

CHAPTER 2

LEGAL RELATIONS: FROM THEORY TO PRACTICE

THE ROLE OF INTERNATIONAL COOPERATION IN COUNTERACTION OF TERRORISM, EXTREMISM AND OTHER MODERATE GROUPS

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Abstract. *The article emphasizes the standard methods and legal approaches to make healthy and strong relationship, coordination among countries, UN and its member of states, international organizations and other legal entities within bilateral, multilateral, international agreement, UN, General Assembly. Meanwhile to know what are the obstacles that prevent good relationship. Encountering terrorism, extremist groups and deal with them properly are the main targets of international community as it is international threat, thus needs international coordination, relationship. It is international issue more than national, so needs support each other, determine the conditions such as political or social repression, others that make terror and violent, tackle those violent acts, as well as deals with other moderate groups differently.*

UN organization assists its member states to improve their abilities, build relationship and cooperation to implement their duties and strategy against global terrorism. As result there are several instructions and regulations issued by UN which can be easily practice on the ground by the states. In addition appropriate features and mechanisms added to make better relationship and coordination among communities after several various perspectives studied.

Keywords: *security strategy, improvement of relationship among countries, UN role, encounter terrorism, anti-terrorism law, violent acts, coordination, security instability, international terrorism, law enforcement, international law.*

JEL Classification: K33, K38, K40, K41, K42, K49

Formulas: 0; **fig.:** 1; **tabl.:** 0; **bibl.:** 27.

Introduction. Terrorism is not new word to us, but nowadays our worldwide suffers from the extremist groups in all around the world which reached high level of risk and difficult stages that have never seen before. Terrorism is like an epidemic that no community and country is immune and far from, despite physical terrorism, they use different kinds of ways such as intellectual, religion, racism to exploit others. To some extent they could to divide the communities and countries into several lines and made gap among them.

Literature Review. It provides an analysis and gives general views of various articles, theses, documents and other statements. It mostly relates to the role of UN, Security Council, international organizations, continent, and multilateral agreements and other national and international laws and tools to deal with terrorism, to eliminate extremism ideas in one hand. In another hand

how to make good relationship and coordination among countries in the field of exchanging intelligence information as well as isolate terrorists from other groups who ask for their right with non-violent acts.

Aims. The main objective of the article is to tackle the extremism ideas and eliminate terrorism as well as to create better atmosphere for other moderate groups who struggle for rights and do not use violent acts. In addition unite communities, countries and international organizations to face challenges and deal with it in better way, make relationship and coordination in a good faith.

Methods. Different methods are used in the article such as collecting information and other facts on the ground, theoretical analysis, authored as well as using comparison and similarities methods are indicated.

Results. Terrorism is not a new phenomenon in human experience, Violence has been used throughout human history by different groups, organizations and others. Terrorism is characterized by the use of violence against civilians, with the expressed desire of causing terror or panic in the population, but the problem is with the definition of terrorism, indeed there is no precise definition of it [1].

Terrorism as is defined in the Oxford dictionary “the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims.” Despite the importance of the issue in terms of consideration and objectively, there is no internationally recognized legal definition of terrorism in an accurate and clear manner. It is difficult to distinguish terrorism acts from political violent or other violent [2].

Each country has a different view on the terrorism which fails the international community over a universally acceptance definition of terrorism. This is primarily due to diverging views on what constitutes terrorism, as opposed to exercising peoples' right to self-determination, as enshrined in the UN Charter. During working of General Assembly hold in November 2014, the Organization of Islamic Cooperation (OIC) requested to make difference between acts of terrorism and 'the legitimate struggle of peoples under foreign occupation and colonial or any alien domination in the exercise of self-determination accordance with the principles of international law. It makes a big ambiguous what acts constitute legitimate struggle and what acts constitute terrorism [3]. Hence, concept of terrorism is over-exaggerated and challenges the idea in both domestic and international law. Legal definitions of terrorism therefore should remain primarily concerned with the legal rather than political function of defining terrorism, no ethnic, sectarian or political cleansing is permitted under the name of terrorism [4]. Terrorism is not legally defined in all jurisdictions so it has been practiced by political organizations with both rightist and leftist objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police [5].

