



This Paper in Brief:

How can terrorism be dealt with without undermining the very foundations of a democracy? Recent focus on international terrorism has an unprecedented impact on national level policy, with implications for both mature and emergent democracies. There is a danger that international development assistance and democracy promotion are being securitised, as conditionalities linked to the 'war on terror' harden repressive tendencies or deny opposition politics in new states or transition settings. Democracy cannot be imposed or exported to a people with an underlying motivation of fear on the part of benefactors: development and democratisation must be de-linked from military security considerations, and promoted according to need, in partnership with beneficiaries.

POLICY PAPER

DEMOCRACY AND TERRORISM: THE IMPACT OF THE ANTI

Judith Large

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Founded in 1995, the International Institute for Democracy and Electoral Assistance (IDEA) is an intergovernmental organization that seeks to promote and develop sustainable democracy worldwide. IDEA's current areas of activity include:

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- Post-conflict democracy building and dialogue.
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How can terrorism be dealt with without undermining the very foundations of a democracy?

Recent focus on international terrorism has an unprecedented impact on national level policy, with implications for both mature and emergent democracies.

Key Challenges

Democracies face acute dilemmas when confronting acts of violence which fall under the rubric of terrorism. Overreaction can alienate the population, damaging government legitimacy as much as (or more than) the actions of small terrorist groups. At the same time, if government, judiciary, police and military prove incapable of upholding the law and protecting life and property, then their credibility and authority will be undermined. Concerted acts of violence (or threats of such) are a challenge which demand steady, painstaking response, lest the state compromise its very legitimacy through the measures enacted and public confidence lost.

Given that events on and subsequent to September 11 signify a new level of prominence for global prevention of terrorism, it is vital that debate and open forums promote consideration of both the patterns of violence and the responses currently being played out on many levels in the international system. Democracies come in many shapes and sizes, and in varying degrees of maturity and performance. But national leaders currently face a critical juncture: reconciling the international legitimacy integral to democracy, to the realities of military, economic and political power. In particular a re-militarised international security framework in the wake of the September 11 attack threatens to marginalize democratic approaches to conflict management. Moreover, some measures meant as response may undermine or compromise democracies in fragile or key stages of development.

A reductionist approach to such complexity threatens an era dangerously equivalent to that of Cold

War politics, where ideological alignment can obscure local realities of development need and political aspirations for reform.

The current challenge is twofold. Firstly, for governments and peoples to manage incidents, response, risk, and prevention in a manner which upholds democratic principles of accountability, rights, checks and balances, and the rule of law. Secondly, for development assistance and democracy promotion to be de-linked from, and not a by-product of, security needs and fear. Democracy is neither a banner under which to fight designated targets, nor is it a commodity that can be exported or imposed. It is most viable when shaped and rooted in context, matching specific relevance and needs, with genuine local/national ownership. There is a need for critical review of the impact of the global 'war on terror' on development assistance and specific national democratisation processes.

In the past national and international dimensions of terrorism were known issue areas, but recent focus on global/international concerns has an unprecedented impact on national level policy, with implications for both mature and emergent democracies.

The Problem of Definitions

Terrorism is increasingly understood as a political act meant to inflict dramatic and deadly injury on civilians and to create an atmosphere of acute fear and despair (generally for a political or ideological, whether secular or religious purpose), but the term is notoriously difficult to define. The use of violence to create fear, often through the targeting of third parties and with the elements of surprise and the undermining of very personal security, is a tool used by a variety of historical and contemporary actors.

In application it spans the use of violence by states against subjects, isolated extremist acts of vio-

lence, the use of violence in liberation and nationalist movements, and emergent transnational configurations which target Western hegemony or values.

Typologies of Terrorism

Attacks on the state or 'domestic terrorism' may be: 'national-separatist' (the PIRA in Ireland, LTTE in Sri Lanka, ETA in Spain, PFLP in Palestine); leftist 'social revolutionary' (the Red Army Faction in Germany, Sendero Luminoso and MRTA in Peru, FARC and ELN in Colombia); or 'right wing extremism' (neo-Nazi actions). In contrast to the PIRA, IRA, ETA or the LTTE, Timothy Mcveigh (USA) and members of the Baader Meinhof Group (Germany) were relatively isolated figures with no substantial broad popular base. Also not always linked overtly to political motivation is 'religious fundamentalist terrorism' (Christian, Jewish, Islamic, Sikh or other) or 'new movements' like the Japanese-based Aum Shinrikyo in the 1990s.

