N°6 | August 2010

Fondation Pierre du Bois
pour l'histoire du temps présent

The International Community and Terrorism: A Short Historical Assessment

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Terrorism is a common phenomenon of our times. Hardly a day goes by without a "terrorist attack", a new warning against terrorism, or another arrest of a terrorist in the news. This year is the fifth anniversary of the terrorist bombings in London in 2005. Next year will be the 10th anniversary of the events of 9/11. These three digits do not only refer to a specific date but also now serve as an important qualifier to distinguish world events as "pre-9/11" or "post-9/11". Terrorism is clearly an issue of current importance. However, it is also a phenomenon that has been occupying people and governments for a much longer time, also "pre-9/11". The purpose of this paper is to try to outline the history of international terrorism over the past two centuries and to look at how states have responded to it. Obviously, the complexity of the subject will not allow for a detailed assessment of the whole history of international terrorism here, so this paper will only focus on the major aspects of it.

Before proceeding, a brief definition of what is meant by "terrorism" is necessary. For the purpose of this paper, "terrorism" refers to violent acts deliberately committed against civilians (meaning everyone except members of the military) that are intended to have psychological effects on a broader audience beyond the immediate targets. They are committed in order to further a political agenda and are perpetrated by a sub-state actor with the ultimate intention of making a government comply with its demands. "International terrorism" refers to those acts that affect at least two countries. This normally occurs because the terrorists are of a different nationality than the victims or because a foreign government is being coerced.

Terrorism: One of the Scourges of Mankind?

Anarchism and Terrorism: The "Long 19th Century"

Terrorism has occurred throughout human history for as long as there has been some sort of political organisation or state-like structure. Early historical examples include the zealots and the assassins. The zealots wanted to end the Roman occupation of the Holy Land in the first century AD, while 900 years later the assassins murdered

different Muslim groups and Christian crusaders in order to establish an Islamic theocracy in Asia Minor. Moreover, one could even argue that the witch hunts of the late Middle Ages and the Inquisition had characteristics of terrorism, albeit a sort of "state terrorism". The word "terror" received its specific meaning in the aftermath of the French Revolution as a result of Jacobin rule introducing "la terreur" in order to purify and purge French society. While the word had a positive connotation back then, this changed over the course of the 19th century when historians revealed the horrors of "la terreur". Nevertheless, the anarchists of the late 19th century, disciples of Pjotr A. Kropotkin and Mikhail Bakunin to mention only two, partly referred to themselves as "terrorists" in order to distinguish themselves from ordinary criminals.

International terrorism was born in this era. It was made possible due to technological innovations allowing for faster travel by train and for the timely transmission of news via telegraphs and by a lack of restrictions on population movement and open borders. Consequently, terrorists – or "anarchists" as they were mostly called at the time – could travel to other states to spread their ideas or commit violent acts. Reports on the actions of the terrorists also created hysteria of an "anarchist international" (which is actually an oxymoron) that sought to launch revolutions in Western states. The weapon of choice of these terrorists was the newly invented dynamite, as it generated much more attention than a simple shot fired from a pistol - and became a manifestation of the term: "propaganda of the deed".

The late 19th century was also a period of several famous assassinations. Anarchists killed Alexander II of Russia, US President William McKinley, French President Sadi Carnot, and Elizabeth, Empress of Austria. This last case is a prime example of the international character of terrorism at the time: the Austrian Empress was killed by an Italian anarchist in the Swiss city of Geneva. This wave of assassinations and the hysteria created by the media led to an initiative by Russia and Germany in the early 1900s in order to improve international police cooperation. State delegations gathered in St. Petersburg to discuss the matter, but this attempt at international cooperation or, at the very least coordination, failed. This was because states were not willing to restrict their sovereignty on issues such as extradition: after all a "terrorist" to one state could well have been a "political refugee" from the standpoint of a different state and hence should not be extradited.

The "long 19th century" ended with one of the most famous acts of terrorism unleashing a war that was to last for four years and had tremendous consequences for the whole 20th century: the assassination of Archduke Franz Ferdinand of Austria by members of the Serbian "Black Hand" group in June 1914. It started the First World War.

Interwar Years: The League of Nations and Terrorism

During the interwar period, terrorism remained a problem, but its importance was increasingly overshadowed by the more pressing international crises of the late 1930s. A wave of political assassinations in 1934 - Serbia's King Alexander I and French Foreign Minister Louis Barthou were killed by an Italian anarchist in Marseille only a few months after the assassination of Austrian Chancellor Dollfuss - forced the League of Nations to address this issue. The still fresh memories of how terrorism contributed to the outbreak of WWI also affected the League's willingness to deal with the issue. Its Council established a Committee for the International Repression of Terrorism to elaborate a convention against terrorism. The *Convention for the Prevention and Punishment of Terrorism* and an accompanying convention establishing an international tribunal were finally adopted in 1937. However, only twenty-two states signed it and only one state – India – actually ratified it, thus it never entered into force.

