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BACKGROUND PAPER ON TERRORISM

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The term "terrorism" has stormed our life for many years threatening all nations, organizations, movements, societies as well as civilizations, culture and heritage; unfortunately, it is most likely to breed, sooner or later, more alarming consequences. The threat of terrorism has increased in the recent years, and represents a strong challenge and risk in the Mediterranean space.

Terrorism should be regarded as a violation of the most basic human right, the right to life. Combating terrorism has become the most important challenge Mediterranean countries are facing today.

Definition of Terrorism:

There is no clear-cut and comprehensive definition of terrorism in international criminal law due to, inter-alia, the immense variety of the motives, forms, authors, conditions, objectives, etc. that are linked to the terrorist movements that have been active in the world. Terrorism in real life is so diverse and complicated that it is difficult to make generalizations. Although difficulties exist in compiling the various aspects of terrorism into a single definition, it is widely agreed that "**terrorism is the use or the threat of the use of violence, a method of combat or a strategy to achieve certain targets, which aims to induce a state of fear in the victim, and which is ruthless and does not conform with humanitarian rules, and publicity is an essential factor in the terrorist strategy**".

A Comprehensive Convention containing an agreed definition of terrorism, however, is much needed. Such a comprehensive text with an agreed definition will be a fundamental and essential element for coping with terrorism. In fact, the conclusion of a Comprehensive Convention with an agreed definition of terrorism will set universal standards for:

a) more harmonious national laws and regulations enacted to give security forces the tools with which to combat terrorism,

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b) giving the opportunity to include in a binding Convention with universal adherence some very important clauses of UN Security Council resolution on combating terrorism: such as to prohibit the perpetration of terrorist acts, aiding and abetting terrorist activity, to regulate the extradition of terrorists etc.

The Convention will need to clearly show that terrorism is not legitimate under any circumstances: this would encourage those who are sympathetic to terrorist activities to reconsider whether terrorism is the best way to achieve political objectives.

The need to define terrorism is particularly obvious in the light of the many different terms used to describe, portray and analyze terrorism. Different bodies may currently label the perpetrators of a particular attack as "terrorists", "guerillas", "freedom fighters" or "revolutionaries", depending on the perspective of the agency and its interest.

Two schools of thought exist on defining terrorism:

a) One maintains that terrorism can be addressed more successfully from a legal and normative perspective through legislation that prohibits specific action, such as airplane hijackings, diverting shipping, marine piracy etc, without the need to define what terrorism is.
b) The other believes that terrorism can be defined objectively and agreement can be reached on the nature of the phenomenon, but also that without such a definition it is impossible to effectively counter terrorism in the international area.

Any attempt to deny terrorist organizations their financial sources, to prevent terrorist recruitment, to thwart attempts at transferring and laundering money, to stop movement of terrorists and to extradite them from one country to another, above all to formulate a normative and binding system that defines rules for what is permitted and forbidden, what is legitimate and illegitimate, all these necessitate an unequivocal and objective definition of terrorism based on international agreement.

Although UN member countries have so far failed to finalize the negotiations on the Comprehensive Convention against terrorism or to agree on a legal definition of terrorism, crucial documents have been adopted. These include the Security Council Resolutions 1373, 1566 and 1624 and the Convention on Suppression of the Financing of Terrorism.

The Security Council Resolution 1373 criminalized terrorism, its perpetrators, its accomplices and its financiers. The Security Council Resolution 1566 contains an outline of the definition of terrorism alongside an uncompromising condemnation of both terrorism and the attempts to justify it. The Resolution 1566 also called for establishing a global terrorist list, in addition to the list on Al Qaeda and the Taliban established by Resolution 1267.

Furthermore, the UN Global Counter Terrorism Strategy which the General Assembly adopted by consensus in 2006, has provided a solid plan of action for the global fight against terrorism.

Terrorism versus National Liberation

One of the most widespread efforts to undermine the definition of terrorism is to compare terrorism with movements for national liberation.

Many people around the world mistakenly assume that terrorism and national liberation are two extremes of a continuum of legitimate use of violence. To them, the struggle on behalf of "national liberation" appears to be the positive extreme of this continuum, while terrorism is the negative and abhorrent extreme. According to this fallacy, it is impossible for an organization to be both a terrorist organization and a national liberation movement.

However, the claim that a freedom fighter cannot commit acts of terrorism, murder or killing can not be upheld. This view unintentionally encourages terrorists, who may and do claim that they are acting to eliminate those whom they consider to be foreign occupiers and so cannot be considered terrorists.

