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Alternatives to War

Critical Non-Military Tools for
Preventing and Responding
to International Terrorism

WRITTEN BY Heather Brandon-Smith



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and Responding to International Terrorism

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INTRODUCTION & BACKGROUND



1. Introduction and Background

Shortly after the Hamas attacks in Israel on October 7, President Biden drew a parallel to the attacks of September 11, 2001, in the United States. Remarking that in the aftermath of 9/11, “we felt enraged,” President Biden admitted that “we made mistakes.”¹ He cautioned Israel to heed these mistakes in its own response to a terrible act of terror. Yet America’s response to 9/11 serves as not just a cautionary tale to other nations. It must also cause the United States itself to examine the failures and reflect on the lessons of the war-based, military-first approach to what has been characterized as international terrorism.

The United States responded to the 9/11 attacks with military force, invoking a set of extraordinary powers reserved for the extraordinary circumstances of war. Throughout the years that followed, the so-called “Global War on Terror” was used to justify multiple ground wars, drone strikes outside of war zones, military detention, torture masked as “enhanced interrogation techniques,” and other lethal operations, all intended to rid the world of terrorism and keep America safe.

More than two decades later, the United States remains engaged in war with non-state groups in at least four countries: Iraq, Somalia, Syria, and Yemen.^{2,3} Since 2005, the U.S. has also been engaged in a program involving training and arming foreign forces and employing foreign surrogate forces to target non-state groups deemed to pose a terrorist threat.⁴ Between 2021 and 2023, the United States was engaged in military operations in the name of counterterrorism in 78 countries.⁵

However, what has become increasingly clear is that this war-based, militarized response is neither successful nor sustainable. Empirical evidence for this abounds. Between 2001 and 2018, “the number of terrorist attacks worldwide per year ... increased fivefold.”⁶ From 2001 to 2015, “the number of terror attacks rose an astonishing 1,900 percent in the seven countries that the United States either invaded or conducted air strikes in.”⁷ And in 2020, there were at least 1,000 attacks, massacres, and other violent incidents linked to non-state armed groups across Burkina Faso, Mali, and Niger—a sevenfold increase since 2017, when all three countries entered a U.S.-supported joint force to combat terrorism.⁸

On top of this, the post-9/11 wars have resulted in the deaths of approximately 940,000 people, including approximately 432,000 primarily Muslim, Black, and brown civilians.⁹ It is long past time to heed the results and critical lessons of United States’ own war-based, military-first approach to international terrorism and the urgent need to turn the page on this damaging course.

Between 2021 and 2023, the United States was engaged in military operations in the name of counterterrorism in 78 countries.

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For the purposes of this paper, we define the term “international terrorism” in accordance with the FBI’s definition: “Violent, criminal acts committed by individuals and/or groups who are inspired by, or associated with, designated foreign terrorist organizations or nations (state-sponsored).”¹⁰ We also note that this definition and the concept of international terrorism itself is not without concerns, being inherently malleable and susceptible to an overly broad application. We likewise note that the counterterrorism frame itself can be similarly problematic, given its misuse by states to stifle political dissent. As noted by Fionnuala Ní Aoláin, former United Nations special rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, counterterrorism laws and practices have been “systematically used against civil society actors, dissenters, journalists, humanitarians, and those who simply disagree with their governments.”¹¹