Besides the phrase “either with us or against us” which addressed by the president George W Bush at the launch of his anti-terrorism campaign after

September 11 attack made the situation more complicated and added every nation in every region has a decision to make, it means if not joining the team is to be deemed as enemy. It still uses by some political parties or governments to hit the opposition or ethnic and sectarian cleansing under the name of terrorism especially in countries where freedom is does not exist or too dangerous to declare a statement against ruling party or authority [6]. In another hand scientific prosperities and developments led countries and international communities to be overly cautious more than ever especially during the Second World War that marked an important era of significant advances in the history of science in different kinds of fields. These developments were motivated by the problems encountered such as the need of better assign resources, to schedule routes, to keep inventory, to send coded messages, and to handle the complexities of these challenges in the face of great uncertainty [7]. With the speed of modern communications, it should be assumed that an attack technique developed several thousand miles away might speedily be used, that is why preparedness has to be proactive and why the responses prepared have to enable all the relevant organizations.

However, we should always be prepared for unexpected and needs to take constant consideration of development threats and evolving attack methodologies [8]. Last couple decades the threat of terrorism has been multiplied manifold and the terrorist acts have become more dangerous with the advancement of technology which caused a large number of victims.

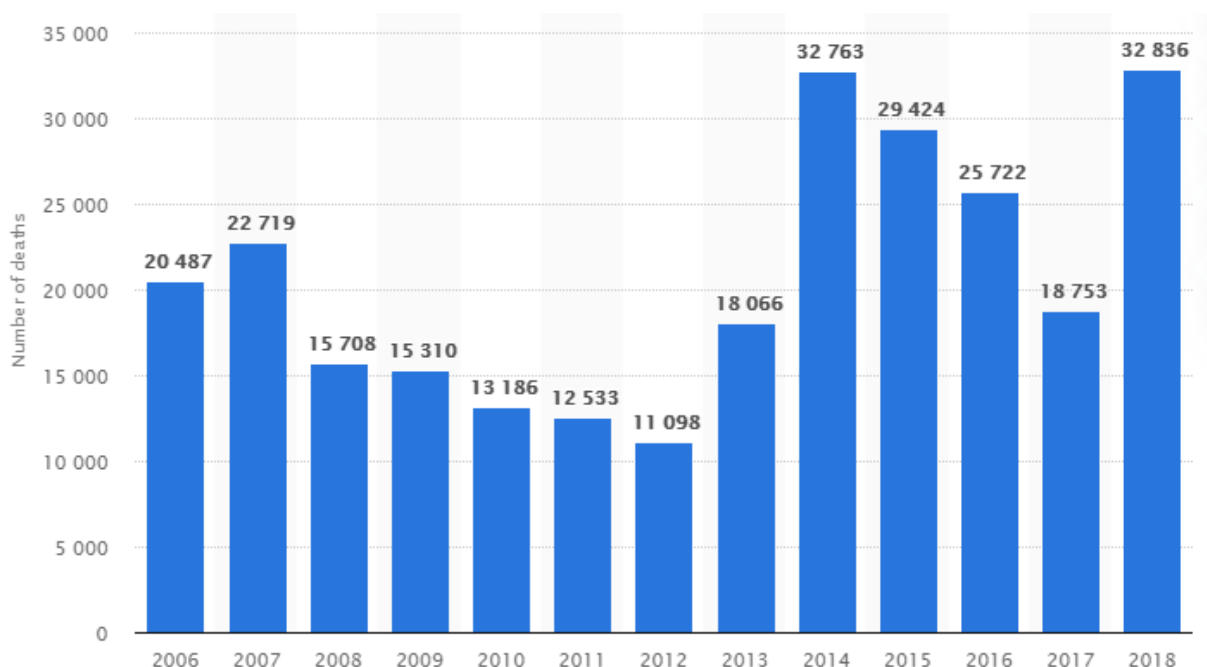


Fig. 1. Terrorism - number of fatalities worldwide between 2006 -2018

Source: Statista Research Department, 2020 [10]

Only the little part of the world remained untouched and unharmed by the contemporary beckon of terrorism. Terrorism involves violence against public with a political or religious desire so as to attract large attention, besides Many

Countries give aid and dangerous weapons to the terrorist groups in order to weaken the other country [9].

