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**CURRENT ISSUES ON TERRORISM:
GLOBAL VS. NATIONAL TERRORISM,
STATE- VS. TERRORISM-VIOLENCE**

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CURRENT ISSUES ON TERRORISM:
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After something more than a year elapsed since the terrorist attacks of September 11, 2002, assessments of terrorism and ways and means to respond to it continue to be central in public debates. In this paper two questions are raised with respect to terrorism.

The first question relates to the difference that should be made - and is in contrast neglected - between transnational / global and national / regional terrorism. The need to recognize the difference as to calibrate responses to terrorism does divide the government of the United States from a good deal of American citizens and allied countries.

The second question concerns the difference that should be made and maintained between terrorism by non-state actors and illegitimate violence by states against civilians. This question is linked to that of the allegedly legitimate use of terrorism in the framework of people resistance to illegitimate state-violence. In sum, the question is well known as that of defining terrorism. Such concern of definition does divide Western governments and public opinions from Arab and Muslim ones; the latter being convinced that terrorism is a legitimate response to illegitimate state-violence. The question is not new nor it concerns the Muslim and Arab world only. In general, "one man's terrorist is another man's freedom fighter".

Global and regional terrorism

In their combat against terrorism after September 11, the Western countries are focusing their attention on global terrorism and the rogue states that support and/or use it. Much less emphasis is put on terrorism at national and regional level. More often than not, national and regional terrorism is considered as nothing more than a local manifestation of global terrorism, as in the case of Palestine and Chechnya.

This perception stems, first of all, from the fact that Al Qaeda has a transnational aim - the liberation of all Muslims from American and Western oppression - as well as a transnational organization. It stems also from the fact that Al Qaeda's war is primarily waged against the United States, the only country with inherently global interests and power. Al Qaeda's *Weltanschauung* believes in a *Dar al-Islam* vs. *Dar al-Harb* world. This bipolar vision of the world is matched by the American administration when it states that other players in the world are expected to be either with the United States or against it. In a sense, the world is back to a Cold War-like picture, where two antagonist powers have mutually exclusive agendas and global interests. Hence the perception of terrorism as a global trend only.

This is a reductive vision of the issue, however. When it comes to the Muslim and Arab world, distinctions and differences between national and global terrorism should not be

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overlooked. The blurring that seems to prevail in Western eyes is not correct. It obfuscates differences, which in contrast are relevant to provide terrorism an effective response. Let's try to understand why a difference between global and regional level has to be made.

Al Qaeda's discourse is a bid for hegemony over the Muslim and Arab world. It suggests that all Muslims and Arabs are united by the oppression the West allegedly exercises over them. Consequently, they are called to fight against such oppression under Al Qaeda's leadership.

Al Qaeda is positioning itself with respect to varying national and local situations as the Soviet Union used to with respect to anti-colonial and imperialist movement. It is trying - with not negligible chances of success - to exercise hegemony over different national and local conflicts by stressing what they have in common: the combat against United States and the West as their alleged common oppressors.

After September 11, it became clear that Al Qaeda's discourse is gaining remarkable broad consensus throughout Arab and Muslim public opinion. Will it manage to turn today's array of different struggles in Arab and Muslim countries into an actual compact global movement? In other words, will the present array of Muslim- and Arab-based conflicts be turned into one strong anti-Western movement?

It is important to realize that Al Qaeda's is not the leader of an existing unitary movement of Muslim and Arab redemption and empowerment. Rather, it is seeking to create such movement under its leadership. For this reason, in responding to Al Qaeda's threat, national and other differences among Muslim and Arab players have to be underscored by the West. Al Qaeda's baseless claims of a global Muslim struggle has to be exposed by the West so as to prevent its bid for hegemony from materializing.

The West must be careful in keeping on due distinctions between Al Qaeda's and other's groups activities, even when it comes to terrorism. The present American administration's belief that terrorism is one only problem, whether it comes from Al Qaeda or Hamas is profoundly mistaken and plays in the hands of Al Qaeda. In fact, it gives Hamas' national terrorism a global character it lacks indeed. This plays in Al Qaeda's hands and strengthens its bid for hegemony.

Hence the importance of recognizing the individual characters and roots of national and local conflicts and makes the differences it needs be between transnational / global and national / regional. While transnational terrorism deserves a strong suppressive response, national terrorism besides suppression, badly needs political responses.

