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**Combating international terrorism after the events of September 11, 2001 in
light of the United Nations Charter and international reality
The Military intervention in Afghanistan as a model**

**مكافحة الإرهاب الدولي بعد أحداث 11 سبتمبر 2001 على ضوء الميثاق الاممي
والواقع الدولي
التدخل العسكري في أفغانستان كنموذج**

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Abstract:

The exposure of the United States of America to the attacks of the eleventh (11) of September 2001 led Washington to adopt an unprecedented international campaign to confront terrorist acts, and the formation of an international coalition for that, relying on direct military force, legal justification, and great political support from all countries of the world.

The global solidarity left by the attacks of September 11, 2001, left no room for any objection outside the American will.

As for the international level, the Security Council - in its capacity as responsible for maintaining international peace and security - issued Resolution No. 1368 issued on September 12, 2001, and Resolution No. 1373 of September 28, 2001, which gave states the right to legitimate defense of themselves as a result of any terrorist act.

Keywords: international terrorism, international cooperation, international agreements, combat, the events of September 11th.

ملخص:

لقد أدى تعرض الولايات المتحدة الأمريكية لهجمات الحادي عشر (11) من سبتمبر 2001 إلى تبني واشنطن لحملة دولية غير مسبوقة لمواجهة الأعمال الإرهابية، وتكوين تحالف دولي لذلك، معتمدة على القوة العسكرية المباشرة، وعلى التبرير القانوني، والدعم السياسي الكبير من كافة دول العالم.

فالتضامن العالمي الذي خلفته اعتداءات الحادي عشر من (11) من سبتمبر لم تترك من مجال لأي اعتراض خارج الإرادة الأمريكية.

أما على المستوى الأممي فقد قام مجلس الأمن بصفته المسؤول عن حفظ السلم والأمن الدوليين بإصدار القرار رقم 1368 الصادر بتاريخ 12 سبتمبر 2001، والقرار رقم 1373 الصادر بتاريخ 28 سبتمبر 2001 والذين أعطيا للدول الحق في الدفاع الشرعي عن نفسها جراء أي عمل إرهابي.

الكلمات المفتاحية: الإرهاب الدولي، التعاون الدولي، الاتفاقيات الدولية، مكافحة، أحداث 11 سبتمبر.

1. INTRODUCTION

The phenomenon of "Terrorism" is considered one of the most dangerous negative phenomena that have spread in the contemporary world, and its danger has

extended to the whole world. No society is far away from it, and the number of terrorist operations has increased in recent times, and its forms have diversified and took new forms. This made it a real threat to the

international community and to the stability of its institutions and its economic, social and cultural structures, and hardly a day passes without the various media outlets informing us of an individual or group committing terrorist acts that cause fear, spread disorder and sow terror in the souls.

In light of contemporary international changes, the terrorist act has become a form of physical violence, especially in believing societies, and its method of action is unprecedented, so that it is effective only in societies where violence is forbidden or rejected¹.

Whereas the sword of law is one of the most important methods necessary to combat these operations, and in the face of the escalation in their size and their association with other crimes, states have sought to find legal and practical means to follow up and suppress them at the international and domestic level by enacting punitive legislation and signing a number of international and regional agreements to unify efforts and reviving the spirit of international cooperation to combat them.

Accordingly, the problematic of the study is:

How legitimate is the American response by using military force against Afghanistan and threatening to use it against other countries? Thus, what is the benefit of the danger presented to the use of force that was brought about by Article 2 of the Charter? Is there really an international cooperation to combat terrorism?

Therefore, this topic has taken on importance from several angles, considering terrorism is a criminal phenomenon that requires highlighting it in terms of its causes, dimensions and ways to combat it.

Through these axes, the practical importance of discussing the issue is evident in the wake of the terrorist incidents surrounding the world in a manner that causes alarm and concern.

In this context, the attacks of September 11 are considered to be "influential examples" of what the tragedies resulting from acts of international terrorism can be. In addition, the American response to these attacks does not express in its form or content the true requirements of combating international terrorism, and it is far from the rules stable in international law, so that the question of using force to respond to terrorist attacks under the pretext of self-defence has become one of the most controversial issues in the fight against international terrorism.

Study methodology

In order to answer the presented problems, we adopted a descriptive and analytical approach, and through that we divided this research into two sections. In the first, we will study the conditions for self-defence in accordance with the rules of international law to arrive at an assessment of the legitimacy of the U.S. military intervention in Afghanistan and its impact on international relations according to the following topics:

The first topic: international terrorism and the right to self-defence.

