

Multinational Approaches to Eradicating International Terrorism

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Terrorism is not a new phenomenon. Holy warriors in first-century Palestine publicly slit the throats of Roman citizens and those who supported Roman rule. Deliberately spectacular terrorist acts designed to upset the political order and influence a wide audience have occurred through the centuries. In more recent times, the terrorist assassination in 1914 of Austrian Archduke Franz Ferdinand contributed to the start of World War I. The terrorism we now are experiencing put its foot in the water in 1968, when the Popular Front for the Liberation of Palestine accomplished the first terrorist hijacking of a commercial aircraft.

While other countries have experienced terrorism for a long time and the United States experienced a number of aircraft hijackings in the 1970s, the scope of international terrorism increased significantly in the 1980s. We remember, for instance, Pan Am flight 103 that was destroyed over Lockerbie, Scotland and the 1985 bombing of an Air India jet. We also remember the 1983 suicide bombings at the U.S. Marine barracks in Beirut, the Khobar Towers explosion in Saudi Arabia, the 1993 attempt to destroy the World Trade Center and the 1998 destruction of U.S. Embassies in Africa.

Although the United States had suffered from terrorism before September 11, 2001, the enormity of the massive murders and destruction of that day galvanized the American people and our government. From that day, it rightly became a national objective to root out those capable of international terrorism, to protect the homeland, and to mobilize the international community to put an end to this criminal and destabilizing conduct.

I. What was in Place on September 11, 2001

The countries of the world long have been engaged in developing international agreements to provide for peace and security. These have taken the form of regional agreements

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such as the North Atlantic Treaty Organization (NATO) or the Organization of American States (OAS). They also include the collective security measures contained in the United Nations Charter, and in the powers granted to the Security Council to maintain international peace and security according to the principles and purposes of the United Nations. In addition, through the United Nations¹ there has been a continuing focus on international terrorism since the 1963 Tokyo Convention on Offenses and Certain Other Acts Committed Onboard Aircraft.² Primarily through the specialized agencies of the United Nations, principally the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), and the International Atomic Energy Agency (IAEA), a network of international agreements were put in force.³ The United States has not approved conventions on bioterrorism and land mines. There are two conventions of particular note that the United States has not ratified, namely, the 1997 Convention for the Suppression of Terrorist Bombings⁴ and the 1999 Convention for the Suppression of the Financing of Terrorism.⁵ Both of these conventions have been signed by the United States and submitted to the Senate for advice and consent to ratification. President Bush announced support for the Convention for the Suppression of the Financing of Terrorism.

These various agreements have had a mixed history. Some have been more effective than others, but, in the main, the U.N. specialized agencies involved in implementing many of these agreements have been as effective as one realistically could expect. Quite a number of national laws and international agreements touch issues relevant to terrorism but none have terrorist conduct as the prime subject. These include use of force agreements, national and international tribunals, extradition, weapons control, international smuggling of materials, people and arms transfers, immigration, and human rights to name a few. Terrorist conduct frequently has been dealt with as criminal conduct in which law enforcement agencies and the International Criminal Police Organization (INTERPOL) have played leading parts.

It is evident that prior to September 11 the world community was not focused on the need to eradicate international terrorism. Isolated events brought attention, sometimes over long duration as in the case of Pan Am 103 and the continuing attention to Iraq; however, the focus was elsewhere in the 1980s and 1990s. During that time, the Cold War ended, the states of the former Soviet Union emerged as independent countries, and world trade dominated.

1. All of the United Nations conventions and other documents referred to in this article are available at the U.N. Web site, <http://www.un.org>.

2. Convention on Offenses and Certain Other Acts Committed Onboard Aircraft, Sept. 14, 1963, 20 U.S.T. 2941, T.I.A.S. No. 6768.

3. The conventions to which the United States is a party include the 1963 Tokyo Convention on Offenses and Certain Other Acts Committed Onboard Aircraft; 1970 Hague Convention for the Unlawful Seizure of Aircraft; 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation; 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents; 1979 Convention Against the Taking of Hostages; 1979 Convention on the Physical Protection of Nuclear Material; 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; 1988 Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation; 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf; 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.

