

# NATO ACTIVATED ARTICLE 5 OF NORTH ATLANTIC TREATY. ROMANIA – AN ACTIVE FACTOR OF ANTITERRORIST COALITION

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The first year of the new century and millennium was marked by events with a tremendous impact on the *International Law and International Relations*<sup>1</sup>. For a couple of hours – in the morning of September 11, 2001 – America was *in a state of shock*<sup>2</sup>, following the impact of unprecedented terrorist attacks<sup>3</sup>. This state of shock could be felt all over the world<sup>4</sup>. A new type of conflict – totally differing from the classical conflicts<sup>5</sup> – had been: a. designed; b. organized to the smallest detail<sup>6</sup> and c. carried out on the territory of the most powerful state in the world under *unimaginably dramatic*<sup>7</sup> circumstances. President George W. Bush defines the

terrorist attacks in New York and Washington as a *national tragedy*<sup>8</sup>, and the president of the Russian Federation, Vladimir Putin, called terrorism *the plague of the century*<sup>9</sup>. The dramatic events of September 11, 2001 brought to world consideration one of the most terrifying phenomena: terrorism, with one face seen and one unseen, with terrible and unique destructive effects in the everyday life of the people. Such events force the world leaders, the international organizations and the men of science to give due attention to such phenomena, and, above all, *to decode their real causes*, so that fighting them could be efficient<sup>10</sup>.

## § 1. Terrifying effects

The terrifying effects of the terrorist attacks in New York and Washington, and especially their impact on the millions of

Americans, on Europe and on the rest of the world are difficult, if not impossible, to assess<sup>11</sup>.

### 1.1. September 11, 2001 – the day America and the world shook

1.1.1. That sunny September day – the day after feasting Labor Day – terrorism brought black clouds in the American sky. Planes hijacked by terrorists, filled with American passengers, were suicidally driven towards the American symbols, World Trade Center and the Pentagon<sup>12</sup>.

1.1.2. On September 11, 2001 New York and Washington were frontally hit. Thousands of people were killed during the terrorist attacks. The activity in both

metropolises stopped. During salvation works and when searching for the victims – immediately after the impact of the kamikaze planes – many of the savers were killed on duty, as an effect of the Twin Towers collapsing<sup>13</sup>.

1.1.3. People were terrified, insecurity set in all over, flights were suspended<sup>14</sup>.

Thousands of passengers cancelled their flights, having recourse to other means of transport considered safer<sup>15</sup>.

## 1.2. An attack against democracy and civilization

1.2.1. Tony Blair, Prime Minister of Great Britain; Gerhard Schroeder, Germany's Chancellor; Jacques Chirac, President of France; Vladimir Putin, President of Russian Federation – declared that the terrorist attacks in New York and Washington were not headed against America, but against *democracy and civilization*<sup>16</sup>.

1.2.2. Friedrich Schiller<sup>17</sup> – one of the greatest German thinkers, and Percy Bysshe

Shelley<sup>18</sup> – a reputed British analyst, claimed attention, more than one hundred years ago, that nothing can justify murder, the destruction of human creation, violence and aggression.

1.2.3. On September 11, 2001, there, in New York and Washington, took place the most violent terrorist attack in history, called by Colin Powell – American State Secretary – an act of war *directed against the values of democracy*<sup>19</sup>.

## 1.3. Psychological terrorism

1.3.1. The psychological impact of the events of September 11, 2001 on the American people is particularly powerful. People are worried, expecting new terrorist attacks, as serious as those on September 11, or even worse<sup>20</sup>.

1.3.2. The general prosecutor of the USA declared that terrorism is a clear and topical threat and that *information available*

*in FBI indicates the fact that there is a risk of future attacks*<sup>21</sup>.

1.3.3. Certain data exist that the terrorists experimented non-conventional mass destruction weapons<sup>22</sup>. The phobia of bio-terrorism contaminated the world. All over the USA gas masques and antibiotics have been massively bought. A book on biological weapons was sold in millions of copies.

## § 2. An unprecedented coalition

On September 20, 2001, in his statement in front of the Congress, President

George W. Bush called to a great international coalition against terrorism<sup>23</sup>.

### 2.1. You're with us or you're with the terrorists!

2.1.1. In this speech, President Bush addressed a firm message to the nations of the world, asking them to join the antiterrorist coalition<sup>24</sup>.

