

EUROPEAN UNION AND INTERNATIONAL TERRORISM: GENERAL CONSIDERATIONS

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ABSTRACT:

THE PAPER DEALS WITH THE EUROPEAN UNION AND THE TERRORIST PHENOMENON – THE MOST MALIGNANT, COWARD AND INHUMAN FORM OF VIOLENCE FROM AROUND 1795 UNTIL THE ATTACK OF FRENCH SATIRICAL WEEKLY NEWSPAPER CHARLIE HEBDO AND THE FOLLOWING EVENTS. WE HAVE ANALYSED EFFECTS AND CAUSES LEADING TO THE DISASTER OF THE TERRORIST ACTIONS IN VARIOUS PARTS OF THE WORLD. CIRCUMSTANCES AND POSSIBLE SOLUTIONS TO MINIMIZE THE PHENOMENON ARE AIMED AT.

KEY WORDS: TERRORISM, EVOLUTION, ASPECTS, ANNIHILATION ACTIVITIES

INTRODUCTION

In the game of our existence hides the human enjoyment, the awareness of being the cause of our humanity. Just because we are people, we must not despair in any “game” as long as it’s not lost yet, even though this game is the attitude that we must adopt to terrorism.

Although, on the biggest reunion ever held in Madrid on the 25th of February 2005, the most renowned experts in terrorism have not managed to give a universally accepted legal definition due to the fact that the terrorist phenomenon could not be defined in its very essence. The attempts to replace the word “terror” with: fear, determent, anxiety don’t express the same thing in the context, although they are synonyms. It is true that organized military actions can also cause mutilation of some civilians, but they are not killed deliberately and yet, on the other hand the terrorist attacks intentionally murder civilians, children and women. Therefore the phrase “deliberately” joins the structure defining terrorism (in such case we refer to trap vehicles which explode in crowded centres, human bombs, people kidnapping etc.) We should make a clear difference between terrorism and other forms of violence manifestation. As, not every violent action disapproved by society represents a terrorist act. An aggression made in an apartment or in a store to steal some goods is not a terrorist action, but usual robbery or crime.

Can terrorism be justified as a reaction of the weak against the strong? Or is it just a premeditative, retributive, inhumane, criminal (often suicidal) action whose goal is to dismay?

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Terrorists are generally recruited among the uneducated, socially alienated, from the ghettos, out of the desire for adventure, boredom or earnings, but also among those educated through political and especially religious beliefs. Religious leaders, like priest Hafiz Saeed founder in the 80s of movement Lashkar-e-Taiba and the “brain” behind the attacks from Mumbai from 2008 resulted in 166 dead have many supporters due to the charity actions they make especially in poor areas.

In Afghanistan the Taliban regime sheltered an entire management of Al-Qaeda organization. After a decade of presence of the American and allied troops in Afghanistan, the control centre for terrorism becomes Pakistan.

Unlike his predecessor, Osama bin Laden, the priest doesn't hide in caves, moves freely through the country, answers the journalists and holds press conferences. In the present paper are analyzed the effects, the causes, the circumstances and possible solutions to limit the terrorist phenomenon.

MAIN TEXT

Terrorism, the phrase that induces chills and cold sweats, comes from the Latin word “terror, terroris”², which means horror, fear, fright purposely caused, by threat and intimidation. The term “terrorism” is nothing new nowadays; we meet it for the first time in a context of political violence by 1795 during the reign of terror of the Jacobins. The word “terrorism” was mentioned in 1798 in the Supplement to the Dictionary of the French Academy. In a book devoted to this phenomenon, Walter Laqueur estimated that during 1936-1981, more than 100 definitions of terrorism were given, but none of them was comprehensive enough. The British – among the first to react to the resurgence of the phenomenon of terrorism – defined it through a law such as: “the use of violence for political ends, and includes any use of violence for the purpose of putting the public, or any section of the public, in fear”³.

