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FIGHTING TERRORISM AND INTERVENTION: PARADOXES AND MISUNDERSTANDINGS

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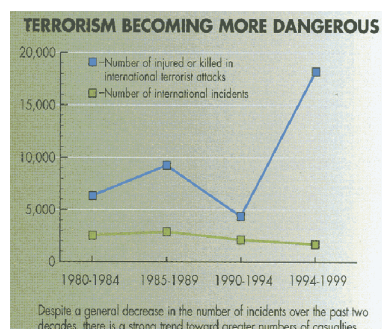
Introduction

The current international system emerged in the aftermath of the breakdown of the bipolar structure. The new one cannot be explained in terms of the previous system's parameters. The proliferation and variation of the actors within the system; the increasing interdependency and complexity of the mutual relations have all challenged and changed the traditional concepts and explanations. These changes represent a challenge to the discipline of international relations. What is required is not just the reconceptualization of international politics from a disciplinary perspective but also an interdisciplinary approach integrating among others disciplines such as law, sociology, and political science. The form and the content of the phenomena under study have changed thus stimulated new debates. The concept of "threat" for example no longer simply relates to the practices of violence between states; as a consequence the concept of "security" can no longer be associated exclusively with the military defense of the national territory (Ian 1999: 107-126). What could once be considered as a local threat has now become a global

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security issues. Among such issues are illegal arms transfers, organized crime, and drug trafficking or illegal immigration. But terrorism has become one of the most debated issues.

Terrorism, which is associated with crucial structural changes in the international scene, both in terms of physical destruction and psychological impact, is an old concept. It has gained its global significance in the post-90 period¹ and has had deep impact on global security issue.



In 1999 392 international terrorist attacks have been registered in world wide and 423 in 2001² ; 3058 people were killed that year: 2889 in New York, 125 in Washington D.C. and 44 in Pennsylvania September 11 only. Unfortunately the qualification of an attack as terrorist depends on the operational definition

used by the statisticians. Therefore it is impossible to get precise figures on acts of terrorism because there is no single universally admitted definition. Given the 1866 pages UN report and the other international institutions' resources, there is a huge variety of competing definitions complicating the understanding. In 1980s for example, terrorism had 109 different definitions and it was considered as “violence”, “force” and as a

¹ Only 10% of terrorist attacks of the post-1990s period are of domestic nature (Gunaratna 2001: 47).

² 13,000 terrorist attacks have been registered between 1968- 2000 (Whitaker 2001).

“political act” with 83,5% and 65% percentages respectively (Schmid et al 1988: 5-6) ³.

This conceptual fuzziness of terrorism is not just a scholarly issue but one with serious consequences for the concepts of sovereignty, intervention and prevention. In contrast to a scientific approach, the political management of the terrorist threat itself can become threatening itself: at the individual level every individual may be - and even if it is only temporarily - identified as a potential terrorist. At the national level preventive measures through law enforcement may lead to the restriction of political and individual rights. At the international level, military interventions in order to fight terrorism may intensify the risk of such activities rather than contributing to greater global and local security.

³ For the frequencies of definitional elements in 109 definitions of terrorism, (see Schmid, Jongman *et al.* 1988: 5-6) In these descriptions, several other words are used to explain the terrorism concept, as follows:

Frequencies of Definitional Elements in 109 Definitions of 'Terrorism'

Element	Frequency (%)
1 Violence, force	83.5
2 Political	65
3 Fear, terror emphasized	51
4 Threat	47
5 (Psychological) effects and (anticipated) reactions	41.5
6 Victim-target differentiation	37.5
7 Purposive, planned, systematic, organized action	32
8 Method of combat, strategy, tactic	30.5
9 Extranormality, in breach of accepted rules, without humanitarian constraints	30
10 Coercion, extortion, induction of compliance	28
11 Publicity aspect	21.5
12 Arbitrariness; impersonal, random character; indiscrimination	21
13 Civilians, noncombatants, neutrals, outsiders as victims	17.5
14 Intimidation	17
15 Innocence of victims emphasized	15.5
16 Group, movement, organization as perpetrator	14
17 Symbolic aspect, demonstration to others	13.5
18 Incalculability, unpredictability, unexpectedness of occurrence of violence	9
19 Clandestine, covert nature	9
20 Repetitiveness; serial or campaign character of violence	7
21 Criminal	6
22 Demands made on third parties	4

The following paper will discuss these three interrelated issues by showing the various paradoxes that the fight against the invisible enemy, terrorism, implies. They result from the combination of law enforcement and military intervention activities.