The League of Nations' efforts to effectively deal with terrorism were hence a failure. Why? Firstly, the states had a hard time reaching a compromise on what should be considered a terrorist act. After all, one state's freedom fighter could be another state's terrorist. Consequently, the resulting definition in Art 1(2) of the Convention was very general with very vague terms. Secondly, states were reluctant to diminish their sovereignty as regards extradition. Thirdly, and probably most importantly, by the late 1930s, terrorism was no longer an important issue anymore. The challenges posed by Japan and Germany to the international order were much more immediate and threatening than terrorism.

The United Nations and Terrorism

In the 1960s and 1970s, the issue of terrorism was put back on the agenda of the international community and especially the United Nations. Why was this the case?

Domestic terrorism emerged with a vengeance in countries that had no previous history of international terrorism. While terrorism was an old problem for states like the United Kingdom (with acts that could be qualified as terrorism being committed by the Irish Republican Army, IRA) and Israel, now a number of Western states also became targets of domestic leftist terrorism. The Weathermen committed acts of violence in the US; Italy witnessed the rise of terrorism committed by the Red Brigades; West Germany was hit by terrorism perpetrated by the Red Army Faction, the Movement Second of June as well as the Revolutionary Cells; and Japan became a victim of the Japanese Red Army. By the early 1970s, terrorism had thus become a problem for many Western

states. Moreover, most of these terrorist groups acted beyond the borders of just one state thereby making the need for cooperation between states a necessity.

International terrorism was also on the rise. The two most obvious examples are probably the hijacking and consequent explosion of three planes at Dawson's Field in 1970 and the Munich Olympics Massacre in 1972. In 1970, Palestinian terrorists hijacked four different national carriers and redirected three of them to an abandoned desert airstrip, Dawson's Field, in Jordan, where they evacuated the planes and blew them up. Two years later, in 1972, during the Munich Olympics, terrorists of the Palestinian "Black September" group took the Israeli team hostage, eventually killing all of them. These two events made it obvious to the international community that international terrorism was becoming a serious problem. Moreover, diplomats of all states were being targeted by terrorists in Africa and South America, necessitating increased protection for diplomatic agents. The resulting *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents* of 1973 found support not only among the Western states but also among communist states and the Third World, a rather unusual coalition at the time - an indication of the importance the subject had taken on both sides of the Iron Curtain. However, since states had a combined interest in the normal conduct of international affairs as practiced by diplomats, they joined efforts and compromised on this convention, which entered into force in 1977.

Other initiatives were not as successful. Secretary-General Kurt Waldheim's idea – put forward just after the Munich events in 1972 – to elaborate a comprehensive convention against international terrorism and the US draft *Convention against International Terrorism* of September 1972 failed to generate international support. The same year, a special committee was established to discuss the issue of international terrorism. However, Third World countries soon tried to use it to legitimise certain forms of "just terrorism" and pushed for an investigation of the "underlying causes" of terrorism. This would have legitimised certain acts committed in special situations, for instance those committed by national liberation movements during a struggle for national liberation. As many countries in the Third World had emerged from struggles for national liberation, those states had no interest in delegitimizing some of the means they had employed to achieve independence. The Third World countries were well aware of the West's reluctance to allow any exception to the prohibition of terrorism, so this discussion on the "underlying causes" was intended to prevent any convention from being adopted in the foreseeable future. Consequently, the Special Committee debated without achieving any tangible results and was finally dissolved in 1979.

A West German initiative for a *Convention against the Taking of Hostages* was more successful. This initiative was launched in early 1976 after the hostage crisis at OPEC in Vienna in December 1975. As many Arab diplomats were among the hostages, the

Germans thought that the Arabs' formerly reluctant stance on terrorism might have changed and that this would be a window of opportunity for a sectoral convention against terrorism. Although the negotiations were difficult and states such as Libya and Algeria tried to water down the convention with amendments, it was finally adopted by the General Assembly in 1979 and came into force in 1983. It focused on the *aut dedere aut iudicare* principle, which obliges states either to try a person suspected of hostage-taking or to extradite that person to a state willing to prosecute. In addition, it called upon states to grant each other assistance in hostage crises. The Convention also characterised acts of hostage-taking with the purpose of compelling a third party (state, international organisation, or natural or legal persons) to do or abstain from certain behaviours as "manifestations of international terrorism". This is remarkable since normally during the Cold War all reference to "international terrorism" as such was avoided in UN legal instruments. The Hostage Convention demonstrated that successfully dealing with international terrorism was feasible in the United Nations as long as a piecemeal approach was used.

