

CONTEST (2009): An Evaluation of Revisions to the UK Counter-Terrorism Strategy with a Special Focus on the CBRNE Threat (ARI)

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Theme: A much expanded version of the UK's counter-terrorism strategy, CONTEST (based around the four CT objectives of: Pursue, Prevent, Protect and Prepare), was published in March 2009.

Summary: After its first public version appeared in 2006 the UK's counter-terrorism (CT) strategy, CONTEST (based around the four CT objectives of: Pursue, Prevent, Protect and Prepare), was published in a much expanded version in March 2009. This paper provides a critical overview of the 2009 version with particular emphasis upon: outcomes measurement; the CONTEST 'Prevent' focus on countering violent extremism and CONTEST (2009)'s *much* heightened emphasis on the terrorist CBRN threat. The paper notes that CONTEST (2009)'s expanded length is related to a belated UK Government awareness of the need for better public understanding of the Government's perception of the international terrorism threat facing the UK. Though the paper raises the issue of whether the CONTEST focus on Islamist terrorism might inhibit a better appreciation of current indicators of more overt right-wing violent extremism in the UK.

Analysis: The UK has possessed a comprehensive, post-9/11, counter-terrorism strategy since 2003 known as CONTEST. The strategy is based around four counter-terrorism objectives, the four 'Ps': Pursue, Prevent, Protect and Prepare. Three of the four 'Ps' with the substitution of Respond for Prepare also form the key objectives of the EU's counter-terrorism (CT) strategy.¹ CONTEST's implementation, within the UK, rests upon the contributions of a range of government departments, led by the Home Office (through its Office of Security and Counter-Terrorism or OSCT, formed in 2007), the police and intelligence services and other public bodies, eg, the Health Protection Agency, UK Border Agency and regional and local government. CONTEST also requires and depends upon the contributions of a myriad private sector bodies, eg, airport operators, shopping-centre management and private security companies as well a diverse collection of community and sectoral interest groups.

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¹ See further: Council of the European Union, EU CT Coordinator, 'Report on the Implementation of the Strategy and Action Plan to Combat Terrorism', Council Doc. 9715/1/09, Brussels, 2/6/09

The CONTEST strategy has evolved through three stages: (1) an unpublished classified version from 2003-06 overseen by the Cabinet Office; (2) a partly de-classified version, from 2006; and (3), since March 2009, in a much revised version.² Since 2006 responsibility for overseeing the strategy has moved to the Office for Security and Counter-Terrorism in the Home Office. Some aspects of CONTEST obviously remain classified as is stated in CONTEST (2009). For example, the details of the Government's 2008 CBRNE threat review, and specific intelligence sources are, of course, not cited in support of threat analyses, rather the reader is referred to sources such as BBC News reports of terrorist convictions.

The most striking difference between the two editions of CONTEST is in the depth of explanatory material provided around the four 'Ps': CONTEST (2006) is 36 pages in length, CONTEST (2009) is 176 pages long. There is a two-part possible explanation for this four-fold expansion in the depth of coverage. First, there is an acknowledgement that the rather blinkered approach to recognising causal factors and providing supporting material to justify particular threat responses, characterised by the years of the Blair-Bush partnership, was both wrong and unhelpful. Secondly, and more importantly, there is the belated recognition that: 'Communications are a vital part of our work on counter-terrorism, CONTEST depends for its success on partnerships'.³ The partnerships, it is suggested in CONTEST (2009) depend on openness and trust both of which '... depend upon accurate communications about the threat and responses'.⁴ Or as the Prime Minister, Gordon Brown, expressed it in the introduction, the hope that better-informed equals more vigilant.⁵ Although it might be argued that the use of the acronym CONTEST (for Counter-Terrorism Strategy) may suggest to some readers a struggle between 'them' and 'us', which perhaps does not really convey the aspiration for a sort of congruence between public sector CT agencies and 'resilient communities' to tackle those who are termed 'violent extremists'.

Moreover, there still remains the question of who exactly the Government anticipates is going to read CONTEST (2009) apart from government spokesmen, analysts from academia and the 'think-tanks', and the obvious 'interested parties' ranging from central government officials posted to CONTEST-related appointments, local authorities, representatives of Muslim groups, the security industries and the newly formed counter-terrorism sub-committee of the House of Commons Select Committee on Home Affairs. There is some evidence to support the view that CONTEST (2009) is particularly aimed at such 'interested parties' as '... the Home Office is planning a series of events across the country to engage with and explain the strategy to groups, organisations and agencies who will be involved in its delivery'.⁶ For a wider audience a shorter summary document on CONTEST (2009) is available.

A linked rationale for an expanded CONTEST relates to the development of CONTEST counter-terrorism PSA (public service agreement) targets for the nine 'key outcomes' expected of the CONTEST 'stakeholders'. It may be felt that the expanded CONTEST

² HMG, 'Countering International Terrorism: The United Kingdom's Strategy', Cm. 6888, July 2006 and HMG, 'Pursue Prevent Protect Prepare The United Kingdom's Strategy for Countering International Terrorism,' Cm. 7547, March 2009.

³ Cm. 7547, p. 153, para 15.01.

⁴ *Ibid.*

⁵ *Ibid.*, p. 4.

