

## Understanding definitions of terrorism

The international community remains divided over a universally acceptable definition of terrorism. Despite broad consensus that the threat of terrorism needs to be addressed urgently, the positions adopted by individual countries, regional and international organisations have resulted in a patchwork of approaches. This is primarily due to diverging views on what constitutes terrorism, as opposed to exercising peoples' right to self-determination, as enshrined in the UN Charter.

### Defining terrorism at global level

On numerous occasions, the United Nations (UN) [recognised](#) that establishing an internationally agreed definition of terrorism could make the fight against this phenomenon more effective. However, without a universally accepted definition, a framework for global cooperation against terrorism has been established gradually since 1963 in numerous [international treaties](#). Together, these provide a catalogue of terrorist acts or those facilitating terrorism – including hijacking of civilian airplanes, hostage-taking, nuclear terrorism or terrorism financing – and states have an obligation to either extradite or prosecute their perpetrators (*aut dedere aut prosequi* principle). [Resolution 1566](#) (2004) states that all acts 'which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature'. Since 2000, the UN has pushed for a [comprehensive convention](#) on international terrorism, although progress remains limited. The oral report on measures to eliminate international terrorism [presented](#) by the Chair of the General Assembly Working Group in November 2014 identified a number of outstanding issues, including a request by the Organisation of Islamic Cooperation (OIC) on differentiation between acts of terrorism and 'the legitimate struggle of peoples under foreign occupation and colonial or alien domination in the exercise of their right to [self-determination](#) in accordance with the principles of international law'. The latter is particularly problematic, given the ambiguity about what constitutes a 'legitimate struggle' and the use of terror tactics by insurgent organisations.

The **Convention on Combating International Terrorism** [adopted](#) by the OIC in 1999 defines terrorism as 'any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorising people or threatening to harm them or imperilling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States'.

The **Council of Europe Convention on the Prevention of Terrorism** ([CETS No 196](#)), adopted in 2005, does not provide a definition of terrorism, but does criminalise public provocation to commit a terrorist offence and recruitment and training for terrorism. The [Additional Protocol](#) to the Convention was [adopted](#) by the Committee of Ministers in May 2015 and opened for signature in October 2015. The Protocol criminalises being recruited for terrorism, receiving training for terrorism, travelling to another state for purposes related to terrorism, and providing or collecting funds for such travel. The EU and twelve Member States [signed](#) the Protocol on 22 October 2015. The same day, the Presidency of Luxembourg signed the Convention on behalf of the EU.

### Pragmatism in UN counter-terrorism cooperation

In the absence of a universally accepted definition, the UN has adopted a pragmatic approach to counter-terrorism cooperation. In September 2001, the UN adopted [Resolution 1373](#) calling upon states to 'work together urgently to prevent and suppress terrorist acts'. The United Nations Global Counter-Terrorism [Strategy](#) adopted in 2006 – with review resolutions in [2008](#) and [2010](#) – was a milestone in enhancing international cooperation against terrorism. The strategy includes measures addressing conditions conducive to the spread of terrorism, combatting terrorism, building states' capacity and strengthening the role of the UN system in this regard, and ensuring respect for human rights and the rule of law. These objectives have

been advanced through more recent resolutions. With regard to countering the threat posed by foreign terrorist fighters, [Resolution 2178](#) (2014) calls upon states to improve their cooperation through, among other things, increased information sharing, enhanced mutual legal assistance in criminal investigations, effective border controls and capacity building. [Resolution 2195](#) (2014) proposes additional steps to break the link between terrorism and transnational organised crime, including through strengthening systems to collect, analyse and exchange law enforcement and intelligence information. [Resolution 2199](#) (2015) reiterates and strengthens the provisions of [Resolution 2161](#) (2014) by proposing additional measures against ISIL/Da'esh and al-Nusra Front addressing direct or indirect trade with these groups, protection of cultural heritage, proliferation of arms, or freezing assets. The Global Counterterrorism Forum ([GCTF](#)) has further clarified these provisions by proposing good practices to address the phenomena of [foreign terrorist fighters](#), [kidnapping](#) for ransom, and countering [violent extremism](#) more effectively.

### Terrorism: a moving target

Different and evolving national approaches to terrorism render the definition a moving target and attaining cooperation more difficult. In the **United States**, for instance, references to terrorism are made in [numerous](#) context-specific federal statutes and regulations. The US Code [defines](#) international terrorism as actions that involve violent acts or acts dangerous to human life; intend to intimidate or coerce the civilian population, influence the policy of a government or affect the conduct of a government; and occur primarily outside the US or transcend national boundaries. **Australia's** definition of terrorist offences is contained in the [Criminal Code Act](#) of 1995, but it too recently reformed its counter-terrorism laws. The [Foreign Fighters Act](#) adopted in 2014 enabled the prosecution of Australians engaging in, and returning from, conflicts in foreign states. A draft [Allegiance to Australia Bill](#) was presented to Parliament in June 2015. Counter-terrorism legislation in many countries is also being reviewed – either by the courts or through new legislation. The extensive body of counter-terrorism laws adopted in the US post-9/11, for instance, is slowly being [redefined](#) through court rulings. In **Canada**, terrorist offences are defined in the [Penal Code](#) and the new [Anti-Terrorism Act 2015](#) (also known as Bill C-51) received [royal assent](#) in June 2015. Faced with an increase in terrorist activities, many Arab countries have also [adjusted](#) their national policies. For instance, on 25 July 2015, the Parliament of **Tunisia** adopted the new [Law 22/2015](#) on the fight against terrorism and money-laundering, which defines six specific cases of terrorist offences.

Nevertheless, the revision processes launched by some countries raise concerns about potential abuses stemming from the expanding scope of new texts and their vague wording. In **Egypt**, Law No 95 on Confronting Terrorism, [enacted](#) in August 2015, defines terrorist acts as any 'use of force or violence or threat or terrorising' that aims to 'disrupt general order or endanger the safety, interests or security of society; harm individual liberties or rights; harm national unity, peace, security, the environment or buildings or property; prevent or hinder public authorities, judicial bodies, government facilities, and others from carrying out all or part of their work and activity'. Earlier this year, Egypt also adopted a controversial Law No 8 that [defines](#) terrorist entities. **Russia's** 2006 Federal Law 36-FZ [defines](#) terrorism as 'the ideology of violence and the practice of influencing the adoption of a decision by public authorities, local self-government bodies, or international organisations connected with frightening the population and (or) other forms of unlawful violent actions'. With regard to **China**, the 2003 Decision on Issues Related to Strengthening Anti-Terrorism Work [defines](#) terrorism as 'activities that severely endanger society that have the goal of creating terror in society, endangering public security, or threatening state organs and international organisations and which, by the use of violence, sabotage, intimidation, and other methods, cause or are intended to cause human casualties, great loss to property, damage to public infrastructure, and chaos in the social order, as well as activities that incite, finance, or assist the implementation of the above activities'. The [Counter-terrorism Law](#) currently under discussion in China will set out a new set of terrorism-related offences.

The EU approach is enshrined in the Council Common Position [2001/931/CFSP](#) on the application of specific measures to combat terrorism and the Council Framework Decision [2002/475/JHA](#) on combating terrorism. Terrorist offences are defined as acts committed with the aim of 'seriously intimidating a population', 'unduly compelling a government or international organisation to perform or abstain from performing any act', or 'seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation'. The EP [resolution](#) of 11 February 2015 on anti-terrorism measures calls for the EU to actively promote a global partnership against terrorism and to work closely with regional actors.