

## **Ending Terrorism and War Avoidance in the 21<sup>st</sup> Century: Some Basic Truths**

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*“As we gather tonight, our nation is at war...and the civilized world faces unprecedented dangers.”<sup>1</sup>*

*President George W. Bush*

In a speech delivered in 1984, Jeanne J. Kirkpatrick spoke of a coming “terrorist war [against the United States], [that] is part of a total war which sees the whole society as an enemy, and all members of a society as appropriate objects for violent actions.”<sup>2</sup> Her words became reality on September 11, 2001, and the world community came to understand terrorism as “an act of war.” Indeed, viewing terrorism as an act of war is a new manifestation of the changing nature of armed conflict. As such, it poses a new challenge for the historically fixed international rules relating to armed conflict.

The War on Terror began for the United States on September 11, 2001, with a coordinated suicide attack via hijacked domestic airplanes by 19 members of a sophisticated international “para-military” terrorist network known as al-Qa’eda (the Base). The simultaneous attacks occurred in New York, Washington, D.C. and Pennsylvania, killing over 3,000 people and destroying billions of dollars in property.

Al-Qa’eda is an umbrella organization founded in 1989 by a Saudi Arabian named Osama (or Usama) bin Laden. Osama bin Laden formed the group out of elements of the Maktab al-Khidamat which was an organization founded by Osama bin Laden and Abdallah Azzam (a member of a group called the Palestinian Moslem Brotherhood) in the early 1980s to provide money, equipment, and manpower to the Afghan resistance against the Soviet Union occupation of Afghanistan. With the withdrawal of the Soviets in 1989, bin Laden started al-Qa’eda in order to redirect his efforts to “attack the enemies of Islam all over the world.”

Apart from the enormity of the al-Qa’eda attack, what made the events of September 11, 2001, so vastly different from all previous incidents of terror was that the United States and the North Atlantic Treaty Organization (NATO) both specifically characterized the attack as an “armed attack” on the United States. The unprecedented armed attack determination was significant because it, in turn, immediately signaled that the United States intended to frame the terror attack as an event equivalent to an “act of war” under international law.

The use of the term “war” or “act of war” traditionally refers to the use of aggressive force against a sovereign State by another State in violation of the United Nations Charter and customary international law. Historically, such illegal acts most often occur without a formal declaration of war. The aggressive act itself triggers the ensuing war.

In 2003, the War on Terror extended to the brutal regime of Saddam Hussein when a collation of nations led by the United States responded to what was perceived as the imminent threat presented by the renegade State in terms of weapons of mass destruction. The use of force followed a decade of deception and non-compliance by Saddam Hussein of numerous

Security Council resolutions aimed at obtaining full compliance with the requirement that he fully disclose and destroy all weapons of mass destruction.

In tandem with the removal of the Taliban regime from power the United States and its allies were able to destroy the al-Qa'eda camps and dismantle much of the infrastructure of the terrorist group in Afghanistan by the end of December 2001. Since the fall of the Taliban government, the al-Qa'eda no longer operates with the open support of a State, but has been forced to revert to clandestine operations primarily as a sub-State terror group. As of early 2004, States throughout the world have arrested well over 2,000 members of the al-Qa'eda network on a variety of terror related charges.

In Iraq, the United States is engaged assisting the people of that nation establish a democracy. Although Saddam loyalists continue to use terror to halt the process, America and its allies seem determined to stay the course.

Apart from the use of force in the short term, the War on Terror can only be won if the United States and its allies fully dedicate themselves to the long term solution of promoting democracy. In this context, one issue that seems to remain clear above all others is the yearning for fundamental human rights and freedoms by all peoples and a general rejection of the legitimacy of non-democratic States. Indeed, as the onward march of history continues, the last decade has witnessed the establishment of dozens of new governments committed to democracy and human rights. In the quest for halting terrorism and war avoidance this phenomenon is extremely promising news. Democracies do not engage in aggressive war or terrorism and are far better at abiding by human rights than non-democracies.