Combating Terrorism

As briefly mentioned the core problem in the fight against terrorism is due to the concept of terrorism itself. Terrorism is a complex phenomenon, which is reflected in the many definitions available in scientific and legal texts (Sommier 2000: 79, de la Maisonneuve 1997: 150, Touraine 1995: 374, IHEDN 1999: 5). Nonetheless they all seem to share in common on specific feature, which is “uncertainty” (see Sommer 2000: 73, Brugière 1996: 232, Merari 1993: 213-251, Alexander 1979, Wilkinson 1997: 54-56.). Uncertainty is a property of the threat itself, which means that it creates a situation of asymmetry.

The “uncertainty” and “asymmetry” features of terrorism

Threat and uncertainty can be studied from several perspectives: a structural one, a spatial one, in terms of the practices, its focus and the actors themselves.

From the structural point of view, terrorism is an irregular and seemingly disorganized kind of violence. It is a form of threat, which targets primarily the civilian population. As terrorism does not make the classical military methods neither the plans nor the capabilities of the actors can be assessed concretely. Terrorism requires a specific training and selective techniques but no regular and permanent mechanism exists to that end. Whereas consensus prevails that it is a form of violence, there is no a general consensus as to which forms of violence could or should be considered as terrorist acts.

From the point of view of its spatial dimensions, terrorism is an international phenomenon. Terrorists might be from different countries, be organized in

many countries and financed by legal-illegal institutions in different countries. The resources of terrorism, its territorial origins and expansion and its targets and the way such networks are structured cannot be precisely determined. Terrorism includes legal and illegal relationships among people, institutions, firms and states acting in a wide geographical area. Finally, the effects of terrorist acts are not limited to the place where they take place but have wider ramifications. Local acts have regional if not global effects.

From the point of view its practices, terrorism is based on secrecy principle. the type and inten-sity of violence, the place of occurrence, the capacities of the actors and the timing of terrorist acts are unknown. The aim is to force targeted political decision makers to comply with political demands by simultaneously frightening the population. Those who have recourse to terrorism, announces their in-tends and notify their political objectives to their interlocutor. This announcement describes also if their demands are vital or not. Generally speaking the Level of violence correlates positively with the de-mands expressed. In this case, the political message should have been perceived previously, because if the political demand within the message is sharp, the level of violence which will be applied will also be high. The political violence⁴ may not necessarily be destructive, i. e. physical. Sometimes the threat to commit destructive acts, which are perceived as credible, might be sufficient. This is a core element of terrorism, which is the probability of violence in the first place. As terrorism has many faces this implies a large number of probabilities.

From the point of view of its parts, the subject of terrorism are not the inter-states relations, but the relations between the state and individuals or collectivities (organizations). "...Accordingly, in the 1990s terrorism began to be sub-summed by some analysts within the 'gray area phenomenon'. Thus the latter term came to be used to denote 'threats to the stability of nation

⁴ "...the notion of terrorism as a political concept. As will be seen, this key characteristic of terrorism is abso-lutely paramount to understanding its aims, motivations and purposes and purposes and critical in distinguish-ing it from other types of violence." (Hoffman 2003: 4).

states by non-state actors and non-governmental processes and organizations” (Hoffman 2003: 12). As terrorism is not equivalent to interstate war, this type of activity cannot possibly have a winner or loser in diplomatic or military terms (Legault and Fortman 2001: 24). In other words, we are confronted with an unrealistic form of conflict, which excludes negotiations between the opponents.

From the point of view of the actors, terrorism is a kind of action where the actor as a subject is unknown. Questions such as who is a terrorist person, organization, group or state cannot be answered unequivocally. One of the reasons is that the criteria vary from one country to another; not even in national legal codes is there a single definition of what a terrorist is. In case of the USA, Israel, India and Turkey, for example, there are legal regulations, which identify those who plan terrorist acts, who help the planners of such acts, or who make the propaganda of such acts as terrorists⁵. In the countries of the European Union law defines as terrorists only those who commit or are about to commit such acts⁶. Politically, however, the situation is even more confusing. What to some may be a freedom fighter is a terrorist for others (Khan 1987: 945-972) which illustrates the relativity and variance in the political domain. For example, the U.S.R.R. considered Afghanistan as terrorist state whereas it recognized the Palestinian struggle as a legitimate armed conflict: during the same period, the US took just the opposite position. In the aftermath of 11 September, however, the US has declared those involved in the Afghan struggle and Iraqi administration as terrorists, which was not the case prior to this date.

⁵ Israel: Prevention of Terrorism Ordinance (1948); India: National Security Act (1980), Terrorist Affected Areas (Special Courts) Act (1984); USA, Anti-Terrorism and Effective Death Penalty Act (1996), Immigration and Nationality Act (1996), PATRIOT Act (2001), Financial Anti-Terrorism Act (2001), Airport and Transportation Security Act (2001), Terrorism Risk Protection Act (2001); United Kingdom: Anti-Terrorism Crime and Security Bill (2001); France: Acte de Terrorisme et Attentat (1989).

