to reduce the ability of ETA leaders to intimidate and control its incarcerated members.\textsuperscript{114} The use of the normal penal code and attempts to renew social reinsertion measures demonstrate the normalizing of terror to a crime.

\textsuperscript{112} Ibid., 64-65.
\textsuperscript{113} Ibid., 70.
\textsuperscript{114} Alonso and Reinares, “Terrorism, Human Rights,” 274; Reinares and Alonso, “Confronting Ethnonationalist Terrorism,” 111; Clark, \textit{Negotiating with ETA}, 162.
Negotiating With Terrorists (1990-2010)

The last three decades of this study consists of cycles of ceasefires, peace negotiations, and resumptions of violence. Negotiations between ETA and the Spanish government had been conducted off and on since 1981, first in secret and then publicly.\textsuperscript{115} Talks in the spring of 1989 resulted in an eight-point agreement. However, just as previous and future talks, the negotiations failed and violence resumed.\textsuperscript{116} Again, in 1998, the two parties conducted talks, lasting for only fourteen months.\textsuperscript{117} According to my theory, government efforts to negotiate with ETA provided legitimacy for the group.

Simultaneous to the cycle of negotiations and violence, in June 2002, Parliament voted to ask the Supreme Court to ban the ETA associated political party, Batasuna. Nationalists fought the ban citing a violation of political rights. In September 2003, the Nationalists appealed to the European Convention of Human Rights (ECHR). The following February, the ECHR responded with a rejection of the appeal, citing that a government could not bring a case against its own state. In its March 2003 statement banning the party, the Spanish Supreme Court cited the protection of Spaniard’s safety and the protection of the democratic government over the right of the party’s existence.\textsuperscript{118} The Supreme Court and ECHR rulings confirmed the legality of banning Batasuna, a CJP measure.

\textsuperscript{115} Reinares and Alonso, “Confronting Ethnonationalist Terrorism,” 113.
\textsuperscript{117} Shepard, “The ETA: Spain,” 63.
\textsuperscript{118} Alonso and Reinares, “Terrorism, Human Rights,” 269.
Expectations

In this section I briefly discuss how I perceive the policies and practices influenced the levels of ETA violence. The section is divided into four periods of time based on shifts in policy. In the next section I analyze the data to determine if my conjectures are accurate.

One Paradigm For Policies, Another For Practices (1975-1977)

Policies implemented in the two years after Franco’s death reversed the dictator’s repressive practices. According to my theory, the use of the criminal justice system should result in decreased violence in the long-term. However, I believe the presence of two factors has a greater impact on the potential for a reduction of violence than the reversal of Franco policies. First, the police force continued to use WP practices acquired under the dictatorship. Second, the government was slow to repeal the bans on Basque culture, language, and culture.119

As both of these causal elements were a continuation of previous WP policies, I conjecture that there will be a continued increase of violence. There is no initial decrease of violence as the implementation of Franco police practices and the slow repeal of anti-Basque legislation were enduring practices of WP policies not new initiatives.

Special Legislation (1977-1984)

Following calls for counterterrorism legislation, the government began implementing a series of increasingly restrictive legislative measures. I hypothesize that

119 Reinares and Alonso, “Confronting Ethnonationalist Terrorism,” 120.
the continuance of the Franco police practices combined with the implementation of CJP policies in the late 1970s continued an increase of ETA violence. However, I suspect, the long-term effect of CJP policies decreased violence into the 1980s. Continued uses of Franco era police practices, abuse in prisons, troop deployments in 1981 and 1982, and ETA reactions to members entering the social reinsertion program, I conjecture combined to produce an influx of violence in the mid-1980s.\textsuperscript{120}

\textit{Normalization (1984-1989)}

The latter half of the 1980s marked a return to the normal penal code and away from special legislation. I conjecture that the use of the criminal code combined with the continuing affects of the previous WP practices perpetuated ETA violence in the short-term. As incarcerated ETA members were spread across Spain and the CJP policies continue to be utilized, I suspect there was a decrease in violence in the final years of the decade and into the early 1990s.\textsuperscript{121}

\textit{Self Destruction And Negotiations (1989-2010)}

Public support for ETA began to deteriorate in the 1990s as the group miscalculated the public’s tolerance for civilian casualties.\textsuperscript{122} Two attacks highlight ETA’s failures to regain public support. First, protests erupted against ETA after the

\textsuperscript{120} Robert P. Clark provides information in \textit{Negotiating with ETA} (43-50) on two Amnesty International Reports covering the years 1980 to 1982. The reports warned that Spanish legislation provided the opportunity for officials to conduct abusive practices.

\textsuperscript{121} Jiménez, “Spain: The Terrorist Challenge,” 118.

group assassinated a local politician in 1998. Second, in 2006, innocent civilians died as a result of an attack at the Madrid airport. The group had hoped to garner increased support, but only further alienated themselves. I posit that ETA’s self-destruction caused a decrease in violence, which facilitated the establishment of negotiations. Rather than an increase of violence after the short-term, as my theory predicts, I suspect the loss of support for ETA was insurmountable to return to earlier decades of violence.

The September 11, 2001 attacks in the United States, the 2004 Madrid attacks, and the crackdown on international terrorism I hypothesize further contributed to the decline in ETA violence. The banning of the political party, Batasuna, in 2002, and ETA attempts to regain prestige might have produced temporary minor resurgences of violence. However, I propose that there was an overall projection of decreasing violence in the final decades.

**Outcomes**

In this final section I will analyze the data collected on ETA violence by the University of Maryland’s Global Terrorism Database (GTD) (see Appendix D). The section is split into the same four time periods as previously discussed. I conclude with a final summarization of my findings.

---

One Paradigm For Policies, Another For Practices (1975-1977)

As I predicted, the GTD data reflects an overall trend of increasing violence during the first two years following Franco’s death. A small decline in attacks from 1975 to 1976 can be attributed to the dictator’s death and ETA’s anticipation of the new government granting concessions. However, as the democratic government was slow to reverse the anti-Basque policies and the police continued to use WP practices, violence steadily increased through 1977. As the police practices derived from pre-democratic Spain, the violence can be attributed to the long-term implications my theory predicts from using WP practices.

Special Legislation (1977-1984)

ETA-sponsored violence continued rising through 1979. The growth could be explained by two factors discussed in my theory. I argue that the short-term implications of CJP policies and the long-term affects of WP practices both result in increased violence. In 1979, there was a combination of recently introduced CJP policies and continued long-term WP police practices.

