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Sovereignty and Ethical Argument in the Struggle against State Sponsors of Terrorism

RENÉE DE NEVERS

Department of Public Administration, The Maxwell School, Syracuse University, Syracuse, NY, USA

ABSTRACT *In prosecuting the war on terror, the Bush Administration asserts that the protections inherent in state sovereignty do not apply to state sponsors of terrorism. I examine three elements of normative arguments to assess the administration's policies. The administration sought to delegitmize terrorism by underscoring the uncivilized nature of terrorist acts. It sought to link the war on terror to efforts to prohibit the spread of weapons of mass destruction (WMD), and to frame the invasion of Iraq as central to this war. Finally, the administration proposed new international standards of behavior by arguing that state sponsors of terrorism should be held accountable for terrorist acts planned on their territory, and by seeking to link the protections against intervention inherent in the sovereignty norm to this behavior. Despite initial support for delegitmizing terrorism, the US attempt to frame the war on terror as linked to WMD and Iraq met with skepticism, and it faced fierce competition from alternate frames with regard to Iraq. Finally, the invasion of Iraq stimulated resistance to US policy on normative grounds, with particular concern about the consequences for the sovereignty norm.*

KEY WORDS: Norms, Sovereignty, Ethical argument, Terrorism

Introduction

The war on terror has been the central focus of US foreign policy for over five years. The military components of this war have received the greatest attention, particularly the overthrow of the Taliban government in Afghanistan and the ousting of Saddam Hussein's regime in Iraq. Accompanying these military activities has been an effort to shape the debate about terrorism and to gain support, both domestically and internationally, for the Bush Administration's views of the appropriate use of force and the targets of force.

Notably, the administration has sought to promote the view that the protections inherent in state sovereignty do not apply to states that sponsor terrorism. Since the September 11, 2001, attacks in New York City and Washington, DC, the Bush administration has designated not only terrorists,

but also state sponsors of terrorism, as the enemy. Indeed, in his first speech to the nation after the terrorist attacks, US President George W. Bush said: 'We will make no distinction between the terrorists who committed these acts and those who harbor them' (Bush 2001).

Although terrorism is widely regarded as abhorrent, and the international community supported US actions in Afghanistan in 2001, the US has been unable to generate international consensus supporting its prosecution of the war on terror. Notably, the US effort to characterize the invasion of Iraq as part of the war on terror, and to compel regime change there, appears to have stimulated resistance to US policy on normative grounds, with particular concern about the consequences for the sovereignty norm.

Despite claims in recent years that globalization is eroding state sovereignty, most states continue to view sovereignty as one of the core norms on which international society is based. Among its key components are internal autonomy and the right to non-intervention, which together accord states sole authority over their population and territory. These are enshrined in Article II of the United Nations (UN) Charter, which recognizes the sovereign equality of all states and their commitment to refrain from using force against 'the territorial integrity or political independence' of other states (*Charter of the United Nations 1945*).

Many of the Bush administration's efforts seek to shape attitudes about appropriate state behavior. This suggests that the literature on international norms, and in particular norm change, may offer insights into US policy and the response it received.[1] I ask two questions in seeking to understand US policy and the international response to it. First, how has the United States tried to use normative arguments in the war on terror? Second, how successful has the Bush administration's use of arguments been? I examine three elements common to normative and ethical argumentation in examining the Bush administration's policies: efforts to delegitimize certain normative practices; manipulating the frames within which policies or practices are viewed; and efforts to reconfigure understandings of appropriate state practices. The Bush administration sought to delegitimize terrorism by underscoring the immoral and uncivilized nature of terrorist acts, and by linking terrorism to widely condemned practices like piracy and slavery. It sought to frame the war on terror as connected to efforts to prohibit the spread of weapons of mass destruction (WMD), and then to frame the invasion of Iraq as central to the war on terror. Finally, the Bush administration proposed new standards of behavior for states by arguing that state sponsors of terrorism should be held accountable for terrorist acts planned or perpetrated from their territory, and by seeking to reshape understandings of when states deserved the protections against intervention inherent in the sovereignty norm.

Background: Terrorism and the Problem of State Sponsors

The United States and the international community have struggled with the problem of terrorism for decades. I briefly examine US and international

efforts to combat terrorism, and then turn to the US's strategic response to 9/11.

US Policies on Terrorism before 9/11

The United States has actively sought to quell terrorism and state support for it since the 1970s. American citizens, embassies, and soldiers were frequent targets of terrorist attacks in Europe and the Middle East, making this an issue of US self interest. The Export Administration Act of 1979 required that the State Department annually publish a list of states believed to be supporting terrorist groups by providing them with financial support, military training or weapons, diplomatic privileges, or sanctuary, and it designated sanctions to be applied toward these states (Katzman 2003).

