



Terrorism and role of the United Nations

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ABSTRACT

The purpose of this paper is to lay emphasis on the remarkable role of the United Nations in combating the global issue of terrorism. The United Nations Charter, 1945 aims to maintain international peace and security. To achieve this tremendous goal, the United Nations along with the peaceful partnership of Member States needs to address the alarming issue of terrorism. This work significantly takes into considerations the various attempts of the United Nations to combat terrorism. This includes the legal instruments to prevent terrorist acts, various resolutions passed by the United Nations Security Council and the United Nations General Assembly, UN Global Counter-Terrorism Strategy and Counter-Terrorism Implementation Task Force. The four pillars included in the UN Global Counter-Terrorism Strategy have been dealt with in detail. Counter-Terrorism Implementation Task Force and its thematic Working Groups work for implementation of the Counter-Terrorism Strategy. These attempts by the United Nations are fruitful in knitting all nations together. In report A/71/858, released in 2017, the Secretary-General, António Guterres explores the outstanding role of the United Nations. The United Nations' approach to addressing terrorism is very thorough and noteworthy. But, there is an urgent need for a comprehensive Convention to develop to clearly give a clear pathway to fight against terrorism. Terrorism, is an international problem cannot be solely solved by the United Nations. For this, all nations need to come together and develop strong judicial machinery. They should join hands with the United Nations system to support education, equality, human rights, and awareness.

Keywords— Terrorism, United Nations, Counter-terrorism strategy, International law, Global issue

1. INTRODUCTION

The United Nations, a global organization was formed in 1945 as a repercussion of the disorderly world scenario after the end of the Second World War. This new birth was “to save succeeding generations from the scourge of war” [1] and “to maintain international peace and security [2].” Seen as a safeguard and shield to protect the world, the United Nations has a remarkable role “to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace [3].” The most lethal threat to global peace is “terrorism” and being a ‘Guardian of Global Peace and Security’, the United Nations bears a crucial responsibility.

The United Nations is being increasingly called upon to coordinate the global fight against terrorism. Since 1963, the international community has elaborated 19 international legal instruments to prevent terrorist acts.[4] In 2006, the UN Global Counter-Terrorism Strategy was adopted by The United Nations General Assembly to battle with terrorism.

On 1 February 2018, the United Nations Secretary-General and 36 UN entities, including the UN Office of Counter-Terrorism (UNOCT), as well as INTERPOL and the World Customs Organization, agreed to a Global Counter-Terrorism Coordination Compact.[5] The Coordination Compact is an agreement between 36 United Nations entities engaged in providing support to the Member States on how to counter and prevent acts of terrorism and violent extremism.[6] The international law prohibits terrorist acts of various kinds, like murder, hijacking, and destruction of property. Terrorism is like a lethal and contagious disease has spread around the world, shadowing each corner of the globe. The recent developments in science and technology have worsened the situation and given a new shape to the existing terror activities.

2. WHAT IS TERRORISM?

Terror comes from the Latin *terrere*, which means “frighten” or “tremble.” When coupled with the French suffix *isme* (referencing “to practice”), it becomes akin to “practising the trembling” or “causing the frightening.”[7] The word terrorism, in and of itself, was coined during the French Revolution’s Reign of Terror (1793–1794).[8] Terrorist acts are both *mala prohibita* acts and *mala in se* acts. *Mala prohibita* acts are “crimes that are made illegal by legislation”; *mala in se* acts are crimes “that are immoral or wrong in themselves.”[9]

Terrorism refers to gruesome criminal activities against the whole of humanity. It not only slaughters innocent bodies but also shakes the entire consciousness of the souls. It has an agenda which cannot be justified on any ground. It has no religion, race, ethnicity or colour of its own. It is ruled by inhuman violence, treachery and savagery, which no law can endorse or accept. Hence, with an illegal agenda, terrorism is only a “tool” to manipulate young minds to destroy the whole human race. The barbarous 9/11 terrorist attacks by Islamic terrorist group al-Qaeda against the United States was one of the worst terrorist attacks in the world with a death toll of 2996. [10] This incident shook the very soul of the international community, like terrorism, like a wind, could reach to any part of the globe, even to a developed, superpower like the United Nations.

League of Nations Convention (1937) defined terrorist acts as “all criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public.”[11]

Article 2 of *The Arab Convention for the Suppression of Terrorism* (1998) defined terrorism as: “Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardise a national resources.”[12]

The definition of terrorism by the *U.S. Department of Defense* is “the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.”[13]

There is not a single definition which could be considered to clearly define ‘terrorism’ in a global context. The truth, which cannot be denied, is that terrorism is a critical danger to human rights, fundamental freedoms and democracy, integrity and security of States and the international community, which needs to be addressed by the global community seriously and diligently.

