

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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**88 Human Security, Law and the
Prevention of Terrorism**

Andrej Zwitter

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

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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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