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## Security of the Republic of Poland in the context of international anti-terrorist regulations

### 1. Introduction

The protection of international community in case of the threat of international terrorism in the context of security of the Republic of Poland as a member state of the European Union is a fundamental challenge for the complex international security today. This issue is deeply connected with the present broad phenomenon of international security, which lies at the crossroads of several academic disciplines. Security studies is thus, above all, a bridging discipline the domestic and the international, military strategy and political economy, policy studies and normative theory dealing with international terrorism. It has been the subject of through study and analysis by scholars from the fields of international relations, political sciences, peace research, international economics, history<sup>1</sup> and this one, which is the subject of this analysis, the field of international legal order. All those disciplines through their respective methodologies and also a methodology of this analysis, play an important role in understanding of various aspects and dimensions of this interesting subject<sup>2</sup>. Therefore, the present scientific method and contemporary research used in this analysis show a successful way of the international legal as well as strategic protection of the Republic of Poland as an active member of international community, in case of the threat of international

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<sup>1</sup> <http://www.nato.int/acad/fellow/98-00/orekhelashvili.pdf> [accessed: 22.04.2014].

<sup>2</sup> M. Lech, *Legal aspects of international security in the era of radicalization, extremism and international terrorism* [in:] *14<sup>th</sup> Civil-Military Relations Seminar: Radicalization – Extremism – Terrorism*, ed. G. Fleck, Wien 2013, pp. 23–56; J. Lorence, *European Cooperation in criminal affairs against terrorists*, London 2008, pp. 45–52; A.B. Kruger, *What makes a terrorist?*, Princeton 2007, pp. 18–21; C. Escude, *Unia Europejska i globalne bezpieczeństwo w ponowoczesnym świecie*, „Polski Przegląd Dyplomatyczny” 2002, no. 1, pp. 57–83; D. Mancke, *A new world order* [in:] *The law of international relations – Liber Amicorum Hanspeter Neuhold*, ed. A. Reinisch, U. Kriebaum, Hague 2007, pp. 211–227.

terrorism. Especially today, the central task, facing security studies in the early twenty-first century is thus to define the boundaries of a broadened concept of comprehensive for example European security with which to address the challenges of a changing security environment in case of international terrorism. They will provide the analytical tools required by policy makers and the wider public as they confront an increasingly complex security agenda, which includes the issues dealing with the global governance in the perspective of combating of the international terrorism<sup>3</sup>. In the context of security of the Republic of Poland, the role of international organizations especially broadly presented in this analysis the significance of the United Nations Organization (UN), in which Poland is taking part as an active member and the legal framework of the UN in combating of international terrorism is very essential. However, it requires first of all a complex analysis of the nature and character of the internal and external environment in which those organizations exist and develop. This environment, which is called the international community, constitutes the primary category of actors in which the Republic of Poland exists. It is very true especially in the case of the stable European security architecture in which Poland is taking part as an active partner. Therefore, the will and interests of this state should give a shape to international relations and exert the influence of this country also on activities of international organizations in the fight with international terrorism, especially after enlargement of the European Union<sup>4</sup>. Change in international systems requires appropriate security architecture especially in the age of international terrorism. In this way of thinking, stable security communities that replace unstable military alliances would correspond to the needs of post-modern society and to promote principles, norms, rules and decision-making procedures leading into a stable liberal democratic non war society<sup>5</sup>. This situation will have an influence for the

<sup>3</sup> M. Lech, *Legal aspects...*, p. 25.

<sup>4</sup> A. Reinisch, *The action of the European Union to combat international terrorism* [in:] *Enforcing international norms against terrorism*, ed. A. Bianchi, Oxford–Portland–Oregon 2004, pp. 57–86.

<sup>5</sup> C. Warbrick, *The European response to terrorism in an age of human rights*, „The European Journal of International Law” 2004, no. 5, p. 989; D. Sorasio, *European cooperation* [in:] *Terrorism, victims and international criminal responsibility, SOS attentats*, ed. G. Doucet, Paris 2003, pp. 55–57; M. Lech, *Making sense of the decision-making process in the structures of the European Union*, „Gdańskie Studia Międzynarodowe” 2007, no. 1–2, pp. 57–79; *Patterns of Global Terrorism*, U.S. Department of State, Washington 2003, pp. 32–69. N.O. Zito, *Światowa walka z terroryzmem a ochrona praw człowieka*, p. 90; <http://www.bbn.gov.pl> [accessed: 11.09.2014]; <http://www.carlisle.army.mil/USAWC/Parameters/Articles/04spring/morgan.htm> [accessed: 31.08. 2015]; K. Kubiak, A. Makowski, P. Mickiewicz, *Polska wobec zagrożenia terroryzmem morskim*, Warszawa 2005, pp. 13–30; B. Wierzbicki, *Model zwalczania terroryzmu międzynarodowego w umowach wielostronnych o charakterze uniwersalnym*, „Państwo i Prawo” 1983, no. 1, p. 83; L.R. Blank, *Defining the battlefield in contemporary conflict and counterterrorism: understanding the parameters of the zone of combat*, „Georgia Journal of International and Comparative Law” 2010, no. 1, pp. 1–38; D. Barak-Erez, M.C. Waxman, *Secret evidence and the due process of terrorist detentions*,

security policies of the European Union and for the sovereignty of Republic of Poland as its member state<sup>6</sup>.

## 2. The threat of international terrorism as a challenge for security of the Republic of Poland and whole contemporary international community – a need for common security policy

In such a complex case and situation, this is not necessary to look for the answers to the questions above indirectly in the science and methodology of international law and its connections with the issue of protection of international community in case of the threat of international terrorism in the context of security of the Republic of Poland. First of all, it is necessary to analyse the essence of the phenomenon of international terrorism, which has an influence on the formation of the contemporary international system in which Poland exists and relations between international security and international law as well. Such an analysis is essential in order to make reference to the legal acts of the United Nations introduced as a result of the reaction of the international community to the ensuing situations. Analysing the phenomenon of international terrorism considering relations between the international security and international legal order, it is necessary to emphasise the fact that the concept of international security and security of individual states like the Polish case, is currently changing because contemporary security is no longer understood as relations between states. This notion covers standards, mechanism and conditions of international security can be examined according to the criterion of the state of control of security, and though it – the international law. Therefore, it seems justified to assume that the state's international security is a part of the prescriptive function of the condition of state's international security and the security of international community. Following criteria of the international security will refer to specific standards and their implementation. However, international community, despite seemingly precise and defined criteria of relation between security and the international law and the analysis of threats of the contemporary international system, has not been able to reach an agreement on the definition of terrorism<sup>7</sup>. After all, this phenomenon poses

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„Columbia Journal of Transnational Law” 2009, no. 1, pp. 3–56; B. Wierzbicki, *Pojęcie przestępstwa politycznego w prawie międzynarodowym*, Warszawa 1979, p. 99.