3. NEED TO COUNTER TERRORISM

Terrorism has always been instrumental in shaming global peace and humanity. The most astonishing fact is that with the advancement of technology, it has taken a unique shape like in the form of nuclear terrorism. It’s not only havoc that causes loss of lives and properties but also has a long-lasting impact on the future generations. It is truly surprising how young minds are manipulated by these terrorist groups to join their dangerous agendas. Many lose their innocent lives after becoming suicide bombers and others become master-minds of butchery. Their demonic minds are never fetched, as it is conspicuous through the journey of drastic terrorist attacks in world history.

On September 11, 2001, four coordinated terrorist attacks were carried out against the United States by al-Qaeda, an Islamist extremist group.[14] Almost 3,000 people were killed during the 9/11 terrorist attacks, which triggered major U.S. initiatives to combat terrorism and defined the presidency of George W. Bush.[15] In 2001, post-9/11 terrorist attacks, the United Nations Security Council adopted Resolution 1373 and unequivocally condemned the ghastly incident. The resolution aimed to deter such terrorist attacks as they pose a grave threat to “international peace and security”, is contrary to principles of the United Nations. It reiterated Article 51 of the United Nations Charter by recognizing collective self-defence or inherent right of the individual to combat terrorist attacks. The State should prohibit terrorist financing and supply of weapons for terrorist attacks. The State should deny a ‘safe haven’ to the terrorists and prevent movement of terrorists by effective border controls. The State should criminalize such terrorist acts by bringing the perpetrators and accomplices to justice, establish such acts as “serious offences” under domestic laws and punished duly.

The most significant feature of this resolution is that it imposes ‘collective responsibility’ on all States to work together to suppress terrorism. This “international cooperation” is a vital necessity to battle with terrorism.

There is often an international dimension to a particular attack. Sometimes this is planned in one country, the materials for the bombs are procured in a second country, the operatives to carry out the attack are recruited in a third country and the bombing happens in a fourth country. There are many examples of this phenomenon but one would be the attacks in Paris on 13 November 2015 on the Stade de France, the Bataclan nightclub and several restaurants. These were planned in ISIS-controlled Syria; they were led by a Belgian national, and the weapons and vehicles involved were procured in Brussels. In terror attacks such as this, the authorities in the target country can only disrupt the plot if they have cooperative arrangements in place with neighbouring countries in the relevant technical fields. The UN is in a position to facilitate such arrangements.[16]

Due to the advancement of the Internet, the terrorist activities are becoming more dangerous as work under the cover cyberspace and difficult to locate. To gather such cyber data, the need for international cooperation is required and thus, the role of the United Nations comes into the picture.

4. INTERNATIONAL LEGAL INSTRUMENTS TO PREVENT TERRORIST ACTS

Since 1963, the international community has elaborated 19 international legal instruments to prevent terrorist acts. Those instruments were developed under the auspices of the United Nations and the International Atomic Energy Agency (IAEA), and are open to participation by all Member States. [17]

These international legal instruments have played a vital role in recognizing the various acts and categorizing them as “criminal acts.” They have introduced coherence to the world regarding the acts which fall into the category of “terrorist acts.” They could

assist the Member States in developing domestic laws and an efficient criminal justice system to penalize the offenders involved in terrorist activities.

Some of the important areas relating to terrorist acts are:

- (a) **Civil Aviation:** *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation [18]* (Beijing Convention), 2010, criminalizes the acts of using civil aircraft for the purpose of causing death, injury or to release or discharge any biological, chemical or nuclear (BCN) weapon on board or against civil aircraft.
- (b) **Taking of Hostages:** Article 1 of *International Convention against the Taking of Hostages [19]* (1979) criminalizes the offence of “hostage-taking,” which is constituted when any person seizes or detains and threatens to kill, or injure another person (“hostage”) in order to compel a third party (like a State) to do or abstain from doing any act as a condition for the release of the hostage.
- (c) **Maritime Navigation:** Article 3 of *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation [20]* or SUA Act (1988) criminalizes the unlawful and intentional acts of any person who seizes or destroys or endangers navigation of a ship by force or threat or performs an act of violence against a person on board a ship.
- (d) **Terrorist Bombing:** Article 2 of 1997 International Convention for the Suppression of Terrorist Bombings [21] Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility.

5. STRATEGY OF THE UNITED NATIONS

In 2005, the United Nations General Assembly adopted *World Global Outcome*, which imposed responsibility on the State “to ensure that any measures are taken to combat terrorism comply with their obligations under international law, in particular, human rights law, refugee law and international humanitarian law.” [22] In order to ensure this, the General Assembly was to adopt a mandate to develop a counter-terrorism strategy. Subsequently, in 2006, the General Assembly adopted the “United Nations Global Counter-Terrorism Strategy” and significantly asserted that terrorism should not be associated with any religion, nationality, civilization or ethnic group. The need for the strategy was to address the conditions conducive to the spread of terrorism. The General Assembly reviews the Strategy every two years, making it a living document attuned to Member States’ counter-terrorism priorities. [23] The annexure to this include a plan of action and describes the 4 Pillars of the Strategy. The plan of action condemns terrorism and affirms that terrorism cannot be justified, “whatsoever reason” maybe. It imposes a duty on the Member States to take urgent action to combat terrorism by being parties to Convention and Protocols on International terrorism, implementing resolutions passed by the General assembly and Security Council to combat Terrorism and comply with International Law.