European policy towards national terrorism - both in Europe and beyond the Mediterranean - has always carefully taken into consideration the political background of terrorist activities. What is not legitimate is the way terrorists seek to achieve their goals, not necessarily the latter in themselves. The fight against terrorism has to be aimed at squarely suppressing terrorists. At the same time, if terrorism has to be undermined, it requires alternatives responses to the political goals they pursue. Alternative responses are particularly important when terrorism's goals receive mass political and/or social consensus. For these reasons, while the Europeans reject Palestinian or Chechen terrorism, they insist on the need for a political response to the national issues from which terrorism stems. After September 11, there is no doubt that on this point there are important disagreements in a transatlantic perspective.

In conclusion, while the global, transnational terrorism of Al Qaeda deserves a military response, the regional, nationally motivated terrorism in the Mediterranean, the Middle

East, and other regions, in principle needs a political response in addition to suppression.

As a matter of fact, however, one has to point out that things are less clear-cut than that. In fact, one has not to overlook that the distinction is blurred by the *de facto* hegemony exercised by Al Qaeda's discourse, that is by the fact that Al Qaeda and national terrorism share the same large social consensus.

Let's try to discuss the point in more detail. To begin with, if a political response to regional terrorism is not provided or indefinitely postponed and a military response is provided instead on the assumption that there is no difference between global and regional terrorism - as the Israeli government is doing with US support and the Russian one with American acquiescence or sympathy - the result is a policy that is guided by Al Qaeda's hegemony. In fact, what Al Qaeda asserts is that there is only one Muslim cause. A single Western response to global and regional terrorism would seem to confirm Al Qaeda's claim.

This is why the West and Europe must retain a difference in their response, as difficult as this may be (in regions and, by the way, in the framework of immigrant communities). They should sharply repress terrorism. They should, however, uphold a more articulated response to national terrorism in the region.

On the other hand, if a political response were given to regional terrorism, without providing the hard and visible military response Al Qaeda's terrorism deserves in the region and elsewhere, this would be regarded as a sign of weakness or exposed as such by Al Qaeda's followers. And this would weaken the regional political response as well. In sum, the West cannot give one kind of response only. It must be active on both fronts, each receiving the response that suits it. In other words, what is needed is a finely articulated joint response. However, it must not be overlooked that success at the regional level - a firm Israeli-Palestinian agreement; a Russian-Chechen understanding - would undermine Al Qaeda, publicly unveiling the instrumental character of its discourse. On the other hand, it would strengthen the moderate forces throughout the Great Middle Eastern region. It would mark the beginning of Al Qaeda's decline and point a way out of the current conflict.

In this sense, the restoration of an effective, concerted Western effort to bring compromise and peace to historical Palestine, along with improvements in the EMP and NATO Mediterranean Dialogue look like a strong and urgent priority in the combat against terrorism. The same is true for relations between Russia and Chechnya and other ongoing regional conflicts.

Terrorism, state-violence, resistance

The September 28, 2001 UNSC Resolution 1373, requiring UN member states to take measures against terrorism, has had an unexpected large response. Most countries have taken and reinforced measures against terrorism and reported to the Counter Terrorism Committee, established by the UNSC to check compliance with the resolution. At the same time, the UN General Assembly Committee in charge of finally adopting the comprehensive draft of the convention on terrorism submitted to it since the beginning of 2000 failed to do it once again. The difference is that, while Resolution 1373 does not allude to any definition of terrorism, the comprehensive convention tries precisely to define terrorism thus closing the gap left by the preceding twelve conventions on

terrorism, which have referred to specific acts of terrorism omitting to define terrorism as such, however.

Defining terrorism is objectively a difficult task. A pioneering study conducted in the University of Leiden in 1988 listed 109 definitions of terrorism². From this analysis, it emerges clearly that the concept varies significantly and is shaped by political specific situations and singular requirements rather than objective conceptualization. Definitions are tailored to governments' specific concerns. For this reason, as underscored by the University of Leiden, different definitions include or not, emphasize or fail to, as essential defining elements as "violence", "political goals", "indiscrimination of targets", "victimization of civilians", whereas all these elements should contribute to define terrorism. In particular, it is interesting to note that only 17.5% of the definitions considered by the study, included "victimization of civilians".

Israel uses a particularly wanting definition, which omits references to the political character of the activities involved and civilians' victimization. The American definition is definitely more complete and acceptable ("premeditated, politically motivated violence perpetrated against non-combatant targets by sub national groups or clandestine agents, usually intended to influence an audience"), though for contingent political reasons it may happen to be applied mistakenly, as in the case of the Lebanese Hizballah³.