Despite a strong public stance, however, the United States rarely resorted to force in response to terrorist acts.[2] Moreover, its efforts to confront terrorists have suffered from competing and shifting priorities. A fundamental problem was the lack of consistency in designating which states belonged on the terrorism list, and in the policies adopted toward them. The criteria that merited a state's inclusion could apply to more states than those officially listed as sponsors of terrorism. Inevitably, political factors played a major role in which states were specified as terrorist sponsors – or as 'rogue' states, another focus of concern. Iraq was removed from the terrorist list in 1982, for example, when the United States threw its support behind Saddam Hussein in his war against Iran, and was not added again until September 1990, after Iraq invaded Kuwait (Guelke 1998: 149). Similarly, the United States tailored its policies to encourage states it believed were moving to curtail their support for terrorists. The United States maintained diplomatic ties with Syria and never designated it as a rogue state, for example, in spite of its delineation as a terrorist state, while isolating Iran and instituting a policy of 'dual containment' toward Iran and Iraq as rogue states in 1994. Nonetheless, US efforts during the 1990s to brand these states as outside the pale of international society, and to push for changes in their behavior, laid a foundation for the later decision to hold regimes accountable for terrorism emanating from their territory.

Significant differences existed between the United States and its key allies regarding states believed to be supporting terrorist groups prior to 2001, at both the principled and policy levels. At the principled level, some European governments appeared sympathetic to the definitional disputes over terrorism and 'legitimate' political violence, and some accepted a distinction between the political and military wings of terrorist organizations. The political wing of the militant Palestinian group Hamas, for example, was allowed to operate freely in the European Union (EU) until late in 2003 (*BBC News, 2003*).

At the policy level, two issues were central: a disagreement about how to change state behavior, and friction about international legal principles and US law. In contrast to the US policy of containing rogue states, many European states argued that the best way to convince states like Iran to change their behavior was through a combination of trade and 'critical

dialogue'. Engagement, not containment, was seen as a more effective means to convince these states to change. The disagreement was inflamed in the mid-1990s when the US imposed 'secondary sanctions' against foreign firms doing business with states it was trying to isolate: Cuba, Iran, and Libya. This outraged key US allies and led several to take retaliatory legal measures. The dispute eased only in 1998 when the United States agreed to waive enforcement of some provisions in these laws (IISS 1997: 44–45; Litwak 2000: 84–86).

International Efforts to Combat Terrorism

International efforts to combat terrorism have long suffered from two major problems: lack of agreement on a definition of terrorism (Hoffman 1998), and the inability to enforce agreements. Terrorism per se was never viewed as acceptable by the international community of states, since terrorists frequently aimed to undermine governments or state policies. Bitter debates have raged for decades, however, over whether particular acts should be condemned as terrorism or accepted as legitimate acts in national liberation struggles against colonial or oppressive governments. The adage 'one man's terrorist is another man's freedom fighter' exemplifies this controversy.

These handicaps notwithstanding, by the end of the 1990s the international community established 12 conventions designed to address specific terrorist acts (Bassiouni 2002). Some of the ideological barriers to international cooperation against terrorism also eased at this time; the Soviet Union's collapse removed a significant source of support for some terrorist groups, and the Palestinian Liberation Organization's condemnation of terrorism after the Oslo Peace Process increased the prospect of greater cooperation against terrorist groups (Wilcox 2002). Yet no mechanisms to enforce state compliance with international conventions existed, and many states failed to sign or ratify these conventions.

The principle that it is unacceptable for states to support terrorist groups is not new; it existed in some international treaties before 9/11. For example, the International Convention for the Suppression of the Financing of Terrorism, adopted in 2000, not only obligated states to take steps to block the transmission of funds to terrorist groups through or from their territories, but also noted states' obligation to prevent their territory from being used to prepare terrorist acts. Additionally, several UN Security Council (UNSC) resolutions passed in the 1990s directly addressed the issue of state support for terrorist groups, and stipulated states' obligation not to support terrorist activities. In a resolution following the bombing of US embassies in Kenya and Tanzania in 1998, for example, the UNSC emphasized that each member state must 'refrain from organizing, instigating, assisting or participating in terrorist acts in another state or acquiescing in organized activities within its territory directed towards the commission of such acts'.[3] Several UNSC resolutions, including Resolutions 1267 and 1333, specifically addressed the problem posed by the Taliban's support for Osama Bin Laden in Afghanistan, and reiterated the obligation of states–or in this case, the group

controlling a substantial portion of Afghan territory – to prevent terrorists from using their territory as sanctuary or for training purposes, and placed sanctions on the Taliban to coerce its compliance. Notably, these resolutions were passed under Chapter VII of the UN Charter, which made compliance with them mandatory, and implied that the Taliban itself was a threat to international peace and security due to its support for terrorists.[4]

The US Strategic Response to September 11

Within hours of the 9/11 attacks, US government experts had ascertained that the attacks were committed by the Al Qaeda terrorist group. The strategic logic of linking state sponsors of terrorism and the terrorists themselves was immediately evident. The US could do little to punish terrorist organizations without attacking the territory of the states that were supporting them–in this case, Afghanistan. Moreover, as Vice President Dick Cheney pointed out, states made easier targets than did amorphous terrorist groups (Woodward 2002: 48). The strategy of designating state sponsors of terrorism as one of the central opponents has continued to shape US policy in the war on terror ever since.

