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Terrorism in International Law

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Abstract. Numerous countries around the world have made exceptional efforts to combat terrorism. Many of these efforts have been undertaken individually and outside the scope of the United Nations, despite its charter designating it as the authority responsible for addressing issues of international peace and security through the Security Council.Describing these efforts, they represent the endeavors of states directly affected by terrorism. However, this does not imply that the United Nations, as the institution under which the international community operates, has been distant from this highly significant matter. On the contrary, the diplomatic history of the issue of terrorism found its primary arena within the United Nations. Legal discussions began within the framework of UN bodies and agencies. Mechanisms ensuring the international community's response to combating terrorism were appropriately developed within UN agencies. Additionally, the executive mechanisms can be found in the organization's efforts. Moreover, the international legal confrontation of terrorism was fundamentally organized through the United Nations. Reports, resolutions, treaty formulations, and conferences were significantly conducted within the premises of the international organization. The United Nations also served as the primary sponsor of other international conferences closely examining issues directly related to international terrorism, attempting to blend statements and recommendations in a manner consistent with the accepted concept of terrorism, achieving widely acceptable results among all member states. Regarding individual state activities, efforts to combat terrorism legally and materially vary according to the interests of those states and their concept of terrorism, which often does not align with the concept upheld by other countries. Therefore, this study will explore the concept of terrorism in the first section, address the legal obstacles to combating terrorism in the second section, and finally, discuss the international efforts to confront it in the third section.

Keywords: International Law, Terrorism.

RESEARCH PROBLEM

A careful examination of international law rules might raise the issue of whether terrorism is considered a distinct subject within international law. The debate persists on whether there is truly an international law specifically addressing terrorism, or if what actually exists is an international law concerning terrorism.

This brings us to the primary issue: whether the study in this context pertains to examining a substantive issue governed by law, or if it is an attempt to explore the applicability of international law rules to a contemporary problem that lacks clear legal organization. Alternatively, it could be a matter of determining whether a collection of fragmented and unrelated legal rules, subject to the varying interpretations of states based on their individual definitions of terrorism, govern the issue.

Importance of the Research

The importance of researching the topic of terrorism in the context of international law lies in its critical relevance to achieving international peace and security, which are the core components of global stability. If military efforts to combat terrorism lack a sound legal foundation at the international level to regulate these actions, efforts deemed as counter-terrorism by some members of the international community might themselves be viewed as terrorist acts that undermine international peace and security from the perspective of others. This situation represents a significant challenge for the international community in addressing one of the most serious threats it faces: terrorism.

Research Methodology

In our study, we will adopt an analytical approach to examine this phenomenon. This involves analyzing the texts of international conventions that address the topic, as well as attempting to analyze the international positions that have adopted specific legal perspectives on this issue. Additionally, we aim to identify the reasons behind the adoption of these particular viewpoints.

CHAPTER ONE

The Concept of International Terrorism

In this chapter, we will elucidate the issue related to the obstacles in establishing a precise definition of terrorism in international law in the first section. In the second section, we will discuss the legal implications resulting from the lack of consensus on this definition.

Section One

Obstacles to Defining Terrorism Internationally

Some international scholars consider terrorism not to be an independent subject within international law, meaning it does not have its distinct substantive rules [5]. This skepticism about the international legal regulation of terrorism has shifted the debate to the usefulness of defining terrorism, especially in borderline situations where the concept of terrorism overlaps technically with the use of force.

Not all instances of violence fall under the category of terrorism, particularly since international law, established by both treaty and custom, recognizes the right of states to defend themselves. (Article 51 of the United Nations Charter states: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.") Therefore, it is essential to establish circumstances, rules, and standards to distinguish terrorism from other forms of violence. This distinction is crucial for the proper application of the relevant international legal rules.

Additionally, there is another significant challenge in creating a precise definition of terrorism, one that borders on impossibility. Given the intense international contention on this issue, especially when we consider the technical challenges to defining the concept, the optimal approach to determining the concept of terrorism is to establish or identify standards that can be used to create benchmarks for defining terrorism.

