

**PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN ASSEMBLEE  
PARLEMENTAIRE DE LA MEDITERRANEE**

**1<sup>st</sup> Standing Committee  
on Political and Security-Related Cooperation  
Special Task Force on Terrorism  
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**Introduction**

Terrorism is not confined to the national boundaries for a long time and is becoming one of the primary problems of humanity. Terrorist does not only target a state or one society, but targets the world and legacy of humanity including the values of freedom, democracy and human rights. In Sergey Nechaev's words he "is a doomed man ... He is an implacable enemy of this world, and if he continues to live in it, that is only to destroy it more effectively...no place for any romanticism, any sentimentality, rapture, or enthusiasms (Nechaev 1869: 68-70).

In order to create effective counterterrorism policies, cooperation of international actors is required. The states as the members of international society are aware of the necessity for international measures in order to deal with the problem that cannot be solved via unilateral actions. There are also substantial steps taken for cooperation that may be harbinger of a common definition of terrorism as a major step for solution.

In this report, we aim to scrutinize the necessity for a common definition of terrorism made by international community preferably through United Nations. In order to attain this objective this report explains the historical background and legitimization sources of terrorism along with a critique on their validity. Then, this study will clarify the concept of terrorism and distinguish the phenomenon from the other types of crime and political violence. Finally, this report will assert the need and attempts for a common definition of terrorism and provide an agreeable definition by different parties in the international community.

**Historic Perspective; "root causes" and attempted "justifications" of terrorism**

Historically, the word 'terrorism' was first used during the French Revolution (Laqueur 1978 and 1987), which ironically is seen by many as the beginning of modern-day democracies. This paradox makes it worthwhile to examine the political perspectives of both sides of the Revolution in France. A brief historical examination of terrorism will show the impact of the French Revolution on subsequent terrorism, and how actions have been justified

through history, as well as the changing methods, tactics and nature of terrorism. Thus, the use of the terms 'terrorism' and 'terrorist' is of relatively recent origin. The 1798 supplement of the dictionary of the Academia Francaise indicated the meaning of terrorism as '*regime de la terreur*', literally 'a regime of terror' (Laqueur 1978: 6).

Terrorism, as it is now understood, was used by the post-Revolution Jacobin dictatorship as an instrument of political oppression, originating from the ruling class rather than from individual subject groups. Laqueur (1978: 6) suggested that the Jacobins were the first to use the term 'terrorism' in a positive sense when they corresponded with each other. The general perception amongst the instigators of the French Revolution seems to have been that terrorism was a justified weapon for overthrowing a corrupt privileged regime in order to introduce the new political ideas of '*Liberte*', '*Egalite*', '*Fraternite*', as there was no other alternative. This approach encouraged the Jacobins to take brutal measures against their opposition, which in turn prompted the use of forms of terrorism against the Jacobins, given that the concept of 'terrorism' was generally unacknowledged in those days.

It did not take long to recognize the coercive, ruthless features of terrorism. An important ideological statement of early terrorism, was *Der Mord* by Karl Heinzen published in 1849. His interpretation of terrorism was as follows:

If to kill is always a crime, then it is forbidden equally to all; if it is not crime, then it is permitted equally to all. We do not desire any killing, any murder, but if our enemies are not of the same mind, if they can justify murder, even going so far as to claim a special privilege in the matter, the necessity compels us to challenge this privilege; and it is no great step from this necessity to becoming Robespierre and to the adoption of Robespierre's role, condemning hundreds of thousands to the scaffold in the interest of humanity (Heinzen 1849: 54-55).

Many terrorist organizations have subsequently justified their violence by arguing that they are a subject to violence in the first place from the ruling body and their objective is to overthrow authoritarian regime. However, the justification with the claim of being against authoritarian rules is not plausible.

The terrorist activities do not only concentrate on the authoritarian countries but often take place in the democratic countries.

Secondly, it is not acceptable to use violence and brutal ways even for a noble cause. A noble cause such as ending the authoritarian repression cannot legitimize the violent means.

Besides, there is confusion between the justification and excuses for the terrorist activities. Terrorist movements try to justify their violence with social, economic and political causes such as economic crises, unemployment or the corrupting effects of governmental institutions or lack of political representation. Yet, these problems are not the real causes of terrorism. Actually, these problems are exploited by the terrorist organizations for their political propaganda.

The argumentation of running all the means but the brutal way to reach political objectives is far from reality. In a democratic country all groups have at least one of the means such as political parties, interest groups and organizations to attain their objectives. Nevertheless, terrorist organizations regard these means too slow to reach their goals. They do not want to exhaust in other channels of pressure. The main rationale using terrorism instead of democratic ways is its effectiveness. They think that terrorism is the quickest way to get what they want.

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."

### **Terrorism a bigger risk to civilizations**

UN resolution 1617 in 2005 clearly indicates that terrorism poses a greater threat to human civilizations. Security Council Resolution 1671 state that;

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed; and reiterating its unequivocal condemnation of Al-Qaida, Usama bin Laden, the Taliban – and associated individuals, groups, undertakings and entities – for ongoing and multiple criminal terrorist acts aimed at causing the death of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort, ..

### **What makes terrorism different kind of crime?**

There is some consensus among scholars that political violence covers all collective organized attacks against a regime, and that the perpetrators of such acts may include competing political groups and also incumbent governments.