Dostoyevsky spoke about this phenomenon too, in his novels, when he narrated about the explosion of bombs in cafe shops, caused by anarchists. Also, Napoleon qualified Spanish and Russian guerrilla as terrorists while after Goya's confession, even the Napoleon's army was terrorist. Another example, of course, is the occupation of Europe by Hitler, whereby he tagged as terrorists those who opposed him. Well, those who were terrorists, who sequestered people, were exactly the soldiers in Nazi uniform. Therefore, a person in military uniform or a state may be considered as terrorist.

One aspect that defines terrorism is given by the term “deliberately”⁴. It means a deliberate assault on civilians. We refer to the kidnapping, the car exploding bombs in crowded centres, the human bombs etc.

It is true that any military action causes the massacre of civilians, but it doesn't kill them deliberately; terrorist attacks, instead, deliberately kill civilians, children and women.

It has to be made a clear distinction between terrorism and other manifestations of violence. Not every violent action that is disapproved by society is a terrorist act. An assault in an apartment or in a store in order to acquire goods or settle accounts is not terrorism, but the ordinary robberies or murders do.

No definition can satisfy the broad interpretation of terrorism specificity. Time is an abstract concept and involves: violence or threat in order to cause fear, panic or change,

² El Pais, *Experții caută la Madrid o definiție clară a terorismului* [The experts at Madrid are looking for a clear definition of terrorism], in *Adevărul de Cluj*, year XVII, nr. 4368/16.03.2005, 3.

³ Constantin Bran, *Terorismul – cancerul mileniului III* [Terrorism – 3rd millennium cancer], www.presamil.ro/SMM/2004/05/pag7-9.htm, accessed 10 June 2015.

⁴ Viorel Hăhăianu, *Terorismul internațional*, [The International terrorism], (Arad, Ed. Concordia, 2001), 8.

violates legal norms, may cause social and political factors or can be sponsored by individuals or state.

Terrorism is the most treacherous, cowardly and inhuman form of violence: it is insidious because it attacks without any notice, cowardly, because attack defenceless people and inhuman because the victims are not the targeted persons (presidents, generals...) but are sacrificed people whose only crime is that they were in the place and in the moment of the attack.

Terrorism is not, as sometimes we try to justify a reaction of the weak against the strong, but a premeditated, punitive, inhumane and criminal action - often suicidal and always fierce - which aims to destroy, to kill with cruelty and fearful. Terrorism cannot be justified in any way, as it is not presented either as a way to unlock a strategic situation - as shown in the general war - or as a simple reaction of revenge against an enemy that can't stroke it, but rather like an untimely and criminal aggression against the human being, civilization and value systems⁵.

Until now, terrorism has not directly affected Romania, although our country is one of the most active aisles drug traffickers in human beings and organized crime and near certain areas generating conflict and terrorism (Caucasus, Balkans Kurdish area and the Immediate East). But the effective participation in the antiterrorist war (by joining NATO and the EU) and the change of economic, political and social configuration constitutes the premises of possible future terrorist attacks on Romania. "The phenomenon of terrorism is extremely difficult to predict. What is precisely known is that it exists and manifests itself in various forms. Structural and effective dynamics of this phenomenon is similar to meteorological phenomena. We know that it will happen, but we don't know when, where and how"⁶. Possible methods of forecasting terrorism must be based on a system of analysis and indicators on terrorist activities (approximate locations, types of attacks, networks, organizations or groups that could perform, motivation, etc). The most useful methods might be: comparison method, contrast method, successive evaluation method, inductive method and analysis method by contiguity⁷.

It should be emphasized that American specialists identified some of the major adjacent terrorist threats and vulnerabilities more than 20 years before the terrorist attacks of 11 September 2001. In 1972, Richard Kennedy show that radiological bomb called "dirty bomb" is a real threat, and William Rogers warned in the mid 1973 that "atomic materials could provide terrorist unimaginable possibilities"⁸.

Until now, states have not adopted a multilateral convention with universal character that tied to rule the indictment of international terrorism in all its aspects.

They develop rules of international law relating to international terrorism, in the aftermath of the Second World War. It has been made in the form of international conventions that regulated the prevention and repression of specific aspects of international terrorism.