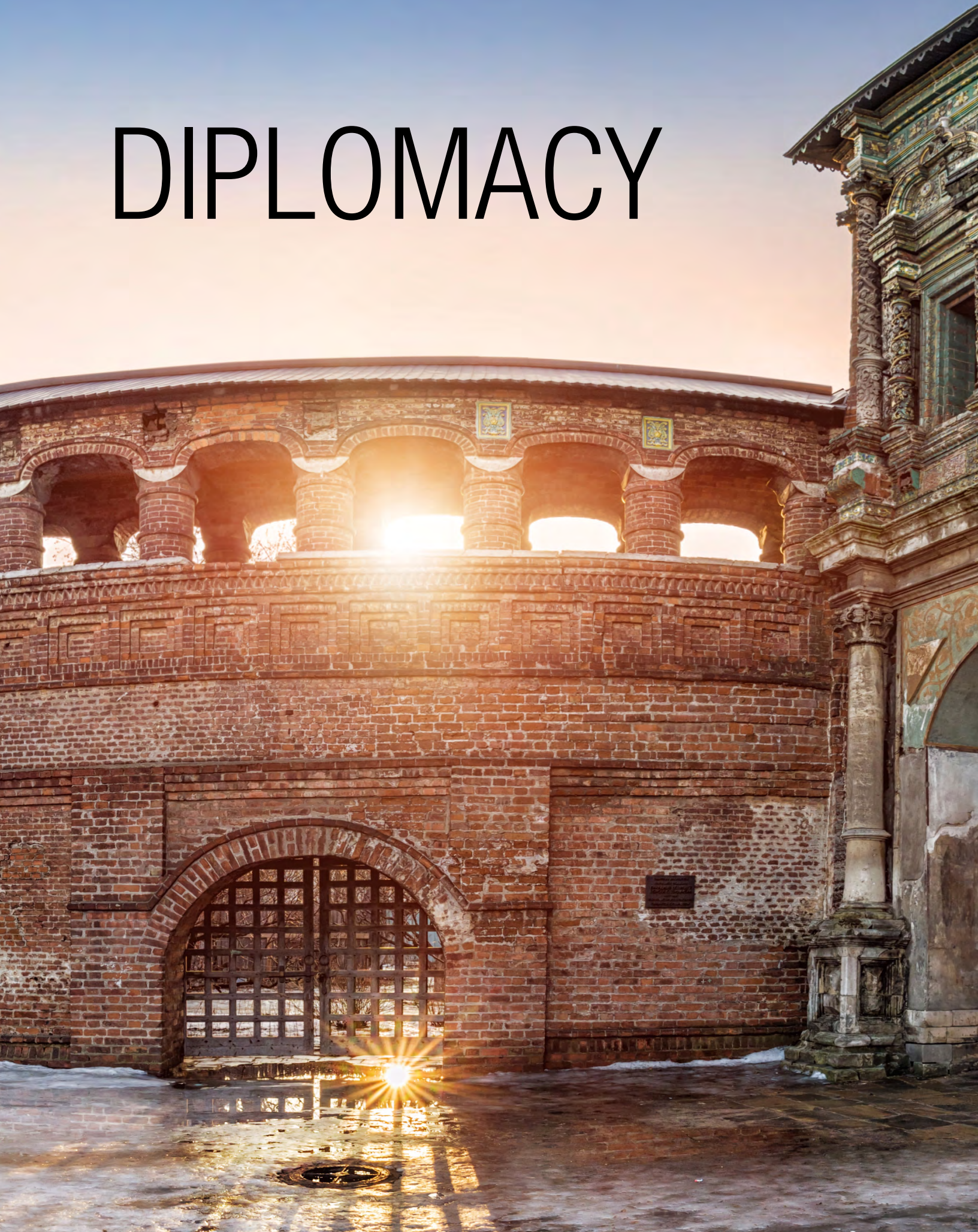
Further, while this paper focuses only on international terrorism, it is essential to note that according to both government and independent studies, the greatest threat to the U.S. homeland is not from non-state armed actors abroad or individuals influenced by such groups, but from white nationalist extremist groups in the United States.^{12,13} Continuing to inflate the risk posed by non-state groups security not only mischaracterizes the true nature of the threat, but it also risks diverting much-needed focus and resources while continuing to dehumanize Muslim and immigrant communities and other people of color and view them through a security threat lens.

This paper will discuss how the effort to prevent and respond to threats from violent acts characterized as international terrorism should not be seen as a choice between continuing a war-based, military first approach and doing nothing to respond to national security concerns. Rather, the United States has a robust array of effective non-military tools to address these concerns, many of which are underappreciated, underutilized, and underresourced.