Decreased ETA attacks from 1979 through 1981 align with my prediction of the long-term benefits of using CJP policies. My theory suggests that the introduction of CJP policies increases violence while the commencement of WP policies decreases violence. The two deployments of Spanish troops with the transition to civilian counterterrorism personnel in between demonstrated these two predictions in the GTD data.

The overall trend of increasing violence from 1984 through 1989 can be attributed to at least three factors. First, the ETA attacked former members to intimidate any considering future use of the social reinsertion program. Second, the Spanish government attempted to repeal special legislation in favor of the normal penal code. Third, according to my theory, the late 1980s peace negotiations fostered increased violence, as the terrorist group used attacks to push the government towards greater concessions. The rising violence would indicate that the ETA sought greater concessions, which the government was unwilling to agree to, resulting in the breakdown of talks in 1989.

Self Destruction And Negotiations (1989-2010)

For the last two decades of the study, ETA violence steadily decreased. Numerous factors could have attributed to the decline. First, ETA might have realized that attacks alone would not bring government concessions. Violence consistently decreased leading up to and during the 1998 peace talks. Following the breakdown 14 months after the negotiations began, there was a temporary resumption of increased violence. Second, my theory states that continued use of CJP policies has a long-term benefit of decreased terrorist violence. As the civilian law enforcement retook control and the government employed the normal penal code, the long-term affect was the reduction in violence.

Government actions alone were not the cause for the decades of decreased violence. Terrorism became a prominent issue for the international community following

the September 11, 2001 attacks on the United States. The decrease in support and sympathy for the ETA cause was compounded by the 2004 Madrid train bombings executed by Al Qaeda affiliates. Combined, the long-term affects of CJP policies, international events, the Madrid attacks, and internal group dynamics explain the two decades of decreased ETA violence.

Conclusion

Studying ETA violence in Spain largely supports my theory of the CJP and WP affects on short-term and long-term success. Not all increases and decreases in violence can be attributed to the policies employed nor are the paradigm choices exclusively responsible for ETA’s activity. I have attempted to demonstrate the causal relationship between policy choice and terrorist violence in this CJP dominant case. However, international events, the overlap of paradigms, and ETA’s internal dynamics are just three factors that also influenced the levels of terrorist violence.

As in the IRA case study, Spain moved between emergency and regular legislation. As there was again an accompanying shift in violence, I suspect there needs to be greater differentiation amongst the types of legislation within the CJP in future research.
CHAPTER FIVE
THE LIBERATION TIGERS OF TAMIL EELAM

My third case study is Sri Lanka’s Liberation Tigers of Tamil Eelam (LTTE). I analyze the case from 1977 through 2014. The Sri Lankan government treated the Tigers as an insurgency, employing War Paradigm (WP) counterterrorism policies.

The chapter is divided into four main sections. First, I provide historical background on British colonization, Sri Lanka’s independence, and the emergence of the LTTE. Second, I outline policies employed by the government, explaining how each is a Criminal Justice Paradigm (CJP) or WP policy. Third, I use my theory to predict the levels of LTTE-sponsored violence in the duration of the case. Finally, I analyze the data collected on LTTE violence in University of Maryland’s Global Terrorism Database (GTD).

Historical Overview

Understanding Sri Lanka’s demographics and colonial history is imperative to contextualize LTTE’s rise. The country is largely split between two ethnic groups, the Sinhalese and the Tamils. Located in the southwest, the Sinhalese make up 70 percent of Sri Lanka’s population and are predominately Buddhist. In the northeast, the Hindu Tamils constitute 18 percent of the population.126 British colonizers favored the minority

Tamils, providing them with superior education and occupations. Not surprisingly, animosity grew amongst the Sinhalese majority towards the Tamils, dividing the society.

Following the Second World War, the almost half century push for independence increased in intensity. In 1948, Britain granted independence to the Dominion of Ceylon, later named the Democratic Socialist Republic of Sri Lanka in 1972. As the largest ethnic group, the Sinhalese dominated the new democratic government. In response to decades of inferior education and professions, the Sinhalese instituted policies aimed to suppress the Tamils. Parliament passed “Sinhala-only” legislation in the 1950s, making Sinhala the official language and amended the Constitution in 1972 to make Buddhism the official state religion. Several Tamil groups emerged in the 1960s and early 1970s to counter the repression both militarily and politically.

The various Tamil groups did not prove particularly troubling for the government in the early 1970s. However, in 1975 government officials learned that members of the Eelam Revolutionary Organization of Students (EROS) were traveling to Palestine Liberation Organization (PLO) training camps in the Middle East. In July the same year, Tamil New Tigers (TNT) member Velupillai Prabhakaran, the future leader of LTTE, assassinated the mayor of Jaffna. Not a year later, on May 5, 1976, TNT announced the establishment of LTTE. The new group differed from other Tamil groups

---

129 Tamil Eelam Liberation Organization (TELO), Tamil United Liberation Front (TULF), Tamil Students Federation (TSF) and Eelam Revolutionary Organization of Students (EROS) are just four of the other Tamil groups to emerge. Manoj Joshi in “On the Razor’s Edge” (20) and Thomas A. Marks in “Sri Lanka and the Liberation Tigers” (487-488) discuss how very few Tamils participated in violence with the majority looking to the Sri Lankan Parliament for a peaceful resolution.
in its use of indiscriminate violence, against Sinhalese and Tamils alike. The LTTE contextualized the conflict as a struggle against Sinhalese repression, much like the class struggle depicted in Marxism.\(^{132}\)

*Aims and Tactics*

After decades of repression by the majority Sinhalese, the Tigers sought the establishment of an independent Tamil state. In the late 1990s, the LTTE established a de facto state with its own civil, judicial and police institutions on the Jaffna peninsula (see Appendix E).\(^{133}\) Despite having superior equipment, the Sri Lankan military failed to adequately respond to the LTTE’s increasing use of violence.

Acting as an armed force, the LTTE acquired military grade equipment, including mortars, machine guns, and rocket-propelled grenades for its 8,000 to 10,000 fighters.\(^{134}\) As one of the most advanced terrorist organizations, the LTTE established Sea Tigers, Air Tigers, an intelligence agency, guerilla fighters, a global network of Tamil Diaspora, and the infamous Black Tigers.\(^{135}\) Suicide attacks became a trademark strategy of the LTTE. Rather than be captured and interrogated, members wore cyanide capsules around their necks should an attack fail. Black Tigers preferred female operatives, as women could evade detection much more easily than their male counterparts. The notorious 1991 assassination of Rajiv Gandhi highlights the skill of the Black Tigers to avoid detection

---

\(^{132}\) Marks, “Sri Lanka and the Liberation Tigers,” 488-495.


