

The United Nations and International Terrorism

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Abstract

This thesis investigates the United Nations' (UN) response to international terrorism. It is an examination of the history of the UN's approach to international terrorism from 1945 to 2005. Through a critical analysis of the UN General Assembly (GA) and Security Council (SC) resolutions, this research helps build a comprehensive view of the UN response to international terrorism. It shows how the UN has enhanced the formulation and advancement of international norms and principles governing terrorism.

This thesis argues that three distinct discourses: Sympathy, Ambivalence, and Combat have shaped the UN's response to the issue since 1945. However, based on varying interpretations of the UN Charter and human rights, these discourses responded to international terrorism differently. While, given different motivations behind terrorist acts, the first discourse recognized the use of terrorist methods for specific purposes, the last one condemned terrorism under any conditions. The Ambivalence emerged in the period of transition from Sympathy to Combat. In spite of major shifts and differences, some threads, such as the emphasis on human rights, the values and principle of the UN Charter, and international cooperation can be discerned, stretching from 1945 to 2005.

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Introduction

Terrorism strikes at the very heart of everything the UN stands for. It is a global threat to democracy, the rule of law, human rights, and stability, and therefore requires a global response. The United Nations has an indispensable role to play in providing the legal framework within which the international campaign against terrorism can unfold. (Annan 2004)

This research examines the history of the United Nations' (UN) response to international terrorism. This is an investigation of the developments and the evolution of the UN's response to the problem from the establishment of the UN in 1945 to 2005. To this end, this research concentrates specifically on the analysis of UN General Assembly (GA) and UN Security Council (SC) resolutions.

The UN has taken many steps to deal with terrorism, but most of UN measures have been inspired and have originated from either the GA or SC's resolutions. As such, this research concentrates on a critical analysis of resolutions concerning terrorism adopted by the GA and SC. Clearly, specific political interests, particularly those of big powers, shape the content of a given resolution or the direction of a decision in the UN. However, understanding those issues lies beyond the scope of this thesis. Therefore, the specific concentration is on historical

analysis of the resolutions as a balancing act between the forces of global politics, bloc politics and specific interests.

This research argues that the UN has not maintained the same strategy for dealing with terrorism during its history. The evolution of the UN response to terrorism is not a simple linear progression. There have been fault lines along the way that have shifted the direction of the UN discourse on terrorism. The UN has regularly given in to the mood of the day. Its level of tolerance for these acts has evolved. In the early years, if the cause of national liberation and national sovereignty was served, the UN showed sympathy, but as the international system expanded, the UN has lost its tolerance for acts of terrorism. An analysis of UN resolutions on international terrorism reveals, among other shifts, two major fault lines, one in 1972 and the other one in 1992 in the discourse of the UN in relation to international terrorism. These two fault lines established three different discourses: Sympathy, Ambivalence, and Combat. These discourses have shaped the UN's response to the problem since 1945.

Literature on international terrorism differentiates international terrorism from transnational terrorism. In this regard, international terrorism refers to acts of terrorism carried out by groups connected to a sovereign state. Transnational terrorism, however, refers to terrorist actions committed by autonomous non-state actors, whether or not they enjoy some degree of support from sympathetic states (CIA 1976). Nonetheless, UN documents make no distinction between international and transnational terrorism. The term international terrorism has been used to refer to all terrorist actions that transcend national borders, whether committed by

sovereign states or non-state actors. In this research, the term international terrorism is used as defined in the UN discourse.

Concentration on UN resolutions imposes a variety of restrictions on this research, the most important of which is the absence of a formal definition for terrorism. The UN resolutions have not presented a definition for international terrorism as such, but different GA and SC resolutions have recognized specific acts such as air hijacking, hostage-taking, crimes against politically protected persons, measures against the safety of aerial transportation, and engagement in bombing as acts of terrorism. Also the UN Ad Hoc Committee on Terrorism (2001) has a general overview of possible targets, consequences, and the purpose of terrorist acts that enlightens the discussion here:

- (a) Death or serious bodily injury to any person; or
- (b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or
- (c) Damage to property, places, facilities, or systems referred to in paragraph 1 (b) of this article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or text, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act. (Comprehensive Convention [draft], Article 2-A/C.6/56/L.9, annex I.B., Quoted in Schmid 2005)

Is this possible to formulate a definition based on the above references? I feel the answer is in the positive, therefore, for the purpose of this research, terrorism is defined as the organized commission of any or a combination of the afore-mentioned acts that intends “to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act” (Ibid). In this view, any entity such as a group, movement, state and so on is

considered 'terrorist' when it commits such acts. Terrorism becomes international when one of its elements such as motivation, perpetrator, target, purpose or impact goes beyond national borders.

International terrorism began with the anarchist wave of terrorism in Russia in the 1880s (Rapoport 2004). Later on, in the 1960s, factors such as the expansion of air travel, the wider availability of televised news coverage, the emergence of international public opinion, and broad common political and ideological interests led to a major shift in international terrorism (Hoffman 1998 & Kiras 2004). In many respects, the motivation and tactics of international terrorism have undergone a transformation. Taking advantage of the processes and technologies associated with globalization, terrorist networks such as Al-Qaeda have been able to commit global terrorist actions. Moreover, new technologies have enabled terrorists to act on an increasingly more devastating scale than ever before. Furthermore, the possibility of contemporary international terrorism making use of weapons of mass destruction is even more frightening (Tilema 2002).

Examining the role of the UN in combating terrorism is important in many respects. The UN is the only global international organization, established and mandated, for dealing with threats to international peace and security. Furthermore, due to the composition of the organization and its membership, it provides the international community with the method of multilateralism for combating terrorism. Considering the global nature of international terrorism, and inefficiency of unilateral measures in combating international terrorism, multilateralism

provides the international community with legitimate and more efficient measures in dealing with terrorism.

The UN was established in 1945 “to save succeeding generations from the scourge of war” (UN Charter, Preamble). According to Article 1 of the Charter of the UN, the mandate of the UN is “to maintain international peace and security”, “develop friendly relations among nations”, “achieve international co-operation in solving international problems”, and act as “a center for harmonizing the actions of nations in the attainment of these common ends.” Influenced by the international system and the experience of two world wars, the founders of the UN mandated the organization to deal with the insecurity and violence among the member states. The global thirst for the principles and the values defined by the Charter helped the UN to become a global organization. Although the realist school of international relations has been constantly questioning the efficiency of any international security institution including the UN (Mearshimer 1995), by 2005, the UN succeeded in enforcing its position as the only global organization dealing with international peace and security.

Different GA and SC resolutions have recognized international terrorism as threat to international peace and security. Pursuant to Article 1 of the Charter, one of the main purposes of the UN is “to maintain international peace and security.” In order for the UN to deal with international terrorism, the role of the GA and the SC is of vital importance. “The General Assembly may discuss any questions or any matters within the scope of the present Charter relating to the powers and functions of any organs provided for in the present Charter” (Article 10), either brought

before it by any state, member or non-member, or by the SC (Article 11, Paragraph 2) unless a dispute or situation is being discussed by the SC. According to Paragraph 1 of Article 11, authority of the GA in maintaining peace and security does not go beyond making recommendations to the member states or to the SC. The GA shall refer to the SC questions on which actions are necessary. According to this Article, the GA can call attention of the SC to “situations which are likely to endanger international peace and security.”

Among the principal organs of the UN, the SC has been conferred “primary responsibility for the maintenance of international peace and security” (UN Charter, Article 24). More importantly, the decisions of the SC are obligatory for UN members (UN Charter, Article 25). Therefore, the decisions of the GA and the SC do not have the same weight and effect in international law. However, the GA was the first UN organ that began dealing with international terrorism. Furthermore, resolutions and declarations adopted, and conventions made by the GA prepared the ground for the action of the SC. These conventions and declarations establish the main body of international law on international terrorism. Moreover, given the regulations of the Charter and the practice of the UN, any investigation of the UN response to international terrorism would be incomplete without an examination of the measures taken by the GA in regard to the question. According to the Charter, many issues which the GA deals with may not capture attention of the SC; the SC takes action on such issues when they are brought before the SC by one of the actors mentioned in the Charter. Further, the SC’s first action against international

terrorism took place in 1992 i.e., 20 years after the first GA resolution on international terrorism.

The twentieth century, especially the years following World War II, is recognized as the age of a dramatic increase in the number of international governmental and non-governmental organizations. The emergence of these international organizations is seen as a direct response to the rise of issues and problems which demand international co-operation. The increasing trend of international common issues, especially in the second half of the 20th century, led to awareness about the global community (Iriye 2002). Modern technologies of communications played an important role in this progress. In the early 20th century, some intellectuals had viewed modern technology as a factor that could remove violence and establish peace in the world. They had anticipated that

[A]ssassinations and acts of terror were declining so much that in the future the subjects would be interesting to historians or antiquarians only! What was the explanation for that development? Modern technology had made our world so complex that we had become largely invulnerable to determined actions of individuals or small groups! (Rapaport 1982, xi, original emphasis)

Contrary to this wishful thinking, modern technology transformed or helped the mutation of the old forms of violence especially terrorism. Terrorism as the application of illegitimate violence targeting civilians for political purposes has a long history (Laqueur 2001). Some experts have discovered the first signs of terrorism in ancient Greece and the Roman Empire as well as the scriptures of Judaism, Christianity and Islam (Laqueur 1999, Sinclair 2003). Systematic

terrorism committed by organized groups begins with the Zealots – sicari – after the Roman occupation of Palestine. Another example is the Assassins that were active in the eleventh century in the Middle East. The Thugees, a terrorist group, active in India in the seventeenth century is another example of pre-modern terrorism (Hoffman 1998 & Laqueur 1999). The political application of the term dates back to the French Revolution when the Jacobins used the term to describe themselves in a positive sense. However, “after the 9th of Thermidor, ‘terrorist’ became a term of abuse with criminal implications” (Laqueur 2001).

In the 1880s, communication technology in the form of the trains and telegraph had an important role in the internationalization of terrorism and the spread of the first wave of international terrorism from Russia to Europe and the Middle East (Rapoport 2004). In contrast to the myth that technology would help humanity to establish peace, in the 1960s, modern technologies played a significant role in the emergence of more dangerous international terrorism (Hoffman 1998 & Kiras 2005). Modern technologies have facilitated communication and transportation of terrorists and provided them with more lethal weapons to act internationally. Moreover, modern communications and media could publicize terrorist events all around the world which added another incentive for terrorist groups to target a global audience. More than any other international actors, it seems that terrorists have taken advantage of the emergence of the global community. In 1976, a research study done by the Central Intelligence Agency of the United States (CIA) revealed that there had been “a marked and enduring upsurge in transnational terrorism since 1967” (CIA 1976). While a research done

in 2002, showed a decline in the formation of new terrorist groups (Pedahzur et al 2002), in 2005, the Patterns of Global Terrorism published by the State Department of the United States, revealed an increasing trend in the number of terrorist incidents. According to this report, compared to the previous year, the number of serious international terrorist attacks more than tripled in 2004 (Department of State 2005). As mentioned in the Report of the National Commission (United States) on Terrorism, although the number of terrorist incidents has decreased, terrorist attacks have become more dangerous, and the number of casualties has kept an increasing trend (The National Commission on Terrorism). Considering these trends and observations, after three decades dealing with the problem in 2005, the SC has maintained that terrorism in all its forms and manifestations establishes “one of the most serious threats to peace and security” (S/RES/1617). Terrorism as a global threat, as the UN Secretary General, Kuffi Annan says “requires a global response.”

In spite of the urgency of the issue, neither the literature on international terrorism nor the one on the UN focus directly on it. The following excerpt from Boulden and Weiss’s edition of Terrorism and the UN: before and after September 11 describes the literature on the UN and international terrorism:

Academic literature about the world organization and terrorism has been at best sporadic and at worst simply not existent. This state of affairs is due, in part, to the fact that activities at the UN on this issue were few and far between and because specialized analyses in the literature on terrorism generally ignored the role of the world body. Indeed, for all instances and purposes, the issue was largely peripheral to mainstream analyses of either UN affairs or U.S. foreign policy until the events of September 2001. (Boulden & Weiss 2004a)

The Cold War and major security issues of the bipolar system dominated security studies after World War II until early 1990s. In this period, terrorist activities were part of a struggle between the two poles of power. Nevertheless, academic efforts motivated by the wave of international terrorism from the late 1960s to 1990 led to some prominent works such as Alex P. Schmid's Political Terrorism (1983). The collapse of the bipolar system and the shift in traditional discourse of security brought issues such as terrorism into the fore in the 1990s. The first journal on terrorism, Terrorism and Political Violence was published in 1989 followed by another journal, the Studies in Conflict and Terrorism in 1999. The terrorist attacks of September 11, 2001 on New York and Washington DC, led to an explosion of publications about international terrorism and as some of them titled, global terrorism.

