

A New Agenda to Counter Terrorism

Everything changed on September 11, and the United States will never be the same. This conventional wisdom has become a mantra, repeated over and over again by the media and now echoing throughout America. As the dead are memorialized and the dust settles, the U.S. public, for the most part, has gradually assumed its former routines even as the U.S. government has mounted a massive military campaign “against terrorist organizations and those who harbor and support them.” Undoubtedly, the concept of U.S. national security has undergone a dramatic transformation.

For the first time in recent memory, Americans have begun to think of national security in terms of ensuring their individual safety and protecting the American homeland. Suddenly, foreign policy and military policy are not just about the U.S. role in global affairs but about the security of Americans themselves. In an instant, foreign policy became no longer about distant lands and their peoples but about U.S. families, homes, communities, and workplaces. Defense policy was redefined as defending America and Americans rather than as force projection. Moreover, there is a new consensus emerging which holds that international cooperation and multilateralism constitute the only viable approach to preventing and combating terrorism. In other words, America knows it cannot do it alone.

There exists no universally accepted definition of terrorism. The Bush administration’s proposed antiterrorist legislation defines terrorism too broadly and risks conflating political protest with terrorism. Rather, terrorism should be defined as a form of violence that kills or maims civilians and creates an atmosphere of fear and alarm beyond the immediate human and physical damage that such acts may cause. While most acts of terrorism are politically motivated, political grievances do not justify terrorism. All acts of terrorism are crimes and terrorists alone retain the responsibility for their actions. If a state of war existed, many would also be judged as violations of the rules of war.

According to the FBI and other agencies that monitor terrorism, the number of terrorist incidents

declined in the 1990s compared to the 1980s, but the lethality of such incidents increased, leading to a greater number of deaths from fewer events. This highlights a concern noted in a recent General Accounting Office (GAO) report, that “the federal government lacks a national strategy to guide resource investment for combating terrorism.” Unfortunately, the Bush administration has continued the emphasis of previous administrations on military and police responses to terrorism. A different strategy would focus upon and strengthen the civilian public sectors and the international cooperation that are necessary to prevent and respond to terrorist attacks. Although the military has a clear role to play, it is a supporting actor in the fight against terrorism.

The challenge that terrorism poses to our security also exposes the weakness of our conventional ideas of national security and the dominant responses—typically military—to threats to our security. Emphasizing military responses to terrorism, as is the inevitable outcome of using “war” as the policy framework for U.S. anti-terrorism policy fails on practical grounds alone, independent of any moral or ethical considerations. In such a war the nature of victory is unclear, and risks a destructive spiral into open-ended conflict and militarization. Worse, the prosecution of a war against terrorism risks incurring civilian casualties, creating a backlash, and intensifying violence and conflict. War, in other words, is the least effective approach to combating terrorism, and should represent the last, rather than the first, resort.

America needs a new agenda for combating terrorism—one that secures us against terrorist attacks and that integrates the use of force within an international legal and policy framework. This agenda must bring international terrorists to justice, debilitate their capacity to wage terrorism, and undermine the political credibility of terrorist networks by addressing related political grievances and injustices. Below, we outline a four-part framework for a new national security policy that counters terrorism and propagates justice by:

- Preventing and mitigating the effects of terrorist violence.

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- Strengthening the national and international legal system to insure that those responsible for planning, financing, directly supporting, and engaging in terrorist violence are held accountable. When necessary, the use of military force may need to be used to advance the rule of law within a multilateral and international legal framework.
- Defending and promoting basic civil liberties and rights at home while working to insure that individuals and groups are neither made into scapegoats nor become the victims of hate crimes. Abroad, the policy must insure that U.S. efforts at combating terrorism do not increase violations of internationally recognized human rights and that, in all cases, innocent civilians are not harmed in the pursuit of terrorists.
- Attacking the root causes of terrorism by addressing the socioeconomic and political conditions that enable terrorism (in whatever form and for whatever ends) to appear to be a viable strategy for pursuing political objectives.