More than 90% of all terrorist attacks occur in countries that have gross human rights violations. These nations either have violent ongoing conflicts or notable social and economic setbacks. Greater social hostilities between different ethnic, religious and linguistic groups, lack of intergroup cohesion and high levels of group grievances. [11] Rather than seek the causes of terrorism itself in order to understand it, a better approach is to determine the conditions that make terror possible or likely. Sometimes these conditions have to do with the people that become terrorists, many of whom can be described as having worrisome psychological traits like narcissistic rage. Other conditions have more to do with the circumstances in which these people live, such as political or social repression and economic strife. In the 20th century, acts of terrorism became more prevalent throughout the world as political, religious, and social activists agitated for change [12]

Terrorism is not one person neither a single political regime, certainly it is not a religion but politically motivated violence or exploiting religion against noncombatant targets. Those who employ terrorism, regardless of their specific secular or religious objectives, strive to subvert the rule of law and effect change through violence and fear. These terrorists also share the misguided belief that killing, kidnapping, extorting, robbing, and wreaking havoc to terrorize people are legitimate forms of political action or religion. That's why the war and struggle against terrorism is different from any other wars [13] To face this global threat international cooperation is crucial, UN is placed to assist its members and states to prevent terrorism acts within borders and across regions, especially when terrorists have multiple citizenships so called foreign terrorist fighters which acts violence and terror not in their countries and region, and they play a significant role in creating and strengthening terrorist groups, and in radicalizing and recruiting terrorist networks. Another serious issue is the exploitation by terrorist groups of the Internet and social media not only to incite acts of terrorism, but also to facilitate a range of illicit activities, including recruitment, or to fund, plan, commit and facilitate terrorist acts. Although these challenges are not new, scrutiny is growing as companies and governments alike struggle to find a balance between securing an open environment and preventing abuse, so if there is no coordination among countries ,it will be semi impossible to prevent terrorist attack. [14] It should be done through international forums and international cooperation is the only way to effectively tackle a threat that cannot be dealt with on an exclusively national basis. In this regard, the main international organizations have taken on the fight against terrorism as one of their main tasks [15].

The United Nations Office of Counter-Terrorism was established through the adoption of General Assembly resolution 71/291 on 15 June 2017 and suggested by the secretary general of UN the capability of UN to its members and states in the term of counter terrorism strategy.[16] United Nations

Secretary-General Antonio Guterres launched a new Organization-wide framework and was on an agreement between the UN chief, 36 Organizational entities, the International Criminal Police Organization (INTERPOL) and the World Customs Organization, to better serve the needs of Member States when it comes to tackling the scourge of international terrorism and highlighted the need to ensure full respect for international human rights standards and rule of law in countering terrorism.[17] Still UNDP believes that the best way forward is by joining forces and working together, guided by the One-UN approach and should strengthen coordination, coherence and better equip ourselves to successfully respond and tackle the numerous and complex challenges that lie ahead, Terrorism is an international issue and needs the highest level of coordination [18].

Coordination among the concerned entities is therefore of the utmost importance and the thrust of the recommendations deals with how this coordination can be enhanced. The recommendations address prevention and preparedness, as well as the actions of UN and other international entities in response to terrorist attacks. [19] Our response to counter-terrorism needs to build on an approach that unites the public and private sectors, communities, citizens and overseas partners around the single purpose to leave no safe space for terrorists to recruit or act. [20] Security is an essential pillar that supports the peaceful cohabitation, plural and our democratic society. A common threat to which there is no other possible option than a common coordinated and cooperated countering. However, serious threats concern our security and terrorism is, indeed, one of the most important threats that our countries face and it is a common frame, we are all involved. [21] In order to achieve this goal, it is necessary to take a holistic view of our efforts. We are participating in the fight against terrorism along several different tracks, in cooperation with a variety of actors at the national and international levels, thereby, it is essential to improve the coordination of these efforts in a number of forums at the international level [22].

