Initial considerations

Terrorism has been on the contemporary international scene for a long time now, although perhaps it is only now that greater effort is being poured into preventing and combating the perpetration of terrorist acts from the normative perspective. At least after recent events such as the terrorist attack on 11 September 2001, States in the international community have been increasingly insistent in expressing their firm political will to combat terrorism and their desire to adopt whatever measures are necessary to end the perpetration of such acts and where appropriate, to prosecute and punish those to blame.

From the international law perspective we have also seen renewed interest in the issue reflected, in particular, in the many norms, many of them in the form of conventions which are being adopted in this area and in the host of initiatives aimed at regulating each and every one of the characteristic features of terrorism. A good example of this is the position adopted by the European Union in its

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1 This work reproduces the substance of the article titled DÍAZ-BARRADO, C., El marco jurídico-internacional de la lucha contra el terrorismo, in Cuadernos de Estrategia, 133, Madrid, 2006. See in general, R. Calduch Cervera’s interesting and comprehensive analysis: CALDUCH-CERVERA, R., La incidencia de los atentados del 11 de septiembre en el terrorismo internacional, in REDI, 2001, pp. 173-204.

statement that “after the events of 11 September 2001 and 11 March 2004, the fight against terrorism has become a top priority for all member states. The European Union is committed to the joint fight against terrorism and to providing its citizens with the greatest possible protection. The EU’s strategy is global and covers a wide variety of measures directed at increasing cooperation in such diverse areas as shared intelligence, police services and controlling financial assets to facilitate the location, detention and bringing to justice of suspected terrorists”.

It should be remembered, however, that there has been a normative response to terrorism in the past and consequently, the present rules of law in this area are the result of a process which could be described as starting with the adoption of the League of Nations Convention for the Prevention and Punishment of Terrorism in 1937, although the issue obviously received fresh impetus after the Second World War. In fact, when the Security Council adopted Resolution 1373 on 28 September 2001 which includes a set of very detailed measures for tackling the terrorist threat, the international community had already adopted numerous instruments concerned with international terrorism.

To mention only the most significant conventions would currently include twelve terrorism-related Conventions and Protocols adopted by the United Nations, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, approved by the UN General Assembly on 14 December, 1973; the International Convention against the Taking of Hostages, approved by UN General Assembly on 17 December 1979; the International Convention for the Suppression of Terrorist Bombings, approved by the UN General Assembly on 15 December, 1997; the International Convention for the Suppression of the Financing of Terrorism approved by the UN General Assembly on 9 December 1999; the Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963; the Convention for the Suppression of Unlawful Seizure of aircraft, signed at The Hague on 16 December 1970; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971; the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving international civil aviation, done at Montreal on 24 February, 1998 supplementing the previous convention; the Convention on the Physical Protection of Nuclear Material, Vienna, 3 March 1980; the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Rome

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4 See ESPÓSITO, C., El desacuerdo sobre el alcance de la definición de terrorismo internacional en el proyecto de Convenio general sobre terrorismo internacional de Naciones Unidas, FRIDE, Madrid, September 2004.