State terrorism is another category, as per the torture and disappearances experienced in Guatemala or Argentina under military rule, foreign-backed repressive measures in El Salvador in the 1970's, or political violence in Cambodia and Rwanda which mutated into genocide. It can include targeted assassinations or attacks on non-combatants who are citizens or resident in another state. Thus the reality is that many Palestinians experience Israeli military action as state terrorism, whereas many Israelis will experience Palestinian actions as terrorism against the state of Israel.

International terrorism may be seen as the violent targeting of governments or civilians within one state, by groups or individuals residing or based in another; with aims that are related to more than one country. It is estimated that there are over one hundred different definitions in use through international and regional treaties and conventions. The state of Libya was accused of international terrorism over the downing of an aircraft over Scotland in late 1988.

Al-Qa'ida is cited as an international movement which is terrorist in ideology and tactics. Whether emanating from movement, loose network, or mobilising idea among varied affinity groupings, the new violence illustrates that terrorism and conventional military power are incommensurable. As demonstrated in Northern Ireland, in the Basque country, or the USA bombings of Sudan prior to 2001, conventional weapons alone cannot defeat terrorism. In the aftermath of pre-emptive wars on Afghanistan and Iraq, we know that allegiance, hatred, grievance and belief multiply in unpredicted ways, such that innocent lives are lost and futures shattered from Nairobi to Bali to Madrid, and more.

Twelve UN conventions on the issue to date have not attempted a definition. UNSCR 1373 of 20 September 2001, which set up the UN's Counter-Terrorism Committee, restricts itself to defining the methods used by terrorists. Currently the Report of the High Level Panel on Threats, Challenges and Change calls for a comprehensive convention on terrorism. The Report suggests (section VI. 164) recognition that state use of force against civilians is regulated by the Geneva Conventions, reference to acts under previous anti-terrorism conventions, and a suggested description of terrorism as 'any action.....that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act'.

(There is a history of disagreement over how politically compromised questions of definition are, as evidenced by the recurrent requests from League of Arab States, Gulf Cooperation Council, and Organization of Islamic States members for a comprehensive international agreement on 'the definition of terrorism and State terrorism...while emphasising the importance of distinguishing between terrorism and the legitimate struggle of nations against foreign occupation'. LAS submission to the UN Security Council Counter-Terrorism Committee February 2003).

National Level Policies

How can a democracy fight terrorism without compromising democratic principles?

National counter-terrorism measures will typically fall into several distinct areas: the criminal justice model (in which terrorism is viewed as a crime with responsibility for response falling within the bounds of the state's criminal legal system) and the military model, which takes terrorism as an act of revolutionary warfare with the remit for response placed on the military and entailing the use of retaliatory strikes and troop deployment. There is also the key element of eroding the support base for the parties advocating terrorism, tackling grievances when valid and/or collective.

All three approaches may be used, as in the United Kingdom's dealing with the war in Northern Ireland. In this case terrorist tactics were eventually isolated from political message, until a political agreement altered the conflict form. Increasingly it was the criminal justice system that dealt with isolated incidents of extremist violence.

But national attempts to defeat terrorist groups and measures may in fact lead to the erosion or dismantling of democratic structures themselves. This would appear to be the case in both the former Cold War superpowers, the USA and the CIS. The Patriot Act in the USA has suspended rights and civil liberties in a manner unprecedented since the Civil War, with judicial rulings that components are unconstitutional, as per the provision allowing the FBI to demand information from Internet service providers without judicial oversight or public review. Critical voices in Moscow argue that fledgling democratic institutions have fallen victim to the war on terrorism, and that now both federalism and the Constitution are under attack. Revision of Russia's territorial administration structure is the focal point of the "response measures" produced by the Kremlin after the tragedy of the school hostage siege in Beslan.

National measures also have long term, cumulative impacts on populations involved either by association or directly affected. Thus in Peru there is an ongoing process of recovery (in the aftermath of the war against the Sendero Luminoso) which has included a Truth and Justice Commission to examine both state and insurgent actions; attempts to change education and training for the military,

scrutiny and reconsideration of how history itself is taught in the schools, campaigns for justice, accountability and against impunity.