The factor that prevents an international agreement on terrorism in the UN Committee and elsewhere is, however, the inclusion in the definition of terrorism of the illegitimate violence committed by a state, usually by its armed and other coercive forces. A number of ongoing conflicts in which Muslim or Arab parties are involved, as mostly the conflicts between the Palestinians and Israel, Chechens and Russia, have introduced in the debate a strong request by Muslims and Arabs alike to include state-violence in the definition of terrorism. On this point, international cooperation has come to a standstill. The Western countries, in general, do not want to yield to such an enlarged definition of terrorism. For sure, violence wherever it comes from must be starkly suppressed. Illegitimate state-violence has to be suppressed as well as violence coming from non-state players, in the framework of human rights protection and the rule of law, however. Non-state actors' violence is an offense to domestic and international criminal law, whereas state-violence is an offense to domestic and international laws dealing with human rights. Thus, as underscored by Loretta Bondi: "Human rights advocates have cautioned that the comprehensive treaty [on terrorism] should contain an article guaranteeing the conformity of the draft convention to human rights and international humanitarian law"⁴.

It must be noted that, while the Western position is predicated on a logical interpretation of the issue, the reality is that whereas state-violence can easily suppress terrorism, it cannot be easily suppressed instead. Consequently, the refusal or hesitations by Western states to include state-violence in the notion of terrorism and include it more aptly in the notion of human rights abuse should be accompanied by stronger guarantees on the

² Alex P. Schmid, Albert J. Jongman, *Political Terrorism*, Amsterdam, North Holland Publishing Company, 1988.

³ The Hizballah can hardly be considered as a terrorist organization. For a recent well-balanced consideration of this group, see Sami G. Hajjar, *Hizballah: Terrorism, National Liberation or Menace*, Strategic Studies Institute, U.S. Army War College, Washington D.C., August 2002.

⁴ Loretta Bondi, *Legitimacy and Legality: Key issues in the Fight Against Terrorism*, The Fund for Peace, Washington D.C., September 2002, p. 27.

ability of international law to suppress state-violence. (Something that would not easily be accepted by a large number of Muslim and Arab states, however).

The very structure of international relations, as based as it is on state sovereignty, prevents to consider terrorist activities from an objective point of view only, i. e. independently of the subject, which carries such activities out. In the event, subjects act in two different spheres and jurisdictions, so that the same substantive offense (terrorism) must be considered differently according to the nature of the subject involved: a criminal offense when stems from non-state actors and an abuse of human rights when stemming from states. Meanwhile, the collective capability to suppress states' abuses of human rights should be convincingly enhanced.

In sum, the right way to look at the question would be a separate consideration of terrorism and state-violence and the strengthening of international capabilities to enforce collectively human rights against the state that use violence illegitimately or disproportionately. As this is more a hoped for future of the international community than a reality, the hard-to-solve question of defining terrorism remains the most likely way the international community will continue to debate, perhaps inconclusively. A solution may not be in sight.

To conclude, another aspect must be taken into consideration. It must be noted that from the point of view of the constitutional right of any citizen to express freely political opinions, a definition of terrorism is needed anyway and an international agreement is desirable. In this sense, the American definition of terrorism, when it alludes to "politically motivated violence" may be inadequate. A comprehensive treaty on terrorism including a collectively accepted definition of terrorism would definitely avoid reciprocal grievances from the Western and Arab governments for respectively hosting terrorists and jailing opponents. It would also allow fewer disputes about extradition. For this reason, while an agreement based on definition is hard to come up in the case of state-violence vs. resistance, it should be very helpful in the case of free vs. violent opposition.

In sum, stakeholders are facing difficult dilemmas; still they are obliged to continue to work on it. The European Union is in the course of discussing a common definition of terrorism. This definition tries clearly to take Arab concerns into consideration. Thus, in the draft of the EU Council terrorist offenses would include:

(i) seriously intimidating a population, or (ii) unduly compelling a Government or international organization to perform or abstain from performing any act, or (iii) seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization: (a) attacks upon a person's life which may cause death; (b) attacks upon the physical integrity of a person; (c) kidnapping or hostage taking; (d) ..., (e) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information in system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss; (f) seizure of aircraft ..." etc.⁵

The draft resolution of the EU Council includes also, however, a clause saying that a distinction should be made in case the offenses contemplated by the definition are committed by regular armed forces. It stresses, however, the fact that such distinction

⁵ Council of the European Union, *Proposal for a Council Framework Decision on Combating Terrorism*, 14845/1/01/REV 1, December 7, 2001.

makes sense only if such armed forces' actions are "governed by humanitarian law". In other words, the EU Council draft makes the distinction that has been just advocated in this paper between state-violence and terrorism, by underscoring however that state forces must strictly act within the limits of humanitarian and international law. It would be desirable that the EU, as soon as such text is approved, submits it to the Euro-Med Partnership. An agreement in the Partnership could have a strong impact on the international debate.