<sup>6</sup> M. Lech, *Sovereignty in the integration process of the Republic of Poland with the European Union, between 1989 and 2004 in the light of the Polish Constitution*, „Gdańskie Studia Międzynarodowe” 2010, no. 1–2, pp. 138–153.

<sup>7</sup> H. Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts: Beitrag zu einer Reinen Rechtslehre*, Tübingen 1920, p. 320; W. Friedmann, *The changing structure of international law*, London 1964, p. 293; B. Fassbender, *The UN Security Council and International Terrorism* [in:] *Enforcing international law norms against terrorism*, ed. A. Bianchi, Oxford–Portland–Oregon 2004, pp. 83–84; M. Lech, *An academic perspective of international law and international*

a risk to the security of the mankind and entails devastation of its development. Therefore, it seems justified to create political consciousness, common grounds for national and social agreement as indispensable projects of democratic life in the world and in Europe, in which Republic of Poland might play an important role in the future as an active member of the European Union in the protection of international community in case of the threat of international terrorism.

For contemporary Poland, like for the all European and also non-European states, international terrorism is a strategy of violence that targets innocent people in the pursuit of political aims. The strategy may be carried out by individuals, groups of individuals, or representatives of the state. It may target public or private individuals and property, with the immediate aim of creating a climate of terror in civil society and the ultimate aim of demonstrating that the state is incapable of protecting civilians and maintaining law and order in frames of international humanitarian law for example<sup>8</sup>. Whether the strategy is adopted by the state or by individuals, acting of their own accord or on behalf of a group of individuals, civilian populations – or certain elements thereof – generally suffer the brunt of the impact. Those who resort to this type of violence, often indiscriminately, hardly give a moment's thought to the consequences of their act. The reason they have decided to use violence is justification enough in their view. The act itself, like its consequences, is confronted with values and aims that its perpetrators consider more important than the harm and loss it causes<sup>9</sup>. In a way, this is akin to the perverse reasoning whereby the end justifies the means – a worldview in which human consequences simply do not enter into the balance. It is precisely for all reason that this focus is on protecting the innocent<sup>10</sup>.

In all its major branches and throughout its history, law has been a testament to the fact that all civilizations founded on the notion of a state of laws have endeavored to base responsibility on the act and its consequences rather than on its political justification. From this perspective, the Republic of Poland, like another sovereign and democratic country shall measure the nature of the crime, even if the perpetrator justifies the act by appealing to higher values, for the latter

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*relations as a new interdisciplinary scholarship – selected issues*, Wien 2013, p. 122; <http://www.unodc.org> [accessed: 1.12.2015].

<sup>8</sup> M. Balcerzak, *Terroryzm a międzynarodowe prawo humanitarne* [in:] *Międzynarodowe prawo humanitarne we współczesnym świecie – osiągnięcia i wyzwania*, ed. T. Jasudowicz, Toruń 2006, p. 140; [http://www.law.umk.pl/index.php?id=2&module\\_employees\\_login](http://www.law.umk.pl/index.php?id=2&module_employees_login) [accessed: 23.03.2014]; J. Kokott, *Der Schutz der Menschenrechte im Völkerrecht* [in:] *Recht auf Menschenrechte. Menschenrechte, Demokratie und internationale Politik*, hrsg. H. Brunkhorst, W.R. Köhler, M. Lutz - Bachmann, Frankfurt 1999, pp. 176–198; <http://www.bbn.gov.pl> [accessed: 22.12.2014]; A. Bianchi, *Terrorism and armed conflict: Insights from a law and literature perspective*, „Leiden Journal of International Law” 2011, no. 1, pp. 1–21; M. Veuthey, *International humanitarian law and the war against terrorism* [in:] *Terrorism, Victims...*, pp. 369–374.

<sup>9</sup> A. Górski, A. Sakowicz, *Zwalczanie przestępczości w Unii Europejskiej. Współpraca sądowa i policyjna w sprawach karnych*, Warszawa 2006, pp. 58–59.

<sup>10</sup> <http://www.sos-attentats.org/publications/english.htm> [accessed: 13.07.2015].

could not survive the state of anarchy that would result from this crime rationale. Consequently, the present civilization must refuse the idea of violence against the innocent, in all shapes and forms and regardless of who commits such acts, unless we want to fall into state of barbarism, where brute force prevails over human values. More than anything else, the war against terrorism is just an affirmation of human values, which are protected by rules that govern all conflicts, whether they be international, internal, or merely represent a struggle for power<sup>11</sup>.

In the practice of the legal and political system of the Republic of Poland, like the another democratic European countries as well as the experience of contemporary international relations, indicates problems in ensuring of common security policy. This is caused by the international terrorism which has become a fundamental challenge to the contemporary international community. Terrorism is an extremely dangerous phenomenon involving use of violence by persons, ethnic groups and criminal organizations in order to achieve numerous political, social and economic goals<sup>12</sup>, which has a destructive influence on the contemporary international community. The influence of such destructive terrorist attacks cause constant grow of threats, while internationalization of terrorist acts has consequently and inevitably brought the mankind into the era of terrorism<sup>13</sup>. The scale of widespread international threat caused by terrorist attacks make the countries perceive their security from the angle of their own defensive potential, including the nuclear one. For Poland, establishing security criteria indicates a catalogue of potential threats which need to be faced by national organisms, and which are mentioned in contemporary security strategies. Today the challenge is establishing strong, stable and organized international environment with efficiently functioning mechanism regulating international law resolving fight against terrorism<sup>14</sup>. It will play crucial role in the further evolution of the international common

<sup>11</sup> J. Kranz, *Nowe aspekty stosowania siły w stosunkach międzynarodowych* [in:] *Prawo międzynarodowe, problemy i wyzwania*, ed. J. Menkes, Warszawa 2006, p. 330; R. Kolb, *The exercise of criminal jurisdiction over international terrorists* [in:] *Enforcing international law norms...*, p. 227; <http://www.sos-attentats.org/publications/English.htm> [accessed: 13.08.2014].

<sup>12</sup> B. Hoffman, *Oblicze terroryzmu*, Warszawa 2001, pp. 11–22.