⁶ House of Commons Home Affairs Committee, 9th Report of Session 2008-09, 'Project CONTEST: The Government's Counter-Terrorism Strategy', HC 212, 7/VII/2009, p. 4.

narrative will help the 'stakeholders' develop their outcomes as, for example, the Department for Health has recently said it '... faces some significant challenges in delivering against its CONTEST commitments...'.⁷ Though it will not help in instances where meeting the CONTEST outcomes requires extra resources. Currently the Dafyd-Powys Police are stating that, as presently funded and resourced, they '... cannot meet the target times....' for responding to a threat alert at the LNG storage facility at Milford Haven.⁸ It should further be noted that the CONTEST 'ends-means' issue is a long standing problem. For example, in 2006 the Chief Constable of North Wales described the national standards for counter-terrorism as '... particularly demanding...' and he suggested that the '... view of the Force is that as drafted the standard will be forever unattainable...'.⁹

As a partial framework for this policy analysis of CONTEST (2009) the utility of the ambiguity-conflict model advanced by Matland (1995) will be considered. This approach has been chosen because its application can draw upon Bossong's use of the model (2008) in his study of the broadly analogous EU Action Plan on Combating Terrorism.¹⁰ As Bossong explains, the '... ambiguity-conflict model postulates that there are two key factors that structure the policy implementation process: the level of ambiguity in the formulation of policy means and the degree of conflict the policy provokes.'¹¹ Though Bossong further notes, with reference to the model, that: '... the impact of policy ambiguity is more contested'.¹² Minimal ambiguity may aid a top-down hierarchical approach whilst some ambiguity may facilitate adaptability to local conditions by lower-level actors. An examination of CONTEST, especially in its 2009 format, suggests, *prima facie*, that two of Matland's four implementation paradigms are present to varying degrees across the four 'Ps'.

The first paradigm particularly identified in the response to CONTEST is *administrative implementation*, where both conflict and ambiguity are low '... so that implementation becomes primarily a managerial or depoliticized process and therefore, comparatively effective'.¹³ This paradigm, the analysis contends, is partly applicable to the 'Protect' part of CONTEST, for example, with reference to policy areas such as airport security and the protection of crowded places. Though here it must be noted that even if the 'what' and 'how' is relatively uncontested the issue of costs may well be disputed because of what CONTEST (2009) calls 'The long established presumption that the "user pays"...'.¹⁴ This issue has recently surfaced over the proposals in Part 6 of the Policing and Crime Bill (Bill 7 of 2008-09) to require all 63 UK airports covered by the National Aviation Security Programme (NASP) to cover all policing costs that may be required in their Aviation Security Plan (ASP). Currently only nine airports are so designated for the purposes of

⁷ *Ibid.*, Ev 35.

⁸ House of Commons Welsh Affairs Committee, 'Ports in Wales', Uncorrected Evidence 601, 7/VII/2009, Q.256, ACC Colette Paul, ACC(Protective Services), South Wales Police for ACPO Cymru.

⁹ North Wales Police, Report by the Chief Constable to the Police Authority on 'Narrowing the Gap: The Provision of Protective Services in North Wales', 28/VII/2006, p. 24.

¹⁰ R. Bossong, 'The Action Plan on Combating Terrorism: A Flawed Instrument of EU Security Governance', *Journal of Common Market Studies*, 46 (1), 2008, p.27-48, citing R. Matland, 'Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation', *Journal of Public Administration Research and Theory*, nr 5, 1995, p.145-174.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*, p. 31.

¹⁴ Cm. 7547, *op. cit.*, p. 110, para 10.22.

policing costs.¹⁵ Costs may be less of an issue if, as in the case of the water industry, the 'Protect' requirements are both made a legal obligation and receive some Government part-funding to recognise the provision of a national security contribution.

The *administrative implementation* paradigm does not, however, fit all aspects of 'Protect'. The call for building designs to reflect counter-terrorism security concerns have produced divisions within the British architectural profession. As part of the 'Protect' strand the Government has been seeking to promote the transferability of the existing 'designing out crime' planning and construction requirements into 'designing out terrorism'. In 2008 the Royal Society of Arts (RSA), together with the Royal Institute of British Architects (RIBA), the Home Office and the National Counter-Terrorism Security Office (NaCTSO) launched a competition for architecture students entitled 'The Public Spaces. Safer Places: Designing in Counter-Terrorism'. The brief related to a scenario where a public space the size of Trafalgar Square had been subject to a terrorist bomb attack which caused 500 deaths and left 1,500 injured.¹⁶ A more long-running exercise has been the NaCTSO-run 'Project Argus' courses on designing out terrorism. These courses, usually of one day duration, are primarily aimed at the business community but the participants also include architects, planners and designers.¹⁷ The RIBA President Sunand Prasad has been a high-profile supporter of such initiatives and an advocate for the view that architects have a role in designing out terrorism.¹⁸

However, the architectural profession is somewhat divided over this Government-backed initiative. For example, the architect Piers Gough said, in a RIBA 'Building Futures' debate in June 2008, 'Every special interest group in the country wants architects on their side to carry out their paranoia! Don't listen to them'. At the London Festival of Architecture debate on the motion 'this house believes we should fortify our cities' only seven votes were cast for the motion.¹⁹ Despite these reactions, the RIBA's head of professional development, Joni Tyler, argued that 'People said the same thing about sustainability: that it was too expensive, but there is a genuine appetite for that now. We predict the same thing will happen with counter-terrorism protection'.²⁰ It might well be suggested that, in a deep recession period which has particularly hit the building development and construction industries, the potential extra costs of more secure designs could produce quite a time lag before Tyler's prediction is realised. Although, the typically desirable building counter-terrorism measures, such as higher spec glazing and associated fixings and more robust building structures, are not thought likely to add more than about 5% to initial new build costs. However, there would clearly have to be a shift in attitude by a number of architects, designers and spatial experts who see the Government's aspirations as just another attempt by the state to curtail freedoms. As John Adams, UCL Emeritus Professor of Geography, said: 'If you harden the main targets, the bombers just make icons out of the buses in Tavistock Square – you can't harden the whole world'.²¹

¹⁵ S. Almandras, S. Broadbridge, L. Butcher, A. Horne, P. Ward & J. Woodhouse, *Policing and Crime Bill – Bill 7 of 2008-09*, House of Commons Library Research Paper 09/04, 15/1/2009.