Discussion. Through of the previous articles, researches and other resolutions, reached to a point that all countries, communities, international organizations and other entities agree that terrorism acts are the most challenges thing face the worldwide and constitute a great violence against whole human being, but until this moment international community as well as UN and its member states have not agreed on precise definition on terrorist. The definition of terrorism is too elastically which makes another challenge to the states, international organizations and other institutions, not just that but some countries define terrorism according to their interests especially for the benefit of the ruling political party or ruling authority.

There is some agreement among academics that the term is highly malleable and is hence, open to many different definitions and interpretations, suggest that governments and academics avoid "general" definitions of terrorism and instead acknowledge the various meanings the term may occupy. [23]Other

states legalized terrorism laws just to strike the opposition or to achieve their illegitimate goals especially in regions where human rights and expression are not allowed or in dangerous. Hence, it concerns political issues more than legal function and the definition has been exploited as there is no global agreeable on the word terror, so the terrorism law from a country contradicts to another terrorism law in another country and then there will not be coordination among them.

There are governments determine some organizations, other groups as terrorist under their anti-terrorism law but others are not, meanwhile some organizations have more than one wings under different names which make the situation more difficulty for the governments and countries that cannot blacklisted them as a terrorist especially when the matter comes to internal conflicts based on political, sectarianism, religious issues then conflicts be more appearance on the ground in particularly when they ask for self-determination as it is a right that is embodied in the UN charter and every minorities, people, other entities can freely choose its political and system, but there are states still do not recognize this right but fight their subjects, civilians, nonviolent groups under the name of terrorism law, therefore, it should be equal right for all communities not for some is true and for others is not, otherwise it is a clear violation of international law and trespass on human right, sometimes led to torture or forced them to confess on something they have not done at all, taking such as measures do not help states to eliminate terrorism fully, vice versa, motivate people, groups and other entities to join extremist groups and it gives them much more ability or at least it makes their acts easier, in another hand weaken relationship and coordination among countries. Besides the phrase either with us or against us uses by the dictatorial authorities which do not leave other choices for people to have their ideas, different political views or opposition. The phrase did not prevent terrorist acts but vice versa terrorism acts increased after September 11, some organizations and states implicitly helped terrorists and yet but they did not publicly declare so as not be blamed by UN, other states and they feared from their favors.

Critics charge that phrase is an ideology of fear and repression that creates enemies and promotes violence rather than mitigating acts of terror and strengthening security. The worldwide campaign has too often become an excuse for governments to repress opposition groups and disregard international law and civil liberties [24].

In addition Advancements in technology, modernization and globalization have helped terrorist to use different kinds of ways and tactics which want to avoid countermeasures. Certainly, terrorist groups try to have new technology, weapons and new tactics to make huge loss of human lives and properties, makes huge obstacles before states to control the situation and protect their security. The presence of foreign fighters inside terrorist groups in countries where do not belong to, is one of the evidences in the current situation, transfers

experience, technology, weapons, new tactics...etc. from person to another which, means fighting terrorism and facing them is not that easy.