\(^{135}\) Samaranayake, “Political Terrorism of the Liberation Tigers,” 175.
as the female operative detonated next to the former Indian Prime Minister.136

Government response to the Tigers treated the group as an insurgency, employing WP policies. In the next section, I discuss the creation, implementation, and affects of the policies.

**Crime or War**

In response to rising Tamil violence, the Sri Lankan government implemented a predominantly WP counterterrorism response. The country subsequently descended into a civil war between the government’s military and the LTTE’s own air, land, and sea forces. Functioning as a de facto state, the LTTE entered negotiations as an equal to the state, stating demands to be met for peace.

The decades of conflict are characterized by cycles of violence. Refugees numbered in the hundreds of thousands as the Tamils gained control of territory and the government forces sought to reestablish authority. I have split the analysis of Sri Lanka’s response to the LTTE into five time periods. The sections are divided to represent the key turning points in the decades long conflict.

*Early Years (1977-1982)*

Government actions in the first five years after LTTE’s founding failed to eliminate the organization. Instead, the policies aided in increasing Tamil support for the terror group. Responding to a range of violent demonstrations perpetrated by 50 or so

---

militants, Sri Lanka deployed its Army in August 1977.\textsuperscript{137} The use of the military to resolve the violence is by definition a WP policy.

During the early years, the Sri Lankan Parliament passed several pieces of CJP legislation. First, the government enacted Article 155 of the Constitution, declaring a state of emergency in Sri Lanka’s northern provinces, the Tamil heartland. The legislation provided authorization for officials to monitor, search, and detain suspected dissidents indefinitely. Second, in 1979, emergency legislation passed which increased the punishment for kidnappings to life imprisonment. In 1982, the emergency legislation became permanent with the Prevention of Terrorism Act. Third, in August 1981, Parliament passed the District Development Councils Act. The Act aimed to discourage Tamils from joining the LTTE by granting a degree of autonomy to Sri Lanka’s 25 districts.\textsuperscript{138} However, the policy was not enough to stem the advances of the LTTE, pulling the government into a guerilla war throughout the 1980s.\textsuperscript{139}

\textit{Escalation (1983-1986)}

The summer of 1983 proved to be a pivotal turning point in the conflict. In July, a group of LTTE terrorists ambushed a Sri Lankan Army patrol, killing thirteen soldiers. The subsequent funerals for the soldiers fueled the growing Sinhalese-Tamil tensions, igniting anti-Tamil riots. Sinhalese retaliated against the Tamils as the majority ethnic Sinhalese police and military did little to stop the attacks. Over 300 people died, 100,000 lost their homes and some 200,000 to 250,000 fled across the border to India, all majority

\textsuperscript{137} Marks, “Sri Lanka and the Liberation Tigers,” 488.
\textsuperscript{138} Samaranayake, “Political Terrorism of the Liberation Tigers,” 182.
\textsuperscript{139} Nadarajah and Sriskandarajah, “Liberation Struggle or Terrorism?” 92.
Tamil. Military practices continued to target Tamils suspected of perpetrating guerilla and terrorist attacks. The riots and subsequent violence of 1983 was arguably the beginning of the Sri Lankan Civil War.

As the LTTE gained strength with new Tamil recruits, the Jaffna peninsula became increasingly insecure. Using military-grade equipment, the LTTE forced the Sinhalese-majority police to abandon and close police stations on the peninsula by the end of 1984. The LTTE then controlled Jaffna, terrorizing the remaining Sinhalese. The departure of the Sri Lankan civilian police force from the peninsula fueled the raging Civil War as the Tigers established a de facto counter state.

The following summer in June 1985, under pressure from India, the Sri Lankan government and the LTTE agreed to talks. However, by the end of the year, the country was again plagued with violence, as neither party was willing to make concessions. According to my theory, participating in peace negotiations contributes to the legitimization of terrorist organizations. From the riots in 1983 through the end of 1986, the Sri Lankan government employed WP policies to combat the LTTE.

**Indian Intervention (1987-1990)**

Military operations continued through the end of the 1980s. In response to attacks in Colombo and the killing of Buddhist monks, the Sri Lankan forces launched Operation Liberation I in May 1987. The government hoped to regain control of the Jaffna

---

140 The Jaffna Peninsula is within the majority ethnic Tamil territory. However, ethnic Sinhalese have resided on the Peninsula for decades, becoming targets of LTTE violence as the group sought to create an independent Tamil state.
142 Ibid., 502.
peninsula. Black Tigers executed attacks in response to the military operation, continuing the cycle of violence.\textsuperscript{143}

In July 1987, India intervened, sending two-brigades of peacekeepers to the Jaffna peninsula.\textsuperscript{144} Three key concerns propelled India to attempt mitigations. First, the LTTE threatened to spread influence and violence to India, particularly to Tamil Nadu (see Appendix E). Second, foreign intervention was undesirable for Indian interests. Third, India hoped to encourage the LTTE to accept the signed June 1987 Indo-Sri Lankan Peace Accord, which would bring an end to the Civil War.\textsuperscript{145} The forces managed to isolate the LTTE to the Wanni jungles, securing the Jaffna peninsula. In July 1989, the Sri Lankan and LTTE forces struck a truce with the purpose of removing Indian peacekeepers from the country. After the Indian withdrawal from Sri Lanka in March 1990, the uneasy peace between the Sri Lankan Army and the Tigers broke in June.\textsuperscript{146} The use of peacekeepers in Sri Lanka and the Peace Accord both treated the LTTE as a warring party and as such, align with the WP.