Unfortunately, many nations in the world still refuse to embrace the positive concepts of freedom and basic human rights found in the U.N. Charter and amplified in a host of international agreements designed to guarantee basic freedoms – to include the freedom of religious expression. Accordingly, the purpose of this note is to reaffirm the need to enlarge the circle of democracies as the best long term means to end to terrorism and avoid aggressive war.

In the last half of the 20<sup>th</sup> century, no concept has done more to advance positive change in the social and political spheres of human experience than human rights. In the quest for bettering the quality of human life, human rights have had a major impact in shaping world opinion and events and serving as the basis for reaching consensus on defining the fundamental pillars upon which all just governments should be anchored. As the preamble to the Universal Declaration of Human Rights asserts, human rights serve “as a common standard of achievement for all peoples and all nations.”

Although in its most comprehensive meaning, human rights encompasses all those principles and concerns associated with ensuring respect for the inherent dignity of the individual human being, many scholars view human rights as chronologically evolving in *generations*. The *first* generation of human rights deals essentially with the individual's fundamental right to be secure in the most sacred asset of all—his or her person. Only this category of human rights law is binding on all nations. Specifically, a State violates international human rights law if, as a matter of State policy, it practices, encourages, or condones seven types of actions that have gained universal recognition through treaty and custom. Set out at Restatement (Third) of the Foreign Relations Law of the United States (1987) § 702; Customary International Law of Human Rights, those actions consist of:

- (1) genocide
- (2) slavery or slave trade

- (3) the murder or causing the disappearance of individuals
- (4) torture or other cruel, inhuman, or degrading treatment or punishment
- (5) prolonged arbitrary detention
- (6) systematic racial discrimination (United Nations Centre for Human Rights, 1992)
- (7) a consistent pattern of gross violations of internationally recognized human rights

The most troubling aspect of all in addressing human rights issues is determining what causes of people, or more precisely, governments, to commit human rights violations? Clearly, this is a critical question as it is directly related to the attendant issue of how to halt human rights violations. Can, at least, the most despicable categories of violations such as genocide be halted or controlled?

In reviewing the human experience of the last 6,000 years, one could list a host of factors related to the gross violations of human rights that have taken place; such as religious issues, ethnic strife, territorial disputes, population pressures, and competition for limited resources. While all of these factors may be catalysts for human rights violations, any discussion that fails to examine the basic nature of man can never capture more than a part of the real truth. Since human rights violations are generally associated with corresponding human lusts for power and approbation, one must put the responsibility for violations not only on the environment created by man, but on mankind himself. Although numerous environmental excuses for gross violations are always voiced by the perpetrator (when brought to account), violations are ultimately a reflection of the problems that rest inside each individual, who, according to the basic tenets of every major religion, is morally flawed. Thus, the question of what causes a person to commit a *malum in se* crime might be asked collectively of a government that engages in a consistent pattern of human rights violations.

Objectively, much of what we know about the nature of mankind comes from the record of his history; a record written in streams of blood. For example, to observe that various governments have engaged in massive gross violations of human rights against their own people simply describes their behavior, but only partially explains it. In fact, no one has ever satisfactorily explained why certain societies—ancient Assyria, Soviet Russia, North Vietnam, Communist China, or Iraq—turned into aggressive war machines and instruments of horror against their own people. What has been established are the characteristics of those nations that have a high propensity for engaging in aggressive war and human rights abuses. Professor John Norton Moore of Virginia argues that totalitarian regimes are considerably more likely to resort to aggressive violence than democracies. He terms this phenomenon the “radical regime” syndrome. The elements of a radical totalitarian regime include:

- a failing centrally-planned economy
- severe limitations on economic freedom
- a one party political system
- the absence of an independent judiciary
- a police state with minimal human rights and political freedoms at home
- a denial of the right to emigrate
- the heavy involvement of the military in political leadership
- a large percentage of the GNP devoted to the military sector
- a high percentage of the population in the military

- leaders strongly motivated by an ideology of true beliefs including willingness to use force
- aggressively anti-Western and antidemocratic behavior
- selective support for wars of national liberation, terrorism
- disinformation against Western or democratic interests

Recognizing a nexus between the nation that mistreats its own citizens and the nation that fosters aggression against its neighbors, both the preamble and Article 1 of the U.N. Charter make crystal clear that the framers were under the impression that the unleashing of aggressive war occurred at the hands of those States in which the denial of the value of the individual human being was most evident. On the other hand, the addition of new democracies into the community of nations makes us more secure because, in the words of Anthony Lake, “democracies tend not to wage war on each other and they tend not to support terrorism—in fact, they don’t. They are more trustworthy in diplomacy and they do a better job of respecting the environment and human rights of their people.”