One of the primary obstacles in defining terrorism in the past was the political divergence between the Eastern and Western blocs. Although much of this disparity has been mitigated through the objective circumstances that the United Nations has sought to establish through its legal and political frameworks, which have significantly bridged the gap, another divide has emerged. This new gap pertains to the level of understanding between the developed world and the groups within it, and the Third World countries and their intellectual and institutional responses to terrorism, which have led to further calls for confrontation.

In our view, defining contentious subjects is inherently challenging. Many concepts within international law have been the subject of disagreement, and the international community and its institutions have struggled to provide definitions, such as the concepts of minorities or aggression. Despite the existence of numerous treaties addressing these issues, the lack of a unified definition has not prevented objective engagement with these concepts.

One of the most contentious issues regarding the definition of terrorism is its conflict with a fundamental principle of international law: the right of peoples to self-determination, which includes the rights to resistance and the struggle against colonialism. The methods used by peoples to achieve their goal of freeing themselves from colonial control (In 1960, the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly Resolution 1514), also known as the Declaration on the Decolonization. Under this resolution, the General Assembly, considering the important role of the United Nations in assisting the movement towards independence in Trust and Non-Self-Governing Territories, officially declared the necessity of ending colonialism swiftly and unconditionally in all its forms and manifestations. In this context, it proclaimed, among other things, that all peoples have the right to self-determination), or the efforts undertaken in armed struggle, can intersect with actions considered as terrorism.

If we examine the actions carried out by armed groups, such as threats, assassinations, or shootings, these actions can be viewed as legitimate means to end colonialism from one perspective. From another perspective, they can be considered terrorist acts. The key to distinguishing terrorism lies not in the nature of the actions themselves but in external considerations.

Therefore, terrorism cannot be defined solely by the means used or the specific actions taken. Nor can it be based on the concept of "protected rights" and whether these rights are violated by violent means. The protection of civilians in international armed conflicts is a matter agreed upon in international conventions and customs. However, not every act directed against civilians is considered terrorism; instead, it can be classified under international criminal law as war crimes, genocide, or other crimes. Thus, violations of the laws of war do not necessarily equate to terrorism.

Another significant issue in defining terrorism is the relationship between the existence of terrorism and its perpetrators. For instance, the automatic association of certain actions with terrorism, such as individuals or armed groups launching missiles, contrasts with the lack of such an association when a state launches missiles. Does this mean terrorism is an individual act, or that states cannot commit terrorism?

Such complexities and the blending of concepts, along with the lack of defined standards, have led to differing viewpoints on defining terrorism. This disparity has been particularly pronounced between developed and developing countries.

In the context of international organizations, especially the United Nations, the concept of terrorism has been significantly influenced by changing international circumstances. For example, the United Nations was once close to adopting a General Assembly resolution that included an agreed-upon definition of terrorism (United Nations General Assembly Resolution 4429 of 1989 (not voted upon)). However, the extraordinary changes in East-West relations, particularly the wave of terrorist attacks targeting Soviet diplomats in the Middle East, disrupted the efforts to reach a consensus on a definition of terrorism.

The International Court of Justice (ICJ) appears to have clearly avoided specifying a precise definition of terrorism. In the case of Nicaragua v. United States of America, which centered on allegations against the United States for recruiting, training, arming, financing, supporting, and encouraging military and paramilitary activities, and for acts of killing, kidnapping, and injuring Nicaraguan citizens, considering such actions as terrorism, the Court instead addressed these practices as actions falling within the scope of international law. It evaluated whether these actions were prohibited or permitted under certain circumstances, and throughout its judgment, which spans over 550 pages, the Court avoided any reference to "terrorism" (See the International Court of Justice judgment in the case known as the Military and Paramilitary Activities in Nicaragua of 1984).

