

What Constitutes A Terrorist?

September 11th 2001. Two planes are deliberately flown into the World Trade Centre in New York by terrorists. At that moment the political climate of the world changed. Terrorism was no longer contained to small pockets of the world such as Israel or Northern Ireland. It was a global issue that demanded a global response. George W Bush created an "us and them" attitude to terrorism, when declaring that "The United States would make no distinction between terrorists and those who harbour them (Singer 2004)". Given that Bush also believed that pre-emptive strikes were the only way to defeat terrorists, one would have to believe that it would be very important to determine exactly what a terrorist is. To try and make this determination I have decided to analyse two significant conflicts of the 20th century, namely the conflicts in Northern Ireland and Israel. These conflicts are significant as in both cases one side of the conflicts were labelled terrorists. The main focus of this report will be tactics of combatants. Firstly this report seeks to find an accepted definition of the term terrorism, which can be used as a benchmark against the tactics of both sides in my chosen case studies. I will secondly outlining brief histories of both case studies, without delving too much into the specifics of the conflict as it is important that an objective framework be laid before any specific incidents are analysed. The final part of this report will concentrate on specific incidents in each conflict and measure them against my definition. I will be using different sources in parts two and three of this report because I have judged the sources that I will be using for my analysis lack the objectivity that I feel is necessary for a brief history of the conflict. That is not to say that they are overly biased, but they do offer more opinion than is necessary in a brief outline. The purpose of this report is not to legitimise terrorism. My intention is purely to try and understand why one side of a conflict is demonised. Is it because they use tactics that are would be deemed inhuman by a reasonable person? If indeed their tactics are no more or less barbaric than the armies they oppose, then why are they viewed as terrorists?

The Definition of a Terrorist

How do we define what a terrorist is? Is a terrorist any combatant that is not state sanctioned, or can terrorists be state sanctioned. Section 3 of the UN report *In Larger Freedom* entitled *Freedom from Fear* lays a solid foundation in the definition of a terrorist. Section 87 states that "Terrorism is a threat to all that the United Nations stands for: respect for human rights, the rule of law, the protection of civilians, tolerance among peoples and nations, and the peaceful resolution of conflict." Section 94 goes on to state that Terrorists are accountable to no one. I find section 91 is also notable as it dismisses the concept of state sanctioned terrorism, as it states that the use of force by states is thoroughly regulated by international law (UN 2005). I will be scrutinising this claim in later sections. My second source for a definition comes from *The Mind of a Terrorist*. In the *Mind of a terrorist* Post defines terrorism as "The violence or threat of violence against non combatants or property" (Post 2007 pp3). Post categorises terrorists into many sub categories, however the two that are the primary focus of this report are sub-state terrorism and state terrorism. A sub-state terrorist is classified as "terror from below" (Post 2007 pp5). They are usually separatists that is, a group of citizens in a nation who are seeking to form an independent nation. State terrorism is when a country uses its resources against its own citizens (Post 2007 pp 5). So our working definition is as follows. Terrorism is when a person or organisation, state or otherwise uses violence or the threat of violence against non combatants or property. A terrorist is accountable to no one and is a

threat to the respect for human rights, rule of law, the protection of civilians, tolerance among people and nations. A terrorist is also opposed to the peaceful resolution of conflict.

Case Study One – The Irish Republican Army

The IRA was the paramilitary wing of Sinn Féin formed in 1919. Its aim was to create a united Irish socialist republic. To achieve this, the IRA frequently carried out bombings and shootings. Despite its close association with Sinn Féin the IRA sought to position itself as an independent organization, although both the IRA and Sinn Féin were seeking an independent State. The IRA was founded by Michael Collins in 1919 with one underlying cause. They sought to make British rule ineffective through the use of armed resistance, as they believed that political means would be ineffective. During the war of independence the IRA succeeded in forcing the British to allow the creation of a Free Irish state that was still within the commonwealth. This proved unacceptable to some in the IRA and it split into two groups. The larger of which became the Irish Free State army, while the rest began a campaign of violence against the new independent government in the south. In 1922 The Irish Civil War erupted ending with the defeat of the IRA in 1923. The IRA remained active and was declared illegal in 1936. While the IRA were actively carrying out terror campaigns from 1939 onwards, the most intense resistance was seen post 1968. An attempt at a ceasefire was sought by the British government and Sinn Féin in 1994 but was broken when the more militant in the IRA refused the British demand to disarm. Between 1997 and 1999 a splinter group called Continuity IRA carried out bombings in opposition to the cease fire. Sinn Féin condemned these actions. In 2001 a decommission of weapons did take place but no numbers were specified. (Hutchinson 2006)