The UN also responded to these terrorist events in the same fashion. Immediately after the events the UN established the Counter-Terrorism Committee (CTC), and the Policy Working Group on the UN and Terrorism. Although the UN, in the beginning, actively entered the field, unilateral actions taken by the United States on the issue pushed the UN to the margin that led to the same situation for the UN in academic literature on international terrorism. However, some good studies have been published to analyze the UN role. For instance, Boulden and Weiss's work, Terrorism and the UN: before and after 11 September dealt with the UN in combating of international terrorism. Part three of the book, especially two articles by Oudraat and Peterson, examine the role of the SC and the GA. None concentrated on the specific issue concerned here.

This research intends to fill this gap in the literature on the UN and international terrorism through analysis of specific UN measures i.e, resolutions and declarations adopted, either by the SC or the GA. However, to better understand the context of resolutions it may refer to reports of different committees and works of the Secretariat. The UN's response to international terrorism could be organized in various forms. There are some landmark events and developments that can help organize the history of the UN's dealing with international terrorism. Given the methodology and purpose of this research, it concentrates on events and criteria reflected in GA and SC resolutions. As mentioned before, three discourses in the history of the UN, made three phases in the history of the UN and international terrorism:

- Sympathy for Terrorism (1945 - 1972);
- Ambivalence toward Terrorism (1972 - 1992): Transition from Sympathy to Combat, and
- Combating Terrorism (1992 – 2005).

Chapter one addresses the period from the establishment of the UN until 1972 when there occurred a major shift in UN attitude toward international terrorism. The establishment of the UN coincided with the decolonization movements in colonies around the world. Most of these movements were closely related to ethno-nationalist or anti-colonial movements. The principles of 'self-determination' (Articles 1, 55) and 'self-government' (Articles 73, 76) in the Charter, along with UN stance on the issue of colonization fueled the trend of decolonization movements that often were accompanied with terrorist actions.

Given the silence of the SC on the issue, this chapter concentrates on GA resolutions. Celebrating self-determination and self-government, decolonization was one of the main objectives of the UN in this period. The invention of ‘National Liberation Movements’ (NLMs) was to remove terrorist tag from groups pursuing independence from colonizing powers. In my view this is where the debate went astray. Rather than categorizing the actions of colonial powers who are committing acts of terrorism against people of the colonized area as terrorism, concession was given, to groups who fought for national liberation. To me, this is providing sympathy not for people, but for terrorism itself. Thus the position of the UN in the first phase has been labeled sympathy for terrorism. This explains why international terrorism did not appear as a threat in UN documents of this period. In this period, given the importance of the right to self-determination, the UN recognized the legitimacy of methods of terrorism for the NLMs. In 1970, in the declaration annexed to resolution 2625, the GA considered international terrorism from the view of non-intervention, recommended states to “refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.”

Chapter two investigates the second phase of the history of the UN in dealing with terrorism that began with GA resolution 3034 in which international terrorism was declared as an issue. That resolution was a major shift in UN approach towards terrorism. In this period the UN, mainly the GA, had to deal with a dilemma. On the one hand, it was willing to hold the right for the NLMs to fulfill

the right of self-determination, but on the other hand, it had to deal with increasing threat of international terrorism. In addition to identifying international terrorism as a threat, the GA, resolution 3034, stipulated the study of the underlying causes behind terrorism. The GA recognized a link between colonization and international terrorism. The GA established an Ad Hoc Committee on International Terrorism consisting of thirty-five members appointed by the President of the GA, and involved the UN Secretary General. In this phase international terrorism was considered as an inter-state issue and a part of the struggle between the two superpowers. While early measures of the GA in this period identified international terrorism as a legitimate reaction to colonization and other forms of injustice, subsequent measures condemned international terrorism and the use of terrorist methods and actions for whatever reasons. GA resolution in 1985 on international terrorism accelerated the transition to the new discourse i.e., combating international terrorism. As with the first period, in the second period, the SC was not interested in dealing with international terrorism, but the adoption of SC resolution 731 on Libya, in 1992, completed the transition and initiated the period of combating international terrorism.

Chapter three examines this period from 1992 to 2005. The UN does not recognize terrorism as a legitimate reaction to injustice or any other problem any longer, but identifies terrorism in all forms as a serious threat to international peace and security. In this period international terrorism motivated by extremism has become a major concern of the UN. Therefore, international terrorism is condemned regardless of its motivation, whenever and by whomever. In this period, the SC

became involved with different cases of international terrorism. Different sanctions, embargos and other necessary law enforcement tools, in accordance with the Charter, were employed by the SC in order to deal with cases of international terrorism. Given the increasing danger of international terrorism, in different places, the SC reaffirmed “the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts” (S/RES/1373). In this period, UN’s measures on international terrorism are not mere recommendations any more; states have the obligation to prevent and fight international terrorism. To this end the SC has established and strengthened *ad hoc* and permanent monitoring bodies to supervise the fulfillment of its resolutions. Since both the GA and SC actively deal with terrorism in this period, two different sections separately examine their measures. They investigate how consideration of international terrorism in relation with individual human rights helped the UN develop a consistent policy for combating terrorism.

The conclusion gives an overall comparison of different UN discourses on international terrorism. Further, it explains how those shifts have been reflected in UN resolutions.

Chapter One

Sympathy for International Terrorism (1945-1972)

This chapter examines the stance of the UN on, and its responses to, international terrorism for the period from the establishment of the UN in 1946 to 1972. In 1972, international terrorism caught the attention of the GA. That was followed by the adoption of resolution GA 3034 on international terrorism. That resolution was the first UN measure that specifically dealt with international terrorism. Should we assume that international terrorism was not an issue prior to 1972? If not, why did the GA put international terrorism on the agenda in 1972? If international terrorism existed before 1972, why did the UN not consider that issue?

International terrorism began in 1878 with the form of anarchist wave. It rapidly spread in Europe and other regions in the world. In the early 20th century, the threat of international terrorism lead to a consensus on the need to control terrorism among the most immediately affected countries (Rapoport 2004: 52). Among them, Russia and Germany took the led, but their efforts due to insufficient advocacy did not result in any measure against terrorism. WWI, especially the Versailles Peace Treaty, replaced anarchism with nationalism. The Treaty had important implications for the international system:

The victors applied the principle of national self-determination to break up the empires of the defeated states (mostly in Europe). The non-European portions of those defeated empires, which were deemed not yet ready for independence, became League of Nations

“mandates” administered directly by individual victorious powers until the territories were ready for independence. (Rapoport 2004: 53)

Nationalism strengthened by the principle of self-determination was the *raison d’être* of international terrorism during the period from WWI to WWII. Nationalism even strengthened by the establishment of the UN. In Articles 1 and 55, the UN Charter announced the “equal rights and self-determination” as a founding principle of friendly relations among nations. Article 76 of the UN Charter declared the UN’s commitments to promoting measures leading to self-government and independence for non-self-governing territories in the framework of the trusteeship system.

All of the measures anticipated in the UN Charter have the purpose of maintaining international peace and security. In Article 1, the Charter enumerates four purposes for the UN with concentration on the maintenance of international peace and security. In fact, the other three purposes mentioned in Article 1 i.e. developing friendly relations among nations based on self-determination, achieving international co-operation and harmonizing the actions of other nations, are to strengthen international peace and security. UN responses to threats to international peace and security very much depend on the prevailing interpretation of the purposes and the principles mentioned in the Charter. The dominant interpretation of the UN’s principles and other systemic forces – inside and outside the UN system – help shape the UN’s approach towards international peace and security. With regard to international terrorism, the introductory paragraph of resolution 3034 announces that the GA is “[d]eeply perturbed over acts of international

terrorism which are occurring with increasing frequency and which take a toll of innocent human lives (A/RES/3034). This paragraph reveals that the GA had been aware of the existence of international terrorism before 1972.

Yet although the GA is an authorized body to deal with terrorism (The UN Charter, Articles 10&11), this body did little until 1972. However, the existing literature concerning terrorism shows that nationalist terrorism was active in various places around the world. Given the mandate of the UN, and the accounts in the literature of the prevalence of active international terrorism around the world, why did the UN not consider the problem before 1972? Was resolution 3034 the result of any shift in international terrorism, international system or the attitude of the UN towards international terrorism?

Given the close relationship between nationalist terrorism and the principle of equal rights and self-determination, the UN's responses to international terrorism, especially during the period from 1946 to 1972, could be understood in relation to human rights and decolonization. The UN displayed sympathy and support for aspirations of the people who were striving for independence, even though some of them pursued it through violent uprising and terrorism. Although the UN Charter begins with the phrase 'we the peoples of the United Nations', the UN is merely comprised of independent nation-states. The UN Charter recognizes an independent state as the political unit in international relations. The Charter in various places emphasizes the principles of self-determination and self-government. Reflecting the opinion of the founders of the UN, Chapters 11 to 13 of the UN Charter state that colonies are unable to self govern. Accepting this view, the

Charter anticipates the trusteeship system for colonies to terminate colonization. The Charter in various places announces self-government and self-determination as requirements for international peace and security. In the first session in 1946, the GA announced that the UN was keenly aware of the problems and political aspirations of the peoples who had not yet attained a full measure of self-government and who were not directly represented there (A/RES/9). The GA complained about the delay in the establishment of the Trusteeship Council as a result of the delay in concluding trusteeship agreements (Ibid). The tone of the GA's recommendations did not stay the same in its subsequent resolutions concerning decolonization. The presence of the newly independent states in the UN as strong advocates for decolonization accelerated the impetus to decolonization already set out in the Charter principles of equal rights and self-determination. Activities of newly independent states, especially in the UN, and the establishment of the Non-Alignment Movement accelerated the strength of decolonization movements that were in harmony with the principle of equal rights and self-determination. Following the emergence of numerous independence movements in the colonies, the GA adopted resolution 1514 under the "Declaration on the granting of independence to colonial countries and peoples" (A/RES/1514).

In the introductory paragraph, referring to the preamble to the Charter, the GA announced the determination of the UN "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" (Ibid). In the following paragraphs, the resolution mentioned that decolonization is one of the conditions for stability,

well-being, and peaceful and friendly relations based on the principles of equal rights and self determination for all peoples. Further, the resolution mentioned that the perpetuation of colonialism by preventing “the development of international economic co-operation, impedes the social, cultural and economic development of dependent people and militates against the United Nations ideal of universal peace” (Ibid).

In assisting the movement for independence in Trust and Non-Self-Governing Territories, the GA identified an important role for itself (Ibid). In this declaration, the GA recognized liberalization as an ‘irresistible and irreversible’ process, therefore, “in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith” (Ibid). The GA advised colonial powers that “[a]ll armed action or repressive measures of all kinds directed against dependent people shall cease in order to enable them to exercise peacefully and freely their right to complete independence” (Ibid). Such a stand was a result of strong international desire to end colonization. As with any important issue in the age of the bi-polar system, the international system affected the issue of decolonization. The Soviet Union, that had officially relinquished its colonial claims immediately after the 1917 Revolution, was one of the strong adherents of decolonization. In the opposite camp, the United States, as the leading power, did not have any official colony and was against colonization. In fact, the principle of self-determination that accelerated and promoted the emergence and activities of nationalist movements all around the world had been proposed for the first time by President Wilson, in his declaration in

1914. However, the United States did not play an active role in decolonization after WWII. The American reluctance was mainly because of the interest of some of its European allies, especially among NATO members, in preserving their colonies. In such a situation, American opposition could weaken its alliance against the Eastern Bloc. Further, the United States was very concerned about the spread of communism. With the withdrawal of colonial powers, the newly independent states might fall into the Soviet bloc. This fear was one of the justifications of the European colonial powers for retaining colonial dominion over their colonies. However, some colonial powers were not so determined to preserve their colonies. Others tried greedily to take economic advantage of their colonies for post WWII reconstruction. In some colonial powers, especially France, the issue of retaining or relinquishing their colonies had divided the society.

While in the camp of colonial powers, except for a few cases, such as Portugal, there was no strong determination to retain the colonies, in the colonies, decolonization movements became stronger and more violent. The GA's declaration on granting of independence to colonial countries was an outcome of the world-wide desire to end colonialism. That desire was reflected in resolution 1514 where it recognized that "the people of the world ardently desire the end of colonialism in all its manifestations" (Ibid). In Paragraph 1 of resolution 1514, the GA declared that:

The subjection of people to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation[.] (Ibid)

This paragraph introduces colonialism against values and principles of humanity. Therefore, supporting the efforts intending to diminish that relationship from the international community is a moral value.

In 1962, the GA warned the colonizing powers that further delay in the fulfillment of the declaration was a continuing source of international conflict. That delay had created an increasingly dangerous situation in many parts of the world that might threaten international peace and security (A/RES/1654). Subsequent to the perpetuation of colonization, the terms of the GA in expressing its position on colonization became stronger in resolution 2184. Announcing its deep concern about the critical and explosive situation which was threatening peace and security because of the intensification of the repression and military operation against the people under Portuguese administration, the GA reaffirmed:

the inalienable right of the peoples of the Territories under Portuguese domination to freedom and independence, in accordance with GA resolution 1514 (XV), and recognize[ed] the legitimacy of their struggle to achieve this right[.] (A/RES/2184)

One day later, the GA used even stronger terms against colonization. It declared the continuation of colonial rule to be a threat against international peace and security that constituted a crime against humanity (A/RES/2189). In Paragraph 7 of the same resolution, reaffirming “the legitimacy of the struggle of the peoples under colonial rule to exercise their right of self-determination and independence” it asked all states “to provide material and moral assistance to *the national liberation movements* in colonial Territories” (Ibid, emphasis added).