The search for a common definition of terrorism seems only to have highlighted the inherent contradictions in addressing a highly complex and multifaceted phenomenon [4]

Section Two

Implications of the Lack of an International Definition of Terrorism

The failure of the international community to define the concept of terrorism can be attributed primarily to political reasons rather than technical ones. This failure has led to a situation where countries, particularly those that feel disenfranchised or perceive themselves as victims of economic and social injustice, refuse to accept a strict or realistic definition of terrorism. These countries, often lacking power, implicitly justify terrorism as a weapon of last resort without openly declaring it.

Consequently, these states are reluctant to sign or ratify definitions that could restrict their freedom of action and potentially condemn fighters who are often viewed as heroes by the public. An illustrative example is from World War II, where resistance fighters were deemed terrorists by the Germans but celebrated as heroes by the Allies.

Moreover, the failure to establish a cross-border mechanism to curb international terrorism could provoke unilateral responses from victim states. In the absence of effective measures recognized by international law, the

victim state might violate the law under the pretext of self-defense, sometimes resorting to methods similar to those it condemns.

This contradiction, playing a negative role in addressing the imminent danger to the international community, necessitates finding a way out of this harmful cycle. This can only be achieved by redefining the view of terrorism in a manner that considers various legal and political factors, as outlined below:

1. Legal Considerations: The increased use of terrorism over the past twenty-five years has elicited legal responses at both national and international levels. The primary legal response from the international community has been the signing of treaties—both regional and global—that aim to regulate, unify, and expand the criminal jurisdiction of the contracting states. Generally, these treaties have been responses to specific issues, such as hijacking or attacks on diplomats. However, there are now enough such treaties to identify trends and possibly draw some conclusions about how they have influenced the development of customary international law in relation to counter-terrorism.
2. Political Considerations: While terrorist acts cannot be justified, the political evaluation of the situation should not be dismissed. Exploring the political depth of a specific terrorist phenomenon does not equate to approving what remains a criminal act. Nevertheless, recognizing the political dimension of terrorism can influence how the problem is addressed. The terrorists' message must be acknowledged in some way, thus recognizing the political aspect of the act committed. This approach leads to a better understanding of the act without necessarily improving the terrorists' status, as it could result in their condemnation by a greater number of countries or by the international community through the United Nations.

Furthermore, this approach requires a change in the behavior of victim states, which should consider the political motive behind the condemned act. In practice, and taking into account diplomatic secrecy or intelligence services, most states can indeed recognize this political dimension. Therefore, it seems possible to address both the criminal and political aspects of terrorism simultaneously and distinctly. The criminal act should be prosecuted, and the political issue should be accurately assessed.

CHAPTER TWO

Obstacles to Combating International Terrorism

In practice, the legal confrontation of international terrorism encounters numerous obstacles. This discussion will address two primary aspects: jurisdiction and issues related to extradition and rendition in terrorism cases.

Section One

Jurisdiction

Examining the general principles of international law that provide the framework within which international rules operate on jurisdiction over international crimes, and scrutinizing the methods used by multilateral agreements to address the problems posed by disparate national systems in this regard, and the limitations imposed by customary international law, is of great importance in identifying the obstacles to combating terrorism.

Criminal jurisdiction primarily lies within the territory of the state where the crime was committed. This territorial principle is one of the fundamental complements to the strongly entrenched concept of state sovereignty. For various reasons, it is considered the most basic form of jurisdiction. Jurisprudence supporting sovereignty sets the standards by which territorial jurisdiction is applied. Some countries require that the criminal acts themselves occur within their territorial boundaries, while others accept that jurisdiction can be based simply on the effects felt within their territorial boundaries. Consequently, despite its territorial foundation, the territorial principle often operates extraterritorially, allowing states to claim jurisdiction under this principle over crimes committed by individuals who have never set foot on their soil.

At the most apparent level, this means that exercising jurisdiction within another state's territory would be a violation of territorial integrity unless this exercise is legalized by agreement, as exemplified by the October 1979 agreement by the Irish government to allow British helicopters to fly ten kilometers into Irish airspace. This is a clear example of executive rather than prescriptive jurisdiction, serving as a solution that ensures the exercise of jurisdiction through coordination without the need for complex agreements in this regard. However, such an executive measure that authorizes local authorities in one state (such as the United Kingdom) to exercise executive jurisdiction within another state (such as Ireland) would threaten Ireland's territorial integrity and thus fall under international responsibility.