The first action of legislating and adopting an international convention on international terrorism under the aegis of the League of Nations was made. It materialized as two conventions adopted at Geneva in 1937. These were: "Convention on the Prevention and

⁵ Gheorghe Văduva, *Terorismul contemporan – factor de risc la adresa securității și apărării naționale, în condițiile statutului României de membru NATO, [Contemporary terrorism – risk factor to national security and defend, because Romania's status of NATO member]*, (București, Ed. Universității Naționale de Apărare, 2005), 5.

⁶ Văduva, *Terorismul contemporan – factor de risc la adresa securității și apărării naționale...*

⁷ Văduva, *Terorismul contemporan – factor de risc la adresa securității și apărării naționale...*

⁸ Văduva, *Terorismul contemporan – factor de risc la adresa securității și apărării naționale...*

Suppression of Terrorism” and “the Convention establishing an International Criminal Court”. But they have not entered into force⁹.

Convention¹⁰ on the Prevention and Suppression of Terrorism requires states to refrain from any act that would encourage terrorist activities directed against another State and to prevent and repress such activities. It also coerces the parties to stipulate by their criminal law the following acts, which were committed on their territory against another State, constituting an act of international terrorism:

- a. attacks against life, limb, health or freedom of the Heads of State, persons exercising the prerogatives of the head of state or other persons holding state positions;
- b. acts consisting in destruction or damage to public property intended for public use, which belong to another state;
- c. intentional actions that endanger more human lives;
- d. manufacturing, storage or supply of arms, ammunition and explosives in order to commit terrorist acts;
- e. forgery, entry into the country and procuring false passports and other similar documents;
- f. preparation and instigation of terrorism acts, participation or helping terrorists in any form.

Along with the mentioned international conventions, highly important international terrorism matters and UN General Assembly resolutions of 1985 adopted resolution 40/61 entitled “Prevention measures of international terrorism that endanger or take innocent human lives or jeopardize fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence that lie in misery, frustration, grievance and despair and that determine some people to sacrifice human lives, including their own, in an attempt of issuing radical changes”¹¹. This UN document addresses multiple aspects of international terrorism and includes ideas and principles, which underlie a general convention in this area.

Among other international documents that concern the international terrorism, there are some regional treaties. On January 27th, 1977, the Council of Europe adopted the “European Convention for the Suppression of Terrorism” Strasbourg. The Convention regulates the cooperation of State Parties to it in repressing crime of terrorism, and extradition of terrorists and mutual legal assistance¹².

Another form of international terrorism, which is especially expressed during the period after the Second World War, is the capture and illicit diversion of an aircraft from its normal track and throwing its blowing-up.

The first aircraft hijacking took place in 1930, when a Peruvian plane was captured. After the Second World War, the phenomenon took a different size and caused thousands of victims.

Since 1868, the offense of unlawful diversion of aircraft has been concerning UN General Assembly.

The attacks of 11 September 2001 revealed the weaks in the security concept. These actions proved that the main threat to the new order established after the Cold War world was not a military potential, but terrorism. Therefore, the antiterrorism security cannot be considered only by the number of tanks, aircraft, warships or missiles. Terrorist attacks target

⁹ Marțian I. Niciu, *Drept internațional public, [Public international law]*, Arad, Ed. Servo-Sat, 1997, p. 150.

¹⁰ Marțian I. Niciu, *Drept internațional public, [Public international law]*, Vol. I, (Iași, Ed. Fundației „Chemarea“, 1992), 165.

¹¹ Niciu, *Drept internațional public...*, 165.

¹² Marțian I. Niciu, *Drept internațional public, [Public international law]*, Vol. I, (Iași, Ed. Fundației „Chemarea“, 1992), 165.

in particular the safety of population. No need for a billion dollar GDP or military high performance and space technologies. The main factors that matter are the human factor and psychological effects. A bomb can be made by a terrorist from materials that may be easily procured without special knowledge in the field. Terrorism may take different forms: chemical attacks, bombings, poisoning the masses. The most of the times, terrorist actions do not strike the military force of the state, but civil society. Their goal is the emotional involvement of the population. This makes psychological pressure on the state to be more powerful than a classic conflict. Emotional reaction of the population towards the consequences of terrorist attacks is natural¹³.

