

International Terrorism: What role should the Law play?

The events of September 11th have brought the issue of international terrorism to the forefront of Western and Eastern consciences. The impact of these events will have a profound affect on our society and the way in which international affairs are conducted in the future. This essay argues that the events have identified the need for a universally agreed and accepted code for dealing with international terrorism incorporating an international trial in front of an agreed panel.

There are many reasons supporting the introduction of such a measure. Such a code would place each country on an equal standing in terms of dealing with terrorism, it would remove to a certain extent the apparent dominance of some countries of international politics and their imposition of expedient policies. This would mean that countries would have a legitimate way of dealing with their political grievances, which in turn would reduce the extremism suppression breeds.

It would also increase international cohesion by reducing the extent to which countries can use and abuse their international influence to implement policies that suit their political, diplomatic and economic purposes. It would bring legality to the forefront of affairs and perhaps reduce the grievances of certain countries because there is a standard and 'fair' way of dealing with terrorism on an international stage. It would also remove any element of discrimination which may taint the way in which the terrorism is dealt with, which may also bring a greater degree of cooperation to the international table therefore preventing resentment from building up.

It would provide a platform for integrating all the legal and social values of respective countries, this would also aid international cohesion and create a united international front to address the attacks. Therefore avoiding the situation

which has arisen after September 11th of simplistically the 'West' against Islam. However as the situation in Pakistan shows the measures must be embraced by the people and the governments in order to be effective, although greater influence and attention to the issues they raise may promote this. By avoiding 'persecution' of one group in dealing with terrorism, plans and initiatives are more likely to be internationally welcomed and supported particularly because there is a general consensus amongst most social and religious ideals i.e Western, Christian, Islamic and Eastern ideologies in condemning such attacks.

The American bombing campaign in response to terrorist attacks, has been described by some commentators as fuelled by pride and emotion. It can be argued that it represents a 'knee jerk' reaction in America to reassert their pride and influence in the international community and also to reassure Americans of themselves. Perhaps this became particularly evident through their rejection of offers from Afghanistan to hand Osama Bin Laden to a neutral third party for trial. It can be suggested that this action exacerbated the situation and made it almost impossible to resolve the issue through diplomatic channels. A standard international code for dealing with international terrorism may prevent wanton bloodshed by avoiding passion invoked responses and promoting diplomacy.

Establishing an international code on terrorism would also mean that every country would be fully equipped and supported internationally in dealing with attacks and would be given assistance according to the extent of the attack and not to their influence in the international community. Again this would provide a united front for dealing with terrorism which can be considered far superior to despotic and individualistic policies being employed by each country, for example Afghanistan defending Osama Bin Laden under the guise of Islam and America bombing Afghanistan because their demands have not been met. It would also encourage international cooperation in addressing issues that threaten world peace.

Although the United Nations General Assembly aims to organise collaborative efforts to resolve conflicts and emergencies, it has limitations in that the balance of power within it is very much established in terms of economic influence and it reflects an international community of fifty years ago. These limitations further the case for a distinct and contemporary set of standards underpinning and supporting a universal code for international terrorism

The introduction of such a code raises some practical problems. Firstly the code must be universally accepted and acknowledged, it can be argued that this can be achieved through giving all continents an equal influence in formulating it and by addressing all concerns with the same severity, therefore inducing a sense of pride regard for it as opposed to it being something alien and based on the concerns of others. It must be ensured that the balance of power remains even. The current conflict would raise problems in this respect as the Taleban was not a recognised ruling regime therefore would not have to comply or accept such treaties or agreements by default.

Issues of impartiality and neutrality in enforcing the code may also be problematic, again this stresses the need for all countries to have their needs represented and trust the members of the panel so that national security is not compromised or fears of national security do not become obstructive to the implementation of the code. This is also connected to the public passions that any international terrorist attack will inevitably invoke and the media interest and whether these issues will compromise the validity of processes establishing blame, the likelihood of a fair trial for suspects and the outcome of such a trial. The expense of an international trial would also have to be addressed as it may be prohibitive for poorer countries.

In conclusion the introduction of an international code on terrorism offers a sustainable and practical strategy to prevent and combat international terrorism. It also embraces the principles of equal representation of countries legal principles and the diversity of cultures and ideologies. An international code on terrorism has the potential to aid cohesion, provide systems for dealing with acts of international terrorism fairly and engage all international players with the same commitment.

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15th November 2001