Unfortunately, terrorists exploited the weak points of societies and people during religion, political views, radical and various groups to attract them for joining terrorists. It usually happens in places where there is violation of human rights, conflicts among communities are going on, the social and economic situations are bad, no opportunity of jobs, high difference of levels among ethnics, religious, languages, political and security instability and other conditions push people to think in different way and makes wrong decision then goes to consequences that no one is agree or comfortable with. Terrorism acts is something not internal affairs and it is beyond the borders and needs relationship and coordination which are based on right, healthy and strong basis, stop supporting terrorists, exchanging intelligence information among states and countries. It concludes that indirect and underlying sources of conflict are significant to understanding specific incidents of terrorism and certain categories of terrorism as well as to delineate "root causes" into qualitative and quantitative variables that can be empirically tested in relation to contemporary terrorist activity. [25] The war on terrorism has, in a very short time, changed the underpinnings of the post-cold-war geopolitical arena. What is perhaps most significant about the changes is the genuine unpredictability of future events, and the extent of their significance on global politics and economics. We are witnessing a structural change every bit as significant as what occurred in 1945 and 1989. The difference is that these changes have already altered the way most people in the world live, and they promise to impact our lives in ways we have not even imagined. [26] Only the consequences for peace of an inter-State conflict could determine the evolution of international relations between powers. The "War on Terror" proclaimed by the Bush administration is now re-ordering the field of international relations, the unilateralist American choices are transforming in depth the entire multilateral system of international relations [27].

No doubt terrorism is international concern and no country can stand against the challenge a lone, needs other organizations, and states other entities under UN foundation. All countries and communities are in the same ship, if something happens to it no one be safe. Having proper relationship among societies needs safe world and far from violent acts, through creating an atmosphere conducive to peaceful coexistence among societies, mutual respect of each other. Certainly, the best way to encounter terrorism is international coordination and being together to push the most dangerous acts in our life, without it we give more victims, damages, destruction and instability and at the end only terrorists can benefit from that. The threat is one but for all countries, states, organization, humanity and makes no difference whatever the target is, but the difference is in tactics, using new ways of damage, killing many people, destruction huge private and public properties without paying attention of religious, ethnics, languages or anything else. The world now sees new type of

international relations of saying scratch my back and I will scratch yours, means no relationship and coordination can be done without something in return or compensation for it.

Conclusions. During our study to the topic, we found out international relationship and coordination are not at the required level as well as terrorism acts increased due several points below:

1- Although we are in 21 century but international community could not reach an agreement of precise definition on terror and terrorism, the definition has an elastically meaning, it gives authorities, organizations, other institutions to define terror with their interests and as they want. The role of UN in general and General Assembly is weak regarding this issue and needs to contribute more.

2- The current relationship among countries is totally different from that post second world war, in that time communities, states, others had a great coordination and wanted to face terror altogether, but now states, people and governments are almost left alone to encounter terrorism and not that relationship or almost none, it is a big gap and terrorists exploited it.

3- There are moderate groups, nonviolent people who ask for their right and self-determination which is embodied in UN charter but authorities still do not recognize their right and sees them as terrorist and saboteurs, for others is right and do not list them as terrorist, then relationship not be in the same level. UN, states, countries should differ moderate groups who ask for their rights from other extremist groups and terrorism, fighting moderate groups makes the situation more complicated in both domestic and international level.

4- Now relationship based on interests more than supporting others to encounter terrorism and tackle violent, in another word states gives information, support some interests in return.

5- States, authorities, governments and other parties cooperate with terrorists, other extremist groups for political goals, to pressure other parties to accept agreements or to weaken other countries to cause security instability and some kind of chaos.

6- UN in general and security council in particular failed to issue several decisions and instructions due to political background, polar power, because some were with and some were against, which made opportunity to the terrorist to organize their acts better.

7- Terrorism acts has changed, exploiting the development in various fields made them to use new technology and tactics, nowadays have more capability than before which some countries cannot face them alone with its army, so the best way to encounter terrorism is to have international relationship and working together.

8- Foreign fighter terrorists, extremists and presenting in other regions and states are another problem to the states and communities, some states do not accept to retrieve prosecute them. In one hand domestic law in some countries mentions citizens have to prosecute within its territorial even if they are in other

states, in another hand the states where the terrorists caught in demand from national states that the terrorists came from to retrieve their terrorists and then tension starts in relationship and coordination among countries.

9- Terrorism acts spread in all around the world and no community is safe from sudden attack, so in all cases states and communities need to have relationship and coordinate, so as to be far from it as much as possible. Secondly, most acts happen in regions, states where there is no space to express views of people, carry out their religious rituals and so on, these things push people, group to act violently, therefore, states should give its people their right which is embodied in both domestic and international law.

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