¹⁶ M. Lazell, 'Counterterrorism competition blasted', <http://www.bdonline.co.uk/story.asp?storycode=3128148>, 21/XI/2008, accessed 2/VII/2009.

¹⁷ See Project Argus, 'Protecting against terrorist attack', <http://www.nactso.gov.uk/argus.php>, accessed 20/VIII/2009.

¹⁸ D. Stewart, 'Designing Out Terror', <http://www.building.co.uk/story.asp=storycode=3112855>, Issue 18, 2008, accessed 2/VII/2009.

¹⁹ W. Hunter, 'Debate Rejects Call for Counter-Terrorism Design', <http://www.bdonline.co.uk/story.asp?storycode=3116938>, 26/VI/2008, accessed 2/VII/2009.

²⁰ D. Stewart, *op. cit.*

²¹ W. Hunter, *op. cit.*

The second paradigm particularly identified in relation to CONTEST is *experimental implementation*, where ‘... conflict is low, but where means and goals of policies are ambiguous’.²² This can be seen in respect of the counter-extremism/violent extremists strand of ‘Prevent’ and issues relating to CONTEST’s aim of building up other countries’ counter-terrorism capacity. Charles Farr, Director-General of the Home Office’s Office of Security and Counter-Terrorism, accepts that OSCT has a challenge in explaining the threat and strategy effectively to departments that may have quite different priorities. For example, the Department for International Development focuses on poverty reduction and not counter-terrorism and Farr also accepts that the Department for Communities and Local Government (DCLG) has ‘... many, many other functions and counter-terrorism is not the only one – or even the main one’.²³ Rachel Briggs of RUSI suggests, with reference to the counter-extremism ‘Prevent’ priority programme in which the DCLG and its networks is supposed to be much engaged, that ‘... some agencies and groups have had moral concerns – whether focusing exclusively on Muslims is discriminatory – while others have not felt that extremism is a priority in their areas and have avoided getting involved’.²⁴ These reservations when related to the inputs that may be required to address CONTEST objectives may have some justification when even the Security Minister, Lord West, accepts that it ‘... is extremely difficult...’ to assess the effectiveness of counter-terrorism measures and that the authorities were still trying to ‘... work out what we can use as empirical evidence’.²⁵

Because of the breadth and depth of coverage of the issues associated with the four ‘Ps’ in CONTEST (2009) this analysis can only offer a selective engagement with the strategy and it will not address the overseas aspects of the UK’s counter-terrorism strategy. The analysis will commence with a brief presentation of key differences between the two editions of CONTEST and critically summarise the quantitative data relating to the UK counter-terrorism strategy. This will be followed by more detailed analyses of the following aspects of CONTEST (2009): (1) the prioritisation of the counter-extremism aspect of ‘Prevent’; and (2) the CONTEST (2009) ‘Prepare’ stress on the CBRNE threat.

Key Differences Between CONTEST 2006 and 2009

One of the most striking differences between the two editions relates to the presentation of the nature of the terrorist threat. CONTEST (2006) described the principal threat as coming ‘...from radicalised individuals’.²⁶ By contrast, CONTEST (2009) refers to four sources of threat: (1) the al-Qaeda leadership and its inner associates; (2) the affiliated groups in North Africa, the Arabian Peninsula, Iraq and Yemen; (3) self-starting individuals (the London and Glasgow car bombers); and (4) lone individuals (the Exeter café bomber).²⁷ However, both versions of CONTEST refer to the presence of religious justification from the primary sources of the terrorist threats. CONTEST (2009) expands much more than CONTEST (2006) on the evolution of the terrorist threat to the UK and highlights a possible move towards more lethal operations. CONTEST (2009) also suggests that one possible effect from changes to the al-Qaeda structure may be that ‘... the terrorist threat in relation to the UK may diversify towards smaller “self-starting”

²² Bossong, *op. cit.*, p.31

²³ Civil Service Network, ‘The Counter Argument’, 6/V/2009, <http://www.civilservicenetwork.com/features/features-article/newsarticle/the-counter>, accessed 9/VI/2009.

²⁴ *Ibid.*

²⁵ House of Commons Defence Committee, Minutes of Evidence, ‘UK National Security and Resilience’, 21/X/2008, HC 718-ii, Q. 64.

²⁶ Cm. 6888, *op. cit.*, p. i.

²⁷ Cm. 7547, *op. cit.*, p. 9.

organisations”²⁸ Though CONTEST (2009) also stresses the ‘Pakistan link’ with the comment that most ‘... significant terrorist investigations in the UK have links to Pakistan and for this reason cooperation with Pakistan is critical to our delivery of CONTEST’.²⁹ In the view of the latest edition of the UK’s National Security Strategy (NSS 2009): ‘... the threat from international terrorism is the most significant immediate security threat to the United Kingdom’.³⁰ Though it should be noted that after the publication of the NSS the UK’s Joint Terrorism Analysis Centre (JTAC) has recently, on 20 July, lowered its assessment of the level of threat to the UK from international terrorism from the level one ‘Severe’ status to the level three ‘Substantial’ status.³¹ The problem of the continuing threat of Irish-related terrorism, albeit at a lower level, has been well recognised. It is contended that the ‘... key principles for tackling the threat from Irish related terrorism are... (also)... drawn from... the CONTEST approach to international terrorism but are applicable to the specific circumstances of Northern Ireland’.³²

However, it may be suggested that the current UK practice of labelling right-wing political violence as ‘extremism’ rather than terrorism represents something of a CONTEST (2009) ‘gap’. In this context the West Yorkshire Chief Constable, Sir Norman Bettison, has recently reported that right-wing extremism related arrests and property searches in June and July 2009 led to 300 weapons and 80 bombs being recovered.³³ This was the largest seizure of suspected terrorist weapons in England since the IRA campaign of the early 1990s.