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms, European Treaty Series no.5, Rome, 4.11.1950; Protocol No:11, 1.11.1998; Convention on Mutual Assistance in Criminal Matters, OJ (C 197), 12.7.2000; Council Common Position on Afghanistan OJ (L 67), 23.1.2001, Council Regulation, OJ (L 67), 9.3.2001, COM (2001) Final, 2001/0217, Council Framework Decision on Combating Terrorism, COM (2001), 521 Final, 19.9.2001/0217.

Combatting uncertainties

The uncertainty inherent to terrorism makes it an asymmetric threat. Therefore the war against terrorism is based on “uncertainties” and “asymmetry”. In other words the fight against terrorism cannot be waged in terms of a classic combat against international threats notwithstanding the fact that terrorism is a form of violence. And that the fight against it will necessarily be violent as well. As the state has the legal and legitimate monopoly of violence the opponents are the state and the terrorists. But in contrast to the state who has to rely on legal and legitimate military means, the terrorist are not subject to any such restrictions.

When a state uses military force against another state, it generally pursues the tactics, operations and strategies included in the classical war's definitions. The primary target will be the military capacity of the rival. In the war against terrorism, however, become more complicated: terrorists target people, a person or a group fighting against terrorism. That a state believes it can wage a military combat against a terrorist person, group or organization is in itself paradoxical. Whereas the terrorist's target is determined and clear, the target of state is not. Another point is that in this fight against terrorism the state does not have the option of terrorizing the society. The chances that the state fighting terrorism with classical military means will prevail are low. If the state uses methods comparable to those of the terrorists this can only be achieved by undermining the legitimate if not legal foundations upon which it rests.

As a consequence the state has at its disposal as one option to simply react in this fight to the committed act, which leads to a kind of action-reaction cycle and tends to make the fight useless. Another option in this fight against uncertainty is to make the threat visible. Visibility is achieved through the methods used. These methods imply necessarily a change of the

existing order. They are preventive in nature and have led to a highly debated issue (Boniface and Hassner 2002: 12)⁷. These preventive measures cannot possibly apply to the committed act as such. They are part of the crisis management of the state which itself is conceived as risk management.

Since the risk (of terror) is characterized by uncertainty, that is the probability itself being un-known, the methods chosen have to bridge the wide gap between reality and the propositions about reality, i. e. the probability of terrorist acts: in principle every place is threatened; the occurrence of a terrorist act has to be expected at any time (which requires a permanent state of alert); everybody is suspect since neither the place, nor the timing nor who the terrorist is are known. In order to make these uncertainties concrete - and therefore predictable - serious intelligence and information systems, inter-rogation structures, and auditing and monitoring mechanisms are required. This implies the intervention at both the intra-state and the international system levels. Consequently, combating terrorism is identical with a multi layered intervention process.

Intervention as a mean of fighting terrorism

The political objective to reduce the risks related to terrorism includes the intervention of the state and intergovernmental institutions of all kinds. The aim is to create the capacity to intervene any-where at any time in order to limit the predicted risks (See Ortega 2001, Haass: 1999: 49-50). According to the classical definition intervention is an act undertaken by a state to protect the people (Evans, Sahnoun 2002: 99). Somali, Bosnia, Rwanda and Kosovo are examples. Interventions qualify as “soft security” prevention when the means used are humanitarian aid, mediation and negotiation. They qualify as “hard security” prevention when direct military intervention takes place. The problem with military interventions as means to fight terrorism is that it is doomed to failure if used in the classical “war” approach

⁷ Most of preventive measures are treated under humanitarian intervention. Humanitarian interventions are based on military-civil co-operation and constitutes the part of a different problematic, which is not discussed within the framework of this study. (See Gourlay 2000: pp. 35-48).

and further exacerbated by the fact that this kind of means does not comply with the international law.

The uncertain character of terrorism increases the security risks, thus exacerbating the risk of terror. As terrorism threatens state sovereignty, its citizens and basic human rights provisions, the re-sponsibility of the state to protect its sovereignty and its people is challenged. This means to react whenever the state is the subject of an attack in general, a terrorist attack in particular. If this responsibility to react is defined in terms of self-defense this fight is framed in terms of “the just war” proposition. By logical implication military intervention being based on a “just cause” seems to legitimate these kind of sanctions.