As a Quaker organization, the Friends Committee on National Legislation believes that war is not the answer and seeks a world free of war and the threat of war. This paper consists of a series of three issue briefs that will discuss some of the critical non-military tools that should form the basis of the U.S. approach to international terrorism, being 1) diplomacy; 2) development and peacebuilding; and 3) law enforcement, intelligence gathering, and restorative justice. In each issue brief, we provide recommendations for how Congress can act to facilitate this shift away from the costly and destructive path of the past 23 years and towards a more effective, sustainable, and rights-respecting course.

Threats from violent acts characterized as international terrorism should not be seen as a choice between continuing a war-based, military first approach and doing nothing to respond to national security concerns.

DIPLMOMACY



2. Diplomacy

Elevating diplomacy as an intrinsic component of addressing international terrorism is critical to building an effective and sustainable approach to this complex issue. Upon taking office, President Biden called diplomacy “the grounding wire of our ... global power” and “America’s abiding advantage.”¹⁴ As Luke Hartig, former senior director for Counterterrorism at the National Security Council, has discussed, properly utilizing the power of diplomacy to prevent and respond to threats from international terrorism would serve to “make counterterrorism more comprehensive and sustainable, and over time, less violent.”¹⁵

Key to centering diplomacy within U.S. efforts to prevent and respond to international terrorism is ensuring that the State Department has sufficient experts on hand with the requisite expertise for such efforts and ensuring those experts are sent into the field when needed. The relevant issue areas include institutional capacity building, governance, policing, rule of law, and regional issues affecting the relevant country.

Research has found that the increase in transnational violent groups is primarily caused when states “have failed their citizens in one way or another, whether through marginalization, corruption, discrimination, or abuse.”^{16,17} Violent groups offer an alternative to those mistreated and victimized by their governments. As such, responding with military force has been notoriously counterproductive, perpetuating cycles of violence and entrenching corruption. For example, since 2000 the United States has spent more than \$2 billion providing security assistance, weapons, and training to Nigerian forces, who have “not only failed to defeat militants but routinely commit grave human rights abuses in the name of counterterrorism.”¹⁸

The failure to invest in the civilian capabilities equipped to respond to the root causes leading to violence from non-state groups has led the United States to delegate such functions to the military, which last year was awarded an astronomical \$874 billion, but which lacks the necessary skills and militarizes efforts that should be civilian-led.^{19,20}

A further element of centering diplomacy in the response to international terrorism is using U.S. diplomatic leverage to help facilitate negotiated settlements to wars with non-state armed groups and assist with the implementation of peace agreements to ensure their long-term sustainability. After more than two decades, it has become patently clear that there is no military solution to these conflicts. This is unsurprising, given the most common way such conflicts have ended is through a negotiated settlement.²¹

Issue areas include institutional capacity building, governance, policing, rule of law, and regional issues affecting the relevant country.

Since 2000 the United States has spent more than \$2 billion providing security assistance, weapons, and training to Nigerian forces.

Indeed, 43 percent of conflicts with non-state groups have ended via “a peaceful political accommodation with their government,” as opposed to 7 percent that concluded as the result of military force.

International Crisis Group senior analyst and former Defense Department attorney Sarah Harrison has advised that al Shabab in Somalia, where the United States is currently using the most lethal force pursuant to the 2001 Authorization for Use of Military Force (AUMF), “is unlikely to be defeated purely through military means.”²² Indeed, President Biden himself, when asked about the efficacy of U.S. strikes against the Houthis in Yemen, tellingly said “are they stopping the Houthis? No.”²³

A critical new tool for engaging in these diplomatic efforts is the State Department’s Negotiations Support Unit (NSU). Housed within the Bureau for Conflict Stabilization Operations (CSO), the NSU is comprised of experts in peace processes, complex political negotiations, peace agreement implementation, and long-term reconciliation. They provide support to U.S. diplomats at every stage of the negotiation process, from strategic planning to the long-term implementation of peace agreements.

The NSU was established in 2022 but currently lacks sufficient institutional support to ensure its proper resourcing and capacity to fulfill its mission. By contrast, the Department of Defense’s Civilian Protection Center of Excellence, also established in 2022, was institutionalized in the National Defense Authorization Act for fiscal year 2023, ensuring ongoing support for the department’s efforts to institute best practices for preventing and properly responding to civilian harm.