Seven years after the GA declaration on decolonization, in 1967, upon requests of the NLMs in some colonial territories of Africa for urgent assistance

from specialized agencies, the GA adopted resolution 2311. The main objective of that resolution was to remind different institutions of the UN system of their commitments in the decolonization process, and coordinate the activities of those institutions with regard to the NLMs. In that resolution the GA recommended

the specialized agencies and international institutions concerned to take urgent and effective measures to assist the peoples struggling for their liberation from colonial rule, and in particular to extend, within the scope of their respective activities, all necessary aid to the oppressed peoples of Southern Rhodesia and the Territories under Portuguese dominations and to work out, in co-operation with the Organization of African Unity and through it with the national liberation movements, concrete program to this end [...] (A/RES/2311)

In strengthening its position against colonialism, in resolution 2336, the GA juxtaposed colonization with racism and apartheid. It introduced racism and apartheid as the manifestations of colonialism and considered them contrary to the message of the UN Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/RES/2326). Further, reaffirming “the legitimacy of the struggle of colonial people to exercise their right of self determination and independence”, the GA announced its satisfaction of the progress made by the NLMs both in their struggle and through reconstruction programs, and asked “all States to provide *moral and material assistance* to them” (Ibid, added emphasis). Furthermore, the resolution asked the UN Secretary General to take concrete measures to publicize the work of the UN in the field of decolonization and “of the situation in the colonial Territories and of the continuing struggle for liberation being waged by the colonial peoples” (Ibid).

In 1968, the GA repeated its satisfaction of “the progress towards national independence and freedom made by the liberation movements” (A/RES/2395). In October 1970, the GA again asked member states to “do their utmost to promote” within the UN system and other international institutions, effective measures for the fulfillment of the 1960 UN declaration on terminating colonialism. Further, it asked the SC to take “effective measures against governments and regimes which engaged in any form of repression of colonial peoples” (A/RES/2621).

Until 1970, in its resolutions, the GA used the term *the National Liberation Movements* without referring to its cases. In December 1970, in resolution 2787, reaffirming the legitimacy of their struggle, the GA mentioned the territories of Zimbabwe, Namibia, Angola, Mozambique, Guinea (Bissau) and the Palestinian people without giving reference to any specific movement or group. In various places, such as resolution 2547 (1969) and 2714 (1970), the GA applied the term *freedom fighters* to characterize the members of liberation movements. In supporting the NLMs, the GA considered the situation of freedom fighters arrested or imprisoned by colonial powers. For instance, in resolution 2547, the GA declared that “captured freedom fighters should be treated as *prisoners of war under international law*” (added emphasis). In this regard, in 1970, recalling resolutions 2547, the GA condemned “the trial of twenty-two Africans under the Suppression of Communism Act and further condemn[ed] their subsequent re-arrest under the notorious Terrorism Act of 1967” (A/RES/2714).

Perhaps the strongest UN support for the application of violence by ‘people’ has appeared in the GA resolution 2871 on the question of Namibia. Referring to

the inalienable right of the people of Namibia to self-determination and independence, the GA reaffirmed “the legitimacy of their struggle *by all means* against the illegal occupation of their territory by South Africa” (emphasis added). In the same resolution, the GA asked all states, specialized agencies, institutions of the UN system to co-operate with the Organization of African Unity “to render to the Namibian people all moral and material assistance necessary to continue their struggle for the restoration of their inalienable rights to self-determination and independence”.

In another resolution in 1971, the GA complained about the failure of some specialized agencies and organization to extend their co-operation to the NLMs (A/RES/2874). In the same resolution, it asked specialized agencies

to continue to examine, in consultation with the Organization of African Unity, procedures for the participation, where necessary and appropriate, in conferences, seminars and other regional meetings convened by the specialized agencies, of representatives of the national liberation movements in colonial Territories in Africa in an appropriate capacity [...].

One year later, in 1972, the GA announced its satisfaction of the arrangement to implement the participation of the representatives of the NLMs and leaders of Angola, Mozambique, Guinea (Bissau), Cape Verde, Namibia and Southern Rhodesia (A/RES/2908). The GA, itself, in 1972, invited the national liberation movement of Namibia to participate in an observer capacity in its consideration of the territory of Namibia (A/RES/3031). The procedure of inviting the national liberation movements to the GA followed by inviting “the Palestine Liberation Organization (PLO), the representative of the Palestinian people” to the GA in considering the question of Palestine (A/RES/3210).

This review of the GA resolutions relating to the issue of colonialism shows the strong determination of the UN, especially in the 1960s, in ending that issue and the full implementation of the principle of self-determination. Was the UN aware of the implications of its unconditional moral and material assistance and support to the NLMs? Does fighting for independence and self-determination justify taking *all means*? According to what poll or election the NLMs “are the authentic representatives of the true aspirations of the peoples of those territories”^{*}?

Perhaps the most difficult issue in defining of terrorism is the normative aspect of this phenomenon; one person’s terrorist is another person’s freedom fighter. The GA had to be aware of the activities of the NLMs. Regardless of the normative judgment about the behavior of the NLMs, academic literature on terrorism categorizes them under nationalist terrorism.^{**} Considering the engagement of the institutions of the UN system, especially the GA, in the issue of decolonization and the role of the activities of the NLMs, the UN had to be aware of the activities of these movements. These movements to fulfill their ambitions took terrorist actions but, ignoring this fact the GA called it fighting for freedom.

Pursuant to Paragraph 1 of Article 1 of the UN Charter, one of the principal objectives of the UN is to maintain international peace and security through *peaceful means*. In Article 2, it obliges all members to “settle their international

^{*} Quoted from A/RES/2918, 1972.

^{**} In this research, terrorism has been defined as any commission of ‘acts of terrorism,’ without any exception or due consideration for either a given state or a given group. Therefore, incentives such as nationalism, self-determination, religion and so on have not been considered as a distinguishing factor of terrorism from non-terrorism. See page 3.

disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” Chapter VI of the Charter, including six principles, is allocated to explain the duties of the different organs of the UN and member states in “peaceful settlement of disputes”. However, UN resolutions in various places asked colonial powers to avoid suppressing the NLMs, they never asked those movements to comply with the values and principles of the UN.

The measures of the UN on the issue, especially of the GA, had negative consequences for international peace and security. The application of the terrorist methods by some NLMs and the UN support of the NLMs against colonial powers could be considered as an approval of the use of terrorist methods for specific objectives. The UN position on the activities of the NLMs, especially during the 1960s and early 1970s is, at worst, an unintended encouragement to terrorism and at best constitute a major disregard for values and principles specified in the UN Charter. In that period, the UN was unable to bring together the principle of peaceful settlement of dispute with the strong demand for national liberation. Considering the unique position of the UN in the international community, this stance of UN had important consequences for international peace and security. While the sympathy was intended to encourage decolonization, it seems that some groups mistook it for license to commit violence and terrorism.

Consequent to the rise in international terrorism, the GA, in 1972, through resolution 3034, identified international terrorism as an issue threatening international peace and security. With regard to the NLMs, although the UN maintained its relations with these organizations, it revised the policy of blank

cheque in supporting these organizations. For instance, in 1974, in resolution on the ‘Question of Palestine’, the GA recognized the ‘right of the Palestinian people to regain its rights by all means *in accordance with the purposes and principles of the Charter of the United Nations*’ (A/RES/3226).

Terrorism in GA resolutions in the 1960s

Before resolution 3034 on international terrorism, the GA used the term terrorism in two different places. In resolution 2438, in 1968, the GA used terrorism to describe a specific type of relation between state and society, and the issue of human rights. In another place, in resolution 2625, in 1970, the GA used the term in relation to the principle of non-intervention.

Given the principles of the Charter and the Universal Declaration of Human Rights, repressive and discriminatory measures by colonial powers in relation to inhabitants of non-self-governing territories caught the attention of the GA in early 1950s. The GA, in 1952, distinguished a “fundamental distinction between discriminatory laws and practices, on the one hand, and protective measures designed to safeguard the rights of indigenous inhabitants, on the other hand” (A/RES/644). Then, it recommended the UN member states responsible for the administration of such territories the abolition of discriminatory laws and practices contrary to the principle of the Charter and the Universal Declaration of Human Rights. In this resolution, the GA recommended the examination of all laws in force in all territories, with a view to the abolition of any discriminatory provisions or practices. This procedure should include any laws, which distinguish between citizens and non-citizens primarily on racial or religious grounds (Ibid). This

resolution, followed by a series of resolutions with reference to racial discrimination and apartheid that led to the GA declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 and subsequent the International Convention on the Elimination of All Forms of Racial Discrimination in 1965.

Following the perpetuation of racial discrimination, especially in colonies and South Africa, the tone of GA resolutions became stronger than before. In resolution 2124, condemning “all policies and practices of apartheid, racial discrimination and segregation, including the practices of discrimination inherent in colonialism” the GA recognized that “racial discrimination and apartheid wherever they were practiced, constituted a serious impediment to economic and social development and are obstacles to international co-operation and peace” (A/RES/2124). In resolution 2331, under “Measures to be taken against Nazism and racial intolerance”, the GA linked racial intolerance to totalitarian ideologies such as Nazism (A/RES 2331). Referring to earlier GA documents in relation to racial discrimination, the GA condemned “any ideology, including [N]azism, which is based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of the purposes and principles of the Charter of the United Nations” (Ibid). One year later, in 1968, the GA reaffirmed that racism, Nazism and the ideology and policy of apartheid were incompatible with the UN Charter (A/RES/2438). Recalling “barbarous acts which outraged the conscience of mankind”, violation of human rights and war caused by such ideologies in the past, the GA expressed its deep concern over the “activities of groups and organizations

propagating racism, and similar ideologies based on terrorism and racial intolerance” (Ibid).

In such a context, terrorism is linked with totalitarianism. Totalitarianism, either in the form of a movement or in power, entails a certain type and level of terrorism in society. Political violence, in a utilitarian way, is used by perpetrators to reach certain goals. The perpetrators regard some variations such as the extent to which violence regarded as a direct tactic of value enhancing, and the relative emphasis between demonstrative threat of violence and the actual use of violence. Indirect, demonstrative use of violence, such as riot and strikes, is characteristic of participants and leaders who perceive the existing political system has the potential to alleviate the present system (Gurr 210-212). But, “if dissidents believe their objectives can be obtained only by transforming the system, they are likely to use terroristic tactics to publicize their existence and objectives, and to widen popular support” (Gurr 212). In such a situation, if people are “intensely discontented and are fundamentally sympathetic to rebel objectives” symbolic violence against the regime may have conversion effect but “most common consequence of terror, especially if it is widespread and random, is mass orientation and anxiety” (Gurr 213). Such a terrorism to become a totalitarian movement to obtain support of masses, by coercion, should be systematically maintained for a long time. Terror in an authoritarian movement or government is different from terror as a tactic of struggle.

Total terror, the essence of totalitarian government, exists neither for nor against men. It is supposed to provide the forces of nature or history with an incomparable instrument to accelerate their movements. (Arendt 466)

Another application of the term terrorism by the GA dates back to the ‘Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations’ annexed to GA resolution 2625, 1970. This declaration, among others, introduced the principle of refraining from the threat or use of violence. In this document, terrorism was viewed in relation to the mentioned principle. The GA announced:

Every state has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another state or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force[.] (Declaration on International Law ..., 1970)

In this declaration, terrorism, itself, is not the core issue, however mentioning ‘terrorist acts’ in this document is the first measure in recognizing international aspect of terrorism. International aspect of terrorism is considered as an issue where terrorism is used as an instrument of foreign intervention. Paying attention to other parts of the abovementioned declaration reveals that the UN discriminates between terrorism and other similar acts of violence. The declaration reads:

Every State has the duty to refrain from organizing or encountering the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State [.] (Ibid)

This paragraph reflects the discrimination between such violence such as guerrilla warfare and terrorism. It recognizes a common feature among such presentations of violence that is ‘organization’.

Measures Taken Against International Terrorism

Although international terrorism was not recognized by the UN as an issue by 1972, the UN took some measures against what commonly known as terrorist acts. Being concerned over acts of unlawful interference with international civil aviation, the GA, in 1970, called upon states to take “effective measures against hijacking in all its forms, or any other unlawful seizure or exercise of control of aircraft” (A/RES/2551). In particular, it urged states to ensure the prosecution of on board perpetrators of such acts and invited states to ratify or accede to the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963) (Ibid). Following this measure and rise in hijacking of aircrafts, the SC issued resolution 286. Announcing its grave concern over the threat to lives of innocent civilians from “the hijacking of aircraft and any other interference in international travel”, the SC called on states “to take all possible legal steps to prevent further hijacking or any other interference in international travel” (S/RES/286).