The UK, after relative success in dealing with terrorist bombings and killings during the 'Troubles' in Northern Ireland, passed new legislation in 2001 (the Anti-Terrorism Crime and Security Act) leading to indefinite detention without trial measures for non-nationals suspected of being capable of, or implicated with terrorist acts. By late 2004 British Law Lords ruled that because only foreigners could be detained in this way, such anti-terrorist law was discriminatory, disproportionate, and unlawful under the European Convention on Human Rights. It was then proposed to extend the power of detention without trial to all Britons as well as foreigners, thus causing an outcry on behalf of rights and the burden of proof (innocent until proven guilty), central to English constitutional tradition since the Magna Carta in 1215.

In cases of foreign or international terrorism, public feelings and consensus may veer towards xenophobia, racial or ethnic intolerance and division. The fact is that many minorities now feel 'labeled' or victims of stereotyping in settings from the United Kingdom to the Philippines, and there is increasing danger that local conflicts involving Muslim populations become immediately internationalised, as with media attention to Nigeria or Thailand.

Not a Level Playing Field

How does the global 'war on terror' impact on domestic policies or national configurations in less developed or transition settings?

International aid flows from the developed to the less developed world now come with 'anti-terrorist' conditionalities attached. There is a danger that development itself may become 'securitised'—that is, linked and bound to security measures and military defence rather than need, rights, poverty, and the cultivation of democratic governance and reform. Across the world recipients of USAID assistance must now sign agreements conforming to anti-terrorist conditions as contractually expressed. Aid expenditure for military and police budgets is potentially outpacing that dedicated to poverty reduction or health

measures. Development aid may be used to increase 'security', but it can also be used as a tool for pacification. 'Stabilisation' or 'Peace and Stability' are achieved not for people's development, but in the interests of the donor's security agenda.

Thus policies of governments such as those of Pakistan, Malaysia, Egypt and the Central Asian republics, previously denounced as repressive by western governments are now endorsed or tacitly supported in the name of security. The Indonesian military, criticised as recently as 2000 for human rights abuse in East Timor, West Papua and Aceh, is a new favourite for American aid. Previously little noticed countries receive new funding via the war on terror, such as over \$30 million to Djibouti in exchange for allowing the establishment of a new permanent military base. Over a hundred million dollars has gone to East Africa primarily to increase security at air and seaports.

Mauritius enacted Prevention of Terrorism Special Measures Regulations in 2003.

The President and later his deputy (the vice president in acting presidential capacity) refused to give assent to the prevention of terrorism act, and resigned. Kenya withdrew legislation after public street protests. A 2004 survey of Caribbean, African and Asian experience states that 'For many, the fight against terrorism in the Commonwealth has meant that justification has been found to further limit their existing freedoms'. (Dominic Bascombe, July 2004, *An Update of Anti-Terror Legislation in the Commonwealth*)

Related measures, such as the US travel ban on Kenya, imposed in May 2003, severely strained relations between the two countries. Critics argued that the reduction of American tourism greatly affected Kenya's fight against poverty, a recognised contributing factor towards terrorism. The ban was finally lifted in May 2004. In South Africa legislation meeting 'post 9/11' international norms would have earlier rendered the African National Congress a terrorist threat, thus attracting public outcry and debate on freedom of speech and the need for opposition.

Currently the Ugandan government, like others in the region, has an international rationale for measures against internal threat. New anti-terrorist legislation has elicited concern from Ugandan judges, as the definition of terrorism used is so

broad that it could be used to prosecute trade unionists involved in an illegal strike or those engaged in civil disobedience. (This definition does not specifically exclude legal strikes and protests that do not aim to seriously disrupt an essential service.)

Meanwhile, in Northern Uganda, the Lords Resistance Army (LRA) has waged terror for over a decade on the (its own) Acholi population, caught between the LRA and the national military. Local people experience 'protected villages' as detention camps, suffer from poor access to food, destroyed infrastructure and lack of protection. Here is a case where increased democracy is genuinely sought, as citizens lobby

for human rights training and civil affairs outreach for the army presence, struggle with development strategies and rebuilding schools and clinics, and call for a more effective police and justice system.

Indeed, experience in Northern Ireland, Nepal, Indonesia, the Philippines and the CIS indicates that the label 'terrorist' has policy implications detrimental to political solutions based on structural or negotiated outcomes in cases of nationalist or ethnic struggle. It has been argued that the fragile peace process in Mindanao was set back by anti-terrorist support to the Philippine military, which used US attack helicopters against Moro Islamic Liberation Front camps in 2003, renewing hostility, displacing thousands, and further alienating a civilian population in one of the poorest provinces of the country. Rebel demands have included calls for constitutional reform and federal agreement.