The second topic: the military intervention in Afghanistan.

2. First Topic: International Terrorism and the Right to Self-Defence

A terrorist act or terrorism, according to Walter, is that "every act of terror consists

of three elements: the act of violence or the threat to use it, the emotional reaction resulting from the extreme fear of victims or victims of potential victims, and the effects on that society due to violence or the threat to use it and the fear resulting from it"².

If "legitimate defence" is a well-known concept in domestic laws from an early date as a state that removes from the unlawful act the criminalisation character and makes it a permissible act, but it is considered a new concept in international law and it did not appear until after the conventions and charters that consider the war a crime have been integrated only in exceptional cases.³ The Charter of the United Nations stipulated in its Article 51 that states have the right to self-defence if they are subjected to armed aggression until the necessary measures are taken in the UN Security Council to re-impose international peace and security and the states that exercise this right are subject to precise legal standards under pain of its international responsibility in this regard.

This idea was completely present in the minds of the drafters of the United Nations Charter. Today, states have become vulnerable to armed attacks by some groups, which may be closely linked to one of the countries. In this case, the law of self-defence in its well-known and traditional form applies, but if these groups do not possess any relation with a country, the application of the theory becomes difficult. So could the host country of these groups be vulnerable to a military attack under the guise of self-defence? Can force be used as an exception to Article 2, Paragraph 4 of the Charter against these groups?

A. The first requirement: conditions for aggression that creates the right of self-defence

The right to legitimate defence is linked to the existence of a previous aggression that afflicted the state, which has the right to defer it by unlawful action to preserve its right and defend its lands, and it is subject to a number of conditions as follows:

1. The first branch: current aggression

The aggression must have arisen before responding to it, as it is an existing act that has not yet been completed, that means that the defence may not be prior to the aggression under the pretext of preventing an alleged aggression, nor may it be later after the end of the aggression, as it is then considered an act of revenge and not a legitimate defence. In domestic law, the danger is considered immediate and it produces the right to defence even if the aggression has not yet occurred, but it was on the verge of occurring. As for international law, some jurists argue that the mere fact that an assault is about to take place is in itself sufficient for the legitimate right to defence, and this has been decided in many international treaties, among this is what was stipulated in Article 6 of the "Nuremberg Regulations" that "every planning, measure, or preparation for war is considered crimes against peace" while others denied this opinion on the pretext that the aggression could not be about to take place, because it is considered to be occurring as its realisation requires the necessity of it actually in order to justify legitimate defence, which is confirmed by Article 51 of the United Nations Charter, as well as what was stated in the United Nations General Assembly Resolution 3314

of 1974: " Aggression is the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations". This view is considered the most accurate and strict justification of the war, because there is a fear that adopting the first jurisprudential approach*⁴ may lead to incorrect claims and fallacious fabrications of the existence of aggression.

2. The second branch: armed aggression

Article 51 of the United Nations Charter stipulates that the aggression should be armed, which is a condition for which we do not find a counterpart under the rules of domestic law, and it is intended to move armies to invade, detonate bombs, occupy lands, strike sieges on ports or coasts and other manifestations of the use of weapons⁵.

The international community is keen to not justify war actions by legitimate defence unless if it represents a response to an armed aggression. As for the occurrence of limited-impact incidents on state borders, do not justify resorting to the use of force for self-defence. In a decision issued by the International Court of Justice in 1986 in the case relating to military and paramilitary activities between the United States of America and the Republic of Nicaragua⁶. The Court considered that the exercise of the right to self-defence is based on the condition of armed aggression, and that Article 51 in itself establishes an exception from Article 2, Paragraph 4 of the Charter⁷, and the exception is only interpreted in the narrowest limits as it is established in legal jurisprudence. The question that remains is that Can a terrorist attack be considered an armed attack in accordance with Article 51

of the Charter, which justifies resorting to military strikes in self-defence?

The answer to this question is based on necessity from the text of Article 51 itself. Armed aggression is issued by a "state", whether directly or indirectly. Although Article 51 of the Charter does not explicitly require this to be achieved, it was adopted by international custom on the basis that it is an implicit condition from which to establish an exception to the principle of the prohibition of the use of force between states, so in the opposite concept, the attacks committed by some groups or individuals can't be considered as armed attacks, and saying otherwise may have very complex consequences and an unjustified departure from the risk of the use of force in international law, and based on that, it is dangerous to say that once there are groups accused of committing terrorist acts against another country gives the latter the right to use military force against the state on whose territory these groups and their leaders reside.