After the terrorist attack on the train from Atocha railway station, where some of our compatriots were killed, on 25 February 2005 in Madrid, the largest meeting ever of terrorism experts took place. One of the goals of this Summit was to define the term of terrorism. No definition failed the academic consensus on the concept of terrorism, to be accepted by the UN Assembly. As mentioned above, terrorism could not acquire a generally accepted legal definition. The difficulty mainly stems from the fact that terrorism could not be defined as a phenomenon in its essence. It only attempts to replace the word "terror" by other words: fear, intimidation, fear, horror, which although synonymous not always express the same thing, have not been and will not be sufficient to outline such an illustrative notion of the definition. Then it is to be observed that terrorism is primarily an action method, a way of formal application of criminal activity by terror, violence, intimidation, often confused with the very method offense. Nowadays, in everyday language, we call terrorist a supporter of violence either as method or a political struggle, or for other purposes. An obstacle that stands before drafting a legal definition of terrorism is that the concept of terrorism is a generic name that includes a series of very different acts as expressions, but having a common feature of threat, violence and terror¹⁴.

Individuals who become terrorists are unemployed, alienated individuals from the social point of view, with low education, such as youth in the ghettos acceding to terrorist groups, by boredom, by the spirit of adventure or gaining a cause they consider as right. Educated youth may only be motivated by political and especially religious constraints. These young people (educated and uneducated) engage in occasional protests and dissent. Potential members often begin as sympathizers of the group. Then, they become passive supporters and violent incidents with police or other security forces motivate them to join the terrorist group. An individual who departs from society might as well become a monk or hermit, but to become a terrorist, a strong motivation is necessary. They must be accepted by members of the terrorist group, provided that the groups are exclusive¹⁵.

That is why the fight against terrorism approaches is very different. The best example was the military action on Iraq, which was suspected to produce nuclear weapons and finance terrorist network Al-Qaida. In this exercise, the USA and the European Union have not reached consensus and the transatlantic relations entered into obscurity. The views were different, too, in the European Union, and the divergences took place: while countries like England, Spain, Italy, and Poland participated to the army coalition, others, like France Germany and the Netherlands opposed.

After 2 years of diplomatic cold, the first steps for reconciliation between the US and the EU have been made at the same time with the visit of President Bush in late February

¹³ Bran, *Terorismul – cancerul mileniului III...*

¹⁴ Ion Bodunescu, *Terorismul – fenomen global, [Terrorism – global phenomenon]*, (București, Casa Editorială Odeon, 1997), 14.

¹⁵ Cristian Delcea, Aurelian Bădulescu, *Terorismul. Studii și cercetări asupra fenomenului terorist, [Terrorism. Studies and researches upon terrorist phenomenon]*, (Cluj-Napoca, Ed. Risoprint, 2008), 336-337.

2005 to Europe, followed by US diplomat Condoleezza Rice, who brought the olive branch, as an expression of mending of the divisions so far.

At the summit of Brussels in February 2005, both the US and EU approached prudently the speeches, fencing with or completely ignoring certain divergent views such as: position towards Iranian nuclear program, the Kyoto protocol on global warming, the International Criminal Court or the American criticism of the EU to lift the embargo on deliveries of arms to China. However, differences over the Iraq conflict are now about to fall according to statements, both President George Bush and other European Union officials, including European Commission President Jose Durrao Manuel Barroso, who emphatically stated that “Europe and America have reconnected”¹⁶.

The approach to Chechen terrorism, discussed at Bratislava summit was also interesting, where a sharp polemic note, “the new czar of the Kremlin” was issued, Vladimir Putin, referring to calls made by the European Union for negotiations with Chechen terrorists, said: “No one has the intention to provide the mediator with the murderers who took children hostage at Beslam, just as we have no intention to be mediators between Osama bin Laden and Western heads of state”¹⁷.

