Mr. President, esteemed colleagues, ladies and gentlemen,

When organising this conference, it was decided that a report on “The fight against terrorism and the demands of international law” would be submitted to me, and in this context you will find mention of it in the programme. Moreover, the function of speaking at the closing session of the conference, according to the organisers, also obliges me to try to present a summary report. This means that in theory I should give you two reports; one being a summary and the other being of a personal nature. It goes without saying that this is not my intention. In the very short space of time left us, I think it would be better to try to summarise the conference, adding some personal remarks.

The richness of the papers presented and of the debate that they generated over the past two days obviously prevents me from presenting an exhaustive report. I think, for my part, that I should first of all exclude some of the subjects that have been broached from this summary.

I would thus avoid speaking on the less controversial questions broached, on which almost everyone was in agreement.

I will also avoid talking about questions that present very particular aspects, such as, for example, the question of judicial cooperation, weapons of mass destruction, etc., the financing of terrorism, the cooperation of the police, also, the particular cooperation between European countries or between Arab countries, or activity in the context of the Kingdom of Morocco. Due to time restraints, we must leave all of those questions aside, because, clearly, we cannot enter into too much detail.

I will also avoid talking to you about the evaluation of current or recent situations that led to an important debate, such as, for example, Afghanistan, Iraq, the Lebanon, etc. Everyone has expressed their own ideas with regard to these subjects, sometimes highly divergent or even opposing views, without a single solution, which is not, after all, the task of a scientific conference.

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That said, I think that my brief summary must concentrate on some central point that was examined during the past two days. I think that three points could be broached: 1. the question of the definition of terrorism; 2. the question of the reaction of States in response to terrorism, and, in particular, the problem of using force, of legitimate defence and of the proportionality of the action taken. Finally, the third point, which we discussed this morning, is the relationship between the fight against terrorism and respect for human rights, to which I will also include the aspect of humanitarian law, as we also discussed this.

It would also be wise to talk about the action of the Security Council, which was the topic of the final paper, but I think that here the question is very complicated and it would be difficult to go into detail.

1. The problem of the definition of terrorism

I think that the point on which we were in agreement is first and foremost an inevitable observation: In the international community there is no definition that has been accepted through the consensus of the international community. On the other hand, we also agreed that there is a definition, proposed by the Secretary General at the summit in 2005, and several rough drafts are to be found in different texts, in international conventions of a universal or regional nature and also in other international documents. Thirdly, we have seen that there are also elements of the definition that have been taken from jurisprudence. I think that I can conform what everyone has been saying: The problem that has prevented, and still today prevents the arrival at a consensus on the definition of terrorism is not a semantic difficulty, but rather the attempt of certain states to exclude acts of terrorism when these acts are part of a general situation involving the fight for the liberation of a population, or for self-determination, etc.

There are, on the one hand certain people who think that the act of terrorism has no justification, whether the goal pursued in a legal context, there is no possible justification. On the other hand, there are those who consider that national liberation, self-determination constitute, or could constitute, a situation that could even legitimise the terrorist act. This being the case, therein lies the essential difficulty in arriving at a definition through consensus. It would be more or less the same if we were talking here about the definition of aggression, in light, for example, of the difficulty experienced by the International Criminal Court in arriving at a similar definition.

That said, I think that if we want to reduce the negative impact of this divergence, it would perhaps be best to set aside the general goal of the terrorist act, whether it involves national liberation, fighting against a civilisation or fighting against a government, etc., etc. That is the final goal of the act or of several acts of terrorism. It would also be wise to focus more on the aspects that are present in all acts of terrorism: Firstly, the means employed that make of a criminal act a terrorist act, and then the direct goal. What we have seen, even in the different legal