It is true that all states are obligated to take appropriate practical measures to ensure that their territory is not used to establish terrorist bases or training camps or to prepare terrorist acts against other countries, but in the absence of a direct link between these groups and a given country, the application of the rules of self-defence becomes arbitrary and deviates from the principle of international legitimacy*⁸.

3. The third branch: Violating the fundamental rights of the state

The state has the right to defend itself in order to respond to the aggression against it, and since the state is a legal person, the attack on it is limited to aggressive acts that

affect its basic rights, which are represented in its right to the integrity of its territory, its sovereignty over it, and its national independence.

As for the aggression against the territory, it appears clear as it occurs when it touches the borders of the attacked state by attacking, invading or cutting off part of its territory. The aggression against the state's sovereignty⁹ may be in the form of the foreign state preventing the victim state from exercising all or some of its rights or from exercising its powers as the owner of the competence in managing its internal and external affairs alike¹⁰.

Among international practices, we find that the United States of America and Israel were the most adherent to the right to self-defence to justify their military operations against what they believed to be terrorist acts. It is an interpretation not without a clear transgression of the limits established in Article 51 of the United Nations Charter. It also includes the idea of "preventive self-defence", because Israel invoked this interpretation several times in order to justify its unlawful acts of usurping Arab lands. In 1968, the UN Security Council unanimously condemned - under Resolution No. 262 - the Israeli raid on Beirut International Airport after Israel claimed that its action was in response to the attempt to hijack an Israeli plane at Athens airport by elements of the "Popular Front for the Liberation of Palestine" that received its orders from its leaders in Lebanon. It also used the same excuse when it bombed the Palestine's Liberation Organisation sites in Tunisia in 1985, and despite the United States support for the operation during the discussions that took place within the UN Security Council, it was condemned under

Resolution 573 and described it as an act of aggression without imposing any sanctions on Israel. The Israeli raids were renewed on a number of Palestinian and Lebanese cities and villages, the latest of which was the military raids on the capital Beirut and the southern regions during June 2006 under the pretext of pursuing Hezbollah militants, an event that was widely condemned by the international community. On the other hand, the United States of America relied on the same idea to justify its military operations against Libya in 1986, then against Iraq in 1993¹¹, against Sudan in 1998, and finally in 2001 after its invasion of Afghanistan under the pretext of pursuing al Qaeda operatives, headed by the main suspect in the bombings, Osama bin Laden.

B. The second requirement: conditions for work taken in self-defence

The act that represents self-defence is subject to legal controls consistent with the temporary character that the Charter of the United Nations conferred on the defensive measure so as not to impede the UN Security Council's intervention and to keep the use of force in the narrowest possible scope in line with the general and comprehensive prohibition imposed on its use under Article 2 thereof¹². The action taken in self-defence must be dictated by necessity and be commensurate with the aggression to which the state was subjected. So the question is: was the U.S. military action against Afghanistan carried out according to these conditions?

1. The first branch: necessity

Military action taken in self-defence must be dictated by a state and urgent necessity that leaves no field for deliberation or to choose other means that will replace it,

as it is the only possible opportunity after exhausting peaceful means to respond, stop or limit the aggression. It is assumed that this is a direct act following the occurrence of the aggression, and if it is late, it will turn into an act of revenge which is prohibited by international law. As for the downing of one of the planes which were destined to strike the "White House" in the American capital, Washington, on September 11, this response can be justified by the case of urgent necessity, but wait almost a months to wage war on Afghanistan under the pretext of self-defence, it is not acceptable to have legal reasoning, especially if we take into account that the UN Security Council has put its hand on the crisis and has shown its willingness to take appropriate measures - as we will see in the second topic -, this means that continuing to respond after the issuance of the UN Security Council resolution is not considered legitimate defence, but can be considered an international crime¹³.

2. The second branch: proportionality

The right of any state to defend itself against aggression permits it to respond within the limits of what is necessary and sufficient to repel it without exaggeration or excess, and it follows that the state that exceeds those limits is then considered an international crime if it has the criminal intent, but if it commits to transgressing a mistake in appreciation, its action constitutes an unintentional international crime¹⁴. This rule also means that the military action taken must be directed against the aggressor state, and from this standpoint, adhering to the right to self-defence against terrorist organisations raises many question marks about what is the proportionate response? And against whom?