1. Preventing Terrorist Acts and Mitigating the Effects of Terrorist Violence

Prevention must have a central place in counter-terrorism policy. We must prevent the recurrence of terrorist actions and mitigate the effects of those that may occur. Prevention requires strengthened security efforts at airports and other transportation hubs as well as at the border; improved intelligence and oversight of intelligence agencies (based on a thorough and independent analysis of past efforts by U.S. intelligence agencies to prevent terrorism); denying terrorists access to weapons of mass destruction, conventional weapons, and other items that can be

used as weapons (trucks containing hazardous materials, airplanes, etc.); and limiting terrorists' access to financial and other resources necessary to sustain their operations. Mitigating the effects of terrorist attacks requires strengthening disaster preparedness and emergency response plans and programs and strengthening the infrastructures and public services that are either targets of attack or would be necessary to respond effectively to such an attack.

It is too soon to tell if the recently created Office of Homeland Security will facilitate the coordination that the GAO has identified as lacking in U.S. counterterrorist efforts. However, the creation of the office itself illustrates the degree to which the Department of Defense and other security agencies have focused their efforts on the exercise of military force abroad rather than effectively addressing the unconventional menaces that pose the most immediate threat to the security of the U.S. and its citizens. In America's new, heightened sense of the threats to individual and national security, citizens and policymakers should insist that the Defense Department reduce its global reach and concentrate more on providing the elemental security Americans should expect. The new office of Homeland Security should complement the Defense Department in this mission to provide security against terrorist threats while proceeding cautiously when proposing security measures that would undermine basic rights and liberties.

Specific policies include:

1. Strengthening Border and Transportation Security Procedures

- Nationalizing the security at U.S. airports and strengthening on-board security measures.
- Improving the screening process for visas to prevent terrorists from entering the U.S. while retaining the civil rights of immigrants.

- Curbing identity theft and document forging.

2. Improved Intelligence and Intelligence Oversight

- Improving intelligence operations through greater international coordination and cooperation in sharing intelligence, developing improved human and technical intelligence capabilities that do not infringe on basic civil liberties, and hiring more translators.
- Improving oversight of intelligence agencies including greater transparency in the budget for the CIA and other intelligence agencies.

3. Nonproliferation of Weapons of Mass Destruction (WMD) and Other Weapons

The Bush administration has been hostile to most arms control efforts, including the Biological and Chemical Weapons Conventions, the ABM Treaty, and the Comprehensive Test Ban Treaty. Strengthening these regimes, however, represents one of the best means of preventing the access by terrorists to weapons of mass destruction. At the same time, one should not overestimate the likelihood of terrorists using weapons of mass destruction in an attack. An overwhelming focus on a WMD attack may lead to inadequate preparations for defending against attacks utilizing conventional weapons. Though terrifying to contemplate, the low probability/high consequence WMD attacks may not represent the most significant terrorist threats. In a September 2001 report, the GAO argues that “By using these worst case scenarios, the federal government is focusing on vulnerabilities (which are unlimited) rather than credible threats (which are limited).” More appropriate risk and threat assessments are necessary to be able to develop appropriate strategies and prioritize spending effec-

tively. Specific proposals should include:

- Strengthening the conventions for control and nonproliferation of weapons of mass destruction and their delivery systems, including the Chemical and Biological Weapons Conventions, the Missile Technology Control Regime, the Fissile Material Control Regime, and the Comprehensive Test Ban Treaty.
- Ending efforts to build a National Missile Defense system and redirecting funds to nonproliferation efforts.
- Increasing funding for the Defense Threat Reduction Agency and other efforts to monitor and control weapons material in Russia and the former Soviet Union and providing funding for Russian weapons scientists to conduct non-weapons related research.
- Ratifying the Protocol on the Illicit Manufacture or Trafficking in Firearms to the Convention on Organized Crime, which the U.S. has not signed, and implementing the action plan on small arms approved at the recent UN conference on the trade in small arms.

