

INTERNATIONAL COOPERATION AND TERRORISM  
(comparative study)

by France Owarish

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Introduction

Terrorism is a major problem in the world today; whether it involves one or several nations, the problem has international ramifications, particularly in so far as solutions can be envisaged. The concept of interdependence finds meaning when it comes to recognizing and dealing with terrorism as a challenge which has national, regional and global dimensions. The response to the problem may mean developing countermeasures which are national, regional and global. In that context, cooperation can be quite useful.

\* France Owarish is a Senior Officer of the United Nations Secretariat, New York, whose professional qualifications include a Ph.D. in transnational affairs and a postgraduate diploma in international law/international relations. He has fifteen years of experience in international affairs, including serving as Senior Adviser in the Office of the Secretary General/Office for Special Political Questions. He has lectured extensively in international matters. The views presented in this paper are his and are not necessarily the official views of the United Nations Secretariat.

## I. The polymorphous nature of terrorism

Review of forms and types of terrorism; terrorist organizations and their means of operation. Risk assessment: criticality and vulnerability factors. Definition of the situational matrix and identification of the variables and constraints.

## II. Cooperation to deal with terrorism

### A. Bilateral Cooperation

This form of cooperation is perceived as perhaps the most effective way of dealing with terrorism as it sets out clear modalities of joint action, from policy harmonization to exchange of intelligence information to cooperation between the police and the military. One of the means of deterrence is through cooperation which involves non interference in each of the country's affairs.

A dialogue is in progress between North and South Korea aiming at reaching an understanding so that North Korea will agree to participate in the Olympic Games in South Korea.

### B. Regional Cooperation

This form of cooperation involves several countries with geographic proximity and sharing joint interest in dealing with terrorism: an analysis will be made of the European Convention on the Suppression of Terrorism.

### C. Multilateral Cooperation

Several attempts have been made in the context of the United Nations to understand and respond to terrorism. An analysis will be made of the recommendations of the Ad hoc Committee on International Terrorism, of a sample of views of various countries on multilateral efforts and of General Assembly resolution 42/159. A brief review will also be made of various conventions/instruments/standards which exist to deal with various aspects of terrorism.

## CONCLUSION

## INTERNATIONAL COOPERATION AND TERRORISM

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### ABSTRACT

(of a paper prepared for the 2nd International Seminar on Police Policy, sponsored by Korea National Police College, 2-4 September, 1988, Conference Room, Sejong Cultural Center, Seoul, Korea)

Terrorism is a major problem in the world today; whether it involves one or several nations, the problem has international ramifications, particularly in so far as solutions can be envisaged. The concept of interdependence finds meaning when it comes to recognizing and responding to terrorism, which is increasingly perceived as a challenge which can only be addressed by a combination of counter-measures at the national, regional and global levels. The most basic definition of terrorism is that it is an act of threat and/or of actual violence used to create fear for coercive purposes aiming at promoting and/or achieving political and/or economic objectives. The target of the act may, on the one hand, be individuals, small or large groups ranging from prominent figures to innocent bystanders and, on the other hand, building or property of some significance or importance. In extreme cases, there may be indiscriminate destruction of life or property. The acts may be carried out by a dissatisfied individual or group or government or by proxies on behalf of the three categories of actors. Terrorism is a means of propaganda through the use of terror to secure big headlines in newspapers, radio and television coverage thus aiming at generating a multiplier effect. Terrorism therefore has both physical and psychological aspects. The problem is complexified by the fact that terrorists or organizers of terrorist acts receive support which range from financial means to training and provision

of weapons having various degree of sophistication. Terrorism in the global setting has become the predominant form of confrontation between differing subcategories of societies that seek to overcome each other regardless of size. A comprehensive definition of terrorism is that any act of force in peacetime for political ends which jeopardizes innocent lives or property is terrorism, whether it is carried out by private individuals, organized political groups or governments. Terrorism can also be equated with a form of political opposition. Such opposition is more easily repressed or suppressed in authoritarian regimes; it is within a liberal democratic system that terrorism can be carried out easier and with a lower level of risk. This is so despite the fact that in such systems various channels may exist for purposes of expressing and resolving political opposition. In that context, terrorism may rightly be conceived of as an act of political criminality, since the activities take place outside of the so-called legal channel.

