

The Role and Approach of United Nation Organisation towards Tackling International Terrorism: A Critical Analysis

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ABSTRACT:

The role and approach of United Nation Organization has been questionable at global level. Due to the action of terrorism had created hue and cry at international level, all countries bother about sanctity of U N. The organs of U N has working for creating and maintain peace and security at the global level specifically Security Council and General Assembly. the UN has taken a leading role in the task of combating and eliminating international terrorism. The global integrated response to terrorism undoubtedly demands participation from this organisation and this requires the adoption of normative measures with universal scope and content. The UN has been occupied with terrorism-related matters for a long time now, but this ongoing activity has intensified in recent years. Of course all the organs of the UN in one way or another participate in the adoption of different types of counter-terrorism measures or they make statements about terrorism.

I. INTRODUCTION

"Terrorism may be a gathering storm, but the international response is gathering steam. No cause or grievance can justify terrorism. Let me stress again the determination of the United Nations is to rise to a global, cross-border challenge that seeks to do such harm to us all."

Secretary-General Ban Ki-moon's statement to the Security Council,

27 September 2010

Terrorism is and will continue to be one of the major threats to international peace and security. Terrorism is a complex and global phenomenon and no country should underestimate the threat it poses to all. Multilateralism and concerted action with a central role of the UN is the key to fight terrorism in a unified and coordinated way. It was, however, not long after the UN's formation, when the use of terrorism and the proliferation of terrorist organizations soon became a source of concern, as civil aviation and safety of individuals became increasingly under threat from murder, kidnapping and hijacking.

But after 1990's, the UN has taken a leading role in the task of combating and eliminating international terrorism. The global integrated response to terrorism undoubtedly demands participation from this organisation

and this requires the adoption of normative measures with universal scope and content. The UN has been occupied with terrorism-related matters for a long time now, but this ongoing activity has intensified in recent years. Of course all the organs of the UN in one way or another participate in the adoption of different types of counter-terrorism measures or they make statements about terrorism.¹ Along with that the UN and related agencies have helped to develop eighteen universal legal instruments², outlawing various terrorist acts (attacks on aircraft, airports, diplomats, maritime navigation and fixed platforms, and nuclear material and the taking of hostages) or requiring states to mark plastic explosives, suppress terrorist bombings, and curb terrorist financing. Also it has been so for several decades, as well as in earlier historical moments, such as the late nineteenth century and early twentieth century years of anarchists. A serious act of international terrorism may therefore be “a threat to international peace and security,” in the formal language of UN Security Council in a finding of 2001. International terrorism is also a breach of all traditional international law, which is a second reason why the global community is compelled to care. As the UN recognized in one of its Security Council resolutions (No. 1189, in 1998), “Every state has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another state or acquiescing acts.” Third, and quite simply, the largest and strongest enemy in the current global efforts against terrorism is al-Qaeda, and now ISIS, both are distinctly international in their operations, targeting, and recruitment.³

In this paper author examines the strategic context and role of UN in counterterrorism. It goes on to look at what constitutes the UN’s counter-terrorism system and how it works. Along with that this article also provides a detailed analysis of international legal instruments against terrorism. It also explores the situation of the UN in the wake of the events of September 11, 2001 and International responses to them. On that basis, it looks ahead to possible problems and issues for the world organization in its continuing attempts to counter terrorism. The author concludes with an initial exploratory examination of issues related to financing of terrorism and the problems faced by the UN in implementing various resolutions and in general combating terrorism.

II. UN GLOBAL COUNTER-TERRORISM SYSTEM

Before the terrorist attacks of 11 September 2001, the UN (UN) played a very small part in counter-terrorism efforts. The General Assembly had failed numerous times to negotiate a convention outlawing terrorism, though its members had successfully negotiated 14 international conventions banning a number of terrorism-related activities. While the Security Council reacted to several terrorist events since its founding, its permanent members did not think of terrorism as a threat to international peace and security. A majority of UN members

¹Castor Miguel Diaz-Barrado, “The Definition of Terrorism and International Law,” in *International Legal Dimensions of Terrorism*, ed. Pablo Antonio Fernandez-Sanchez (Netherlands: Nijhoff, 2009), p.37.