Both the greater spatial dispersion of terrorist acts and the increased frequency have made this war more severe. Because intervention is declared as “self-defense” this is the justification for the states in question to simultaneously launch both law enforcement measures and military actions in many countries and against many people. These two types of activities by the affected states are designed to sanction terrorists on the one hand. On the other both types of measures are intended as preventive measure against future terrorist attacks. Unfortunately, however, this war against terrorism is waged on the basis of uncertainties concerning the place, the time and the actual actors of terrorist acts. One would therefore expect the extension of law and military enforcement activities.

Thus, the efforts to fight terrorism are likely to increase state intervention focusing on the individuals, societies and states in the name of the “responsibility to prevent”⁸. In order to prevent future threats the restructuration of the political systems where the intervention takes place is envisaged and therefore the military intervention is recast in terms of the “responsibility to rebuild”. Rebuilding means the transformation of a society, a regime, a state. Intervention: paradoxes of praxis

⁸ For the definitions of and the debates on intervention see Tures 2002: pp. 579-589, Annan 1999.

Intervention: paradoxes of praxis

The difficulties with concepts such as the fight against terrorism and intervention are obvious. One of the effects is that this can lead to even greater difficulties when it comes to practice. We contend that the underlying contradictions of these concepts are magnified when it comes to translate them into practice because a number of paradoxes become inevitable. They can be identified at several levels, of which two are fundamental: the internal level and the international level, i. e. the two levels at which this war takes place. In the case of the former we can distinguish in addition the individual or societal level and the state level.

The Internal level: Individual rights and freedoms and national dimensions

The first paradox of the war against terrorism manifests at individual and social level. In the course of taking preventive measures the states are inclined to focus on the probable origin and target of, as well as the available resources for terrorism. However, since origin, target, criminal, type of act and the terrorists' resources such as training camps are neither defined nor clearly identifiable, the intervening states act on the basis of doubts and some uncertain predictions. Even if the latter turn out to be true because of sound intelligence they will inevitably also lead to a large suspect list. The very idea is that everybody is a potential terrorist able to commit a terrorist attack anywhere attacking anybody. Consequently, everybody might figure in this list of suspects and be kept in custody so until his/her innocence is proven. This is done in the name of the collective interest and for security reasons. But once a society has been attacked it is considered to be under threat in the future. To distinguish terrorists from innocent people means permanent control. The security institutions of the state are in charge of monitoring both their own citizens and those of suspect countries. As terrorism is admittedly a crime against humanity (Sommier 2002: 473), this might justify state interventions expanding to the social, economic and financial domains. Given the secrecy and the uncertainties surrounding terrorism the fight can

hardly be targeted. As a result the freedom of intervention of the state increases be it legal or legitimate or not which is hard to determine given the lack of transparency.

After the terrorist attacks September eleven 2001, first in the US, followed by Great Britain, France, Russia and Germany, new anti-terror laws restraining individual liberties have been implemented⁹, these latter followed by the increase and expansion of the competence the CIA, the FBI, the NSA (National Security Agency), the IRS (Internal Revenue Service) as well as the federal police departments in the USA. Moreover, many institutions, such as the National Joint Terrorism Task Forces, the Joint Task Forces Training or the Joint Task Forces Information Sharing Initiative, or the Office of Law Enforcement Coordination, have been founded, employing approximatively 27.000 employees¹⁰. These institutions are charged of collecting information about the citizens' political, social, financial and economic lives. For example, “the Department of Justice and the FBI want to access and monitor the checking account activity and e-mail traffic of 200 million American citizens...” (Lynch 2002: 5), therefore, the right to private life and freedom of communication is restrained. When a synagogue is attacked, all synagogues are taken under protection; when an airplane is attacked all flights will be checked, or when a store is bombed security measures are reinforced in all stores. In brief: the red alert becomes permanent. In addition, those who are coincidentally staying in the place or relatives of terrorist, or even those who share the opinion of terrorist might be under surveillance if not put into custody. This kind of anticipated intervention in the name of the fight against terrorism leads to the terrorization of the people in a different way.

The examples are not limited to the USA. “Under the European Convention of Human Rights (the Convention) states have the choice to suspend

⁹ Note 6.

¹⁰ Congressional Statement, FBI, 11 February 2003.

certain rights and freedoms pursuant to Article 15¹¹. But they can also have recourse to a more elastic interpretation of some of its provisions in an attempt to keep within the Convention's boundaries" (Tanca 1990); which means that similar practices (might) take place in the European countries, too.