Internationality is an attribute added to terrorism by reason of specific characteristics of the act itself, both in terms of its goals and of its effects. In general, terrorism is international when it involves more than one State, which is practically speaking always the case in this era perceived as one of growing interdependence, spurred by faster communications and globalism. Terrorism becomes international when the victim(s) is(are) of a nationality different from that of the terrorist(s). Terrorism also becomes international when it takes place on a third party's territory, which may be a country, an embassy or a national vessel. Terrorism becomes international in scope when the third party territory is either the place of preparation and operation or the location of the resulting consequences (place of release of hostages or place of refuge of the terrorists). Terrorism is international when its proclaimed goal is to bring about changes in the international system. It is international when it is abetted by third States or waged by them. Cooperation among groups of terrorists is another dimension of international terrorism.

There are three forms on international cooperation to deal with international terrorism: bilateral, regional and multilateral. The bilateral form of cooperation

is perceived as perhaps the most effective way of dealing with terrorism, from deterrence to countermeasures including suppression. Despite the many differences between Cuba and The United States, they have entered into an agreement regarding strict Cuban treatment of skyjackers who land in Cuba. As a result of this agreement, incidents of skyjacking with Cuban destinations have been practically eliminated. Regional cooperation involving countries with geographic proximity and sharing interest and concern of dealing with terrorism can also be quite effective. Regional cooperation may be formal and informal and may involve executive, legislative and judicial measures. It may include a regional intelligence pool, police coordination, common training programs, exchange of experience and common operations. Regional cooperation often includes extradition agreements. An example of an instrument dealing with regional cooperation is the European Convention on the Suppression of Terrorism. As regards multilateral cooperation, several attempts have been made in the context of the United Nations to understand and respond to international terrorism. An Ad hoc Committee on International Terrorism was set up and that body has formulated recommendations. There are two General Assembly resolutions which deal comprehensively with international terrorism, namely resolution 40/61 (adopted on 9 December 1985) and resolution 42/159 adopted on 7 December 1987, the latter among other things urging all States to fulfill their obligations under international law and to take effective and resolute measures for the elimination of international terrorism and to that end to prevent the preparation and organization in their respective territories for the commission within or outside their territories of terrorist acts and subversive acts directed against other States and their citizens; to ensure the apprehension, prosecution or extradition of perpetrators of terrorist acts; to endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis; to cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism and to harmonize their domestic legislation with the existing international conventions on this subject to which they are parties. An analysis will be made of the existing international conventions

relating to various aspects of the problem of international terrorism, namely the Convention on Offences and Certain other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention of the Prevention and Punishment of Crimes against Internationally Protected Persons, the International Convention against the Taking of Hostages and the Convention on the Physical Protection of Nuclear Material. Finally, it should be pointed out that the General Assembly has taken a clear stand that unequivocally condemns as criminal, as acts, methods and practices of terrorism wherever and by whoever committed, including those which jeopardize friendly relations among States and their security. International public opinion is shocked and outraged by terrorism. That attitude rests on a judgement about means and ends; it is a belief that whatever the merits of the cause or objective, it is fundamentally wrong to put innocent lives at risk. No ends can justify those means. This is a moral judgement that is embodied in both national and international law.

## **Introduction**

Terrorism is a major problem in the world today; whether it involves one or several nations, the problem has international ramifications, particularly in so far as solutions can be envisaged. The concept of interdependence finds meaning when it comes to recognizing and responding to terrorism, which is increasingly perceived as a challenge which can only be addressed by a combination of countermeasures at the national, regional and global levels.

### **I. The polymorphous nature of terrorism**

The most basic definition of terrorism is that it is an act of threat and/or of actual violence used to create fear for coercive purposes aiming at promoting and/or achieving political and/or economic objectives. The target of the act may on the one hand be individuals, small or large groups ranging from prominent

figures to innocent bystanders and on the other hand building or property of some significance or importance. In extreme cases, there may be indiscriminate destruction of life or property. The acts may be carried out by a dissatisfied individual or group or government or by proxies on behalf of the three categories of actors. Terrorism is a means of propaganda through the use of terror to secure big headlines in newspapers, radio and television coverage thus aiming at generating a multiplier effect. Terrorism therefore has both physical and psychological aspects. The problem is complexified by the fact that terrorists or organizers of terrorist acts receive support which range from financial means to training and provision of weapons ranging from automatic one to surface-to-air missiles and antitank weapons.

Terrorism in the global setting has become the predominant form of confrontation between differing subcategories of societies that seek to overcome each other regardless of size.