Governments are thus faced with juxtaposing need from the level of international realities to the very individual and societal level of public perception and cohesion.

Regional /International Level

How is the international community working together to combat terrorism in its many forms, and what key issues are of concern?

Regional organisations such as the African Union, the Association of Southeast Asian Nations, the European Union, the Organisation of American States have developed intricate mechanisms for

reporting and co-ordinating efforts to counter potential terrorism.

International response mechanisms are complex, multi-sectoral, multi-level, carried out within different time frames, and must be suited to local conditions in different parts of the world. The agents range from global actors such as the UN and international financial institutions, through a multiplicity of regional, sub-regional and state actors, and other interstate, trans-state and non-state actors. This can mean co-operation in intelligence gathering or police operations, inspection and security measures at airports and borders, monitoring of telecommunications and airspace, financial oversight of bank transfers and financial exchanges, or joint military exercises. International response has also on occasion meant war.

For new democracies there is also a 'modelling effect' through the behaviour of so-called mature democracies. If an established democratic power utilises military tribunals in non-war settings, claims 'exception' from the Geneva Conventions or international law, advocates 'targeted assassination' or the use of torture, this sets a precedent and an example for others. Indeed, some current policies may be counter productive to democracy promotion and cultivation world-wide. For example, the suspension of Habeas Corpus and the detention of individuals without trial at Guantanamo and in other parts of the world make it difficult to argue qualitative advantages for democratic governance.

Finally, less-than-democratic governments which were under scrutiny or arms export embargo prior to the 2001 watershed are now granted trade rights and licenses for military equipment from small arms to rocket systems. Democratic reform ceases to be a prerequisite for entry to the 'international community', and autocrats receive de facto reinforcement.

Whereas democracy may be loudly lauded as part of the answer in media coverage of the war on terrorism, genuine proponents of democratic process will pause to reflect on the mixed impressions prevalent among many audiences in the developing world. There is a perception, for example, that some perpetrators of the September 11 attacks were against their own authoritarian governments, and that Western states were hypocritical in supporting repressive monarchy at the same time as attacking the Taliban. Other critics point to an

equation between democracy and inequality; that is, market forces and neo-liberal reform.

In general terms there is the challenge of convincing non-western societies that democracy is not identical with western cultures and interests – for example with western forms of capitalism, secularism or individualism – but is truly international if not cosmopolitan. And democracies themselves will do well to demonstrate and uphold essential principles in current debate and practice in response to terrorism.

Proactive international measures to eliminate poverty and assist appropriate human development must be renewed in ways determined by the merit and validity of rights and needs, not as reactive measures linked directly to a military security agenda. A disconnect between words and actions, rhetoric and reality, will undermine legitimate means and advocates of democracy promotion.

Democracies who are members of the global donor community should call for a review of the impact of current conditional assistance packages, re-examining the inter-action between securitization and specific development and democratisation processes.

Conclusion

To effectively undercut the basis of support for terrorist activity, any liberal democratic response must rest on one overriding principle: a commitment to uphold and maintain constitutional systems of legal authority. In instances where the state fails to abide by this fundamental dictum, counter-terrorist responses run the very grave risk of posing even more of a danger to underlying liberal and democratic norms and institutions than extremist political violence itself.

For states in transition from other forms of government, from war or collapse, the liberal model will seem a tall order. Support must be given to the long term and difficult 'bottom up' processes of change to enable and to reinforce moderate and proportional measures, rather than to bolster overly repressive ones.

Current problems for democracy world wide include the confusing of democratisation with economic liberalisation, with its attendant flow of commercial goods, media influence and images, cultural extremes as part of foreign investment penetration, inequalities related to privatisation and liberalisation, and the notion of 'market democracy'.

Exporting markets does not democratise, nor does armed occupation. Democratisation can be impeded by the conditions related to a claimed 'liberation', differing perceptions of the occupier by the occupied, unresolved grievances and severe basic needs. It cannot be gifted or imposed, but depends on the aspirations and goals of a given people, many of whom have struggled (by resorting to arms) historically for their independence; the United States, Israel, El Salvador, and Kenya being cases in point. Others have used mass movements, education and peaceful protest and political means for democratic change, as in Indonesia, East Germany, Hungary, the Philippines, to name a few. In the US and in Europe it has taken centuries to evolve democratic forms. It is more productive to nurture homegrown forms based on indigenous culture and institutions than to export attempts at 'one size fits all'. These processes must not be confused with an international security agenda motivated primarily by fear.

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