Case Study Two – Israel and Palestine

The conflict in Palestine dates back to the end of world war one when control of Palestine was transferred from the Ottoman Empire to Great Britain. With this control came Britain's support for a national home in Palestine for the Jewish people. This was known as the Palestinian Mandate. From 1922 to 1947, large-scale Jewish immigration Palestine was actively seeking independence. This consequently led to a Palestinian rebellion in 1937. Due to continued acts of violence and from both sides, coupled with Great Britain's inability to quell the violence the problem was turned over to the United Nations in 1947. The UN decided that the territory was to be divided into two states. In the war of 1948 Israel declared itself a state and expanded to occupy 77 percent of the territory. In 1967 Israel took control of the remaining Palestinian territory, In spite of Security Council Resolution 242 which called for the withdrawal of Israeli forces from the annexed territory. In 1974, the General Assembly reaffirmed the rights of the Palestinian people to self-determination, national independence and sovereignty, bestowing the PLO (Palestinian Liberation Organisation) with observer status the following year. In 1983 Israel invaded Lebanon with the intent of eliminating the PLO. This consequently forced the PLO to withdraw to neighbouring countries. 1987 was the year of a major uprising against Israeli forces. Consequent Military action from Israeli forces resulted in the deaths of many Palestinian civilians. A peace process was mapped out between 1991 and 2001 but ended with both parties unable to agree. In 2000 a second intifada occurred that resulted in heavy casualties on both sides. Israel consequently began building a wall in the West Bank that was deemed illegal by the international court of Justice. In 2005 Israel withdrew from Palestinian territories while still retaining effective control over its borders, shores and airspace. With the election of the Palestinian electoral council, the Middle Eastern quartet (ironically composed of the

US, EU, Russia and the UN) declared that further assistance to Palestine would depend on the states commitment to Non violence, Israel's sovereignty and its adherence to previous agreements. (U.N 2008)

Who Are The Terrorists?

Now that a basic framework exists for what a terrorist is, how do the warring parties in my chosen case studies measure up? To analyse this, the definition of terrorism must be broken into its sections and weighed against specifics of the conflicts. Terrorism is the violence or threat of violence against non combatants or property. There are no reasonable arguments that can defend the IRA or the PLO in regard to this statement. There are many examples of these parties engaging in tactics that put property and the lives of non combatants at risk. One such example of this occurred in 1988 when an IRA booby trap killed two Irish Catholics as opposed to the intended target which were British security forces. In response to this Derry Republican Marty McGuinness was quoted saying "Civilians will continue to die as long as the British refuses to accept fundamental responsibility in what is happening. He went on to say that "The IRA has a responsibility to ensure that as much as humanly possible, civilians are not endangered (English 2003 pp259). These words seem to both project responsibility towards the British and also convey a commitment to protecting civilians. It is an interesting situation as it the IRA attacks were ideologically aimed at British forces and yet civilians were quite often the targets of such attacks. As was property such as in 1993 when a bomb was left in a fish and chip shop in Belfast, killing ten people (Hutchinson 2006). This is clearly an attack on non combatants and property. An example of the Palestinians using violence against non combatants and property can be found in an event that occurred on 27 March 2002, when a Palestinian suicide bomber attacked a Passover celebration at the Park Hotel in Netanya. Thirty civilians died with more than 100 injuries recorded (BBC 2007). So it is clear that popular opinion is correct in its assumptions of the IRA and the PLO. In this respect at least they are terrorists. But what of their opponents? Have the Israelis or British forces ever been guilty of violence against civilians or property? One might argue that a terrorist army is not state sanctioned and therefore by definition civilian. While this is a definition I accepted before commencing this project, I have found no evidence of it in my research and therefore is invalid. Even if this was valid, the definition put forward repositions civilians as non combatants and there are countless examples of the sanctioned armies using violence against non combatants. One such event became known as Bloody Sunday. On January 30th 1972 British paratroopers opened fire on unarmed demonstrators in Derry. 14 are killed in the assault (Post pp5). By our definition the so called sanctioned army are terrorists. What of the Israelis? The Israelis have by their own accounts destroyed 1,224 homes in occupied Palestine (Metzger, 1980.) This is officially a campaign of deterrence, but it clearly fits the proposed definition of terrorism. All parties in these conflicts are guilty of the UN definition of terrorism that states it is a threat to the UN principle of protection of civilians. Accountability and adherence to the rule of law are important statements in the UN definition of a terrorist. One must ask about the accountability of the conflicting sides in the aforementioned case studies. This question presents an anomaly, as from the research I have conducted it seems that the so called terrorist organisations have been held accountable whereas the sanctioned armies have not. To illustrate this one must revisit the events surrounding the Irish conflict. After the 1988 bombing Marty McGuinness did say that the IRA must not endanger civilians. While could be considered a futile attempt to diffuse a damaging situation, it would not have been said if McGuinness did not feel any accountability. Further to that point Sinn Fein was almost expelled from Northern Irish assembly due to fears that Sinn Fein was either unable or unwilling to curb the actions of the IRA (Hutchinson 2006). The same can be said for the Palestinians. As pointed out earlier they will receive no aid if they do not adhere to conditions set by the UN. The sanctioned armies however seem to have little or no accountability. My research has found that no charges were ever laid against British forces in the Derry Massacre. And the case of the Palestine-Israel conflict shows blatant contempt for the rule of law. Despite resolution 242