It should also be noted that NSS 2009 has a rather different way of presenting a key aspect of PREVENT to the discussion in CONTEST (2009). NSS 2009 suggests that the ‘... lines between terrorism, subversion and legitimate dissent and protest may become increasingly blurred’.³⁴ Linking counter-terrorism to counter-subversion may prove institutionally challenging to the UK security and intelligence services as counter-subversion work rather harks back to the Cold War era and would now require extra resources, given the current level of resource allocation to counter-terrorism.

The second most obvious difference relates to the heightened prominence given to the potential for a terrorist CBRN threat. In CONTEST (2006) CBRN is just listed as one of the nine functional ‘Prepare’ work-streams.³⁵ CONTEST (2009), by contrast, gives a much more explicit presentation, under ‘Prepare’, of what is now called the CBRNE threat (where ‘E’ refers to the threat from the varieties and innovations in home-produced explosives and detonators now being used in conventional IEDs). Contest (2009) suggests that ‘Contemporary terrorist organisations aspire to use chemical, biological, radiological and even nuclear weapons. Changing technology and the theft and smuggling of chemical, biological, radiological, nuclear and explosive (CBRNE) materials make this aspiration more realistic than it may have been in the recent past’.³⁶ Moreover, it is suggested that terrorists ‘... look to the internet to assist them...’ to achieve this

²⁸ Ibid., p. 10-11.

²⁹ Ibid., p. 100.

³⁰ HMG, ‘The National Security Strategy of the United Kingdom Update 2009’, Cm. 7590, June 2009, p. 22, para 2.22.

³¹ Home Office, ‘Terrorism Threat Level Changed’, 20/VII/2009, <http://www.homeoffice.gov.uk/about-us/news/terror-threat-level-substantial>, accessed 20/VII/2009.

³² Cm. 7590, *op. cit.*, p. 75, para 6.25, and p.81, para 6.46.

³³ D. Leppard, ‘Bomb Seizures Spark Far-right Terror Plot Fear’, *The Sunday Times*, 5/VII/2009.

³⁴ Cm 7590, *op. cit.*, p. 78, para 6.36.

³⁵ Cm. 6888, *op. cit.*, p. 26.

³⁶ Cm. 7547, *op. cit.*, p. 15, para 0.51.

aspiration.³⁷ In support of this latter contention CONTEST (2009) notes that, whereas the CT agencies were aware of 12 terrorism-related websites in 1998, in 2009 over 4,000+ such sites had been identified.³⁸

The various forms of national security related cyber-space threats are given much greater attention in the 2009 version of the NSS and CONTEST. Whereas in 2007 the national cyber-security body, the National Information Security Coordination Centre (NISCC), was merged with MI5's National Security Advice Centre (NSAC) to form the Centre for the Protection of the National Infrastructure (CPNI), it is now announced that two new bodies are to be set up: the Office of Cyber Security (OCS) in the Cabinet Office and a multi-agency Cyber Security Operations Centre (CSOC) hosted by GCHQ.³⁹

In the context of the foregoing presentation of the serious nature of the terrorist threat facing the UK the quantitative data can be examined to assess the degree of congruence between threat level and threat response resources, for example, budget levels and the relevant intelligence and police personnel levels. The latter two resource categories are key components for delivery of the UK's aspirations for intelligence-led 'Pursue' and 'Prevent' responses. The UK has only recently, (2007) identified a 'Single Security Budget' which is predicted to rise from £2.5bn in 2008-09 to £3.5bn in 2010-11 but this does not include all the relevant spending, parts of which are still scattered across departmental budgets.⁴⁰ Though this budget increase is still '... more than triple pre-9/11 levels'.⁴¹

Police numbers are presented in three ways. First, that since 2006 the number of personnel dedicated to counter-terrorism has risen significantly, which suggests that, for the UK, the 2005 London bombings had more of a resource impact than 9/11. Within that rise in police CT personnel numbers there are some 300 'ring-fenced' police 'Prevent' posts, spread over 24 forces and a continuing rise in the number of police Counter Terrorism Security Adviser posts from around 100 in 2004 to 250 in 2008-09.⁴² Overall in England and Wales there are more than 3,000 CT police officers of which a total of around 1,500 are in the Counter-Terrorism Command (CTC or SO15) of the Metropolitan Police, which has a national remit.⁴³ The Metropolitan Police CTC is the largest of the five English police 'counter-terrorism units' or 'hubs'. The others, comprising 'brigaded' specialists from provincial police forces, are located in Leeds, Manchester, Birmingham and the Thames Valley. Similar CT 'hub' structures are to be found in Northern Ireland, Scotland and Wales. The CTUs are supported by three provincial police 'counter-terrorism intelligence units' (CTIUs –these also exist in Scotland, Northern Ireland and Wales–). All the police CT specialists in England and Wales are now being linked in the police National Counter-Terrorism Network which was established in October 2008 and an MPS Deputy Assistant Commissioner is the Senior National Co-ordinator for Counter-Terrorism. ACPO rank officers also act as police national co-ordinators for each of the four 'Ps' of

³⁷ *Ibid.*, p. 41, para 5.17.

³⁸ *Ibid.*, p. 41, para 5.14.

³⁹ *Ibid.*, p. 94-95, and Cabinet Office, 'Cyber Security Strategy of the United Kingdom', Cm. 7642, June 2009, p. 17.

⁴⁰ *Ibid.*, p. 138, para 13.08.

⁴¹ HC 212, *op. cit.*, Home Office Memorandum, Ev 64.

⁴² Cm. 7547, p. 13, p. 62 and p. 107.