Such congressional support for the NSU would similarly bolster the unit and entrench it as a key tool of government power for supporting negotiated settlements to wars with non-state armed groups being carried out in the name of counterterrorism.

However, the NSU is also hampered by a funding quirk that paradoxically prohibits its engagement with parties to an ongoing violent conflict. The unit is funded by the Foreign Assistance Act’s Economic Support Fund (22 U.S.C. §2346), which bars the use of funds for military purposes, including with armed actors. As such, the NSU cannot assist in convening the military parties to active armed conflicts to aid in the facilitation of a negotiated settlement. It can only work with these parties once the fighting has stopped.

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This funding restriction is emblematic of prior U.S. government shortfalls in deploying much-needed civilian experts to effectively respond to threats from non-state armed groups. Indeed the 2018 Stabilization Assistance Review found that “the U.S. government has often failed to authorize, fund, and structure the experts needed to be successful in conflict environments.”²⁴

Rectifying the NSU’s source of funding to permit its engagement with armed actors would enable it to bring these actors to the negotiating table at the outset, providing much needed support at this crucial phase of the peace process. Failing to do so would be deeply consequential for the NSU’s effectiveness and, as such, the United States’ overall effectiveness in responding to international terrorism.

Finally, for diplomatic efforts to serve as a fundamental response to international terrorism, the Senate must work to expeditiously confirm the key diplomatic staff who are central to carrying out this work. These officials include the State Department’s Ambassador for Counterterrorism as well as U.S. ambassadors to the countries where the United States is using lethal force under a war paradigm, which currently include (at least) Iraq, Somalia, Syria, and Yemen.²⁵ Ambassador Elizabeth Richard currently leads the State Department’s Counterterrorism Bureau.

However, she was not sworn in until December 29, 2023, nearly three years into the Biden administration. The most recent ambassador to Somalia resigned in May 2023, and at the time of publication, the Senate has still not confirmed his replacement. Ensuring these roles are filled is essential to ensuring U.S. policies are effectively implemented by officials with the requisite authority, experience, and expertise.

“The U.S. government has often failed to authorize, fund, and structure the experts needed to be successful in conflict environments.”

2018 Stabilization Assistance Review

Recommendations for Congress

- » Conduct hearings and press the administration on the steps it has taken to build staff within the State Department and USAID with expertise in institutional capacity building, governance, policing, and the rule of law—and integrating these experts into its response to armed conflict with non-state armed groups and addressing corruption and other governance issues that fuel the rise of transnational violent groups.
- » Pass legislation to institutionalize the State Department’s Negotiations Support Unit and provide the unit with sufficient resources to carry out its mandate. This would include allocating at least \$10 million per year and funding for at least 15 senior technical experts.
- » Ensure the Negotiations Support Unit is fully empowered to do its work, including working with warring parties to reach negotiated settlements by either providing an exception to its Economic Support funding that permits the unit to work with armed actors or allocating funding via a different stream, such as Diplomatic Programs, that does not include the limitations of the Economic Support Fund.
- » Conduct robust oversight of U.S. policy in countries where the United States is using lethal force and providing training, weapons, and other support to foreign forces as a means of countering terrorism. This includes requiring the State Department to report annually on the progress of U.S. initiatives in these countries, including efforts to facilitate negotiated settlements to armed conflicts, on the progress of working with local governments to become more financially transparent and accountable, compliance with human rights vetting requirements under the Leahy Laws, and an analysis of how U.S. use of lethal force undermines such efforts to establish peace through civilian or other nonviolent means.²⁶
- » Pass legislation to close loopholes concerning human rights vetting under the Leahy Laws in order to require the Pentagon to vet the human rights records of foreign forces to whom the U.S. provides weapons and training as part of security cooperation programs under Section 127e of Title 10 and Section 1202 of the NDAA for fiscal year 2018.
- » The Senate should ensure it swiftly confirms key diplomatic positions including the State Department Bureau for Counterterrorism’s coordinator for counterterrorism and ambassadors to countries where the United States is using lethal force against non-state groups and carrying out other forms of security assistance in the name of counterterrorism.



