

Conflict Prevention and Resolution Forum: February 12, 2002
***Defining Terrorism: Is One Man's Terrorist Really Another Man's
Freedom Fighter?***

Notes from the comments of Larry C. Johnson:

Mr. Johnson began his discussion by emphasizing that while there is no internationally agreed upon definition of terrorism, there is also no definitional agreement between the different organizations and branches of the U.S. government. He explained that the international community approaches this definitional problem of terrorism by looking at the specific action and deciding whether or not this action meets the legal criteria that would then allow a state to respond. He argued that international terrorism cannot occur without state sponsorship as this gives a group the ability to project force by supplying a safe haven and a space to coordinate funding, train and recruit.

Mr. Johnson then discussed what he believes to be many of the myths associated with terrorism. He began by examining historical data provided by the CIA, where the 1980's marked the height of terrorist activity. Mr. Johnson argued that the levels went up during this time, partly because countries were not responding effectively. When governments decided to take countermeasures, such as protecting their diplomatic facilities, the incidents of terrorism decreased. Mr. Johnson illustrated the difficulty of addressing terrorism by first defining high threat versus low threat areas and then increasing protection for the high threat areas given that terrorists tend to strike a low threat target as there is less chance of being captured or killed as opposed to targeting those areas deemed a high threat and afforded greater protection.

Mr. Johnson then argued that while there is the potential for mass casualties to result from a terrorist attack, this threat is exaggerated. In illustrating this argument, Mr. Johnson explained that we need to examine incidents and casualties of terrorism separately, given that the terrorist groups that cause most incidents are not the same groups that cause most of the casualties. Before September 11th, the number of people killed in terrorist attacks had been relatively small while the incidents of terrorism in the late 1990's have caused many injuries. He added that terrorist attacks by radical Islamic groups statistically cause the majority of casualties but they commit fewer incidents of terrorism than other groups.

He also challenged that the focus on terrorism does not need to be taken to a global level, leaving the impression that terrorists are hiding behind every corner. Terrorists tend to be coordinated in specific groups, operating around specific causes and located in specific areas of the world. For example, Mr. Johnson illustrated that in 1999, terrorism was primarily focused in Colombia and India and was not affecting the entire world. Therefore, he argued that the threat is more narrowly defined and we need to look at these specific groups and address the motives behind their acts.

Mr. Johnson also examined the fact that very often the people who die in attacks against the U.S. – particularly abroad – are not U.S. citizens. He argued that this is a compelling reason to ask other countries for help – because by addressing attacks against U.S. interests, countries will be saving the lives of their own people. Mr. Johnson emphasized that the U.S. must look to the experiences of other countries where they have lost many more lives to terrorism. He argued that the U.S. had only suffered two big attacks prior to September 11th – Pan Am flight 103 and the Khobar Towers bombing.

Mr. Johnson concluded his remarks by arguing that in addressing the issue of terrorism, the problem is not about the lack of money but about political pressures. He believes the U.S. has been a hypocrite – refusing to delegate a country to the list of State Sponsors of Terrorism, despite the fact that clear evidence may exist, because of the political fallout that would occur. His hope is that September 11th can help the U.S. move beyond its tendency to succumb to the political pressures that then prevent it from taking the necessary action to combat terrorism.

“I will repeat again, the real problem of effective counter-terrorism is not disagreement over definition. It is the persistence of conflict that breeds terrorism, and it is the inadequate international efforts to ameliorate these conflicts as well as the deep partisanship associated with them that leads to the justification of terrorism”. – Ambassador Wilcox

Address by Ambassador Phillip C. Wilcox, Jr.:

How can we define “terrorism”? While dozens of definitions have been offered over the years, there remains no single, acceptable definition, nor is there likely to be one. One reason for this is because “Terrorism”, a phrase coined in the French revolution, is such an emotive and opprobrious word that people, governments and politicians will continue to use it carelessly to describe any behavior that they hate and fear. The second reason is because terrorism has often been used on behalf of causes that many people and governments believe to be right and that the fulfillment of these causes justifies desperate means – even terrorism. A modern example of this is the Israeli-Palestinian conflict, where the cause of freedom and justice for Palestinians has sometimes been accompanied by terrorism against Israelis. It was a problem when Jewish extremists groups used terrorism against the British in their fight for independence as well as in establishing the Jewish state in the mid forties. Arabs and Muslims who sympathize with the Palestinians refuse to censure Palestinian terror and this has plagued US efforts to win a wider international consensus against terrorism for decades. The same problem has also presented itself in Chechnya, Kashmir, Northern Ireland and the ANC in South Africa. Partisans of these political struggles have thwarted repeated attempts by the United Nations General Assembly (UNGA) to reach a consensus on the definition of terrorism. For years the UNGA would not even condemn terrorism, though for the past decade it has passed resolutions doing so, without defining it.