However, in order to prevent confusion we need to distinguish "terrorism" from other crimes, guerrilla action, and conventional war. Jenkins has suggested the nature of a terrorist act consists of the following elements:

... all terrorist acts are crimes - murder, kidnapping, and arson. Many would also be violations of the rules of the war, if a state of war existed. All involve violence or the threat of violence, often coupled with specific demands. The violence is directed mainly against civilian targets. The motives are political. The actions generally are carried out in a way that will achieve maximum publicity. The perpetrators are usually members of an organized group, and unlike other criminals, they often claim credit for their act. And finally the act is intended to produce effects beyond the immediate physical damage (Jenkins 1980: 2-3).

Thus, the terrorist activities consist of conventional crimes, in addition it has a political aspect that these crimes are used for panic and fear in the target society order to convince state authorities about their demands.

Terrorism can be distinguished from guerilla warfare and conventional war. In general it is accepted that terrorism is the first of a three-step development which may progress through guerrilla warfare to conventional warfare (Crozier 1960: 163).

The first phase involves the use of 'strategic offensive and the insurgents' strategic defensive', during which guerrilla tactics are secondary to conventional mobile warfare. Hence, terrorism is a rather limited strikes against symbolic targets to cause panic and anxiety. In contrast, guerrilla warfare exists in larger scale of attacks against rather selective targets which are mainly against military and government institutions.

Secondly, terrorism is indiscriminate but guerrilla war could be more discriminate. For example, a terrorist attack to World Trade Centre in New York in a few years ago had resulted many civilian casualties, whereas, the guerrilla concentrates mainly in military targets..

***From the analysis of literature referred to in this report,*** terrorism can be distinguished from other forms of violence and political violence by the following characteristics.

First, although terrorism is legally a crime like murder, arson or kidnapping, its aim is to achieve a political goal. The fact that, unlike ordinary criminals,

terrorists often claim credit for their acts, means that the crime of terrorism can be differentiated from non-political crime.

Second, terrorism differs from other kinds of political violence due to its deliberate and systematic use of coercive intimidation and the indiscriminate nature of its violence.

Third, terrorism is not a synonym for guerrilla warfare and similarly it should not be confused with anarchism.

Terrorism is a specific method of struggle rather than a synonym for all political violence or insurgency. According to Wilkinson (1989: 453) 'terrorism is a special kind of violence, a weapons system that can be used on its own or as part of a whole repertoire of unconventional warfare.' The methods of terrorism have been employed by a variety of groups internationally including governments, political factions, criminal gangs and even religious movements and cults (Taylor 1989; Rapaport 1989).

### **The necessity and attempts for a common definition**

Since acts of terrorism have become more international and are no longer confined to a particular country's borders, attempts have been made by many differing nations to create an international law relating to such crimes. However, such attempts have failed each time due to the fact that each country has a different perspective upon the definition of the phenomenon and different interests in seeing particular groups and activities curtailed.

There is no doubt that in order to fight against terrorism there is a need for international co-operation. Nevertheless, as explained above, there is no clear consensus on the definition of terrorism among the international community. Thus, the members states of the UN have not been able to agree on a definition of international terrorism.

*This hampers world-wide co-operation against terrorism. Consequently, individual countries which are subject to terrorist attacks set their own agenda and often implement their response in isolation.*

### **Some encouraging steps towards cooperation on countering terrorism**

This does not mean that there is no development at all. There is an attempt to alleviate the problems of lack of comprehensive definition through listing the terrorist organizations and the crimes that are associated with the terrorist activities. These attempts include the inhibition of the means that nourish terrorism and ease terrorist activities. These listing attempts are taken by the individual countries such as the US and Britain but also by the organizations such as the European Union and United Nations.

The listing activities are attempts to reach a consensus on which organizations can be defined as terrorist organizations. Thus, these listing attempts of these countries itself is an important evident for the need of common definition.

Moreover, listing the crimes that are associated with terrorism may be used for a definition for the terrorist activities. Eventually, the common characteristics of the organizations and common crimes accepted as terrorist activities may serve as elements of a common definition.

Notwithstanding the lack of common definition, the UN adopted some resolutions on terrorism. The resolution 1566 condemned both terrorism and attempts to justify it. This resolution also established a global terrorist list, after the 1267 resolution about Al Qaeda. The terrorism, its perpetrators, accomplices and its financiers were criminalized with The Security Council Resolution 1373. Besides, the Convention on Suppression of the Financing of Terrorism was adopted.

These cooperation steps at UN level are important, yet reaching to a common definition is vital for permanent solutions. The idea to response terrorism with the existing laws and regulations on the conventional crimes is not plausible. The terrorism as mentioned above is different from conventional crimes and can only be solved with regulations and laws that address terrorism and terrorist activities. The definition will criminalize all terrorist activities that will restrict the maneuverability of terrorist organizations. This, restrictions also cause reconsideration of terrorism as the best way to achieve political objectives.

## **Definition**

Having considered different views and definitions of terrorism and other forms of political, and non-political violence, this report is now able to offer its own definition of terrorism.

Terrorism can be defined as violence or the threat of violence, coupled with political demands and motives. Terrorist actions are carried out or designed to achieve maximum publicity, and to produce effects beyond the immediate damage to people and property. The methods used are extreme, destruction is ruthless, and the behavior is not constrained by the rules of war. The nature of the violence is indiscriminate, unpredictable, and coercive; it is a collective act and targets can be members of security forces, government officials, and members of the public.