That is because it may seem easy in the case of terrorist attacks that are carried out and sponsored by a state, whether directly or indirectly, as it is considered as an armed attack, but when it is attributed to a group present on the territory of a country, the issue is different, especially in light of the lack of proven responsibility of the latter, so saying the possibility of using force against These groups mean the use of force against the state itself, the United States' striking of Al Qaeda's headquarters and its training centres in Afghanistan is a target for Afghanistan itself and it is difficult to accept it as a proportional response at a time when it aims to strike an entire country and all its institutions and facilities in order to remove one regime and install another in its place.

3. The third branch: Informing the UN Security Council

This condition is benefited from the text of Article 51 of the United Nations Charter, in which it states that the measures taken by the members in the use of the right to self-defence are reported to the UN Security Council immediately and the purpose of it is to inform the Council about the development of conditions in the regions experiencing conflicts in order to take the appropriate decision required to prevent the escalation of the crisis and maintain international peace and security. After the issuance of the Judgment of the International Court of Justice in the case of the aforementioned military and paramilitary activities in Nicaragua, which ruled that states must comply with the obligation established in Article 51 of the Charter regarding the need to inform the UN Security Council of all defence measures, and states have become keen to respect this commitment, so that not to do it may

undermine her claim by the case of self-defence¹⁵. Contemporary international practices indicate that states parties to long conflicts always seek to submit successive reports and communications to the Council, and among the many examples is the Iraq-Iran conflict, where the two countries submitted a number of successive reports during the war between them between 1980 and 1988.

Regarding the military operations against Afghanistan, the permanent representative of the United States reported to the UN Security Council that the American military forces had undertaken actions that would prevent any future aggression against it, but he did not specify its nature or extent and did not provide evidence that "Al Qaeda" is responsible for these attacks, and as the condition of "informing the UN Security Council" implicitly presupposes evidence of the responsibility of the country against which the response is being conducted but the American delegate contented himself with stating that his country possesses irrefutable evidence of "Al Qaeda's" involvement in the attacks without presenting it¹⁶. He was satisfied with submitting it to the British Prime Minister and Secretary-General of the North Atlantic Treaty Organisation*¹⁷(NATO), which leaves the possibility to target other groups and thus other countries in the future.

4. The fourth branch: Respect for the rules of international humanitarian law

There is an international consensus that the rules of international humanitarian law must be observed in any war. And the American war on Afghanistan is not an

exception to that consensus. However, this is what the United States stated, but the reality is that the bombing has affected many civilian sites and even the United Nations sites, especially its facilities for storing medicines and foodstuffs in the capital Kabul, and Taliban And Al Qaeda militants were arrested, who were considered unlawful combatants who do not enjoy any of the rights stipulated in the Third Geneva Convention, and They were transferred to an American base in Cuba, which is known as "Guantanamo", under conditions that contravene the most basic human rights and principles. After four years of strict secrecy, the Pentagon revealed, according to a Court Order, five thousand pages of documents containing a large number of detainees' names, their nationalities and other details about them, the ruling came based on a media freedom case filed by the Associated Press. The new documents do not reveal the names of all the detainees known as "Arab Afghans" and who were arrested in Pakistan and Afghanistan, to which they came from several Arab and Islamic countries, including the Kingdom of Saudi Arabia, Yemen, Palestine, Tunisia, and Algeria, in order to help the "Afghan Mujahedeen" with their various factions, including the "Taliban", in their fight against the Soviet occupation, and then to assist the movement in its war against the rest of the factions. The most recent report of a human rights organisation in early August 2004 referred to grave violations and practices against prisoners in a number of countries that justify these violations by combating terrorism, chiefly the United States and Israel.

3. Second Topic: The Military Intervention in Afghanistan

The United Nations Charter included a quantum leap in not endorsing the sole use of force except in one form, which is the state of self-defence. Even this exception came of a temporary nature, whereby its impact is stopped by the UN Security Council taking the measures it deems appropriate to bring peace. However, after the attacks of September 11¹⁸, new challenges arose that obstructed the application of this theory, and this issue was the subject of sharp disagreement between countries, as most of them doubted the establishment Self-defence against terrorism emanating from individuals and groups. On 7 October, the United States, along with a number of allied countries, launched a military operation against Al Qaeda in Afghanistan to prevent its use of a terrorist base from which terrorist attacks would emanate. In what follows, we will discuss the UN Security Council measures to contain the September 11 crisis and its effects on international politics.