There have often been arguments that certain types of extraterritorial jurisdiction claim conflict with the principle of sovereign equality of states, which entails that their jurisdiction is equally valid. Moreover, the matter is governed by another important principle related to the integrity of states (Article 2(4) of the United Nations Charter states: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."). These principles can be absolutely governing in cases that are not of significant importance, such as those arising from U.S. antitrust legislation. However, these propositions seem more difficult to maintain regarding extraterritorial criminal jurisdiction claims concerning terrorist crimes. In normal circumstances, it is harder to assert that a unilateral claim of jurisdiction over a criminal offense committed in another state, or over a crime committed by a citizen of that other state (which would be concurrent with that other state's jurisdiction), constitutes interference in the internal affairs of that other state unless the act in question is a crime in that other state.

The issue of criminal jurisdiction in terrorist matters may evolve to align with the significance of acts that extend jurisdiction beyond territorial boundaries, such as those related to human trafficking, drug trafficking, and piracy. In such cases, the acceptance of behavior, met with silence from others, could be significant in developing an international custom in this regard, potentially leading to the establishment of international rules governing the matter.

Regarding the handling of jurisdictional issues through major multilateral agreements negotiated at the global and regional levels in response to internationally or transnationally significant acts of terrorism, the first notable instance of post-World War II terrorism with a cross-border character was crimes committed against aircraft. The phenomenon of aircraft hijacking became prominent during a specific period, necessitating legal measures to address it.

The Tokyo Convention of 1963 addressed a broad range of issues related to crimes committed on board aircraft. It based its rules on principles recognized among nations, affirming the primary jurisdiction of the state of registration.

A plain reading of Article 3 of the convention suggests that the jurisdiction of the state of registration extends to acts and conduct committed on the aircraft that are classified as crimes. Thus, other acts that might threaten the security and safety of the aircraft fall outside its jurisdiction as long as they are not classified as crimes, even though the convention's scope includes all acts that threaten the safety of the aircraft, regardless of their nature or legal classification. [3]

Article 4 provides supplementary jurisdiction, non-obligatory, which seems to meet the requirements for executive jurisdiction over aircraft in flight according to territorial, personal, and protective principles. It appears that different states had different preparations regarding these aspects of the Tokyo Convention system.

Upon reviewing the Hague Convention (1970), it is evident that it took a more innovative stance in this regard, introducing a system specifically designed to address hijacking. The approach of this convention seems to have served as a model for later agreements frequently adopted in the context of hijacking-related terrorism. The main features of the convention can be outlined as follows:

1. Definition of Hijacking as a Crime: The convention defined "hijacking" as a crime, mandating the contracting states to criminalize it with severe penalties. (Articles (1, 2) of the convention)
2. Principle of "Prosecute or Extradite": This approach, endorsed by the convention, aims to provide a stricter judicial network, based on the idea of not offering hijackers a safe haven through legal loopholes. This ensures that an offender, who avoids extradition for traditional reasons, does not escape prosecution.
3. Expansion of Jurisdictional Competence: The convention significantly expanded the jurisdictional competencies of the contracting states. Article 4 obliges states to establish jurisdiction as the state of registration, the state where the aircraft lands if the offender is on board, or the state where the lessee has their principal place of business or permanent residence in the case of lease without a crew.

Additionally, Article 4(2) of the convention mandates that states extend their jurisdiction in cases where the offender is present in their territory and not extradited, thereby establishing universal jurisdiction. This principle, recognized in customary international law, has traditionally applied to a few crimes such as piracy or the slave trade, though in recent years, an increasing number of crimes, including war crimes and genocide, have been encompassed within this jurisdiction.

Despite the extensive debate on the scope of the convention's application to terrorist crimes, specifically the unlawful seizure of aircraft, it is certain that the Hague Convention's applicability has been significantly broadened following the accession of over 140 countries. This ensures a comprehensive and wide-reaching legal framework.