A comprehensive definition of terrorism is that any act of force in peacetime for political ends which jeopardizes innocent lives or property is terrorism whether it is carried out by private individuals, organized political groups or governments.

Terrorism is also equated with a form of political opposition. Such opposition is more easily repressed or suppressed in authoritarian regimes; it is within a liberal democratic system that terrorism can be carried out easier and with a lower level of risk. This is so despite the fact that in such systems various channels may exist for purposes of expressing and resolving political opposition. In that context, terrorism may rightly be conceived of as an act of political criminality, since the activities take place outside of the so-called legal channel.

Internationality is a attribute added to terrorism by reason of specific characteristics of the act itself, both in terms of its goals and of its effects. In general, terrorism is international when it involves more than one State, which is practically speaking always the case in this era perceived as one of growing interdependence, spurred by faster communications and globalism. An action which takes place in Peru is no longer of interest to Peru alone; the neighbouring

countries may be interested in one way or another and the same may be true of countries which are remote but which may have some interests at stake. Interests are increasingly global in nature. Many terrorists have sought protective refuge in countries where they are aliens, but which fail to prosecute them under domestic jurisdiction or to return them to their national governments or to the governments of territories from which they have fled. In the absence of extradition treaties or of formal international obligations to do otherwise, these governments are free from all pressure save moral suasion to bring law to bear upon terrorists.

Terrorism becomes international when the victim(s) is(are) of a nationality different from that of the terrorist(s). Terrorism also becomes international when it takes place on a third party's territory, which may be a country, an embassy or a national vessel. Terrorism becomes international in scope when the third party territory is either the place of preparation and operation or the location of the resulting consequences (place of release of hostages or place of refuge of the terrorists). Terrorism is international when its proclaimed goal is to bring about changes in the international system. It is international when it is abetted by third States or waged by them. Cooperation among groups of terrorists is another dimension of international terrorism.

An important form of terrorism is sabotage which includes suicide missions and operations. Of all the subversive activities available to an enemy or a malcontent, sabotage offers the widest range of targets and the best possibility of covert action. Sabotage acts are generally aimed at threatening or destroying life and property or at hampering or hindering specific activities. Sabotage has become a worldwide hazard, employed by extremist groups either to effect a radical change, strike at a real or imagined oppression or bring a situation to attention. Sabotage attacks have included bombings on the ground and in commercial and military aircrafts, destruction of property and destruction of life. In terms of human resources, equipment and risk for the perpetrators, a sabotage operation involves expenditures which do not have to be high. Sabotage therefore has a high effectiveness to cost ratio. Furthermore, the effectiveness of

such operations can be accentuated if the targets are of strategic significance. Also, sizeable losses may be incurred by a multitude of small acts, under the guise of accidents, whose cumulative effects may be of great significance. Sabotage can also be used as a means of diversion. Another subset of activities which is closely related to terrorism is subversion in which persons acting secretly in concert on behalf of an organized party of persons within the State, or outside the State, or acting on behalf of foreign nation(s), attempt to create disruptions with aims ranging from weakening the domestic government and its political institutions to attempts to overthrow a government.

In terms of organization, terrorists groups have defined structure and processes by which collective decisions are made. Members of the organization occupy roles that are functionally differentiated and there are recognized leaders in positions of formal authority. The organization has collective goals which it pursues as an entity. The commitment of terrorist organizations to violence as a primary means of action condemns terrorist organizations to illegality and dictates that they organize and operate clandestinely. Typically, terrorist organizations are of relatively small size; or in case of relatively larger organizations, operational decision making is conducted in small, primary groups for maximum security and efficiency. The focus of analysis must therefore be on the core group. However, many terrorist organizations are part of larger, multifaceted entities. Terrorists may receive refuge and both direct and indirect support from governments. Assistance may include international transportation, false identity papers, weapons, money and other support within a host country, or abroad through its embassies or agents.

## II. Cooperation to deal with terrorism

Given the parameters of terrorism as defined above, action to deal effectively with terrorism needs to include bilateral means complemented by regional and multilateral cooperation.

### A. Bilateral cooperation

Bilateral cooperation is the form of cooperation which is the most tangible in nature. It rests upon a combination of informal and formal means of action both to prevent terrorism and to deal with it when it occurs. Bilateral cooperation is a very effective means of action. The following is a concrete illustration of such cooperation. Despite the many differences between Cuba and the United States, they have entered into an agreement regarding strict Cuban treatment of skyjackers, who land in Cuba. As a result of this agreement, incidents of skyjacking with Cuban destinations have been practically eliminated.