A. The first requirement: UN Security Council measures to confront the 9/11 crisis

On 12 September 2001, that is the day after the terrorist attacks on the United States, and in its 4370th session, the UN Security Council unanimously adopted Resolution 1368 in which it categorically condemned the horrific terrorist attacks that took place in New York and Washington, affirming that these acts constitute a threat to international peace and security after expressing in the introduction to the resolution his recognition of the inherent right of individual and collective self-defence in accordance with the Charter of the United Nations, and in the third paragraph, he called on all states to urgently work together to bring the perpetrators and

organisers of these terrorist attacks to justice, expressing at the same time his readiness to take all necessary steps to respond to these attacks in accordance with his responsibilities stipulated under the Charter.

1. The first branch: authorising the UN Security Council to wage war on Afghanistan

The use of force under Chapter seven of the Charter has been adopted due to the inability to agree on the establishment of forces that member states place at the disposal of the UN Security Council, for this purpose, the use of force is authorised by the Council to these countries to implement its decisions and re-impose international peace and security, for example, Resolution No. 678 issued on 29 November 1990 and Resolution No. 816 issued on 31 March 1993 due to the war in Bosnia. So, did the UN Security Council delegate to the United States of America the right to use force in Afghanistan in accordance with Resolution No. 1373?

First: The issuance of Resolution No. 1373.

The UN Security Council, with the unanimity of its members, adopted Resolution No. 1373 on 28 September 2001 under Chapter seven of the Charter. It affirmed what was stated in its Resolution No. 1368 condemning the attacks of September 11 and considering them as a threat to international peace and security and the need to confront them by all means, expressing at the same time its determination to take all necessary steps for the full implementation of this decision in accordance with its responsibilities stipulated in the Charter, as it has adopted many and varied measures to combat

international terrorism¹⁹. For reference, Resolution 1373 is not the first resolution adopted by the UN Security Council regarding the situation in Afghanistan and its relationship with international terrorism. Rather, it was preceded by many resolutions. In Resolution No. 1267 issued in 1999, the Council strongly condemned the continued use of Afghan lands, especially the areas controlled by the "Taliban" movement, to house and train terrorists and plan to carry out terrorist acts, expressing its dissatisfaction with the movement's continuing provision of sanctuary to "Osama bin Laden" and allowing him to run a network of terrorist training camps, the Council insisted that the Taliban represent immediate compliance with its previous decisions and cease providing refuge to international terrorists and take effective and appropriate measures to ensure that their lands are not used as their bases and to cooperate with the efforts made to bring the accused terrorists to justice, headed by the first wanted person, "Osama bin Laden". When the movement showed its lack of response to the decision, Resolution No. 1333 was issued against it on 19 December 2000, imposing economic sanctions and a complete blockade, affirming in paragraph twenty five of it its readiness to take further measures to secure the effective implementation of it and Resolution No. 1267.

Thus, the hierarchy of the UN Security Council's position appears clear regarding the situation in Afghanistan, from condemnation to the imposition of limited sanctions and then comprehensive sanctions, the only thing left before the UN Security Council is to take military measures to ensure the implementation of its decisions and the restoration of international peace

and security. Here comes Resolution 1373, which was taken in the context of the response to the attacks of 11 September 2001²⁰. In this way, it authorises the United States to undertake a military intervention against Afghanistan within the framework of its efforts to combat international terrorism, which do not end there, but extend to include all countries that do not abide by Resolution 1373. The assumption of the UN Security Council's authorisation of the United States to use military force is confirmed that it has not expressed any objection to starting the war, but kept following the development of the security and political situation. In this regard, Resolution No. 1378 was issued to support of the efforts made by the Afghan people to replace the Taliban regime, and he also expressed his support for the transitional administration.

Second: Measures to combat international terrorism according to Resolution 1373.

