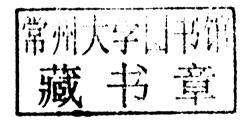
Human Security, Law and the Prevention of Terrorism

Andrej Zwitter



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Human Security, Law and the Prevention of Terrorism

This study examines two important questions regarding terrorism and political violence: which threats to human security constitute root causes for collective violence and which adequate responses for these root causes are available to the international community.

The responses are examined on the basis of international law, in particular human rights law, and within the concept of human security, with the goal of fostering a long-term reduction in political violence. Drawing on existing political discussions and research about the root causes of terrorism, Zwitter develops a legal framework for the application of legal terrorism prevention tools. This study serves as a framework of action and analysis using concepts and particularly legal frameworks which are already broadly or universally recognized to increase the applicability of the framework without having to invent new legal regimes. In doing so it makes use of the concept of human security for tackling breeding grounds and other facilitators of terrorism, making the approach universally accessible.

Combining social science research with legal sociology and international law, this book will be of interest to students and scholars of politics, international relations, security studies, conflict studies and law.

Andrej Zwitter is Assistant Professor for International Relations and International Organization at the University of Groningen, Netherlands.

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Preface

This study investigates the threats to human security that lead to terrorism and how the international community may respond on the basis of international law. In doing so it makes particular use of human rights law within the concept of human security to consider responses that are appropriate to foster a long-term reduction in political violence, namely terrorism. Based on current political and scientific discussions surrounding the root causes of terrorism, it develops a framework for the application of legal tools within the concept of human security for tackling breeding grounds and other facilitators of terrorism. As such, this study is the first of its kind.

One fundamental idea behind this work is to use legal frameworks and political concepts which are already broadly or universally recognized. This is done in order to increase the applicability of the study's framework without having to invent new legal regimes, given that law-making and consensus-finding in international law and international relations are lengthy processes. The study concludes that the legal and political tools for the long-term prevention of terrorism are already available in international law but that they are not yet being applied for this purpose. Instead of stressing the need to adhere to human rights when applying counter-terrorism measures, I will emphasize that human rights are not a hindrance to fighting terrorism (as many military and police strategists would argue), but that the implementation of human rights within the proper framework and with the right intention is the best way of avoiding political violence in the first place. As such, this book aims to pave the way to approach the prevention of terrorism in a similar way as contemporary conflict prevention, by dealing with root causes and by transforming attitudes and discourses.

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In particular, I want to express my deep gratitude to my PhD supervisor, Prof. Dr Wolfgang Benedek, for supporting and encouraging me continuously to strive for the realization of human rights. As the director of the European Training and Research Centre for Human Rights and Democracy (ETC-Graz), he came to know me and my interest for terrorism and human rights issues while giving me the opportunity to work for this NGO. That was also the starting point of this research. I also would like to thank him for his caring guidance and thoughtful advice over the last few years.

I owe special thanks to my second supervisor, Prof. Dr Christian Hiebaum, for offering his knowledge and giving his time for interesting conversations and insightful advice. His sound knowledge and creative thoughts in particular have enriched this work with regard, first, to the chapter dealing with ideology, and second, in relation to the legal-philosophical issues surrounding the subject. I wish to thank him for his important comments and constructive critiques.

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Abbreviations

ABHS Advisory Board on Human Security
AIDS acquired immunodeficiency syndrome

APO Extraparliamentary Opposition

Art. Article

CDU Christian Democratic Union

CESCR Committee on Economic, Social and Cultural Rights

CHS Commission on Human Security
CIMIC civil and military cooperation

CoE Council of Europe COIN counter-insurgency

CSU Christian Social Union of Bavaria

CTITF Counter-Terrorism Implementation Task Force
DFID Department for International Development

DPA Department of Political Affairs

DPKO Department of Peacekeeping Operations

ECOSOC Economic and Social Council

ETA Euskadi Ta Askatasuna

EU European Union

FRG Federal Republic of Germany

GA General Assembly

GDR globalized relative deprivation
GIS geographic information system
GWOT Global War on Terrorism

HAs humanitarian actors

HIC Humanitarian Information Centre

HRC Human Rights Committee

HRCT Special Rapporteur on Human Rights while Countering

Terrorism

HSU Human Security Unit

IAEA International Atomic Energy Agency

IAF Israeli Air Force

ICC International Criminal Court

ICCPR International Covenant on Civil and Political Rights

xviii Abbreviations

ICESCR International Covenant on Economic, Social and Cultural Rights
ICISS International Commission on Intervention and State Sovereignty

ICJ International Court of Justice

ICRC International Committee of the Red Cross and Red Crescent

ICTR International Criminal Tribunal for Rwanda

ICTY International Tribunal for the Prosecution of Persons Responsible

for Serious Violations of International Humanitarian Law

Committed in the Territory of the Former Yugoslavia since 1991

IDF Israeli Defense Force

IDV Individualism

ILC International Law Commission

INGOs international non-governmental organizations Interpol International Criminal Police Organization

IO international organizations IRA Irish Republican Army

ISAF International Security Assistance Force

JICRC Jordanian Interfaith Coexistence Research Center

lit. litera

MNF Multi-national forces
MSF Médecins Sans Frontières

NCCI NGO Coordination Committee in Iraq
NGOs non-governmental organizations
NHDR National Human Development Report
NUC National Unification Commission

OCHA Office for the Coordination of Humanitarian Affairs OHCHR Office of the High Commissioner of Human Rights

para. paragraph

PKK Kurdistan Workers Party

PLO Palestine Liberation Organization

R2P Responsibility to Protect
RAF Red Army Faction
RD Relative deprivation
SC Security Council

SDS Socialist German Student Union

SPD Social Democratic Party

US United States
UN United Nations

UNAMA UN Assistance Mission in Afghanistan UNDP United Nations Development Programme

UNESCO United Nations Educational, Scientific and Cultural Organization

UNOHCI OCHA Humanitarian Information Centre for Iraq
UNTFHS United Nations Trust Fund for Human Security
USAID United States Agency for International Development

WB World Bank

WHO World Health Organization
WMDs weapons of mass destruction

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