While it has long been touted that stable democracies firmly committed to human rights do not make war on each other, nor do they abuse their own people, empirical studies have now affirmatively demonstrated this correlation. It is now possible to demonstrate numerically the validity of the proposition that totalitarian regimes are the chief abusers of internationally recognized human rights and the most likely candidates to instigate aggressive war and engage in genocide. In his 1994 book, Death By Government, Professor Rudy Rummel uses the term *democide* to describe the phenomenon of a government that is engaged in genocide and mass murder of its own people.

War is not the most deadly form of violence. Indeed, I have found that while about 37,000,000 people have been killed in battle by all foreign and domestic wars in our century, government *democide* [genocide and mass murder] have killed over 148,074,000 million more. Plus, I am still counting. Over 85% percent of these people were killed by totalitarian governments.

So, the new paradigm for stopping war and genocide is a very simplistic model: If democracies make better neighbours, then it is certainly in the best interests of the U.S. and the world to do all it can to foster emerging democracies and to pressure non-democratic States to respect the rule of law in international relations. According to Bruce Russett, “[D]emocracies have almost never fought each other ... By this reasoning, the more democracies there are in the world, the fewer potential adversaries we and other democracies will have and the wider the zone of peace.”

The simplicity of Russett’s argument can be understood by all. Moore believes that it “represents a new and more accurate paradigm about war, peace, and democide.” It replaces the old thinking that peace is achieved solely through disarmament regimens and points the way for reducing the potential threat of war and halting genocide.

If democracies are better neighbors, *a fortiori*, the United States must join with the world community of democracies and expend the necessary time, effort, and money to adequately promote human rights concepts to all parts of the world. In this context, the U.S. must rapidly assess the ramifications of this important responsibility and offer assistance before the window of opportunity has closed. The most significant danger in the post-Cold War era is that the

global movement toward democratic reform will fail, signaling a return to totalitarianism, a more dangerous world, or even a third World War.

From a strategic viewpoint, the Bush administration continues to ask the U.S. military to be prepared to fight two near simultaneous major regional contingencies (MRC) and to take on demanding “peace operations” and War on Terror campaigns (Iraq and Afghanistan) throughout the world. In tandem with this strategic view, the basic foreign policy strategy of the United States has moved from Cold War “containment” to post-Cold War “active engagement.” Under the policy of containment, the general strategy of the U.S. was set out in the negative—to contain the spread and ideology of communism, both in Western Europe and throughout the world. Since 1991, the U.S. strategy is now one of active engagement or deterrence through power projection. At least on paper, active engagement also has a positive aim of promoting democracy, regional stability, and economic prosperity.

Since regional conflicts may vary and are far less monolithic than the old Soviet threat, *ad hoc* coalitions have replaced formal alliances. This was seen in the Gulf War of 1991 as well as in Somalia, Haiti, Bosnia, Kosovo, Afghanistan, and Iraq 2003. To support the active engagement theory, force generation has also changed from forward deployment to forward presence—no longer are large numbers of U.S. forces permanently stationed in foreign countries to ensure the peace. This shift in strategy does not mean that the status of the U.S. in the world has diminished, only that the U.S. is attempting to become less the protector and dominator, and more the coalition builder and partner. The stark reality of the War on Terror, however, is that the U.S. military is finding itself projecting large numbers of its military in Iraq and Afghanistan.