The International Atomic Energy Agency adopted a similar model in the Convention on the Physical Protection of Nuclear Material (1980) in Article 7, which specifies the types of crimes that must be addressed by the parties. Each state is required to take necessary measures to establish its jurisdiction over these crimes in cases where the accused is present in its territory and is not extradited to any other state.

From the study of these three United Nations conventions, it can be concluded that they include provisions for cooperation in providing evidence related to crimes that are, in one way or another, connected to terrorism. This aspect is vital in external jurisdiction and includes provisions for fair treatment.

Section Two

Extradition and Deportation

In this section, we will address the extradition of criminals in the first subsection and then explain the concept of deportation in the second subsection, along with their relevance to international terrorism.

Subsection One: Extradition of Criminals

Despite Grotius's argument in 1626 that states are generally obliged to either extradite foreign criminals or prosecute them within their own territory, a principle summarized as either extradite or punish, the modern system of extradition relies on a largely "incidental" network of bilateral treaties, some of which date back to the nineteenth century. This network is complemented by an increasing number of contemporary bilateral and multilateral agreements covering issues ranging from genocide and apartheid to drug trafficking and terrorism crimes.

Extradition can be defined as "an aspect of international solidarity in combating crime, whereby a state surrenders a person present in its territory to another state that requests the person for trial for a crime that violated its laws or to enforce a sentence issued by one of its courts." [2].

States' practices regarding extradition vary significantly, but there are some common features that align with the extradition rules established by broad international agreements. These agreements have, in many cases, resulted in the establishment of customary rules of great significance.

The reason for the differences in matters of extradition largely stems from the fact that the bilateral extradition treaties, which proliferated in the 19th century, were based on principles followed in France. Over time, these principles became increasingly incompatible with international aspirations to address highly serious crimes. Consequently, the contemporary international community has recognized an urgent need to modernize and standardize extradition procedures on a global level.

A review of international treaties and instruments combating terrorism reveals that they explicitly prohibit state parties from refusing any extradition request from another state party concerning any of the crimes specified in those treaties on the grounds that the extradition pertains to a political crime, a crime related to a political crime, or that the crime was committed for political motives.

For example, the International Convention for the Suppression of Terrorist Bombings explicitly rejects the application of the political crime exception to all crimes listed therein. (Article 11 of the International Convention for the Suppression of Terrorist Bombings of 1997 states: "For the purposes of extradition or mutual legal assistance, no crime specified in Article 2 shall be regarded as a political crime, or as an offense connected with a political crime, or as an offense committed for political motives. Consequently, a request for extradition or mutual legal assistance based on such an offense may not be refused solely on the grounds that it relates to a political crime, an offense connected with a political crime, or an offense committed for political motives.") Furthermore, a significant resolution issued by the UN Security Council has emphasized that all states must ensure that claims of political motivation are not recognized as reasons to refuse requests for the extradition of suspected terrorists. (United Nations Security Council Resolution 1373 of 2011)

One of the major obstacles related to extradition in terrorism cases is the conflict between the protection granted under international refugee law, governed by international conventions, and the limitations on such protection in the interest of preventing impunity for terrorist crimes. It is necessary to reconcile two conflicting interests: the internationally mandated protection that the state hosting the asylum seeker must uphold, and the need to extradite for crimes of serious international concern.

Subsection Two

Deportation

In contrast to extradition for prosecution, deportation is an executive procedure, rather than a judicial one, based on the state's right to exclude or expel undesirable foreign nationals. However, international law imposes certain restrictions on this right. Customary international law requires minimum standards of conduct in dealing with deportation, and other international laws have established additional restrictions regarding legitimate grounds for deportation and the reasons upon which it may be based. Nevertheless, it appears that deportation at the request of another state does not conflict with international law. Since it is an executive procedure, it avoids all the

technical difficulties associated with the extradition process. In many countries, including the United Kingdom, the use of deportation as a means of "covert extradition" is a clear misuse and potentially illegal application of an administrative procedure. However, such arguments do not seem to outweigh the "convenience in practice," and a study conducted in 1978 found that deportation was a significantly more common method for presenting offenders for trial than extradition for prosecution. [8].