Security Council Resolution 1373 is considered one of the most controversial Council resolutions, as some saw it as the comprehensive legal mechanism for combating international terrorism, while others saw it as a new tool for pressuring smaller countries and harnessing United States hegemony. The latter - which submitted the draft resolution to the UN Security Council, which approved it without introducing fundamental amendments to it - wanted to respond with military action against Afghanistan that would guarantee its monopoly in operations on the ground with limited participation by allied countries, this singularity empties the collective security measures of their content, which has raised the objection of many countries, as the resolution issued under Chapter seven of the Charter and by the consensus of the

members of the UN Security Council includes a series of measures that countries must adhere to, otherwise they are considered to be in breach of the requirements of international peace and security under the penalty of resorting to the use of military force against it, and this reaffirms the principle established by the UN General Assembly in its declaration issued in 1970, "The Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations" and his meaning is that it is the duty of every member state to refrain from organising, inciting, assisting or participating in any terrorist act in another country, or accepting organised activities on its territory, and it must also freeze funds and all financial assets or economic resources of persons who commit terrorist acts or they are trying to commit it, and putting an end to the process of recruiting members of terrorist groups and to prevent the supply of weapons to them. It also stipulated that states must commit themselves to providing anyone who participates in financing, preparing, committing or supporting terrorist acts, and ensure their inclusion in laws and legislation as serious crimes. The decision also attaches great importance to the issue of political refugees, as states have a duty to take appropriate measures before granting political asylum²¹ in order to ensure that terrorist acts are not planned or participated in.

The UN Security Council has established a committee of all its members to monitor the implementation of the resolution, calling on states to provide the committee with reports on the steps they have taken to implement it no later than 90

days from the date of its implementation, expressing in the end its determination to take all necessary steps to fully implement it in accordance with its responsibilities stipulated in the charter²².

What is really striking about this resolution is the speed in which it was prepared and adopted by the UN Security Council in particular, and it provides what should have been included in a complete international and multilateral treaty that would be the legal reference for combating international terrorism. On the other hand, the decision did not define terrorism and did not specify its elements, contenting itself with issuing an invitation to join the international conventions and protocols related to terrorism as soon as possible, and not recognising allegations of political motives as reasons for refusing requests for the extradition of suspected terrorists or those who have been found involved in terrorist acts.

2. The second requirement: the international coalition to combat international terrorism

The events of September 11 in the United States of America imposed different priorities on the general orientations of its foreign policy, as it gave priority to combating terrorism and building an international coalition to block it that differs from the traditional military alliances as it is predominantly political and includes cooperation and coordination in the security and intelligence fields in order to track down terrorist groups and strike their global networks.

The importance of the international coalition against terrorism stems from the fact that the September 11 attacks confirmed

the danger of terrorism to international interests, so that no country can confront it alone, regardless of its capabilities, and many countries in the world, especially the United States and the major countries, suffer from the weakness and fragility of their security situation due to the spread of their interests over a large swath of the world, this increases their exposure and vulnerability to danger and threat, making it impossible for any country to achieve security for itself in isolation from the outside world²³.

After President Bush's speech to the Congress on 20 September 2001, in which he declared that "... states must decide whether they want to be with America or with terrorists...". All countries had to choose to enter the coalition against terrorism or bear the consequences of the confrontation with the Americans; Russia had hoped to get rid of the "Taliban regime" that was supplying Chechnya with money, weapons and fighters, from the first days of the attacks, it decided to cooperate with the United States, and it showed its willingness to exchange intelligence information and allow its airspace to be used for humanitarian purposes despite the U.S. military presence in the Caucasus, Central Asia and the countries bordering the Caspian Sea poses a serious threat not only to Russia, but also to many countries, especially China and Iran. It could also reduce Russia's influence in the former Soviet republics and secure the "Caspian Sea" oil, which has become a strategic interest of the United States with the increase in its dependence on external oil and its need for other resources than Gulf oil²⁴.

Although the success of the International Coalition to eliminate Terrorism, led by the United States, was

relatively achieved by getting rid of the "Taliban regime" and its support for "Al Qaeda", but its success in eliminating this movement cannot be considered a success for the coalition forces in eradicating terrorism, as Al Qaeda leaders avoided the American attack. This led to its ability to reorganise its ranks and implement new attacks in different points of the world. During the month of October 2002, when one of the bombing operations targeted a tourist resort in "Indonesia", causing considerable human and material losses, as is the case for "Saudi Arabia", "Morocco" and "Algeria" after the Salafist Group for Preaching and Combat (GSPC) joined the Al Qaeda organisation and called itself the "Al Qaeda Organisation in the Islamic Maghreb", which claimed responsibility for the 11 April 2007 bombings and the "Hydra" and "Ben Aknoun" bombings in Algiers on 11 December 2007.

