The Sovereign Nation-State as a Contributor to Terrorism

The current crises associated with terrorism notwithstanding, in particular the shocking acts by individuals in the beheading of civilians as acts of revenge, there are issues with regard to the nation-state and its role in the 'shaping' of terrorism that have remained undisclosed. The active participation of individuals and/or groups and their forming of a reaction to the nation-state is what has remained at the forefront of the commentary. By its very nature, the focus on the reaction implies a dyad: the perpetual reinforcement of the nation-state as being just and reasonable, and that those who react against the nation-state and its laws/wisdoms are criminals. Hence, there has been no comment with regard to the 'process' – such as the systemic brutalisation of a populace as encountered by the 'Marsh Peoples' of southern Iraq under the Saddam Hussein regime, which caused them to rise up after the First Gulf War. To wit, governments need not acknowledge their role in creating terrorists, and terrorism. However, placing terrorism in perspective with regard to the nation-state provides a useful template and guide to what it consists 'of.'

'There are many definitions for the word *terrorism* as there are methods of executing it… however, most definitions of terrorism hinge on three factors: the method (violence), the target (civilian or government) and the purpose (to instill fear and force political or social change).' [1] Save for the ongoing mantra of poverty creating discontent and disenfranchisement of peoples – which is often followed by group violence – governments of nation-states tend to decouple from deeper issues that bring about decentralised, yet organized, group violence. Therefore, the questioning of what governments actually 'do' in order to bring about the rise of a 'non-state actor' remains unmentioned, unexamined, and, more importantly, unattached to governments and their explicit actions. The Islamic State (IS) is the current overt example in such a state of affairs and is encountering the wrath of several nation-states – including Australia.

Whether liberal-democracy is the best form of government is a moot point and need not be debated here, as this essay is concerned with why a group would rebel against a liberal-democratic government – such as the current Iraqi government – and pursue change through violence. A counter-argument is, and remains, if the sovereign state was accomplishing the task of good government/governance, the corresponding inclusiveness it would generate would surely render violent reaction (near) non-existent. This is currently not the case in many nations. Therefore, the question of what does it 'take' for a group – such as IS – to react with violence, and why is it intent on the creation of a territory that essentially overrides traditional boundaries? A useful broad-spectrum answer to this question is evident by their actions of claiming the territory IS believes is theirs and, as such, IS has no respect for traditional Western/Eurocentric stipulated boundaries. Whilst there are no surprises in the outcome of governments – whether liberal-democratic or otherwise – not questioning their role in creating terrorism and/or terrorists per se, as this could involve the burden of introspection, it is nevertheless useful to delve deeper into how the notion of sovereignty has changed; and in turn, observe what this fluidity has done in encouraging a 'rise in terrorism.'

There is a need, in order to bring a balance to the current debate, to cast aside the horrendous acts of individuals and focus on terrorism per se that, therefore, involves taking a clinical approach to the issue. There is much needed in the overall commentary with regard to terrorism and terrorists that requires coming to terms with the role of the nation-state in order to comprehend what has come to be its bedevilment. Terrorism, after all, does not happen 'in a vacuum,' and it is not an ahistorical event. Therefore, understanding terrorism in the later twentieth century and the

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early twenty-first century requires a significant historical leap, which enables the nation-state to be grounded in its historical intent – what it was supposed to 'become' – and paradoxically, observing this factor and how it has changed over time offers an understanding of why non-state actors (terrorists) exist.