There is no precise data about how many people have been arrested or convicted as terrorist. Also unknown is the proportion of those to other criminals, either in the USA or other in Europe. For example, in the criminal reports of the FBI, there is no specific article relative to terrorism, nor is there any information which crimes are subsumed under the "violence" that are terrorist acts. As mentioned above these practices are not limited to the USA. Therefore, it is difficult to see why a Chechen is arrested in Russia, a Palestinian in Israel, an Afghan in Indonesia as a terrorist. Similarly, the crimes with which are accused 14.000 detainees in Abu Ghraib prison in Irak and 600¹² detainees of 36 different nationalities in the Guantanamo base are unknown.

Having been subjected to terrorism stimulates the reflex of defending society by fear of its re-currence. States tend to abrogate the present freedom for defensive purposes in order to defend future civil rights and freedoms. "[I]n global terms, human rights have been seriously affected by the war against terrorism" (Den Boer 2003). This is in substance the first paradox: whereas terrorism is a threat of human rights and freedom, the war against terrorism in order to preserve them, restricts them as well. The second paradox

¹¹ The first paragraph of Article 15 reads as follows: "In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law." Convention for the Protection of Human Rights and Fundamental Freedoms, *European Treaty* Series No. 195. On Article 15, and equivalent clauses included in other Human Rights treaties, See Higgins 1976-77: pp. 281-320.

¹² *Le Monde*, 13 January 2004.

of terrorism is found at the national level: Those who opt for terrorism aim to re-verse either the power/regime of their own country or that of another country. In this case, those who fight against terrorism and base their fight on homeland security defend either their own power/regime or their specific vision of the global system. During their war against terrorism states refer to their own system and status quo. This perspective leads to invigorating the regime in power and the values that enhance the preservation of status quo. As President Bush has said: “Freedom has been attacked, but freedom will be defended”¹³

Almost all attacked states have a specific system of values to defend. They do so by trying to create a national consensus in the course of their war against terrorism and increasing the national resistance potential, as in the war times. Terrorism, as one of the means in this political struggle refers to a positioning of “parts”. According to this positioning strategy a dichotomous subdivision of society takes place into the categories “enemy” vs. “other”. The definition of terrorism and terrorists has changed over time. From the 19th century on until the mid-20th century “terrorism” was used to denounce the anti-imperialist movement, during the Cold War, the ideological movements, also known as “communist terrorism” (Hoffman 2003: 19) were considered as terrorism. In the aftermath of the end of the Cold War, terrorism has been identified with “Islamic terrorism” or fundamentalism, a tendency that has gained momentum particularly after 11 September. In all these cases it is suggested that the liberal and democratic western states are targeted. Terrorism, as the current debates reveals, is equated with a specific system of values, as well as the structures and relations, which is fundamentally opposed to the system of values of the western states.

This dichotomization overemphasizes the distinction between “us” and the “them”. Each society defines for itself the “us” and its corresponding values. This diagnosis presupposes a frame of reference for “us and our values”.

¹³ *Boston Globe*, 12 September 2001.

Those who attack are the ones who oppose our values, namely. They are by definition not like us. Therefore, when “we/us” is defined an “other” is created (Dempsey 2002: 1), and when the “other” is defined, the “we/us” is overemphasized.

This situation emerged as a result of state policies defined in terms of the “defense of the coun-try”. This creates an upsurge wave of patriotism as the booming in U.S. flag's sales in the aftermath of September eleven. When such sentiments emerge n the sanctioning of the “other” is perceived as le-gitimate: the people tend to nationalism while state moves towards authoritarianism (Lynch 2002: 13-15). Various examples might contribute to illustrate this proposition: the increase in power of anti-Arab and anti-Islamic tendencies in the USA, the reactivation of Ku Klux-Klan as well; the proliferation of groups acting against foreigners and that of neo-fascist organizations in German and Italy; the extension of British Hooligans' activities to non-western originated people in Britain; the parties, which defend that immigrants of North African origin are deported, and the increase of the votes for the parties in France and Austria who are openly respectively.

This trend was emphasised by Kofi Annan, the Secretary General of the United Nations in the following statement: “Internationally, we are beginning to see the increasing use of what I call the “T-word”-terrorism- to demonize political opponents, to throttle freedom of speech and the press, and to delegitimize legitimate political grievance. We are seeing too many cases where States living in tension with their neighbours make opportunistic use of the war against terrorism to threaten of justify new military action on long-running disputes.”¹⁴

At the national level the war against terrorism finds its expression in terms of patriotism, which, in turn, creates an “other” and more concretely, an enemy - even though the perpetrator is unknown. Following the “designation” of the enemy, states fight against him notwithstanding the fact that his existence

¹⁴ *Newsletter School of Human Rights Research* 6/4, December 2002, p. 10.

is as doubtful as his reality. This leads to a second paradox that in being confronted with an unknown enemy the state, approved by the society, creates its own enemy. Such tendencies might result with all kinds of interventions made in the wake of and even during the world wars.