A convention against international terrorism as such was not possible as it touched – once again – too much on states' sovereignty. Moreover, the different sub-conflicts of the Cold War were all linked to terrorism in one way or another and therefore prevented any comprehensive initiative within the UN from being adopted. Terrorism was simply too intimately linked to the struggle between East and West, the divide between the First World and the Third World on issues such as decolonisation, liberation movements, and the Palestine Problem and hence could not be dealt with comprehensively.

The UN was not the only forum in which to deal with terrorism. The European Communities set up the TREVI network to cooperate and to exchange information. The Council of Europe as well as other regional organisations passed conventions against terrorism, mostly technical in nature, with the aim of increasing cooperation in the field of extradition. Even the G7 adopted a Declaration in Bonn in 1978 pertaining to terrorism. However, the UN with its nearly universal membership was – and still is – the most important institution to address this issue of global importance.

Recent developments

The 1980s was a decade when the UN was again rather silent on terrorism. This may partially be due to the fact that in the 1980s the Cold War intensified and became a more pressing issue for the international community again.[1] While it was already difficult enough to elaborate measures against international terrorism in times of

[1] This resembles the situation of the League of Nations in the late 1930s when increased international tensions also prevented the League from dealing with terrorism.

détente, it would be exponentially worse in a phase of increased tension between the blocs. It was only after the demise of the Soviet Union and the end of the Cold War that the UN agreed on new instruments to address aspects of terrorism. The cooperation against the financing of terrorism, for instance, was addressed by the *International Convention for the Suppression of the Financing of Terrorism* of 1999.

By then, however, the nature of international terrorism had changed again. Many terrorists were no longer motivated by ideology or nationalism but rather by religious convictions. Cooperation between terrorists and organised crime intensified. In addition, with the demise of the Soviet Union, the question as to what would happen to its nuclear weapons led to fears that terrorists would get hold of weapons of mass destruction. Meanwhile, most of the domestic terrorist groups of the 1970s, such as the Red Army Faction, the Red Brigades, and the Japanese Red Army, had become insignificant and fell into obscurity. Even the PLO had renounced terrorism as its means of choice in the mid-1970s. Terrorists today are no longer affiliated with a particular country and the terrorist network has become truly international. Moreover, this new form – or as David Rapoport puts it, "wave" – of terrorism no longer has any clearly-defined targets. Anybody can be hit. The religiously motivated terrorist can easily target German tourists in Tunisia or Muslim bankers working in the World Trade Center in New York. These developments explain why states might finally succeed in negotiating a comprehensive convention against international terrorism as is currently being done. However, the same reasons that prevented a more comprehensive approach on international terrorism during the 20th century might once again be obstacles to success: the definition of terrorism, sovereignty, and states' interests are still issues that are difficult to reconcile with a tougher international regime against international terrorism. While the multilateral negotiations for a comprehensive convention continue, the principal actor in the fight against current forms of international terrorism has become the UN Security Council. Through a series of resolutions, starting with Resolutions 1267 and 1333 (pre-9/11), it has developed an extensive targeted sanctions system operating through "blacklists" and monitored by special committees. Given the lack of international judicial remedies against these sanctions, this system has in recent years encountered fierce criticism from a human rights and due process perspective. Moreover, with Resolution 1373 (adopted shortly after 9/11), the Security Council obliged all UN members to comply with the *Convention against the Financing of Terrorism*, which has been described as a kind of – unprecedented – legislative acting by the Council.

Whether the *Comprehensive Convention on International Terrorism* that is currently being negotiated will actually diminish the terrorist threat or prove efficient in dealing with it remains to be seen. The nature of terrorism evolves so quickly that it rapidly outpaces the international measures that have been put in place to control it.

In that sense, we are always fighting a previous war. What is clear from looking at this brief historical sketch is that terrorism – in one form or another - is most likely here to stay. It will continue to be an issue for the international community in the future. Yet, history also tells us that the best way to counter terrorism is by avoiding hysteria and keeping cool heads. Negotiating international instruments against terrorism – as most international negotiations - has always taken time. Nevertheless, the most promising way to fight international terrorism – due to its very nature – is still through international cooperation.

Further Readings

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