The Treaty of Westphalia [2] – hereafter referred to as the 'Treaty' – in 1648 saw the formulation of the sovereign nation-state (often referred to as the 'State' or 'Statehood'), and from this time the notion of what is to be 'sovereign' has been imposed on the world. The Treaty was an agreement by the elite powers of Western Europe that ended the Sixty Years War [3] which had laid waste to much of Europe. Eventually, the processes and the underpinnings of the Treaty would usurp all that stood in the way of the accompanying Westphalian system of government and governance. Or, put more simply, how governments are structured and how they should interact with their respective populaces through rule-of-law, diplomacy, merit, and numerous other 'reasonable' acts. The power of the Treaty can be seen in the sovereign-state marshalling its abilities through the use of a disciplined army and in some cases navy, and of the State becoming the 'strongest form of political organisation.' [4] Feudal rulers, feudal families, tribes, clans, weak(er) monarchs, dynasties, elites, and numerous other groups would be drawn into the State in one way or another. This could be achieved through persuasion, as in the case of the French in Corsica by offering protection or the use of brute force, such as the British in the case of Scotland and the Dutch in Indonesia. Others – nomadic peoples such as the European gypsies, native peoples such as the Australian Aborigines, and the Amerindians – would be completely overcome through ongoing pressure and, at times, direct force. African tribes, too, through the arbitrary drawing up of borders by the great colonial powers (Britain, Italy, Portugal, and France) over approximately two centuries [5] experienced the Treaty first-hand in this way. The intrusion of Commodore Perry's 'black ships,' in order to demand long-secluded Japan trade with the West (1853-1854), [6] is also an intrusion of the Westphalian system spurred on by mercantilism, in a post-1648 world. The banal yet necessary observation to acknowledge is that the centuries-long success of the covenant of statehood remains internationally recognised and largely accepted to this day. There is, however, one crucial aspect that came into being via the Treaty and it is a rigid understanding of what sovereignty has at its root: recognized demarcated borders, and the *non-interference* of others. Thus,

The world consists of, and is divided into, sovereign territorial states that recognize no superior authority; the processes of law-making, settlement of disputes and law enforcement are largely in the hands of individual states; [and] international law is oriented to the establishment of *minimal rules* of coexistence. [7]

The above statement suggests sovereign states are allowed – due to the implementations of numerous international laws – to govern their recognized territories in any way they choose. Therefore, no other country is to impose their 'values' of governance on another sovereign state. The reality of the situation is vastly different. Powerful nation-states, for centuries, have sought to impose their value-systems on others often resulting in 'total war.' Total war consists of 'a high mobilisation of society… [comprise] a fight for survival… [and] mobilize resources and means to wage battles with few restraints.' [8] There have also been micro-instances of this phenomenon – known as 'limited war' – delivered against groups within nation-states by their own government or by other more powerful States, often for a nebulous 'greater good.' Limited war is, however, a more difficult phenomenon to explain as it is nebulous by definition. Broadly speaking, 'limited war' requires nations to place '*artificial restraints* to preclude it from escalating into total war… [and] limitations on the objectives sought; weapons and manpower employed; the time, terrain, and geographic area of hostilities; and the emotions, passions, and energy, and intellect committed by a nation.' [9] The problematics of limited war are that it has, within it, conceptual tensions: how much of a commitment is 'limited,' and by what 'means' should they be measured? [10] Osgood's enunciation of the pivotal discord within the concept stresses the difficulties of what 'limited' actually consists of in hostilities, and this incorporates the following dichotomy: 'war may be limited from the perspective of one belligerent, yet virtually unlimited in the eyes of another.' [11] The North Vietnamese forces fighting a total war, as opposed to American and allied forces fighting a limited war, in Vietnam (1962-1975) are examples of this discord writ large.

Some recent examples of limited war are the Russian Federation fighting the Chechen Rebels in the Second Chechen War; the French in the Indo-China Conflict (the First Vietnam War) and Algeria (the Algerian Conflict); the British in Malaya (the Malayan Emergency, or the War of the Running Dogs); the United States of America (US) and its allies in Vietnam (the Vietnam War [12]); and the Second Gulf War, also known as the 'War on Terror,' mounted by the US and its allies in Iraq; to name only a few. These examples encompass the mix of State-versus-State

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conflicts, and include State-versus-non-State actor conflict, although the main aim is to announce the temerity with which the nation-state acts.

To be sure, non-State actors, or actors of a 'renegade State' that rebels against the government of a nation-state, are immediately labelled 'terrorist groups' or 'insurgencies' through the prism of international law. The implication intrinsic within these definitions is that the backlash against a sovereign government is inherently illegal, which technically it is, and therefore 'corrupt,' which is a moral addendum the nation-state often applies to its enemies. The opposition Tamil Tigers, rebelling with violence against their suppression by the government of Sri-Lanka, were deemed 'terrorists,' as was the 'Viet Cong' 'insurgents' when fighting the Americans and their allies in the south of Vietnam, and so too was the Irish Republican Army in 'the Troubles' in 'defending' their homeland against Britain. The myriad of reasons each side would present in their justifications for actions is an arid argument at this point, as what is of interest here is the action of the nation-state toward those that oppose its will.