CHAPTER THREE

The British Model for Countering Terrorism

In this chapter, we will address the nature of the legal framework for countering terrorism in British legislation in the first section. Subsequently, in the second section, we will examine the negative effects of British legislation on human rights.

Section One

The Legal Framework for Terrorism in British Legislation

Just as the international community has adopted common practices to control or prevent terrorism, many countries have begun to respond legislatively to combat terrorism by amending their domestic laws to achieve a certain level of control or prevention.

Currently, international cooperation often serves as the impetus for the introduction of local legal changes, as the concept of extradition is founded on the premise that each country is similarly vulnerable to the threat of terrorism and equally entitled to take measures against it. A unified approach offers a number of advantages.

One practical advantage of a unified legislative approach is that it aligns with international law and promotes cooperation among states, thereby ensuring the integrity of procedures related to the extradition of suspects in terrorism cases, rather than encountering issues associated with adapting the principles of political exception to the specific conditions of modern terrorism.

Another practical advantage is that a unified approach is more compliant with other international agreements, such as human rights treaties and related practices, which seek to constrain the local response to terrorism.

The local response to terrorism will thus function as part of the collective or regional response of the international community, within the specific limitations agreed upon internationally regarding the exercise of coercive powers by the state. However, it is also well known that each state's legal response to terrorism will, to some extent, be influenced by the particular form of terrorism operating within its jurisdiction, such as specific political conflicts that give rise to terrorism, historical events associated with it, the level of public support for terrorists, and other factors.

These factors are likely to unavoidably influence the mechanisms that a state adopts in response to terrorism, whether as a fundamental or preventive measure. Each state will respond individually when facing specific threats to its authority, in a manner that differs from that of other countries.

We find that the definitions or basic legal concepts governing a state's response to terrorism may need to be tailored specifically to that state, taking into account its unique considerations, rather than serving as a model applicable to all states.

From this perspective, the problems of organization in cooperation among states in preventing or monitoring terrorism within a country are compounded, as organizational issues necessarily arise with counter-terrorism measures.

This occurs because combating terrorism, by adopting rules that deviate from standard legal principles—such as those in criminal procedure—creates organizational needs for reconciling or coordinating these exceptional rules within the constitutionally defined normal rules. Without such reconciliation and coordination, counter-terrorism measures become destructive to constitutions, which serve as the general legal framework for exercising legitimate authority.

The legal assumptions underpinning the recognition of the necessity for a unique response from states to issues such as terrorism include the concept of "margin of appreciation," which is a traditional example that allows states to adopt measures that are individually consistent with their composition and specific needs. Additionally, states may create variations in their handling of terrorism that align with the necessary compatibility requirements with other countries within the relevant region.

When examining some recent examples of the British state's response to terrorism, particularly that arising from politically motivated internal conflicts—specifically those acts that occurred in Northern Ireland—attention will be focused on organizational issues. The organizational divide itself becomes problematic within the

framework of counter-terrorism measures, and the gradual approach to addressing organizational division poses difficulties in achieving a logical and unified strategy, or in creating a coherent set of policies against terrorism.

A brief overview will be provided of some recent instances of Britain's response to terrorism arising from its internal conflicts in Northern Ireland, with a focus on the challenges of adopting a logical approach to a counter-terrorism strategy, and how such a logical approach is disrupted by issues of organizational unity and counter-terrorism policy.

In counter-terrorism policy, political rationality—addressing the needs of groups with specific interests—takes precedence over other objectives. Here, symbolic gestures often prevail; these gestures may hold less value in justifying actions to the international community, even though they may appear significantly important within the state. The interaction between rational, organizational, and symbolic approaches will be described. [7]

A careful examination of the British response to terrorism, whether in Northern Ireland or on the international stage, reveals that a clear and consistent approach has been adopted by successive governments since the mid-1970s.