In November 1970, the GA announcing the same concern, condemned,

without exception whatsoever, all acts of aerial hijacking or other interference with civil air travel, whether originally national or international, through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircrafts engaged in, and air navigation facilities and aeronautical communications used by, civil air transport [...] (A/RES/2645)

In the same place the GA requested concerted action on the part of states, in accordance with the UN Charter, “toward suppressing all acts which jeopardize the safe and orderly development of international civil air transport”. It also urged full

support for the efforts of the International Civil Aviation Organization toward the development and co-ordination of effective measures in this regard.

Although any case of hijacking and interference with air travel may be viewed as a terrorist act or criminal, the important point in the GA resolution is that such acts are condemned 'without exception'. Another important point is that the GA resolution considers the damages to the human and property at the same time. Another important point is national or international aspect of air travel. While the SC considered international air travels, the GA included both international and national travels. Given the experience of hijacking, even hijacking of national flights led to an international issue because those flights usually are directed to another country. Another important point in the abovementioned documents is UN's emphasis on co-operation and co-ordination among states to control such disorders.

Chapter Two

Ambivalence towards Terrorism Transition from Sympathy to Combat (1972-1992)

This chapter examines the measures taken by the UN, mainly the GA, against international terrorism over the period from 1972 to 1992. This chapter also investigates the developments in the UN approach in dealing with the issue during the mentioned period. This critical period begins with GA resolution 3034* adopted in December 1972 and ends with the adoption of resolution 731 on Libya by SC in January 1992. The UN, specifically the GA, from 1946 to 1972, not only ignored the use of violent methods by nationalist terrorism, but also supported unconditionally the NLMs that used terrorist methods.

Subsequent to the terrorist attack against Israeli athletes in Munich in 1972, the Secretary General strongly urged that the UN had to face up to the international aspects of terrorism. He reasoned if it did not do so future attacks would inevitably become worse (Report of Ad Hoc Committee 3034, 1977). In addition to the SG, the International Law Commission, in the report of its twenty-fourth session to the GA, announced that:

The over-all problem of terrorism throughout the world is one of great complexity but there can be no question as to the need to reduce the commission of terrorist acts even if they can never be

* This resolution is the first one of a series of nine resolutions with the same title. The complete title of the resolution is:

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.

completely eliminated. The General Assembly may consider it important to give consideration to this general problem [...] (A/8710)

Responding to these warnings, international terrorism was included in the agenda of the twenty-seventh session of the GA that led to the adoption of resolution 3034. This resolution, consisting of an introduction and twelve paragraphs, was the first GA resolution on international terrorism. According to the introductory paragraph of the resolution, it was a response to the “increasing frequency” of acts of international terrorism.

In regard to the position of the UN on international terrorism, in contrast to the UN procedure for similar international problems, the GA did not even condemn international terrorism. Announcing the GA concern over international terrorism, the resolution was intended to discover preventive measures against international terrorism through investigating “the underlying causes” of the problem. Further, it did not give definite criteria to define what the GA meant by international terrorism, let alone a definition of international terrorism. The way the resolution uses the term ‘terrorism’ throws the audience into total confusion if it is taken out of the immediate context. In spite of its deficiencies, however, as the GA’s first measure against international terrorism, this resolution is of undeniable importance in the recognition of the issue by the UN. Given the conflicting positions of UN members on international terrorism, it was a major development in dealing with international terrorism by the UN.

A brief overview of the debate pertaining to international terrorism prior to the adoption of the resolution in the GA, and the depiction of the problem in this resolution is very enlightening as to how international terrorism was received by the

GA. Further, it reveals how the UN intended to deal with that threat in the following years. As mentioned in the previous chapter, international terrorism was not a new phenomenon in 1972. UN member states held very conflicting stances in regards to the issue and how it had to be dealt with. While some states welcomed the GA's inclusion of international terrorism and the necessity of considering it as an international problem, some other members rejected even the idea of discussing terrorism. Being concerned about the right of self-determination and the destiny of the NLMs, the Nigerian Commissioner for External Affairs, in relation to international terrorism said that:

Nigeria could not be a party to a discussion of terrorism that would seek to equate the activities of the millions of people in southern Africa being denied their United Nations endorsed right to self-determination and independence with those who hijack planes and kidnap diplomats. Peoples struggle to liberate themselves from oppression and exploitation have the right to use all methods, including force, as recognized by the United Nations. (UN Monthly Chronicle, 1972 Nov.: 44)

Moreover, the polarized climate generated by the bi-polar international system had serious impacts on the debate over international terrorism. The resulting duality of norms provided international terrorism with a fertile ground. It also presented governments with a paradox. Groups that were admired by one pole of power as freedom fighters were considered terrorists by the opposite pole. In this atmosphere, countries, such as Albania, were very suspicious of American intentions in bringing the issue before the GA. Albania considered that the measure by the United States was timed "to strike at national liberation struggle and distract world opinion from the monstrous crimes that the United States commit[ted]

throughout Indo-China and that Israel commi[ted] against the Palestinian people, Lebanon and other Arab States.” (UN Monthly Chronicle, 1972 Nov.: 45)

Newly independent states, such as Guinea, had an opposite stance against the discussion of international terrorism in the GA. In this regard, Filly Cissoko, the Minister for External Affairs of Guinea said:

It matters little whether or not the liberation movements whose struggles for legitimacy have been universally recognized are called terrorist organizations. In an important sense of that term, terrorism necessarily becomes a weapon of nations endowed with strength – those same nations which yesterday when subjugated by Nazism, resorted to weapons to liberate themselves. (UN Monthly Chronicle, 1972 Nov.: 51)

Contrary to such positions, some Latin American countries considered international terrorism as a serious threat and proposed the Assembly to adopt severe measures against terrorism. For instance, the permanent Guatemalan representative to the UN, reaffirming his support for the 1970 resolution of the Organization of American States –which condemned acts of terrorism as crimes against mankind – announced his concern about international terrorism. With regard to international terrorism he said:

Kidnapping and other attempts against life, bodily integrity or the freedom of persons constitute a common crime, whatever their motive. Acts of terrorism for the purpose of blackmail are not political crimes. Guatemala will support any draft resolution in the Assembly aimed at developing international co-operation to preserve the community of nations from terrorism. (UN Monthly Chronicle, 1972 Nov.: 46)

Guatemala’s position was supported by members, such as Barbados, that believed the Assembly had to “condemn and outlaw all forms of assault upon human life and dignity, whether the aggressors are homeless and misguided robots

or are entrenched in the control or possession of States” (UN Monthly Chronicle, 1972 Nov.: 49). Some members, such as Costa Rica, went further in this regard and proposed the adoption of severe measures against individuals and organizations that carry out terrorist acts and the governments protecting them as well. It asked the Assembly to adopt adequate instruments such the suspension of air services to and from the countries protecting terrorism, as an effective means to contain terrorism (UN Monthly Chronicle, 1972 Nov.: 50). The debate split into two opposing camps: the proponents of justice including those UN members that wished to ignore the issue of international terrorism, and adherents of order that proposed strong counter-measures. Therefore, the inclusion of international terrorism in the agenda of the UN, per se, was a success for the international community. However, it was not the end of the story. Considering the title and body of the adopted resolution, the product of the debate was close to ignoring the issue.

The title of the resolution includes the main concerns of the GA in dealing with international terrorism: ‘innocent human lives’ and the violation of ‘fundamental freedoms’. The application of the term ‘innocent’ to the victims of terrorism is a common phenomenon in the literature pertaining to terrorism. Alex P. Schmid, in his book Political Terrorism, mentions a long list of commentators, such as Arendt, Bassiouni, Bouthoul, Bite, Crenshaw, Fromkin, Friedlander, Green, Jenkins, Wilkinson and some other experts who stress or at least refer to the innocence of the victims of terrorism (1983: 79). Terrorists endanger lives of people in order to create terror. The distinction between victims and target group, among others, is an essential element in identifying terrorism from other acts of violence.

Emphasizing this element, some experts believe that a terrorist act “[...] is intended to influence the attitudes and behavior of a target group wider than its immediate victims” (Milbank and Micolus quoted in Schmid 1983: 80-81&90).

The fact that a terrorist act usually aims at civilian and noncombatant people is another point which justifies the application of the term ‘innocent’ to victims of terrorism. Moreover, terrorist acts usually do not discriminate between their victims. Morally, the term innocent may imply sympathy for the people who have lost their loved ones and condemnation of terrorist acts. The application of the term ‘innocent’ to the victims of terrorist acts may be attributed to legal reasons. In legal terms, guiltiness has to be established by legal authorities, otherwise individuals are considered innocent.

Several international conventions protect civilians and non-combatants from military attacks, however, no such measures exist for terrorist attacks. While considering the nature of terrorism, terrorists more likely target civilians and non-combatants. To terrorists, the victims of a terrorist attack are not innocent because a relationship can be postulated between victims of a terrorist act and the target group. In fact, the victimization of civilians and non-combatants is the medium of terrorists for influencing decisions of the end target. Another concern of the GA reflected in the title of the resolution 3034 is ‘fundamental freedoms’. Regardless of motivations and intentions of terrorism, by endangering lives and properties, it primarily violates the right of individuals to life and property. Moreover, creating a state of terror could endanger other fundamental human rights.

In the title of resolution 3034, international terrorism was juxtaposed with other acts of violence. In academic literature on terrorism, violence is known as an essential element in the definition of terrorism. However, there is not an agreement how it should be distinguished from other forms of violence. According to the analysis of 109 definitions of terrorism by Schmid, 83.5% of the definitions have referred to ‘violence’ as the/an essential element of terrorist act (Schmid 1983: 76, 77). In literature pertaining to terrorism, some experts have tried to distinguish terrorism from other acts of violence such as urban guerilla warfare. Others equate terrorism with guerilla warfare. The title neither specified ‘other acts of violence’ nor introduced criteria to distinguish terrorism from other forms of violence.

In contrast to the opening word of the title, the resolution does not include any considerable measures against terrorism. The GA intended to only study “the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair” (A/RES/3034). Thus, the GA regarded international terrorism as a reaction to each of the above-mentioned causes. However, it reveals the sympathy of the GA for international terrorism. Inserting this causal relationship into the title of the resolution implies that international terrorism is not the end problem but a reaction to a problem. The composition of the title reveals that the GA was not intending to directly deal with international terrorism.

Studying the root causes of international terrorism, instead of combating them, was the outstanding feature of the UN response to international terrorism in the 1970s and 80s. Five years later, in 1977, abstaining from a resolution of this

series i.e., resolution 32/147, Bolivia criticized the manner in which the UN was dealing with international terrorism. It said:

The draft resolution was not satisfactory. Once again the question of the prevention and repression of international terrorism had been side-stepped and priority given to a study of its causes. That made the aim of the draft a purely theoretical exercise, denied of all power truly to combat terrorism, if only in one of its most cruel aspects, namely the one relating to innocent victims. (UN Monthly Chronicle, 1978 Jan.: 100)

Resolution 3034 and other subsequent GA resolutions on international terrorism were a reflection of an international community divided over the issue. In spite of their deficiencies, this series of resolutions was the product of the divergent opinions of the international community on the issue, and the UN road map in dealing with international terrorism. The first introductory paragraph of resolution 3034 announced that the GA was “Deeply perturbed over acts of international terrorism which [were] occurring with increasing frequency and which [took] a toll of innocent human lives” (A/RES/3034).

This paragraph reveals that the authors of the resolution were knowledgeable about the existence of international terrorism prior to 1972. The adoption of this resolution and several other GA and SC resolutions show that the UN had the mandate to deal with international terrorism as an international security concern. Before 1972, terrorism took a toll of innocent human lives, but what did catch the attention of the UN was the ‘increasing frequency of acts of terrorism.’ Although the adoption of this resolution was a shift in the UN approach toward international terrorism, the UN was not able to depart from its procedure for NLMs. In Paragraph 3, the resolution reaffirms the right to self-determination of all peoples

under colonial and racist regimes and “upholds the legitimacy of their struggle, in particular the struggle of the NLMs, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations” (Ibid).

As the first UN resolution on international terrorism, resolution 3034 was expected to present a definition for the problem. Neither this resolution nor subsequent UN resolutions included a definition for international terrorism. The resolution was not helpful in recognizing terrorism from other acts of violence but also it was confusing in regard to the purpose of the resolution. While the resolution was about international terrorism, Paragraph 4 of the resolution 3034

[c]ondemn[ed] the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental human rights and fundamental freedoms [.] (Original emphasis)

Further, Paragraph 2 urged “States to devote their immediate attention to finding just and peaceful solutions to the underlying causes which give rise to such acts of violence”. Paragraphs 2, 3 and 4 of the resolution prove that the GA was not determined to combat international terrorism. To the GA, dealing with root causes of terrorism was more important than combating international terrorism. Such a position reveals that the GA had realized the necessity for responding to “increasing acts of international terrorism”, however, it viewed the threat from the lens of self-determination. Condemning root causes of international terrorism without condemning international terrorism, and the immediate emphasis on the legitimacy of struggle of the NLMs imply international (nationalist) terrorism as a legitimate

response to those root causes. Therefore, this resolution at best was not a proper response to acts of international terrorism at worst it recognized the legitimacy of nationalist terrorism.

