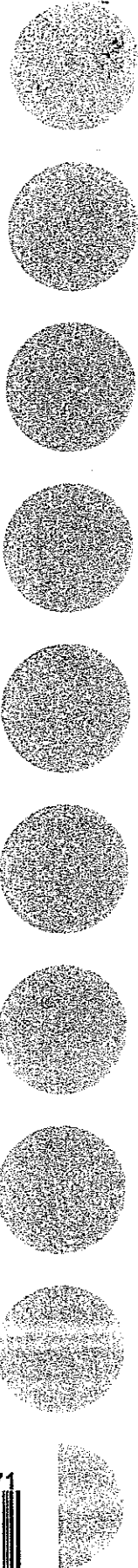


WORLD POLICY JOURNAL



*A War Against What?
Italy's Roberto Toscano Poses the Question*

*Eight Answers by Chomsky, Carr, Crossette, Barber,
Bacevich, Cutbertson, Symth, Brenner & Fieschi*

*Putin and Europe: Putin on Crimea
Martin Walker and Godfrey Hodgson*

*India Rising: Sumit Ganguly and Manjeet S. Pardesi
The Communist Question Jeffrey N. Wasserstrom*

*On Countering the Jihadists Dennis Ross
A Lost Peace in Spain? Paddy Woodworth*

*Turkey's PKK: Alive Again? Aliza Marcus
The Dead and Missing in Kashmir Michael Deibert*

*A Devil's Brew in Pakistan
Robert M. Hathaway*

\$10.00



Roberto Toscano is the Italian ambassador to the Islamic Republic of Iran. Portions of this article appeared in a different form in the journal of the Aspen Institute, Italia. A graduate of the School of Advanced International Studies at Johns Hopkins University, Toscano entered the diplomatic corps in 1969 and has been posted to Chile, the Soviet Union, Spain, the United States, and Geneva (UN).

A War Against What?

Roberto Toscano

Terrorism is haunting the contemporary world. It is doing so in different shapes and contexts, with different actors and different modes of operation. When it seemed that the only kind of terrorism we should focus upon was the global "innovative" terrorism of September 11, the recent events in Iraq, Palestine, and Lebanon remind us that, responding to new political and military situations, the plague of terrorism can become virulent and acute after periods of dormancy, and that it can reappear with mutant strains, against which antibodies and existing drugs turn out to be impotent.

Today the same concept of "terrorism" is applied to radically different phenomena, such as the four murderous airplanes of September 11, the indiscriminate firing of missiles by Lebanese and Palestinian militant groups, the mass murder of passengers on trains, subways, or buses in Madrid and London, the mysterious killing of a Russian exile in London, or the anonymous mailing of deadly anthrax to political leaders in Washington. Hence the thousands of articles and the innumerable debates, conferences, and round tables around the world. Yet, paradoxically, we literally do not know what we are talking about since there is no universally accepted definition of terrorism.

At the United Nations, attempts at framing a definition as a necessary component of a global convention against terrorism have failed repeatedly since 1972, and realists throw up their hands saying that the attempt is impossible and doomed to fail. This impasse prompts an ostensibly com-

mon-sense response, "You know when you see it." But if our aim is to agree on some consensual rules in order to better address the problem, then the lack of a commonly accepted definition is a real problem, one worth overcoming.

What are the various existing definitions? At the most brazen, self-serving level, we find the definition formulated by Osama bin Laden in one of his famous videos: "There are two types of terror. Good and bad. What we are practicing is good terror."¹ There is nothing new in this. It is a variation of the age-old plea invoked by totalitarian ideologues and fundamentalist religion: our violence is exempt from moral scrutiny because it is exercised in pursuit of a noble cause: ours.

A similar claim is being formulated by others in more specific, more political form. To grasp fully the difficulties in reaching a common definition one must look at the 1998 Convention of the Organization of the Islamic Conference (OIC) on Combating International Terrorism.² Article One offers a definition that seems unproblematic: "any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honor, freedoms, security or rights..." What follows in Article Two, however, can only be described as devastating: "Peoples' struggle, including armed struggle against foreign occupation, aggression, colonialism, and hegemony; aimed at

liberation and self-determination in accordance with the principles of international law shall not be considered a terrorist crime." This exemption constitutes the intractable stumbling-block which, even after September 11, made it impossible to reach a consensus on the definition of terrorism.

The notion that "liberation movements" should be allowed terrorist acts (because this is what Article Two inescapably means) was uncompromisingly defended at the UN not only by Muslim countries but by other states in what was once called the Third World. The admissibility of this exception is self-evident. Can we imagine an article in the 1948 Convention on Genocide exempting the crime from applicability if committed in struggles for national liberation? How about inserting a similarly elastic exemption to the use of torture in the 1972 convention criminalizing that practice?

Nevertheless, the available evidence testifies to the disturbingly wide acceptance of a positive, heroic view of the *shahid* embracing a constituency that extends from unemployed Egyptians to the Saudi ambassador in London writing elegiac verses about a Palestinian martyr. To the dismay of many supporters of the Palestinian cause—especially in Europe—it is a fact that throughout the Arab-Islamic world few are willing, or are brave enough, to separate the cause (Palestinian statehood) from the terrorist means, and to condemn the latter while supporting the former. Even more disturbing, it is no longer possible to attribute the recourse to terrorism, even suicidal terrorism, to "fundamentalists" inspired by their faith in a promised happy afterlife: today suicidal terrorism is clearly a weapon of radical nationalism (religious or secular) not of religious fanaticism; indeed, Sri Lanka's secular Tamil Tigers perpetrated this form of terrorism in the 1980s, and secular Palestinians increasingly join the ranks of suicide bombers. Equally worrisome, terrorism is generally, if not universally, included within the wider concept of the "armed struggle,"

without moral or political qualms about its specific nature and implications.