DEVELOPMENT & PEACEBUILDING

3. Development and Peacebuilding

Preventing and responding to the spread of violent non-state groups via peacebuilding and properly tailored development seeks to address the underlying causes of violence in order to both prevent and resolve violent conflict through non-violent means. Such underlying causes include extreme inequality, oppression, marginalization, corruption, and resource scarcity. Development and peacebuilding responses to break cycles of violence work by supporting local programs that strengthen conflict resolution, change the relationships between parties to conflicts, and build community cohesion, while working to strengthen the rule of law institutionally.

In keeping with the old adage of “prevention is better than cure,” these non-military programs to prevent and resolve armed conflict have proven to be extremely cost effective. The Institute for Economics and Peace found that every dollar invested in peacebuilding can save up to \$16 in the cost of war, which often requires substantial humanitarian aid and other costly endeavors.²⁷

The United States supports local initiatives and those carried out by international non-governmental organizations through funding key programs administered by the State Department and U.S. Agency for Development Aid (USAID). Such programs have included leveraging USAID’s Complex Crises Fund when violence broke out between Christian and Muslim communities in the Central African Republic to train a diverse cohort of 391 community leaders in mediation, conflict analysis, and conflict resolution as part of an 18-month program.²⁸ At the end of the program, there was a 178 percent increase in the number of people who trusted the “other” group within their community and 220 fighters led by 10 separate commanders voluntarily disarmed.²⁹

Conversely, Burkina Faso was considered to be fairly stable, and had experienced only “relatively low levels of terrorism” when the United States began providing training and equipping government forces to respond to terrorism with lethal force in 2009.^{30,31} This significantly contributed to the “overly militarized and violent counterterrorism response” in the country, cost U.S. taxpayers more than \$1 billion, and “intensified the spiraling conflict that now devastates Burkina Faso and the broader region.”^{32,33}

Civilians have borne the brunt of this violent approach. For example Human Rights Watch found that between late 2017 and February 2019, 60 civilians were killed by armed non-state groups, while the Burkinabé security forces conducted 130 extrajudicial killings of civilians during the same period.³⁴

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Ending conflicts with non-state armed groups and safeguarding eventual peace settlements requires robust investment in peacebuilding and development programs to strengthen the rule of law, increase government accountability and transparency, address underlying root causes of conflict, and promote intercommunal reconciliation. At the same time, the United States should remain cognizant of and prepared to respond to sudden outbreaks of violence by prioritizing non-violent tools that will help to prevent a return to war.

Key peacebuilding accounts that would support these efforts include the aforementioned Complex Crises Fund, which enables rapid response funding by USAID where early warning signs of escalating conflict arise, the State Department's atrocities prevention programs, and USAID's reconciliation programs, which support the peaceful coexistence of different ethnic, religious, and political groups in conflict-affected communities.

Investment in these programs is essential to bring stability to the countries and communities ravaged by decades of militarized counterterrorism. As International Crisis Group Senior Analyst Sarah Harrison has advised of Somalia, where the United States is currently conducting the majority of its lethal counterterrorism strikes, the United States must shift course toward "a Somalia strategy that prioritizes supporting reconciliation" and "support the growth of a peaceful Somalia."³⁵

A further tool for strengthening the effectiveness and coordination of critical non-military tools for preventing and resolving violent conflict is the Global Fragility Act (GFA), and subsequent U.S. Strategy to Prevent Conflict and Promote Stability. This bipartisan law, which was signed into law by President Trump in 2019, has been called "potentially game changing" for its comprehensive approach to addressing fragile states, including those affected by terrorism.³⁶

Per the requirements of the GFA, the Biden administration has selected four priority countries and one region (Haiti; Libya; Mozambique; Papua New Guinea; and Coastal West Africa, including Benin, Côte d'Ivoire, Ghana, Guinea, and Togo) for which it has submitted to Congress 10-year prevention and stabilization plans.³⁷ Addressing violence carried out by non-state groups in affected areas is a key element of many of these country plans.