<sup>13</sup> M. Szevczak, *Zwalczanie struktur finansujących terroryzm*, „Roczniki Nauk Prawnych” 2006, no. 1, p. 395; R. Drzazga, *Konwencje antyterrorystyczne ONZ – charakterystyka oraz zakres zobowiązań nałożonych na państwa-strony*, <http://www.abw.gov.pl/download.php/> [accessed: 23.07.2014]; M. Morris, *Arresting terrorism: Criminal jurisdiction and international relations* [in:] *Enforcing international law norms...*, pp. 63–80; W. Laquer, *The new terrorism: Fanaticism and the arms of mass destruction*, New York–Oxford 2000, pp. 56–77; P.R. Pillar, *Terrorism goes global: Extremist groups extend their reach worldwide*, „The Brookings Review” 2001, no. 19, pp. 34–37; G. Cameron, *Nuclear terrorism. A threat assessment for the 21st century*, London–New York 1999, pp. 139–141; A. Carter, J. Deutch, P. Zelikow, *Catastrophic terrorism*, „Foreign Affairs” 1998, no. 77, pp. 80–94; W. Laquer, *No end to war: Terrorism in the twenty-first century*, New York 2003, pp. 24–58; M.J. Morgan, *The origins of the new terrorism*, „Parameters” 2004, pp. 29–43.

<sup>14</sup> F. Jasiński, M. Narojek, P. Rakowski, *Wewnętrzne i zewnętrzne aspekty współpracy antyterrorystycznej w Unii Europejskiej w kontekście Polski jako państwa członkowskiego*, Warszawa 2006, p. 14.

security policy paradigm not only for Poland, but for all the countries involved in the war against international terrorism and protection of international community against it.

Nowadays, the United Nations (UN) ability to develop a comprehensive strategy has been constrained by the inability of member states to agree on an anti-terrorism convention including a definition of terrorism<sup>15</sup>. This prevents the United Nations from exerting its moral authority and from sending an unequivocal message that terrorism is never an acceptable tactic, even for the most defensible of causes. Since 1945, an ever stronger set of norms and laws – including the Charter of the United Nations, the Geneva Conventions and the Rome Statute for the International Criminal Court – has regulated and constrained states' decisions to use force and their conduct in war – for example in the requirement to distinguish between combatants and civilians, to use force proportionally and to live up to basic humanitarian principles. Violations of these obligations should continue to be met with widespread condemnation and war crimes should be prosecuted. The norms governing the use of force by non-state actors have not kept pace with those pertaining to states. This is not so much a legal question as a political one. Legally, virtually all forms of terrorism are prohibited by one of thirteen later mentioned international counter-terrorism conventions, international customary law, the Geneva Conventions or the Rome Statute<sup>16</sup>. Legal scholars know this, but there is a clear difference between this scattered list of conventions and little-known provisions of other treaties, and a compelling normative framework, understood by all, that should surround the question of terrorism. The United Nations must achieve the same degree of normative strength concerning non-state use of force as it has concerning state use of force. Lack of agreement on a clear and well-known definition undermines the normative and moral stance against terrorism and has stained the United Nations image. Achieving a comprehensive convention on terrorism, including a clear definition, is a political imperative<sup>17</sup>.

The search for an agreed definition usually stumbles on two issues. The first is the argument that definition should include states' use of armed forces against civilians. The legal and normative framework against state violations is far stronger than in the case of non-state actors. The second objection is that peoples under foreign occupation have a right to resistance and a definition of terrorism should not override this right. The right to resistance is contested by some. But it is not the central point: the central point is that there is nothing in the fact of occupation that justifies the targeting and killing of civilians<sup>18</sup>. Neither of these objections is weighty enough to contradict the argument that the strong, clear normative framework of the United Nations surrounding state use of force must be complemented by a normative framework of equal authority surrounding non-state use

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<sup>15</sup> *Ibidem*, p. 2.

<sup>16</sup> <http://www.canasb.ca/dec2.html> [accessed: 14.09.2015].

<sup>17</sup> <http://www.un.org/terrorism/highlevelpanel.shtml> [accessed: 12.09.2015].

<sup>18</sup> *Ibidem*.

of force. Attacks that specifically target innocent civilians and non-combatants must be condemned clearly and unequivocally by all<sup>19</sup>.

In response to tragic events over the years, which include hijacking, bombings and kidnappings, not only the United Nations and other specialized organizations have adopted later analyzed universal instruments on terrorism. Regional organizations such as the Organization of the Islamic Conference and the Organization of American States have also adopted regional or sub-regional conventions or agreements. But these instruments, which mainly seek to criminalize terrorist acts, were largely unused by member states and international organizations. Moreover, most of these documents contain international cooperation provisions that can only be described as standard practice or even low-level practice. In any case and at least as far as the United Nations conventions are concerned, no implementation mechanism was set in motion to ensure compliance. Concerning the instruments pertaining to aerial, maritime or nuclear terrorism, attention of the negotiators has focused more on the preventive measures rather than on their implications for criminal justice policy.

Today it is the United Nations that plays the most important role in the creation of the international law acts concerning fight against terrorism, which is broadly presented in this analysis. The United Nations is the only and the greatest universal international organization in the world<sup>20</sup>. Fight against terrorism is an intrinsic part of the mandate of this subject of the international law. The institutional international legal framework of this international organization constitutes the best solutions for combating of terrorism and protects all the world and also in the context of analyzed Republic of Poland. In this context and also accordingly to the above presented assumptions, the danger to this country might be, that Poland is a stable Central European country, where terrorists might use it stable political system for the future organizing of their basis for the later attacks. They might do it working in Poland officially in various professions. Therefore, the United Nations' useful legal framework in combating with this threat should prevent it. Moreover, several United Nations anti-terrorist conventions have laid important normative foundations to which Poland is a party and which are presented in frames of this analysis. However, far too many states remain outside the conventions and not all countries ratifying the conventions proceed to adopt internal enforcement measures. Also, attempts to address the problem of terrorist financing have been inadequate. While in the three months after 11 September 2001 112 USD million in alleged terrorist funds were frozen, only 24 million USD were frozen in the two following years. Seized funds represent only a small fraction of total funds available to terrorist organizations. While many states have

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<sup>19</sup> T. Franck, *Terrorism and the right of Self Defense*, „American Journal of International Law” 2001, no. 95, p. 840; M. Reisman, *In defense of world public order*, „American Journal of International Law” 2001, no. 95, p. 833.

<sup>20</sup> M. Lech, *The United Nations in the fight against terrorism – international legal and criminal aspects*, „Studia Europejskie” 2008, vol. 17, pp. 147–170.

insufficient anti-laundering laws and technical capacity, the evasion techniques of terrorists are highly developed and many terrorist funds have a legal origin and are hard to regulate<sup>21</sup>.