It is worrying not only the explicit terrorism that indiscriminately kills, but the treacherous attitude of all people in the grey area between legality and advocate violence. We could mention herein the case of the three Romanian journalists kidnapped in Baghdad by a terrorist group, less defined. Faced with this situation, the Council of Europe Parliamentary Assembly (PACE), reunited in plenary session at Strasbourg on April 28th, 2005, demanded the immediate release of Romanian journalists Sorin Miscoci, Marie-Jeanne Ion and Ovidiu Ohanesian and the French journalist Florance Aubenas and Iraqi guide Hussein Hanoun al-her Saadi, kidnapped in Iraq.

In the report adopted at the end emergency debate on journalists in the areas of risk, PACE also ask the General Secretariat of the Council of Europe to pay particular attention to the journalists of the areas of contact and tension and permanently follow the cases of missing, detained, injured or killed journalists during their work in member countries and in observer status ones at the Council of Europe. Taking hostages is a form of international terrorism. On December 17th, 1979 “International Convention against the Taking of Hostages”¹⁸ was adopted by the UN General Assembly, as resolution 34/146.

According to convention, the person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the “hostage”) in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages (art. 1, para. 1). It is considered as crime and attempt to commit international wrongful act, like complicity (art. 1, para. 2).

Due to the limitation of access to information under the pretext that it would aggravate the negotiation efforts of authorities with terrorists, for the recovery of three journalists several versions occurred, namely: involvement of the citizen Omar Hayssan Romanian-Syrian nationality or the recovery of journalists by the US secret services, versions that release further tension among the population. The European Council welcomed on May 3rd,

¹⁶ President Meets with E.U. Leaders, Brussels, February 22, 2005, <http://georgewbush-whitehouse.archives.gov/news/releases/2005/02/20050222-8.html>.

¹⁷ Romulus Căplescu, *Respingem încercările de a transforma Rusia într-o structură amorfă*, [We reject the attempts to turn Russia into an amorphous structure] in *Adevărul*, nr. 4555/24.02.2005, 11.

¹⁸ <http://www.un.org/en/sc/ctc/docs/conventions/Conv5.pdf>.

2005 by a statement published on the International Day for Freedom of the Press that “censorship security reasons only serve the cause of terrorists”.

The President Rene van der Linden of the Council of Europe Parliamentary Assembly urged all member states of the organization to refrain from measures restricting access to information under the pretext of fighting terrorism.

Now, more than ever, the following questions arise: “What should we do? Is it enough condemnation of terrorism? What the Muslim states and communities would be if the European Union work together to defeat terrorism?”

After Mahmoud Abbas (alias Abbu Mazen) became the new President of the Palestinian National Authority (PNA), hopes of peace in the Middle East revived. Now, the PNA official authorities should not especially fight against Israel, but mainly against their own domestic terrorists, gathered by all kinds of organizations, whereof the most powerful is certainly the Hamas. The predecessor of Abbas, the enigmatic Yasser Arafat claimed about this terrorist group that it plays the nationalist right Israeli game. After impressive remaining fortune after the death of the old “Raise”, we realize how controversial the image of this character was: terrorist, on the one hand, and Nobel Peace Prize laureate, on the other hand. The conflict between the West and Islam takes place because the two worlds are unknown or ignored. This matrix globalized Islamic terrorism is the result of a love and hatred relationship between the West that material modernity learned and accepted but whose value system refuses it.

After the attack in 2015 at the offices of Charlie Hebdo [a French satirical magazine that has published controversial Muhammad cartoons] where twelve people were killed the European Union is concerned in the achievement of a project for peaceful coexistence between the West and Islam. This may only happen on the basis of clear and indisputable parameters, milestones of common civilization like:

- Affirming the sacredness of life as absolute and universal, wherefore there are no good or bad terrorism victims allowed and disallowed.
- Respect for fundamental human rights.
- A substantial democracy guaranteed by the peaceful alternation of power.

It will only be able to achieve a true reform within Islam, based on these principles.

CONCLUSION

The assertion of a common human civilization, even by respecting Islamic identity, is precisely the opposite of cultural relativism. Muslims cannot be exempted from the share of values that are common to humanity. It should be understood that only a serious and useful alliance between the West and Islam might defeat the scourge of terrorism and ensure the establishment of a safer and better world for all.

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