\textit{Fighting For Control (1991-2001)}

Following the renewal of violence in 1990, the Sri Lankan forces sought to reestablish control in the Tiger-dominated Jaffna peninsula. The two forces clashed in

\textsuperscript{143}Ibid., 504-505; Joshi, “On the Razor’s Edge,” 24.
\textsuperscript{144}Manoj Joshi in “On the Razor’s Edge” (23-24) discusses India’s role in the history of the LTTE. Prior to 1984, India had been a supporter of the LTTE, providing training for its members.
\textsuperscript{145}The Prime Minister of India and the President of Sri Lanka signed the Indo-Sri Lankan Peace Accord in 1987. Aiming to bring an end to the conflict in Sri Lanka, the Accord added a 13\textsuperscript{th} Amendment to Sri Lanka’s Constitution. Eight provincial councils, including the Tamil dominated northeast, were to receive limited power. The agreement was unsatisfactory for to the LTTE. Gamini Samaranayake in “Political Terrorism of the Liberation Tigers” (182) and Manoj Joshi in “On the Razor’s Edge” (79) both discuss the Indo-Sri Lankan Peace Accord.
several battles during 1991. Dressed in military fatigues and equipped with military-grade weapons, the LTTE attacked a Sri Lankan military camp at Elephant Pass, the land bridge connecting the Jaffna peninsula with mainland Sri Lanka (see Appendix E). The LTTE also succeeded in preventing the Sri Lankan Air Force from joining the fight. Army reinforcements, under attack, took over three weeks to advance five kilometers. The Sri Lankan military continued operations into 1992, destroying Sea Tiger bases in efforts to regain control of the peninsula.

After decades of fighting, the Sri Lankan president and the leader of the LTTE signed a ceasefire in January 1995. However, by April, the violence resumed and in July, the Sri Lankan military launched Operation Leap Forward. The mission aimed to recapture Jaffna City. As the military failed to create lines linking the captured bases units were left vulnerable to LTTE attacks. With military operations, the government continued to employ WP policies.

Could Peace Finally Be Possible? (2002-2014)

In 2002, following decades of embroiled conflict between the Sri Lankan military and the LTTE, the two parties agreed to an internationally monitored ceasefire and peace negotiations. Beginning in September, the LTTE and the Sri Lankan government negotiated under Norway’s supervision. However, in April 2003, the LTTE broke negotiations citing the government’s failure to implement earlier agreements.

---

149 Ibid., 37; Marks, “Sri Lanka and the Liberation Tigers,” 511.
internationally monitored ceasefire and government negotiations elevated the LTTE’s status as for the second time; foreign powers were recognizing the group as a key actor.

Officially, the ceasefire continued to hold despite the halt in negotiations. In 2005, the Sri Lankan Foreign Minister and the Jaffna Police Superintendent were both assassinated. Many believed the LTTE to be responsible despite the group’s denials. In response to the murders, the Sri Lankan government and Tamil militants resumed a “shadow war.” A cycle of violence ensued with large scale fighting resuming in 2006 after nearly four years of relative peace. Sri Lankan defense spending increased by 23 percent in 2006 and 200,000 Tamils fled the increasingly violent northeast. Prabhakaran squandered any prospects of the peace talks resuming on November 27, when he announced the LTTE return to war for obtaining a sovereign Tamil state. The Sri Lankan government officially terminated the ceasefire and resumed the war in January 2008. In practice, however, the ceasefire had ended years before.151 Finally, in May 2009, the government declared victory in its war against the LTTE following the assassination of Prabhakaran.152

**Expectations**

In this section I discuss how I expect the Sri Lankan counterterrorism policies to affect the LTTE’s level of violence. I have separated the section into three periods of

---


analysis: early troop deployment (1977 to 1982), the Civil War (1982 to 2001), and attempts at peace (2001 to 2014).

_Troop Deployment (1977-1983)_

Sri Lanka’s decision to deploy the Army in August 1977 indirectly mobilized support for the LTTE. Although the majority of Tamils in the mid to late-1970s still hoped for a peaceful parliamentary solution, the government’s use of the military expanded the number of those willing to employ violence. The WP policy of deploying troops did not suppress the Tamil movement; rather it inflamed the Tamil base. By the mid 1980s, the LTTE had massed support and thousands of fighters.  

I predict that the use of the military initially prevented an increase in violence. However, the use of the Sri Lankan Army legitimized the LTTE, justified the group’s cause, and increased recruitment, generating capabilities for a surge of violence in the long-term. As the Civil War broke out in 1983, I hypothesize that there was a sustained level of increased LTTE-sponsored attacks. As the government treated the LTTE as an insurgency, WP policies dominated the state’s counterterrorism efforts. Continued LTTE violence highlights the affect of employing WP policies on terrorist organizations’ abilities to sustain support and execute attacks.

It is important to note that the Sri Lankan government attempted to implement a few CJP policies in conjunction with the WP. However, as the latter dominated, any initial violence that my theory predicts follows the introduction of CJP policies was stemmed by the presence of the military.

---

Civil War (1983-2001)

I hypothesize two brief reductions in violence between 1983 and 2001. First, in 1989, the Sri Lankan government and the LTTE signed a truce as both sought to remove Indian peacekeepers from the country. Once the peacekeepers withdrew at the end of 1990, I predict there was a resumption of LTTE violence as the cycle of attacks and battles between the two adversaries continued. Second, in January 1995, the two parties signed a ceasefire. I conjecture that LTTE violence decreased in 1994 leading up to the agreement. However, as both sides failed to compromise and the truce broke, violence in 1995 and 1996 increased. Other than the brief 1989 and 1994 decreases in violence as explained by my WP theory, I hypothesize an overall trend of sustained high levels of violence during the two decades.

Have We Reached Peace? (2001-2014)

Following the September 11, 2001 attacks on the United States and the international community’s subsequent focus on condemning global terrorism I predict LTTE violence temporarily decreased. Here, I suggest a factor external to Sri Lankan counterterrorism policy affected the terror group’s execution of attacks. The decrease in violence, I hypothesize facilitated the commencement of the 2003 Norwegian supervised negotiations.

A combination of two factors I conjecture increased LTTE violence in 2006. First, the 2003 talks deteriorated as the LTTE accused the government of delaying the implementation of the agreed concessions. Second, the government implicated the LTTE
in 2005 of assassinating the Sri Lankan Foreign Minister and Jaffna Peninsula’s Police Superintendent. I predict, continued high levels of violence followed until the assassination of LTTE’s leader, Prabhakaran, in 2009. As my theory states, the elimination of a terrorist leader disrupts operations, resulting in decreased violence. I predict that LTTE violence declined rapidly in the year following Prabhakaran’s death.

**Outcomes**

In this section I discuss data provided by the GTD on LTTE violence between 1977 and 2014 (see Appendix F). I have split the section into three time periods for analysis. Each section explains the context for increasing and decreasing levels of violence and how each supports, or fails to support, my theory.