Bilateral cooperation may range from intelligence and/or police exchange of information to common police operations and frontier cooperation. Bilateral cooperation often results in extradition agreements or treaties as well as other forms of cooperation in criminal matters. Bilateral cooperation resulting in extradition treaties may result in a network constituting a very effective form of international cooperation.

Meeting of legislators from North and South Korea took place in August, 1988 aiming at fostering a dialogue on current issues. The expectations of the South Korean delegates were that North Korea would agree to take part in the Summer Olympics, in part because Seoul believes that such participation would lessen the threat of terrorism at the Games.

### B. Regional cooperation

Regional cooperation involving countries with geographic proximity and sharing interest and concern of dealing with terrorism can also be quite effective. Regional cooperation may be formal and informal and may involve executive, legislative and judicial measures. It may include a regional intelligence pool, police coordination, common training programs, exchange of experience and common operations. Regional cooperation often includes extradition agreements. Regional cooperation may be facilitated by the existence of political and/or economic grouping, both formal and informal. By way of illustration,

significant means of action have been developed within the framework of the Council of Europe. Seven conventions have been adopted in that context, covering all important aspects of international terrorism: the European Convention on the Suppression of Terrorism of 27 January 1977; the European Convention on Extradition of 13 December 1957 and its additional protocols; the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and its additional protocol; the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972; the Convention on the Transfer of Sentenced Persons of 21 March 1983 and the European Convention on the Compensation of the Victims of Violent Crimes of 24 November 1983. This cooperation is being developed further, as evidenced for instance by the adoption of a Declaration in November 1986 at the European Conference of Ministers responsible for combating terrorism (see Annex A). In addition to reviewing basic principles for combating terrorism, three resolutions were adopted dealing respectively with closer cooperation between the member States of the Council of Europe in all fields relating to the combat of terrorism, with adherence to international instruments and with measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed at diplomatic or consular representatives.

### C. Multilateral cooperation

As regards multilateral cooperation, several attempts have been made in the context of the United Nations to understand and respond to international terrorism. An *Ad hoc* Committee on International Terrorism was set up and within the framework of that body an extensive debate took place on the question, covering on the one hand the general approach to the problem of international terrorism and on the other hand the main elements relevant to the consideration of the problem of international terrorism (see Annex B). As the outcome of the debate and deliberations, the *Ad hoc* Committee formulated the following recommendations:

1. The General Assembly should unequivocally condemn all acts of inter-

national terrorism which endanger or take human lives or jeopardise fundamental freedoms.

2. The General Assembly should take note of the study of the underlying causes of international terrorism as contained in the report of the *Ad hoc* Committee.

3. The General Assembly should urge all States, unilaterally and in cooperation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism.

4. The General Assembly should call upon all States to fulfill their obligations under international law to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State, or acquiescing in organized activities within its territory directed towards the commission of such acts.

5. The General Assembly should appeal to States which have not yet done so to become parties to the existing international conventions relating to various aspects of the problem of international terrorism, specially the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted at New York on 14 December 1973.

6. The General Assembly should invite all States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism such as the harmonization of domestic legislation with international conventions, the implementation of assumed international obligations, and the prevention of the preparation and organization in one's own territory of acts directed against other States.

7. The General Assembly should recommend to appropriate specialized agencies and regional organizations that they consider measures to prevent and

combat international terrorism within their respective spheres of responsibility and regions.

8. The General Assembly should urge all States to cooperate with one another more closely, especially through the exchange of relevant information concerning prevention and combating of international terrorism, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular as to the extradition or prosecution of international terrorists.

9. The General Assembly should request the Secretary-General to prepare a compilation on the basis of material provided by Member States of relevant provisions of national legislation dealing with the combating of international terrorism.

10. The General Assembly should consider the need for an additional international convention or conventions based, *inter alia*, on the principle of extradition or prosecution to combat acts of international terrorism not yet covered by other similar international conventions. In that connexion, the inclusion, *mutatis mutandis*, of similar provisions in comparable conventions and current drafts in related fields might be considered, including the provision in the draft convention on the taking of hostages, which refers to Additional Protocol I to the Geneva Conventions of 12 August 1949 concerning peoples fighting colonial domination, alien occupation and racist regimes.