The international level

In the aftermath of the attacks of September eleven the US has undertaken military activities and operations in over 120 countries: from the Philippines to Indonesia, Egypt and Algeria; overthrown the Taliban regime in Afghanistan, attacked Iraq and then removed the Saddam regime¹⁵. It has de-clared more than 65 organizations acting in twelve different countries as terrorist groups (Dempsey 2002: 3). Although these operations are led in co-operation with 26 states, the US has been seen as the unique actor leading them.

It is true that the war against terrorism is global in nature because the threat is global. The problem, however, arises when military interventions occur unilaterally and when the state where the intervention occurs has not requested such a move. It is known that the Iraqi government didn't call on US to help it in the fight against terrorism, but the US made such decision itself. Besides, those who kill American soldiers in Iraq are not perceived as terrorists by all Iraqi groups and they are even designated as resistant. Moreover, there is no doubt about that this war could go on forever at the international level because of the "uncertainty" surrounding the terrorist phenomenon. At the same time the chances are small that this kind of approach is likely to lead to a successful outcome because this is a war against those who commit terrorist act, a war against the unknown¹⁶. Only if the states are able to make the case that terrorist acts are imminent can they make their case that the intervention as the means chosen is legal and legitimate.

¹⁵ "Our soldiers, over 300 000, of whom are deployed in over 120 countries around the world, most in Iraq and Afghanistan....." Secretary of Defense Donald Rumsfeld testifies before the Senate Armed Services Committee on the abuse of Iraqi prisoners by U.S. military personel. Reuters, www.4law.co.il/rum1.htm

¹⁶ Speech by Klaus Bühler, President of the Assembly of the WEU, Zagreb, 10 May 2002.

The US direct military intervention in various countries in the name “collaboration in the war against Terrorism” in the aftermath of September eleven contributed to an additional paradox relating both to the conceptual and the practical levels. The former secretary of state, George Shultz, argued that “... There is no question about our ability to use force where and when it is needed to counter terrorism” (Ahmad 2003: 48). The source of this paradox is both the capacity and the will of the US to establish her military presence everywhere in the world without geographical and temporary limits.

Leading anti-terrorism activities all over the world means leading activities within the frontiers of many states. If a state allows another one the conduct of to such activities within its borders no major problem arises. If however a states objects to the intervention the intervener justifies with the war against terrorism this will more or less automatically mobilize the local opposition. This mobilization can expand to a large scale, thereby creating serious tensions. This can lead to the situation where states accuse one another of supporting terrorism¹⁷. The US denunciation of “Rogue States” intended to name precise geographic centers of terrorism. But no international legal principle existed which would have allowed to declare these states (i.e. Iraq) as “outlaw nation”. In addition no substantial evidence could be presented that might have fostered an international consensus on this issue (Chomsky). The UN General Assembly in November 2001 and February 2002 bring up the elaboration of a convention on the international terrorism and put the convention defining terrorism into agenda. This objective having not been realized until now, for the question of “who is terrorist” remains unanswered¹⁸. In November 2004, the Secretary General of the United Nations Kofi Annan unveiled the report of the Experts com-mittee composed of 16 members he had designated. The report contains a definition of the 'international terrorism'

¹⁷ There is no a single definition in this issue. For notions such as “states supporting terrorism”, “states operating terrorism” and “states perpetrating terrorism” see. Boaz Ganor, “Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?”, www.ict.org.il/articles/researchdet.cfm?researchid=4, p. 13.

¹⁸ “Sans definition precise du terrorisme, il est impossible d'etablir l'infraction terroriste” (Habif 2000: p. 459).

but not of the 'terrorist', and therefore it seems that the transformation of this into an international convention will take some time.

If terrorism were exclusively a phenomenon limited to some states the problems would be complex enough. But in reality we are confronted with complex transnational network movements. As a consequence the fight against terrorism extends to transnational and multi-national structures. This means that this particular war is a global war extending beyond the frontiers of many countries. By necessity this requires intervening in many sovereignty domains (see Helton 2000). Since terrorism is a form of violence, the fight against it contains violence, briefly, it means “military sanction”. And because these sanctions are of preventive nature, their scale, duration and intensity is theoretically at least without any limits in time and space¹⁹. In this case, the war against terrorism is no longer defensive action but offensive. As a consequence a country being a victim of terrorism may use this as a spring-board for an offensive or expansionist intervention strategy.

This leads to a number of follow-up issues. The first one relates to the perspective of states fighting terrorism. These states share a consensus on principles, means and perpetrators. The co-operation: between the US, China, Germany and Saudi Arabia for sustaining the Afghan resistance after the Soviet invasion in 1979; between Turkey and Israel for elimination of the PKK; between Spain and France in their fight against ETA, are examples among many. These states intervene in the internal affairs of one another in order to enhance their common security interests. This could imply joint military operations.