In fact, the concepts regarding the "terrorist" and the "freedom fighter" do not necessarily contradict one another. The difference between the two is not a subjective distinction based on the definer's perspective. The difference stems from thee goals and means used. A particular organization is defined as terrorist because of the methods it uses to achieve its objectives, while freedom fighters are defined only by their ultimate aims. Therefore a situation is possible where a national liberation movement can be defined as a terrorist organization if it carries out acts of terrorism.

Concept and ideology of terrorism:

A non-exhaustive list of elements to be found in the concept of terrorism is as follows:

- Indiscriminate and random killing of persons, especially civilians and non-combatants,
- Assassinations,
- Emphasis on the surprise nature of attacks,
- Quest for shocking the public opinion through media coverage,
- Existence of a self-proclaimed political agenda or "cause" to justify attacks.

Terrorism can be considered as an extreme form of expression, which is most contrary to the values of democracy, civilization and humanity. Terrorist acts, methods and practices seem to be adopted by movements which are of an exclusionist nature, which refuses a priori the responsibility of living together with "the other", who is thought to be different. Racism, religious fundamentalism and ethno-nationalism are such exclusionist movements which adopt terrorist methods. The followers of these movements practically accuse the target groups of being the source of all evil. In the case of religious fundamentalism, the members of "the others" are qualified as infidels and are perceived as the main obstacle to the restoration of the felicitous order of the initial phase of the religion. Ethno-nationalists are obsessed by the real or imagined historical victimization incurred to them by the majority and fight to separate their group from the rest of the society.

Terrorist groups project all sorts of pejorative attributes onto their target groups in a way to dehumanize them. Thus, violence can be directed without much remorse against the dehumanized members of the target group. Terrorism is the preferred form of violence which acquires in this context a conscious and systematic nature, serving a specific "political" goal. They perversely feel justified to employ any means to that end.

Terrorism, moreover, is a major violation of one of the most fundamental human rights, the right to life. By creating a climate of fear, terrorism also violates every individual's right to live free from fear, as stated in the preamble of the Universal Declaration of Human Rights. When recruiting and using minors as combatants, terrorists also violate the provisions of the Convention on the Rights of the Child. As terrorism grossly and systematically violates human rights, it is only natural to consider it as a crime against humanity.

What is the influence of "root causes"?

Terrorist movements try to justify their violence by referring to real social, economic and political causes such as economic crises, unemployment or the corrupting effects of secular institutions and tendencies on society.

A variety of theories have been presented regarding the causes ascribed to the emergence of terrorism. Extreme poverty, unjust social system and structure, corruption, political causes, extreme exploitation, religious extremism, systematic violation of human rights, discrimination, economic marginalization and cultural alienation as a result of globalization can be cited among the root causes of terrorism. Regional conflicts as well provide a suitable tool for acts of terrorism and for the operations of terrorist organizations. These factors, alone or together can create a fertile ground where terrorism can flourish. Elimination of these negative factors will naturally contribute to the elimination of terrorism.

However, it is not possible to accept any of these factors as a cause by itself leading to terrorism in a deterministic manner. A deeper analysis reveals that these are pseudo-causations or precipitating factors, barely veiling the real sources of violence whose dynamics are not always directly or entirely created by real life events. Had terrorism been stemming from socio-economic backwardness or rapid change, given that today there are around 5000 ethnic groups in the world and that a great number of the existing countries suffer from underdevelopment and rapid rise in urban squatter, the number of terrorist campaigns would have been much more than the existing ones. Had it been connected to repression and the lack of human rights and freedoms, terrorism would have proliferated only in countries with authoritarian and totalitarian regimes. However, terrorism has not only challenged totalitarian regimes which by definition deprive people of human rights and freedoms, thus theoretically creating a suitable ground for terrorism. Historically speaking, terrorists often chose to fight democratic regimes. Terrorists have been and are active in political environments where there are almost always other, more peaceful and less bloody ways to solve conflicts.

Indeed, the connection between terrorism and so-called "objective factors" is rather tenuous. "There is a great deal of terrorism without injustice and oppression, and a great deal of oppression without terrorism."

In the final analysis, it can be observed that terrorism occurs in wealthy countries as well as in poor countries, in democracies as well as in authoritarian regimes. Thus, there exists no single root cause of terrorism or even a common set of causes. Terrorism must be understood as emerging from a process of interaction between different factors, than as a mechanical cause and effect relationship.

It is nevertheless useful to try to identify some conditions and circumstances that give rise to terrorism or that at least provide a fertile ground for radical groups that tend to use terrorist methods to achieve their objectives.