### 3. International and transnational terrorism as a category of international law – the possible legal aspects of protection of international community in the case of the Republic of Poland

The problem of putting the international law into the right place in the context of threat and fight against terrorism in case of the security of Poland, is deeply related to the issue of international security and practically concerns a state practice of national and international security policy. It holds as well, the dominant position among values and interests of different countries – main apart from international organizations of international law subjects, deciding on their international existence. International security is also defined by guarantees of existence, development and activity of international relations members. That is the reason why the range of values safeguarded by the international law, together with the factors ensuring preservation of these values, is crucial for the security. The international security is a synthesis of vital interests of numerous countries and proves that every country struggles to optimize it through the safety of each nation or of a society organized into a country.

Assuming that terrorism is a legal category, especially concerning international law; together with/just as strategy of using political violence, having negative effect on the stability of international system and on destruction of contemporary international society, there is a need to ask four fundamental questions in order to characterize this phenomenon<sup>22</sup>:

1. What is terrorism from the legal point of view (especially regarding international law)?
2. Has the science/international law studies offered a widely accepted definition of terrorism?
3. Has international law established specific measures of prevention and judgment of terrorist acts?
4. Does international law provide adequate mechanisms of violence against the countries which support terrorism?

Because of differences of opinions between many countries, no unified definition of terrorism has been offered as this phenomenon is very difficult to define.

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<sup>21</sup> <http://www.un.org/terrorism/highlevelpanel.shtml> [accessed: 22.07.2015].

<sup>22</sup> M. Lech, *Terroryzm a prawo międzynarodowe* [in:] *Ewolucja terroryzmu na przełomie XX i XXI wieku*, ed. M. Malinowski, R. Ożarowski, W. Grabowski, Gdańsk 2009, p. 548; G. Guillaume, *Terrorism and international law*, „International and Comparative Law Quarterly” 2004, vol. 53, p. 537; S. Piskulski, *Prawne środki zwalczania terroryzmu*, Olsztyn 2000, pp. 12–13.



Nevertheless, all the countries reckon have only a very general view of terrorism as a form of fight in which victims are not chosen individually and a terrorist attack has symbolic effect. This attack is not aimed at the elimination of individual victims, but terror expansion within the group which the victims belong to. All universal international instruments, enacted and established under the auspices of the UN or specialized agencies, have had one common aim: to find the answer to internationalization of terrorism through internationalization of repressive measures. However, no definition of terrorism has been established, only the way it works. Professor Levitt, who is an outstanding researcher of this discipline, compared the struggle to find it to the quest for the Holy Grail<sup>23</sup>.

In such a case, it should be not to look for the answers to the questions above indirectly in the science of international law. First of all, we should analyze the essence of the phenomenon of terrorism, which has an influence on the formation of the contemporary international system, and relation between international security and international law as well. Such an analysis is essential in order to make reference to the later discussed legal acts of the United Nations introduced as a result of the reaction of the international community to the ensuing situations. They were brought about by terrorist attacks in the world and to the Charter of the United Nations, called usually a 'Constitution of International Law'.

Analyzing the phenomenon of terrorism considering relations between the international security and international law, it is essential to emphasize the fact that the concept of international security and security of individual states is currently changing because contemporarily security is no longer understood as relations between states. For example, for the Republic of Poland, the perception of international security, which is used to be understood as an equivalent of development and power growth of individual states for many years, is also changing with new affairs of the states, sources and the essence of risks as well as the general evolution of international environment. This is related to the fact that non-state subjects are becoming widely accepted participants of international relations and elements of security. Thus, an independent state is regarded as the basic subject. Non-state subjects constitute both a source of risks and a factor stabilizing and stimulating the development of supranational co-operation of the states. In this situation, moreover, the division, well-known in the literature concerning this subject – into national security, relating to the internal state of a country, and international security, taking into account the community of states and other subjects of international law – is conventional. It includes only issues bound up with one another, involving correlation between security of one country and the international community. Besides, security, as an overriding need of the states

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<sup>23</sup> J. Barcik, *Koncepcja samoobrony w prawie międzynarodowym w dobie „wojnie z terroryzmem”*, „Kwartalnik Prawa Publicznego” 2003, no. 1, p. 101; A.C. Arend, R.J. Beck, *International law and the use of force. Beyond the UN Charter paradigm*, London–New York 1993, p.140; S. Bruce, *Fundamentalism and political violence: The case of paisley and ulster evangelicals*, „Religion” 2001, no. 4, pp. 387–405.

and international systems, is no more understood only in the aspect of power. This notion covers standards, mechanisms and conditions which provide subjects of international relations with the sense of security and the opportunity of harmonious development without arbitrary pressure from the outside. Accordingly to the above assumptions, in case of the Republic of Poland, the perception of the security from the perspective of this country and the condition of international security might be or shall be examined according to the criterion of the state of control of security, and through it – the international law.

Like for Poland, the same to any country, all instruments and methods used to ensure security evolve together with changing threats and the range of values safeguarded by the international law. In such conditions, specified criteria would refer to state bodies, and through them, to other subjects of international law, which would act to create the other criteria. Such an evolution can even cause radical change in the international law, especially common law, and that is why clear practice of enacting and implementation the international law, defined constant *opinio iuris*, is required. Also the debate about the law of war *jus ad bellum* is presently expanding<sup>24</sup>.

Therefore, it seems justified to assume that Polish, like the another state's international security is a part of the prescriptive function of the condition of state's security and of the implementation of the international law standards. Thus, regulations concerning the public international law studies will constitute the basis of creating criteria of state's international security and the security of international society. Following criteria of the international security will refer to specific standards and their implementation<sup>25</sup>. However, international society, despite seemingly precise and defined criteria of relation between security and the international law and the analysis of threats of the contemporary international system, has not been able to reach an agreement on the definition of terrorism. After all, this phenomenon poses a risk to the security of the mankind and entails devastation of its development. Therefore, it seems justified to create political consciousness, common grounds for national and social agreement as indispensable projects of democratic life. In the context of the international law, it seems obvious that every terrorist can be prosecuted. It includes the use of force in comparable circumstances, which can cause, injury, harm or risk to human life, according to the target of a terrorist act. There are three conditions to be fulfilled by every sovereign and democratic country, the Republic of Poland included, which are active in combating of international terrorism as a threat for international community. These guidelines might be useful as well as for the prevention and protection of Poland against international terrorism<sup>26</sup>:

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<sup>24</sup> A. Reinisch, *The action of the European Union...*, p. 62.