For example, the summary of the country plan for the Sahel region in Coastal West Africa provides that the plan is "explicitly crafted to incorporate lessons learned from overly securitized approaches to addressing [violent extremism] challenges in the Sahel region over the past decade."

Ending conflicts with non-state armed groups and safeguarding eventual peace settlements requires robust investment in peacebuilding and development programs.

Key peacebuilding accounts that would support these efforts include the **Complex Crises Fund** and **USAID's reconciliation programs**.

The summary also notes the need for a more holistic approach to terrorism-related challenges, including building trust, inclusivity, and responsive governance to facilitate the peaceful resolution of disputes and decrease the ability of terrorist groups to exploit community fractures for destructive purposes.

The GFA's proper implementation remains dependent on the annual appropriation of funds from Congress. Although the GFA provides authorization for up to \$200 million annually, Congress has never fully funded the GFA since its enactment, appropriating \$135 million in fiscal year 2023. Indeed, while the military budget continues to balloon, securing funds for effective, long-term peacebuilding and development programs remains a struggle across the board.

Investing in development and peacebuilding solutions to prevent and respond to international terrorism is a critical, cost-effective tool that reduces violence, heals fractured communities, and saves lives. Supporting and properly resourcing these programs should be at the forefront of U.S. counterterrorism.

While the military budget continues to balloon, securing funds for effective, long-term peacebuilding and development programs remains a struggle.

Recommendations for Congress

- » Fully fund the Global Fragility Act, including \$200 million for the Prevention and Stabilization Fund, at least \$75 million for a Complex Crises Fund, and \$25 million annually for a separate multi-donor Global Fragility Fund.
- » Appropriate at least \$25 million for atrocities prevention and \$40 million for reconciliation programs.
- » Review and publicly discuss the results of the statutory bi-annual reports to Congress on the GFA's findings, including any obstacles to its implementation. Provide any necessary support to increase the effective implementation of the GFA.³⁸
- » Require reporting from the Secretary of State on local processes for bridging internal divides in countries where U.S. using lethal force and other types of militarized counterterrorism, including security assistance.

LAW ENFORCEMENT, INTELLIGENCE, AND RESTORATIVE JUSTICE



4. Law Enforcement, Intelligence, and Restorative Justice

In 2012, then-Obama administration Defense Department General Counsel Jeh Johnson spoke of a “tipping point,” at which the armed conflict paradigm for responding to international terrorism would end and the “law enforcement and intelligence resources of our government [would be] principally responsible ... to address continuing and imminent terrorist threats.” “War,” said Johnson “should be regarded as a finite, extraordinary, and unnatural state of affairs.”³⁹ After more than two decades of a harmful and unsuccessful war-based strategy, Johnson’s tipping point has unquestionably arrived.

It is worth knowing that in addition to the militarized counterterrorism that has characterized the post-9/11 period, the United States has, in tandem, continued to successfully respond to international terrorism threats via the law enforcement approach. Studies have shown that such an approach “has been responsible for the demise of 40 percent of groups who commit terror attacks.”⁴⁰

And in its December 2016 report on the legal and policy frameworks guiding the United States’ use of military force and related national security operations (Framework Report), the Obama administration acknowledged that “the best way to ensure that a terrorism suspect can be brought to justice in the long term is often through prosecution in the criminal justice system.”⁴¹

Throughout the War on Terror, prosecutions for international terrorism offenses have proven extremely effective at obtaining both convictions and actionable intelligence—a fact “not widely appreciated.”^{42, 43} At least 113 international terrorism suspects have been captured abroad and convicted in U.S. federal courts, including many high-profile individuals.⁴⁴

These include Osama bin Laden’s son-in-law, Sulaiman Abu Ghaith, who was captured in Turkey; Ahmed Abdulkadir Warsame, who served as a liaison between al Shabab and al Qaeda in the Arabian Peninsula and was captured in the Gulf of Aden between Somalia and Yemen; and Ahmed Abu Khattala, who captured in Libya and convicted of crimes related to the 2012 U.S. embassy attacks in Benghazi.^{45, 46, 47, 48}