*Troop Deployment (1977-1982)*

As I predicted, there was limited violence in the years following LTTE’s emergence and the military deployment. A combination of two factors provided for the initial low levels of LTTE violence. First, the short-term affect of using the WP policy of military deployment suppressed potential attacks by the still relatively small LTTE. Second, the majority of Tamils preferred a peaceful solution in the early years. However, as the Sinhala dominant military remained in largely ethnic Tamil areas, creating a warlike environment, the LTTE gained support and recruits. The increase of violence in the mid-1980s highlights long-term implications of a continued military presence.
Civil War (1982-2001)

Following the 1983 riots, LTTE violence rose, peaking in 1988. The increased violence can be attributed to the long-term consequence of a predominant Sinhalese military presence in ethnically Tamil areas for over five years. As I predicted, there were two significant brief decreases in violence in 1989 and 1994. The first decline can be attributed to the truce between the Sri Lankan government and the LTTE as both aimed to persuade Indian peacekeepers to exit the conflict. The second decrease in violence predated the January 1995 ceasefire. As neither side was willing to make concessions, violence resumed, peaking in 1996. The reduction of violence prior to negotiations followed by an increase during talks is consistent with my theory. Decreased violence permits for negotiations as the parties search for non-violent means to achieve aims. However, once the talks begin and the government is unwilling to accommodate all of the terrorists’ demands, violence resumes.

Long-term military presence in Tamil dominated areas created a war environment, enhancing support for the LTTE and enabling the group to maintain high levels of violence. Government attempts to militarily retake the Jaffna peninsula in the 1995 Operation Lead Forward, a WP policy, can partially explain the decrease of violence following 1996. While the military failed, the effort temporarily disrupted operations, hampering LTTE violence in the short-term. Overall, WP policies can explain the sustained levels of LTTE violence during the 1980s and 1990s.
Have We Reached Peace? (2001-2014)

The September 11, 2001 attacks and increasing international attention to terrorism contributed to the decrease in LTTE-sponsored violence external to any counterterrorism policies. Affected by global events and the signing of a ceasefire, in 2002 the terrorist group committed the fewest attacks in two decades.

As negotiations broke down in 2003 and the “shadow war” commenced in 2005, LTTE violence again increased. Not until the government officially declared an end to the ceasefire did LTTE violence begin to decline. As the government troops officially did not participate in the “shadow war” the return of sustained military action in 2008 contributed to the decline in LTTE violence. While the military presence was sustained, the reintroduction of the full force of the military could explain the temporary reduction in violence, just as my theory predicts the introduction of WP policies in the short-term leads to decreased violence. Disrupting the group’s operations with the elimination of Prabhakaran in 2009 explains the continued decrease in violence. Following Prabhakaran’s death, the government declared a military victory. As of 2014, the LTTE has not resumed large-scale violence.

Conclusion

My theory on the affect of using the WP is supported with the data on LTTE-sponsored violence. Introduction of WP policies stemmed violence in the short-term, but established the foundation for continued high levels of violence in the long-term. For over three decades, the Sri Lankan government waged a war against the LTTE, treating the terrorists as an insurgency. The declaration of a military victory over the terrorist
organization highlights the government’s perception of the LTTE as combatants and the decades long conflict as a war.

The elimination of Prabhakaran in 2009 has eliminated LTTE violence. For now the country is at relative peace; however, Soma Ilangovan cautions that while the fighting has ended, peace remains elusive as Tamils continue to be treated as inferior citizens with tens of thousands still detained.\textsuperscript{154} According to my theory, such conditions are providing for a possible reemergence of violence whether it is a second generation LTTE or another Tamil organization.

CHAPTER SIX

THE REVOLUTIONARY ARMED FORCES OF COLOMBIA

The final case study is the Revolutionary Armed Forces of Colombia (FARC). A War Paradigm (WP) case, I study FARC from 1978 through 2014. In 1974, the sixteen-year period of Colombian politics known as the National Front came to an end. I selected to begin the study in 1978 as the affects of the National Front presidential election cycle continued until then. The terrorist organization continues to perpetrate acts of terror and there have been no negotiations producing peace, thus there is no definite end to the conflict. For the purpose of this paper, I have selected 2014 as the end of the study so as to analyze recent trends with enough distance to contextualize.

The chapter is divided into four sections. First, I briefly discuss the history of post-independence Colombia and the emergence of FARC. Second, I examine various periods in the nearly four decades case study, explaining how each aligns with the WP. Third, I hypothesize how the policies affected levels of FARC-sponsored violence. Finally, I analyze the data provided by the University of Maryland’s Global Terrorism Database (GTD) in the context of these policies.

Historical Overview

Colombia has experienced consistent violence since Spain granted independence in 1819. From 1830 to 1902, nine civil wars waged between the Liberals and Conservatives. Known as the War of 1000 Days, the final civil war of the period lasted

---

155 Waldmann, “Colombia and the FARC,” 223.
from 1899 to 1902, killing an estimated 80,000 to 200,000 Colombians. A cycle of elections followed by civil wars came to a temporary halt following the War of 1000 Days. The uneasy peace between Liberals and Conservatives lasted till the late 1940s with the commencement of la Violencia. During the nearly decade long conflict, an estimated 250,000 Colombians perished.

Finally, in 1958, the two political parties came to a truce, establishing the period of the National Front. The Liberals and Conservatives shared power, alternating hold of the presidency. During the decade and a half of the National Front, numerous guerilla and paramilitary groups emerged. Right-wing paramilitary groups have been both a blessing and a curse for the Colombian government. Quasi sanctioned by the state military, paramilitary groups were used to fight the FARC in the 1970s’ “dirty war.”

During the 1960s, FARC emerged from lower class peasant defense groups, which date back to the 1920s. Formally named in 1966, FARC suffered greatly for the first two years. Colombian and American military actions eliminated most of the group’s fighters and 70 percent of its weapons. As a result, after 1968 FARC transformed itself into a more covert organization that covered greater territory. Having gained increased support in the decades following, FARC rebuilt its membership to an estimated 16,000 to

---


157 Waldmann, “Colombia and the FARC,” 223-227. Jim Rochlin in “Plan Colombia and the Revolution” (717) outlines the differences between the Liberals and Conservatives. The latter largely represented the elites who lived in city centers. Liberals resided in more rural areas and drew from more of lower class agrarian workers.