11. In order to contribute to the elimination of the causes and problems of international terrorism, the General Assembly and the Security Council should pay special attention to all situations, including, *inter alia*, colonialism, racism and situations involving alien occupation, that may give rise to international terrorism and may endanger international peace and security, with a view to the application, where feasible and necessary, of the relevant provisions of the Charter of the United Nations, including Chapter VII thereof.

Subsequently, the General Assembly adopted two resolutions which deal comprehensively with international terrorism, namely resolution 40/61 (adopted on 9 December 1985) and resolution 42/159 adopted on 7 December 1987, the

latter among other things urging all States to fulfill their obligations under international law and to take effective and resolute measures for the elimination of international terrorism and to that end to prevent the preparation and organization in their respective territories for the commission within or outside their territories of terrorist acts and subversive acts directed against other States and their citizens; to ensure the apprehension, prosecution or extradition of perpetrators of terrorist acts; to endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis; to cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism and to harmonize their domestic legislation with the existing international conventions on this subject to which they are parties. An analysis will be made of the existing international conventions relating to various aspects of the problem of international terrorism, namely the Convention on Offences and Certain other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, the International Convention against the Taking of Hostages and the Convention on the Physical Protection of Nuclear Material.

Finally, it should be pointed out that the General Assembly has taken a clear stand that unequivocally condemns as criminal, all acts, methods and practices of terrorism wherever and by whoever committed, including those which jeopardize friendly relations among States and their security. International public opinion is shocked and outraged by terrorism. That attitude rests on a judgement about means and ends; it is a belief that whatever the merits of the cause or objective, it is fundamentally wrong to put innocent lives at risk. No ends can justify those means. This is a moral judgement that is embodied in both national and international law.

## Conclusion

An interesting question was raised by the representative of New Zealand at the United Nations, namely what to do with the rogue State which ignores the United Nations, will not ratify the international conventions, will not accept international responsibility for the action of its personnel, or worse, flaunts the acts of terrorism with pride? As example of possible response is the joint statement of The twelve States of the European Community setting out their policy to such a situation, namely that firstly, they would immediately take steps to deny the terrorists support, cover or refuge; secondly that they would move against the State that protected the terrorists; normal relations would be suspended and sanctions in the form of an embargo on the supply of arms and military equipment would be imposed. It is interesting to note for illustrative purposes that New Zealand, while in agreement with the position taken by the twelve European countries, put forward that there may be situations which call for countries directly affected or the whole international community to go much further. Major acts of terrorism, particularly those conducted with the connivance or under the direction of a State, may call for a response which in terms of the United Nations Charter would be equivalent to the right of self-defence.

Annex A

COUNCIL OF EUROPE

(Original: English)

{18 December 1986}

Declaration of the European Conference of Ministers  
responsible for combating terrorism

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Deeply concerned at the upsurge in terrorist acts, which give rise to horror and revulsion;

Expressing their total and unanimous condemnation of such acts which endanger or destroy human lives;

Convinced that terrorism in whatever form constitutes a continued aggression against the democratic institutions of all member States of the Council of Europe and a constant threat to them;

Mindful of the adherence of the member States of the Council of Europe to the principles of parliamentary democracy and the rule of law, and of their commitment, under the Statute of the Council, to the protection of human rights and fundamental freedoms;

Convinced of the need to combine measures at national level with reinforced international co-operation in order to counter terrorism more effectively;

Considering that terrorism has no justification whatsoever and resorts to particularly odious means for achieving its aims;

Noting that certain terrorist groups and those who sponsor them do not confine their actions to only one State;

Acknowledging the need for enhanced action based on improved internal security systems and, among others, on co-ordinated judicial and diplomatic measures;

I. REAFFIRM their will to fight against terrorism in all its manifestations including terrorism in which States are implicated in whatever manner;

II. STRESS the need further to analyse terrorism in all its forms as well as its links with organized international crime;

III. CALL on the member States of the Council of Europe to:

1. reinforce and develop bilateral and multilateral co-operation for combating terrorism;
2. improve extradition and mutual assistance procedures;
3. co-operate closely with a view to resolving conflicts of jurisdiction in cases where several States are concerned;
4. adopt a policy of firmness in response to terrorists' demands based on blackmail;
5. act firmly against terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed against diplomatic or consular representatives;
6. consider applying the measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities to acts of organized international crime, such as drug or arms trafficking, involving such abuse;
7. endeavour to influence any State supporting or sponsoring terrorist acts to refrain from doing so and to abide by the rules of international law.