¹⁹ For the military aspects of counter-terrorism see la Carte 2001/01: pp. 23-32.

The ISAF wing of the coalition forces against terrorism in Afghanistan was composed of 37 countries²⁰, whereas the joint forces under the US command in the 2003 Iraqi war were composed of 30 countries²¹. This type of formation might be called “positive mutual intervention” and the aim might be explained as enhancing the effectiveness of the fight. Such a consensus indicates that the concerned states agree as to who their enemy is.

States, who have agreed on the principles of the war against terrorism, might still disagree about the means and the concrete perpetrators. Only 17 states participated in both coalitions against Afghanistan and Iraq. Therefore it is plausible to assume that not all states in both coalitions shared similar perceptions of the terrorist threat at large. In fact only 17 states were in full agreement with the US about the justification of the intervention.

In the above-mentioned examples, the definitions vary: one who is declared terrorist by a state might be considered as “national independence hero” by another; while the declaration of a state as “terrorist state” is not shared by another state (Bigo 1996: 267, Chagnollaud 1997: 221); or, even if the states consider the same actor as terrorist, there might be disagreement about the measures and the type of intervention. The countries of the European Union and the US, who have partially agreed on definition of terrorism, disagree in the case of Iran and whether it is a state supporting terrorism. Similarly, the US and Great Britain on the one hand, Germany and France on the other disagree on whether Iraq is a state supporting terrorism, and they totally disagree with respect to the method. While the US define the goal of the war against Iraqi war as the “rebuilding in the sake of world stability and

²⁰ Albania, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Honduras, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Macedonia, the Netherlands, New Zealand, Norway, Philippines, Poland, Romania, Spain, Switzerland, Sweden, Sri Lanka, Turkey, the United Kingdom, USA. (Those, which are marked bold, are those which took part in the anti-Iraq coalition).

²¹ Countries having joined the coalition in Iraq: Afghanistan, Albania, Australia, Azerbaijan, Colombia, the Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Hungary, Iceland, Italy, Japan, Korea, Latvia, Lithuania, Macedonia, the Netherlands, Nicaragua, the Philippines, Poland, Romania, Slovakia, Spain, the United Kingdom, USA, and Uzbekistan.

liberty” others perceived this war as an occupation which instabilize the world.

In this instance the war against terrorism turns into a situation of “negative mutual intervention” process, where states having similar global security objectives limit the activities of each other. This type of interventions leads to a situation where states exert pressure one each other because they can neither agree about the appropriate means nor the specific actors. The synchronization of disagreement between the US and the UE on both commercial issues, on the relationship between the US Dollar and the Euro, on the relationship between NATO and the OSCE, and on Iraq, might be more than a coincidence. The war against terrorism encourages the emergence of competing camps, which disagree on determining terrorist acts and actors.

It is worth, at this point, noting that the emergence of competing camps might prevent a state to act independently to build its own a “global peace”. This is feasible if in fact the counterpart has the capacity of limiting the US, which also has only limited power in its unilateral approach to global politics. Such an approach would undermine its current power status (Nye 2003: 139-140). Yet, this might lead to the situation that the other camps substitute American effectiveness, this encouraging divergence, which would probably undermine the effectiveness of the war against terrorism. The erosion of the American power means that those who have recourse to terrorism in Iraq, Afghanistan, in Indonesia and in several other places and those who help them are becoming more influential. In this case, the war against terrorism becomes more difficult to bear for the US as well as those who oppose him.

Consequently, as we have experienced in Iraq case, that the states, which cannot agree on the issues like its link to terrorism, arms of mass destruction she is presumed to dispose, and the military intervention, affects adversely the effectiveness of the war against terrorism - the competition among both camps might therefore lead to a new kind of bipolarization.

From the perspective of the states where the intervention in the name of the war against terrorism takes place: the states, which replace this war at their foreign policy axes, consider terrorist as “enemy”. The state that designates other countries allowing terrorism as his enemies starts to use some instruments in order to eradicate it. As the terrorism necessitates a struggle model assuring the destruction of the terrorist threat before it become active, it includes preventive acts. In such a case, the intervention of a state to another one can be analyzed in the context of prevention and this can legitimate even a military intervention. Even if whether these states are really terrorist or not is not known, it is used a method, which will legitimate that these latter are declared so, this method being “preventive intervention”. Given the fact that the occurrence of terrorist acts is unpredictable, this uncertainty legitimizes this kind of actions. In addition this is used to legitimize the reliance upon the rules of war to combat this enemy. The positive twist in this strategy is given by explaining the intervention with the concept of “nation building” envisaging the re-integration of that particular state in the international system²². Nation building is proposed as the best defense, and it aims to re-order the state, which is presumed to be the center of terrorism, through military intervention.