⁴³ House of Commons Home Affairs Committee, Oral Evidence, 'Project CONTEST: the Government's Counter-Terrorism Strategy', AC(SO) Bob Quick, MPS, 12/II/2009, Q71 & Q82. There are variable interpretations of the rise in police CT personnel in percentage terms: Cm. 7547 suggests 70%+ whilst AC(SO) Quick gives a figure of 40% (Q.85).

CONTEST. Despite some evidence of increases in police CT resources budgetary constraints are still evident and likely to increase as the Government attempts to control public expenditure in the recession. For example, the proposed 'active enhancement' of policing at UK borders has to be achieved by 'cost-neutral' means.⁴⁴

Regarding intelligence resources, CONTEST (2009) refers to a 60% rise in the multi-agency staff of the Joint Terrorism Analysis Centre (JTAC) since its foundation in 2003.⁴⁵ NSS 2009 notes the doubling in size of MI5 since 2001 and refers, more obliquely, to 'significant' growth at GCHQ and 'enhanced' overseas operations by MI6.⁴⁶

It is notoriously difficult to produce conclusive 'outcomes' in relation to a counter-terrorism strategy. In the case of the long-running PIRA campaign, with its frequency of incidents, statistics of arrests coupled with a decrease in the frequency of incidents may be cited as evidence of success in a counter-terrorism strategy. Since the July 2005 London bombings the UK has only experienced three 'near' active incidents: the two detected car-borne IEDs in Central London, the linked VBIED that was crashed into Glasgow Airport terminal and the lone bomber who injured himself in the wash-room of an Exeter café in 2007. These represent, in comparative quantitative terms, a very small record of terrorist incidents when placed in the context of the CONTEST (2009) statistics which focus on the outcomes of 'Prevent' and 'Pursue'. Although since 2006 there have also been some particularly important disruption operations, for example, Operation Overt in 2006 involving a plot to use liquid explosives to bring down up to 10 aircraft (according to press reports) on the UK-US transatlantic route and Operation Gamble in 2007 where there was evidence of planning to kidnap and execute, in the UK, a Muslim member of the armed forces.⁴⁷

Because the UK treats domestic counter-terrorism as primarily a matter for an intelligence-led law enforcement response it is not surprising that much of the CONTEST (2009) quantitative data focuses on the statistical records related to this response. Though it is also recognised that *sub judice* issues and protracted trials processes have sometimes hindered the publication of fuller threat related information.⁴⁸

Thus CONTEST (2009) reports that between 2001 and 31 March 2008 there were 1,471 terrorism-related arrests. However, only around 480 of these arrests led to charges being preferred and of this number only around 360 were charged with terrorism offences and of these only 196 people were convicted. MI5 public statements tend to give a figure of around 2,000 persons, at any one time, that they are actively interested in as international terrorism suspects.⁴⁹ Currently some of these suspects and others, as yet unidentified, are thought to be involved in about '... 200 potential terrorist networks'.⁵⁰ So one might speculatively conclude that the 'Pursue' resources are succeeding in visibly disrupting around 25% of what, it must be assumed, is a rolling cohort of persons who are suspected of some form of terrorism-related activity. However, such disruption evaluations have to be couched in rather tentative terms as MI5 statements never give much indication of how

⁴⁴ ACPO Cymru, Memorandum of Evidence (P15) to the House of Commons Welsh Affairs Committee inquiry into 'Ports in Wales', June 2009.

⁴⁵ Cm. 7547, *op. cit.*, p. 62, para 8.04.

⁴⁶ Cm. 7590, *op. cit.*, p. 76.

⁴⁷ For a very useful CONTEST 2 related discussion of the principal plots, arrests and trials see M. Clarke & V. Soria, 'Terrorism in the United Kingdom', *RUSI Journal*, vol. 154, nr 3, June 2009, p.44-53.

⁴⁸ HC 212, *op. cit.*, Ev 24 Q145-6.

⁴⁹ Cm. 7547., p. 64, para 8.16.

⁵⁰ Clarke & Soria, *op. cit.*, p. 51.

the composition of the '2000' (suspects) and the '200' (networks) change over time. For example, Dame Eliza Manningham-Buller, as MI5 DG, gave the same '200' figure for groupings and networks in 2006 although she then gave the 'suspects' figure as 1,500.⁵¹ On that latter figure one can raise the question as to whether the additional '500' now identified are newly 'radicalised' persons, which would represent a 25% increase between the years 2006 and 2009. An alternative explanation might just be that there is more active reporting upwards through the intelligence chain.

Other 'Pursue' measures involve various types of person-controls: between July 2005 and December 2008, 153 non-EEA nationals were excluded, ie, denied entry to the UK, on national security grounds, eight Algerians have been deported and deportation proceedings are underway for nationals of other states. In addition, notice of deportation has been served on three persons with UK citizenship by naturalisation, following notice of deprivation of citizenship.⁵² Up to 10 March 2009 a total of 40 people had been subject to domestic control orders, imposed without any trial procedures, restricting their freedom. Fifteen control orders remain in place but the Court of Appeal has just ruled that control orders '... cannot be upheld if the hearing cannot be fair'.⁵³ The Lords of Appeal ruled that if the Government does not wish to provide adequate information for a fair hearing in appeals against control orders then it must consider derogating from Article 6 of the ECHR.

In the Government's 20-year forward-looking horizon (NSS 2009) an interesting cross-sector strategy problem is raised which, in turn, will produce challenging implementation requirements. NSS 2009 suggests that there '... is some evidence to suggest an overlap between terrorists and organized criminal groups, in particular around how they fund their operations, for example through drug trafficking and counterfeiting'.⁵⁴ Indeed Clarke & Soria note that about 30% of the individuals of interest to MI5 in relation to Islamist terrorism have a non-terrorism-related criminal record.⁵⁵ A linked issue relates to prison experience as source of radicalisation and the fact that '... Muslims constitute a disproportionate percentage of the total people in prison in this country, somewhere between 12 and 13%...'.⁵⁶ This in turn has led to the establishment of a special CONTEST 'Prevent' programme under the National Offender Management Service (NOMS) which plays an important role in the 'Prevent' counter-extremism objective.