20,000 fighters. The group diversified its financial resources to include narcotics trafficking, construction, and farming.\(^{161}\)

**Aims and Tactics**

Founded out of peasant defense organizations, FARC initially sought a social revolution that would overthrow the capitalistic corrupt government. Marxist ideology has faded from the group, replaced with territorial ambitions. A challenge to the government’s rule has continued as a common theme throughout FARC’s evolution.\(^{162}\)

Functioning as an Army, FARC controls large swaths of land for launching military style attacks, a marked transformation for the group’s early stages.\(^{163}\)

**Crime or War**

The Colombian response to FARC is characterized by WP counterterrorism policies. As the state considered FARC to be an insurgency, the military conducted operations and the government held negotiations. Early counterterrorism efforts against FARC relied on Colombian resources. At the turn of the century, the United States provided increased military and intelligence support to Colombian officials.

I have divided the analysis of Colombia’s response to FARC into five periods. Each section highlights a new element to Colombia’s counterterrorism response. Just as the policies overlap, so, too, do the sections.

---

161 Waldmann, “Colombia and the FARC,” 228. During the early 1980s, FARC commenced its *Strategic Plan for the Seizure of Power*. Jorge E. Delgado discusses the FARC strategy in “Colombian Military Thinking” (829).


Repression (1978-1982)

Early responses to FARC revolved around the use of WP measures within Criminal Justice Paradigm (CJP) legislation. In the late 1970s, the president declared a “state of siege.” The emergency legislation granted the military increased powers of arrest. Reports emerged of officials abusing the power, using torture, and the disappearance of individuals. In addition to the increased powers provided to the armed forces, the government supplied a list of crimes to be tried under a military tribunal rather than the criminal courts. While the “state of siege” was a legislative measure, the practices employed align with the WP. The military’s increased capacity to arrest led to the trying of individuals in military tribunals, a non criminal justice institution. Abuses and the disappearance of individuals further contributed to the WP.


During failed peace negotiations with the government, FARC in 1984-1985 established its own political party Unión Patrótica. The party increased in popularity through the early 1990s despite the targeted killings of over 3,000 members and supporters between 1986 and 1992. Many believed that even if the government did not officially oversee the assassinations, they were implicit in the murders. Simultaneous to the attacks on the Unión Patrótica members, the government took responsibility for the killing of FARC’s ideological cofounder Jacobo Arenas in 1990.

---

164 Garry M. Leech, The FARC: The Longest Insurgency (Halifax: Fernwood Publishing, 2011) 22-23. A military tribunal is a court proceeding in which the judge, prosecution, and defendant are members of the armed services.
Despite the assassinations of supporters and members, FARC’s power increased in the mid 1990s. In 1996, FARC overtook Colombian military positions, increasing the terror group’s image of strength. A victory for the group came in 1998 when the government granted FARC a Zone de Distensión, a ceasefire zone.\textsuperscript{165} The government sought to placate FARC with the piece of territory free of government soldiers to draw the group back to the negotiating table.\textsuperscript{166} However, just as in previous attempts in the mid 1980s and early 1990s, the 1998 the negotiations failed to lead to peace.\textsuperscript{167}

Negotiating with terrorists, granting of territory, and targeted assassinations are all elements of the Colombian government’s WP policy between 1984 and 1998. The tools implemented treated FARC members as legitimate actors rather than criminals conducting illegal acts.

\textit{Plan Colombia (1999-2006)}

A joint initiative between Colombia and the United States, Plan Colombia was first introduced in 1999. The United States supplied Colombia with $4.7 billion, 75 percent of which went towards military equipment and training. A key objective of the initiative was the improvement of the Colombian armed forces. The purpose of the program was to enable the military defeat of FARC. The United States Department of Defense significantly contributed to the Colombian government’s ability to monitor FARC movements with the use of land and aerial surveillance. A result of the increased intelligence and surveillance was the weakening of FARC’s communication capabilities

\textsuperscript{165} Rochlin, “Plan Colombia and the Revolution,” 720-722.
\textsuperscript{166} Delgado, “Colombian Military Thinking,” 828.
\textsuperscript{167} Rochlin, “Plan Colombia and the Revolution,” 721-722.
between disparate FARC controlled territories.\textsuperscript{168} A WP policy, Plan Colombia focused on the military defeat of FARC.\textsuperscript{169}

\textit{War on Terror (2001-2014)}

Following the September 11, 2001 attacks on the United States, terrorism internationally came under increased scrutiny. The evolution of terrorism discourse allowed for the American government to openly support the Colombian government in counterterrorism measures. Prior assistance had to be primarily directed towards the War on Drugs. Post 9-11 discourse allowed for the United States to openly aid the Colombian government in supplying equipment and specially trained counterterrorism personnel.\textsuperscript{170} In 2002, the War on Terror commenced in Colombia, beginning the longest continuous military fight against FARC.\textsuperscript{171} As the name suggests, the War on Terror was a WP policy as it emphasized the use of military action to defeat FARC.

\textit{Assassinations, Laws and Negotiations (2008-2014)}

With increased resources from the United States, the Colombian military continued launching attacks against FARC. In three years, the government assassinated three of FARC’s top leaders, one in 2008 and two in 2011. In November 2012, a new round of peace talks commenced in Havana Cuba. Included in the negotiations was the possibility of incorporating FARC into the political system. The military feared FARC strategized to use the ceasefire as a time for regrouping from its weakened state. Through

\textsuperscript{168} Ibid., 726-737.
\textsuperscript{169} Jim Rochlin in “Plan Colombia and the Revolution” (728-729) discusses Plan Patriota and Plan Victoria, two sub plans to Plan Colombia.
\textsuperscript{170} Ibid., 733-734.
\textsuperscript{171} Delgado, “Colombian Military Thinking,” 827.
the use of paramilitary groups, the military used assassinations and kidnappings to undermine government negotiations. The targeted killing of FARC leadership and negotiations continued to exemplify WP policy.

In May 2011, the government ratified two new laws. The legislation addressed two underlying issues that have previously drawn supporters to FARC. First, the laws redistributed land to peasants and second, awarded funds to victims of both government and non-government violence. Both legislative measures provide evidence of CJP policies implemented in a majority WP counterterrorism effort.

**Expectations**

In this section, I discuss how I expect the Colombian government’s policies to affect FARC-sponsored levels of violence. I separate the decades studied into two sections. First, I discuss Colombia’s response in the post-National Front years (1978-1999). Second, I predict how the United States and the War on Terror have affected counterterrorism success in Colombia (1999-2014).

*Colombia’s Response (1978-1999)*

My theory suggests there should be an initial suppression of violence following the implementation of WP policies. However, in the case of FARC, conflict had plagued the country for over a century. The government targeted the predecessors of FARC and the organization’s early members. When the “state of siege” was declared, giving the

---

military increased powers, the WP practices had the long-term affect of increasing violence.