The Israelis refused to withdraw from occupied Palestine. International law once again showed its ineffectiveness when dealing with the Israelis when they began building the wall in the west bank. Were sanctioned against the Israelis imposed? By showing their ineffectiveness UN renders the Israelis unaccountable and therefore terrorists by the UN's very definition. This brings in to question section 91 in *freedom from fear*. How can the UN dismiss state sponsored terrorism, with the claim that it is already regulated by international law? International law failed time and time again in curbing the actions of the Israelis. Even today despite the withdrawal from occupied Palestine the Israelis exert effective control over areas that provide tactical and economic resources in the region. So looking at accountability it is the states that are unaccountable for their actions. It appears that the state sanctioned monopoly of violence makes an army unaccountable for atrocities. Without bringing further examples, it is clear that neither side of these conflicts could claim that they hold tolerance among people in high regard. Looking at the conflicts in question it does seem that Intolerance has been a major cause of violence in all cases. The final section of my definition that needs to be discussed is the statement that a terrorist is opposed to peaceful resolution. This is where the states do prove themselves to be less like terrorists and more like statesmen. In all the examples that I have mentioned peace talks have been proposed by the sanctioned side of the conflict. It can even be argued that indiscriminate arrests and imprisonment that have taken place in Palestine (Metzger 1980) are in an effort to resolve conflicts peacefully (if all of a race is imprisoned, they can hardly form an army) however this does question these states commitment to human rights. Conversely the sub state sides in each conflict have had splinter groups such as Continuity IRA, which have interfered with the peace process. In this instance it seems as though terrorist organisations are much less willing to give up the fighting then their state sanctioned counterparts, however it must be questioned as to what terms are the states are willing to accept in order to allow a ceasefire

Conclusions

The definition of Terrorist that has been put forward by both the UN and Jerrold Post can be viewed in two ways. If we choose to accept it then we must reject the UN claims that state sanctioned terrorism must be ignored. If we do accept this, then Jerrold Posts definition of terrorism is far more accurate. If we are to accept Posts definition of terrorism then we must ask why were Britain and Israel not condemned as terrorists in the same way that the IRA and the PLO were? As I have shown in this report the IRA and the PLO are indeed guilty of acts that constitute terrorism, With the PLO more blatantly than the IRA. The PLO made no allusions as to who they were targeting. Suicide bombings targeted Jewish non combatants much of the time. The IRA was a little less clear cut. The IRA primarily focused on British military targets; however the destruction of property and the collateral damage of non combatants cannot be excused. Having said this, the Israelis systematically destroyed property and British forces in Ireland killed non combatants efficiently and coldly. Accountably raises a big question with the so called legitimate armies being allowed to continue with terrorist tactics with virtually no reprieve, while every action of the terrorist forces are scrutinised and condemned by wider society including the UN. One explanation for this could be that terrorist forces are notorious for their unwillingness to disarm, but should anyone fighting for a cause disarm unconditionally when it becomes abundantly clear that the international community seems to have no intention of curbing your enemy's behaviour. As good in theory as the UN definition of terrorism is, it is fundamentally flawed. If it is not, then Israel needs to be labelled a terrorist organisation. The definition of a terrorist cannot exclude states, and if the UN would like it to then it must redefine the definition of terrorism. To say that a terrorist is a threat to the UN principals while deliberately adding a provision that excludes states, is bestowing upon states the lack of accountability that it claims terrorists have. While researching this project I have failed to grasp why if this is the accepted definition of terrorism, some are excluded. The definition of a terrorist that allows The IRA and the PLO to be included while simultaneously excluding Britain and

Israel is simple and yet it is easy to see why it is unusable. "A terrorist army is that which does not enjoy the support of a State." The conclusion is only states hold a monopoly of violence and that should be upheld regardless of the atrocities that state has or will commit. Furthermore if a state is to commit violation of UN law it will be dealt with, unless it is part of the Security Council or has allies in the Security Council. In this case we will ask the offending nation to cease or we will have to ask again. That seems to me to be a far more realistic definition of a terrorist and one that the UN can uphold without any fear of failure. While it is more realistic, I do realise that it does not inspire faith in international justice

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