According to resolution 3034, the primary responsibility in relation to international terrorism has been given to state. With regard to perpetrators of terrorism, the title of the resolution refers briefly to ‘some people’ who sacrifice human life including their own. The term ‘people’ compared to nation, organization or movement is very neutral. To the GA, the important issue is the role of the state in relation to international terrorism. In the introductory part, the resolution refers to the ‘Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations’ (A/RES/2625, ANNEX) in which the GA asks UN members to avoid organizing terrorist actions against other states. Further, the resolution “[u]rges States to devote their immediate attention to finding just solutions to the underlying causes which give rise to such acts of violence” (original emphasis). This resolution includes three recommendations to states that: “to become parties to the existing international conventions which relate to various aspects of the problem” – without naming those conventions, “to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem”, and “to consider the subject-matter urgently and submit observations to the Secretary-General by 10 April 1973, including proposals for finding an effective solution to the problem” (Paragraphs 5 - 7).

The most important collective measure by the GA in relation to international terrorism was the establishment of an *Ad Hoc* Committee on international terrorism. According to resolution 3034, the Committee was to consist of 35 members appointed by the President of the GA. The mandate of the *Ad Hoc* Committee was to consider the observations of states under Paragraph 7 and submit “a report with recommendations for possible co-operation for speedy elimination of the problem.” In the same breath, the resolution asked the *Ad Hoc* Committee to bear in mind the provision of Paragraph 3 i.e., the legitimacy of the struggle of the NLMs.

The *Ad Hoc* Committee held its sessions from 16 July to 11 August 1973 (UN Monthly Chronicle, 1973 Aug-Sept.: 88). But, it was unable to reach an agreement on recommendations to the GA. “It adopted the report containing a summary of the main trends in its debates in plenary session and in three sub-committees, as well as the text of various proposals submitted by members during the session” (Ibid). Perhaps the main reason of the failure of the *Ad Hoc* Committee in fulfilling its mandate on the problem was the contradiction in its mission i.e. a compromise between initiating recommendations on the problem and maintaining the legitimacy of the struggle of the NLMs.

In 1976, the GA adopted resolution 31/102 that was very similar to resolution 3034. In that resolution the GA extended the work of the *Ad Hoc* Committee and invited those states who had not done so to submit their observations and proposals to the Committee “as soon as possible.” In 1977, the SG announced that he was not able to comply with Paragraph 9 of resolution 31/102 in which the SG had been requested to transmit to the *Ad Hoc* Committee an analytical

study of the observations of States submitted under Paragraph 8; because he had received only two reports from Democratic Yemen Republic and Syria (UN Monthly Chronicle, 1977 Apr.: 54). As the report of *Ad Hoc* Committee to the GA in 1977 indicates, the members had consensus over two issues: the concern of the international community about the development of international terrorism, and the necessity of the UN to combat international terrorism (Report of the *Ad Hoc* Committee on Terrorism 1977, Section 1 and 7). Although there was a general reaffirmation of the right to self-determination and independence of all peoples under colonial and racist powers and other forms of alien domination, and “the legitimacy of their struggle, in particular, the national liberation movements” some members mentioned that in this regard “there could be *no exception to the condemnation and suppression of international terrorist activities*. They referred to the *right to life, liberty and security of individuals* enunciated in the Universal Declaration of Human Rights” (Ibid, Section 2, emphasis added). Some other members observed that the use of terrorist methods that threaten lives of innocent people by certain governments and states should fall under general condemnation of terrorism. Some other states, however, believed that human right questions did not fall within the mandate of the Committee (Ibid).

The general debate in the *Ad Hoc* Committee was included some observations on the root causes of terrorism and the need for concentration on specific categories of terrorism. Some delegations placed emphasis on the need for a definition of international terrorism. Drawing attention to the Committee’s mandate, this group

expressed the view that only a precise definition of the acts to be condemned and in-depth study of the underlying causes of terrorism could remove the misunderstandings which had so far blocked any effective action by the international community, the delegations in question added that partial measures taken without regard to those prerequisites would merely aggravate existing divergences and prevent any progress from being made. (A/32/37 1977)

In spite of such observations, the *Ad Hoc* Committee and subsequently the GA failed to make any progress in regard to the problem in 1977. Eventually the GA resolution 32/147 repeated the text of the previous resolutions on the problem.

GA resolution 34/145 (1979) was a milestone in GA's history of dealing with terrorism. Subsequent to the submission of reports and observations of states, the UNSG succeeded in preparing his analytical report to the *Ad Hoc* Committee. Subsequently, the fruitful general debate in the *Ad Hoc* Committee, after seven years, enabled the Committee to submit its recommendations to the GA. Welcoming the result achieved by the *Ad Hoc* Committee, resolution 34/145 “[a]dopt[ed] the recommendations submitted to the General Assembly relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism” (Paragraph 2, original emphasis). Furthermore, for the first time the GA “[u]nequivocally condemn[ed] all acts of international terrorism” (Paragraph 3). Moreover, the GA urged all states to co-operate with one another more closely through exchange of information in regard to prevention and combating international terrorism, the conclusion of special treaties and/or incorporation to appropriate bilateral treaties, in particular regarding the extradition or persecution of international terrorists (Paragraph 11).

To accelerate international efforts in dealing with terrorism, in addition to urging states in becoming parties to international treaties, and the conclusion of new conventions and treaties relating to different aspects of international terrorism, the GA recommended to “the appropriate specialized agencies and regional organizations that they should consider measures to prevent and combat international terrorism within respective spheres of responsibility and regions” (Paragraph 10). Although the GA maintained its hypocritical posture in the resolutions on international terrorism in relation to the NLMs, this resolution was including some improvements in favor of combating international terrorism that were followed by two resolutions of the same series in 1981 and 1983.

Adopting another resolution of this series in 1985, which is turning point in the history of the UN in dealing with terrorism, the GA announced its deep concern about “the world-wide escalation of acts of terrorism in all its forms” (A/RES/40/61). In an important step toward combating international terrorism, in Paragraph 1 of this resolution, the GA “[u]nequivocally condemn[ed], as criminal, all acts, methods, practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security” (A/RES/40/61, original emphasis). In spite of such a statement in that resolution, the GA maintained its usual stand in this series of resolutions in relation to the legitimacy of the struggle of the NLMs.

Since the adoption of the first resolution on international terrorism, the GA and the *Ad Hoc* Committee maintained that states have the primary responsibility for dealing with international terrorism. This series of GA resolutions on

international terrorism gradually unfolded the elements of such responsibility. For instance, resolution 34/145, asked states to fulfill their obligations under international law and refrain from “organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another states, or acquiescing in organized activities within their territory directed towards the commission of such acts” (Paragraph 7). Resolution 42/159 listed some of these obligations “to take effective and resolute measures for the speedy and final elimination of international terrorism”. According to this resolution states have to:

- (a) Prevent the preparation and organization in terrorism for commission within or outside their countries;
- (b) Apprehend, prosecute or extradite perpetrators of terrorist acts;
- (c) Conclude special bilateral, regional and multilateral agreements;
- (d) Co-operate in exchanging relevant information concerning the prevention and combating terrorism, and
- (e) Harmonize their domestic legislation with the existing international conventions on international terrorism to which they are parties [...] (Paragraph 5)

Among the above-mentioned obligation, the GA put more emphasis on the prosecution of perpetrators of terrorist acts. In Paragraph 6, it urged all states not to allow any circumstances to obstruct the application of appropriate measures of relevant conventions to perpetrators of terrorist acts.

As international terrorism was unfolding before the international community, the GA pointed out the link between acts of international terrorism as crime, and other types of crime. In 1989, in resolution 44/29, the GA called the attention of member states to the growing connection between terrorist groups and drug traffickers. To clarify this connection, in Paragraph 9 of the same resolution, the GA expressed concern at the growing dangerous links between terrorist groups,

drug traffickers and their paramilitary gangs. It believed that such links had “resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights” (A/RES/44/29). In regard to the crimes connected to international terrorism, in the 1970s and 80s, the UN considered the “murderous association of mercenaries with terrorists and drug traffickers” (Virgilio Barco Vargas, Colombia’s President, lecture at the GA on September 29th, 1989, UN Monthly Chronicle 1989 Dec.: 46). In 1989, the GA succeeded in making the “International Convention against the Recruitment, Use, Financing and Training of Mercenaries” (A/RES/44/34).

In 1987, the GA concentrated on the issue of the definition of international terrorism. Two sections added to the long title of resolution 42/159 indicating the intentions of the GA: “Report of the Secretary-General”, and “Convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation.” To put more emphasis on the need for a definition of international terrorism, the penultimate paragraph of the preamble to the resolution held that “the effectiveness of the struggle against terrorism could be enhanced by the establishment of a *generally agreed definition of international terrorism*” (emphasis added).

Another important feature of this resolution was the redefinition of the role of the SG in dealing with international terrorism. The GA assumed an important role for the SG in fulfilling the purpose of that resolution. In Paragraph 12 the SG was asked

to seek the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including, inter

alia, the convening, under the auspices of the United Nations, of an international conference to deal with international terrorism in the light of the proposal referred to in the penultimate preambular paragraph of the present resolution [...] (A/RES/42/159)

According to Paragraph 13, the SG is responsible to fulfill other decisions of the resolution, i.e., “follow up, as appropriate, the implementation of the present resolution and to submit a report in this respect to the General Assembly.”

The more experienced the international community became in dealing with international terrorism, the more it emphasized international cooperation and multilateral actions. In its first measure against the problem, i.e., resolution 3034, the GA requested the *Ad Hoc* Committee to consider the observations of states and submit its report for “possible co-operation for the speedy elimination of the problem.” After a decade of experience in dealing with the problem, in the resolutions 42/159 (1987), and the last resolution of this series, 44/29 (1989), the GA indicated that it was:

Convinced also of the importance of expanding and improving international co-operation among States, on a bilateral, regional and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge [...]

In fact, reminding states of their individual responsibility about the problem, the GA in the resolutions on international terrorism was to promote cooperation among states. International cooperation enables the international community to eliminate international terrorism. This can be an incentive to improve co-operation among states. As the GA pointed out “international co-operation in combating and preventing terrorism will contribute to the strengthening of confidence among States, reduce tensions and create a better climate among them (A/RES/42/159).

To improve international co-operation in relation to international terrorism, in addition to keeping the issue active in the agenda of the GA and in related committees, the UN always supported other multilateral measures against terrorism. As will be discussed shortly, the UN either urged or supported related international organizations to “study” or undertake necessary actions, mainly in the form of legal measures, to take part in combating international terrorism. As mentioned in resolution 44/29, the GA was mindful of “the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism.” In previous resolution on the problem, i.e., resolution 42/159, the GA had requested

relevant specialized agencies and intergovernmental organizations, in particular the Universal Postal Union, the World Tourism Organization and the International Atomic Energy Agency, within their respective spheres of competence, to consider what further measures can usefully be taken to combat and eliminate terrorism[.]

GA resolution 44/29, adopted on December 4th, 1989 was the ninth and the last resolution of the series of “measures to prevent international terrorism ...” that had been initiated by the adoption of resolution 3034 in 1972. While the first resolution of this series was about a half page including vague references to the problem, the last one was more than four pages including clear and firm statements on the problem, a long list of international instruments for dealing with international terrorism such as UN resolutions, declarations, and multilateral conventions. Moreover, taking advantage of the report of the members to the SG and the *Ad Hoc* Committee, GA resolutions gradually became more specific and transparent. They began including some recommendations for UN members however, there were some problems to which the GA could not reach concrete solutions.

The most important problem was the conciliation between the right to self-determination and the human right to life. The literature of the GA in recognizing the legitimacy of the struggle of the NLMs by “all means” was replaced with the recognition of the legitimacy of their struggle, “in accordance with the purposes and principles of the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations” (A/RES/44/29). However, the GA never urged the NLMs to avoid taking violent actions.

This hypocritical procedure of the GA for international terrorism continued through the adoption of resolutions and taking actions in relation to the NLMs. For instance, while the constituent groups of the PLO were at the forefront of internationalization of terrorism (Hoffman 68), on November 22nd, 1974, the GA invited “the Palestine Liberation Organization to participate in the sessions and the work of all international conferences convened under the auspices of the General Assembly in the capacity of observer” (A/RES/3237). The success achieved by the PLO in publicizing the Palestinians’ plight through the ‘internationalization’ of its struggle with Israel has since served as a model for similarly aggrieved ethnic and nationalist minority groups everywhere” (Hoffman 68). Such measures by the UN added another dimension to the desirability of the methods of terrorism.