<sup>25</sup> *Ibidem*, p. 79.

<sup>26</sup> G. Guillaume, *Terrorism...*, p. 540.

- committing of defined acts involving violence causing death or serious damage to psychological health. There are certain documents of domestic and European law that provide evidence, concerning a risk to human life which can be caused, among others, by a terrorist act,
- individual or group action that is not an improvisation but an organized operation or an arranged plan based on coordinated effort in order to achieve the aim, for example the one that eliminates the situation in which an insane assassin shoots everyone in his or her field of vision,
- efforts to establish the subject of the case: inspiration of terror among certain persons or groups.

Fulfilling these three conditions, the division should be made between the victim, who is going to be hurt by the terrorist, and terrorist's expectations concerning the results of his or her actions, assuming that he or she will be safe.

#### 4. The international legal and criminal aspects of the United Nations global fight against international terrorism – the possible legal framework of the protection of the Republic of Poland by the active participation in the United Nations programmes

Today it is the United Nations (UN) that plays the most important role in the creation of the international law concerning fight against terrorism. The UN is the only and the greatest universal international organization in the world. Fight against terrorism is the part of the mandate of this subject of the international law and the second important subject of international law, namely state, especially the Republic of Poland being under consideration in this analysis. Therefore, presented below complex international legal and criminal aspects of the fight against international terrorism in the practice of the UN, shall be useful instruments for combating of it and for the practice of Poland, the possible legal framework of the protection of this country by the active participation in the United Nations programmes.

Since 1972, the United Nations, the General Assembly of the United Nations has made ongoing efforts to implement measures aiming at eliminating terrorism. In 1990, the General Assembly endorsed the recommendations of the Eight Congress on Crime Prevention and Criminal Justice among which some called for a series of measures in the area of criminal law to combat terrorism<sup>27</sup>.

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<sup>27</sup> G. AbiSaab, *The proper role of international law in combating terrorism*, „Chinese Journal of International Law” 2002, no. 1, 2002, p. 305; S. Day O’Connor, *balancing security, democracy, and human rights in an age of terrorism*, „Columbia Journal of Transnational Law” 2008, no.1, pp. 6–15; Ch.J. Tams, *The use of force against terrorists*, „The European Journal of International Law” 2009, no. 2, pp. 359–397; A.C. Arend, R.J. Beck, *International law...*, p. 140; M.C. Davis, *International intervention in an age of crisis and terror: UN reform and regional practice*, „Tulane Journal of International and Comparative Law” 2006, no. 1, pp. 1–37.

On 9 December 1994, the General Assembly adopted *The Declaration on Measures to Eliminate International Terrorism*, which was the starting point of its counter-terrorist activities. Since then, acting on the basis of the principles contained in the Declaration, the General Assembly has consistently warned United Nations member states on the threat posed by terrorism and on the necessary measures that must be taken to counter it. In accordance with this Declaration Ad Hoc Committee was established on 17 December 1996. Since its establishment, the Committee has elaborated two new conventions, namely the International convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

The 2005 World Summit of the UN Member States resulted in passing Resolution 60/1 by the UN General Assembly. In this document heads of states and Prime Ministers ordered the international society to support the states in the development of national and regional mechanisms to fight against terrorism. The UN Secretary-General referred to the Resolution in his report: *United against Terrorism*, in which he issued suggestions concerning the global strategy on combating terrorism. Pursuing Resolution 60/288, the UN General Assembly passed *The United Nations Global Counter-Terrorism Strategy*<sup>28</sup>.

However, main guidelines of the UN Secretary-General, Kofi Annan, concerning problems of international security had been specified one year earlier, in a report of 2004<sup>29</sup>. The UN Secretary-General pointed out four fundamental elements of the definition of terrorism, which should be soon accepted by the UN General Assembly and, thus, granted prescriptive legitimization to create a modern convention concerning terrorism:

- stating in the preamble that the issues concerning using force by a state against civil persons is regulated by the Geneva Conventions and other legal instruments, also when they constitute war crimes or genocide, to suitable extent,
- stating that terrorism are acts defined in 13 conventions and anti-terrorist protocols adopted so far<sup>30</sup>, enabling effective combating terrorist acts

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<sup>28</sup> *Deliverin Counter-Terrorism Assistance, Terrorism Prevention Branch, the United Nations Office on Drugs and Crime, March 2009, New York 2009, pp. 1, 34–59, <http://www.un.org> [accessed: 12.04.2015].*

<sup>29</sup> *A more secure world: Our shared responsibility, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, United Nations, New York 2004, p. 52.*

<sup>30</sup> 1. *Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on September 1963*; 2. *Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970*; 3. *Convention for the Suppression of Unlawful Seizure against the Safety of Civil Aviation, signed at Montreal on 23 September 1971*; 4. *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973*; 5. *International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December 1979*; 6. *Convention on the Physical Protection of Nuclear Material, opened for signature at Vienna and New York on 3 March 1980*; 7. *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International*

and due to which indispensable legal regulations have been introduced. Another result was the declaration that these acts are a crime according to the international law, as well as the conclusion that terrorism at the time of an armed conflict is punishable by the Geneva Conventions and defined protocols,

- making reference to definitions included in the Convention for the Suppression of the Financing of Terrorism of 1999 and the Security Council Resolution 1566 of 2004,
- description of terrorism as: *any action, referring to the actions already defined by the conventions, connected with aspects of terrorism, the Geneva Convention and the Security Council Resolution 1566 of 2004, which entail death or serious damage on the body of civil persons and non-veterans, and when the reason for such an act, considering its nature or context, is aimed at posing threat to the mankind or forcing the government or international organizations to achieve a given aim or to refrain from a given act*<sup>31</sup>.

On the 8<sup>th</sup> September 2006 all 192 UN Member States adopted the Global Counter-Terrorism Strategy. For the first time in the history, a common framework on counter-terrorism had been agreed on. The adoption of the Global Counter-Terrorism Strategy is a result of years of efforts, at the same time fulfilling the commitments took by the world leaders at the World Summit of September 2005. Numerous suggestions and recommendations of the UN Secretary-General Kofi Annan were taken into consideration. The Global Counter-Terrorism Strategy was presented at the High-level Panel of the UN General Assembly.