The Four Pillars of Counter-Terrorism Strategy are:

(i) Measures to address the conditions conducive to the spread of terrorism

The first pillar lays emphasis on “global mutual respect”, dialogue and tolerance among the States to stabilize international cooperation and understanding. The striking feature is that it aims at eradicating poverty and ‘youth unemployment’ which could lead to civilians becoming prey to being recruited as terrorists.

(ii) Measures to prevent and combat terrorism

The second pillar highlights the importance of “Mutual Judicial Assistance” to fight against terrorism. It directs States to make ensure its territories are not used as “terrorist installation camps.” States should develop a proper legal framework to prosecute the perpetrators and enter into Extradition agreements. States should combat terrorism-related crimes like drug trafficking, illicit arms trade and smuggling of nuclear materials. It’s the duty of States to ensure Asylum seekers do not engage in terrorist activities before granting asylum. They should create regional and sub-regional organizations to counter terrorism. The most magnificent measure is regarding the positive use of “Internet” to curb terrorism by:

- (a) Coordinate efforts at the international and regional levels to counter terrorism in all its forms and manifestations on the Internet;
- (b) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard; [24]

Another remarkable measure is that the States should ensure the security of manufacture and issuance of Identity and Travel Documents and prevent fraudulent and alteration of such documents. As most of the terrorists escape through different countries illegally and with forged identity documents, this measure could be really effective.

(iii) Measures to build States’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

The third pillar talks about the coordination of the Member States and the United Nations system to combat the issue of terrorism. It encourages the Member States to make voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects and take advantage of the framework by relevant international, regional and subregional organizations to counter terrorism. ‘Regular informal meetings’ to be conducted for the exchange of information on the corporation and technical assistance among member States and the United Nations system. Member States o encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism. To combat money-laundering and the financing of terrorism they should support the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization. States should build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials with the support of the

International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons. They should encourage the World Health Organization to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists. To encourage the United Nations to work with the Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. A significant aspect of this pillar is that it recognizes the importance of developing public-private partnerships in this area.

(iv) Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

The final pillar states that protection of human rights and the rule of law is essential to all components of the strategy. It lays emphasis on the need to protect the rights of victims of terrorism. It imposes a duty on all States to become parties to core international instruments relating to human rights law, refugee law and international humanitarian law.

Firstly, it deals with the establishment of an effective and constructive criminal judicial system to punish and cause a deterrent effect on Terrorism.

Member States should develop and maintain the rule of a law-based national criminal justice system that can ensure due respect for human rights and fundamental freedom.

Secondly, it promotes the preservation of human rights, which are inherent for human existence. Member States should support the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to contribute to its work on the question of the promotion and protection of human rights for all in the fight against terrorism.

6. SUGGESTIONS

As terrorism is not concentrated in a specific area or country, it is a universal menace. This ‘global war against humanity’ cannot be tackled alone by a single nation. This can be achieved when all nations came together and thrive to achieve the goal of a ‘safe haven’ for all citizens, preserving the rule of law and human rights. Although there are several discords among nations regarding several issues, terrorism needs to be addressed with mutual collaboration, trust and partnership. An international judiciary should be developed to resolve terrorism-related issues. Extradition laws should be efficient enough to bring terrors to justice and prevent a miscarriage of justice due to internal and diplomatic conflicts among the countries. Member Nations with the aid and assistance of the United Nations should frame a single and comprehensive dealing with terrorist acts, punishment and obligations of Member States.

At the national domestic level, the Nations should evolve strict and efficient laws to prosecute a terrorist. Special Courts should be created to try cases related to terrorist acts, to provide speedy judgments. They should be watchdogs to monitor that their territories are not misused as grounds for terrorist camps and financial hubs. The pungent strategy of terrorists is to exploit young minds to execute their lethal agendas. To counter this, nations should provide opportunities for education, employment and proper health services. Gender equality and women empowerment should be promoted so that girls and women do not end up turning a ‘suicide bombers.’ Education and awareness should act as weapons to fight terrorism. Each pen should replace a bomb in the minds of youngsters.

Although terrorism is countered with ‘use of force’ in self-defence, it should not exceed beyond, destroying human rights in the mask of a counter-terrorism operation. The United Nations should monitor that no nation violates the laws of International Law while executing such operations. Terrorist groups fabricate the minds of people using the Internet, which can also be used to generate an anti-terror awareness. Such awareness can help to save gullible minds by nipping terrorism in the bud.

We should not let the voices of victims and survivors of terrorist acts be overlooked. Let them become our strengths and inspiration to lift up, fight and unite against terrorism.

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