² Eighteen universal instruments (fourteen instruments and four amendments) against international terrorism have been elaborated within the framework of the UN system relating to specific terrorist activities, See, UN main page, <http://www.un.org/en/terrorism/>

³Christopher C. Harmon, *Terrorism Today*, 2nd edition (London, New York: Routledge, 2008), p.150.

shared this opinion, emphasizing that it was a problem that could be best addressed at the national level. Many states did not ratify the General Assembly's conventions dealing with terrorism. As a result, the UN's role in counterterrorism before 11 September 2001 was very informal, encouraging, rather than requiring, members to combat terrorism.

The attacks of 11 September transformed the UN's role on counter-terrorism. Using its quasi-legislative powers, the Security Council passed resolutions 1368 and 1373 establishing the three pillars of the current global counter-terrorism system or we can say three fields of activity that will be outlined here: First, is the counterterrorism, which deals with the efforts of the UN's specialised agencies and the member states. This pillar is based on Resolution 1368's principle that states have a right to self-defence when attacked or threatened by terrorism groups or state supporters of terrorism.⁴ The second pillar is the establishment of a universal counterterrorism legal framework. According to Resolution 1373, the Security Council obligates all states to criminalize terrorism, to ratify the 14 international conventions, and to modify their counter-terrorism laws in accordance with international best practices.⁵ The treaties now in force give strength to UN efforts, and the concerted work to put an end to the financing of terrorism. These are all huge operations. In the UN, member states, meeting in both the Security Council and the General Assembly, have called for intensified international action and cooperation. In other words, the Security Council has required all states to build their capacity to fight terrorism at the domestic level in order to constrain terrorist groups' ability to operate globally. The final pillar is Counter-Terrorism Committee (CTC), established following the Security Council's adoption of Resolution 1373 and the Counter-Terrorism Executive Directorate (CTED), a specialized staff created in 2004 by the Security Council to assist the CTC's efforts. The CTC and CTED are subsidiary bodies of the Security Council. Thus, the Security Council is at the system's center. These bodies' role is to collect and analyze data on states' compliance efforts. The CTC and CTED do not provide technical assistance or set the standards that inform states' counter-terrorism operations. In addition, the Security Council has argued that if all states adapt their legal infrastructure in accordance with international law and emerging best practices, it would improve inter-state co-operation on counter-terrorism efforts.

The UN is never just a talking shop. "The General Assembly is a forum with power to devise treaties, acts and conventions; the Security Council of 15 members is the executive arm of the Organisation. The 193 member states are obliged to observe conventions and resolutions after they have been voted into effect. The General

⁴UN Security Council Resolution 1368 (2001), Retrieved January 02, 2011, from www.un.org/terrorism/securitycouncil.shtml

⁵UN Security Council Resolution 1373 (2001), Retrieved January 02, 2011, from www.un.org/terrorism/securitycouncil.shtml

Assembly is now developing new international legal instruments, in addition to 14 anti-terrorist international instruments already in operation".⁶

III. THE UN ACTIONS ON TERRORISM

The UN's long standing involvement in efforts to combat terrorism has been traditionally approached through establishing international norms already discussed above that treated terrorism as a crime. But already in 1990s and especially after the attacks on US embassies in Africa in 1998, the UN began to consider terrorism as a serious threat to international peace and security, and the Security Council began to impose sanctions on states that it had reason to believe were sponsoring or giving sanctuary to international terrorists. Along with Security Council, the General Assembly (GA) has played the dual role of developing a normative framework on terrorism and encouraging cooperative action among states. While the UN Security Council (UNSC) might concentrate on preventing acts of terrorism through cooperation between the security, law enforcement and border control authorities, the GA can mould the global response to terrorism through its power of budgetary allocations.⁷ But the events of 9/11 gave further impetus to efforts in the Assembly, led by India, to draft a comprehensive convention against all aspects of terrorism. This remains, however, an elusive goal. It appears unlikely that the drafting issues can be resolved until substantial progress has been made toward a durable peace in the world. Terrorism, it seems, must still be addressed in pieces at the UN. The biggest piece of the puzzle after 9/11, of course, was dealing with the Taliban leadership and their al-Qaeda allies in Afghanistan. Security Council resolution 1368, passed unanimously the day after the attacks on the U.S. (and with France presiding over the Council), acknowledged "the inherent right of individual or collective self-defense in accordance with the Charter," words that confirmed that Council members would not seek to block a measured U.S.