What is of the most relevance to the abovementioned is the understanding that powerful nation-states have, since time in memoriam, inserted a 'fluidity' into the notion of sovereignty which has essentially allowed powerful nation-states free reign over less-powerful nation-states and groups. In simpler terms, powerful actors have deliberately become involved in the affairs of others and their actions have disregarded the clearly pronounced element of what sovereignty 'consists of' – the *non-interference* of others – within, and through the Treaty. As this has happened continuously in previous centuries, the way in which sovereignty has been eroded in the twentieth century is what is important here, and it leads to a sagacious understanding: IS has moved in the same direction as powerful nation-state actors in its non-acceptance of sovereignty with the use of a deliberate invasion strategy. A strategy that has been effectively shown to gain results for nation-states, and moreover, IS fighters are showing similar contemptuous disregard of the Westphalian system – as heralded by many of the most powerful of nation-states.

Whilst the beheading of civilians and crimes in conflict zones, whether civilian or military, cannot and should not be condoned; the intrusion by others into the lands of a sovereign state, whether through direct incursion or influence, pronounces that the model of sovereignty within the Treaty – and its modern day equivalent the *United Nations Charter* – is now defunct, and open to interpretation. Actions such as the International Security Assistance Force in Afghanistan, ongoing US drone-strikes in Pakistan, the Indonesian military presence in Irian Jaya/West Papua in order to suppress 'rebel actions,' the recent Russian Federation's invasion of Ukraine, the presence of Russian forces in Chechnya, the French moving troops into Mali, and the presence of Royal Australian Air Force F-18 Super-Hornet's over Iraq, is to name only some instances of modern day brute force. All, however, signal that powerful nation-states are able to act with relative impunity and have altered the meaning of what it is to be 'sovereign.' Having a presence in a country through violent incursions, regardless of the justification, defiles what the Treaty was designed to achieve: peace through the non-intervention of others in the sovereign state.

The issue of violent reaction occurring when people/s are ignored, brutalised, disenfranchised, status-deprived, and repressed, or a combination thereof, by the actions of a sovereign state is another banal, yet necessary, point to make. However, the labelling of violent dissenters as 'terrorists' or 'insurgents' is a term with obvious ramifications as dictated by the nation-state, and through the prism of international law. What should be acknowledged over and above this is that powerful nation-states have continuously shattered the boundaries of others' sovereignty and have engineered a free reign of their power in order to fulfil their quests. In doing so, powerful nation-states have effectively caused their own domino-principle: the rise of non-State actors pushing for their 'rights' outside the remit of the Westphalian system.

In sum, the 'rise' of terrorism has both directly and indirectly been caused by powerful Western and Euro-centric sovereign nation-states since the end of World War One, and more so since the end of World War Two. In addition, the United Nations, in particular the UN Security Council, has fundamentally failed in its distribution of fair and reasonable jurisprudence. [13] Their example has been assiduously followed by some Baltic, Asian, Central Asian, South-east Asian, and Middle Eastern nation-states since the latter part of last century. All have had a part in the making of what is currently bedevilling the Middle East. Unless the sovereign state curbs its tenacity in the suppression of 'dissenting' groups, more will come. Why will this happen? In large part, it will be due to abject derision and contempt, which Western liberal-democracies – as the major stakeholders in what is considered to be

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'good governance' [14] – have held the Treaty and its latter-day equivalent in the second half of the twentieth century, and continue to do so in the early part of the twenty-first century.

Notes

[1] Harvey Kushner. *Encyclopedia of Terrorism.* Thousand Oaks: Sage Publications, 2003, 359. Italics in original.

[2] The Treaty of Westphalia is also referred to as the Peace Treaty of Westphalia, the Settlement of Westphalia, the Peace Settlement of Westphalia, and the Peace Treaties of Westphalia. The Treaty of Westphalia was not borne of a single document as each, to some extent consisted of, and constituted, a 'treaty' of sorts. The most pertinent ones were of Franco-German intercession: the Treaty of Münster, and the Treaty of Osnabrück respectively. See: Leo Gross. 'The Peace Treaty of Westphalia.' *The American Journal of International Law*, 42, 1, January, 1948, 20-41. <http://www.jstor.org/view/00029300>