Amongst growing numbers of attacks, I predict there were three brief periods of decreased FARC-sponsored attacks. In both the early 1980s and 1990s, the government and FARC attempted peace negotiations. According to my theory, violence should decrease in the years prior to the peace talks. As the negotiations commenced and failed, I hypothesize the violence resumed at increased levels. The third period of predicted decreased violence was in the mid to late 1990s prior to a third attempted round of negotiations and the 1998 granting of the Zone de Distensión to FARC. Once the ceasefire zone was granted, I suggest that FARC continued violence as they had succeeded in obtaining a piece of territory through the use of conflict.

_American Intervention (1999-2014)_

Implementation of Plan Colombia with the addition of American resources to the counterterrorism effort I predict provided for a brief decrease in FARC-sponsored violence. However, as Plan Colombia was a continuation of decades of WP policies, the addition of counterterrorism resources only permitted for a brief reduction of violence in 2000 followed by a quick resumption. The September 11, 2001 attacks on the United States and corresponding international community’s condemnation of terror worldwide I suggest resulted in a decrease of the otherwise resurgence of FARC attacks. A combination of greater counterterrorism resources and global attention to terrorism should have resulted in continued low levels of FARC-sponsored violence in the years following 2001.
After a reduction of violence in the early post 9-11 years, I predict a resurgence in the mid-2000s. Elimination of FARC leadership in 2008 and 2011, I hypothesize resulted in a leadership vacuum, which undermined the terror group’s operations in the short-term. Attempted 2012 peace negotiations and the implementation of CJP legislation in May 2011, I theorize contributed to an increase of FARC violence. In the short-term, which is the extent of this study, I predict there is continued high levels of FARC-sponsored violence. My theory suggests that if the Colombian government continues to implement CJP policies in favor of WP policies, FARC will be delegitimized, its recruitment capabilities challenged, and a long-term decrease in violence.

**Outcomes**

In this final section, I discuss the data compiled on FARC attacks in the GTD (see Appendix H). The section is divided into the same decades of analysis as my expectations. I finish with a concluding section.

**Colombia’s Response (1978-1999)**

With a few exceptions, there was an overall trend of increased levels of FARC-sponsored violence during the first two decades studied. As I predicted, violence increased, peaking in 1983. The number of attacks briefly reduced prior to the 1984-1985 peace negotiations. Following the break in talks, the violence initially rose as to be expected before briefly decreasing from 1988-1989. The reduction in violence can be attributed to the targeted assassinations of thousands of the Unión Patrótica members. As
the WP practice took effect, violence initially decreased before resurging and peaking in 1991.

It is plausible that the violence would have continued rising had it not been for the attempted peace negotiations in the early 1990s. The failure of this second round of negotiations resulted in the predicted increase of FARC-sponsored attacks from 1994 till the peak in 1997. Again in 1998, the government attempted to bring peace to the country with the agreement to grant FARC the Zone de Distensión. FARC driven conflict did temporarily recede in 1998, however, as the group realized sustained high levels of violence resulted in government concessions, the number of attacks resumed at increasing levels in 1999.

**American Intervention (1999-2014)**

Periods of reduced violence were evident in the data, but for the final 15 years of the study those recessions of violence were temporary. Each return to high levels of violence peaked at a higher number of attacks per year than the previous. The addition of American counterterrorism resources in Plan Colombia resulted in the 2000-2001 brief reduction in violence. However, as the new policy was a continuation of decades of WP practices, the disruption of FARC’s operations was only temporary.

The global response to the 9-11 attacks and the United States’ commitment of greater counterterrorism resources resulted in decreased FARC-sponsored violence from 2002-2007. Concentration of counterterrorism resources enabled a short-term reduction in violence despite decades of continued WP policies. However, after five years, violence increased again as predicted by my theory. The assassination of two top leaders in 2011
appears to have disrupted operations temporarily as the reduction in violence indicates. Implementation of CJP policies in May 2011 and the commencement of negotiations in 2012 can provide explanations for the rise in the number of attacks. As my theory predicts, the short-term affects of CJP policies and FARC looking to achieve concessions through violence explain the resurgence.

Conclusion

Treating FARC as an insurgency, the Colombian government consistently instituted WP policies over the decades. In recent years, steps towards CJP legislation have been taken, but within the framework of an overarching WP. The data collected in the GTD largely corroborates my theory on the implications of WP policies on counterterrorism successes and failures. It is important to note that additional factors other than policy-affected levels of FARC-sponsored violence. These factors include changing presidential administrations and international events, such as 9-11. As of the writing of this study, FARC remains active within Colombia.
CHAPTER SEVEN

CONCLUSION

Since the turn of the century, there has been an increasing global focus on terrorism. The September 11, 2001 attacks created a sense of urgency in the international community to combat organizations employing terror tactics. Constant reporting on terrorist violence worldwide has created an impression of terror as an increasing risk to states’ security. Growing international fear of potential attacks has resulted in government leaders needing to respond with forceful language to reassure concerned publics.

Following bombings, hijackings, and shootings, leaders seek to provide assurances to their publics. With the advent of 24/7 media coverage, the audience becomes the global population, not just a leader’s constituents. As leaders condemn terrorist acts and pledge powerful responses, they often use war terminology. As the message spreads globally through television, news websites, tweets, Facebook posts, and news alerts on mobile phones, the magnitude of attacks is amplified more than any other point in history. Existing literature on counterterrorism policies has largely focused on specific policies implemented. I suggest that there is a need to focus not only on the specific policies, but also on the overarching approaches to counterterrorism. Does a government see terror as an act of war or a criminal act? The answer to this question provides explanations for which policies governments implement when attempting to eliminate terror organizations. Counterterrorism policies and practices have the propensity to not only eliminate groups, but also elevate a terrorist organization’s cause, fueling recruitment. Understanding how the perception of terrorism, as a criminal act or
an act of war, produces counterterrorism policies is essential for reducing terrorist violence.

In this thesis, I have sought to expand the existing literature through the use of four case studies, two from the Criminal Justice Paradigm (CJP) and two from the War Paradigm (WP). Using newspapers and articles, I have identified policies as one paradigm or the other. Data on the organizations’ use of violence collected in the University of Maryland’s Global Terrorism Database (GTD) has enabled me to compare levels of attacks to the implementation of various policies.