The Prioritisation of Countering Violent Extremism Under 'Prevent'

After the July 2005 London bombings, the Home Office set up 'Preventing Extremism Together' Working Groups and these formed the initial stage in a process that led to both the prioritisation of 'Prevent' from Summer 2007 and the promulgation, by the Government in 2008, of 'The Prevent Strategy: A Guide for Local Partners in England – Stopping People Becoming or Supporting Terrorists and Violent Extremists'.⁵⁷ It is contended that, following Bossong's use of Matland on the ambiguity-conflict model, the

⁵¹ Dame Eliza Manningham-Buller, DG MI5, 'The International Terrorist Threat to the UK', Speech at Queen Mary's College, London, 9/XI/2006.

⁵² Cm 7547, *op. cit.*, p. 64-65.

⁵³ *Ibid.*, p.65-66, and see also House of Lords, Session 2008-09, Opinions of the Lords of Appeal for Judgment in the Cause – Secretary for the Home Department (Respondent) v AF (Appellant) (FC) and another (Appellant) and one other action, [2009] UKHL 28, 10/VI/2009, p. 48.

⁵⁴ Cm. 7590, p. 83, para 6.60.

⁵⁵ Clarke & Soria, *op. cit.*, p. 51.

⁵⁶ HC 212, Ev 30 Q175.

⁵⁷ See further F. Gregory, 'Policing the "New Extremism" in the 21st Century', in M. Goodwin & R. Eatwell, *The 'New' Extremism in 21st Century Britain*, Taylor & Francis, forthcoming Winter 2009.

implementation response to the priority in 'Prevent' (also re-emphasised in the National Community Safety Plan 2008-11) on countering violent extremism is likely to exhibit characteristics of the *experimental implementation* paradigm. This is particularly so because the Prevent strategy stresses that tackling violent extremism should be by multi-agency partnerships where '... local authorities and the police should take the lead...'⁵⁸ and the UK has seen many examples of problems with the multi-agency problem response format. It has already been noted that local authorities face a very diverse set of policy implementation requirements from central government. Moreover, the current stage in the development of performance indicators for this 'Prevent' work-stream is very much focussed on sort of generic 'tick-boxes' for the presence of local 'Prevent' structures and processes. The problem of measuring effectiveness in tackling violent extremism is, as yet, unresolved.

So there is likely to be rather varied level of input from local authorities. This might also relate to the fact that the 'Prevent'⁵⁹ strategy has very clear focus on what it calls '... Al Qa'ida-influenced terrorism...', which the Government equates with the 'new extremism' and local government areas will differ widely in the scale of presence of Muslim communities within their boundaries. Moreover the Government's understanding of 'violent extremism' covers a very wide range of conduct, ie, any conduct which promotes, justifies, supports or carries out acts of or related to terrorism as defined in anti-terrorism legislation. For the police there is an inevitable tension between the community-orientated, multi-agency engagement with Muslim communities, under 'Prevent' and the more 'hard' policing requirement of intelligence gathering, under the lead of MI5 and investigations and arrests under 'Pursue' with its focus on stopping terrorist attacks.⁶⁰ This matter also has a link with the use of intelligence as one of the tools in the measurement of outcomes under the 'Prevent' programme. The OSCT Director-General, Charles Farr, said if '... you create, as we are able to, an intelligence baseline to establish how much radicalisation is going on in those places at the moment, you then look at the programmes you are trying to introduce in those areas to stop radicalisation, and then you check your intelligence the following year, you can get an idea, albeit an imperfect one, of whether the risk of radicalisation in those areas... has reduced or increased'.⁶¹

If the CT agencies are correct in assigning an increased priority to the terrorist CBRNE threat, as discussed below, then the importance of countering tendencies towards violent extremism will be reinforced. Although some of the 'Prevent' partners may continue to find the type of link with the intelligence process, outlined by Farr, above, to be at odds with their ethos and practice. However, the CT agencies are noting the contribution to intelligence by the Muslim community in Bristol as a vital factor in the arrest and later conviction of Isa Ibrahim, in July 2009, for making an explosive with intent to endanger life and other acts preparatory to terrorism. In this instance the explosive that Ibrahim had made was HMTD and it was found that he made several purchases of hydrogen peroxide at branches of Boots the Chemists in Bristol.⁶²

⁵⁸ HMG, 'The Prevent Strategy: A Guide for Local Partners in England – Stopping People Becoming or Supporting Terrorists and Violent Extremists', 2008, p. 8.

⁵⁹ *Ibid.*, p. 5.

⁶⁰ See N. Bettison, 'Preventing Violent Extremism – A Police Response', *Policing*, 3 (2), 2009, p.129-138.

⁶¹ HC 212, *op. cit.*, Ev 25-6, Q153.

⁶² S. O'Neill, 'Teenager's Plot to Blow up Town Centre', *The Times*, 18/VII/2009.

