

**Briefing by:**

**Paul Heinbecker**

**At**

**The Madrid Summit, “Democracy for a Safer World”**

**March 8 – 11, 2005**

\*Paul Heinbecker is Director of the Centre for Global Relations, Governance and Policy at Wilfrid Laurier University and Distinguished Research Fellow at the Centre for International Governance Innovation. He recently retired after 38 years with Canada's Department of Foreign Affairs, most recently serving as Ambassador to the United Nations (2000- 2003). This paper does not necessarily reflect the views of the institutions above.

## Introduction

Concentration on the gaps in international understanding and counter-terrorist action, the remit given, is both helpful and unhelpful. It is helpful in imposing a template that will make an eventual comprehensive report coherent and in forcing participants to focus on problems and solutions and not to wander all over the map, literally and figuratively. It is unhelpful to the extent that it encourages euphemistic treatment of problems (e.g., no country's name apparently dare be spoken). The summit need not become a Bush/US bashing exercise. Still, measured disagreement with US policy, particularly its conflation of all mid-eastern issues, its double standards and its consequent evident stimulation of terrorism might arguably be one of the more constructive outcomes this summit could produce, not least in demonstrating to a hard-of-hearing Washington and a home-team US media that on this issue many governments respectfully think US policy is more problem than solution and that when it comes to terrorism it is not only about America.

## Overview

The UN High Level Panel has done the world an enormous favour in proposing a very good, albeit not perfect, definition of terrorism, a problem that the UN itself has been unable to solve for decades. The HLP definition has lacunae; for example, it does not cover terrorists destroying critical infrastructure without loss of life. It, also, does not speak to cases such as the attack on the American ship, the Cole. Nevertheless, for the sake of getting agreement that at least addresses the protection of civilians, the perfect must not be allowed to sidetrack the very good. In this light, it is wise to steer clear of issues like the Cole, because trying to parse when an attack on military assets is legitimate and when it is not raises issues that could jeopardize whatever agreement is possible on civilians and non-combatants. (For the record, the January 9 paper does not entirely accurately quote the High Level Panel's proposed definition of terrorism. The HLP definition reads in part "...that is intended to cause death or serious bodily harm to civilians or non-combatants...", not "civilians or non-civilians".)

Terrorism is not monolithic. A terrorist is not a terrorist is not a terrorist. Any successful strategy has to begin by disaggregating the phenomenon and has to tailor the response to the particular group or groups in question. Whether the war on Terrorism is a real war or actually just a metaphor, terrorism needs to be fought on several fronts at once with diversified, tailor-made policy instruments. Conflating all terrorism can diminish prospects of success and jeopardize international and domestic support for action because it brings all manner of legitimate and illegitimate counter-terrorism purposes under one banner. Motivation matters. Some, e.g., global Islamist jihadists bent on mass killing cannot be dealt with in any way but in kind. Others, even if more ethnic or regional in ambition, are equally extreme in their behaviour and must be opposed equally violently. Still others have objectives born of grievance and can be dealt with in discrete ways tailored to particular circumstances. From Ireland to Spain to Canada, defence of the rule

of law, political responsiveness to legitimate complaints and the accessibility of the political process to minorities has deprived terrorists of the legitimacy they claim and the support they need.

A holistic approach to terrorism should be adopted, not one privileging the “power ministries”. Even if countries feel themselves neck-deep in alligators, they can’t simply try to shoot them all; they, also, have to drain the swamp. The attacks on New York and Washington and the ongoing insurgency in Iraq graphically demonstrate that even unparalleled power delivers neither invulnerability nor universal effectiveness. Police cooperation, intelligence sharing and, ultimately, military power are indispensable but there is also at least an equal need for up-stream policies that drain grievance of its power and that offer alternatives to militancy. Terror is not the particular province of the poor, obviously, but poverty, inequity and abusive government, particularly if it enjoys outside support, can create a milieu in which militants can operate with impunity, even sympathy. Foreign policies that are widely perceived to embody double standards, whether on the Arab-Israeli issue or on the chequered promotion of democracy, fuel and focus resentment. Nevertheless, there is scant evidence of any shift on the part of the democracies from rhetoric to action in dealing with root causes. One obvious conclusion is that some, even modest, re-balancing of global military and ODA spending would pay dividends if it encouraged economic growth, promoted fairness and induced more competent governance in countries susceptible of failing. It could certainly generate for the UN and other, regional multilateral organizations important resources they chronically lack for capacity-building in poorer countries.