On the other hand, terrorism is often sustained for reasons other than those which gave birth to it in the first place. It is therefore not certain that terrorism will end even if the "root causes" are eliminated. In the final analysis, although it is imperative to address the root causes of terrorism, it should always be born in mind that no cause can justify terrorism and the killing of innocent people.

9/11 The recent wave of terrorist violence started with the attacks to the US Embassies in Nairobi and Dar-es Salaam, peaked on September 11, hit Istanbul in November 2003 and later demonstrated further examples in Saudi Arabia, Spain and Russia.

Although terrorism was not a new phenomenon, it is widely accepted that 11 September 2001 constitutes a turning point in the perceptions of terrorism. Violence has always been used as a political tool throughout history. However, the previous dimensions and nature of terrorist violence can in no way be compared to the September 11 and other terrorist attacks that followed it. Even in the pre-September 11 era, international connections of terrorism could have been traced, but the end result was limited and local. Therefore the international character of terrorism did not previously attract the attention it deserved.

After September 11 the following trends can be observed in terrorism:

• Terrorist acts became more lethal and more destructive.
• Terrorist organizations became more powerful and independent.
• Terrorist organizations started to use religious motives more frequently.
• Suicide attacks increased.
• Their relations with transnational criminal organizations became closer.
• Their organizational charts changed from classical vertical to horizontal loose structures.
• They are more adaptive to new technological developments.

Among the above mentioned trends in terrorism, increase in suicide attacks deserves special attention. The power that can brainwash, liquidate the human nature, character and personality of a sympathizer is striking.

There are also other areas that need to be dealt with. For instance, the dimensions of destruction in the some terrorist acts are not smaller than a natural disaster such as an earthquake. The social trauma created by a terrorist act of the magnitude in New York, Istanbul or Madrid bombings can not be cured easily.

On the other hand counter terrorism measures have an adverse effect on normal economic activities. Increase in insurance premiums, additional safety measures in transportation, stricter border controls etc. disrupt normal movements of goods, capital and people internationally.

Terrorism and Organized Crime:

Terrorism in contemporary terms needs a strong financial support, high technology weapons and an expensive organization. There is no doubt that terrorists are better financed and better utilize the financial institutions than before. There is a close connection between terrorism and organized crime, as highlighted by the UN Global Counter-Terrorism Strategy. Illicit sources such as narcotics and human trafficking, arms smuggling, money laundering or extortion are

major revenue sources for terrorist groups. However, terrorist organizations also use legal means to finance their criminal activities. Legal businesses and charitable organizations can also be utilized by terrorists for funding their activities.

Terrorist organizations need money to operate. Weapons and ammunition are expensive. Major international operations require substantial investments for personnel, training, travel and logistics. Organizations must have substantial fundraising operations, as well as mechanisms for moving funds to the organization and later to terrorist operators. These functions entail considerable risk of detection by authorities, but also pose major challenges to both the terrorists and intelligence agencies.

Typical sources of funding for terrorist groups include:

1) Criminal activities such as bank robberies, kidnapping for ransom, extortion, smuggling and drug trafficking,
2) Donations form local and/or foreign supporters, including emigrants and charitable organizations,
3) Assistance form sympathetic foreign states,
4) Cash infusions from wealthy individuals, organizations,
5) Revenues from legitimate business operations.

Many of these financial sources leave a paper or electronic trail, but well-established systems exist to circumvent, frustrate or avoid detection. The international community has been cooperating to tighten laws and expand powers of regulation over international banking and the financial system, including provisions to require regulation and registration of the informal financial system that exists worldwide.

Islam versus Terrorism:

The Western popular narrative about Islam, politics and violence too often and too easily associates Islam with terrorism. Such unwarranted association detracts from the depth of the debate that is required to avoid a confrontational relationship between the perceptions held by different cultures towards each other.

There are terrorist groups that claim to act in the name of Islam. However, the mere fact of claiming to act in the name of Islam does not validate their assertion. If their rationale behind resorting to terrorism as a method is not acceptable, why should their claim to represent Islam be accepted, especially when the overwhelming majority of Muslims worldwide do not?

It is also known that terrorism has the potential to be used by different ideologies, systems of belief, creeds, ethnic or religious groups. And this has been the case in mankind's recent history. Fundamentalism is only one such employer of terrorism. Yet, it is known that fundamentalism exists among adherents to different beliefs and ideologies, including in the three great monotheist religions.

Terrorism operates by means of crimes committed in order to further political aspirations. Acts of terrorism are generally accepted as acts of criminal conduct against public order, be it international or domestic. Terrorism is defined on the basis of terrorist acts, not by the causes it intends to serve or motivations it professes. The main victim of terrorism is innocent people.

Therefore, the main goal of the fight against terrorism ought to be to protect innocent people from this scourge.