The Prioritisation of CBRNE in 'Prepare'

It is understandable that in CONTEST (2009) that the 'E' should have been added to CBRN under 'Prepare', first, because of the dynamics and frequency of IED use in Iraq and Afghanistan against British forces and civilians,⁶³ secondly, because of the 2006 arrests and subsequent convictions of a group of Islamist extremists for plotting to bring down transatlantic airliners by using liquid-based IEDs.⁶⁴ Moreover, part of CONTEST (2009)'s focus on CBRNE is certainly in the nature of a prudent 'Prepare' response. This derives from the classified 2008 CBRN review of what could be done to improve the '... security of legally held chemical, biological, radiological and explosive substances, and the facilities where they are stored...' which gave the authorities new objectives to attain.⁶⁵ Similarly, there is a prudent 'Prepare' development contained in the announcement that by around 2011 a CBRN preparedness programme will have been completed that will '.... equip 18 centres nationwide with staff and facilities to improve multi-agency response to CBRN attack...'.⁶⁶

However, the prominence given in CONTEST (2009) to the CBRN threat part of CBRNE is less readily understandable. The explanation, in CONTEST (2009), of the emphasis on that threat, which expert opinion⁶⁷ agrees could be of high impact but is relatively low in probability, is not fully convincing.⁶⁸ First, reference is, partly, made to 'old' evidence: Arun Shinrikyo 1993-95, Osama Bin Laden's 1998 reference to a Muslim duty to acquire nuclear weapons and the al-Qaeda CBR 'laboratories' found in Afghanistan in 2001. Though, a little more recent evidence is also documented: UK trial reports gave information that in 2004 an al-Qaeda cell in the UK considered trying to detonate radiological devices and in 2006 al-Qaeda leaders in Iraq were trying to get Iraqi nuclear scientists to work with them. Secondly, CONTEST (2009) argues that '.... three other factors have increased the risk that terrorists may acquire CBRN weapons...'.⁶⁹ However, these are a very diverse set of risk indicators: references to the post-1989 incidents of supposed and possible trafficking in radiological materials, some of which have been recorded by the IAEA, and the increase in CBRN information on the internet and risks of either material leaks from legitimate sites or information leaks from strategic programmes. None of these really represent 'new' evidence, acquired since CONTEST (2006), or evidence of a 'clear and present danger' but rather a sort of re-packaging of well-known information. The only 'newish' factor is that pertaining to the increase in the availability of CBRN information on the Internet. However, it is difficult to comprehend the rationale behind the prioritisation of the CBRN threat in CONTEST (2009) on the basis of the evidence in the strategy. Although it may be that the Home Office was seeking to provide a UK 'echo' of the concerns expressed by the US Commission on the Prevention of WMD Proliferation and Terrorism which anticipates a terrorist use of WMD materials before 2013.⁷⁰ Finally, and more generally, comparing CONTEST (2006) with CONTEST (2009),

⁶³ See, for example, P. Clubb, 'Bleeding an Occupation', *Intersec-The Journal of International Security*, vol. 19 (1), January 2009, p. 34-36; and C. Hunter, 'Assault IED Defeat', *Intersec-The Journal of International Security*, vol. 19 (4), April 2009, p. 20-23.

⁶⁴ B. Zellen, 'The Liquid Threat', *Intersec-The Journal of International Security*, vol. 19 (5), May 2009, p. 26-28.

⁶⁵ Cm. 7547, *op. cit.*, p. 116, para 10.35.

⁶⁶ *Ibid.*, p. 122, para 11.23.

⁶⁷ See chapters by J. Simpson & J. Littlewood in P. Wilkinson (Ed.), *Homeland Security UK*, London, Routledge, 2007.

⁶⁸ Cm. 7547, *op. cit.*, p. 127-8.

⁶⁹ *Ibid.*, p. 128, para 12.07.

⁷⁰ G. Whitfield, 'Wind of Change', *CBRNe World*, Spring 2009, p. 10-15, and see the Commission Report 'World at Risk', www.preventwmd.gov.

the increased coverage of CBRN can be seen more positively as an explicit official recognition of the multi-faceted nature of CBRN.⁷¹

This paper will approach the issue by exploring Cornish's analysis (2007) which views the CBRN weaponisation spectrum as '... a *system*, offering all that might be required for a range of terrorist groups from the largest to the smallest, from the almost casual to the most organized, and from the poorest to the best funded'.⁷² This formulation of the terrorism-related CBRN threat identifies its differentiation from the understanding of CBRN WMD in the Cold War era and thus the wide varieties of CBRN IEDs that are conceivable. Moreover this analysis recognises that these variable characteristics need to be addressed by a CT response that that can encompass the particular challenges of each component of CBRN. For example, Cornish cites that the '... US Nuclear Regulatory Commission has estimated that one licensed US radioactive source is lost every day...'⁷³ and draws attention to the fact that the '... global BW-related research and development cycle could simply be moving too fast for governments to keep pace'.⁷⁴

Following similar reasoning, the report of a Wilton Park Conference (2007) contained a number of cogent arguments for raising the CBRN profile suggesting that a terrorist CBRN attack might not be a 'transformational event', like 9/11, but rather '... part of a process of habituation...'.⁷⁵ This is explained as occurring where a CBRN modified IED causes initial societal alarm but has low actual damage/casualties impact. CONTEST 2, in this context, refers to the nine attempts in Iraq to produce viable chlorine dispersing IEDs. There have also been unconfirmed reports from Afghanistan which have suggested that, in some incidents, the Taliban may have used a local agricultural pesticide, Mallatin.⁷⁶ This line of reasoning gives emphasis to both the psychological effect characteristics of CBRN and the wide potential for IED hybridisation with CBRN components through, in part, clandestine proliferation channels.

In this context, it is perhaps surprising but maybe understandable, that CONTEST (2009) made no reference to the June 2006 counter-terrorism raid on a house in Forest Gate in East London. Although arrests were made no-one was charged with terrorism offences and no terrorist materials were discovered. However, the raid had been based on information passed to MI5 which suggested that a cyanide-based IED was being developed at that location.⁷⁷ Moreover there was then and continues to be a not insignificant counter-terrorism concern around details of a cyanide dispersal device (known as *al-Mubtakkar* meaning 'the invention' in Arabic or 'the initiative' in Farsi) which has featured on al-Qaeda websites since 2005 and is similar to the device planned for the

⁷¹ See further HMG, 'The United Kingdom's Science and Technology Strategy for Countering International Terrorism', August 2009.

