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NECESSITY AND APPLICATION OF IDENTIFICATION NOWADAYS IN THE FIELD OF THE FIGHT AGAINST TERRORISM

Abstract / Absztrakt

Our demand on security has been radically revaluated recently owing to the globalization of terrorism. This publication gives a roughly outlined overview on the changes in the security systems of the United States and the European Union in the light of the new challenges. Next it outlines the special identification requirements raised by the fight against terrorism, organized crime and illegal migration.

Napjainkban a terrorizmus globalizálódása kapcsán gyökeresen átértékelődött a biztonsággal szemben támasztott igényünk. Ebben a publikációban vázlatosan áttekintésre kerül az Amerikai Egyesült Államok, és az Európai Unió biztonsági rendszerének változása az új kihívások tükrében. Ezt követően, pedig a terrorizmus, a szervezett bűnözés, és az illegális migráció elleni küzdelemből fakadó, speciális azonosítási követelmények felvázolására kerül sor.

Keywords / Kulcsszavak*: Identification, requirements of identification, person identification, object identification ~ azonosítás, azonosítási követelmények, személyazonosítás, tárgyazonosítás*

INTRODUCTION

In our time the greatest enemy launch their attacks not identified by declaration of war, not along known military principles and following well determinable interests, but living on the territory of the target country, often winning over the citizens of that country to sympathize with their aims or even training them to be their activists, armed with all achievements of modern age, unexpectedly and from the inside. These tactics with no rules make terrorism of our days really dangerous and unpredictable.

With globalization, transnational proliferation and the widespread use of mass media communication, terrorism has entered a dimension of new quality. It is important to refer hereby to the connections between terrorism and organized crime. Besides donations of sympathizers terrorism is typically founded on financial resources gathered illegally. Thus we must pay an increased attention to force back organized crime in case we want to achieve results in fighting terrorism.

Instead of the old state level symmetrical external threats the non state level, asymmetrical internal ones have become the primary factor threatening national security of developed states. That is why various states, state alliances and military groupings are declaring the widespread

fighting against this threat to be a new task, requiring a global, international approach in the field of identification as well.

Defense against global terrorism requires authorization to various government organizations, which may endanger constitutional achievements found in developed democracies. Freedom of individuals gets conflicted with the security of the nation. It is necessary to sacrifice quite a lot of the achievements democracy in order to be successful in fighting against terrorism thus necessarily the control functions of state gains importance and strength worldwide.

In the course of our work let us have a look at how this new security approach has modified security structures of the leading powers. First let us review the reactions of the United states to the events of 9/11, followed by an overview of measures taken in the European Union. Next we are going to survey special identification requirements coming from fighting against terrorism, organized crime and illegal migration, followed by application and importance of systems providing identification as well as difficulties of their application. It is beyond the aim of this publication to determine domestic application features of systems providing identification, further to analyze their matching the international system of requirements. These questions point beyond the scope of this work, hence they are going to be analyzed in a separate publication.

U.S. AND THE EU ANSWERS TO THE CHALLENGES OF 9/11 2001.

In this section we are going to introduce the modification in security policy and changes in security strategy of two major powers most determining security policy of our country, by which they are preparing to facing new security challenges of the future.

One of them is the United States of America, possessing the biggest and most combat-ready military force of NATO – and the whole world –, having appeared in the role of "world police" using this force in conflict zones of the last decades, further having suffered in 2001 the series of terror attacks having caused most casualties in the history of such. For Hungary as a NATO country it is an absolute necessity to keep our attention to the response of the US to terrorism, though each of the other three reasons are enough by themselves to wake up our attention. We are going to survey the changes in the security system of the USA based on the article "Changes in the Security System of the USA"[1]

The other major power is the European Union of which Hungary is a member. Hence it is our duty to follow the changes in their security policy and to integrate their recommendations into the domestic legal and institutional system further to contribute to the development of the common security according to our possibilities. The changes in the security and criminological system of the EU will be summarized based on the article "Preventing Crime in the European Union"[2].

Let us see first the changes in the security system of the USA after 2001.