Like state practice shows, the Strategy, in the form of resolution with enclosed Plan of Action, is a useful legal instrument for Poland intensifying the efforts to combat terrorism on the domestic, regional and international level. The important is, that adopting the Global Counter-Terrorism Strategy, the Member States for the first time agreed to a comprehensive framework on countering terrorism. Apart from the already mentioned Strategy of the 8<sup>th</sup> September 2006, one of the most important documents concerning counter terrorism that have lately appeared, is the Report of the UN Secretary-General Kofi Annan of the 27<sup>th</sup> April 2006 on global counter terrorism strategy. This document is a summary of the

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*Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety Of Civil Aviation, signed at Montreal on 24 February 1988; 8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988; 9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988; 10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991; 11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly on 15 December 1997; 12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly on 9 December 1999; 13. International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly on 13 April 2005.*

<sup>31</sup> *A more secure world: our shared responsibility – Report of the Secretary-General's High-level Panel on Threats, Challenges and Change*, United Nations, New York 2004, p. 52.

previous UN strategic and legal achievements in the fight against terrorism and includes guidelines for the future.

For the state practice of the Republic of Poland, being an active member state of the United Nations and considering the presented conventions and other legal acts created by this international organization, this country shall use much more effectively the existing system of international anti-terrorist instruments in practice. In this way this country will confirm key principles included in current conventions, namely:

- importance of recognizing terror acts as crimes,
- punishment for these crimes and the appeal for prosecution and extradition of their perpetrators,
- necessity to eliminate legal articles which provide for exceptions from criminalization of terror acts in case of their having political, philosophical, ideological, race, ethnic or religious basis,
- appeal to Member States for taking measures preventing terrorist acts,
- emphasizing the necessity of cooperation of the states, information exchange and ensuring mutual help in prevention, detection and prosecution of terrorist acts.

Together with these most significant conventions and numerous protocols regulating the fight against terrorism, there are already mentioned resolutions of the UN Security Council that play an important role, being the third most important UN acts of the international law. We have to bear in mind, that the day after the attack on the World Trade Center in New York, the UN Security Council issued the resolution condemning terrorist acts of the 11<sup>th</sup> September 2001, describing them as a threat to the world peace and security. The Security Council called all the states to increase the pace of struggle leading to the ratification of appropriate UN anti-terrorist conventions by all states<sup>32</sup>. Two weeks after the attacks of September 11, 2001, Resolution 1373 was passed, reaching a greater scope than the previously mentioned existing thirteen anti-terrorist conventions, as it was signed by 192 states. This convention entails prosecution of a person or organisations financing terrorism, freezing bank accounts of the persons in case of whom there are grounds for suspecting of involvement into terrorist activity. Unfortunately, the Security Council did not offer clear guidelines how to understand the terrorism, which was what the international society expected to learn. Pursuing to Resolution 1373, the Anti-Terrorist Committee was established, consisting of 15 representative members of the UN Security Council. Its task is advising the states on how to adjust their internal law in order to fulfil the provisions of the resolution and conventions on financing terrorism<sup>33</sup>.

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<sup>32</sup> *Resolution 1368 (2001) condemning the terrorist attacks of 11 September 2001 in New York, Washington D.C. and Pennsylvania, United States of America*, <http://www.un.org> [accessed: 23.05.2015].

<sup>33</sup> M. S z e w c z a k, *Zwalczanie struktur...*, p. 404; *Resolution 1373 (2001) on international cooperation to combat threats to international peace and security caused by terrorists act*, <http://www.un.org> [accessed: 25.05.2015].

In 2002, the UN Security Council passed another Resolution 1390, ordering all the states Austria included, to freeze the funds and other types of financial security of individual persons and organisations<sup>34</sup>. Also in 2002, Resolution 1452 was issued, again calling the states to fulfil recommendations from the previous resolutions<sup>35</sup>. In 2003, the UN Security Council adopted Resolution 1455, obliging the UN Member States to write reports on the fulfilment of recommendations from the resolutions and to cover information about conducted investigations and proceedings<sup>36</sup>. Also after bloody events in Istanbul in 2003, the UN Security Council adopted Resolution 1516, opposing terrorist attacks<sup>37</sup>. In 2004, five Resolutions were passed: 1526<sup>38</sup> and 1535<sup>39</sup> – on threats to international peace caused by terrorist acts, 1540<sup>40</sup> and 1566<sup>41</sup> – introducing modifications to previous Resolutions and 1530<sup>42</sup> – condemning terrorist attacks in Madrid. In 2005, the UN Security Council passed only Resolution 1611<sup>43</sup> condemning the terrorist attacks of the 7<sup>th</sup> July in London<sup>44</sup>.

The Security Council has played an important role in filling gaps in counter-terrorism strategy. Since the early 1990s, the Security Council has attempted to weaken state support for and strengthen state resistance to terrorism. From 1992 onwards, the Security Council applied sanctions against individuals and states that supported terrorism – including, in 1999 and 2000, Osama bin Laden and Al-Qaida and the Taliban. The initial response by the Security Council to the terrorist attacks of 11 September 2001 was swift and impressive. Security Council Resolution 1373 of 2001 imposed uniform, mandatory counter-terrorist obligations on all states and established a Counter-Terrorism Committee to monitor compliance and to facilitate the provision of technical assistance to states. However, the Security Council must proceed with caution. The way entities or individuals are added to the terrorist list maintained by the Council and the absence

<sup>34</sup> *Resolution 1390 (2002) on measures against the Taliban*, [www.un.org](http://www.un.org) [accessed: 25.05.2015].

<sup>35</sup> *Resolution 1452 (2002) on implementation of measures of Resolutions 1267 and 1390*, <http://www.un.org> [accessed: 25.05.2015].

<sup>36</sup> *Resolution 1455 (2002) on improving implementation of measures by 1267, 1333 and 1390 Resolutions*, <http://www.un.org> [accessed: 25.05.2015].

<sup>37</sup> *Resolution 1516 (2003) on the bomb attack in Istanbul*, <http://www.un.org> [accessed: 22.05.2015].

<sup>38</sup> *Resolution 1526 (2004) threats to international peace and security caused by terrorist acts*, <http://www.un.org> [accessed: 23.08.2015].

<sup>39</sup> *Resolution 1535 (2004) threats to international peace and security caused by terrorist acts*, <http://www.un.org> [accessed: 30.09.2015].

<sup>40</sup> *Resolution 1540 (2004) threats to international peace and security*, <http://www.un.org> [accessed: 25.06.2015].

<sup>41</sup> *Resolution 1566 (2004) threats to international peace and security*, <http://www.un.org> [accessed: 25.06.2015].

<sup>42</sup> *Resolution 1530 (2004) on the bomb attacks in Madrid*, <http://www.un.org> [accessed: 25.06.2015].