4. CONCLUSION

Violence and terrorism are a phenomenon that has haunted people since ancient times, but in recent times it has become more organised and more dangerous to human life everywhere in the world. This phenomenon reflects a crisis of conscience and a severe and intense moral crisis in the global political system, due to its lack of determination in responding to the irregularities and violations it is exposed to, as well as the submission of many states and governments or their collusion with terrorist organisations, in addition to the negative attitudes of some parties and their lack of serious participation in combating it.

What is worth noting is that terrorism as a criminal phenomenon is the result of the difficult conditions in which some societies live, which push its members towards

extremism, and it may also occur even in societies that live in prosperity and prosperity by their countries and even by most of their segments in the sense of the extremist right groups in Western Europe and the United States which is called the "Neo-Nazis".

The September 11 attacks were not just an ordinary terrorist operation, but rather a very important point in the forms and mechanisms of international conflict and caused the reshaping of the foreign policy of the major powers, this includes redefining the role of the tools of this policy, especially the military one. Among the most prominent results of these developments is that they pushed the American administration to set the goal of combating terrorism and punishing the countries that sponsor it.

Moreover, the events of September 11 had dangerous effects on the Middle East region, which would bring about profound and fundamental changes in the region's map. In all the concepts of regional security, the peace process almost died, and Iraq was occupied militarily, and the political dictionary of the region began to define new concepts such as regime change, unilateral approach and pre-emptive strikes.

The international war against terrorism does not pass one way, but it should employ all possible means and available security, political and media capabilities, and one of the main guarantees for its success is the necessity to adhere to the rules of international law and to provide judicial mechanisms that allow the prosecution of its perpetrators and not provide immunity from this prosecution for anyone. Therefore, confronting international terrorism and eliminating its causes will only be by

suppressing the expansionist authoritarian tendency of the major powers in light of international legal rules that believe in justice and equality among all members of the international community, and have the necessary operational mechanisms available for them.

It should also be noted that international humanitarian law in the era of unipolarism has remained subject to the dilemma of violence (terrorism) and counter-violence, as well as the interventions of many permanent members of the Security Council as well as members of NATO under the cover of international legitimacy similar to what is mentioned into Chapter 7 of the United Nations Charter and Resolution 1373 and the justifications for fighting terrorism)

Hereunder, a set of suggestions that we hope will have a global resonance and influence the hearts of decision-makers:

- Holding an international conference under the umbrella of the United Nations to define terrorism and set the boundaries between it and other forms of violence through a normative international agreement that is binding on all members of the international community. Violation of its provisions entails taking measures by the United Nations against violating states.
- Establishing an international criminal Court for combating perpetrators of international terrorism crimes.
- Conducting studies through specialised research centres to find out the causes and roots of terrorism

and work towards a peaceful solution to it.

- The development of bilateral and multilateral international cooperation between countries to combat the phenomenon by exchanging information and handing the terrorists over to the competent judicial authorities to prosecute them.

In the end, it can be said that no matter how many forms and motives of terrorism are, its "sweeping current is evil" even if it is provided with the means of civilisation and technology, and any attempt to combat terrorism should start from people's thoughts, conviction and belief in rejecting violence, non-aggression and respecting human values and feelings. The real war that can completely eliminate terrorism is the establishment of justice, the unification of standards, the consideration of the outstanding issues and their settlement without prejudice and with a policy that knows no twisting and elusiveness.

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¹Kirschbaum, Stanislav J.: *Terrorisme et sécurité internationale*, coll. *Études stratégiques internationales*, Bruxelles, Bruylant, 2004, p. 241.

²Walter.E.V *Teror and Resistance: A study of political Violence, Cases with Studies of some Primitive African Communities*, Oxford University Press, New York, 1969. p. 385.

³ In this sense, Montesquieu says: The life of states is like the life of individuals. Just as people have the right to kill in a state of legitimate defense, so states have the right to fight because their survival is a right as a whole another survival.

*⁴Traditional jurisprudence believes that the defense may not be prior to aggression under the pretext of prevention of alleged aggression.

⁵ Salah El-Din Ahmed Hamdi: *Aggression in the Light of International Law*, University Press Office, Algeria, p. 89.

⁶ The United States argued that its use of military force was an implementation of its right to collective self-defense in the interest of Costa Rica, Honduras and El Salvador against the military attack launched by Nicaragua against these countries.

⁷ Article 2, Paragraph 4 of the Charter states that all members of the Commission shall refrain in their international relations from threatening or using force against the territorial integrity or political independence of any country or in any manner inconsistent with the purposes of the United Nations.