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[1] Beraczkai Antal – Béres János: Válaszok a terrorizmusra — az Egyesült Államok biztonsági rendszerének változásai MK KBH Szakmai Szemle 2005. év 3. szám 128. o.
http://www.kbh.gov.hu/index.php?id=szakmaiszemle_2005_3_szam.pdf
[2] Sallai János: Bűnmegelőzés az Európai Unióban MK KBH Szakmai Szemle 2006. év 2. szám 44. o.
http://www.kbh.gov.hu/index.php?id=szakmaiszemle_2006_2_szam.pdf

Response of the USA to globalization of terrorism

September 11. 2001 is a turning point in the attitude of USA security policy. The fight against terrorism, actions against non-state level sources of danger has replaced conventional state-level sources of danger. This asymmetrical threat completely different from that of the cold war period has generated radical institutional and organizational changes beyond the change in attitude and has lead to reforms still being in course among special services and agencies worried about security of their homeland territory.

First let us review those legal changes enforced by the impact of 9/11 in US legislation. The "Patriot Act" has been passed still in 2001, granting widespread authorization to the FBI, enabling a much stricter control of foreign citizens entering the States and facilitating actions of the services against individuals suspected of terrorism as well as sharing information related to terrorism. It is important to note, that in favor of homeland security individual freedom rights had to be sacrificed.

In 2002 the "Homeland Security Act" has been passed, based on which nine national strategies related to terrorism have been worked out. These are:

- National Security Strategy (NSS);
- National Strategy for Combating Terrorism (NSCT);
- National Strategy to Combating Weapons of Mass Destruction (NSCWMD);
- National Military Strategy (NMS);
- National Strategy for Homeland Security (NSHS);
- National Strategy to Secure Cyberspace (NSSC);
- National Strategy for the Physical Protection of Critical Infrastructure and Key Assets (NSPPCIKA);
- National Money Laundering Strategy (NMLS);
- National Drug Control Strategy (NDCS).

In 2004 the "Intelligent Reform and Terrorism Prevention Act" has been passed, forecasting the deepest going changes since the National Security Act passed in 1947 within the Intelligence Community comprising 15 different services. To achieve its goal the act ordained comprehensive cooperation in the work of the services and to realize this as well as to have the reins in the hands of one person it created the position of the Director of National Intelligence first held by John D. Negroponte.

Next let us have a look at how the system of national defense has changed in the United States of America in the course of recent years. They have created the Homeland Security Council (HSC) through which the President directs Homeland Security (HS) being destined for providing defense not against conventional military, but against so called "non-state" threats within national borders, first of all terrorism. Political coordination within HSC is carried out by commissions of Intelligence and Early warning, Border and Transportation Security, Domestic Counterterrorism, Defense Against Catastrophic Threats, Emergency Preparedness And Response, Protecting Critical Infrastructure and Key Assets.

Within the framework of HS they have created the Department of Homeland Security that comprises four functional directorates and subordinated 22 agencies. The four central directorates are: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure Protection.

The Department of Defense (DoD), having the main task of organizing Homeland Defense (HD) possesses Homeland Security (HS) authorizations as well. These manifest mainly in support to federal civilian authorities, coordinated by the Assistant Secretary of Defense for Homeland Defense (ASD). Practically all federal institutions except HDS have got some sort of Homeland Security task, or responsibility.

Optimization of the system, creating a more effective function with less disturbances is still in course in order to prevent proliferation of terrorism, narrow down and finally eliminate the base of their supporters. Following the reforms set forth in the USA the changed attitude has soon appeared in the framework of NATO too. To put it exactly, the USA expected their allies to change their attitude and demanded some changes in legislation too (e.g. the law against money laundering). First time in NATO history that they applied Clause 5 on asymmetrical cause in order to down the Taliban regime reigning in Afghanistan hiding and supporting Osama Bin Laden.

In the next part let us see the changes in security policy of the European Union owing to the changing dimension of terrorism.

Processes in the security system of the European Union

Development and changes in the European Union have speeded up in the course of the last 15 years following the agreements of Maastricht[3] and Amsterdam[4]. The integration has brought definitive changes in the cooperation upon internal and legal matters. Establishing freedom, security and law in the region they have ensured free migration of individuals but at the same time they created the possibility of forming a uniform European criminal region. In order to reduce the so appeared security deficit, security compensation measures have to be deepened on national level, while the efficiency of police cooperation has to be increased internationally.