4. G.A. Res. 52/164, U.N. GAOR, 52d Sess., 72d mtg., U.N. Doc. A/RES/52/164 (1997).

5. G.A. Res. 54/109, U.N. GAOR, 54th Sess., 76th plen. mtg., Agenda Item 160, U.N. Doc. A/RES/54/109 (2000).

The 1980s began a two-decade period in which the United States was less interested than in earlier times in developing multilateral agreements and supporting the United Nations and other international institutions. There are consequences to that approach. Among those consequences is the 1997 Convention for the Suppression of Terrorist Bombings and the 1999 Convention for the Suppression of the Financing of Terrorism; other mechanisms for dealing with terrorism that might have been pursued and put in place were allowed to flounder. The U.N. dues dispute, and the reluctance of the Senate to take up multinational agreements also deflected attention.

II. Post-September 11th Acceleration

The unprecedented devastation of the September 11th attack exposed the vulnerability of population centers in the United States and around the world. It also exposed the inadequacy of past policies and practices in dealing with terrorists. Whatever role prior international agreements and U.N. specialized agencies may have played in containing terrorism in the past, the destruction of the World Trade Center and the murder of so many people brought home the conclusion that individual states and the world community had not put in place means to control terrorism and prevent terrorist attacks. It also became evident that there was consequences to inadequate policies in the United States and around the world and those consequences now must be reversed. No longer can terrorists be harbored. No longer may states allow terrorists to fester. No longer can there be a failure to deal effectively and comprehensively with this international menace.

A great deal can, and must, be done by individual states. Terrorist groups and training activities have local centers, use local facilities, and garner local support. Dealing with this is the first obligation of individual states. It is the first line of defense. Rooting out terrorists, especially those with international destructive capability, necessarily requires more than any state can itself accomplish. The extensive use of the Internet by al Qaeda, arms proliferation and access to biological agents, and the ease of fund transfers, for instance, requires concerted action by many states. Globalization is not limited to business. The tools of globalization are available for terrorists to use as well. As a consequence, no state's unilateral effort is adequate. There are more than twenty militant terrorist groups, including the networks of al Qaeda, Islamic Jihad, Hezbollah, Harakatoul-Mujahedeen, Abu Sayyaf Group, and Aum Shinrikyo. The centers of these networks are in the Middle East, Central Asia, Japan, and the Philippines. Smaller, but no less dangerous, groups operate in the United States, Europe, and many other places. Some states are said to sponsor terrorism.⁶ Others have been considered havens for terrorism.⁷ Still others, for political or other reasons, have avoided confronting terrorist recruitment and training in their midst.

In addition to taking necessary unilateral action, the United States assembled a supportive coalition of other states to pursue al Qaeda.⁸ Multinational action also accelerated at the

6. Those designated as state sponsors of terrorism include Iran, Iraq, Syria, Libya, Cuba, North Korea, and Sudan.

7. The havens for terrorism have included Afghanistan, Yemen, Lebanon, Somalia, Indonesia, Columbia, and the Philippines.

8. The coalition states include Canada, Australia, New Zealand, China, Egypt, India, Japan, Jordan, other Central Asian states, Pakistan, Russia, Saudi Arabia, Tajikistan, Turkey, Western Europe, United Kingdom, and Uzbekistan.

United Nations. This action included a bold Security Council resolution on the obligations of states, the completion of the International Law Commission's Articles on State Responsibility, the pursuit of a U.N. terrorism agreement, and accelerated efforts to put the international criminal court (ICC) in place. The most important document condemning terrorism and offering a multinational plan of action is Security Council Resolution 1373, adopted on September 28, 2001.⁹

Security Council Resolution 1373 is an extremely important declaration. For the first time, through the Security Council, the United Nations called on all Member States to take action against terrorists and terrorist groups. The resolution calls on all states to:

- Find ways to accelerate and intensify operational information exchanges, particularly concerning actions or movements of terrorists and their networks; forged and falsified travel documents; arms, explosive and sensitive material traffic; use of the various communication technologies; and threats resulting from possession of weapons of mass destruction by terrorist groups;
- Exchange information and cooperate on administrative and judicial matters to prevent terrorist acts;
- Especially through bilateral and multilateral arrangements and agreements, cooperate to prevent and suppress terrorist attacks and to take action against those who perpetrate such acts;
- Become parties as immediately as possible to the international conventions and protocols concerning terrorism, including the International Convention for the Suppression of the Financing of Terrorism; and
- Increase cooperation and fully implement the various conventions and protocols concerning terrorism and Security Council Resolutions 1269¹⁰ (1999) and 1368¹¹ (2001).¹²

It is highly significant that Security Council Resolution 1373 also recognized a connection between international terrorism and "transnational" organized crime, drug trafficking, money laundering, illegal arms-trafficking, and unlawful movement and transportation of nuclear, chemical, biological, and other potentially dangerous substances. It further emphasized the need to increase coordination efforts at all levels to respond to the challenge to international security.

Perhaps the most important aspect of Security Council Resolution 1373 was that the Security Council did not simply adopt the resolution and move on to other things. The resolution specifically retains jurisdiction in the Security Council, which formed a committee to monitor the resolution's implementation. It set a deadline of ninety days for all

9. S.C. Res. 1373, U.N. SCOR, 56th Sess., 4385th mtg., U.N. Doc. S/RES/1373 (2001).

10. Security Council Resolution 1269 called on all states to cooperate with each other, especially through bilateral and multilateral agreements and arrangements, to prevent and suppress terrorism, protect their nationals and other persons against terrorism and to bring to justice those who perpetrate terrorist acts; prevent and suppress the preparation and financing of any acts of terrorism within their territories; deny safe havens to those who plan, finance or commit terrorist acts; prevent those who participate in terrorist acts from securing asylum; and exchange information necessary to prevent the commission of terrorist acts and to cooperate on all administrative and judicial matters related to that purpose. S.C. Res. 1269, U.N. SCOR, 56th Sess., 4053d mtg., U.N. Doc. S/RES/1269 (1999).

11. Security Council Resolution 1368 was adopted on September 12, 2001. It condemned the September 11th attacks and called on all states to work together to bring to justice the perpetrators, organizers and sponsors. S.C. Res. 1368, U.N. SCOR, 56th Sess., 4370th mtg., U.N. Doc. S/RES/1368 (2001).

12. S.C. Res. 1373, *supra* note 9.

states to report on the steps taken to implement the resolution, and it directed the committee to promptly submit a work program in consultation with the Secretary-General that delineates specific tasks in the manner of implementation.

This resolution has legal significance, having been adopted within the jurisdiction and pursuant to the powers of the Security Council. It was adopted by unanimous vote. We must bear in mind, however, that this resolution, strong as it is, does not have an enforcement mechanism. As such, the resolution, while it has moral and legal restraints, has power only to the extent that the United Nations collectively decides to require implementation and imposes penalties on States that demonstrably do not comply. It is noted that the permanent members voting for the resolution¹³ reflect a wide diversity of views and national goals. Beginning in January 2002, two-year membership terms on the Security Council began for Bulgaria and the Syrian Arab Republic. While the Charter of the United Nations requires all Member States to carry out the decisions of the Security Council, we know from experience that various states will do so in different ways, some more forcefully than others, and some not at all.

In recognizing inherent limitations of Security Council Resolution enforcement, Resolution 1373 provides a critical basis for cooperative action. Paragraph 3(c) of the resolution specifically calls on all States to: "Cooperate particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts."¹⁴ This provision allows and encourages formal and informal "arrangements" on a bilateral or multilateral basis to take specific action directed toward preventing or suppressing terrorist acts and against those who perpetrate terrorist acts. In addition to the right of self-defense provided in the Charter and international law, this resolution provides another legal basis for cooperative arrangements between states to do what is required to suppress, apprehend, and punish terrorists.