The United States clearly intended its response to 9/11 to have a compellent effect on states believed to be supporting terrorists.[5] Thus, the second goal in attacking Afghanistan was to get the attention of these states, and to compel them to change their policies. The compellence argument emerged in internal discussions within a week or two of the 9/11 attacks; US decision-makers speculated that invading Afghanistan would demonstrate that sponsorship of terror was no longer acceptable state behavior (Woodward 2002: 98). National Security Advisor Condoleezza Rice enunciated this argument in an interview on Al Jazeera on 16 October 2001. She noted that Bush's inclusion of state sponsors as the opponent was 'an invitation to countries to stop the practice of harboring terrorism . . . . Get out of the business of sponsoring terrorism. We're asking that of every state of the world. You cannot be neutral in this fight; you either are for terrorism or against it' (Rice 2001). Very early on, then, the goal of making state support for terrorism unacceptable, by force if necessary, was present.

Arguments about Terrorism

US military actions were accompanied by efforts to convince the international community to endorse the rejection of state sponsorship of terror. These can be examined through the prism of ethical argumentation. I focus here on three strategies: the US effort to delegitimize terrorism, its attempt to frame the war on terror in support of its preferred policies, and efforts to reconfigure understandings of appropriate sovereign state practices.

Delegitimizing Terrorism

Delegitimizing a particular practice requires showing that it is out of synch with the norms of the actors carrying it out, and highlighting the hypocrisy of

continuing this practice(Crawford 2002: 102–103). The Bush administration explicitly sought 'to delegitimize terrorism' as part of a 'war of ideas' against terrorists (National Security Council 2003: 23–24). The administration adopted three arguments to further the goal of placing terrorism outside the pale of acceptable behavior. First, the administration repeatedly argued that terrorist acts could never be justified, stressing that they were aimed at innocent civilians, and amounted to murder. Thus, it labeled terrorist acts as immoral and outside the realm of acceptable behavior. In a range of speeches between 2001 and 2004, Bush stated that terror was 'lawless violence', 'wicked', 'against all humanity', and Bush stressed that 'targeting innocent civilians for murder is always and everywhere wrong' (Bush 2002, 2001, 2003). The Bush administration did not engage the earlier debate over how to define terrorism, but simply focused on terrorist acts as unacceptable behavior. In the *National Security Strategy* (*NSS*) adopted in September, 2002, the government noted that 'the enemy is terrorism – premeditated, politically motivated violence perpetrated against innocents' (Bush 2002b).

Second, the administration repeatedly straddled the intersection of ethical and identity arguments by invoking 'civilization' and condemning terrorism as behavior that must be unacceptable to 'civilized' states. The standard of 'civilization' has a long history in international law and international society (Gong 1984), and invoking this standard gave legal weight to the Bush administration's effort to delegitimize terrorism. At the same time, this functioned as an identity argument, focusing on how people (or states) perceive themselves as members of a community or group; if they view that group positively, they will identify positively with and seek to emulate behaviors associated with that group (Crawford 2002: 24–26). Invoking the language of 'civilized states' suggests that those who wish to be part of this club must adopt 'civilized' or 'respectable' behavior. Bush and others insisted repeatedly that 'every civilized nation' must fight terrorism, stressing that terrorism threatened 'civilization itself' (Bush 2002c, 2004, 2002d; Rice 2002). The language of civilization was also used to warn states against supporting terrorism: 'All governments that support terror are complicit in a war against civilization' (Bush 2003). This language appeared in US policy documents, and it was also adopted by the US's closest ally, British Prime Minister Tony Blair.

The administration also invoked identity arguments by branding state sponsors of terrorism as outlaw states, and emphasizing the inappropriateness of this behavior. This mirrored previous US efforts to stigmatize states suspected of seeking WMD as rogue or outlaw states, and thus outside the international community. In his address to the United Nations in September, 2002, for example, President Bush argued that the international community was threatened by 'outlaw groups and regimes that accept no law' (Bush 2002c).