Not all UN principal organs examined in this research had the same weight and policy for dealing with international terrorism. The SG played an important role in drawing attention of the GA and the SC to the problem. However, in some occasions he had to defend his effort of bringing to the attention of the UN

international terrorism and clarify that “he had no intention to affect principles enunciated by the General Assembly regarding colonial and dependent people seeking independence” (UN Monthly Chronicle, 1976 Aug-Sept.: 58-59).

The Secretariat was a strong supporter of measures against international terrorism. The SG repeatedly condemned international terrorism and clearly expressed his views on the necessity of fight against this threat (UN Monthly Chronicle 1979 March: 40). In September 1978, in a report to the General Assembly he complained that the wide international concern over hijacking had not resulted in notable progress in the drafting of an international convention against the problem, although the Assembly had agreed to extend for another year the mandate of the Committee established for that purpose. He reminded UN members that they had an obligation to discuss those problems in all frankness with each other and to try to find means by which they could assist each other in facing a peril which threatens all (UN Monthly Chronicle, 1978 Oct.: 62). Encouraging states to strengthen the trend of practical cooperation, in the same report, he warned states of the escalation of the danger that took advantage of technological peculiarities.

In a press conference in February 1979, the SG complained about the lack of political will in fighting international terrorism and said that the international community had to cooperate “to reach agreement on an international instrument that would create better international co-operation in fighting terrorism” (UN Monthly Chronicle, 1979 March: 40). Sometimes, the SG defended UN efforts in regard to international terrorism and blamed governments for the failure in combating the

problem. For instance, on October 19th, 1977, in response to a question regarding a UN convention on hijacking and terrorism, the SG said:

We will do what we can. We are deeply concerned, and from all the talks I have had with the delegations, I feel that they are ready to do something about it. But, the final result will depend on the readiness of the Governments. I sometimes have the feeling that we are being accused of something which is in fact a matter of Governments. We have conventions. They have agreed upon. (UN Monthly Chronicle, 1977 Nov.: 13-14)

After the recognition of international terrorism as an issue, the UN, especially the GA, failed to reach an agreement on a convention relating to international terrorism. That was partly because the GA's method of dealing with international terrorism. As inscribed in the title of GA resolutions on international terrorism, the GA intended to study the root causes of international terrorism. It intended to prevent, and eliminate international terrorism through the study and the elimination of the root causes of the problem. The most important implication of this approach was the consideration of international terrorism as the normal – and to some extent legitimate – response to those root causes. Not considering international terrorism as a wrong response to those problems prohibited the UN, especially the GA, to combat international terrorism all along. Such an approach towards international terrorism could match the UN's policy for dealing with the NLMs. However, that approach put the UN in the horns of a dilemma. While the UN was willing to support the NLMs, terrorist actions by terrorist groups including some NLMs endangered lives of innocent peoples. That situation was considered by some UN members. Complaining about GA procedure for dealing with international terrorism, some countries, such as Nicaragua called it a “dilatatory

measure” in taking action against terrorism (UN Monthly Chronicle, 1978 Jan.: 100). GA measures for dealing with terrorism were believed not “to meet the aspiration of mankind and far from preventing the perpetration of that crime. It would allow terrorism to continue and to increase” (Ibid).

International Conventions on International Terrorism

The debate on international terrorism in the UN, in general, did not lead to a solid policy for dealing with the problem. However, it shed some light on different aspects of the issue. The GA resolution 44/29 (1989), the last resolution of GA series of resolution on “Measures to Prevent International Terrorism” referred to nine international conventions dealing with different aspects of international terrorism. Six of them were made during the period from 1972 to 1988. Four of them are the conventions and the protocol on the safety of aerial transportation, one convention on internationally protected persons, one convention on taking of hostages, two conventions on the safety of maritime navigation and fixed platforms located on continental shelf, and one convention on the physical protection of nuclear material. Two of them i.e., “the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973)” and “the International Convention against the Taking of Hostages (1979)” were made by the GA.

In 1973, annexed to resolution 3166, the GA adopted the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons. Neither the resolution nor the Convention explicitly indicates that the Convention was a response to international terrorism. The content however, directly deals with

terrorism. It deals with people who may be target of terrorists, the types of crime and way of dealing with them. According to Article 1, by the term “internationally protected person”, the Convention means: a Head of State, a Head of Government or a Minister for Foreign Affairs and his family members whenever any such person is in a foreign State. It also includes representative or official of a state or any official or other agent of an international organization of an intergovernmental character. According to Article 2, the crime includes: the international commission of murder, kidnapping or other attack upon the person or his liberty, a violent attack upon the official premises, the private accommodation, or means of transport of internationally protected person, an attempt to commit any such attack, and an act constituting participation as an accomplice in any such attack. Article 2 requires each party to criminalize the above mentioned actions and make punishable by appropriate penalties. The Convention put emphasis on prevention and prosecution of such crimes.

Another area of international terrorism that the GA could reach an agreement on how to deal with was the issue of taking of hostages. The GA began noticing the issue in 1976. In resolution 31/103, the GA identified a relation between taking of hostages and the violation of human right to life, liberty and security. Recalling the prohibition of the taking of hostages in various international conventions in regard to human rights and the safety of civil aviation and the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, recognized “the urgent need for further effective measures to put an end to the taking of hostages[.]” To that end, it established “an

Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages” (A/RES/31/103). Considering the failure of the *Ad Hoc* Committee to fulfill its mandate before the 32nd session of GA, the GA extended the work of the Ad Hoc Committee through resolution 32/148 for one year and asked all states to provide the Committee with their suggestions and proposal. In 1978, the Committee again announced that it had been unable to complete its mandate. In 1979, after the Committee did complete its mandate, the GA adopted resolution 34/146 and the International Convention against Taking of Hostages.

The adoption of other multilateral conventions was either supported or requested by the GA. For instance, in resolution 40/61, the GA encouraged “the International Civil Aviation Organization [ICAO] to continue its efforts aimed at promoting universal acceptance of and strict compliance with the international air security conventions [.]” The GA and the SC paid special attention to the issue of air hijacking. Considering the observation of Special Political Committee on serious concern over the “escalation of unlawful interference with civil air travel and its consequences for the safety of international civil aviation” and its request from the GA to take appropriate action, in 1977, the GA adopted resolution 32/8 on “safety of international civil aviation” (UN Monthly Chronicle, 1977 Dec.: 23-24). In that resolution, the GA reiterated and reaffirmed “its condemnation of acts of aerial hijacking or other interference with civil air travel through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircraft, whether committed by individuals or States” (A/RES/32/8). Further it called upon “all states to take all necessary steps, taking into account the relevant

recommendations of the United Nations and the International Civil Aviation Organization” to prevent such acts. It asked the ICAO “to undertake urgently further efforts with a view to ensuring the security of air travel and preventing the recurrence” of such acts. Another multilateral convention, intending specifically to control international terrorism, is the Convention on “the Marking of Plastic Explosives for the Purpose of Detection (1991).” The main purpose of this convention is to make mandatory adding a detection agent to plastic explosives for effective detection. The convention was initiated by the ICAO after the massive use of plastic explosives in destroying aircrafts.

Two other conventions i.e., “the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation” and “the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf” were made subsequent to GA request from the International Maritime Organization “to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures” (A/RES/40/61).

An examination of the history of the UN’s dealing with international terrorism from 1972 to 1992 reveals that the UN failed in reaching an agreement on a definition, and on effective ways for dealing with international terrorism. The UN failure in taking a concrete strategy for combating terrorism was due to tying the issue to the NLMs. The UN’s condemnation of terrorism and inviting the representatives of the NLMs, with terrorist methods, to the UN was an obvious practical contradiction in the UN’s policy toward terrorism. In spite of such contradictions, however, the UN succeeded in reaching agreements on some

specific aspects of international terrorism in GA. This success was achieved by considering the issue and coming to this understanding that dealing with manageable parts of the issue is much easier than dealing with ‘international terrorism’ as an abstract normative term.

Another important development in this area was the establishment of a connection between international terrorism and human rights. In addition to GA referral to the Protocol Additional to the Geneva Conventions of 1949 in resolution 34/145, the GA in resolution 40/61 (1985) referring to the related GA declarations, connected the problem with relevant instruments on international humanitarian law. In resolution 42/159 (1987), the GA announced that it was “[m]indful of the necessity of maintaining and safeguarding the basic rights of the individual in accordance with the relevant international human rights instruments and generally accepted international standards [.]” Given the position of human rights in the UN agenda, this development could promote UN’s response to international terrorism. Soon major events in global politics impacted the international system as well as the forms and content of international terrorism. That subject will be investigated in the next chapter.

Chapter Three

Combating International Terrorism (1992-2005)

A. General Assembly and International Terrorism 1992-2005

In 1991, the GA began adopting a new series of resolutions under “Measures to Eliminate International Terrorism”. This series replaced the first series of GA resolutions on international terrorism that had been initiated in 1972. This change symbolized the shift in the GA’s approach towards international terrorism. In fact, that shift had begun in 1985 when the GA, in resolution 40/61, emphasized “the elimination of acts of international terrorism and their underlying causes and the prevention and elimination of this criminal scourge” (A/RES/40/61). In the late 1980s, although the content of GA resolutions on the issue was very different from the early GA resolutions, the GA had maintained the same title. The initiation of the new series of resolutions completed the shift from the old approach that justified/legitimized the relationship between the underlying causes and acts of terrorism.

But, the GA did not depart from its traditional phrasing of these resolutions i.e. the consideration of international terrorism in relation to ‘the right to self-determination’, ‘independence of all people under colonial and racist regimes and other forms of alien domination and foreign occupation’, and ‘upholding the legitimacy of the NLMs’. Therefore, in Paragraph 15 the Assembly announced that

nothing in the present resolution could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right referred to in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination, or the right of these peoples to struggle legitimately to this end and to seek and receive support in accordance with the principles of the Charter, the above-mentioned Declaration and the relevant General Assembly resolutions, including the present resolution [...] (A/RES/46/51)

According to the Charter, nothing “shall impair the inherent right of individual or collective self-defence” (Article 51). But condemning all acts of terrorism, and after that mentioning a long list of issues that themselves might be considered ‘underlying causes’ of terrorism, was not the proper way of combating international terrorism. It implies that to fulfill those principles, people and individuals are authorized to undertake any measure even terrorist acts. Are actions of international actors, even against the Charter, a valid excuse to commit terrorist acts?

GA resolution 48/122 (1993) lucidly answered this question; “[b]earing in mind that the most essential and basic human right is the right to life” (A/RES/48/122), the GA

[u]nequivocally condemn[ed] all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States [...] (Ibid, time adjustment)*

* In this resolution and other resolutions the General Assembly has been inspired by paragraph 17 of the ‘VIENNA DECLARATION AND PROGRAMME OF ACTION’ adopted in WORLD CONFERENCE ON HUMAN RIGHTS (Vienna, 14-25 June 1993). That paragraph reads “[t]he

This impressive development in the GA approach to terrorism had important results. In contrast to the GA's traditional concentration on the underlying causes of terrorism, by adopting this resolution, the GA focused on *the victims of international terrorism*. In the preamble to the resolution, the GA declared its strong disapproval of "the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances" (Ibid). Further, condemning 'the acts, methods and practices of terrorism' was a step to detach terrorism from its root causes. In other words, the commission of such acts was terrorism whomever might be the perpetrator for whatever reason. The GA viewed international terrorism as a crime linked to other international organized crimes, such as drug traffickers and their paramilitary gangs, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials (A/RES/49/60, ANNEX). Considering this situation, the GA asked all states "in accordance with international standards of human rights, to take all necessary and effective measures to prevent, combat and eliminate international terrorism" (A/RES/48/122).

The adoption of resolution 49/60 (1994) and annex, the 'Declaration on Measures to Eliminate International Terrorism', completed this paradigm shift. The declaration was a landmark counter-terrorism measure in the history of GA dealing

acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments. The international community should take the necessary steps to enhance cooperation to prevent and combat terrorism" (A/CONF.157/23).

with international terrorism. The preamble to the resolution included the GA perception of the mainstream of international terrorism in 1994. It declared that the Assembly was “deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism” (A/RES/49/60, ANNEX). Was this shift in the GA approach to international terrorism because of the shift in the motivation of terrorism? The GA connected nationalist terrorism to colonialism and the right of self-determination and supported that type of terrorism. However, with the end of classic colonialism, the GA saw no reason to support the NLMs. Therefore, the new international climate resulted in the new GA approach to international terrorism.

The GA announced its determination to eliminate this threat ‘in all its forms and manifestations’. That declaration stressed the need for international cooperation between states “in order to take and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism” (Ibid). Regarding the role of the UN and the relevant specialized agencies, it considered that they might foster ‘widespread cooperation in preventing and combating international terrorism’. Given the UN’s intention of combating international terrorism, the GA considered “the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism” (Ibid). This statement established one of the most important elements of the GA policy for dealing with international terrorism.