This problem of a definition masks a deeper problem of the need to resolve the grave conflicts that give rise to terrorism. We need an international consensus on definition in order to isolate and eliminate all sympathy and support for terrorism but we can't reach this definition unless we work harder to deal with the underlying conflicts. Let's face reality. So as long as there are weak, oppressed and aggrieved people and groups who can find no redress, there will be terrorism, and what for one man is a terrorist, will continue to be another's freedom fighter. Of course, there will always be terrorists whose causes have no merit and who must be defeated. I do not recommend,

however, that we give up trying to win a consensus that terrorism is an unacceptable political weapon under any circumstances. In the search for a more peaceful, humane and civilized world, we need to keep trying to absolutely delegitimize terrorism in favor of more civilized forms of political action.

Terrorism is more dangerous than common crime because terrorists have political agendas that threaten individual states and the international order in ways that common criminals do not. Indeed, as we know too well after September 11th, today's terrorists have messianic ambitions and have shown a desire to inflict catastrophic casualties and create massive disruption and fear. They are more dangerous than common criminals, who have more limited, personal pecuniary motives. That is why the US and other countries have a vast array of counter-terrorism laws, and why these usually carry higher penalties than common crimes.

In going back to definitions, the State Department has adopted a useful definition of terrorism: "premeditated, politically motivated violence perpetrated against noncombatant targets by sub national groups or clandestine agents, usually intended to influence an audience" – taken from Title 22 USC 2656f.

Notice that this definition speaks of violence against targets, not just people. Thus, it embraces non-lethal acts that might otherwise be called criminal sabotage were it not for the feature of political motivation. This seems well justified given that violent attacks on non-human targets can be costly and disruptive, yet this definition can skew statistics on terrorism, to the extent that it is otherwise helpful. For example, would the Boston Tea Party have been a terrorist act?!

Other aspects of the State Department definition are ambiguous as well. For example, the definition does not define the term, "politically motivated". Does this include anti-abortion killings, burning of houses of worship, anti-racial, anti-gay or pro/anti environmental attacks? Does it include other forms of hate crimes or the violent acts committed by disturbed or psychopathic individuals such as Ted Kaczynski? Are groups of demonstrators with a political agenda, who destroy property, terrorists? (Note that the framers of US domestic anti-terrorism legislation have been careful to define anti-abortion attacks as terrorism). The definition also does not clarify the meaning of "non-combatant". We include this wording so that we can address attacks against US forces when they are in a non-combat mode – in the barracks, for example, as in Lebanon and Saudi Arabia, or on peacekeeping missions. And what about violence against non-combatants carried out by states, openly or clandestinely? When not justified as self defense against non-combatants, US and international law regards acts of violence by states or their agents to be war crimes or human rights violations – not terrorism. One way to think of the distinction between war crimes and terrorism is that war crimes are premeditated political violence against civilians, while terrorism is war crimes carried out by individuals or groups. And what about state supported terrorism? The State Department definition of terrorism also does not deal with this very well. We are clearly in a muddle here.

In any case, the problem of definition in the past has not entirely hobbled our efforts against terrorism. With respect to domestic terrorism, we have a huge variety of domestic anti-terrorism laws that resemble statutes for similar common crimes except that they carry higher penalties. Internationally, we have promoted some twelve or thirteen international anti-terrorism treaties and conventions that do not define terrorism itself, but rather define terrorist acts such as hijacking, bombing, funding of terrorism and hostage taking. This has proven to work well. I disagree with advocates who continue to press for a universal international treaty on terrorism. Given persistent political differences, it won't work.