But if no consensus with the political power of the state exposed to aggressive military intervention and nation-building exists the societies affected by intervention tend to radicalize and marginalize. The actors, who are considered by someone as terrorist, assume that they lead activities in order to re-define their existence and to “become free”. That they accept another state's intervention when they fight for their own freedom is not taken for granted (Carothers 2003: 84-97), the evidence being, for example, the problems faced during the rebuilding operation of Afghanistan. The worse is now being experienced in Iraq: Iraq is a geography composed by many ethnic - Kurds, Arabs, Turcoman, etc. - and religious factors - Sunnis, Shiites, etc. - Each factor has founded multiple groups. Moreover, a considerable

²² There are many examples of interventions undertook in the sake liberating states/societies and those of unexpected consequences of these interventions. (For debates on this issue see Von Hippel 2000: pp. 95-112).

part of these groups object to the values of the states which inclined/intervened to their country, as well as to global balances.

In this case, three interdependent paradoxes emerge:

Firstly, a denser and generalized terrorist threat against the states, which intervene in the name of the war against terrorism, might emerge. In other words, the said war might intensify the threat. While the rebuilding in Afghanistan did not remove the threat it did not either reduce it within the US besides the fact that the number of American and British soldiers killed has increased after the end of the war²³.

Secondly, it is probable that the intervention favors separatism that is to say the breakup of the state, which is the target of intervention. This is the more probable the greater the number of ethnic and religious groups which ally with the intervening state. Independence is the prices they charge for their support. Rather than achieving re-building or nation-building division may be the result. One such ex-ample is the US co-operation with the some Kurdish groups excluding the Arabs and Shiite groups, who resist against her. Thus, if this were actually the case this would in fact lead the conflict to escalate to the regional level because of other countries such as Turkey, Syria, and Iran would clearly be affected. It is not evident that this will end terrorism.

The third paradox appears when intervened societies increase their co-operation with other states, which reject the intervention. For example, the Shiites of the anti-American camp might be closer to Germany and ask for support. In this case, the war against terrorism might transform into acute conflicts between powerful states outside the intervention area. The relations of Iraqi Shiites relying on Iran, and on Iran-Germany relations as well, might

²³ "The Pentagon has reported the deaths of 346 American service personnel in Iraq since 1 May" http://news.bbc.co.uk/1/hi/world/middle_east/3019552.stm, 8 January 2004. Although there is no precise data on soldier deceases in the war, it is estimated between 250-300 persons, according to media-based data.

affect all actors from Russia to China, and therefore, prepare the chaotic structure of conflictual competition within the international system. The outbreak of World War I, which was triggered by the assassination of Archduke Francis Ferdinand—was a terrorist attack, reminds us that such a possibility is not so far. When the rivalry between great powers becomes conflictual, even a terrorist operation can trigger global wars.

Conclusions

Either at individual, social and national level, or international level, the uncertainties and dynamics of terrorism reveals a number of paradoxes. This fight has different implications, which might range from extensions, which might encourage anti-democratic structures, from restraining of the individual rights and freedom to nationalism. The anticipated measures and the interventions made for the sake of these measures exacerbate the problems due to the terrorism instead of solving them, and they even prepare a proper basis for new global debates.

Terrorism is a global threat; the war against it has favored military interventions by those disposing of the capacities to do so. But, if every state tries to intervene to other states in the name of war against terrorism, this can foment inter-state wars. Intervention, however, seems to be conducive to inter-state conflicts.

It is obvious that the war against terrorism must be led at international level/dimension. However, it is also necessary to clarify the “uncertainty” features of terrorism and to establish an international consensus on the content of intervention (how and where to intervene, for example). In turn, when the war against terrorism means changing the structure, regime, and even the frontiers of a state, the possible consequence is allowing every state owing power to attack any state that it targets. The chance for ridding global threats of gets to be enhanced by multi-national war and multi-forces intervention. Moreover, it is obvious that a normative basis is required. Yet, it is also clear

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that “uncertainties” inherent to terrorism make a compromise on a common basis difficult.

The US intervention in Afghanistan and in Iraq in the context of war against terrorism demonstrated that the US has no capacity to eradicate terrorism in this particular region and all around the world. On the contrary these interventions were nothing but the interference to the historical process they should pursue and the distortion of their social structures. Besides these interventions didn't make the world a safer place, the terrorists more easy to capture and the US a more powerful country.

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