The so-called political motivation of terrorism in the case of ethno-nationalism is to dismember the territorial integrity of states, in the case of revolutionary ideology to overthrow a constitutional order, in the case of religious fundamentalism to establish a theocratic regime according to their divine understanding.

In an age where the international system is no longer based on conflicting set of values, but rather on shared values, the question involved in respect of terrorism is whether there are fundamental values shared by all states like the protection of innocent people, human rights, democracy, rule of law, constitutional order, territorial integrity of the nation state and the pluralistic, multi-cultural, multiethnic and multi-religious character of the society as well as public safety and security.

International cooperation against terrorism depends on understanding that terrorism cannot be considered as a legitimate and valid means of promoting human, ethnic or cultural rights. This inevitably requires the rejection as a matter of law and ethics, of the perceived "just cause" of the terrorists.

Cyber Terrorism:

The threat of terrorism is global and the widespread availability of information technologies has enabled terrorist organizations to communicate in new and more effective ways. Terrorists can increasingly operate "virtually" and without formal structures. They can share tactics and strategies through the internet and there is evidence of collaboration between terrorist organizations and international criminal organizations.

Terrorist groups work across borders and in a stateless cyberspace. No single nation can defeat terrorism on its own, as it is a global threat. International co-operation between national authorities, and firm and decisive resistance of the societies is essential to ensuring the safety of innocent civilians around the world.

Like other types of terrorism, combating cyber-terrorism requires a global response and solidarity among nations. Since terrorists can use e-mail, proxy or web servers in various countries without restriction, an international oversight should be established. Access to the internet sites of the terrorists should also be prohibited. Such measures, as well as enhanced co-operation between states, would make countering cyber terrorism more effective.

United Nations Security Council Resolution 1624 (2005) calls upon States to take measures that are necessary and appropriate, and in accordance with their obligations under international law, to prohibit by law incitement to commit terrorist act or acts and to prevent such a conduct. The report of the Secretary-General of the United Nations "Uniting against terrorism: recommendations for a global counter-terrorism strategy" of 27 April 2006, interprets the abovementioned resolution as providing for a basis for the criminalization of incitement to terrorist acts and recruitment, including through the Internet. The United Nations Global Counter-Terrorism Strategy (8 September 2006) mentions that Member States of the UN resolve to explore ways and means to coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet.

Judicial Cooperation:

Judicial cooperation concerning terrorist organizations and perpetuators must be regarded as important as security cooperation. Many countries throughout the world have signed bilateral and multilateral treaties with respect to various crimes. However, a significant number of these treaties explicitly state that when the background of the crime is political, there is no obligation to extradite, and the background for acts of terrorism is always political. Due to this, many countries have failed to fulfill their obligation to extradite terrorists, even though there are also Security Council resolutions that require them to do so.

In this context, asylum and extradition practices are particular areas where different standards are percieved to be applied. Uniform and binding practices needs to be developed. For example, a comprehensive judicial cooperation agreement under the auspices of the UN would be a welcome development. Under the same heading, establishing a global list of terrorist organisations other than Al Qaeda and the Taliban, as set by the Resolution 1566, would be an as important contribution to countering global terrorism.

Building up of international solidarity:

In combating terrorism, the most important need is international co-operation. The international community must prevent terrorism from being used as a foreign policy instrument. Otherwise, world order and international peace can be badly undermined.

Universal implementation of all existing United Nations Conventions and Protocols as well as Security Council Resolutions against terrorism and encouraging states to comply with them and to take effective measures to prevent and combat terrorism, and in particular to prevent and combat the financing of terrorism is needed.

Increasing inter-parliamentary co-operation in the fight against international terrorism and ensuring information security, including by combating the spread of terrorist ideology, is needed. Member states of PAM, in accordance with its aim of furthering cooperation, should make a concerted effort to combat terrorism, through increased security and judicial cooperation, by preventing those responsible for acts of terrorism from finding refuge abroad.

It should be recognized that international cooperation in the fight against terrorism must comply with the principles of international law and with respect for the territorial integrity and sovereignty of states. Within this framework, regional organisations, in coordination with the UN, could assume a greater role in building international solidarity against terrorism.

It should be noted that judicial cooperation in the context of terrorism is as vital as security cooperation. To combat terrorism, all countries act to bring perpetrators of terrorism to justice by implementing without fail the principle of "extradite or prosecute" (*aut dedere aut judicare*).

Parliaments could act in concert to assist the creation of an international legal framework for countering the terrorist threat spread by means of modern information systems and technologies, including through the Internet and the electronic mass media and harmonize national legislations.