One of the other measures affecting the struggle with international terrorism is, after a number of years of work, the completion by the International Law Commission of draft Articles on the Responsibility of States for Internationally Wrongful Acts (November 2001).¹⁵ It is perhaps an anomaly that previously the United Nations has not adopted a codification and an updating of international law on this important subject. Since early times, principles of state responsibility have been embedded in international law. While many principles are of long standing, others are not, and many principles have been subject to conflicting interpretations and points of view.

It has taken quite a long time for the Draft Articles on State Responsibility to be completed. The International Law Commission selected the topic in 1949 as being a subject suitable for codification, and the General Assembly approved the undertaking in 1953.¹⁶ Studies have been undertaken since 1964, and over the decades reports and studies were developed on various aspects of the topic. The International Law Commission to the General Assembly, which will either adopt the articles or note the conclusion of the work, will submit the final Draft Articles, adopted in November 2001. While it is unclear at this point what the legal significance will be of the Draft Articles, they will no doubt be an important place of reference. For that reason the Articles have significance.

13. The permanent members of the Security Council are the Russian Federation, United Kingdom, United States, Peoples Republic of China, and France.

14. S.C. Res. 1373, *supra* note 9.

15. G.A. Res. 56/10, U.N. GAOR, 56th Sess., Supp. No. 10, U.N. Doc. A/56/10 (2001).

16. G.A. Res. 799(VIII), U.N. GAOR, 8th Sess., Supp. No. 17, U.N. Doc. A/2630 (1954).

The rules governing state responsibility obviously were not developed with terrorism as a focus. The breadth and unusual scope of the rules, however, makes application to the present circumstances especially useful. The purpose of the Articles is to codify and provide for the progressive development of basic rules of international law about state responsibility for their internationally wrongful acts. The rules do not define "internationally wrongful acts," but rather, are secondary rules by which a state would be considered responsible for wrongful acts or omissions and the legal consequences that flow from such conduct. These rules do not deal with the function of primary rules of substantive international law, either customary or conventional. The rules also include provisions concerning countermeasures, and the rule of proportionality is adopted.

The rules adopt the proposition in article 1 that: "Every internationally wrongful act of a State entails the international responsibility of that State."¹⁷ Internationally wrongful acts occur when either an action or omission is attributable to the state by substantive international law and is a breach of an international obligation of the state. It is important that article 3 specifically provides that an internationally wrongful act is governed by international law alone and the characterization of the act or omission is not affected by domestic law.¹⁸ Consequently, it might be said that if a state is a party to an international agreement, such as the U.N. Charter for example, an act or omission of the state in violation of the Charter would be subject to redress, even though domestic law may not fully recognize the Charter obligation or provide means for its implementation. This could raise international obligations to a new level that, under local law, might require legislation to effect.

It is noteworthy that the Articles provide a wide range of means by which acts or omissions may be attributed to a state. These cover the conduct of all state organs, regardless of whether the body exercises legislative, executive, judicial or any other function and regardless of the position in the state organization or the character of the body of the central government or of any territorial unit within the state. Attribution also may result from conduct of persons or entities exercising elements of governmental authority, even if actual authority is exceeded or instructions are contravened. Conduct directed or controlled by the state is covered, as is the conduct of persons "exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority."¹⁹ It further is provided that conduct of an insurrectional or other movement may be attributed to the state if the movement becomes the new government, and obviously any conduct that a state acknowledges or adopts as its own is attributed to it. These rules of attribution are broadly stated. Because the rules of responsibility cover both affirmative acts and omissions, the coupling of state responsibility with the attribution rules necessarily provides a broad basis to hold a state responsible for its international obligations. This may have far reaching implications; for instance, application of these rules might make the government of Afghanistan responsible for the conduct of al Qaeda. In view of Security Council Resolution 1373 and the obligation of U.N. Member States under the Charter, it certainly can be argued that a state may be considered responsible for conduct and omissions to act that do not comply with its Charter obligations. In the Articles pertaining to redress, damages are provided as well as the rec-

17. G.A. Res. 56/10, *supra* note 15, art. 1.

18. *Id.* art. 3.

