

# **INTELLIGENCE ANALYSIS**

## RISK OF TERRORISM AND ANALYSIS OF COUNTERTERRORISM CONCEPTS: A VIEWPOINT FROM SERBIA

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### **Abstract:**

*The paper starts from a definition of terrorism which is widely accepted and frequently used in scientific publications in Serbia, due to its compatibility and accuracy. The paper also explores the reasons for adopting such a definition of counterterrorism (CT), which encompasses a wide spectrum of countermeasures, normative frameworks and institutional architectures. In order to fundament the scientific discourse, the concept of risk was examined, as well as indications about an essential element of risk, i.e. the negative consequences for the entity. In the definition of risk, as one of its key elements, the vulnerability of entities is emphasized, which includes their resistance or, to put it differently, their ability to carry out adequate responses. This aspect is highlighted as it confirms the goal of the model of analysing the concept of counterterrorism, but also the deepest basis for the construction of the CT concept. Additionally, some components of the new intelligence paradigms are also highlighted, which may be of relevance for the research of the CT concepts. The paper concludes that the adaptability of the normative and institutional framework is the main objectives of the CT constructions. Adaptability also pertains to action plans and measures to the current threats and must include timely determination of the directions and instruments for action, as well as the establishment of solutions that involve the anticipation of future risks. It has been previously highlighted that the goal of CT is to achieve the coordination of the strategic, tactical, and operational level of activity and provide an innovative, creative and proactive perspective. The key direction in the field of CT is not only to achieve efficiency, but to be effective as well.*

**Keywords:** *risk, terrorism, intelligence, antiterrorism, institutions.*

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## Introduction

Nothing new can be concluded by stating that terrorism is one of the key security challenges and risks for the modern world. That is precisely why, in the present paper, we employ the following definition:

“Contemporary terrorism is a multi-dimensional political phenomenon which can be theoretically and generally defined as: a complex form of organized group, and less individual or institutional, political violence, marked not only by physical and psychological intimidation, but also sophisticated technological methods of political struggle, as a means with which whoever usually, especially during the political and economic crisis and rarely during economic and political stability of the society, systematically attempt to achieve ‘great goals’ in a morbidly spectacular way, inappropriate to certain conditions, such as social situation or historical possibilities of those who practice it as a political strategy.” (Simeunović, 2009, p. 80)

Contemporary terrorism is, therefore, a complex phenomenon through the causes that trigger it and through its forms of manifestation and impact which on both the political, security, military and economic sphere, and on culture, tourism, sport, and ultimately in the everyday life of many people. The complexity of terrorism forces the field of counterterrorism to encompass a wide range of countermeasures with the built normative frameworks and institutional architecture. As a result, the definition of counterterrorism must also be formulated in such a way so as to involve all the aforementioned elements. Likewise, the model for the analysis of counterterrorism concepts needs to include the same aspects. In order to link the indicated issues, we need to first start with a discussion of the concept of risk.

## The Concept of *Risk*

The definitions of risk in modern theory are multiple, and in this paper, we adopt the following definition: “[Security] risk is the possibility of a change of situation within or in connection with a social or political entity expressed through a set of determinants of a different and measurable degree of influence and objective significance that are determined by the character and extent of potentially respectable

negative consequences for the entity depending on the certainty of the occurrence of a particular model of social, or technological processes, as well as the degree of vulnerability of the entity determined by the severity (strength of the influence) of the threatening factors and/or of the potential of the threatening entity to expand opportunities in which it takes advantage of weaknesses of threatened entities and causes them damage, loss or destruction, depending on the extent of possession of capacity, quality and/or specific abilities of endangered entities required to take adequate countermeasures. Security risk therefore includes natural processes of a certain volume, intensity and destructive character, technical and technological destructive events, as well as social processes and circumstances that are registered within or in the environments of entities that indicate the possibility that their development adversely effects on stability and/or the realization of entity functions, i.e. the existence of social and political forces of a certain character and objectives of action that have the capacity to significantly threaten a particular entity or its part.” (Павлићевић, 2017, p. 122)

If  $P_i$  denotes a set of functions that represent possible events with negative consequences,  $R_i$  is a set of functions that represent the degree of vulnerability of the entity (its potential, its ability to defend itself or to prevent the negative outcomes of events), while  $u_i$  denotes the potential of the threatening entity, then the equation of risk is:

$$R = \frac{P_1 + P_2 + \dots + P_n}{R_1^{u_1} + R_2^{u_2} + \dots + R_m^{u_m}}$$

$$R = \frac{\sum_{i=1}^n P_i}{\sum_{j=1}^m R_j^{u_j}}$$

Where:

$P_i$  – probability of occurrence of events with negative consequences,  $i = 1, \dots, n, 0 \leq P_i \leq 1$

$n$  – number of possible events with negative consequences

$R_j$  – function of the degree of vulnerability of the endangered entities,  $j = 1, \dots, m, 0 \leq R_j \leq 1$

$m$  – the number of vulnerable entities (i.e. the number of locations that can endure damage or injury within an endangered entity)

$u_j$  – the potential of the threatening entity,  $j = 1, \dots, m, 0 \leq u_j \leq 1$

Surely, it is necessary to investigate in more depth the validity of the cited definition and the mathematical formula of risk. We consider that a slightly modified version of Павлићевић's definition can be applied for the purpose of this paper. Namely, the vulnerability of the entities is highlighted as a key element of risk, which consists, by definition, of two elements:

1. the resistance of the endangered entity, i.e. its ability to undertake countermeasures (i.e. “the extent of possession of capacity, quality and/or specific abilities” to prevent the negative consequences of events or processes) adequately/proportionately
2. the character and strength of the threatening factors (i.e. the potential of the threatening entity to cause the damage, loss, or destruction of the endangered entity).