Resolution No. 1 concerning closer co-operation between the member States of the Council of Europe in all fields relating to the combat of terrorism

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Considering that the aim of the Council of Europe is to achieve greater unity among its members;

Deeply deploring the resurgence and spread of terrorism;

Bearing in mind the past initiatives of the Council of Europe, including the work of the Parliamentary Assembly, aimed at the suppression of terrorism;

Having regard to the existing co-operation between the member States of the Council of Europe in combating terrorism;

Convinced of the need further to develop and to strengthen such co-operation under the auspices of the Council of Europe;

Bearing in mind the importance of the media in promoting public awareness of the threat which terrorism presents to democracy;

Taking into account the deliberations of the Conference;

- I. RECOMMEND to the member States of the Council of Europe:
  1. to co-operate more closely in all fields relating to the combat of terrorism, wherever necessary, by:
    - a. strengthening and extending existing co-operation between member States of the Council of Europe at the bilateral level or in the framework of groups of member States;
    - b. developing existing contacts in order to increase efficiency of bilateral and multilateral co-operation;
  2. to avail themselves of any assistance which the Council of Europe may provide in establishing closer links of co-operation;

II. RECOMMEND to the Committee of Ministers:

1. to entrust the closest Counsellors of the Ministers responsible for combating terrorism with a study of questions relating to the implementation of the Declaration and the Resolutions adopted at this Conference.

The Counsellors should, in particular, study, with the support of the Secretary-General:

- a. questions relating to closer co-operation between the member States of the Council of Europe in the combat of terrorism;
  - b. appropriate ways of impeding the movements of terrorists from one country to another, including questions of their entry and stay;
  - c. the experience acquired by member States in the field of investigation, prosecution and punishment of acts of terrorism;
  - d. existing national law, in particular in the penal field, and its application to terrorism, as well as the question of their progressive harmonisation;
  - e. the possibility of co-operation between the member States of the Council of Europe and the member States of the European Community in their respective efforts to unite in the struggle against terrorism;
  - f. the way in which those non-member States which share the common concern about international terrorism shall be kept informed of any development within the Council of Europe in this field;
2. to examine the possibility of extending intergovernmental co-operation to States not members of the Council of Europe in the areas covered by the Resolutions of the present Conference;
  3. to examine, in the light of relevant considerations at the national level and the work of the forthcoming Vienna Ministerial Conference on Mass Media Policy, the question of establishing contacts, at the appropriate level, with representatives of the media, with a view to discussing matters relating to the reporting of acts of terrorism and measures to prevent such acts.

Resolution No. 2 concerning adherence to international instruments

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Considering that the aim of the Council of Europe is to achieve greater unity between its members;

Convinced that it is important further to develop and strengthen international co-operation in combating acts of terrorism as well as in assisting the victims of such acts;

Emphasizing that the principles laid down in the European Convention on Human Rights of 4 November 1950 must be respected when combating terrorism;

Considering the the principle of "aut dedere aut iudicare" might enable the judicial authorities to combat terrorism more effectively and facilitate international co-operation;

Recognizing the Council of Europe's achievements in this field, particularly the European Convention on the Suppression of Terrorism of 27 January 1977, the Declaration on terrorism adopted by the Committee of Ministers on 23 November 1978 and Recommendation R (82) 1 of the Committee of Ministers to member States concerning international co-operation in the prosecution and punishment of acts of terrorism;

Taking note of Resolution No. 3 adopted by the 15th Conference of European Ministers of Justice (Oslo, June 1986);

Bearing in mind the work of the Parliamentary Assembly in the field of combating terrorism;

I. RECOMMEND to the member States which have not yet done so to consider the

possibility of becoming parties to the relevant European (1) and other international Conventions (2);

II. RECOMMEND to the member States party to these treaties to consider the possibility of withdrawing some or all of the reservations they may have made;

III. RECOMMEND to the member States to conclude, if necessary, bilateral agreements on extradition or to strengthen existing agreements by incorporating in them for the most serious crimes, such as acts of terrorism, the principle of "aut dedere aut iudicare".

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(1) In particular:

- the European Convention on the Suppression of Terrorism of 27 January 1977;
- the European Convention on Extradition of 13 December 1957, and its additional protocols;
- the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, and its additional protocol;
- the European Convention on the International Validity of Criminal Judgements of 28 May 1970;
- the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972;
- the Convention on the Transfer of Sentenced Persons of 21 March 1983;
- the European Convention on the Compensation of the Victims of Violent Crimes of 24 November 1983.