Member countries need to reinforce the UN’s counter-terror vocation. The UN has a good record of concluding treaties and establishing norms against terrorism. The Security Council has passed very far-reaching, legally-binding resolutions against terrorism. And, yet, the effort has faltered. Post 9/11, the Security Council deliberately put more emphasis on capacity-building than on coercion but even that course of action has been pursued with little consistency or determination. Clearly, a much stronger system of incentives and penalties is needed. The secretariat, too, needs to be given clear direction about the degree of priority counter-terrorism is to be given. *There is, also, a strong argument for innovation, for creating an informal group that would address itself to trans-institutional and complex issues, including such issues as terrorism, nuclear terrorism and bio-terrorism . Prime Minister Paul Martin of Canada has proposed such a new group, the L-20 (or leaders’ twenty) derived from his experience as chair of the G-20 finance ministers. His idea is to create a group broad enough to reflect current political and economic realities (an L-20 would “represent” the great majority of the world’s population and GNI) and narrow enough to ensure reasonable efficiency. It would not compete with the UN Security Council but would complement it and lay the groundwork for better multilateral decisions on terrorism and other issues, such as global public health, poverty reduction, etc.*

Sacrificing human rights to fight terrorism is a strategic error that augments grievance. Two and a half years after 9/11, there is very little evidence that legislation that diminishes domestic human rights has made anyone safer. Indeed, there is strong

evidence that it has made some, i.e., those held without charge or due process, much less safe. Further, the hypocrisy of democracies resorting to authoritarian practices, even under the pretension of necessity, of accepting lesser evils as the price of avoiding larger ones, is visible far and wide, with incalculable costs in reputation and loss of “soft” power. Also destructive is the deprecation of international law, which undermines the norm that abuse of civilians is always wrong. Chiseling the Geneva conventions and the torture convention with respect to the treatment of prisoners is counterproductive in the extreme to the winning of hearts and minds and the promoting of democracy. Legitimacy does not come from flouting international law nor is democracy nourished by it.

Democracy, to paraphrase Churchill, is the least bad form of government. It is not a panacea for responding to terrorism but it is an indispensable tool and a powerfully evocative counterpoint to autocracy and extremism. Promoting democracy is a more compelling cause than fighting terrorism. At the same time, democracy roots better where it is planted in emulation rather than by imposition. It springs from within a society and flourishes as it accommodates the political particularities of its citizens, minorities included. Democratic principles are universal but democratic practice is local. Further, history warns that the transition to democracy can be long and unstable. In the meantime, direct action is also necessary. International organizations are representative, not democratic bodies. There is room in them for greater recourse to democratic caucuses to bring democratic principles to bear in decision-making. There is also scope for organizations such as the UN to promote democratic governance along side its respected election monitoring work. If the proposed new peace-building commission in the UN is to succeed, it will have to assist countries in difficulties give themselves more representative and democratically responsible governance structures.

Neither terrorism nor weapons of mass destruction (WMD) are new problems. What makes them now near universal public policy preoccupations is the realization post 9/11 of the potential lethality of highly capable non-state extremist groups coupled with the presumed increasing availability of WMD, especially nuclear weapons. It follows that governments must make the prevention of nuclear terrorism and the locking down of WMD, especially nuclear weapons and nuclear material, their absolutely top security priorities. To accomplish these goals, a holistic policy response is necessary. Most fundamentally, the IAEA needs to be supported in its efforts to extend its reach and its Model Additional Protocol should be accepted as the contemporary norm. A subsidiary body of the UN Security Council could likewise mount WMD challenge inspections as UNMOVIC so successfully did in Iraq. Further, the Non-Proliferation Treaty (NPT) regime itself has to be safeguarded. The NPT is a remarkably unbalanced bargain that 183 countries have, nevertheless, seen it in their security interests to accept

Currently, a combination of unwise policies is combining to weaken the NPT regime. One lesson from the Iraq war and the differential treatment of countries in the “Axis of Evil” is the utility of nuclear arms as deterrents. Another relatively recent lesson learned from South Asia is the transitory quality of international censure in the face of determination to have nuclear weapons. A further problem is the double standard inherent in turning a blind eye to Israeli nuclear weapons. A further double standard

arises as nuclear weapons states, notably the United States, contemplate developing new nuclear weapons systems, while enjoining others to forbear. Additionally, few acts could be as counter-productive as seeking the removal of the head of the IAEA because of the professional integrity he evinced during the lead-up to the Iraqi invasion.

Iran has apparently drawn its own conclusions from all of this. How many others are making the same calculation? If the NPT fails, it could well do so catastrophically, and a crucial norm of international behaviour will have been lost. If the legal restraints of the NPT were lifted, 40 countries could, if they wished, produce nuclear weapons in short order. In addition to the danger created by quintupling the number of weapons states, the prevention of “loose nukes” and commerce in nuclear material would become orders of magnitude more difficult to achieve. It follows that the international community should re-commit itself to the NPT and strengthen it. The nuclear weapons Test Ban Treaty should be ratified by the US, which would start a virtuous circle of ratifications that might include China, India, Pakistan, Iran, Iraq and Israel. A Fissile Material Cut-off Treaty should, also, be concluded. The international community needs urgently, also, to address itself to what it will do if governments fail to acquit themselves of their non-proliferation responsibilities, particularly if they commerce in nuclear weapons or materials with non-state actors. The choice will not be between acting and not acting, but be between acting cooperatively and acting unilaterally. Arguments of the inviolability of national sovereignty will be made but they will ring hollow and the Security Council will have to act with resolve in the face of such irresponsibility.