For better or worse, the U.S. is entering a period of profound changes in its military capabilities to meet the new circumstances of the post-Cold War period. Despite the current situation in Iraq, the use of overt military force as a tool of national security will, sooner or later, sharply decrease. To what degree this will adversely impact the struggle towards a more peaceful world remains to be seen. What is apparent is that such attitudes have already led to a rethinking of military roles and missions with a search for force multipliers.

In step with the new paradigm about aggressive war and genocide avoidance, one of the greatest force multipliers imaginable would be to develop a methodology to encourage the growth of democracies throughout the community of nations. Furthermore, since the militaries of the emerging democracies exist as the main power brokers, the immediate target for reform must reside in the creation of a solid, democratically based military establishment that respects human rights. More than any other aspect of promoting democracy, the ethos of the military must be reformed. While desires for freedom will destroy a totalitarian system, freedom and human rights are not self-perpetuating and can only be sustained through the creation of concrete law-based institutions. With the new paradigm in mind, the U.S. military is now being called upon to engage in new missions—missions that would have been unthinkable just four short years ago. It is important to note that these new missions are not the harbinger of some form of American imperialism. It is, rather, the response to a world hungry for the establishment of institutions that can guarantee the full range of human rights that has given birth too many of the U.S. military’s new missions.

While assistance to the new democracies is needed at every possible level, of utmost concern in the transition from totalitarianism to democracy is the definition of appropriate roles for the military; this is as true in Russia as in the other emerging democracies of Latin America.

Keenly aware of their former place as the major power institution in the totalitarian system, the militaries of the new democracies often remain a decisive factor in who governs.

For many, a legacy from a non-democratic past is the absence of guiding principles for embedding human rights preservation within law. In addition, governments with a history of ruling elite in a totalitarian State maintained power by using *special units* of the armed forces as a primary instrument of repression against the people, and often with the military was viewed as the chief abuser of human rights. Simply put, the totalitarian State - like the PRC - relies on components of the military establishment to maintain power and to suppress any threat, internal or external. Human rights, the rule of law, and civilian control were often alien concepts to the totalitarian system. Thus, if the new democracies are to stabilize and flourish, subordinating the military to civilian control befitting a democratic system in which the soldier can carry out his mission in accordance with human rights principles is absolutely essential. In short, a major hallmark of a successful democracy is the military's full acceptance of fundamental human rights principles.

In a democracy, the military cannot be an independent actor, it must take directions from the government and be accountable to society for the way it carries out those directions. The central question, then, is how best to quickly instill solid human rights values in the new armed forces, or in the case of the PRC in a military that still operates under a non-democratic ruling elite. Most certainly, since human rights values become solid and irreversible only through the development of institutions designed to promote them, institutionalization must be the criterion.

In fact, the concern for human rights in general mirrors the overall U.S. national security policy of peacetime engagement by maintaining contacts with allies and friendly governments for the purpose of imparting human rights values. The term peace operations is defined in U.S. military doctrine to capture the full range of possible activities associated with maintaining or restoring peace. Per the U.S. Army's Center for Strategy and Force Evaluation:

The umbrella term encompassing observers and monitors, traditional peacekeeping, preventive deployment, internal conflict resolution, security assistance to a civil authority, protection and delivery of humanitarian relief, guaranteeing and denial of movement, imposing sanctions, peace enforcement, high intensity operations, and any other military, paramilitary or non-military action taken in support of a diplomatic peacemaking process.

In conclusion, in addressing the issue of avoiding war and terrorism the U.S. must focus on the case studies that have demonstrated the murderous behavior of totalitarian governments. As Rummel stated: "The way to end war and virtually eliminate *democide* appears to be through restricting and checking Power. This means to *foster democratic freedom*." If the U.S. is going to offer realistic assistance that can make a difference, there is no alternative—U.S. policy makers promote human rights concepts and democracy at every opportunity. In the words of Woodrow Wilson "Liberty does not consist in mere declarations of the rights of Man. Its consists in the translation of those declarations into definite action."

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<sup>1</sup> President George W. Bush, State of the Union Address (Jan. 23, 2002).

<sup>2</sup> Jeanne J. Kirkpatrick, Speech at the Jonathan Institute's Conference on International Terrorism, Washington, D.C. (June 25, 1984).