Chapter Summaries and Findings

Following the outline of my theory in Chapter Two, I have used four case studies to test my hypotheses. In Chapter Three, I examined the first CJP case study, the Irish Republican Army (IRA). I found that the deployment of British troops to Northern Ireland failed to initially suppress the growing IRA violence, as troops performed a policing rather than military function. However, my theory on the use of CJP legislation and practices stands as IRA conducted an increasing number of attacks in the short-term. When the government switched to a policy of Normalization in 1976, IRA-sponsored violence increased. Despite being a continuation of CJP policies, the change from emergency legislation to the use of the normal criminal justice system initially increased the level of terror attacks. The increase of IRA violence points to the need to examine the impact of emergency legislation.

In Chapter Four, I analyzed my second CJP case study, the Euskadi Ta Askatasuna (ETA). An overall trend of decreasing violence after an initial increase aligns
with my theory. In the case, the issue of special legislation versus normalization surfaced as in the IRA case study. A second key phenomenon that is evident in this case is the impact of factors external to the policies selected. All four of the cases were affected by the events and international response to the September 11, 2001 attacks in the United States. Spain additionally suffered an attack by Al Qaeda affiliates in Madrid in 2004. The combination of Al Qaeda attacks and ETA’s misreading of public sentiments highlight the influence of external factors on reduced levels of violence.

In Chapter Five, I analyze my first WP case study, the Liberation Tigers of Tamil Eelam (LTTE). The Sri Lankan government treated the LTTE as an insurgency, using the state’s military to target Tamil controlled territories. Initially a small militant organization, the LTTE grew to become a de facto state with its own land, air, and sea forces. The growth of the LTTE can be attributed to the Sri Lankan government’s response to militarily suppress the Tamils, which led to increased support and recruitment for the terror organization. A key takeaway from the case is the necessity of government control over the military. During government-LTTE negotiations, factions within the military employed paramilitaries to continue targeting Tamils, undermining the peace talks. Government policies are only as effective as those it employs to dispense them.

In Chapter Six, I present my final WP case study, the Revolutionary Armed Forces of Colombia (FARC). Cycles of conflict have raged through Colombia since its independence from Spain. Geographically close to the United States, the violence in Colombia has been of concern for the northern country. Focused on aiding Colombia with combating drug trafficking, the United States increased counterterrorism support post-9-11. Even with the increased military and intelligence resources from the United
States, FARC has continued to grow in strength and increased levels of violence. FARC is the only case study that has failed to achieve peace.

The four case studies both corroborated and contested my theory. Data collected on the two WP cases followed my proposed theory. As governments implemented WP policies, violence decreased in the short-term. However, as the terrorists’ cause was legitimized and support was generated, violence increased in the long-term. In the two CJP cases, there was greater variation in whether the data supported my theory. Overall, CJP policies aligned with my proposed hypothesis that violence increases in the short-term, but decreases in the long-term. However, understanding the context in which the policies were implemented was key to assessing whether the intent was CJP or WP and whether other factors were more powerful than the counterterrorism policies being analyzed.

Two factors contributed to the variance in the IRA and ETA case studies. First, there was greater overlap of CJP policies and WP practices in these two cases than in the LTTE and FARC case studies. Second, I considered the majority of emergency legislation to be CJP policies. The data shows that there was a change in violence as governments traded emergency legislation for the normal penal code, suggesting the former has a different impact on levels of violence than the latter. As my theory did not account for variations in legislation, discrepancies emerged.

In my research design, I defined the short-term as within five years and the long-term being post-five years. When examining the policies implemented, it is apparent that there is not only an overlap between policies within a single paradigm, but also across the CJP and WP. The comingling of various WP and CJP policies hinders the ability to
determine exactly which paradigm is resulting in increased or decreased levels of violence in the short-term and long-term.

**Moving Forward**

I have attempted to contribute to the existing literature on counterterrorism paradigms, but the need for more persists. An area for greater research is on the impact of emergency legislation on terrorist levels of violence. In both the IRA and ETA cases, I saw marked changes in violence when the government returned to the normal criminal justice system in place of emergency legislation. Understanding how emergency legislation aids or hinders counterterrorism success is key to future policy creation and implementation.

A second area for future research is examining the impact of CJP and WP policies on transnational terrorist organizations. I have focused on four cases of domestic terrorism, but international terrorism has become an increasing concern to the public worldwide. Understanding how CJP and WP policies impact global terror networks is increasingly important. As states share intelligence and resources, it is key to know how policies will impact global terrorism.

In conducting research on counterterrorism paradigms, I aimed to contribute to decision-makers’ discussions on policy selection. Understanding how CJP and WP policies impact terrorist violence in the short-term and long-term is essential for eliminating terrorist groups’ violence. A disproportionate focus on short-term successes only perpetuates the issue. I hope I have highlighted the need to think long-term even at the expense of the short-term.
Final Thoughts

Increased media coverage and an interconnected world have heightened a perception of a growth in terrorist activity. The public has become increasingly concerned with the threat of terrorist attacks, looking to officials for security and assurances. As leaders respond, it is essential that there be an understanding of how rhetoric and policies can perpetuate the terrorist organizations targeted. Citizens seeking security push officials to employ powerful rhetoric and to conduct operations for immediate successes. However, if we keep looking for short-term successes, terrorist organizations will only continue perpetuating attacks in the long-term. In this thesis, I have attempted to provide insights into the implication of counterterrorism policy choices. Understanding not only the short-term outcomes, but also the long-term ones is essential when considering how to eliminate a terrorist organization’s violence.
Bibliography


------. *Writing the War on Terrorism: Language Politics and Counter-Terrorism*. Manchester: Manchester University Press, 2005.


University of Maryland Global Terrorism Database (for mapping terror groups; accessed April 9, 2016). [http://www.start.umd.edu/gtd/](http://www.start.umd.edu/gtd/).


Appendix A. Map of Ireland

*Source: Google Maps*
Appendix B. Irish Republican Army
Terrorist Incidents Over Time

Source: University of Maryland’s Global Terrorism Database
Appendix C. Map of Spain

Source: Google Maps
Appendix D. Euskadi Ta Askatasuna
Terrorist Incidents Over Time

Source: University of Maryland’s Global Terrorism Database
Appendix E. Map of Sri Lanka

Source: Google Maps
Appendix F. Liberation Tigers of Tamil Eelam
Terrorist Incidents Over Time

Source: University of Maryland's Global Terrorism Database
Appendix G. Map of Colombia

Source: Google Maps
Appendix H. The Revolutionary Armed Forces of Colombia

Terrorist Incidents Over Time

Source: University of Maryland’s Global Terrorism Database