IV. ROLE OF THE SECURITY COUNCIL

International terrorism has been a concern of UN member states since the late 1960s. It was placed on the Security Council's agenda in the early 1990's. Since the early 1990s, the Security Council has been consistently dealing with terrorism issues. On January 31, 1992, at the council's first-ever meeting of heads of state and government, the members of the council "expressed their deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts." In March 1992, the council backed up this rhetorical commitment with action and adopted mandatory sanctions against Libya, Chapter-3 99 which was accused of involvement in the terrorist bombing of two commercial airliners. This was

⁶David J. Whittaker, *Terrorism: Understanding The Global threat* (London:Pearson,2002), P.187

⁷M. J. Petersen, "Using the General Assembly", in *Terrorism and the UN: Before and after 9/11*, ed. Boulden and Weiss (Bloomington, IN: Indiana University Press, 2004), pp. 173-97.

a first. The Security Council would impose sanctions to fight terrorism on two other occasions in the 1990s—in 1996 against the Sudan and in 1999 against the Taliban regime in Afghanistan. Throughout the 1990s, economic sanctions were the main policy instrument employed in the campaign against terrorism. By imposing sanctions on Libya, Sudan, and the Taliban in Afghanistan, the Security Council not only sought the extradition of certain individuals but also hoped to send a more general message and to change the behaviour of state sponsors of terrorism. Washington in particular viewed "this type of concerted multilateral response to terrorism as an important deterrent to states considering support for terrorist acts or groups.

V. ROLE OF GENERAL ASSEMBLY

The General Assembly has focused on terrorism as an international problem since 1972. In the 1970s and 1980s it addressed the problem through resolutions. During this period the General Assembly also adopted two counter-terrorism related conventions: the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons in 1973 and the International Convention against the Taking of Hostages in 1979.

It was in December 1994 that the Assembly once again redirected attention to the issue of terrorism through a Declaration on Measures to Eliminate International Terrorism. A supplement to this Declaration established an Ad Hoc Committee on Terrorism in 1996. Since the adoption of this declaration, the Assembly has been addressing the terrorism issue consistently.⁸

The plenary organ of the UN considers the issue of international terrorism in all its sessions. Any analysis of the most significant contributions should include Resolution 49/60 which contains the statement on measures to eliminate international terrorism. After declaring that the acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the UN which may pose a threat to international peace and security, the resolution points out that States are under an obligation to suppress terrorist activities and cooperate in the prevention and combating of terrorism, in particular by creating a comprehensive legal framework. It also indicates the task which falls to international organisations in these efforts. With this text, the General Assembly gives fresh impetus to its involvement in counterterrorism which is confirmed in its subsequent resolutions.

After that, in the framework of the Assembly's Ad Hoc Committee (on terrorism) as well as the Working Group of the Sixth Committee, considerable progress has been made in the elaboration of international instruments. Since 1997, Member States have completed work on three specific counter-terrorism instruments, covering specific types of terrorist activities: the 1997 International Convention for the Suppression of Terrorist Bombings, the 1999 International Convention for the Suppression of the Financing of Terrorism, and the

⁸ UN, Main Page of General Assembly. Retrieved July 18, 2017, from [www.un.org: http://www.un.org/en/terrorism/ga.shtml](http://www.un.org/en/terrorism/ga.shtml)

International Convention for the Suppression of Acts of Nuclear Terrorism. Currently, member states are negotiating a draft comprehensive convention on international terrorism. The convention would complement the existing framework of international anti-terrorism instruments.

VI. CONCLUSION

The above discussion clearly reveals that UN involvement, in combating terrorism is increasing day-by-day, and the results, obtained so far can generally be considered satisfactory. We are approaching a universally accepted definition of terrorism or at least there are already sufficient conventions and other instruments to provide guidelines on acts and behaviours which can form part of the definition of international terrorism. The UN works unceasingly on the matter and particularly significant is the establishment of legal framework to prevent and combat terrorism. As the UN has become a key player in the global effort to eradicate terrorism, all the organization's bodies and departments, and the Secretary-General himself, are dedicated to this task.