4. Limiting the Ability of Terrorists to Mobilize Resources

The Bush administration has already offered a program to target the financial assets of terrorist organizations. This is an important first step, and it reflects a 180-degree turn from the administration’s previous opposition to increased monitoring of money laundering. The leading international group working on money laundering, the Financial Action Task Force, reported in June 2001 that the U.S. is in total compliance with only 17 of 28 of the task force’s recommendations that require specific action, with the remainder only

partially implemented. Specific initiatives should include:

- Implementing all the recommendations of the Financial Action Task Force and supporting the Organization of Economic and Development Cooperation’s (OECD) initiative on tax havens, increasing transparency in international financial flows.
- Ratifying the International Convention on the Suppression of Financing of Terrorism and the UN Convention on Transnational Organized Crime, both of which the U.S. has signed.
- Working with the Bank for International Settlements to facilitate greater international cooperation among central banks in order to develop effective means to monitor financial flows.
- Expanding the activities of the Egmont Group, the informal network of financial intelligence units (the government agencies responsible for addressing money laundering).

5. Improved Responses to Terrorist Attacks

In addition to improving emergency preparedness plans, the administration needs to provide support to all levels of government to strengthening infrastructures and public services such as information and communications systems, water and food systems, public health and emergency response systems, utilities and energy, transportation, and financial systems. Critically, most of these systems are civilian public services, such as fire, police, and rescue departments and public health system, all of which will be frontline first responders in case of a terrorist attack.

Strengthening such infrastructures and public services would have significant positive side effects, since these

systems are also threatened by natural disasters, ordinary criminals, or infectious disease outbreaks, in the case of public health. The public health system is critical because of the roles it plays both in surveillance (i.e., determining if a terrorist attack has involved biological or chemical weapons) and in the treatment of victims. Recent exercises of mock terrorist attacks have indicated that public health infrastructures are rapidly overwhelmed in cases of WMD attacks, suggesting that the public health system should be a major area for increased spending. These efforts require both international and national level action, as some of these infrastructures—such as public health and the Internet—can not only be addressed nationally.

Specific initiatives should include:

- Increased funding for public health at the local, state, and federal levels to improve surveillance of infectious disease outbreaks, provide adequate amounts of vaccines and medicines to respond to a bioterrorist attack, and ensure a functioning hospital system capable of treating victims.
- Improved security at nuclear power plants.
- Increased expenditures on rail transportation systems.
- Increased resources and coordination for the protection of information and communications technologies through the Critical Infrastructure Assurance Office and the National Infrastructure Protection Center.

2. Strengthening International and National Legal Systems to Hold Terrorists Accountable

An effective response to terrorism requires strengthening the national and

international legal infrastructure necessary to identify and prosecute the individuals and organizations that facilitate, finance, perpetrate, and profit from terrorism.

A strengthened United Nations should be the primary instrument for pursuing this objective. Unilateralist elements within the U.S. Congress and a lack of enthusiasm by members of the administration have been major obstacles to a more sustained and constructive engagement by the U.S. with the UN system. The September 11 crisis has forced a reassessment of that relationship, and the United States has made an initial down payment on its back dues. This is an important, albeit limited, first step. Next steps taken by the Bush administration should include:

- Immediate repayment of all back dues to the United Nations.
- Working with the Senate to rapidly ratify several UN conventions relating to terrorism. The administration should also move to ratify other key conventions relating to terrorism and international organized crime, starting with ones that the U.S. has signed but not ratified.
- Expanding international police cooperation, including allocating additional resources to an invigorated Interpol; insuring that expanded international police cooperation does not become a justification for repression of political dissidents; expanding extradition treaties while protecting the rights of dissidents to gain asylum in exile; and strengthening law enforcement cooperation with other countries in counterterrorism efforts.
- Strengthening the U.S. International Crime Control Strategy.

- Promoting the adoption of the Princeton Principles on Universal Jurisdiction for prosecutions of crimes against humanity under international law, in national courts, and based on universal jurisdiction.
- Strengthening the institutions for international law by proposing the creation of a specialized tribunal for judging international terrorists; joining the International Criminal Court; ratifying human rights conventions; and increasing financing for the UN human rights regime.
- Exercising military force is an appropriate option if it is used as part of the implementation of the rule of law under an international legal framework. Going to war would be a last resort after all other efforts—extradition requests, limited police operations to capture terrorists, diplomatic pressure—had failed and the evidence against the terrorists and their supporters had been made publicly available. The use of force would have specific authorization from the United Nations Security Council that included specific goals and a time line; military operations would preferably be under UN control.