2.1.2. *Each country must now decide: You're with us or you're with the terrorists!*<sup>25</sup> *From now on – declared the American president – any country that will continue to*

*shelter or to support the terrorists, will be considered, by the United States, a hostile regime*<sup>26</sup>.

2.1.3. The member states of the European Union, the Russian Federation, China and many other countries joined *the great international coalition against terrorism*<sup>27</sup>.

### 2.2. Nato activated Article 5 of North Atlantic Treaty

2.2.1. For the first time – since the beginnings of the North Atlantic Treaty Organization, the Council of the Alliance decided to activate Article 5 of the treaty, which stipulates that, in case of external attack of a member state, all member states

will consider themselves attacked and will reply to such attack<sup>28</sup>.

2.2.2. George Robertson, Secretary General of NATO, expressed the active solidarity of the Alliance with the USA, in the campaign against terrorism<sup>29</sup>.

### 2.3. Romania – an active factor of the antiterrorist coalition

2.3.1. As early as the first moments, Romania acted like a member *de facto* of the North Atlantic Alliance. The Chief of the State summoned the country's Supreme Council of Defense to a crisis meeting, the very night of September 11, 2001<sup>30</sup>.

2.3.2. President Iliescu firmly denounced the terrorist acts, declaring – on September 11 – *that the human tragedy*

*which sets America in mourning is the tragedy of all mankind and once more proves that extremist actions never serve anybody's cause*<sup>31</sup>.

2.3.3. At the proposal of the Chief of the State, Romania's Parliament approved free access of NATO to Romania's air, water and land space, for the purpose of the anti-terrorist campaign.

### § 3. An approach defining terrorism

For a long time back a definition has been attempted, which should delineate the

phenomenon and concentrate all forces for the purpose of fighting it.

#### 3.1. Two contradictory viewpoints

3.1.1. Repeated attempts for defining terrorism by the United Nations Organizations and of other international organizations were unsuccessful, as a consequence of the fact that there are two points of view, hard to reconcile, regarding such phenomenon.

3.1.2. The representatives of number of States are against defining as terrorist act the desperation of people who sacrifice their lives for freedom, for national independence and social liberties, saying that the line between such and terrorism-proper is hard to draw<sup>32</sup>. They think that in the name of anti-terrorism

*the fight for national liberty is counteracted*<sup>33</sup> and the establishment of new independent States based on sovereignty thereof.

3.1.3. In 1972, the UNO General Secretary claimed – in a study imparted to the organization – that naming an act *international terrorism requests that the interests of more than one State should be thereby affected*. The UNO's General Assembly – through Resolution 3034/XXVII; and others – denounced terrorism and called to *international co-operation, with a view to fight such phenomenon*.

#### 3.2. The need for a comprehensive definition

3.2.1. On September 14, 2001, the European Union stated that a *definition of terrorism is imperative considering the expansion of the dangers of terrorism entails so that a proper juridical framework for international counterattack of terrorism*<sup>34</sup> should be elaborated.

3.2.2. The session of UNO's General Assembly set debate on proper definition of such phenomenon on its agenda. But on

October 11, 2001, the UN General Secretary, Kofi Annan, brought to public knowledge the fact that *prior difficulty is continuing and that is difficult to reach a common view*.

3.2.3. At present, the opinion is always more widely accepted that legitimacy of a cause does not justify, per se, recourse to forms of violence, especially against the innocent.

### § 4. Complex causes of continuing tension in international relations

Recent international debate calls the attention to the fact that the causes of terrorism should be urgently, properly and seriously analyzed, as so far only the effects thereof have been overemphasized.

More and more insistent are those who claim that the real causes are not considered, not revealed and *the necessary political will for their eradication is null*.

#### 4.1. Poverty – in an unprecedented expansion

4.1.1. During the latest 10-15 years, poverty expanded rapidly over all the areas of the developing countries. Today a few countries benefit from the fruits of wealth, while over 50% of the planet's population struggles to survive under subsistence threshold<sup>35</sup>.

4.1.2. The opinion is always more widely heard that rich countries have

perfected means and methods through which they exploit mercilessly both nature resources and labor of the developing countries.

4.1.3. Today we hear always more frequently claimed a real economic terrorism. Many people take their lives, exasperated that they lack food for their children.

#### 4.2. Foreign troops on the territory of sovereign States

4.2.1. If after World War II several countries fought against USSR maintaining troops on their territories, nowadays always more insistently the appeal is heard to withdrawal of foreign troops settled on the territory of sovereign states.