Third, the administration sought explicitly to link terrorism to the practices of piracy, slavery and genocide, practices widely regarded as unacceptable and repugnant to the international community.[6] This linkage appeared in official policy documents such as the 2002 *NSS* and the 2003 *National Strategy for*

Combating Terrorism (*NSCT*), which stated the aim of making terrorism illegitimate, so that it 'would be viewed in the same light as slavery, piracy, or genocide: behavior that no respectable government can condone or support and all must oppose'. Some administration officials reiterated this argument as well. For example, Douglas Feith, the Undersecretary of Defense for Policy noted in early 2003 that 'I think that we may be on the way to creating a new international way of thinking, a new international norm, about terrorism. If you look at the national-security-strategy document that the White House put out, it says that our goal is to make terrorism like piracy, the slave trade, or genocide in the minds of people around the world. It is to delegitimate terrorism as an activity, as a practice' (Lemann 2003: 72).

Framing the War on Terror

Framing domestic and international understandings of the war on terror comprised a second element of the Bush administration's use of ethical argument. Issue framing is an essential part of most political debates. How a topic is framed sets the context in which discussions and debates about policy options take place. The frame that resonates most with the target audience is likely to shape how it understands the issue that is being contested (Payne 2001; Benford & Snow 2000; Tarrow 1998). The ongoing struggle between the 'pro-choice' and 'pro-life' camps in the US abortion debate is one example of competing frames; supporters of each position seek to define the issue, since this will affect which policy choices are seen as appropriate.

Although the United States enjoyed broad international support and sympathy during its campaign against Afghanistan, its subsequent actions strained its effort to build international support for the war on terror. This can be explained in part by two frames that the US employed as it defined the war on terror beyond Afghanistan: linking the war on terrorism with efforts to combat the spread of WMD; and seeking to justify the invasion of Iraq as central to the war on terror. The latter, in particular, provoked international objection.

First, by early 2002, the central focus of the war on terror began to shift, as US officials began conflating concerns about terrorism with the proliferation of WMD. Some in the administration, notably Cheney, were convinced immediately after 9/11 that the combination of terrorism and WMD was the most serious threat facing the United States. The terrorist–WMD connection became a central concern of US national security. In his state of the union address in January 2002, for example, Bush pinpointed terrorists and states seeking to acquire WMD as the country's two central threats (Bush 2002e). These are highlighted in the *NSS* published in September 2002 (Bush 2002b: 13–14), and preventing terrorists from acquiring WMD remains a key goal in the 2006 *NSS*. In September 2003, Bush justified the US's spring invasion of Iraq by pointing to Saddam's efforts to 'cultivate[d] ties to terror while it built weapons of mass destruction', and he reiterated the argument that 'outlaw regimes' with WMD presented a major threat to the international community (Bush 2003).

Second, the administration sought to frame the invasion of Iraq and the removal of Saddam Hussein from power as central to the war on terror – indeed, as the next key battle after Afghanistan. The administration pursued two main arguments to make its case for war: linking the Iraqi regime to terrorists, especially Al Qaeda, and stressing the threat posed by Saddam Hussein's WMD programs. This combination mandated Hussein's removal from power.

The administration devoted a great deal of effort to asserting a link between Iraq and Al Qaeda. Administration officials argued that the government had 'hard evidence' of ties between Al Qaeda and Iraq, and repeatedly discussed Iraq and 9/11 together, as a justification to oust Saddam Hussein from power. Both before and after the invasion of Iraq, Cheney insisted that the administration was learning 'more and more' about links between Iraq and Al Qaeda, and he insinuated a link between Saddam Hussein and the 9/11 attacks (Kornblut & Bender 2003; Gerstenzang 2004). Secretary of Defense Donald Rumsfeld insisted in September 2002 that links between Saddam Hussein and Al Qaeda were 'not debatable' (Garramone 2002). And in his February 2003 speech to the United Nations laying out the case for an invasion Secretary of State Colin Powell stressed links between Saddam Hussein and Al Qaeda, declaring that 'Iraq today harbors a deadly terrorist network, headed by . . . an associate and collaborator of Osama bin Laden and his Al Qaeda lieutenants' (Powell 2003).

In addition, the administration argued that Saddam Hussein's effort to acquire WMD made him a dangerous and immediate threat to the United States and its allies. The president, vice president, secretary of state, and national security advisor declared that Saddam Hussein had not only weapons programs, but weapons as well.[7] Cheney stated that 'there is no doubt that Saddam Hussein now has weapons of mass destruction', which he would certainly use against the US and its allies given his history of using WMD (Bumiller & Dao 2002). Powell declared at the United Nations that Saddam Hussein had robust WMD programs and stockpiles of biological and chemical weapons, in violation of UN resolutions. The administration argued that this, and the danger that Saddam Hussein would transfer such weapons to terrorist groups, mandated immediate action against Iraq.