(2) In particular:

- the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963;
- The Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970;
- the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 25 September 1971;
- the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973;
- the International Convention against the Taking of Hostages of 17 December 1979;
- the International Convention on the Physical Protection of Nuclear Materials of 3 March 1980.

Resolution No. 3 concerning co-operation in measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed at diplomatic or consular representatives

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Deeply concerned at acts of terrorism involving abuse of diplomatic or consular privileges and immunities as well as those directed against diplomatic or consular representatives;

Convinced of the need to develop and strengthen co-operation in measures to counter these forms of terrorism;

HAVE RESOLVED as follows:

Member States will co-operate in measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed at diplomatic or consular representatives. To this end, they will:

- a. give the closest possible scrutiny to any notification of new members of diplomatic missions or consular posts in their country;
- b. co-operate in the exchange of information about members of diplomatic missions or consular posts considered as having connections with terrorism;
- c. consider not accepting as a diplomatic or consular representative any person with regard to whom they have, as receiving State or State of residence, concrete information implicating him in an act of terrorism;
- d. be ready to use their ability under Art. 11 of the Vienna Convention on diplomatic relations and Art. 20 of the Vienna Convention on consular relations to limit the size of diplomatic missions or consular posts in their country. In particular, they will bear in mind that when a member leaves a mission or post it cannot be assumed that that member can automatically be replaced;
- e. attach particular importance to the principle that the premises of a diplomatic mission or a consular post must not be used in a manner incompatible with the functions of the mission or post as laid down in the Vienna Conventions on diplomatic relations and consular relations or by other agreements in force between the two States concerned;
- f. endeavour to adopt an agreed position with regard to States which encourage these acts of terrorism. If one member of the Council of Europe suffers from such an act, the member States will consider what action in accordance with international and domestic law they might take jointly or individually to respond to this and in particular to make clear to the offending State that such behaviour is unacceptable;

- g. facilitate exchanges of information among themselves on threats to diplomatic missions and consular posts located within their country. They also facilitate exchanges of information about the threat of terrorism against their diplomatic or consular representatives in third countries and about possible security measures to protect them;
- h. consult on the application of the Vienna Conventions on diplomatic and consular relations, with a view to adopting a common approach in their joint efforts to combat terrorism.

## 테러리즘과 國際協力

( 比較論的 接近 )

오와리쉬 \*

### 要約拔萃

테러리즘은 오늘날 세계적 주요문제이다. 즉 그것이 비록 한나라 또는 여러나라가 관련 되었든지 간에 解決策이 제시될 수 있다는 점에서 보면 국제적인 문제의 한 양상이다.

상호의존의 概念은 국민간·지역간의 공동대처에 의해서만 개선될 수 있는 도전으로서 점차 인식되고 있는 테러리즘을 이해하고 대응하는 점에 있어서는 의미를 지니고 있다. 테러리즘의 가장 기본적인 정의는 정치·경제적 목적을 달성하기 위하여 협박을 사용하는 폭력 또는 위협적행동이라 할 수 있다. 한편 테러의 목적물(대상)은 개인, 저명인사 및 무고한 시민들의 대소집단이거나 중요시설 및 재산이다. 극단적인 경우에는 재산과 생명의 무차별한 파괴가 있게된다. 그와같은 행동은 불만이 많은 개인·집단·정부 또는 이들의 대리인에 의하여 수행된다.

테러리즘은 신문·라디오·TV 등에서 주요기사로 취급되고 따라서 확산효과를 야기시켜 선전의 수단으로 사용되기도 한다.

그러므로 테러리즘은 물질적·심리적 특징을 가지고 있다. 분체는 테러리스트나 테러조직단체들이 고도의 정밀무기공급, 재정수단등에 이르기까지 다양한 지원을 받고 있다는 점이다.

지구상의 환경속에서 볼 때 테러리즘은 여러 부류의 사회체들이 그 크기에 관계 없이 극복해야만 하는 뚜렷한 지배적 양상을 띠게 되었다.

테러리즘의 종합적인 정의는 평화시에 무고한 생명과 재산을 위협하는 개인 또는 조직화된 정치집단에 의한 정치적 목적의 어떤 무력이다.