The analysis model of the CT concepts shows the importance of the concept of resistance on the part of the endangered entity. Considerations build a theoretical approach in which the definition of a risk field is indirectly determined by the ability to overcome it. In this section, the author gives an indication about another important element of the definition – an element that concerns the negative consequences for the entity. Let us begin with the following stance:

There are, however, good reasons for not restricting the concept of risk to negative consequences and many definitions of risk relate it to both negative and positive consequences. What is a negative consequence or outcome? To some, an outcome can be negative, and for others positive. We wish to avoid a discussion on whether a consequence is classified in the correct category. In an assessment of

risk, the aim is to uncover all relevant consequences, then assess uncertainties and assign probabilities. (Aven, 2009, p. 65)

We agree with Aven's statement according to which "in risk assessment, the aim is to uncover all relevant consequences" (2009). A particular phenomenon (process) is the object of our interest precisely because it has consequences of great importance to people. Therefore, the goal is to judge *which* consequences (i.e. not necessarily negative, but consequences of whatever clear significance) have a certain occurrence or process for the values that the society (the state) protects. However, in understanding risk we must bear in mind that it is a social construct, and so it necessarily contains a value (subjective) dimension. The scope of the term risk (in the sense of the values that it encompasses) cannot be limitless – at least for humans, if not for God or for the universe. Risk is the uncertainty of the change of a given state (of the system) – of such a state where there are certain factors beyond its boundaries, which due to their character (volume, degree, intensity, orientation, strength, quality changes) can endanger the system under its protection (its values) – and just as such factors (as factors with specific influence) become a risk factor. It is necessary to defend the assumption that risk, in the theoretical model or in a specific research project in the field of (national) security, signifies uncertainty of occurrence that may have negative outcomes (or the likelihood of the event or process with the specific characteristics – that may have negative consequences) – because risks disturb the functioning of the system, and the goal is to strike a balance in the system.

Hence, the goal is to judge *whether* a particular event leads to the positive or to the negative outcomes. Then the goal is to determine *to what extent* the outcomes of a phenomenon have negative or positive influences on the value(s) which we protect. Outcomes can be determined only by understanding the given reality through thought models because the data provide a certain quality only in the theoretical framework, the very facts stay as bare facts only. Ergo, if we have not defined the risk as a manifestation and outcomes of phenomena (processes) that are negative for the system, we have placed a sign of equality between the notion of *risk* and that of *challenge* –

because the components which constitute the latter can have a positive and negative direction which might affect the values that we protect.

Likewise, if the risk is not defined in a way that leads to the research of negative outcomes of phenomena and processes – since in the cognitive process the fact of the negative influence exists just for the subject – the subject of the cognitive process is lost. The risk is analysed first and foremost to register the negative influences (of risk factors) for the entity, the level of threat to the values that a society (the state) protects, in order to take countermeasures aimed at reducing risks – including raising the entity's ability to improve its defensive potential. Risk is determined by the context, as well as by the research perspective – whereby the criterion of objectivity of research procedures should not be confused with this starting assumption of risk research. Objectivity is achieved by both qualitative and quantitative methodologies, as it is sometimes stronger when the two are combined.

Aven (2009) also argues that “not restricting the risk concept to negative consequences” may, however, have a different kind of foundation – and when one underlines the importance of the time sequence, period, current state and position of the entity at risk. Namely, the protected values change over time, the negative outcomes can become positive and vice versa. In other words, changes within the system alter both the risk perspective and the risk factors. Therefore, any subsequent risk analysis in the field of (national) security must reconsider its evaluation criteria – otherwise the results will not be the real basis for decision making because they will not follow and anticipate changes. In this regard, taking into account the multifaceted and dynamic nature of political and security phenomena and processes, we can agree with the view that it is necessary to overcome “a discussion on whether a consequence is classified in the correct category” mostly because of the fact that positive outcomes can be latent negative and vice versa.

### **Counterterrorism**

Omelicheva (2007) considers that counterterrorism “in its broadest and fullest sense” involves numerous policy areas and includes the activities of almost all governmental agencies (“not only

those authorized with law-enforcement, intelligence, and defence functions”), and that as a type of policy “encompasses a range of actions (e.g., freezing financial assets of terrorist organizations), specific decisions (e.g. a decision to join international treaties aimed at addressing different aspects of terrorism), general guidelines (provisions allowing for the use of military force on the territory of other states), observable behaviours of states (e.g. police raids on possible terrorist sites), and verbal statements of policy makers (e.g. promises of military and economic aid to other states struggling with terrorism)”. Since “counterterrorism measures do not stop at the borders of the states”, Omelicheva (2007) claims that: “As the threat of terrorism blurs the boundaries between internal and international security, the concept of counterterrorism also blurs the distinction between foreign and domestic policy dimensions”. In other words, the scholar states that “counterterrorism can be thought of as a mix of public and foreign policies designed to limit the actions of terrorist groups and individuals associated with terrorist organizations in an attempt to protect the general public from terrorist violence”.