The focus on WMD was a logical step in US national security thinking. WMD proliferation and 'catastrophic terrorism' had emerged as urgent policy issues in the 1990s, and the Bush administration made preventing such proliferation a priority concern when it came to office. Moreover, the Bush administration clearly favored Saddam Hussein's removal from power well before 9/11. What this suggests is that administration officials developed frames for the war on terror that supported the policies they favored prior to the 9/11 events.[8]

Reconfiguring the Sovereignty Norm

Successful efforts to delegitimize previously accepted practices will provoke questions about what behaviors ought to take their place. Ethical arguments

can suggest alternate norms or behaviors that are more suitable to the normative approach on which the argument is based (Crawford 2002). The Bush administration adopted this approach by explicitly linking state sponsors of terrorism to sovereignty. Two interlinked elements can be seen in this effort. First, the administration argued that state sponsors of terrorism should be held accountable for activities taking place on their soil. Second, drawing on efforts in the 1990s to stress states' humanitarian obligations to their citizens, the administration proposed a new interpretation of the rights and responsibilities inherent in the sovereignty norm.

The initial logic of holding states accountable was as much strategic as normative, as noted earlier, and it drew on recent UN anti-terrorism conventions that obliged states to prevent the use of their territory by terrorists. Bush underscored this normative position clearly in his speech to the United Nations in November 2001, stating that 'the allies of terror are equally guilty of murder and equally accountable to justice' (Bush 2001b). Bush and others repeatedly noted that no distinction could be made between terrorists and their supporters, and that both would be held accountable.

The administration also emphasized the obligations inherent in sovereignty. Beginning in the spring of 2002, administration spokesmen and US policy documents stressed two points: sovereign states have normative obligations to other members of the international community, and states might forfeit the protections inherent in sovereignty if they ignored these obligations. For example, Richard Haass, then Director of Policy-Planning at the State Department, said: 'Sovereignty entails obligations. One is not to massacre your own people. Another is not to support terrorism in any way. If a government fails to meet these obligations, then it forfeits some of the normal advantages of sovereignty, including the right to be left alone inside your own territory. Other governments, including the United States, gain the right to intervene' (Lemann 2002). Similarly, the September 2002 *NSS* states the United States' intention to 'deny further sponsorship, support, and sanctuary to terrorists by convincing or compelling states to accept their sovereign responsibilities'(Bush 2002b:6). That the administration sought to reconstruct understandings of appropriate state behavior is also evident in the 2003 *NSCT*'s blunt statement that the administration's goal was to 'establish a new international norm regarding terrorism requiring non-support, non-tolerance, and active opposition to terrorists' (National Security Council 2003). The *NSCT* relied on UNSC Resolution 1373 as justification for arguing that states must fulfill their 'obligations for combating terrorism', or be held accountable by the United States.

Haass most clearly enunciated the administration's policy goals with regard to the sovereignty norm in a speech in January 2003. Reinforcing some of the points that appear in the *NSCT*, he noted that:

> [O]utlaw regimes jeopardize their sovereign status by pursuing reckless policies fraught with danger for their citizens and the international community. . . . states risk forfeiting their sovereignty when they take steps that represent a clear threat to global security. When certain regimes with a history of aggression and support for terrorism pursue

weapons of mass destruction ... they jeopardize their sovereign immunity from intervention – including anticipatory action to destroy this developing capability. (Haass 2003)

In addition to international anti-terrorism conventions, the Bush administration's effort to revise understandings of the sovereignty norm built on arguments raised in the debate about humanitarian intervention in the 1990s. The end of the Cold War and increased attention to humanitarian emergencies led the international community toward adoption of the concept of 'sovereignty as responsibility'; the view that if a state cannot provide for the security and well-being of its citizens, it must accept help from other states or the international community. Other states have a corresponding obligation to respond (Deng 1996; ICISS 2001; Annan 2005). A key difference in the Bush administration's approach, however, was to emphasize the United States' 'right to intervene' if states failed to quell terrorism on their soil, as opposed to the humanitarian 'responsibility to protect'.[9] The latter concept remains controversial because many states, especially in the developing world, perceive humanitarian intervention as an effort to weaken the norm of non-intervention (Ayoob 2001). New norms are more likely to succeed if they 'fit' with other core norms (Florini 1996; Ikenberry 1992); 'sovereignty as responsibility' remains contested because it clashes with other key international principles that many states hold dear.

Thus, the US sought to delegitimize the use of terrorist acts by branding them as immoral and as behavior civilized states must reject. It sought to frame preventing the spread of WMD as central to the war on terror, and to justify invading Iraq as key to preventing terrorists from acquiring WMD. Finally, it sought to reconstruct international attitudes regarding state sponsors of terrorism by arguing that state sponsors forfeited sovereignty. The administration also sought endorsement of its vision of how to treat state sponsors of terrorism, by calling for the forceful removal of the governments of these states.

The International Response to US Arguments

An initial assessment suggests that the international response to US efforts to reshape international understandings of sovereignty and state support for terrorism with normative arguments has been mixed. The international community appears to have been receptive to the initial US efforts to delegitimize terrorism. The attempt to frame the war on terror as linked to WMD and Iraq met with skepticism, however, and it faced fierce competition from alternate frames, particularly with regard to Iraq. Finally, the invasion of Iraq damaged the US effort to reconstruct attitudes about states' sovereign responsibilities.

