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Bordering on Terror

Global Business in Times of Terror—The Legal Issues

Introduction

*Elizabeth Rindskopf Parker**

With September 11th still fresh in mind, the following proceedings from the 2003 Pacific/McGeorge Symposium “Bordering on Terror” struggle to understand the new paradigm of national security and its doctrine that now confronts us. Fundamentally, as several of the contributors note, there is a need to define what we mean by terrorism, both from a practical, and a political standpoint. Indeed, much effort has been spent in addressing this subject, yet consensus in understanding what is meant by terrorism and what responses to it are necessary is not at hand. Commenting on this problem, Professor Michael Malloy, in his wry piece “*Was Bedeutet Terrorismus,*” lays bare the conflict in the many definitions of terrorism that exist within the U.S. statutory code, not to mention among the nations of the world.

Yet understanding terrorism is more than agreeing upon a definition, as important as that may be. What are the factual preconditions that produce terrorism and world instability? Is it the case, as Bart Fisher urges, that poverty and economic inequality is the root cause for the unrest that breeds terrorism? Or, is there a deeper social and cultural explanation for the terrorist phenomenon that has developed among the nations of the world as Professor Barry Feinstein suggests, drawing upon the experience of Israel in recent years? And, what use in combating terrorism can we make of Professor John Norton Moore’s impressive research, documenting that democracies do not engage in belligerent action against each other? How does this learning relate to the future of terrorism among groups and individuals, not nation states? These were among the fundamental issues identified during the Symposium’s effort to understand the root causes of terrorism.

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Finally, assuming that a new type of terrorism has been unleashed, such that it is the most significant threat facing our national security today, have we marshaled the right responses to counter this threat? What reliance should be placed on the treaty instruments of the past? Is Ambassador Thomas Graham correct that such disarmament treaties are the only way that we can now proceed with integrity or is there support for a more individualized legal approach?

The questions identified and the answers explored in the two days of this Symposium are as fresh today as they were last year. The fact is that a major shift in our thinking about national and international security is underway and no quick or easy answers exist. In the contributions that follow, however, sound ideas and frank discussion contributes to illuminating the issues and laying the groundwork for the new doctrine that is needed in confronting strategic terrorism in the future.