⁷² P. Cornish, 'The CBRN System – Assessing the Threat of Terrorist Use of Chemical, Biological, Radiological and Nuclear Weapons in the United Kingdom', London, Chatham House, 2007, p. Vii; and see also P. Shamai, Report on Wilton Park Conference WP860 May 2007, 'Chemical, Biological, Radiological and Nuclear (CBRN) Terrorism: Mapping the Threat', June 2008.

⁷³ Cornish, *op. cit.*, p. 16.

⁷⁴ *Ibid.*, p. 15.

⁷⁵ WP860, *op. cit.*, para 4 and paras 5-10.

⁷⁶ G. Whitfield, 'Is This It?', *CBRNe World*, Summer 2009, p. 6-7.

⁷⁷ See D. Leppard, 'Cyanide Fear Triggered Terror Raid', *The Sunday Times*, 4/VI/2006,

<http://www.timesonline.co.uk/tol/news/uk/crime/article671509.ece?print=yes&randnum=>, accessed 4/VII/2009; and N. Morris, 'Police Forced to Apologise for Forest Gate Terror Raid', *The Independent*, 9/VI/2006, <http://www.license.icopyright.net/user/viewFreeUse.act?fuid=NDazNDqxMA%3D%3D>, accessed 4/VII/2009.

aborted 2003 plot to attack the New York city subway.⁷⁸ Furthermore, computer files containing ‘... recipes for creating cyanide gas using tablet capsules...’ were discovered on the computer of Omar Altimimi, who was convicted in the UK in July 2007 of possession of material for terrorism purposes.⁷⁹

On the N & R part of CONTEST (2009)’s CT CBRN concerns it may well be argued that recent events in North Korea, the current turmoil in Iran and continuing anxieties over nuclear facilities security in countries like Pakistan and the former USSR, can all be seen to contribute to a rationale for this aspect of CBRN issue prioritisation in CONTEST (2009).⁸⁰ Indeed, Mohamed El Baradei has recently said that the IAEA continues to be ‘... worried because we still have 200 cases of illicit trafficking of nuclear material a year reported to us...’.⁸¹

The discussion, in the preceding paragraph, can therefore be further understood by reference to the greater emphasis given in CONTEST (2009) to counter-proliferation regimes and initiatives. As well as long-established counter-proliferation initiatives –for example, the Chemical Weapons Convention and the Nuclear Suppliers Group–,⁸² CONTEST (2009) lays emphasis on the UK role in the ‘Global Initiative to Combat Nuclear Terrorism’. This has its origins in the June 2002 G8 Summit’s commitment to ‘six principles to prevent terrorists or those that harbour them acquiring or developing’ WMD.⁸³ This is now linked to the programme of global CBRN materials security enhancement, the ‘Global Threat Reduction Programme’ (GTRP).⁸⁴ However, the presence of a very wide and diverse range of countries in some of these counter-proliferation/counter-terrorism groupings may prove inhibiting to some aspects of counter-proliferation intelligence sharing.

Thus, whilst CONTEST (2009) does not advance any ‘new’ evidence to support its increased emphasis on the CBRN terrorism threat, it does seem possible to conclude, on the basis of the discussion above, that some of the ‘old’ evidence relating to CBRN terrorism can be assigned more ‘weighting’ now than it would have merited at the time of CONTEST first publication in 2006. Additional ‘weighting’ is also provided by NSS 2009 where the UK Government expresses the belief that there has been a regrettable lack of coherence between what it calls the UK’s counter-proliferation and counter-terrorism ‘communities’. NSS 2009 now proposes that closer coherence will be achieved by more formal linkages between them as well as by a strengthening of the Cabinet Office led Counter Proliferation Committee.⁸⁵

⁷⁸ WMDInsights, ‘Special Report: Manual for Producing Chemical Weapon to be Used in New York Subway Plot Available on Al-Qaeda Websites Since Late 2005’, July/August 2006, http://www.wmdinsights.com/17/17_ME1_SP_MaunualFor.htm, accessed 3/VII/2007.

⁷⁹ Clarke & Soria, *op. cit.*, p. 47.

⁸⁰ The author acknowledges the guidance of Professor John Simpson, OBE, University of Southampton, on these N & R issues.

⁸¹ News, ‘Asia and East’, *CBRNe World*, Summer 2009, p. 44.

⁸² Cm. 7547, *op. cit.*, p. 129-130.

⁸³ J. Medalia, ‘Terrorist “Dirty Bombs”: A Brief Primer’, CRS Report for Congress, RS21528, October 2003, p. 5.

⁸⁴ Cm. 7547, *op. cit.*, p. 129-130.

⁸⁵ Cm. 7590, p. 97, para 7.13.

Conclusions: Internet searches, after the publication of CONTEST (2009), have produced very few major reactions to the new version of the strategy which rather reinforces the question, in this paper's introduction, about who the target audience is supposed to be. Certainly CONTEST (2009), by volume, is more informative, at first reading, than CONTEST (2006) but closer reading has found that the detail in the important CBRNE area does not fully support its 'Prepare' prioritisation in CONTEST (2009). This can only really be understood by reference to other, non-CONTEST (2009), sources on CBRNE. Moreover despite the additional 'Prevent' related detail in CONTEST (2009) the head of the OSCT has noted that further information and effort will be needed to gain the active support of the public and private sector 'partners' that the Government hopes to involve in its 'Prevent' prioritisation of countering violent extremism. In such CONTEST policy areas this paper has found that Bossong's use of Matland's 'ambiguity-conflict' model of policy implementation provides a transferable analytical framework. CONTEST's historic preoccupation with Islamist extremism may also not be sustainable for much longer if there are further reports of what may be evidence relating to right-wing terrorism planning in the UK. Perhaps CONTEST, in its next iteration, has to become more overtly a generic counter-terrorism/counter-extremism strategy for the UK.

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