First, the international community of states appears to be moving toward the rejection of terrorism as an acceptable practice. This was evident in the initial response to the 9/11 attacks and even earlier, when the majority of states in the international system concurred that states should not support terrorist

activities. International organizations and states condemned the 9/11 attacks and expressed strong support for the United States. The North Atlantic Treaty Organization (NATO) for the first time in its history invoked Article V of its Charter, which calls on all members to aid any member state that is attacked. Many organizations, including the United Nations and the EU, noted that the United States had a legitimate right to respond to the attack under the UN Charter's provisions for self-defense (Article 51), and the EU and NATO offered to contribute to such a response. Even when it became clear that this would mean an attack not just against Al Qaeda but also against Afghanistan, international organizations, major US allies, and even former opponents – notably Russia – offered to support the United States.

There were also indications in 2001 that the international community might embrace a reconstructed understanding of sovereignty, as advocated by the United States. As early as September 12, there was widespread condemnation of state sponsorship of terrorism. The UNSC, for example, reiterated its proscriptions against supporting terrorist groups both before and after the US invasion of Afghanistan. Resolution 1368, passed on 12 September 2001, stressed 'that those responsible for aiding, supporting or harboring the perpetrators, organizers, and sponsors of these acts will be held accountable'. This reflected Bush's language, and was stronger than previous UN admonitions against supporting terrorist groups. The same language appeared in several other UNSC resolutions in the fall of 2001 and in UN General Assembly resolutions after 9/11. Similarly, the EU noted that 'actions ... may also be directed *against states* abetting, supporting, or harboring terrorists' (emphasis added), and the Group of Eight (G-8) listed among its priorities, in response to 9/11, the need to deny financing and safe haven to terrorists (European Council 2001; G-8 2001). The language in these statements strongly supports the view that backing terrorism puts a state outside the pale of international society.

The United Nations also sought to ensure greater enforcement of international conventions against terrorism and state support for terrorism. UNSC Resolution 1373, adopted in September 2001 under Chapter VII of the UN Charter, was a milestone because it made support for the UN conventions regarding terrorist activities and financing mandatory. It also established a new UNSC committee, the Counter-Terrorism Committee, to monitor the implementation of existing international conventions proscribing terrorism, and to encourage states to improve their internal efforts to combat terrorism.

These measures suggest that a fertile climate existed, in 2002, for stronger approaches to the problem of state support for terrorism. This did not necessarily imply agreement on what those approaches should be, however. While a broad range of states and international organizations both condoned and materially supported US actions in Afghanistan, many simultaneously underscored the need for an international approach to develop responses to the problems posed by terrorism.

Second, the success of the US effort to frame the war on terror has been mixed at best. While the focus on the danger of terrorists using WMD made

sense from the US perspective, this did not resonate widely. Concern about terrorism is widespread, but the threat most countries and societies face from terrorism is immediate and bloody, not a diffuse and perhaps distant threat of chemical or biological attack.

Similarly, the administration failed to persuade the international community to accept its framing of Iraq as central to the war on terror. The US public apparently was swayed by the administration's continued insistence that Iraq was linked to Al Qaeda and, by inference, to its attacks on the United States (Kull 2003). But key members of the international community did not accept that an invasion of Iraq was justified. Both governments and intelligence services from other states expressed skepticism about the links between Iraq and Al Qaeda, and about the immediacy of the threat posed by Iraq's WMD (Dombrowski & Payne 2003; Drogin 2006). (Many experts in the US government were skeptical as well, but their concerns were ignored (Barstow 2004).) This skepticism was most evident in UN debates on the issue of a second resolution explicitly authorizing the use of force against Iraq, and, at the popular level, in the worldwide demonstrations against the war in early 2003.

At the same time, competing frames regarding terrorism have continued to resonate internationally, principally in the Arab world. Three elements in particular are worth noting. First, the ongoing Israeli–Palestinian conflict has led many in the Arab world to argue that terrorism cannot be rejected completely when people are subject to oppression. Second, the US invasion of Iraq and overthrow of Saddam Hussein is viewed by many in the Middle East as an effort to establish US dominance over Iraq. The continued US presence there, the abuse of Iraqi prisoners at Abu Ghraib, and the escalating violence are believed to support this point. Third, the Islamist movement has succeeded in exploiting these factors to create a different frame that justifies terrorism by shifting attention to the role of the US, the West, and Israel as oppressors of Islam and backers of corrupt dictatorships in the Arab world. Moreover, both Islamist groups and insurgent groups in Iraq have been highly successful at manipulating the media to ensure that their preferred frames remain visible (Sivan 2003; Kinnane 2004; Beinart 2005; Byman 2005; Cordesman 2005).