Stepanova (2003) defends the following approach: “To denote efforts to combat and prevent terrorism, the terms ‘counterterrorism’ and ‘anti-terrorism’ are both used, as they have both become a standard part of the United Nations lexicon. In contrast to some national definitions, notably those suggested by the US military doctrine, ‘counterterrorism’ should not necessarily be viewed as being limited to offensive or active measures to fight terrorism, nor should ‘anti-terrorism’ be used to embrace defensive or passive strategies only. As used in this report, neither of the two terms carries any evaluative connotation. The choice between them is determined by a functional approach: while counterterrorism is seen as a security task performed by the security component of a national or international authority, the use of political, legal, economic, civil society and other peace-building instruments for the purposes of both countering and preventing terrorism is more broadly referred to as anti-terrorism” (Stepanova, 2003, p. 8)

Pavličević (Павлићевић, 2016, pp. 51-52) emphasizes the necessity to respect the requirement for the removal of the value

component in the determination, but if we support the aforementioned opinion without limitation, we might miss the fact that in some texts the term 'counterterrorism' connotate "the use of political, legal, economic, civil society and other peace-building instruments" – that the author defines as anti-terrorism. Since the above function of antiterrorism can also be a function of counterterrorism, Pavličević (2016) concludes that a functional approach carries inconsistencies, and highlights that these terms are not antipodes or antonyms. Pavličević also notes that Stepanova consistently used these terms in the meaning set by her in the text: A) anti-terrorism mainly refers to measures and activities targeted at a specific area (state) and involves preventive measures while B) counterterrorism gets the meanings that contribute to the character of offensive (more aggressive), proactive and repressive strategies (see: Stepanova, p. 17).

Pavličević (2016, pp. 48-56) recalls that modern terrorism is a complex phenomenon and because of that the area of countering terrorism covers a wide set of measures, actions and activities. Pavličević points out that the use of terms related to the conceptual complex of opposing terrorism depends on: theoretical perspective, from the bearer of activities – of the implementers of the measures defined in the fight against terrorism, of the wider social and political framework, historical determinants, then from measures that are considered the content of the concept, i.e. its scope, comprehensiveness and character of measures that are emphasized in the discourse (mark as crucial), as well as the orientation of measures for the specific problems. Pavličević insists on the necessity of the clear and scrupulous language of science and consequently underlines the necessity of the conceptual delimitations in science. Therefore, Pavličević scrutinizes the terms antiterrorism and counterterrorism:

1. *Words antiterrorism (AT) and counterterrorism (CT) can designate different real constructions, doctrines or concepts. Although with close semantic content these terms carry different meanings, whereby the term counterterrorism – in relation to the term antiterrorism – has more semantic content and denotes more active countermeasures (denotes pronounced reaction).* Let us point out, from the English Dictionary (2011,

p. 17, 70 and p. 74): “**anti-** prefix opposed to; against”; **contra-** prefix against; “**counter** adv. contrary; adverse; in an opposite direction; in the wrong way; *adj.* opposed; opposite; *n* a return blow or parry; an answering move; *vti.* to oppose; to retort; to give a return blow; to retaliate”. However, the terms *AT* and *CT* are not antipodes, these two terms do not build a formal-logical dichotomy. In one accepted view, notions build a dichotomy in which two members are positively specified their distinction in sources in the English language is not primarily based on the territorial criterion, but rather according to their purposes, i.e. defensive and/or offensive character of the measures they employ;

2. With regard to the number of sources, antiterrorism is conceptually framed as applying passive (defensive) measures to reduce vulnerability, i.e. the possibility of a terrorist attack (including training, preventive and reactive techniques), while counterterrorism involves the utilization of offensive measures aimed at preventing and reacting to acts of terrorism, primarily by specialized state institutions (trained forces). However, these are not the only determinations, but mostly lexical and referential. Furthermore, *the term counterterrorism has been in use more often in many foreign sources, but is also conceptually wider that it can include antiterrorism* – and in relation to the meaning given to it by some theorists: the system of defensive measures which are undertaken in the territory of the state. Nevertheless, we can note that the term counterterrorism, in some sources, is also used to denote the strategies and activities of states on their territory;
3. It is useful to derive and accept a distinction between *antiterrorism* and *counterterrorism* (and as attributes, for example, antiterrorist legislation) – especially if these terms design a doctrinal setting (as in NATO's doctrine). Namely, mainly in the discourse of the United States (or related to it):
  1. The term *antiterrorism* implies the practice of using intelligence and the reliance on (political, social, psychological) analyses undertaken to anticipate a terrorist attack, essentially