19. *See id.* art. 9.

ognition that countermeasures may be taken so long as they are proportional. Chapter II provides remedies that include forms of reparation, restitution, compensation, satisfaction, interest and contribution to the injury.²⁰ Applying these standards could impose substantial and indeed harsh remedies against a state that fails to fulfill or affirmatively acts in contravention of its international obligations.

In addition to the measures discussed above, the Sixth Committee of the U.N. General Assembly in October 2001 published the report of its Working Group, which was constituted to develop measures to eliminate international terrorism.²¹ The work of this committee began in December 1996 but accelerated in recent years. The release of the Draft Measures in October 2001 obviously reflects changed circumstances and a new urgency.

Most of the provisions of the Draft Measures are generally satisfactory to the members of the Working Group. They were in the main taking from prior agreements and include a wide range of measures requiring states to adopt measures establishing criminal offenses under domestic law, providing for appropriate penalties, providing means for law enforcement cooperation, trial, and extradition.

Article 2 is the one large bracket article to which many of the other articles refer. Article 2 would contain a definition of terrorism and terroristic conduct. No definition has been agreed upon, reflecting a wide variety of points of view about how terrorism should be defined. The Working Group agreed in article 5 that state parties to the convention should adopt domestic legislation to ensure that criminal acts covered by the convention could not be considered justifiable under domestic law because of “political, philosophical, ideological, racial, ethnic, religious or other similar” reasons.²² Having settled on this article 5 provision, potentially highly contentious, one certainly wonders about the failure of the Working Group to come to agreement on the definition of terrorism and terroristic acts. One also wonders how effective a convention would be when there is not a common understanding on this central definition point.

In fact, there are a number of competing definitions of “terrorism.” For instance, the U.S. Department of State considers terrorism to be “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.”²³ A former deputy chief of the CIA’s Counterterrorist Center says terrorism consists of four key elements:

1. It is premeditated – planned in advance, rather than an impulsive act of rage.
2. It is political – not criminal, like the violence that groups such as the mafia use to get money, but designed to change the existing political order.
3. It is aimed at civilians – not at military targets or combat-ready troops.
4. It is carried out by subnational groups – not by the army of a country.²⁴

On the other hand, the 1999 Convention of the Organisation of The Islamic Conference on Combating International Terrorism put it this way:

20. *Id.* ch. II.

21. Measures to eliminate international terrorism: Report of the Working Group, U.N. GAOR 6th Comm., 56th Sess., Agenda Item 166, U.N. Doc. A/C.6/56/L.9 (2001).

22. *Id.* art. 5.

23. COUNCIL ON FOREIGN RELATIONS, TERRORISM: AN INTRODUCTION, available at www.CFRterrorism.org/terrorism/introduction.html.

24. *Id.*

'Terrorism' means any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.²⁵

In contrast, the Coordinator of the U.N. Working Group proposed the following definition:

1. Any person commits an offence within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes:
 - (a) Death or serious bodily injury to any person; or
 - (b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or
 - (c) Damage to property, places, facilities, or systems referred to in paragraph 1(b) of this article, resulting or likely to result in major economic loss,
 when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act.²⁶

Adding to the confusion is a subject of exceptions that would be covered by article 18, which is similarly bracketed because of the inability of the Working Group to reach agreement. This is an area where the political views of parties are stumbling blocks. For instance, the Islamic Group, on November 7, 2001, proposed excluding activities of parties during armed conflicts including situations of foreign occupation. Depending on one's point of view, civilian bombings by Hezbollah and others in the Middle East or elsewhere might not be covered by the Convention. As a consequence of the inability of the Working Group to reach a consensus on the definition and exclusion articles, there remains doubt as to the future of the Convention, both in terms of reaching agreement on the text, as well as the manner of implementation.