<sup>43</sup> *Resolution 1611 (2004) threats to international peace and security by terrorist acts*, <http://www.un.org> [accessed: 23.09.2015].

<sup>44</sup> *Uniting against terrorism: recommendations for a global counter-terrorism strategy, Report of the Secretary General*, General Assembly, 27 April 2006.

of review or appeal for those listed raise serious questions of accountability and might violate fundamental human rights norms and conventions<sup>45</sup>. In this regard, a Counter-Terrorism Committee has appointed experts to analyse the reports submitted by member states. This analysis seeks to detect the strengths and weaknesses of various domestic legislative frameworks. Once, this review has been completed, the Committee, after having thoroughly review the reports, requests member states to provide additional information these strengths and weaknesses whenever necessary. In this context, a constructive dialogue can be established between the Committee and United Nations member states, which must pass relevant legislation accordingly. Because United Nations-facilitated assistance is limited to technical support, states seeking operational support for counter-terrorism activities have no alternative but to seek bilateral assistance. A United Nations capacity to facilitate this assistance would in some instances ease domestic political constraints, and this can be achieved by providing for the Counter-Terrorism Executive Directorate to act as a clearing house for state-to-state provision of military, police and broader control assistance for the development of domestic counter-terrorism capacities.<sup>46</sup> The Security Council, after consultation with affected states, should extend the authority of the Counter-Terrorism Executive Directorate to perform this function. Non-compliance can be a matter of insufficient will but is more frequently a lack of capacity<sup>47</sup>.

In this sense, the role of the Republic of Poland, like the another United Nations members and specialized bodies should increase their efforts to provide states with access to effective legal, administrative and police tools to prevent terrorism. To aid this process, the United Nations should establish a capacity-building trust fund under the Counter-Terrorism Executive Directorate. If confronted by states that have the capacity to undertake their obligations but repeatedly fail to do so, the Security Council may need to take additional measures to ensure compliance, and should devise a schedule of predetermined sanctions for state non-compliance<sup>48</sup>. As to the Charter of the United Nations (UN), in terms of legal regulations on terrorism and methods of combating it, we can notice the first mentions of international security, international law and threat issues in the Article 1 of the Charter, in which fundamental aims of the United Nations are described. They are: maintaining international security by using effective collective measures for prevention of threats to peace and their elimination, suppressing all acts of aggression and other cases of peace disturbance, resolving or solving in a peaceful way, following the provisions of justice and international law, conflicts or international situations that might lead to peace disturbance<sup>49</sup>. The appropriate article of the Charter, regulating issues indirectly connected to terrorism and referring to an armed attack

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<sup>45</sup> <http://www.un.org/terrorism/highlevelpanel.shtml> [accessed: 23.06.2015].

<sup>46</sup> <http://www.egmontinstitute.be/paperegm/ep5.pdf> [accessed: 14.07.2015].

<sup>47</sup> <http://www.un.org/terrorism/highlevelpanel.shtml> [accessed: 13.07.2015].

<sup>48</sup> *Ibidem*.

<sup>49</sup> *Charter of United Nations*, New York 2004, p. 1.



against a Member of the UN and related right of individual or collective self-defence, is the Article 51 of the Chapter VII of the Charter of the UN. The regulation of this Article guarantees the right of collective self-defence. Meanwhile, the right of self-defence derives from the international customary law. The lawfulness of self-defence is aptly conveyed in the Latin *parēmia vim vi repellere omnia iura permittunt*, meaning: *all laws give permission to defend with force against force*<sup>50</sup>. Article 51 of the *inherent right* Charter confirmed the customary nature of this statement, describing it as an *inherent right*. According to the authors of the Charter, the right to self-defence could be exercised only in case of an armed attack of a state-aggressor. But Article 51 of the Charter has nothing to say on the problems of terrorism. Thus, according to this Article, can the right of self-defence be exercised against terrorist organizations and their members? Customary law allows to answer this question positively. Unfortunately, although the right of self-defence is a generally accepted and unquestionable right of the states, its scope and conditions under which it can be realized, belong to questions vehemently discussed within the issue of international law. It mainly refers to the assessment of anti-terrorist actions taken with reference to Article 51; and, strictly speaking, to the self-defence<sup>51</sup>. What evokes doubts is the expression 'the armed attack' from Article 51 of the Chapter of the UN, but also the question of what should be the features of a terrorist attack to let it be qualified as the armed attack when self-defence is allowed. The armed attack is often identified with aggression, which is not so obvious, because the Charter of the UN uses both expression without their definitions. Nevertheless, we may assume that the armed attack is a form of aggression. That is why people who conduct research in this field ask all kinds of questions, which is emphasized, the study of customary international law answers positively and considers the terrorist attack to be the armed attack<sup>52</sup>.

What here remains unquestionable for the state practice and for international law: a state-victim of a terrorist attack, while exercising the right of self-defence, according to Article 51 of the Chapter of the UN, must fulfill requirements deciding if the right is lawful or not. The events of the 11<sup>th</sup> September 2001 led to some agreement at the time of the fight against terrorism. Unfortunately, taking into consideration different interests of the Member States of anti-terrorist coalition, it seems that this agreement is questionable. Thus, we should hope in the possibility

<sup>50</sup> J. Barcik, *Koncepcja samoobrony...*, pp. 99–100.

<sup>51</sup> T. Franck, *Terrorism and the right of Self Defense*, „American Journal of International Law” 2001, no. 95, p. 840; M. Reisman, *In defense of world public order*, „American Journal of International Law” 2001, no. 95, p. 833.

<sup>52</sup> E. Wilmshurst, *The crime of aggression: Custom, treaty and prospects for international prosecution* [in:] *International law between universalism and fragmentation. festschrift of gerhard hafner*, ed. I. Buffard, J. Crawford, A. Pellet, S. Wittich, Leiden 2008, pp. 603–624; M. Matheson, D. Momtaz, *Rules and institutions of international humanitarian law put to the test of recent armed conflicts*, Leiden–Boston 2010, pp. 267–1063; <http://www.who-sells-it.com/cy/brill-4907/> [accessed: 22.12.2014]; *International military missions and international law*, ed. M. Odello, R. Piotrowicz, Leiden 2011, pp. 34–332.