The nuclear weapons states need to ask themselves whether, at a time when the enemy has been determined to be non-state actors, who are manifestly not deterrable, it still makes sense to maintain massive arsenals of nuclear weapons against each other. Does not the greater risk arise from leakage of a nuclear weapon or nuclear material to terrorists? And, if so, does it not make sense for the nuclear weapon states to commit themselves to do everything possible to lock-down and destroy, not just store, these now counterproductive arsenals, or at least diminish them to the point that the world can be absolutely confident that the weapons remaining will not leak out of control? Participation in the Global Threat Reduction Initiative should be broadened and, in any case, its deadline for completion should be drastically moved forward to the foreseeable future of five years out. Similarly, the base of the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction should be broadened and its time frames shortened. What could be a higher priority? Similarly, the membership of the Security Proliferation Initiative, designed to disrupt the shipment of nuclear and other WMD-related materials, should be broadened to include all countries that can effectively contribute.

Nuclear weapons are not the only threat. Biological weapons can also wreak considerable havoc. Here, too, there are multilateral and domestic courses of action that make sense and, in fact, deliver dual benefits. For example, everyone gains from strengthening the international public health system. In the first place, outbreaks of disease can be controlled before they spread catastrophically. Given the fact that new diseases such as Avian Flu and SARS have incubation periods that transcend

intercontinental flight durations, much better cooperation internationally and capacity-building in the Third World to control outbreaks are manifestly in everyone's interests. In addition, action on this front would strengthen systems needed in coping with bio-terrorism. A further necessary step is to strengthen forward defences of homeland security by launching a major inspection system that vets the contents of containers and sea and air shipping before they reach ports of destination.

At the same time, the terrorist menace should be kept in perspective. It rarely constitutes an existential threat to any state. Loss of life to terrorism is horrific in its carnage and tragic in its brutal destruction of the innocent but it pales in comparison to the losses caused by natural disasters such as the Asian Tsunami, or diseases such as HIV-AIDS, or the potential consequences of climate change. Economically, while terrorism impacts differentially within countries and between them, its costs represent small fractions of global and national GDPs.

## **Communique Proposals Regarding Multilateral Cooperation against Terrorism**

Against this background, how best can the Madrid conference respond effectively to the terrorist phenomenon, particularly as regards what international institutions can do to assist governments? A communiqué could contain the following elements.

### **1) Declaratory**

- Terrorist attacks against civilians and non-combatants are never justified
- A clash of civilizations is not inevitable and must be avoided
- Democracy is a necessary although not sufficient defence against terrorism
- Fighting terrorism requires a holistic strategy of norm building, direct action and economic development
- Promoting economic development and good governance is a security goal
- Avoiding foreign policy double standards cuts off fuel for terrorism
- Combating terrorism requires disaggregating groups and objectives and tailoring responses accordingly
- Defeating Al Qaeda, a major global manifestation of Arab jihadist extremism, is a priority but is not, in itself, sufficient to meet the threats all face
- Preventing nuclear terrorism, by far the most dangerous potential form of terrorism, is an absolute priority
- The non-proliferation regime is indispensable in denying terrorists nuclear weapons and material and must be strengthened
- Enhanced defensive efforts at home are a necessary complement to increased offensive efforts abroad.
- Sacrificing human rights to fight terrorists is self-defeating strategically and wrong morally
- Economically developed countries should assist others to develop counter-terrorism capacity

## 2) Action

The international community agrees to:

- support UN reform, particularly as regards terrorism prevention, counter-terrorism capacity-building, human rights protections, democratic capacity-building and peace-building
- endorse the UN High Level Panel definition of terrorism
- remedy root causes, notably by implementing the Millennium Development Goals and respecting the Monterey consensus as a necessary complement to counter-terrorist action
- establish an ODA budget target rule of thumb of at least 20 percent of defence spending
- strengthen the nuclear Non-Proliferation Regime, including by ratifying the CTBT, by concluding the FMCT, by endorsing the Additional Protocol as the IAEA standard, and by augmenting participation in, increasing the funds for and telescoping the target dates for completion of both the Global Threat Reduction Initiative and G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction
- press the Security Council to act in cases of serious concerns over NPT non-compliance, especially as regards the commerce in nuclear materials with terrorists
- establish a network of homeland security ministers to enhance effectiveness in safeguarding strategic national systems
- promote “dual benefit” initiatives to enhance the capacity of national and international medical and health systems to respond effectively to potential outbreaks of communicable diseases and to bio-terrorism.
- improve national and international transportation security, particularly as regards container traffic, both to enhance customs inspection capability and to safeguard goods transport
- cooperate on intelligence matters, notably in exchanging assessments of common threats and emerging dangers
- resolve the Palestinian-Israeli issue