In response to the 9/11 attacks, the United States acted swiftly to close legal loopholes and ensure that terrorism-related offenses were captured by U.S. law. 18 U.S.C. § 2339A, which prohibits the provision of material support for terrorist organizations, was amended in 2001 and 2004 to include overseas conduct and additional offenses, including “receiving military-type training from a foreign terrorist organization.”⁴⁹

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While it should be noted that this legislation has been the subject of criticism for impeding the legitimate work of civil society organizations, its proper use for those engaged in acts of international terrorism has served to not only punish individuals for past conduct but to disrupt plots for future attacks.⁵⁰ For example, as then-Acting U.S. Attorney of the Eastern District of New York (EDNY) Seth DuCharme discussed, the EDNY worked to successfully prevent a planned attack on a NATO mission in the Balkans.⁵¹

Federal courts have also proven adept at protecting classified information throughout the process of trying complex international terrorism cases. A comprehensive 2010 study was “unable to identify a single instance in which [the Classified Information Procedures Act] was invoked and there was a substantial leak of sensitive information as a result of a terrorism prosecution in federal court.”⁵² The successful prosecution of numerous international terrorism cases in the years since confirms the proficiency of judges and prosecutors to effectively safeguard such sensitive information.⁵³

The law enforcement approach also enables the collection of critical intelligence both through the questioning of international terrorism suspects in the criminal justice system and when such suspects cooperate with the government in return for plea agreements. The types of intelligence obtained through such means has included “information on al Qaeda phone numbers, emails, recruiting techniques, financing, geographical reach, weapons programs and training, safe houses, training camps, communications methods, names of operatives, and information about future plots.”⁵⁴

Conversely, as counterterrorism prosecutor Zainab Ahmad said, “going to killing, to droning” terrorism suspects, rather than pursuing them via law enforcement means, forecloses critical opportunities to gain intelligence concerning plots by non-state actors who seek to attack the United States. “You get no intel from corpses,” said Ahmad, referring to the post-9/11 practice of killing suspected terrorism suspects rather than seeking to cooperate with foreign governments to arrest these individuals and prosecute them in the criminal justice system.

While it must be noted that international terrorism prosecutions have raised human rights concerns, in particular concerning due process violations and conditions of confinement, the United States must work to rectify these issues rather than continuing to maintain a wartime frame and lethally targeting members of non-state armed groups as a matter of first resort.^{55,56}

Types of intelligence obtained through included “information on al Qaeda phone numbers, emails, recruiting techniques, financing, geographical reach, weapons programs and training, safe houses, training camps, communications methods, names of operatives, and information about future plots.”

The systematic targeted killing of terrorism suspects—including many high-profile individuals, in a practice known as “leadership decapitation”—has failed to dismantle violent extremist groups.⁵⁷ Instead, between 2001 and 2018 the number of Sunni Islamist-inspired fighters grew by 270 percent.⁵⁸

Part of this growth was due to the significant number of civilian casualties caused by U.S. military operations, including drone strikes, which groups like ISIS and al Qaeda have exploited to bolster their recruitment efforts.⁵⁹ U.S. strikes have also involved incidents where innocent individuals were mistakenly targeted, such as the tragic 2021 strike in Kabul that killed 10 civilians, including seven children, after an aid worker was misidentified as an ISIS fighter.⁶⁰

Finally, as part of the effort to move off a wartime frame for responding to international terrorism and toward one that is centered in law enforcement, the United States should do more to support the rule of law, access to justice, and restorative justice in countries experiencing violence and war. Such practices help reduce the grievances that drive affiliation with non-state armed groups and the choice to use terrorism as a tactic, while working to heal impacted societies and reintegrate former fighters back into their communities.⁶¹

Key tools for supporting these efforts include increasing support for hybrid courts, such as the Central African Republic Special Criminal Court, which provides justice at a local level with the engagement and support of international actors. Increased funding for U.S. institutions that support this work is also needed.

These institutions include the State Department’s Office of Global Criminal Justice and Bureau of Democracy, Human Rights, and Labor’s (DRL) forensic assistance work, which helps to increase accountability for human rights violations, war crimes, and crimes against humanity, and DRL’s Human Rights and Democracy Fund, which works to strengthen U.S. support for human rights defenders abroad who help document and hold accountable human rights violators.