In spite of these competing frames, general support for terrorism continues to erode. A terrorist attack on an elementary school in Beslan, Russia, in September 2004 that resulted in over 300 deaths, half of them children, caused particular revulsion. The spread of terrorist attacks in recent years to countries ranging from Indonesia to Spain, England, Egypt, and Jordan has also decreased popular support for terrorist acts in most countries, including in the Arab world. But the uneasy coexistence of these competing frames can be seen in the fact that popular attitudes toward the appropriateness of terrorism depend to some degree on who the targets of the attacks are (Pew Global Attitudes Project 2005).

Finally, the US invasion of Iraq damaged the Bush administration's effort to reconfigure attitudes about sovereignty. The consequence of the Iraq campaign was to refocus international attention on the way that power is

exercised, particularly its unilateral and pre-emptive use, rather than on the ends for which force was used. This contrasted with the preference for multilateralism evident in many international organizations' statements of support for US actions in Afghanistan. The EU, for example, stressed the need to develop a broad coalition against terrorism in general and Afghanistan in particular 'under United Nations aegis', while the G-8 emphasized the importance of working cooperatively to ensure global implementation of UN resolutions designed to combat terrorism. Similarly, the Association of South East Asian Nations (ASEAN) supported cooperation to combat terrorism – in conformity with the UN Charter, and with a central role accorded to the United Nations (ASEAN 2001).

Some international observers agreed that the nature of the international system had changed following 9/11, and that new approaches to the problem of terrorism were needed. But these observers contended that a shared understanding of what the new system was, and what its rules should be, must be established prior to the implementation of new policies. They objected specifically to the US's espousal of preventive attack, arguing that the international community, not the United States, must work out new rules about the appropriate use of force before states took such actions (Bertram 2002–3; Heisbourg 2002–3). UN Secretary General Kofi Annan stated his view that the invasion of Iraq had been illegal, since it was undertaken without UNSC consent. He warned that there was a pending 'crisis of the international system' as a result of the dissent within the United Nations over Iraq, and insisted that 'those who seek to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it', a clear reference to US policy (Barringer 2003; Hoge 2004).

Skepticism about US policies led to a deep split among European governments over whether to support the US intervention in Iraq. It also stiffened resistance to the US proposition that state sponsors of terrorism forfeited sovereignty, and strengthened support for non-intervention. State leaders at the summit of the Non-Aligned Movement, held in Kuala Lumpur in late February 2003, for example, argued that combating terrorism must be done in ways that conformed to international law and the principles of the UN Charter, and they explicitly rejected unilateral actions. Both the European Parliament and Non-Aligned Movement underscored their strong support for the sovereignty and territorial integrity of Iraq in the run-up to the US-led invasion, and reiterated the importance of the principle of non-intervention (Non-Aligned Movement 2003; European Parliament 2003).

Conclusion

Several conclusions can be drawn from this examination of the US's use of normative and ethical arguments in its effort to define the war on terror. First, while both states and the broader public appear to agree that terrorism is unacceptable, the US can claim only partial credit for this. Most states have long rejected terrorism, and the rash of terrorist acts around the globe,

with accompanying civilian deaths, has generated increased disapproval of terrorism as a tactic. The international community had also been moving toward the rejection of state sponsorship of terrorism during the 1990s. The US goal of delegitimizing terrorism and state support for it thus found a receptive audience, but this goal was not new.

Second, US efforts to frame the war on terror have been relatively unsuccessful. The US effort to link the war on terror with WMD has had little success, because concern about terrorism tends to focus on local attacks, not the specter of WMD. US inconsistency regarding WMD also feeds cynicism about US goals. The United States invaded Iraq to prevent its acquisition of WMD, while ignoring North Korea's overt efforts to expand its nuclear capabilities, for example, and Washington appears to favor Pakistan's cooperation against Al Qaeda despite evidence that a massive network that sold WMD-related materials to rogue states operated from Pakistan (Braun and Chyba 2004). The administration's agreement to cooperate on civilian nuclear energy with India in spite of India's continued rejection of the Nuclear Nonproliferation Treaty, while denying Iran's right to nuclear technology, is another example. These have strengthened the perception of double standards in US policy.

Similarly, the international community was not convinced that the intervention in Iraq was key to the war on terror, and the failure to find WMD there damaged US efforts to justify the invasion as necessary to prevent terrorists from acquiring WMD. Instead, competing frames depicting the US as an occupying power and justifying terrorism as a legitimate tool against occupiers have muddied the picture of US goals in Iraq, and continue to generate extremist support for terrorism.

Third, the general consensus that terrorism is unacceptable has not translated into agreement with the US effort to reconstruct international attitudes regarding sovereignty, responsibility, and state sponsors of terrorism. Rather, other members of the international community remain unwilling to agree to new guidelines regarding sovereignty if they have doubts about how they will be applied. Moreover, the means by which the United States has prosecuted the war against state sponsors of terrorism – notably by taking the fight to Iraq – may have reinforced support for one aspect of the existing sovereignty norm instead: non-intervention.

