



Fourth Generation Warfare Theory Should Provide Context for CFT

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A serious barrier for creating a hostile global counterterrorist financing environment is international cooperation.

The support for the current terrorism sanctions regime that surged in the wake of the 9/11 is in steep decline in some parts of the globe. One cause for this waning support stems from a failure to appreciate the larger context of the changing nature of war.

Terrorism sanctions lists are under fire in Europe. Several legal challenges have been issued on due process grounds that have called into question the future of these lists; particularly the UN 1267 list, which pertains to the Taliban and al-Qaida. European human rights lawyers and activists, in addition to a bevy of lobbyists and other paid consultants, have mobilized to take up the cause of a number of high-net worth individuals that are designated under the UN authority for alleged involvement with al-Qaida. One of them is Yassin Kadi, a Saudi businessman who denies any involvement in terrorism. He was placed on the UN 1267 list after 9/11 and has had millions of dollars frozen in many countries. Kadi has brought a serious legal challenge to the current UN program. In September he won a lawsuit brought to the European Court of Justice, which ruled that his right to a fair hearing of evidence had been violated by EU countries enforcing the UN 1267 list. The court has given the EU until December to provide Kadi with an explanation for why he was blacklisted in addition to creating a mechanism for appeal. The implication is an awkward one for EU states: either violate the court's decision or fail to comply with a UN resolution they are party to.

The due process argument fails to appreciate not only the importance of intelligence in the fight against terrorism, but also the changing face of the war we are engaged in. Since terrorists largely operate clandestinely, any successful counterterrorism strategy requires an intelligence-led approach. Sharing sensitive intelligence information or disclosing sources and methods to the people the information pertains to could clearly lead to absurd ends if every designated entity was entitled to sensitive information held about them. Osama Bin Laden would be entitled to sensitive information shared with the 1267 Committee. Due process in terrorism designations therefore may not and should not conform to or closely resemble criminal justice procedures. International terrorism is more a national security concern than a

law enforcement issue.

While disconcerting, this ambiguous state of affairs is unfortunately symptomatic of a paradigmatic shift in the nature of war in the 21st century. Striking an appropriate balance between civil liberties and security will remain a perennial challenge. The new terrorism – best characterized by the al-Qaida-led global jihadist movement – is emblematic of an evolving type of war often referred to as fourth generation warfare (4G).

In order to best contextual the CFT regime, it is helpful to consider 4G. Unlike the organized battalions in previous eras, under 4G conditions, armies are better conceived as non-traditional, stateless foes capable of embedding and expanding virally wherever they are afforded refuge. Features of 4G include covert bands of international terrorists using their enemy's soil as territory from which to conduct massive attacks on civilians or to undertake other subversive support missions related to financing or recruiting. Unlike previous conflicts, "the distinction between war and peace will be blurred to the vanishing point," causing the mobilization of public support to become much more difficult a task than during the First and Second World War, for example¹ Consequently, extirpating terrorist enemies, which seek to subvert the financial, legal and political systems of democratic states from within, becomes harder to square with the existing legal and moral norms that societies have become accustomed to. The difficulty involved in recalibrating existing legal and security systems to deal with these evolving threats is tremendous.

The counterterrorism campaign that commenced after the 9/11 attacks was predicated on a multifaceted framework, which accounts for 4G conditions (Operation Iraqi Freedom notwithstanding). Constricting the financial and logistics structures affiliated with terrorist and insurgent networks remains a critical dimension of this battle. Sanctions lists have been a centerpiece of the fight against terrorist finances and have provided an identifiable set of entities that provide a framework for international cooperation. While not sufficient by themselves, these financial measures are a good start and help degrade the ability of terrorists to carry out attacks and also to grow broad infrastructures, which are both necessary for these virulent networks to thrive.

¹ See Bill Lind's prescient 1989 article on the subject:
http://www.d-n-i.net/fcs/4th_gen_war_gazette.htm