The fundamental principles guiding British policy, according to which terrorism is addressed, are as follows:

1. A strong political will to uphold the rule of law and democratic governance, and to eliminate terrorism.
2. An absolute refusal to succumb to terrorist extortion and their demands.
3. A determination to act in accordance with national and international law.
4. Treating convicted terrorists as ordinary criminals without special privileges, pardons, or amnesties.
5. Enhancing national and international counter-terrorism measures by diminishing their aspirations and increasing their costs and losses. [6]

However, upon studying these stated principles and comparing them with the actual handling of terrorism, one may arrive at a different conclusion. The logic of the primary legal frameworks developed in Britain to combat terrorism represents a blend of rational, organizational, and political approaches that has imposed itself on the evolving legislative framework for counter-terrorism. Yet, in reality, it has produced a range of responses that cannot be easily characterized as "clear and consistent," nor do they fully "uphold the rule of law and democratic governance," or "align with national and international law." It could be argued that what distinguishes these responses to terrorism is their legal imprecision, which leaves considerable discretion to those exercising authority under these frameworks.

In this regard, it can be said that one of the drawbacks of the British approach to combating terrorism is that it relies on legal and legislative measures that have been intertwined with political considerations, which undermines their effectiveness. It seems that the impetus behind Britain's approach to addressing the issue of terrorism in this manner is rooted in the violent acts witnessed in Northern Ireland, which are characterized more by political motives than other attributes. Consequently, this effect has negatively influenced the legal response in other regions that require a specific stance from Britain in light of its legislative conduct.

Section Two

Negative Legal Effects of British Legislation on Human Rights

In 1973, Britain enacted legislation to combat terrorism aimed at addressing actions in Northern Ireland. This law included numerous infringements on rights and liberties, as it granted the police extensive powers that enabled them to carry out widespread arrests of individuals suspected of involvement in terrorism. [1]

The cessation of the conflict between Britain and Northern Ireland through political settlement in 2000 did not justify Britain's abandonment of the negative effects created by British anti-terrorism legislation. Instead, the government continued along the same lines in its actions, maintaining that it was still at war against terrorism. Consequently, it enacted a law in 2000 to replace previous legislation.

In 2005, the Terrorism Act was introduced, which included what are known as control orders—measures akin to the indefinite detention of foreigners. These orders are issued by the Home Secretary and, while they differ in that control orders do not involve detention of individuals accused of terrorism, they impose numerous restrictions on personal freedoms. Such restrictions may include prohibitions on visits from others, limitations on mobility, and restrictions on the use of communication methods, among others.

This represents an expansion of the executive authority's powers in investigation and prosecution, effectively enabling it to curtail individual freedoms, including freedom of movement, freedom of expression, and the right to privacy, among others. [1]

CONCLUSION

The foregoing discussion indicates that the issue of international terrorism has taken on significant global dimensions, reflected in the negative impacts it has left on all levels. It is a phenomenon that is not geographically limited, as most countries in the world have suffered from it for various reasons. From this research, we can draw the following conclusions:

1. Although terrorism is a phenomenon that spans the globe, there is no consensus on its definition. This lack of agreement stems from the substantial differences between Western and Eastern political perspectives, arising from varying ideological and doctrinal foundations and conflicting interests.
2. The absence of a specific definition of terrorism has hindered international efforts to combat it, as it has become intertwined with concepts internationally legitimized, particularly the right of peoples to armed struggle for self-determination. The issue of definitions must be addressed within its legal context in light of international rules and principles of international law, rather than based on political evaluations.
3. The process of eliminating terrorism must extend beyond mere cooperation among states; there must be an organized international community that upholds common values among peoples.
4. One of the obstacles faced in combating international terrorism pertains to issues of jurisdiction, especially in cases lacking international agreements in this regard. This necessitates the establishment of regulated substantive rules governing legal subjection to ensure that no one escapes punishment.
5. International efforts to combat terrorism may conflict with human rights requirements, potentially negatively impacting those rights and leading to their exploitation for the authorities' objectives.
6. Individual efforts to counter terrorism, in some cases, have exacerbated violence in various regions of the world and led to the emergence of coalitions that are inconsistent with the rules of international law.

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