of working out with clear regulations on the comprehensive fight against terrorism not only in the context of Poland, but also in the context of another states interested in combating of this threat. The time will show perhaps, along with the planned reform of the UN, some amendments to Article 51 of the UN Charter should be introduced<sup>53</sup>. The significance of the Charter of the United Nations, as well as a great number of international conventions and protocols adopted and ratified or of resolutions passed throughout these years on the universal level by the United Nations, proves not only the effectiveness of this international organization in its fight against terrorism, but mostly the evolution of international law in this field. Fast ratification and effective implementation of universal legal instruments is currently the priority of the United Nations. Since then, significant development has taken place but the comprehensive ratification of the global convention of the fight against terrorism has not been reached. Even if the comprehensive ratification of all legal instruments is achieved, its full implementation will in fact remain the far end. It is necessary to emphasize that both: the problem and scope of the role of the United Nations in the fight against terrorism as well as mutual relations between terrorism and international law is enormous. There are many other aspects of this subject, such as: international cooperation in criminal cases, international security versus human rights – the question of rights of a terrorist attack victim, as well as the EU regulations concerning terrorism. What remains unquestionable is the fact that for the last 40 years and especially in the last two years, international law, and the branch of international criminal law, has considerably developed in its fight against international terrorism in frames of the UN's system. At the behest of the Security Council, the Organization has put in place a solid mechanism for spurring and monitoring state-led counter-terrorist efforts, as well as in supporting a battery of initiatives sponsored by international organizations. However, much remains to be done. Since terrorist activities are now considered to be criminal acts regardless of the motives of those who commit them, it is necessary to continue a work to obtain a more active support for this battle on the part of all UN member states. The Commission on Crime Prevention and Criminal Justice is just an example of it. It serves as a forum for dialogue and concerted action in this direction. If its efforts and those of the Security Council are fully coordinated, they constitute a complementary work tool in the fight against terrorism. Indeed, this combat requires a full mobilization of every country. The intense and targeted efforts of the UN against terrorist crimes will only pay off if support is global and effective. This is necessary to not forget, that this combat against terrorism must be situated within a broader context that encompasses not only control of weapons of mass destruction and prevention and resolution of armed conflict, but also an integrated approach to sustainable development. Taking into account existing and future development, increasing globalization of actions and certain terrorist systems, states which are potential

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<sup>53</sup> J. Barcik, *Koncepcja samoobrony...*, p. 110–111.

targets of murderous attacks must face these problems, with the support of mechanisms of efficiently functioning international law, established mainly by the United Nations branches. International law is constructively prepared to fight against terrorism, which is well known by the states being its subjects. Is it, thus, a fundamental condition of legal legitimization of their work in the fight against terrorism. Nevertheless, most of the work will be still related to the realization, concerning effective and practical use of these instruments and establishment of global regimentation in the protection, prevention and the fight against terrorism.

## 5. Conclusions

The protection of international community in case of the threat of international terrorism in the context of the Republic of Poland, is presented in this analysis in the broad context and perspective of international legal instruments and strategic configurations dealing with international security issues and also by using of international legal standards of the fight with this threat in the practice of the United Nations. The legal framework of these legal instruments maintains the basis for the practice of Poland in the national and external protection of its security. They are also useful guidelines for this state for possible terrorist attack and propose concrete legal instruments for combating of them. Therefore, the application of these legal instruments and guidelines is mainly the problem of the police and domestic courts of Poland. Finding an evidence in the cooperation between the police and the courts has improved on both bilateral and regional level. Today, the majority of prescriptive issues has resulted in success. For the Poland's future role, being an active partner in international cooperation in criminal cases, especially concerning extradition, mutual legal custody and the right of realizing cooperation, is required as the preliminary condition for effective implementation of the legal structure, concerning the fight against terrorism. Comprehensive legal instruments against terrorism are defined by specific acts, which must be taken into consideration, and states are obliged to do it, even without set definition of terrorism. The contemporary renewing the meaning of notions: terror and terrorism allows us to perceive new layers and aspects of the legal standards under examination and new phenomena. Terrorism can strike anywhere in the world. Only full mobilization of all the parties Poland involved, focused on all of its facets, will enable us to eradicate this phenomenon. In this aspect, it cannot be denied that certain problems will appear, because certain states are not able to hold power on their own territory, which can also be the result of the internal condition of these states. This is important to remember, that contemporary international terrorism as a form of organized criminal activity has become a wide, spread phenomenon still expanding from the point of view of its territory and the kind of crime. Due to various opportunities created by globalization process and technological development crime syndicates are rapidly adjusting to the new

conditions and enlarging their influence areas. Therefore the criminalization of the fight against organized criminal activity like terrorist activity, both in national and international legislation has become crucial. Establishing various organizations and institutions coordinating the actions of individual countries has become necessary in order to be able to fight effectively with organized crime due to its international character<sup>54</sup>.

### Summary

The protection of international community in case of the threat of international terrorism in the context of security of the Republic of Poland as a member state of the European Union is very interesting challenge in frames of the global and European contemporary security architecture. This issue is deeply connected with the present broad phenomenon of international security, which lies at the crossroads of several academic disciplines. Security studies is thus, above all, a bridging discipline the domestic and the international, military strategy and political economy, policy studies and normative theory dealing with international terrorism. It has been the subject of through study and analysis by scholars from the fields of international relations, political sciences, peace research, international economics and history.

**Keywords:** international security, terrorism, security science, security threats

### Kwestia bezpieczeństwa Rzeczypospolitej Polskiej w kontekście międzynarodowych konwencji o zwalczaniu terroryzmu

#### Streszczenie

Ochrona wspólnoty międzynarodowej w przypadku zagrożenia terroryzmem w kontekście bezpieczeństwa Rzeczypospolitej Polskiej jako państwa członkowskiego Unii Europejskiej jest bardzo interesującym wyzwaniem w ramach globalnej i europejskiej współczesnej architektury bezpieczeństwa. Problem ten ściśle wiąże się z aktualnie występującym zjawiskiem bezpieczeństwa międzynarodowego, które łączy w sobie liczne dyscypliny naukowe. Nauki o bezpieczeństwie są zatem przede wszystkim dyscypliną pomostową, łączącą wewnętrzną i międzynarodową strategię wojskową, ekonomię polityczną, politologię i teorię normatywną dotyczącą terroryzmu międzynarodowego. Problemy te były przedmiotem badań stosunków międzynarodowych, nauk politycznych, badań nad pokojem, ekonomii międzynarodowej i historii.

**Słowa kluczowe:** bezpieczeństwo międzynarodowe, terroryzm, nauki o bezpieczeństwie, zagrożenie bezpieczeństwa

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<sup>54</sup> W. Fehler, *Przestępczość zorganizowana – polski wymiar globalnego problemu* [in:] *Współczesne problemy globalne a bezpieczeństwo europejskie*, ed. J. Tymański, Toruń 2001, p. 114.