The exercise of such force would adhere to international humanitarian law and the principles of the “just war” tradition. Such principles include: the objective is to establish peace, not exact retribution or revenge; the force used be necessary to achieve a military objective and not inflict unnecessary suffering; the weapons used must discriminate between combatants and noncombatants and every effort must be taken to avoid killing civilians.

- Supporting the creation of a UN Rapid Deployment Police and Security Force.
- Approaching regimes accused of sponsoring terrorism by following steps outlined in international law, as were pursued with regard to Libya following the bombing of Pan Am 103. This does not proscribe unilateral actions through aid, trade, and sanctions policies, but it recognizes that such actions should be grounded in international law and that all things being equal, multilateral action is preferred to unilateral action.

3. Defending and Promoting Basic Freedoms and Human Rights at Home and Abroad

Antiterrorist efforts should not sacrifice the very values Americans are trying to defend while combating terrorism. Washington must listen closely to the mounting concerns of civil libertarians and constitutional rights groups who caution that the new campaign against counterterrorism may lead to a garrison state that undermines all that American stands for while doing little to protect citizens against unconventional threats.

Attorney General John Ashcroft has asked Congress to pass counterterrorism measures granting the FBI far greater powers to track phone and email traffic and to keep non-U.S. citizens suspected of terrorism in custody for extended periods without the assent of a judge. These proposals go far beyond what previous antiterrorist commissions have prescribed regarding the need to expand law enforcement's power to fight terrorism. For example, bipartisan commissions—such as the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore

Commission) and the National Commission on Terrorism (the Bremer Commission)—note that already existing guidelines for FBI investigations regarding terrorism are “adequate in scope.” A more important, if more politically difficult, effort involves improved coordination among law enforcement agencies at both the domestic and international levels.

In foreign policy, the administration's approach to combating terrorism should embody respect for those very human rights America defends and promotes at home. This means that citizens should loudly proclaim opposition to religious extremism and to actions taken in its name, no matter who the perpetrator. This also means that citizens should reject policies that undermine human rights norms, including inflicting casualties on innocent civilians, in the name of a war on terrorism. Such efforts include proposals for lifting restrictions on the CIA to allow assassinations and the hiring of human rights violators—both proposals the CIA has itself rejected. In forging international coalitions against terrorism, the administration must not ease restrictions on the provision of military aid, weapons, and military training to regimes that systematically violate human rights. Instead, the United States should strengthen the international legal and human rights regimes and evaluate its own foreign policies in light of those norms.

The Bush administration needs to insure in rhetoric and in deed that U.S. collaboration with countries abroad will not sacrifice human rights and democratic values in the name of fighting terrorism. Otherwise, it will repeat the errors of the cold war, when the drive against communism and socialist values undermined basic American values of free speech and the right to organize.

Finally, the administration must take every effort to insure that counterterrorism policies do not unintentionally

reinforce frightening trends of harassment, assaults, and murders of Muslims, Arabs, and South Asians.

4. Attacking Root Causes

Combating terrorism requires looking beyond any one terrorist event—horrific as it may be—to address the broader socioeconomic, political, and military contexts from which terrorism emerges. Because terrorism is a political act, a preventive strategy must address its political roots. A focus on addressing the political origins of terrorism does not mean that U.S. and international authorities should refrain from hunting down those responsible for terrorist acts. It means that the victory we seek will only be fully realized when there are no more breeding grounds for terrorist politics.

As a global power, the U.S. is always likely to be a potential target for terrorists, whatever policies Washington pursues. The best defense for the U.S. is to insure that its foreign policies defend and promote basic human rights and democracy. This is both because these values embody the best of America and because when democratic institutions are present and human rights are respected, terrorism of any sort is less likely. When Washington's policies undermine rather than promote human rights and democratic institutions, the U.S. is more likely to become a target of terrorists.

Although no explicit demands were made by the terrorists on September 11, it is widely recognized that a significant number of terrorist acts have developed in response to the political situation in the Middle East, where the U.S. has long supported repressive regimes and Israel's military occupation. Similarly, the unnecessary projection of U.S. military power abroad, represented by the archipelago of overseas military bases, often serves as a physical reminder of U.S. political and military support for repressive regimes. Recognizing that this in no way

absolves terrorists of culpability in their attacks, reorienting U.S. policy along the lines of respecting basic human rights and democratic freedoms in the region could still contribute to easing—not eliminating—the conditions associated with terrorism.