Although administration officials insisted that the bar must be set high in terms of when preemptive action is justified against terrorists or the spread of WMD, the US's willingness to take action without international agreement on the need for intervention – and on the basis of faulty intelligence – may lead other states to adopt preemptive strategies without undue concern for the facts. Russia insists, for example, that it confronts an international terrorist threat in Chechnya, and has argued that the international community does not have the right to question its motives or actions. After the September 2004 terrorist attack in Beslan, Chief of Staff Col. Gen. Yury Baluyevsky stated that Russia could respond with 'preemptive strikes . . . to liquidate terrorist bases in any region of the world' (Peterson 2004). There are a number of other states that might be tempted to adopt preemptive policies

on the grounds that they face a terrorist threat, and this could lead to actions the United States would not particularly like.

The best way for the United States both to discourage other states from taking rash preemptive steps, and to ease international concern about unilateral US actions, is to take the lead in developing international guidelines both for designating states that are supporting terrorist groups, and generating internationally accepted criteria for dealing with state sponsors of terror. It is doubtful that the United Nations and other international bodies will agree to authorize regime change on anything but a case-by-case basis. But agreement on the factors that would make state sponsors of terrorism the target of international sanctions – up to and including the use of force against them – is possible. The UNSC imposed economic sanctions on three states for supporting terrorists in the 1990s (Cortwright & Lopez 2000), and current efforts to block financing to terrorist groups have broad international support (IISS 2003).

Moreover, during the 1990s, the United Nations discussed the prospect that states could be liable to intervention under certain circumstances for humanitarian purposes, as noted earlier. The sticking point in discussions regarding humanitarian intervention remained the issue of state sovereignty. Some scholars have argued that reframing the debate to focus on the responsibilities that accompany sovereignty has defused the tension with non-intervention, but this has not yet been tested in practice (Malone & Hagman 2002). The US effort to reframe terrorism as an element of 'sovereignty as responsibility' may be more successful. If the international community agreed that a state was undertaking support for terrorists, and represented a clear threat to others, agreement on intervention might be easier than in humanitarian cases. The UN Charter authorizes the use of force in self-defense, or to ensure international peace and security. A wide swathe of countries have been affected by terrorist attacks in recent years, so it could be argued convincingly that state sponsors of terrorism pose a clear threat to international peace and security. International support for the US intervention in Afghanistan showed that agreement on even the overthrow of a government is possible if there is widespread consensus on that government's culpability.

Notes

1. This literature includes Finnemore & Sikkink (2000), Nadelmann (1990), Raymond (1997), Florini (1996), Risse (2000), Checkel (2001), Crawford (2002), and Axelrod (1986).

2. Notably, the Reagan administration used military force in response to terrorism in only two cases, while there were more than 600 terrorist incidents during Reagan's presidency. The Clinton administration also used force twice in response to terrorist attacks. See Wills (2003:6–11) and Crenshaw (2004).

3. For a complete list of international conventions and UN acts against terrorism, see http://www.un.org/terrorism/.

4. The Taliban was not recognized by the UN or by most states as the legitimate government of Afghanistan.

5. On the distinction between compellence and deterrence, see Schelling (1966: 78–91).

6 To be sure, all of these practices continue in some form, but they are not 'taken for granted' practices in the international system, but practices that are viewed as evil or wrong. On changing international moral practices, see Nadelmann (1990) and Keck & Sikkink (1998).

7 For an analysis of the Administration's justifications about WMD and Iraq, see Cirincione, Mathews, & Perkovich (2004).

8 Jervis (2005:38) notes that most government officials and scholars have tended to adopt arguments regarding the war on terror that reflect their thinking prior to 9/11.

9 Some US commentators such as Feinstein (2005–6) and Daalder & Steinberg, (2005) argue that the combination of genocides and new threats has led to acceptance that sovereignty is 'contingent', not an inherent right.

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Biographies

Renée de Nevers is an Assistant Professor of Public Administration at The Maxwell School of Citizenship and Public Affairs at Syracuse University. Previously she taught at the University of Oklahoma, and was a Program Officer at the John D. and Catherine T. MacArthur Foundation. She has been a research fellow at the Belfer Center for Science and International Affairs, the Center for International Security and Cooperation and the Hoover Institution at Stanford University, and the International Institute for Strategic Studies. She received her Ph.D. from Columbia University. Recent articles include 'Modernizing the Geneva Conventions' (*Washington Quarterly*, Spring 2006), and 'The Geneva Conventions and New Wars' (*Political Science Quarterly*, Fall 2006). Her book, *Comrades No More: the Seeds of Change in Eastern Europe*, was published by the MIT Press in 2003.