The system of European Union institutions does not enable direct intervention into functions of member states, thus the European Council regards harmonization of actions against crime as an important task, further supports the formation of uniform practice with recommendations worked out in the framework of CDPC5. The meeting of the European Council in Tampere played a prominent role, where they compared the importance of establishing freedom, security and legal region to the internal market and the common monetary system, further the meeting of the European Council in Nice, where they passed and attached the Charta of Basic Rights to the basic (constitutional) agreement. Based on the decision of the European Council the EU Crime Prevention Network (EUCPN) interpreting crime prevention in a very broad sense has been established in 2001.

Everything expectedly or really in terms of numbers or quality reducing crime or reducing the population feeling threatened is regarded to be crime prevention. This aim can be achieved

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[3] Európai Unió III. pillér a bel-, és igazságügyi együttműködés. (1992)
[4] A szabadság, a biztonság és a jog térség létrehozása. Közös fellépés a globális kihívásokkal szemben. (1997)
[5] Commission of ministers dealing with the problems of crime.

by the organization by directly deterring criminals by some activity reducing the possibilities or affecting the causes of crime. An action plan under the title of Promoting Freedom, Security and Law to Come Across in the European Union has been passed Hague in 2004, which is still being carried out.

As it can be seen by the above globalization of terrorism and crime brings about globalization of crime prosecution and prevention. Harmonizing federal, international and national organizations is of course a task of longer term, in the first phase of which there is so much to be done beyond declaration of political willingness and this still has to be completed. It is necessary to consistently carry out a lot of legal, organizational and methodological changes to be able to severely deal with the new challenges.

In the foregoing we had an overview of the responses in the USA and the EU to globalizing terrorism and international crime behind it. Summarizing the facts it becomes clear that we are only at the beginning of a process that has far not been finished yet. There is still much to do in forcing back organized crime and terrorism because terrorist organizations are still a step ahead as they can strike anywhere and any time. That is why it is extremely important to isolate them from their financial resources and base of masses. Of course this is very difficult to carry out, because terrorism has got a rather wide and massive basis in the world of Islam.

One of the most important methods in discovering hiding threatening groups, and making impossible their activities is spreading the fastest and most perfect possible means of identification in the widest possible circle. In the next section I am going to review identification systems in the fight against terrorism and organized crime.

SPECIAL IDENTIFICATION REQUIREMENTS ARISING FROM THE FIGHT AGAINST TERRORISM, ORGANIZED CRIME AND ILLEGAL

In this section I deal with the role of identification in the defense sphere and analyze the requirements against the identification procedure often contradicting to each other. The biggest problem of the fight against terrorism is to track down terrorists capable of starting actions. This is so, because we are often dealing with immigrants having been living at the territory of the given country for a long time, people working there, students studying there or other recruited and trained citizens of the given country. Filtering out these elements and keeping track of their activities is a rather complicated and expensive job.

In addition, what could be technically and financially possible can not always be supported legally as well. Namely in nowadays democracies a not justified attempt of state to keep control over the private sphere is not acceptable. Let us see some examples of obligations in this field declared by the European Union:

The EU assumes legal obligation to not only respect basic rights in every field of their activities, but actively promotes them to be respected[6].

The right of the citizens of the EU to freely move across and stay at the territory of member states is the central right of the citizenship of the union[7].

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[6] The program of Hague: Supporting of Freedom Security and Rights to Come Across in the European Union 2005/paragraph C II/2. 1.

The European Council emphasizes the importance of the soonest possible termination of control at internal borders and further gradual establishment of registered control system of outer borders8.

This is a rather serious dilemma, giving a serious task to legislators and politicians to create laws and make the general public of their nations accept them, which can give an appropriate latitude to police, criminal investigation and security organizations of state to carry out their tasks successfully and at the same time not to limit individual freedom rights or just to do so to a minimum extent.

Of course in the case of different nations the degree of sticking to freedom can be different as well according to their particular history, so the degree of realizable control may also vary with different countries. Nationalization of various federal decisions and recommendations and their integration into national legislation can be different by nations. Similarly the openness of individual nations, the difficulty for foreigners to enter the country and the degree of immigration control are showing significant differences too.

Because of different social cultural and religious attitudes judgement of terrorism is different in each nation. Namely one fifth of the Earth population follows Islam as a religion and the supporting masses of Islam radical groups can be found here. State support to various groups in these countries is different, but we have to calculate with support from various social layers and groupings anyhow.