The declaration included “unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed”. This clear and unlimited commitment was a new phenomenon in GA measures against terrorism. In its previous measures, the GA was careful not to undermine the right of self-determination. But, in this declaration, the GA condemned “methods and practices of terrorism as criminal.” It means that under no condition, are people allowed to resort to terrorism. By inserting this paragraph into the declaration, the GA dismissed all of its earlier explicit or implicit supports for terrorism as a means to implement the right of self-determination. The GA continued deploring acts of terrorism in Paragraph 3. This paragraph condemns terrorism in the strongest terms:

Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them [.] (Ibid)

Subsequent paragraphs of the declaration included recommendations of the GA to states. These recommendations later were reaffirmed by the SC in resolutions concerning international terrorism. States were asked by the GA “[t]o refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities”. It further asked states to ensure that their respective territories were not used for terrorist installations or training camps. Although the Declaration on Friendly Relations among States (1970) had asked states to refrain from organizing and instigating terrorist acts against other states or their citizens, the GA declaration in 1995 reaffirmed the same obligations, by obliging states to ensure their territories

not be used by any group “for the preparation or organization of terrorist acts intended to be committed against other States or their citizens” (Ibid). In this view, protecting citizens of the state from terrorism is not only a domestic responsibility but an international obligation. According to the new approach to terrorism, the GA intended to make states more proactive and aware of their commitments to the international community in combating international terrorism.

The declaration reemphasized the prosecution and the extradition of the perpetrators of acts of terrorism. Given section (f) of Paragraph 5 that asked states to ensure that asylum seekers had not engaged in terrorist activities, the GA was to revise the existing humanitarian law to remove the possibility of any misuse of international law by terrorists. According to this section states have to ensure that in granting asylum to refugees they should prevent them from organizing and instigating acts of terrorism. These measures tightened the existing regulations concerning the prosecution of perpetrators of terrorist acts. The GA considered the prosecution of perpetrators of terrorist acts in its subsequent resolutions. In resolution 50/53 (1996), the GA urged all states “to strengthen cooperation with one another to ensure that those who participate in terrorist activities, whatever the nature of their participation, find no safe haven anywhere” (A/RES/50/53).

The declaration put special emphasis on the exchange of information pertaining to the prevention and combating of international terrorism. Section (d) of Paragraph 5, and Paragraph 6 considered this issue. Paragraph 6 of the declaration reasons that due to “the growing international character and effects of acts of terrorism, States should enhance their cooperation in this area through, in particular,

systemizing the exchange of information” (A/RES/49/60, ANNEX). It was not the first time that the GA had emphasized the importance of international cooperation in preventing and combating international terrorism. The Assembly’s emphasis might be considered as an element of its general approach to international relations. But, the reasoning in this resolution reveals that due to the nature of international terrorism, international cooperation in dealing with international terrorism is a must. In this regard, the GA encouraged any measures such as the conclusion of bilateral, regional and multilateral agreements.

The GA declaration on ‘Measures to Eliminate International Terrorism’ revealed how international terrorism had become serious for the international community. In Paragraph 7, the resolution stressed the removal of any possibility for terrorist acts by filling all legal gaps. In order to provide the international community with a ‘comprehensive legal framework covering all aspects of terrorism’, the GA encouraged all states “to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations” (Ibid). As this declaration in various places suggested, this comprehensive legal framework should be provided by the inclusion of new instruments and a new interpretation of the existing legal measures from the perspective of the elimination of international terrorism. Further, the UN and the relevant specialized agencies and other international organizations were asked to “make any effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field” (Ibid).

In the UN, the responsibility for the implementation of this declaration rested with the Secretary General. In Paragraph 10, the GA asked the Secretary General to assist the implementation of the declaration ‘within existing resources’. The Secretary General was specifically asked to provide a collection of data on the status and implementation of all international agreements relating to international terrorism, and national laws and regulations regarding terrorism. The GA further asked the Secretary General to prepare “an analytical review of existing international legal instruments relating to international terrorism” to identify the aspects of the problem that had not been covered by such instruments. Moreover, the declaration asked the Secretary General to review the possibility of “organizing workshops and training courses on combating crimes connected with international terrorism” (Ibid).

Parallel to the series of resolutions on the elimination of terrorism, in 1995 the GA initiated a new series of resolutions under ‘Human Rights and Terrorism’. This initiative declared the importance of human rights in the new GA approach to international terrorism. Resolution 49/185 is the first one of this series. In that resolution, the GA reiterated

its unequivocal condemnation of all acts, methods and practices of terrorism, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States [...] (A/RES/49/185, emphasis added)

Expressing its solidarity with the victims of terrorism, the GA requested “the Secretary-General to seek the view of Member States on the possible

establishment of a United Nations voluntary fund for victims of terrorism” (Ibid). Although this resolution called upon all states “to take all necessary and effective measures to prevent, combat and eliminate international terrorism”, it insisted that those measures should be in compliance with ‘international standards of human rights’. It seems that the GA’s new paradigm on security, and its new approach to international terrorism based on human rights enabled it to remove inconsistencies in its measures against international terrorism.

To provide a comprehensive policy for combating international terrorism, in particular the prevention of terrorism, resolution 50/186 considered the issue of incitement to acts of terrorism. In this regard, in Paragraph 5, the GA condemned “incitement of ethnic hatred, violence and terrorism” (A/RES/50/186). In this paragraph the GA juxtaposed ethnic hatred with violence and terrorism. Given the different nature of ‘ethnic hatred’ from the other two concepts, i.e violence and terrorism, it can be said that the GA condemned even the promotion of possible incentives to terrorism. But, the expansion of the war against terrorism did not prevent the GA from reaffirming that “all measures to counter terrorism must be in strict conformity with international human rights standards” (Ibid). Counter-terrorist measures are to provide freedom from fear for the people therefore, any measures that violate human rights and freedoms do not serve the UN’s purpose.

Parallel with the GA’s efforts to combat international terrorism, different measures were taken by various regional and international organizations. In many places, the GA encouraged and supported such measures. GA resolution 51/210 enlisted organizations, such as the Organization of African Unity, the Organization

of American States, the Organization of Islamic Conference, the South Asian Association for Regional Cooperation, the European Union, the Council of Europe, the Movement of Non-Aligned Countries and the Group 7 and the Russian Federation. Numerous measures taken by various regional or international organizations with different mandates revealed the necessity of dealing with international terrorism, and the complexity of this problem. Subsequently, in resolution 55/158, the GA invited “regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism” (A/RES/55/158).

Although different international organizations had begun dealing with international terrorism, terrorist attacks had increasingly become more widespread devastating. The GA saw the solution in putting emphasis on international cooperation to deal with this problem. A major field of cooperation was noted “to supplement the existing legal instruments in order to address specifically the problem of terrorist attacks” (A/RES/51/210). Most of the GA measures against international terrorism were reactions to terrorist acts. But the GA realized the need for enhancing international cooperation in order to prevent the use of more dangerous methods or materials such as nuclear and chemical materials by terrorists.

The GA has considered the creation of legal instruments on international terrorism as an important field of cooperation. In many places the GA urged states to cooperate with each other in order to create multilateral conventions on the issue. Two main reasons can be recognized in the GA’s resolutions for more international

cooperation. First, it was necessary to supplement multilateral measures on international terrorism with new measures to fill the existing gaps. In the history of the UN measures against international terrorism, an endless competition has emerged between terrorism and counter-terrorism. In this competition, terrorists have been ahead of the UN, except for UN measures on nuclear terrorism. In other words, most of the UN measures have been a reaction to the methods and acts of terrorism. The international community has always suffered from the lack of “a comprehensive convention on international terrorism”, however, given the complexity of the problem, it seems that one convention cannot satisfy this need. Second, considering such environmental factors such as technology, and the mutations of international terrorism made it hard to deal with. With the invention of new technologies, the international community needs to promote and update its measures on international terrorism. For instance, with the emergence and spread of the internet, resolution 51/210 realized the possibility of the use of the internet in terrorist attacks. As that resolution mentioned, the GA should

note the risk of terrorists using electronic or wire communications systems and networks to carry out criminal acts and the need to find means, consistent with national law, to prevent such criminality and to promote cooperation where appropriate [...] (A/RES/51/210)

Financing terrorism was one of the fields of international cooperation that caught the attention of the GA in the 1990s. Given the importance of the financing issue in combating terrorism, the GA embarked on prevention through all appropriate measures. Thus, in 1996, the GA called upon states to prevent the financing of terrorists and terrorist organizations whether it was direct or indirect “through organizations which also have or claim to have charitable, social or

cultural goals or which are also engaged in unlawful activities such as illicit arms trafficking, drug dealing and racketeering” (Ibid).

In that resolution, the GA established an Ad Hoc Committee to fill the gaps in international instruments on international terrorism. It decided the Ad Hoc Committee should

elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism [...] (Ibid)

In the 1980s, the GA realized the importance of a comprehensive international convention on international terrorism. The more serious the threat of international terrorism became, the more the GA realized the importance of such a measure. Although the new approach to international terrorism based on human rights enabled the GA to remove some inherent inconsistencies from its measures that had arisen from the earlier approach, the GA seemed less optimistic about the creation of a comprehensive convention on international terrorism. Such a perception is seen in the preamble to resolution 53/108 where the GA cautiously mentioned “*the possibility* of considering in the near future the elaboration of a comprehensive convention on international terrorism” (A/RES/53/108). The progress of the evolution of such a convention in the Ad Hoc Committee proved that there was a long time for that goal to materialize. However, three years later in 2001, the GA welcomed “the important progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee” (A/RES/56/88) and the Working Group of the Sixth

Committee which had been established pursuant to resolution 51/210 and 55/158 respectively. That progress encouraged the Assembly to extend the life of the Ad Hoc Committee to follow the question as a matter of urgency (Ibid). But the collection of international conventions on the problem still lacked such a convention.

In regard to comprehensive measures on international terrorism, another failure was the decision of the GA to hold an international summit on terrorism. In 1998, the GA responded to the decision of the 12th Conference of Heads of State or Government of Non-Aligned Countries concerning “an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations” (ARES/53/108). Although, in Paragraph 10, the GA decided to address “the question of convening a high-level conference in 2000, subsequent resolutions, i.e. A/RES/55/158 (2000), A/RES/57/27 (2002), A/RES/58/81 (2003) and A/RES/59/46 (2004) reveal that it was not able to reach that goal.

Although the UN, including the GA, was very active in dealing with international terrorism, it was not satisfied with the trend of events. Resolution 54/164 (1999) warned that despite national and international efforts, acts of terrorism aimed at the violating human rights had continued. In addition to concerns about the right of life, that resolution connected terrorism with the right of people to live in freedom from fear. The more international terrorism intensified the more it affected new aspects of the international community. Given this situation, in the Millennium Declaration, the GA asked states “[t]o take concerted action against

international terrorism, and to accede as soon as possible to all the relevant international conventions” (A/RES/55/2). In this regard, the Declaration hoped to make the UN a more effective instrument for fighting against ‘terror and crime’. This concern was reflected in other GA measures against terrorism. Most GA resolutions on terrorism mentioned “the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism” (A/RES/55/158).

After the terrorist attacks of September 11, 2001 in the United States of America, the GA condemned those attacks and reiterated the need for international cooperation to prosecute the perpetrators, organizers and sponsors of those terrorist acts already committed and prevention of future terrorism (A/RES/56/1). In December, the GA reaffirmed “the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism” (A/RES/56/88). Despite the GA’s emphasis on international cooperation among international actors according to various GA resolutions, the primary responsibility for dealing with international terrorism rests with national states. It has the primary role in the articulation of a policy for combating terrorism; it is the primary audience of all UN resolutions on international terrorism. Resolution 56/160 (2002) reminded the international community of the role of the state when it emphasized “the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism”. According to this statement, international

cooperation does not undermine the role of the state in combating terrorism or replace the responsibility of the state. Indeed, successful national measures are prerequisites to successful international cooperation. Further, the will of the states is the necessary element of this cooperation. The GA has always stressed that the protection of all human rights and fundamental freedoms of every individual is an obligation of all states. Therefore, the international nature of terrorism does not diminish the role of the state to deal with the problem. In fact, GA's perspective in dealing with the question has been very state centric.

Since 1970, the GA has tried to elaborate on the duties and responsibilities of states, however sometimes in vague and general statements. In this regard, the GA's recommendations can be classified into three categories: passive, active national, and active international. In the passive recommendations that date back to the Declaration on Friendly Relations among States, states have been prohibited from organizing, instigating, financing, harboring, and training terrorists. But the proliferation of international terrorism has proved that those recommendations do not exert sufficient control. Active national measures include those measures that result from the UN policy of zero tolerance for terrorism. These measures oblige states to enact domestic legislation necessary to implement the provisions of the international conventions on international terrorism (A/RES/57/27). Active international measures refer to those measures that stress the need for international cooperation among states, the UN and the related international organizations in combating international terrorism. In regard to international organizations, the GA was mindful of "the need to enhance the role of the United Nations and the relevant

specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect” (Ibid).