In this context, it is appropriate to mention the International Criminal Court (ICC). While the statute of the ICC²⁷ was not drafted with terrorism as a principal focus, there can be little doubt that terrorist conduct comes within the article 5 crimes designated within the ICC's jurisdiction, namely, the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.²⁸ These crimes are further defined in articles 6–8.²⁹ These broad definitions vest the ICC with jurisdiction over the type of conduct pursued by terrorist activity. Article 25 specifically provides the ICC with jurisdiction over natural persons who commit crimes within its jurisdiction.³⁰ The statute applies to all persons without

25. Convention of the Organization of The Islamic Conference on Combating International Terrorism, July 1, 1999, Islamic Conf. Foreign Ministers, 26th Sess., Res. 59/26-P, Annex, available at <http://www.oic-un.org/26icfm/c.html>.

26. See Report of the Working Group, *supra* note 21, art. 2.

27. Rome Statute of the International Criminal Court, U.N. Doc. A/Conf.183/9* (1999), available at <http://www.un.org/law/ICC/statute>.

28. *Id.* art. 5.

29. *Id.* arts. 6–8.

30. *Id.* art. 25.

regard to official capacity. The ICC consequently has jurisdiction over government officials as well as individuals. It is specifically provided in article 27 that any special procedural rules or immunities that might otherwise attach to the official capacity of a person, under national or international law, will not prevent the ICC from exercising its jurisdiction over that person.³¹ Some questions arising under the law of Chile in England in the extradition case involving General Pinochet might not have relevance in an ICC case.

While the ICC has not yet come into being, the process of its formation is accelerating. European states particularly are advancing the acceptance process. At this writing, forty-eight states have ratified the statute, which will go into force when the sixtieth instrument of ratification is deposited. Meanwhile, rules of procedure are being adopted.

While the United States at this point is not prepared to ratify the ICC's statute, the Court very well could come into being without the United States as a party since the requisite number of ratifications have been deposited. It should be noted that the ICC's jurisdiction might not be significantly affected by the absence of the United States as a party. Since the ICC likely has jurisdiction over terrorist conduct, it is foreseeable that the Court could become an important forum in bringing terrorists to justice. The Court could avoid extradition problems with national courts and, as an international judicial body, could gain widespread acceptance, perhaps in a manner similar to the International Criminal Tribunal for the Former Yugoslavia.

III. Unintended Consequences

The United States quite correctly is pursuing its right of self-defense. Striking at, and bringing to justice, those who committed atrocities against people in this country is what the circumstances require. No doubt the administrations that took less vigorous action against terrorist acts in the 1980s and 1990s thought what they did was appropriate at the time. No doubt our assistance to Iraq in its war against Iran, or the arming and training of Arab fighters and other Mujahideen in Afghanistan to fight the Soviet Union were well-intentioned policies. Perhaps all of these policies were right for the times in which they were developed and pursued.

Unintended consequences frequently bedevil complicated circumstances. Rebellions, insurrections, religious and nonreligious strife, and many other circumstances in which terrorists function present difficult circumstances. The reactions of states to terrorist acts vary widely, depending on many internal matters and political forces. It is not easy to determine the right mix of unilateral and multilateral action, or how hard or how far to push a country that has terrorists in its midst.

We are at the beginning of a concerted effort to protect not just the people of the United States but also others in the world from international terrorism. We are not yet at the point where we can see the consequences, much less the unintended consequences of our efforts. Questions, however, do come to the fore, such as how and to what extent other countries may become destabilized, who will take justified or questionable unilateral action in the name of combating terrorism, how forcing other countries to make hard domestic choices will affect those countries, who will be prepared to carry on the struggle and for how long,

31. *Id.* art. 27.

and what is the proper balance of forces and resources to commit to the struggle. There may not be any real security but only relative security. For the United States, we must reconsider if, and to what extent, we are prepared to work in multilateral arrangements and to participate once again in U.N. agencies such as UNESCO (which deals in education, culture and scientific matters primarily in the undeveloped and developing world). We must ask what aid we will provide to the undeveloped and developing world so that its residents live at a level where it becomes their interest to prevent terrorism from existing in their land.