- Such a rethinking would include:
- Ending U.S. financial and military support for the Israeli occupation.
- Supporting Palestinian self-determination and a negotiated settlement as outlined in UN resolutions. Such a settlement would address security concerns, land, refugees, and a power sharing arrangement for Jerusalem.
- Ending the destructive and counterproductive economic sanctions on Iraq but continuing military sanctions.
- Withholding military aid and opposing weapons sales to countries that systematically violate basic human rights. Increasing support for human rights and democracy in North Africa, the Middle East, Central Asia, and elsewhere through bilateral and multilateral initiatives.
- Supporting humanitarian relief efforts in Afghanistan and working to establish a negotiated settlement under the auspices of a *loya jirga* (grand assembly) among the major factions in Afghanistan. The Bush administration's commitment of over \$300 million in humanitarian aid to Afghanistan is an important first step in this process.

Unfortunately, the Bush administration has taken advantage of the crisis surrounding the terrorist attacks to justify its pursuit of Trade Promotion Authority (fast track) at home and to seek a new round of trade negotiations at the World Trade Organization (WTO). This represents an opportunistic

effort to promote free trade in the names of the thousands of dead in New York and Washington. Instead, the Bush administration should end its support for unqualified free trade and move to reorient discussions at bilateral, regional, and global economic organizations and meetings toward creating a multilateral framework more conducive to the development of poor countries. The U.S. should also make initial efforts in this direction by immediately reducing the debt owed to it by developing countries, championing debt reduction efforts at the international financial institutions, and seeking an end to structural adjustment lending. Finally, the United States should pursue an energy policy at home and abroad that emphasizes renewables and makes itself and its allies less reliant on maintaining access to oil supplies from the Middle East and, increasingly, Central Asia. Such policies would demonstrate that the U.S. is concerned about the deepening social and economic polarization around the world and, instead of pursuing economic strategies that contribute to these deepening divides, is committed to formulating policies that hold more promise for the world's poor and disenfranchised.

Pursuing policies that strengthen the developmental and democratic prospects for peoples worldwide will not make the U.S. immune from terrorist attacks. But such a commitment would likely be more effective in diminishing terrorist threats than a reliance on military responses—and it would help solidify a worldwide alliance uniting Northern and Southern nations to hold terrorists accountable for their crimes. Terrorists would have nowhere to hide.

Our Challenge Is to Change

The sobering reality of terrorism is that it constitutes a threat to individual,

national, and international security that can never be completely eliminated. Despite our best efforts, there will always be ideologues, fanatics, and alienated groups that may resort to terrorism to express their frustration and make their political point. No single strategy of this four-part framework is an adequate response to terrorism. Only by joining all four strategies—defending and promoting civil rights, pursuing prevention and preparedness, strengthening the international framework for multilateral action, and addressing roots causes—will the U.S. government be able to tell the American people that it is doing all that it can to prevent future terrorist attacks.

Combating terrorism should not become a crusade that trumps all other policy concerns. Our commitment to environmental protection, human rights, democratic political transitions, economic development, poverty alleviation, disarmament, and gender equality—to name a few of the stated U.S. policy goals—must remain strong. But neither can counter-terrorism just be added to these policy imperatives. The challenge is to construct a counterterrorism policy that demonstrates America's new commitment to protecting Americans and U.S. national security while asserting our new commitment to constructing an international framework of peace, justice, and security that locks terrorists out in the cold—with no home, no supporters, no money, and no rallying cry.

If that is our response, then September 11 will indeed have changed America and the world.

This four-part policy framework for a new counterterrorism policy represents the views of FPIF directors but does not necessarily reflect the views of the FPIF Advisory Committee or of the board members of FPIF's two sponsoring organizations, the Interhemispheric Resource Center (IRC) and the Institute for Policy Studies (IPS). John Gershman, <john@irc-online.org>, who is codirector of the Global Affairs Program of the Interhemispheric Resource Center (IRC) and Asia-Pacific editor of Foreign Policy In Focus (online at www.fpiif.org), was the principal author of this reform agenda.