by applying the adequate measures aimed at decreasing the likelihood of an attack on the target by making access difficult, while 2. *Counterterrorism* implies activities that eliminate the threat (including the killing of terrorists), essentially directed at stopping the attack, or by depriving the terrorists of their capability to commit an attack. On this basis (attack vs. defence) one might stress the necessity to separate the aforementioned terms and concepts (the strategies or doctrine that simplifies) – separating is comprehended as prerequisite for an adequate reaction to the surroundings (on the perceived threat), and thus a prerequisite for efficiency<sup>1</sup>. It is therefore possible and it is rather customary to denote domestic institutions, resources and armed forces as anti-terrorist – in the sense of “doctrinally, legally and organizationally constructed and empowered to act (defensively) only on the territory of the state”. However, even then there are problems in relation with the exact determination of the meaning of the terms – both because of their content and because of their scopes – since for signifying the abovementioned (antiterrorist) resources, the attribute counterterrorist is used. Part of the answer is that in different countries terminology is used in different meanings (and *vice versa*), so the meanings of the terms overlap and widely vary. It is necessary to advocate respect for terminological differences and conceptual distinctions in the knowledge corpus about the segment of reality. But, the application of the concepts is not provided merely with terminological precision – since the terms by themselves are not the determinations of the phenomena. Also, it is necessary to put certain corpus of knowledge about reality in the relation to the surroundings and to the circumstances. One can conclude, bearing in mind the considered issues, that although the aforementioned concepts

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<sup>1</sup> Pavličević (2016, p. 50) refers to: Defining the differences between Anti-terrorism and Counterterrorism?, Discussion in 'Leadership and Professional Development' started by JAB, Sep 14, 2011., [http://www.shadowsppear.com/vb/threads/defining-the-differences-between-anti-terrorism-and-counterterrorism.1162\\_3/](http://www.shadowsppear.com/vb/threads/defining-the-differences-between-anti-terrorism-and-counterterrorism.1162_3/), accessed on 21.06.2014.

are different because they are basically not identically conceptualized – antiterrorism is aimed at reducing the risk, while counterterrorism is directed at eliminating the threat – the defined activities in both concepts still have the same basic goal: to prevent and suppress, defeat terrorism. In addition, one principle or criterion (for example, in the part of our discourse: attack vs. defence) cannot shape a doctrine, strategy, or policy in any area;

4. *According to its objectives, internal and external measures and activities to counter terrorism – albeit they are diverse in character, content and way of realization – are not conceptually separated.* In particular, diplomatic, intelligence and military measures cannot be separated because the connection between internal and foreign policy in the modern world is pronounced. Nothing can be conceptually separated from legal measures, those that require (new) legal solutions or the implementation of international legal instruments in the internal legal order of the state (e.g. instruments for freezing the financial assets of terrorists, extradition mechanisms). Due to the above, the differentiation of CT and AT measures based on the territorial principle loses its significance;
5. *Intelligence* is a specific component of antiterrorism, and signifies the functioning of the state outside its territory – and on this basis the argumentation falls on the strict distinction between CT and AT measures under the territorial criteria, in particular having in mind the need for cooperation of states in the fight against terrorism. Whereas intelligence agencies are active abroad, it is a matter of counterterrorism – but the data which they provide may be of invaluable significance for the security services and other law enforcement agencies, i.e. in the matters of antiterrorism.

Pavličević concludes that the term *counterterrorism* primarily denotes the realization of planned activities in a given social and political environment (a way of conceiving an adequate reaction, defining an effective response to terrorism, that is, a model of action and a way of achieving set goals), endeavours and efforts, politics,

concrete operations and accompanying processes (trends and consequences), as well as established relationships and connexions (cooperation), achieved results and shaped projects on this basis.

*Thus, counterterrorism primarily carries a developing and dynamic component, but only to some extent. It often refers directly to the very concept, strategy and/or agenda, or simultaneous (national and international) institutions engaged in the fight against terrorism. While for the use of words antiterrorism primarily is important a normative dimension (i.e. again doctrinal framework and strategy) and a static dimension (projection and potential), but once again with regard to the activity aspect because it involves the application of accepted legal and other instruments, resources, defined measures, and techniques shaped in the practice (very often in the meaning of the campaign). Pavličević (2016) believes that the analysis indicates a close interweaving of the meanings of CT and AT and, for the considered subject-matter content (CT policy, strategy, activities, and measures), derives a **synthetic definition**:*

Counterterrorism is a term that denotes a system of both public and confidential (defensive and offensive, proactive and reactive) measures, actions and activities of the state or political and military alliances aimed at protecting themselves and their citizens from terrorism, on the basis of normative principles, guidelines, objectives and strategic priorities of action – including the commitments made through international agreements – with the resources and established institutions responsible for their implementation, in correlation with the political, and based on it, security (and military) concept within the given structure of international relations and manifested (global, regional and local) security trends, geopolitical position and geostrategic interests, as well as the relationships that given political entity build with relevant international actors (Pavličević, 2016, pp. 53-54).

