Introduction: Arab and Islamic Anti-Terror Conventions

The American State Department recently announced that the States in the Middle East made laudable efforts in the fight against terrorism during 2003. The approval of the American authorities can be extended to the Muslim States of Asia and Maghreb.

The Arab-Muslim States have worked very hard towards overcoming and continue to overcome the wrongdoings of terrorism. Terrorist attacks have admittedly not been as deadly in certain countries, but they have proven to be just as spectacular. The perpetrators of these attacks are mixed up in the same hatred for what they call “the crusaders, the Jews and the atheists” of the Western world and their “unholy allies” as well as “the tyrants” of the Arab-Islamic states.

By waking their wars throughout the continents, the terrorists have internationalised the phenomenon and, thus, have rendered global the response to the threat it constitutes. Europe, North America, Asia and Africa are confronted with this threat almost on a daily basis. The struggle is set to be very long and very difficult.

The means used by the terrorists range from the high jacking of a plane, booby-trapped cars and suicide operations, using explosives in public places to ensure the highest possible numbers of victims.

If the Western states are crippled in the face of terrorism, the Arab-Muslim states are even more so, inasmuch as the threat emanates from their citizens, and they claim to represent the Muslim religion, the official religion of all of these states, with the exception of Turkey.

If the menace is global, the response is too, and it is deployed on a national, regional and universal basis. The action of the United Nations has become more resolute since 11 September 2001. United Nations Security Council Resolution...
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1373 of 28/09/2001 qualifies terrorism, as such, as a threat to international peace and security, authorising the adoption of coercive measures, under articles 41 and 42 of the Charter of the United Nations, against individual terrorists and terrorist groups, on the one hand, and the States that support them, on the other hand.

The same resolution decides, in paragraph 6, to establish a Committee of the Security Council to monitor implementation of the resolution and “calls upon all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution”.

All States are also called upon to cooperate with regard to bilateral and multilateral agreements, in order to “prevent and suppress terrorist acts”.

In this provision of resolution 1373 we find the foundations for action by Arab-Islamic Regional Organisations (Organisation régionales arabo-islamiques – ORAI) in the domain of the fight against terrorism. The cooperation between the Security Council and the regional organisations on the matter of maintaining international peace and security is provided for in chapter VIII of the Charter of the United Nations. In effect, Article 53 provides that “the Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”.

It is on this basis that the ORAI claim the right to participate in the fight against international terrorism, insofar as it constitutes, as confirmed by the Security Council, a threat to international peace and security. These organisations have been confronted with the problem of terrorism since the nineteen sixties, when

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3 This Resolution is considered as a basic legal instrument of the international fight against terrorism. The provisions of the Resolution establish are binding for all States, insofar as it was adopted under the framework of Chapter VII of the United Nations Charter.

4 Security Council Resolution 1535 of 26.03.2004 “welcomes the progress made to date by the Anti-Terror Committee that it created in application of paragraph 6 of Resolution 1373 (2001), pursuant to chapter 7.”

5 We can obviously not invoke Article 51 of the Charter of the United Nations relating to the natural right of legitimate individual or collective defence in the domain of the fight against terrorism, except where there is proof that terrorist aggression is the direct or indirect act of a duly constituted State. In addition, the aggression must be effective and concepts of preemptive and preventive legitimate defence have no legal basis in the Charter of the United Nations. On these notions, cf. CHRISTAKIS, Th., Existe-t-il un droit de légitime défense en cas de “simple menace”? A response to the UN high-level “group of personalities, in SOCIETE FRANÇAISE POUR LE DROIT INTERNATIONNAL (Ed.), La métamorphose de la sécurité collective, Pédone,Paris, 2005 pp. 197-222.