[3] The Sixty Years War – which produced the outcome of the Treaty of Westphalia – is divided into two counts. The first part consisted of an erratic 30 years of warfare leading up to a more definitive Thirty Years War (1618-1648). Although it should be noted the 30 years of warfare, which ended in 1618, was more of an 'ad-hoc' conflict than the Thirty Years War (sometimes also referred to as the Later Thirty Years War). Both wars are, however, usually combined by historians' and referred to as the Sixty Years War. The Thirty Years War (1618-1648), when referred to in isolation, is consistently seen in more contemporary terms of warfare, due to the sustained/protracted and face-to-face nature of the various conflicts, and the level of 'quasi-state' or 'state-like' organization of the respective armies involved. There is, however, disagreement amongst historians which needs to be acknowledged here. Held refers to the war which produced the Treaty of Westphalia as the event which brought to an end the Eighty Years War between Spain and the Dutch Republic, and believes the Thirty Years War was only the 'German phase' of the war. See: David Held. 'Inequalities of power, problems of democracy.' *Reinventing the Left.* Edited by David Miliband. Cambridge: Polity, 1994, 78. Finally, Sutherland states the Thirty Years War was not a war at all, and states the 'war' has been developed into a 'factitious conception' which has become an indestructible myth.' Sutherland views the conflict not as a 'war,' but as an interminable struggle between the Habsburgs and the French royal dynasty, the Valois and their successors the Bourbons, which did not end until circa 1715. See: Nicola Sutherland. 'The Origins of the Thirty Years War and the Structure of European Politics.' *English Historical Review.* Oxford: Oxford University Press, 107, 1992, 587.

[4] Alfred Cobban. *The Nation State and National Self-Determination.* London: Oxford University Press, 1969, 30.

[5] Max Fisher. 'The Dividing of a Continent: Africa's Separatist Problem.' *The Atlantic.* 10 September, 2012. http://www.theatlantic.com/international/archive/2012/09/the-dividing-of-a-continent-africas-separatist-problem/262171/

[6] Massachusetts Institute of Technology. *Visualising Cultures.* 2010. http://ocw.mit.edu/ans7870/21f/21f.027/black_ships_and_samurai/

[7] Roger King and Gavin Kendall. *The State, Democracy and Globalization.* Houndsmills: Palgrave, 2004, 34. Italics mine.

[8] John Vasquez. *The War Puzzle.* Cambridge: Cambridge University Press, 1993*,* 67.

[9] Adrian Lewis. *The American Culture of War. The History of U.S. Military Force from World War II to Operation Iraqi Freedom.* New York: Routledge, 2007, 203. Italics in original.

[10] Strobe Driver. *Why wining a war is no longer necessary: Modern Warfare and the United States of America through the prism of the wars of Vietnam and Iraq.* Doctoral Thesis. Federation University: Ballarat, 2011, 103.

[11] Robert Osgood. *Limited War: The Challenge to American Strategy.* Chicago: University of Chicago Press, 1957, 2.

[12] The 'Vietnam War' is 'known as the "American War" in Vietnam.' See: British Broadcasting Corporation. *Timeline: Vietnam.*

http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1243686.stm

[13] See: *Broken Promises. The United Nations At 60.* Citizens United and Citizens United Foundation. Editors: John Selllman and Johnalynn Holland. Director Kevin Knoblock, 2005.

[14] This is particularly true of governments that have embraced Western liberal-democracy as a form of governance since the end of World War One and, thus, it has continuously been deemed to be the only 'suitable' form of government. Moreover, its credibility was enhanced when it eventually 'defeated' its long-term rival: Communism. The success of liberal-democracy, its merit in governance, its venerableness and robustness, and its righteousness and purpose are reflected in what Francis Fukuyama deeming the collapse of Communism to be the 'end of history.' See: Francis Fukuyama. *The End of History and the Last Man.* New York: Free Press, 1992.

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Strobe Driver completed a PhD in War Studies in 2010 and since then has been writing on War, Conflict, Terrorism and Asia-Pacific Security. During 2018 he was awarded a year-long Taiwan, ROC, Ministry of Foreign Affairs, Fellowship to write an independent analysis of Taiwan – China relations with a focus on when and whether a conflict would break out. The analysis is entitled 'Asia-Pacific and Cross-Strait Machinations: Challenges for Taiwan in the Nascent Phase of Pax-Sino.' All other writings by Strobe can be found on his blog.