Pavličević (2016) notes that the definition he has formulated is extensive and can be applied in different contexts: it can refer to both offensive and defensive measures, preventive and repressive actions, as well as on the activities undertaken in the country and abroad, on statics and the dynamics of the fight against terrorism – its practical and theoretical aspects – as well as on the activities (and their carriers),

instruments (tools), mechanisms, assets, resources and capacities, methods and techniques, then (strategic, doctrinal) presumption and (planned) objectives in the fight against terrorism. Although Pavličević proposes the use and defines the term *contraterrorism* – which signifies and encompasses counterterrorism and anti-terrorism – due to the reasons expressed in the previous discourse, his approach is not in contrast to the approach of the analysis of the doctrines and practices that strictly separate counterterrorism and antiterrorism. The term counterterrorism with a given conceptual framework has the meaning of the widest model of combating terrorism.

### **A model for the analysis of counterterrorism**

Relying on theoretical and analytical concepts, measures aimed at monitoring the trends of terrorism, on the implementation of instruments, re-conceptualization and assessment of the CT strategy and policy within the EU, i.e. measures of the EU authorities focused on monitoring the development, results and efficiency of the implementation of the defined strategy and policy in the fight against terrorism, that is, with relying on the research of the normative foundations, institutional mechanisms and political determinants of the CT concept EU, Pavličević (Павлићевић, 2012) proposed a model of analysis and evaluation of the concepts of counterterrorism. With the indication that the model cannot be universally applicable<sup>2</sup> – since there is no single, only one correct and analytically optimal, nor a uniquely efficient organizational model – that is, a model whose settings are aligned with historical traditions, political culture, legal system, specific security challenges and geopolitical position of all political entities. Ergo, the model for the analysis of the concepts of the fight against terrorism encompasses an investigation of the following elements:

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<sup>2</sup> In this paper, the author slightly re-compressed the model, specified and reformulated certain settings from Pavličević (Павлићевић, 2012), but will not refer to sources on the basis of which Pavličević made his viewpoint and conclusions since this would greatly burden the text – but notes that there are several research frameworks, problems and some guidelines were derived from the studies Terrorism, Security and the Rule of Law Project (*TTSRL*).

1. The characteristics and scope of terrorism in political and public discourse, specifically: its intensity and content of the perception of the threat of terrorism, its key marks; the way in which current and potential risks and threats from terrorism in the public sector are defined; compliance of official and media discourse on (counter) terrorism; the determination of the prevailing perspective (military, security, political, legal); the way in which the problem of security challenges, risks and threats is solved; the degree of appreciation of structural factors influencing the trends of terrorism, and how they are followed, investigated and considered;
2. The development of the legal (normative and institutional) framework, respectively:
  - A) Determining the legal documents which regulate the field of the fight against terrorism as well as binding legal solutions in related areas, whereby is necessary to:
    - analyse the normative concept of terrorism, as well as criminal procedural aspects in the (counter) terrorism cases;
    - research whether the strategic directions of operation are clearly defined in the CT normative framework, i.e. whether the postulates, the purposes, the functions and the strategic objectives of the action are clearly defined, and whether they are feasible (whether they can be specified in the action and operational documents);
    - research whether the concept includes the conceptualization of a (political) strategy, a normative and institutional framework for combating against specific and/or significant modalities of terrorist activities: suicide terrorism, lone wolf terrorism, or the abuse of the Internet for terrorist purposes;
  - B) Research whether the CT policy is focused toward the establishment of an adequate and efficient institutional structure, which involves identifying and researching multiple variables, respectively:
    - analysis of the institutional structure, as well as the reasons for the changes (within) of the CT institutional frameworks of the entities, which means: a) determining of (basic) institutions that are directly responsible for the aforementioned security

segment (for CT) in the institutional structure, and b) research on the functionality of institutions whose scope of work among other responsibilities involve the fight against terrorism (their jurisdictions, decisions, scope and degree of implementation of CT measures);

- research whether the functions and powers of authorities and institutions are clearly defined. The aim is to indicate, from the standpoint of their function, their place in the fight against terrorism, which includes a consideration of their structure, composition, tasks, jurisdictions, decision-making procedures and the way of functioning and operation;
- research the way in which the relationships of institutional actors involved in CT activities are established, as well as the principles and forms of coordination in their work, the possibilities and degree of achieving cooperation and communication within the CT system;
- discovering any dysfunctionalities, legal (and operational) gaps, mismatches, elements of indeterminacy (whether there is a lack of precise determining of obligations and responsibilities in the relations of certain institutions in the field of the fight against terrorism), procedural inconsistencies and incompleteness. It is necessary to determine whether the institution CT architecture causes (in some spots) the overlapping of jurisdictions and tasks (caused by the complexity of the normative framework of their activity), the objectives of the work and the responsibilities of institutions, whether the complexity of the process of decision making causes incoherent and inefficient management of activities and initiatives, inadequate coordination, or difficulties in the exchange of information;
- investigate the degree and the way in which it accomplishes coordination with institutions for which CT is not a pre-eminent scope of work;
- having in mind the heterogeneous character of the institutions and organizations involved in CT activities and examine whether their relations and responsibilities are adequately defined, but also whether CT institutions can,

through regular procedures and within clearly defined institutional channels influence on the activities of institutions whose scope of work is not in the first place counterterrorism – whether there is a clear legal basis for their activity, and regulated subordination relationships. In particular, investigate which institutions most often and for what reasons (may) cause uncoordinated and ineffective CT activity, and in which cases, institutions outside the CT structures may inadequately apply established procedures, especially in emergency conditions and situations;