4.2.2. The presence of foreign troops is negatively perceived, such troops being considered, by the vernacular peoples, occupation troops.

#### 4.3. Disrespect for the peoples' nature and dignity

4.3.1. In a democratic system, each people – large, middle-sized or small – must have the respect of all the others.

4.3.2. Subordination of peoples by violent means, by force and by threat of

force, comes against the imperative principles and norms of international law.

4.3.3. Immediately after World War II, peoples denounced *Soviet hegemony in virtue of the fact that the nations must be respected*.

### § 5. *Fighting terrorism through all possible means. War – the last recourse*

There is, today, a large international consensus regarding the necessity of firm and consistent combat of terrorism so that

the guilty parties should be as soon as possible brought to justice and held accountable.

#### 5.1. Proper means against unconventional confrontation

5.1.1. The terrorist had recourse to unconventional means. They may appear when you least expect and they may stage attacks beyond imagination, like in Moscow, in October 2002.

5.1.2. That is why such confrontation must be made properly: through, firstly, recourse to Intelligence and Counter-Intelligence service; by cutting financing of terrorism; by destruction of their headquarters and logistics; and so on.

#### 5.2. Infinite Justice

5.2.1. The American authorities' call for justice has to be done in natural<sup>36</sup>. The terrorists must be brought to justice and rigorously sentenced, based on legal norms<sup>37</sup>.

5.2.3. International co-operation is imperative to such effect. All specific bodies should concur to find out and punish the guilty parties<sup>39</sup>.

5.2.2. To find out the terrorists and bring them to justice, all legal means available to the bodies due should be used<sup>38</sup>.

### 5.3. Homo res sacra homini

5.3.1. Infinite Justice has got nothing to do with killing the innocent<sup>40</sup>, for – as Lucius Annaeus Seneca said – man is sacred to man (Homo res sacra homini)<sup>41</sup>.

5.3.2. In the effort of fighting terrorism, always more voices are heard claiming that war should be the last choice<sup>42</sup>, for in the name of defending human rights of some people we will – by no means – accept the assassination of even one unique innocent<sup>43</sup>.

5.3.3. The large coalition against terrorism has all the necessary means available, to discover and punish those guilty for committing terrorism. All the States engaged in such fight – Romania included – have taken upon themselves to do away with terrorism, to find out the terrorists and to bring them to justice, so that an end should be put to this tragic phenomenon that humanity is confronted with at the beginning of the century and of the millennium<sup>44</sup>.

<sup>1</sup> The imperative principles and norms of international law have been violated; international relations have been questioned, under the impact of events hard to imagine and assess.

<sup>2</sup> *Boston Herald*, September 12, 2001.

<sup>3</sup> *Washington Post*, September 12, 2001.

<sup>4</sup> *The Independent*, London, September 12, 2001.

<sup>5</sup> With the enemy known; with military forces easy to assess; with fighting means more or less powerful.

<sup>6</sup> Proving the capacity of the forces implied and of important resources, material and human, available.

<sup>7</sup> The reason why all political analysts have defined those events as an American tragedy.

<sup>8</sup> George W. Bush, *Statement on 11 September, 2001*, Washington D.C.

<sup>9</sup> Vladimir Putin, *Statement on 11 September, 2001*, Moscow.

<sup>10</sup> Dumitru Mazilu, "Combaterea terorismului", in *Palatul de justiție*, New series, No. 10, 2001.

<sup>11</sup> *Washington Post*, September 11, 2001; *Boston Herald*, September 11, 2002.

<sup>12</sup> That synchronous action – in New York and Washington – took American Intelligence by surprise.

<sup>13</sup> *New York World Trade Center Twin Towers were destroyed just days after special safety procedures were interrupted, after they had been applied for two weeks, following numerous threat phone calls* (Daria Coard, *Newsday*, September 12, 2001).

<sup>14</sup> *Boston Herald*, September 13, 2001.

<sup>15</sup> Dumitru Mazilu, "Căderea dramatică a industriei aeriene" in "Impactul terorismului asupra comerțului internațional. Cunoașterea și eradicarea cauzelor, condiție sine qua non a eliminării efectelor fenomenului", *Revista de drept comercial* No.10/2001, p.129 and following.

<sup>16</sup> Statements made on September 11 and 12, 2001.