Identification systems have to satisfy many contradictory requirements to give appropriate answers to legal, social, technical and financial problems and to meet the conditions of introduction into regular use.

All regulations aiming control and restrictions are at the same time putting limits to free trade, tourism, economy and the individual freedom of citizens and further their realization requires a lot of expenditures. All these factors impede internationally uniform intervention against terrorism. The composition of an appropriate set of measures requires serious consideration.

Fast and individual identification of big masses of people, suitably fast access and handling of necessary data constitutes a rather serious quantitative problem. Namely busy border crossings – typically big airports handling big traffic of passengers and goods – have to identify masses of individuals and subjects – pieces of luggage and transported goods – and make decisions about their being dangerous and about necessary further measures to be taken. To illustrate this question let us take typical 2006 traffic data of some arbitrarily chosen international airports.

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[7] The program of Hague: Supporting of Freedom Security and Rights to Come Across in the European Union 2005/paragraph C III/1.1 1.
[8] The program of Hague: Supporting of Freedom Security and Rights to Come Across in the European Union 2005/paragraph C III/1.7.1 1.

2006 traffic data	Number of passengers [million]	Number of flights [thousand]	Maximum lift off mass [million tons]	Destinations [number]
New York JFK[9]	101,4	—	28,84	—
London Heathrow[10]	67,7	469,56	—	186
Frankfurt Airport[11]	52,8	489,4	27,83	—
Warsawa Frederic Chopin[12]	8,102	126,534	—	—
Bécs Vienna International Airport[13]	16,856	23,749	6,76	—
Budapest Ferihegy[14]	8,267	126,947	—	—

These results can be achieved only by organizations keeping in operation extremely well organized junctions supported by gigantic infrastructure. Several planes might land and/or lift off per minute, directing such a big traffic sets serious tasks for both flight control and terrestrial logistics and all this with meeting enhanced security requirements. This work is impossible to be done without widespread application of identification systems.

It is worth reviewing in a few words what sort of identification is necessary to carry out the mentioned tasks. Most evident is identification of persons which can be done for entrance and for surveillance purposes. For entrance purposes the persons are checked whether they are authorized to use the service i.e. to enter the given territory or system. For surveillance purposes personal checking output data of various suitable surveillance systems are continuously checked against databases of wanted individuals and other criminal databases in order to be able to filter out not wanted individuals of the crowd.

Naturally beyond the case of persons identification of various objects has got similar importance in order to establish and maintain security. Reliable identification and continuous follow up of airplanes still in the air is the task of flight control. And on the ground each object getting close to the planes or to the territory of the airport has to be identified and security threats carried by it have to be analyzed. The whole flow of transported goods has to be checked over just like all the luggage of passengers. Weapons, drugs, explosives, radioactive or dangerous chemical substances as well as other objects or substances adversely influencing the security of transport and passengers have to be excluded from getting on board of the planes.

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[9] www.jfkiat.com
[10] www.heathrowairport.com
[11] www.fraport.com
[12] www.lotnisko-chopina.pl
[13] www.viennaairport.com
[14] www.bud.hu

Let us see how the European Union standardizes the systems of records of various member states at a European level. In the European Union still in its childhood on historical scale a common information system integrating different systems of records of the member states has not been developed yet. Of course this may not remain in this state but a series of factors do not make fast changes possible.

Naturally it is clear for everyone that in the course of fighting against terrorism and organized crime technical interoperability and synergic effects of common information (IT) systems would favorably influence security conditions in Europe. At the same time an equilibrium must be found between security objectives and protection of personal data.

The architecture of common IT systems is also a question to be decided for the log term. One possible solution is a controlled information exchange created by connecting national information systems together, which can be carried out at lower cost and so is more probable than establishing a new common European information system.