- examine the degree of organizational complexity of the CT institutional structure: check the warnings of the theory that a lot of actors do not mean efficiency, and that it is difficult to rationalize a huge institutional machine if it adequately plays by the principles of preserving bureaucratic power (by continuously striving to justify the requisites of its existence, by expanding its jurisdiction and power). Organizational complexity as a research problem of the CT concept encompasses the analysis of the functional necessity that the jurisdictions of some state bodies, from the standpoint of the needs of the system, also involve the fight against terrorism – including analysis of the degree of institutionalization of their roles as well as their differentiation;
- investigate whether there are established mechanisms, institutions and procedures that function as (effective) control and supervision of CT activity and checking of compliance of activity with normative frameworks – toward defined political strategies and operational tasks –also including respecting civil rights and freedoms.

### **Other problematic tasks:**

1. Investigate the extent to which the network of legal instruments aimed at tackling the problem of terrorism is being upgraded and improved, and to what extent it is a developmental and dynamic concept that expresses the ability of innovation, expansion, readiness of those who implement it to exploit the possibilities of checking the postulates on which it is based. Including the question of

whether it is a concept that seeks to be completed in accordance with the given circumstances and limitations;

2. Research whether the coherence of the CT concept is established at the horizontal level (between different policy areas, in the implementation of defined CT strategy, including the question whether there are differences in the implementation of CT measures by different authorities, in certain problem frameworks) and at the institutional level (and the vertical level, as in the case of the EU). It is therefore necessary to investigate whether the given CT approach brought an end to the principle of integration, conformity of parts;

3. Research whether within the system of institutions whose jurisdiction is counterterrorism (or those to whom it is one of the jurisdictions) by actions of institutions achieve and strive to establish the consistency of measures (by areas, in particular measures of domestic and foreign policy). Previously mentioned include the determination of normative and institutional mechanisms that identify and address problems arising in the alignment of activities in response to a terrorist threat. Also included are problems arising from the lack of or from the insufficiency of implementation of the normative framework. Namely, it is necessary to investigate whether the CT model respects the need of coordination of CT policies in terms of the bound solving of problems and the broadness of the area of activities, and whether the compliance of defined political objectives is achieved;

4. Research whether the conception of the fight against terrorism, at the political level, has a basis in consensus about main and firmed-postulated goals – whether the conception (its instruments) causes conflicts. Cooperation in the security field reflects the degree of compliance and acceptance of political projects (the degree of reaching a political consensus) – that is the reflection and the foundation of the harmonization of legal and operational mechanisms with the political principles and values on which the security (CT) concept is based. Therefore, it is necessary to investigate whether the functional imperative of maintaining normative forms (the stability of value forms) is respected, and therefore the necessary motivation;

5. Research whether the implementation of the normative postulates of the CT strategy and policy strive to respect the principles

of the rule of law and legitimacy, that is, whether CT measures lack legitimacy, whether they suffer from ambiguity and whether they are characterized by indeterminacy;

6. Research whether the CT policy, the nature of the tasks (at strategic, operational and tactical level) and their application are derived from the theoretical assumptions about the phenomenon of terrorism (from several theoretical perspectives). In this regard, whether the CT concept is set up in such a way – and continues to develop on the basis of knowledge of the causes of the problem – that the intention of the CT strategy is not only to resolve and suppress the causes that produce terrorism but also to actively affect them. Likewise, it needs to be emphasized, whether CT concept effects on the environment in order to be proactive;

7. Starting from the utmost importance of the intelligence component, determine how the concept defines the place and role of security and intelligence agencies, and intelligence cooperation: whether in the system there is a precisely defined scope of work of the agencies (determine possible overlaps of jurisdictions, and the need for them), whether coordination of anti-terrorist activities and measures is realized (whether there is a central coordinating body, or a body that deals with the processing, analysis, storage and distribution of data or available information of tactical and/or strategic character), whether clear channels are defined, as well as the principles and rules of inter-agency informing and cooperation, procedures for dealing with crisis situations (a normative framework of responsibility and command, starting from the top of the executive);

8. Research whether the CT model is designed in such a way to effectively respond to the consequences of terrorist activities in order to mitigate them – and to what extent it depends on planned activities (adequately defined tasks, constructed structural assumptions), implementation of operational measures and/or adequate political reactions. Investigate whether the implementation of CT measures includes the deployment of military capacities in *consequence management*;

9. Determine whether the CT concept underlines the need for establishment of external relations, cooperation with partners (with

states, interstate associations, military alliances, international organizations and institutions) in the fight against terrorism, whether strategic partners are defined – degree of cooperation achieved – its basis and frames;

10. Research which (not only financial) resources of institutions have been used in combating terrorism, their scope and characteristics (advantages, disadvantages), as well as to determine the scope, standards and method of using resources;

11. Research whether the CT system seeks to exploit the available resources in related areas, in particular whether it uses mechanisms and instruments used in the fight against organized crime and within crisis management;

12. Research whether the concept requires the construction of a system that aims to achieve the connection of the data system (not only of intelligence), their exchange, timely and adequate use, with full operability and the cooperation of the authorities;