I will repeat again, the real problem of effective counter-terrorism is not disagreement over definition. It is the persistence of conflict that breeds terrorism, and it is the inadequate international efforts to ameliorate these conflicts as well as the deep partisanship associated with them that leads to the justification of terrorism. So what can we do? Here are a few thoughts:

- First and most importantly, we have a right to be angry about terrorism, but we have a duty to be intelligent in how we fight it.
- Second, we must be careful about using the word terrorism carelessly to describe any bad behavior. This leads to confusion and undermines effective counter-terrorism.
- Third, rule of law must not be undermined in an effort to fight terrorism or else it muddies the water and strains international cooperation. Europeans are very strict about legal approach and the U.S. needs to be strict as well. In this connection, we need to develop a more refined synthesis of the law of terrorism and the law of war. We are presently in a terrible quandary over how to deal with the Taliban and al-Qaeda. Are our Taliban captives POW's or unlawful combatants? Can we try some of them as war criminals? Which ones should be tried as terrorists? Under which laws? The proposal for special military courts makes this more complicated. We need to protect our security and impose proper penalties but we also need to protect rule of law, which is a powerful anti-terrorism weapon that needs to be preserved. Also, we should be more careful about new legislation in the name of counter terrorism that infringes on civil liberty without a compelling need – such as post September 11th detention practices.
- Fourth, military force must not be made the centerpiece of counter terrorism. We will not be able to use military force regularly and effectively, as we did in Afghanistan to defeat the Taliban. Afghanistan was a special case. Law enforcement cooperation with other governments will continue to be our most commonly used counter-terrorism tool. We must beware of Islamic terrorists that style themselves as holy warriors, believing that war with the West serves their goals and will enable them to attract new recruits. Be careful of dignifying them as warriors. They are criminals. In addition, take care in mobilizing international

support for anti-terrorism to ensure that we do not promote abuses of human rights and civil liberty in the name of counter-terrorism. The catalogue of anti-terrorism measures that the U.S. has collected is scary in many respects. The U.S. should realize that the protection of human rights must be part of an overall counter-terrorism strategy. States that abuse human rights eventually breed terrorists. In the words of John F. Kennedy, “Those who make peaceful liberation impossible make violent revolution inevitable”.

- Fifth, state sponsorship laws must be refined and depoliticized, saving the useful and jettisoning the counterproductive. These laws should not be a substitute for diplomacy and they cannot be effective without allied support. We have also unwisely politicized our system of the designation of “state sponsors” of terrorism by refusing to remove hostile states such as Cuba from the list, a country that is no longer supporting terrorism.

- Sixth, while we need to preempt and punish terrorists, we also need to deal with the causes for which terrorism is a symptom. – otherwise we will not make much headway. Do not treat terrorism as a disembodied unitary evil that we are going to crush, without understanding and dealing with the conflicts that breed terrorism. This is a grave danger of our current “war” on terrorism, which now apparently defines U.S. foreign policy. It is a mistake to think that success will come by “tracking down and destroying the al-Qaeda network”, as politicians and journalists keep saying. Today’s Islamic terrorism is an ideology and it will remain to inspire new terrorists long after Bin Laden, Zawahari, Mullah Omar, and all of their operatives are gone. Let us understand and deal with ideology – its roots and the conflicts that breed it – and then decide if we can treat the causes as well as the symptoms. We are currently not doing this and in order to protect ourselves, we need to try. Finally, we must resist the notion that to address the roots of terrorism and work to eliminate them is “appeasement”. This is dangerous nonsense. Although again, that is not to say that all terrorists fight for good causes.

In conclusion, our war against terrorism must avoid the cult of counter-terrorism. It must involve a broader and more ambitious foreign policy that addresses such causes of conflict as ignorance, poverty, overpopulation, oppression, and lack of political and economic development. These are the causes of much of the political violence that leads to terrorism. Our anti-terrorism agenda must include these targets and we need to find resources to fund new efforts in these areas. Today we do not have these resources. An immediate priority should be to stop the violence and terrorism in the Israeli-Palestinian conflict by dealing with the causes – occupation, settlements, denial of justice, and the legitimate aspirations of the Palestinians. Only by addressing these causes can we create a peace that will protect Israel’s and the Palestinians’ security.

Our current policy is little different than Sharon’s: press Arafat to stop all terrorism before resuming political negotiations or offering U.S. incentives. It is a failure because Arafat is not Mahatma Gandhi and he knows that Sharon’s goal is to preserve

control of the Palestinians and deny their national agenda. If we allow Sharon to do this in the name of “counter terrorism”, of course we play into his hands and encourage additional acts of terror. Yes, we need to press Arafat to crack down, but we need to give him the incentives to do this in the form of U.S. leadership of a peace that will meet the just needs of both peoples. Terrorism is a symptom, not a cause of the Palestinian-Israeli conflict.

As in other environments, the lesson for the US is that we need to deal with the causes of terrorism.