If one is inclined to believe that this morally and politically ambiguous way of addressing terrorism is an Arab or Muslim characteristic, a sampling of beliefs readily expressed in democratic circles should dispel that mistake. Here is an American, David L. Phillips, writing in the *International Herald Tribune*: "To guarantee consistency in the war against terror, it is important to differentiate legitimate democratic movements from rogue groups using violence to advance narrow objectives. Such a distinction is essential so that the war against terror is not used to justify oppression of those exercising their right to self-determination."³

Let us also listen to one of the best known and most respectable British politicians, Paddy Ashdown, the longtime former leader of the Liberal Democrats: "We need to define the difference between 'freedom fighters' and 'terrorists.' But this ought not be too difficult; the UN Charter enshrines the principle of democracy. A terrorist could be defined as any group that uses terror against a democratic government."⁴

The implications of this sort of elastic reasoning are disturbing, and make it difficult to envisage any real possibility of outlawing terrorism in the same way that genocide and torture have been put beyond the pale of human civilization. If, *a contrario*, terror against a non-democratic government is not terror, then poisoning children in a kindergarten in Nazi Germany would not have been terrorism. Nor would it have been terrorism to blow up an office building in General Pinochet's Chile. It would be curious indeed if, after rejecting the "national liberation exemption" to terrorism, lawmakers were then to claim a "democracy exemption."

Terrorism, of course, is not about ends but about means. It is not defined either by the nature of the perpetrator or by the legitimacy of the cause, but by the nature of the target—a target that is without military

importance but has a high political-psychological significance. Thus, not all non-state, unconventional, insurrectional violence is terrorism. Guerrilla warfare is not terrorism. But this is where the problem caused by those who want to exempt all "liberation" violence is compounded by those—on the opposite side—who want to indict as terrorist all insurgent and guerrilla violence.

Yet it is very simple. Attacking a military unit is guerrilla warfare, a bomb in a restaurant—or a jet plane that is deliberately aimed at a civilian building—is terrorism. Clearly, different actions can be performed by the same armed movements. These acts are different militarily, different politically, different morally: why should they not also be legally different?

One can only find disconcerting, and the product of misconceived political correctness combined with fuzzy logic, the contents of this internal memorandum by the head of the Reuters news agency: "We all know that one man's terrorist is another man's freedom fighter and that Reuters upholds the principle that we do not use the word 'terrorist.' To be frank, it adds little to call the attack on the World Trade Center a terrorist attack."⁶

It is naïve to imagine that one could outlaw all politically motivated violence directed against non-military "soft" targets in order to achieve political and psychological results. But another problem arises. Is there such a thing as "state terrorism"? Here the positions in UN debates on a definition of terrorism were reversed, since the United States and other developed countries resisted an extension of the definition—as put forward by Arab countries intent to accuse Israel of terrorism—to acts committed by states. Yet there is no doubt that states can commit terrorist-type actions, insofar as they conduct warfare in a way that aims not at weakening the military capacity of the enemy but rather at bending the enemy's will by striking at civilian targets. Morally and politically, there can be little doubt of

the terrorist nature of the indiscriminate bombing of civilians, be it conventional or nuclear. However, there does not seem any need for new international legal instruments to condemn these actions: the Geneva Conventions, with their prohibition of the targeting of civilians, are already in place. States are already subject to censure under international law if they commit this kind of war crime.

The problem today is to move international rules beyond the state-centered system in which they originated. We must focus our attempt to cope with violence in new forms that do not necessarily originate from states, and which therefore cannot be addressed by the panoply of rules that humans have developed through history to regulate relations among themselves.

Neither trying to exempt our own causes, however pursued, from the definition of terrorism, nor banalizing it by including all forms of unlawful violence, will help us reach an understanding that is as much in the interest of all as are the Geneva Conventions or the banning of other crimes against humanity such as genocide and torture. A fresh attempt to redefine terrorism would be both meaningful and therapeutic in addressing the present madness in the Middle East. ●

Notes

The opinions of Ambassador Toscano are his own and do not reflect the official positions of the Italian government.

1. Quoted in the *Sunday Telegraph*, November 11, 2001.

2. Available at www.oic-un.org/26icfm/c.html
It is interesting to note that, at the March 2002 OIC conference in Kuala Lumpur, the attempt of Malaysian prime minister Mahathir to obtain agreement on a definition of terrorism was rejected by OIC foreign ministers, who declared: "We reject any attempt to link terrorism to the struggle of the Palestinian people in the exercise of their inalienable right to establish their independent state with Al-Quds al-Sharif as its capital." (*International Herald*

Tribune, April 3, 2002.) The article adds that the "declaration Tuesday was issued hours after it became obvious that the conference was deadlocked over the question whether the suicide bombers were terrorists or freedom fighters."

3. David L. Phillips, "Wanted, a Covenant to Define and Fight Terrorism," *International Herald Tribune*, January 4, 2002.

4. Paddy Ashdown, "The Only Way to Answer Global Atrocity is with Global Law," *The Independent*, September 14, 2001.

5. Timothy Garton Ash has interestingly noted that in British military doctrine one can find a working distinction between terrorism and insurgency. See, "Is There a Good Terrorist?," *The New York Review of Books*, November 29, 2001.

6. Quoted in the *International Herald Tribune*, September 25, 2001.