13. Research whether the concept is designed in such a way to provide the basis for continuously completing the legal basis of CT action (decision-making procedures, as well as documents which determine measures and instruments), and align that basis with current processes;

14. investigate whether the concept takes into account the impact of inputs, changed circumstances, new factors of importance for political decision-making and action in the field of counterterrorism, and

15. Research whether the concept is set up in such a way that it continuously gives the opportunity to use the results and proposed bases for decision making that are given in the analyses and reports of the competent institutions and authorities, where this is of particular importance:

- whether the reports include periodic deadlines defined analysis of the development and about the implementation of CT measures, analysis of normative and institutional instruments (including the analysis of the implementation of UN instruments), as well as check the mode of operation. As previously mentioned these require clear criteria for the evaluation and implementation of measures of the CT

strategy, incorporating enough precise and concrete indicators which are the basis for objective, accurate evaluation;

- whether analyses and reports are sufficiently comprehensive, including the whole problem-complexity, that is, whether they cover: analysis of the state, process, achieved results in the fight against terrorism (such as TE-SAT: EU terrorism situation and trend report), recommendations and bases for planning of measures;
- whether the consideration of the elements that are necessary for political decision-making involves the engagement of scientific research institutions (including *think tanks*) in CT programs – in particular for the analysis of the theoretical and doctrinal settings – and to what extent their findings and recommendations are respected.

Focusing on issues of relevance to the practice of counterterrorism implies a systematic framework for considering problems in which a comparative approach should be expressed, and in the research projects:

a) there is improvement of the criteria for the analysis of specific problems of the CT model – (constantly) followed the development of different problems of (counter)terrorism;

b) theoretical approach is compatible with the concept of counterterrorism being investigated;

c) there is research of the interdependence of legal, political and operational measures (whether using the existing instruments or striving for deepening and building of concrete and valid analytical instruments and criteria for analysing the legitimacy and legal basis of CT measures – bearing in mind the postulate of the rule of law, protection of the rights and freedoms of citizens, as well as the development of analytical instruments for international-political aspects of CT policy), but also research about the compliance of measures (by scope and quality) and about the impact and compliance of the CT strategy with policies in other areas, and about the modalities of overcoming and effectiveness of overcoming deficiencies (of measures) and gaps in the legal framework;

- d) critical consideration of the use of techniques;
- e) adequate attention to the analysis of critical infrastructure protection;
- f) the epistemological frameworks of the analysis of the terrorist phenomenon are constantly developing, analysing the trends of the terrorist phenomenon and performing risk analysis.

### **Components of the new intelligence paradigm and research of counterterrorism**

The guidelines for researching the concepts of counterterrorism can surely be complemented. Certainly, guidelines can be supplemented by extrapolation, conceive and/or directly convey just from the settings and elements of the new paradigm of intelligence work – and not only because of the extraordinary importance of the intelligence in the CT concept. It is worth highlighting a few works.

Stănciulescu (2105, pp. 19-30) points out that governments must define S.M.A.R.T. policy – which is an acronym for sustainable, manageable, achievable, supported by resources and tangible policy. In this context Stănciulescu (2015) examines *Competitive intelligence (CI)*, and recalls that its focus is on selecting, collecting and analysing environmental information in order to produce accurate intelligence products that relate to strategic, tactical, and operational decision-making. The competitive intelligence system should be able to assess the future development – to anticipate events as an integral part of the policy – for that reason it ought to provide reports on historical development, data analysis and alerts that signal problems and possible threats, emphasizing relationships that are hard to notice. The requirement to achieve good results in the application of CI in government agencies is interoperability i.e. compatibility of all information systems, division of specific databases – possible in *governmental cloud*. Cooperation is needed across all segments, with defined access levels. Positive results and the value of CI are manifested if the needs of the decision maker are accurately identified, useful indicators and measures are determined, the problem of data quality is solved, developed technological support for CI, and if the data provision system is easy to utilize.

Mitruş (2015, pp. 9-18) also considers competitive intelligence and, as one of its main functions, determines an early warning of change (risks and vulnerabilities) in the organization's environment. The aim is that the data providing competitive advantages should be linked to the real needs of the state and the outcomes. Mitruş (2015) concludes that the specificities of public sector organizations (hierarchy, budgetary funding, and public accountability) make it difficult to maintain the need for application of C.I. system, but innovative governments can facilitate the acceptance of competitive intelligence programs. We can mark off a type of innovation in the public sector, which Mitruş (2015) mentions – radical change of rationality (the worldview or the mental matrix) – because it seems very significant.

Pavel (2015, pp. 45-56) considers the planning of the intelligence organization's capabilities, emphasizing that it is necessary because of the tasks supporting the management. Change has become a norm – while intelligent organizations are, by definition, the traditional structure, more rigid, and less flexible as they are rooted in the concepts, assumptions and policies of the past. Therefore, it is necessary to strike a balance between change and continuity, pay particular attention to maintaining the values and rules of the organization, the performance and results that are shared in the communication process – that the institutional environment would be predictable and understandable. Strategic documents define values and operational priorities, and must take into account two aspects of the contemporary security environment: 1. Great uncertainty and unpredictability, turbulence, with rapid and deep economic, social, political and technological changes – certainly in the future; 2. Deep policy changes at the organizational level. The purpose of strategic planning is to enable for the organization to achieve results within a global strategy. The organization's strategy must also develop a new concept of performance: “The planning capabilities, based on the conclusions resulted from assessing specific activities will identify and argue for new measurements which will define the set of performance indicators at the organizational level. Along with a communicational process, these new parameters will have to be meaningful to the knowledge workers and to generate ‘commitment’ from them”.