*⁸The term international legitimacy means adherence to a set of principles and laws that govern and guide international relations through the United Nations and with what is issued by its bodies charged with maintaining global peace and security, foremost of which is the UN Security Council.

*⁹Sovereignty, according to the jurist, "John Bodan means" is the absolute independence and non-subordination to any authority, whether inside or outside, and through this legal definition of sovereignty, from this, we conclude that sovereignty is the possession by the state's

authorities of the right to exercise its competencies on its own and in its territory and its people, whether in relation to the exercise of the judicial authority or the organization of public utilities, and it is also allowed to exercise its competencies independently of any other authority.

¹⁰ An important principle has been established in international norms and international charters, which is the recognition of the right of peoples to self-determination. Therefore, any state that denies a people this right is considered an aggressor state.

¹¹ Ayman El-Sayed Abdel-Wahhab: *American Policy Shifts Toward Asian Powers*, *Al-Siyasa Al-Dawlia*, Al-Ahram, 147, 2002, p. 23

¹² The UN Charter

¹³ Abdullah Suleiman Suleiman: *Basic Introductions in International Criminal Law*, University Press Office, Algeria, 1992, p. 157.

¹⁴ The conditions of necessity and proportionality have been affirmed by the International Court of Justice in its previous decision related to the case brought by the Republic of Nicaragua against the United States of America, as it considered that the mine laying in Nicaragua's territorial waters by the United States was not really proportionate to respond to the support of the Republic of Nicaragua for the rebels in El Salvador.

¹⁵ Muhammad Khalil al-Musa: *The Use of Force in Contemporary International Law*, Wael Publishing House, al-Bayt University, Jordan, First Edition, 2004, pp. 104-105.

¹⁶ This is the same position that the United States took when it bombed Afghanistan and Sudan in 1998 in response to the bombing of its embassies in Kenya and Tanzania. At the time, it confined itself to saying that it had irrefutable evidence of Al Qaeda's involvement in the bombings without presenting it.

*¹⁷The North Atlantic Treaty Organization (in English: North Atlantic Treaty Organization), known as NATO, in French (*Organization du Traité de l'Atlantique Nord*) for short (OTAN), is an international military organization founded in 1949 based on the North Atlantic Treaty, which was signed in Washington on April 4,

1949. NATO is a collective defense system in which member states agree on mutual defense in response to any attack by external parties.

Three members of NATO (the United States of America, France and the United Kingdom) are permanent members of the UN Security Council with veto power and are officially the nuclear weapon states.

NATO headquarters are located in Haren, Brussels, Belgium, while the NATO headquarters of operations is located near Mons, Belgium.

NATO is an international military alliance of 30 independent member countries across North America and Europe. Another 21 countries participate in the NATO Partnership for Peace program, with another 15 countries participating in the Institutional Dialogue programs.

¹⁸ On the morning of Tuesday, September 11, a terrorist group managed to hijack four civilian aircraft to direct their path towards selected targets, one of them collided with one of the two towers of the World Trade Building in New York, and after a short time the second plane managed to hit the second tower, which led to the collapse of the two towers, causing the deaths of thousands of them. They were inside and around it, in addition to those on the board of the hijacked planes. A third plane fell over the building of the U.S. Department of Defense, "the Pentagon", while the fourth could not hit its target, which was rumored to be the "White House" in the heart of Washington, DC, due to an American military plane being intercepted and shot down.

¹⁹Ahmad Hussein Sweidan: International Terrorism in the Light of International Changes, Al-Halabi Human Rights Publications, Lebanon 2002,p. 120

²⁰ Ahmad Hussein Sweidan: International Terrorism in the Light of International Changes, Al-Halabi Human Rights Publications, Lebanon 2002, p.150

²¹ This is what Algeria called for years before the attacks of 11 September 2001 without its voice finding an echo, as it found itself isolated and vulnerable to attempts to question the condemnation of the perpetrators of terrorist acts.

²² See Resolution No. 1373 adopted by the UN Security Council at its 4385th meeting on 28 September 2001.

²³ Ahmed Ibrahim Mahmoud: The New Terrorism, The Main Form of Armed Conflict in the International Arena, Al Siyasa Al Dawliya journal, Al-Ahram, 147, 2002, p. 49

²⁴ Ahmad Hussein Sweidan: International Terrorism in the Light of International Changes, Al-Halabi Human Rights Publications, Lebanon 2002, p. 181.