Let us see next what common, connected IT systems have been realized by the EU up to out days:

The aim of the Visa Information System (VIS) is to improve the procedure of issuing visas through which there will be an improvement in the guidance of common visa policy and consular cooperation, in the control of threats against internal security and of visa-trading, in promoting the fight against fraud, in contribution to the identification and expelling illegal immigrants, and further the accomplishment of the Second Dublin Decision will be facilitated.15

The aim of the EURODAC fingerprint identification system supporting the judgement of applications for asylum is to help determining the member state responsible upon the Second Dublin Decision – i.e. for investigating the application for asylum – as well as promoting the accomplishment of this decision. It plays a key role in providing the efficiency of the European System of Refuge Affairs.16

The second generation of the Schengen Information System (SIS II) facilitating border crossing in the extended European Union without degrading security is going to start functioning in 2007. This will enable authorities of the member states to cooperate based on information exchange in establishing the internal region without border checking.17

These systems having been established up to now are still showing many imperfections. Alphanumeric searches, identification of illegal immigrants still hit upon difficulties further the procedure can not be speeded up for frequent travelers in good faith and data of information system mentioned above may not be used for internal security reasons. Registration on European level of citizens of the EU is still unsolved which beyond causing security problems makes it difficult to identify the victims of possible catastrophes.

15 Commission of the European Community, Brussels 2005-11-24 COM(2005) 597;
EUR-Lex – 52005DC0597 – HU 3.2.
16 Commission of the European Community, Brussels 2005-11-24 COM(2005) 597;
EUR-Lex – 52005DC0597 – HU 3.3.
17 Commission of the European Community, Brussels 2005-11-24 COM(2005) 597;
EUR-Lex – 52005DC0597 – HU 3.1.

A basic requirement against authorities responsible for fighting terrorism is to be able to identify individuals with available biometric data. As such databases already exist in the majority of member states the possibility of connecting national DNA-databases is currently being worked upon.

Based on the foregoing we can say that conventional personal identification systems (passports and other identification documents) not containing biometric data and the national systems for processing them do not sufficiently serve the common security of the Union. Providing Union citizens with biometric travel and personal identification documents is already in an introductory phase. This significantly improves the quality of domestic identification of citizens, but these data for biometric identification are still stored in national databases and an inquiry by other member states is still answered only by a yes or no, meaning the document in question has or has not been issued by the given country.

Regarding VIS work is being done to give access to authorities responsible for internal security in order to discover and prevent terrorist actions. A European Fingerprint Identification System (AFIS) is being planned in which data of national criminal investigation databases would be integrated to make the whole available for investigation purposes. Realizing this would greatly support investigation activities aiming at hampering international spreading of crime.

SUMMARY

Upon the above it can be said that the major powers having the most determining influence on the security policy of Hungary have got from a security point of view different answers to the globalization of terrorism determined by their level of integration as well as their historical and security situation. Comparing the security aspects it becomes clear, that despite of their different approaches the will to locate and sift out groups engaged in illegal activities. Of course to reach relieving security there is still much to be done everywhere. The aim hereby was only an insight into the process of security changes.

To achieve and maintain the required level of security it is indispensable to continuously develop existing security systems, to provide their interoperability with international systems as well as to develop new systems. In fighting against terrorism and organized crime forming common European information (IT) systems, providing their interoperability and exploiting their synergy effects is all inevitable to achieve unified European security. Connecting to common systems and participation in forming further IT and identification systems create a lot of tasks for the experts of the Hungarian defense sphere. The often contradictory requirements regarding identification systems have been collected.

The foregoing provides the possibility to determine specifications for identification systems to be applied in our domestic defense sphere, as well as to investigate the questions of matching them to the set of international requirements. Investigating this latter problem will be the topic of a following publication.

BIBLIOGRAFY

1. Beraczkai Antal – Béres János: Válaszok a terrorizmusra — az Egyesült Államok biztonsági rendszerének változásai; MK KBH Szakmai Szemle 2005. év 3. szám 128. o.
http://www.kbh.gov.hu/index.php?id=szakmaiszemle_2005_3_szam.pdf

2. Sallai János: Bűnmegelőzés az Európai Unióban; MK KBH Szakmai Szemle 2006. év 2. szám 44. o.
http://www.kbh.gov.hu/index.php?id=szakmaiszemle_2006_2_szam.pdf

3. Hágai program: A szabadság, a biztonság és a jog érvényesülésének erősítése az Európai Unióban 2005/C

4. Az Európai Közösségek Bizottsága, Brüsszel 2005-11-24 COM(2005) 597;
EUR-Lex – 52005DC0597 – HU

5. www.jfkiat.com

6. www.heathrowairport.com

7. www.fraport.com

8. www.lotnisko-chopina.pl

9. www.viennaairport.com

10. www.bud.hu