It is necessary to balance the short-term results and long-term progress of the organization<sup>3</sup>. Also, old solutions cannot be used in a new secure environment – strategy (tactics) must be flexible. Planning offers a holistic point of view (taking into account the complexity of the causes and the consequences that affect the problem), thereby supporting management that has a full perspective, since segments of activities are related. Capacity planning plays an important role in interdependent internal organizational functions, and we highlight the *Monitoring phase outcomes* (piloting, evaluating specific processes). Namely, any improved or new organizational process must first be tested on a small scale. Planning officers offer support for a successful change through monitoring the outcome of organizational pilot projects – the goal is to ensure that the risk of change is small, where to introduce change, how to establish it, and what steps to follow. Also, planning within an intelligence organization ensures compliance, also enables for the organization to get a feedback, and helps create an organizational context. It is necessary to consider plans – because static systems are the most fragile – with adaptation to challenges, quick interpretation of a new requirements within the framework of ongoing action plans that is ensured by identifying objectives at all levels. An intelligent organization must have a sustainable strategy that can achieve quantifiable, measurable targets despite the time and cost constraints. An organization must be designed for the change as a norm, and create a change rather than react to it.

Colibășanu (2015, pp. 57-62) stresses that, both for the private and the government sector, information is increasingly difficult to provide, decisions are made without *sufficient* information, organizations suffer from a lack of sufficient knowledge: “The key word, intrinsic to the intelligence concept: *usefulness*, is gaining even more importance”. Although the expression *useful intelligence* is pleonastic, the data must be in accordance with the needs and wishes of the users. Namely, “*useful intelligence* is the process that transforms data and information (what we know) into actionable knowledge (what we

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<sup>3</sup> In fact, Pavel (2015, p. 48) presents the key items from: Peter F. Drucker, “Management Challenges for the 21th Century”, HarperCollinsPublishers, Inc., 2000, pp. 44-69.

understand) for decision-makers”, where “The utility of the process is defined by the degree to which it responds, in real time, to the specific need of the organization”. In the context of this paper, we highlight:

- “(...) the *proactive function of the intelligence system* refers to the I (...) focus on the following activities: - identify the vulnerabilities, risks and needs of protection both at the level of the company’s operational systems and global level; - establish and monitor the physical and IT security system protocols...; - monitor, control and revise efficiency of protection measures employed; - adapt protection measures to new needs, new risks and vulnerabilities that may appear; - create a reporting system...”;

- “understanding the external forces... process focuses on the following activities: - establish the specific informational needs for the organization, depending on the relationship and level of dependency on the external players (competition vs. cooperation); - conduct research for information on external players (...);”

- “The environment... coming out of the need for the organization to understand and be able to influence the external environment, with the goal of promoting, supporting its own position... - identify the needs for influence based on the existing dependence links (clients vs. suppliers, potential clients – civil society, etc.)... - monitor the influence activity of the other players and their efficiency (...).”

According to Colibășanu (2015, pp. 68-70) intelligence process and architecture of the intelligence system have to be *inter alia* developed on the following principles: “the architecture needs to ensure that clear missions/goals are being set up for all projects (...) the intelligence department doesn’t need to report ‘everything about the project’, but respond to finite and clear questions. It needs to tell what and why you need to know something (...) take advantage of the knowledge and experience of others (...) provide quick ways to identify the sources of information – documentation analysis is very important (...) retasking function is embedded in the system – it is essential to be able to stop and evaluate after each step (...) final analysis and evaluations needs raise new questions.”

## **Concluding Remarks**

This paper outlines a theoretical perspective that understands (security) risks, and hence the risks of terrorism, through the likelihood of threatening an entity that should be protected from unwanted outcomes of events, processes and trends, in which vulnerability is an essential element of the term – which includes ability, capacities, resources and skills needed to respond to a possible, uncertain threat. Therefore, a model for researching the counterterrorist concept is presented, which – because of assessment for possibilities, even more necessarily, strengthened – complemented by the components of the new intelligence paradigm. The model, in fact, explores the degree to which the ability of the entity to respond to the risks of terrorism, as well as the direct terrorist threat has been heightened. The underlying theoretical approach of our research puts a strong asset on the ability to overcome the risk, because this ability is a response to the potential of the risk carrier needed to collapse the system, and therefore indirectly determines the character and significance of the risk field.

The goals of the CT concept must be the adaptability of the normative and institutional framework, but also achieving the adaptability of action plans and measures according to the current threats – timely defining the directions and instruments of action, as well as the establishment of solutions that involve the identification of future risks. The goal is to achieve the compatibility of the strategic, tactical and operational level of activity – and on such bases an innovative, creative and proactive perspective. Fundamental endeavour in the field of counterterrorism is not to achieve efficiency, but to achieve effectiveness.

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