It is long past time to move away from the strategy of killing suspected terrorists abroad and shift to a law enforcement approach, grounded in international human rights law and due process through the courts.

“Leadership decapitation” has failed to dismantle violent extremist groups. Instead, between 2001 and 2018 the number of Sunni Islamist-inspired fighters grew by 270%.

Recommendations for Congress

- » Ensure that the U.S. Attorney's Offices are sufficiently resourced to continue conducting investigations and prosecutions for international terrorism offenses and require periodic reporting on the compliance of these practices with human rights obligations, including conditions of confinement and due process.
- » Press the administration to provide more comprehensive and updated reporting on the use of law enforcement to prevent and respond to international terrorism in its annual report on the legal and policy frameworks guiding the United States' use of military force and related national security operations, required by Section 1264 of the National Defense Authorization Act (NDAA) for fiscal year 2018 as amended by Section 1261 of the NDAA for fiscal year 2020.
- » Repeal the two war authorizations underpinning current U.S. counterterrorism wars. The 2002 Authorization for Use of Military Force Against Iraq is not relied upon as the sole source of authority for any current military operations and can be immediately repealed. The 2001 AUMF, passed days after the 9/11 attacks, should be sunsetted and the administration should use this time to wind down U.S. counterterrorism wars and shift away from the failed militarized approach.
- » Amend the material support for terrorism statute to clarify that it does not prohibit the legitimate activities of non-governmental organizations, including the provision of humanitarian aid and peacebuilding activities.
- » Increase support to hybrid courts abroad, including providing at least \$3 million for the Central African Republic Special Criminal Court, which provides justice at a local level with the engagement and support of international actors.
- » Provide \$15 million for transitional justice and the Office of Global Criminal Justice and \$25 million for DRL's forensic assistance work to increase accountability for human rights violations, war crimes, and crimes against humanity.
- » Increase funding to DRL's Human Rights and Democracy Fund to \$250 million to strengthen U.S. support to human rights defenders who help document and hold accountable human rights violators.
- » Urge the State Department's Office of Global Criminal Justice and Bureaus of Counterterrorism and International Narcotics and Law Enforcement Affairs to seek out opportunities to support restorative justice mechanisms in states impacted by violence from non-state armed groups.



CONCLUSION

5. Conclusion

In a September 2023 House Foreign Affairs Committee hearing, Rep. Jason Crow (CO-6) summed up the issue the United States is facing concerning its response to international terrorism. Discussing the continued geographic spread of non-state violent groups, Rep. Crow said, “by that definition of success, we are failing.”⁶² Rep. Crow then called for “a debate about what other elements of our national policies and our national security that we need to bring to bear—humanitarian, diplomatic, governance—that we are not bringing to bear in appropriate ratios to achieve that other definition of success.”

More than two decades of a war-based, militarized approach to international terrorism has indeed failed. But it is not too late to correct course. Properly investing in the robust array of non-military tools to prevent and respond to violence from non-state actors is vital to ending the flawed reliance on a harmful and destructive approach that fuels cycles of violence and exacerbates instability while undermining human rights and the rule of law.

Moving away from this approach requires the U.S. government to bring an end to the war paradigm that still undergirds its strategy for preventing and responding to international terrorism. It involves working to strengthen governance and the rule of law in fragile states rather than entrenching corruption by arming foreign forces and training them to root out terrorism through lethal force. It involves deliberately centering diplomacy, peacebuilding, and development, while seeking to hold individuals accountable via law enforcement means rather than killing as a first resort. Through taking the steps outlined in this report, members of Congress can help facilitate this long overdue shift.

“Leadership decapitation” has failed to dismantle violent extremist groups. Instead, between 2001 and 2018 the number of Sunni Islamist-inspired fighters grew by 270%.

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AUTHOR BIO

Alternatives to War

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*Ring the bells that still can ring
Forget your perfect offering
There is a crack, a crack in everything
That's how the light gets in*

Leonard Cohen, "Anthem"

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