<sup>17</sup> Friedrich Schiller was born in 1759 and passed away in 1805. He taught moral history at University of Jena. He authored reference works like *Ideal and Life; Grecian Gods; Of Grace and Dignity*; and so on.

<sup>18</sup> Percy Bysshe Shelley was born in 1792 and passed away in 1822. Among his works: *Ode to Liberty; The Masque of Anarchy; The Revolt of Islam; Prometheus Unbound*.

<sup>19</sup> Colin Powell, *Statement on September 11, 2001*: "The people of America – declared State Secretary of the US – clearly understand that this is war. It's how they see things and you can't see them otherwise, whether it is more or less correct legally". *Reuters*, September 12, 2001.

<sup>20</sup> Hohn Ashcroft called to attention that *there may still be terrorist cells on the territory of the USA, that is the risk of new terrorist attacks* (*Statement on September 20, 2001*).

<sup>21</sup> *Ibidem*.

<sup>22</sup> We are not prepared to face the most terrible of the scripts – an attack with a virus of smallpox, which will lead to world epidemics. Our stocks of anti-smallpox vaccine have not been refilled. (Philip Russel, Professor at Johns Hopkins University, *Statement on September 20, 2001*).

<sup>23</sup> George Walter Bush, *Statement before the US Congress*, Washington, September 20, 2001.

<sup>24</sup> *Ibidem*.

<sup>25</sup> *Ibidem*.

<sup>26</sup> “Our answer – said president Bush – will imply more than a spontaneous reply and isolated coups. The Americans must not accept one unique battle but a long unprecedented campaign. This campaign will comprise spectacular coups, which will be shown on television, but also secret operations which will remain hidden until they succeed”. (*Ibidem*)

<sup>27</sup> Gathered in an extraordinary meeting, the chiefs of state and government of the Member States of the European Union expressed their firm will to cooperate with the United States of America, for bringing to justice and punishing the authors, those responsible for, and those accomplices with the barbarous acts, on September 11, 2001. (Final statement of the reunion of state and government chiefs, Bruxelles, 2001, September)

<sup>28</sup> George Robertson, *Statement on September 12, 2001*.

<sup>29</sup> *Ibidem*.

<sup>30</sup> *I firmly disapprove terrorism as a method for achieving political, economic or social objectives* (Ion Iliescu, “Declarația în legătură cu atacurile teroriste din Statele Unite”, in *Adevărul*, September 12, 2001).

<sup>31</sup> *Ibidem*. See also Declarația premierului Adrian Năstase, Romania condemns the terrorist attack on the USA, *Adevărul*, September 12, 2001.

<sup>32</sup> Bashar al-Asad, president of Syria, thinks that the term terrorist should be defined so that no possible confusion could be made with the case of fighting terrorism for freedom.

<sup>33</sup> A viewpoint supported by many countries under development.

<sup>34</sup> Statement of the chiefs of state and government, as adopted in Bruxelles on September 21, 2001.

<sup>35</sup> 225 of the richest persons of the world own together over one trillion dollars which equals the yearly income of half the population of the globe; the property of the richest three is larger than yearly economic produce of the poorest 48 countries of the world (Lester Brown, Christopher Flavin, “O nouă economie pentru un secol nou”, in *Starea lumii 1999*, Editura Tehnică, București, p. 39)

<sup>36</sup> Infinite Justice was insistently requested after tragedy of September 11, 2001.

<sup>37</sup> Based on hard evidence of clear guilt.

<sup>38</sup> Police, prosecutors office, courts of law.

<sup>39</sup> Cooperation is one of the fundamental principles in International Law, whose application in this field is necessarily compulsory.

<sup>40</sup> Which *in a war cannot be avoided*.

<sup>41</sup> Lucius Annaeus Seneca was born in 4 B.C. and passed away in 65 A.D. Philosopher and Roman statesman. Author of *Medea*, *Phaedra*, *Letters to Lucilius*.

<sup>42</sup> See the opinion of one of the most respected war correspondents, John Pilger, in *The Mirror*, October, 2001. See also the excellent analysis made by Cătălin Popa, “Starea de război”, in *Curentul* of October 9, 2001.

<sup>43</sup> Dumitru Mazilu, “Considerațiuni introductive – promovarea principiilor și normelor dreptului internațional în relațiile internaționale”, in *Dreptul Internațional Public*, p. 5 and following.

<sup>44</sup> Whose annihilation implies knowing and combating the causes (*Palatul de justiție*, no. 10/2001).