테러리즘은역시 정치적 반대의 형태와 상응한 개념이다. 이와같은 대립개념은 권위적체제에서는 쉽게 억압된다. 즉 그것은 자유민주체제내에서는 테러리즘이 쉽게 일어날 수 있고 위협부담이 낮다는 의미이기도 하다.

\* 美國 / UN 事務局

이런 의미에서 볼 때 테러리즘은 정치적범죄 행위로 인식될 수 있으며 그러므로 그 행위는 소위 법적통로체계의 밖에서 일어나게 된다.

테러리즘의 국제성은 테러의 목적과 효과의 양측면에서 행동자체의 구체적 특성의 논리에 의해 테러리즘에 부가된 속성이다.

일반적으로 테러리즘은 한 국가이상이 관련된 국제적인 것으로 신속한 통신체제와 법체계성에 의해 촉발된 상호의존의 하나로 이야기되고 있다. 또한 테러리즘은 한 나라안에서든 대사관에서든 제 3자의 영토에서 일어날 때 국제적이 되며 주창된 목표가 국제체제에 변화를 가져올 때 또한 국제적이 될 뿐 아니라 인질 및 도피의 장소등 결과가 발생한 장소나 행동과 준비가 있었던 장소가 제 3자의 장소일 때도 또한 마찬가지다. 테러리스트집단간의 협력은 국제테러리즘의 다른 차원의 문제이다. 국제 테러리즘을 다룸에 있어서 국제협력에는 3가지 형태가 있다. 즉 쌍방적이고 지역적이고 다원적인 것이 바로 그것이다.

1) 테러에 대한 협력의 쌍방적형태는 억제와 진압을 포함한 대응의 가장 효율적인 방법으로 인지되고 있다. 큐바와 미국간에 많은 갈등에도 불구하고 그들은 큐바에 상륙한 비행기납치범의 큐바식처리에 동의하게 되었다. 이 합의결과 큐바를 목적지로 삼는 비행기납치사건은 실제로 소멸되었다.

2) 지리적 인접성과 테러처리의 이해관계를 갖는 나라를 포함한 지역협력방안은 역시 상당히 효과적이다. 지역협력방안은 공식·비공식적일 수 있으며 입법·사법·행정의 조치를 내포한다. 방안은 지역정보망, 경찰조정, 일반훈련계획·경험과 공동작전의 교환을 포함한다. 지역협력방안은 흔히 범인인도 협정을 포함한다. (예, 테러리즘의 진압에 대한 유럽 협약)

3) 다원적 협력방안은 국제테러에 대응하고 이해함에 있어 UN의 맥락에서 여러 노력이 이루어 왔다. 국제테러리즘에 대한 특별위원회가 설치되고 기구창설이 제의되었다. 유엔총회결의안이 1985.12.9일 국제테러문제 해결을 위해 채택되었고 또한 1987.12.7일에도 있었다.

특히 후자의 결의안은 모든 국가에게 그들의 국제법하의 의무를 준수하고 국제테러리즘에 대한 조치와 예방을 촉구하였다. 즉, 상기 3가지 방안에 기초를 둔 특별협약을 갖게 하는 노력과 테러예방과 대응에 대한 정보교환과 상호협력방안, 현 국제협약의 국내입법화와 조화등에 관한 것이다.

국제테러리즘의 문제에 대한 여러가지 측면과 관련된 기존 국제적 관례에 대해 분석이 행해질 것이다.

즉, 인체에 해가 되는 조항, 항공우주국의 법령, 비합법적인 항공기 납치에 대한 제재조항, 민간 항공기 안전에 대한 비합법적 법령제재조항, 납치예방에 대한 국제적 관례 및 핵물질 운반의 안전조치등에 대한 조항 등이다.

마지막으로 지적하고자 하는 것은 국가간의 우호관계와 안전에 위해를 주는 것을 포함해 테러리즘의 방법과 관례를 범죄적 행위로 규탄하는 견해를국회가 분명히 취해 왔다는 사실이다.

국제적인 여론은 테러리즘 때문에 충격을 받고 분노를 일으킨다. 이러한 태도는 수단과 목적에 대한 판단에 좌우된다. 원인이나 목적의 이질성이 무엇이든간에 순수한 생명을 모험에 걸게 한다는 것이 근본적으로 잘못된 것이다.

어떤 목적도 이러한 수단을 정당화 시킬 수 없다. 이것은 국내법과 국제법에 모두 구함된 도덕적 판단이다.