Resolution 56/160 included the GA observation on the context and the causes of international terrorism. It observed terrorism in a context of historical, social and political forces. The preamble to the resolution reads

at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges [...] (A/RES/56/160)

In this context the GA observed terrorism as a normal/natural feature of a transforming situation mainly caused by extremist forces. Such a situation that violates human integrity is not bearable. But what has been more frightening to the GA is “the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage including huge loss of human life”. International terrorism has connections with social forces that are permanent feature of humanity. Therefore, international terrorism is not a temporary phenomenon to be treated by ad hoc measures.

‘Institutional constraints’ were a major issue in enhancing the role of the UN in combating international terrorism. The GA, in different places, called upon specialized agencies, and international organizations with different mandates, to become engaged with the question. Despite the Assembly’s emphasis on the role and responsibility of these organizations, it held that international terrorism should be dealt with through existing institutions. In this regard, the Assembly asked states to cooperate with the Secretary General and “with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates,

that technical and other expert advice is provided to those States requiring and requesting assistance” in becoming parties to relevant international conventions (A/RES/57/27). This resolution is a perfect example of the role that the GA considered for international organizations in dealing with international terrorism. This view is compatible with the UN position on the primary role of the state in combating international terrorism. The UN and other international organizations were to facilitate and coordinate the fulfillment of the obligations of states. The GA never considered an operational role for the UN in combating terrorism. Further, the GA avoided expanding the UN administration. This has been a major element of the GA’s policy for combating international terrorism. Instead, the GA urged “all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations” (Ibid). The Secretariat and different UN offices and organizations took measures to adapt themselves to the requests of the GA.

In this regard, measures taken by the International Atomic Energy Agency (IAEA) and the Centre for International Crime Prevention were reflected in the GA’s resolutions. According to resolution GC (46)/RES/13, adopted by the General Conference of the IAEA, an Advisory Group in Security was set up in the agency to advise the Director General on the Agency’s activities relating to nuclear security. Given the importance of this question in 2002, the GA initiated a new series of resolutions under “Measures to prevent terrorists from acquiring weapons of mass destruction.” In the first resolution of this series it welcomed that measure by the agency and called upon all states, in addition to taking and strengthening national

measures, “to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery” (A/RES/57/83). In another measure, the Assembly welcomed the “efforts of the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna [...] to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism” (A/RES/57/27).

In 2002, parallel with two series of resolutions, i.e ‘measures to eliminate international terrorism’ and ‘human rights and terrorism’, the GA initiated a new series of resolutions on international terrorism entitled “[p]rotection of human rights and fundamental freedoms while countering terrorism” (A/RES/57/219). The GA had already stressed that acts and methods of terrorism were against human rights and urged the international community to combat that threat. On the other hand, it had emphasized that any measure should comply with the standards of human rights and freedoms. This series of resolutions was a response to violations of human rights in combating terrorism. To address such cases or potential cases, the GA affirmed that “States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law” (Ibid). In that resolution the GA, although it held that international terrorism is a threat to human rights, emphasized that combating that threat does not justify the violation of human rights. In fact, any counter terrorism measure incompatible with human rights are against that aim. While combating terrorism, “states are under the obligation to protect all human rights and fundamental freedoms of all persons” (Ibid, and A/RES/59/191). As to

the role of the UN, the Assembly asked the United Nations High Commissioner for Human Rights to examine the question of the protection of human rights and fundamental freedoms while countering terrorism, and in this regard make general recommendations concerning the obligation of states.

The GA's new approach of combating international terrorism not only shaped subsequent Assembly resolutions on the problem but also made it review, when necessary, its earlier measures from the perspective of human rights. In response to the increase in the number of hostage-takings, the GA adopted resolution 57/220 (2002). The GA's manner in recalling or reaffirming earlier UN measures on international terrorism is evidence for such a shift even in reviewing earlier measure from the new perspective. Although the preamble to the international convention on hostage-taking had mentioned some human rights concerns of the international community in making that convention, that resolution specifically concentrated on the human rights aspect of the question (A/RES/57/220).

In December 2003, the GA adopted the second resolution of the series of 'Measures to prevent terrorists from acquiring weapons of mass destruction' (A/RES/58/48). According to this resolution, the primary responsibility for preventing terrorists from acquiring weapons of mass destruction rests with the states. It mentioned that states had to take appropriate measures "to prevent terrorist from acquiring weapons of mass destruction, their means of delivery and technologies related to their manufacture" (Ibid). Further, states were invited, on a voluntary basis, to inform the Secretary General of the measures taken in this

regard. Similar to other UN measures on international terrorism, that resolution emphasized cooperation among states and relevant international organizations in order to strengthen national capacities in responding to the threat.

Different GA resolutions on human rights and international terrorism not only helped the international community become knowledgeable about the ramifications of international terrorism for human rights but also, through considering the question from the perspective of human rights, assisted the international community in making a coherent response to international terrorism. Furthermore, such efforts resulted in the promotion and expansion of human rights when the GA stressed “that every person, regardless of nationality, race, sex, religion or any other distinction, has a *right to protection from terrorism and terrorist acts*” (A/RES/58/174, emphasis added). Further, the recognition of the right of protection from terrorism, and combating terrorism in conformity with international law were major concerns of the GA. In the preamble to the same resolution referring to the report of the Secretary General on the implementation of the Millennium Declaration, the Assembly mentioned that “terrorism itself is a violation of human rights and must be combated as such and that efforts at combating it must be pursued, however, in full compliance with established international norms” (Ibid). The protection of individuals from terrorism and combating international terrorism are interrelated and mutually enforcing. Therefore, states are obliged to ensure that their measures to combat terrorism comply with their obligations under international law.

This issue was reiterated in the report of the Secretary General on the implementation of resolution 57/219 to the Commission of Human Rights (E/CN.4/2003/120). In the Conclusion, the Secretary General yet again stressed “respect for human rights in the international campaign to eliminate the practice and threat of terrorism”. The GA in different places elaborated on various aspects of this issue. But most GA’s measures in this regard were to rectify the existing practice of states. For instance, in 2003, the Assembly Announced that it was

[g]ravelly concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law [...] (A/RES/58/178, original italic)

In this regard, in another measure, the GA called upon states “to raise awareness about the importance of these obligations among national authorities involved in combating terrorism” (Ibid). Further, the UN High Commissioner for Human Rights (UNHCHR) was again asked to “make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms” and to “provide assistance and service to States, upon their requests”, while countering terrorism (Ibid). Such recommendations do not prohibit the GA from strengthening its position on perpetrators even supporters of terrorism. In 2004, it urged states

to ensure that their nationals or other persons and entities within their territory that wil[l]fully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are *punished by penalties consistent with the grave nature of such acts*[.] (A/RES/59/46, emphasis added)

The main concern of the GA in combating international terrorism is the protection of human rights against both terrorist acts and counter terrorist measures of states. It seems the GA has had a hard time to creating and maintaining the balance between terrorism and counter-terrorism measures. As mentioned before, the primary responsibility of such protection rests with the state. To help the state in fulfilling this obligation, the Secretary General, the UNHCHR and other intergovernmental organizations were asked to, where appropriate within existing mandate, provide technical and other expert advice to those states “requiring and requesting assistance in becoming parties to and implementing” the relevant international measures on terrorism.

Providing states with assistance in regard to their international obligations and monitoring the fulfillment of those obligations were recognized by the GA as the main duties of the UN and other international organizations. Similar to its request to the Secretary General and the UNHCHR in regard to preventing nuclear terrorism, the GA stressed “the importance of the role of the International Atomic Energy Agency (IAEA) in promoting and reinforcing the safety and security of radioactive materials and sources, in particular by supporting the improvement of national legal and regulatory infrastructure” (A/RES/60/73). As with other international organizations concerned with terrorism, the IAEA role is to provide technical assistance to member states. More importantly, some IAEA measures, such as the Code of Conduct on the Safety and Security of Radioactive Sources, are not legally binding instruments. Such initiatives are to strengthen national measures against terrorism, not to replace the state.

Becoming aware of the shift in the motivation of international terrorism from nationalism to extremism, the GA recognized other aspects of such cooperation. The damage of the extremist type of terrorism goes much beyond the casualties and damage of terrorist attacks. It targets different levels of identity such as religion, culture and civilization with the intention of promoting hatred and distrust. To address this question, the GA announced its concern over “the tendencies to link terrorism and violence with religion” and rejected “the identification of terrorism with any religion, nationality or culture” (A/RES/59/195). Given the nature of this type of terrorism, the GA emphasized “that tolerance and the enhancement of *dialogue among civilizations* are among the most important elements in promoting cooperation and success in combating terrorism” (A/RES/59/46, emphasis added).

The adoption of two resolutions in 2004 and 2005, under the title “Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention” (A/RES/58/136 & 59/153), reveals the importance of international cooperation in the strategy of the UN for combating international terrorism. The GA not only laid stress on the “importance of the consideration of measures to eliminate international terrorism by the General Assembly” but also declared it “as the universal organ having competence to do so” (A/RES/59/46). In this regard, it approved the establishment of two new posts for the Centre for International Crime Prevention and the redeployment of one post for the United Nations Office at

Vienna “to strengthen its capacity to address issues related to terrorism in all its forms and manifestations (A/RES/52/220).

In strengthening this office, in particular the Terrorism Prevention Branch, the GA concentrated on ‘technical cooperation capacity’ (A/RES/52/90, 53/114, 54/131 and 55/64). In resolution 56/123, the GA reaffirmed

the role of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat in providing to Member States, upon request, *technical cooperation, advisory services and other forms of assistance* in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism [...] (A/RES/56/123, emphasis added)

In the same resolution, once again it emphasized the role of the Office in promoting cooperation where it supported

the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism, and stress[ed] the need to enhance the operational activities of the Centre to assist, in particular, developing countries and countries with economies in transition [...] (A/RES/56/123 and 57/173)

Although the GA laid primary stress on the provision of technical cooperation, it considered the possibility that some states, especially less developed states, maybe in need of other assistance to fulfill their international obligations in regard to terrorism. Further, it kept the list of such assistance open and invited the SG

to consider, in consultation with Member States and the Commission on Crime Prevention and Criminal Justice, the ways in which the Centre could contribute to the efforts of the United Nations system against terrorism, in accordance with relevant General Assembly and Security Council resolutions [...] (A/RES/56/123)

Further, in resolution 57/173 the GA requested the Secretary General to make a proposal to strengthen the Terrorism Prevention Branch at the UN Office in Vienna. The mandate of the Center for International Crime Prevention of the Office on Drugs and Crime of the Secretariat included preventing and combating terrorism, in particular strengthening “international cooperation and providing technical assistance” in order to complement the work of the Counter-Terrorist Committee of the SC (A/RES/57/173). Interestingly, the afore-mentioned resolutions juxtaposed international terrorism with other organized crime, and treated it as a crime. It is clear that the GA did not consider terrorism as a political crime when it called upon states

to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists [.] (Ibid, Para. 10)

Not to let such decisions undermine refugee status, in other measures the GA declared that “all States must fully respect the non-refoulement obligations under international refugee and human rights law, while at the same time bearing in mind relevant exclusion provisions under international refugee law” (A/RES/60/158). In the afore-mentioned resolutions on increasing cooperation, the GA considered terrorism as a form of organized crime. Given the gravity of international terrorism,

the GA adopted resolution 59/153* (2004) specifically in relation to the question. The purpose in this resolution is specifically to reinforce international cooperation in criminal justice matters pertaining to terrorism.

Given “the essential need to strengthen international, regional and subregional cooperation” the resolution aimed at “enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations” (A/RES/59/153). Thus it commended the UNODC for its efforts

to reinforce close cooperation with international, regional and subregional organizations, such as the Council of Europe, the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe and the World Bank, and the Counter-Terrorism Committee in preventing and combating terrorism [...] (Ibid)

Further, it recommended the UNODC to hold regional and subregional meetings and workshops

to familiarize national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) and the requirements for becoming parties to and implementing the universal conventions and protocols related to terrorism and international cooperation agreements [...] (Ibid)

The abovementioned recommendations and requests were repeated in the last General Assembly resolution of this series in 2005 (A/RES/60/175).

While the main purpose of GA measures against international terrorism is increasing cooperation among states at all levels, bilateral or global, and providing states with technical assistance in order to increase national capacity to proactively

* A/RES/59/153 on “Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime”.

participate in countering terrorism, the UN itself is dealing with the issue of coordination. This issue is an item on the agenda of the GA. In this regard, in different places the GA requested “the Secretary-General to submit proposals to strengthen the capacity of the United Nations system to assist States in combating terrorism and enhance coordination of United Nations activities in this regard” (A/RES/60/43).

Although the GA has succeeded in creating a considerable literature on international terrorism, including several international conventions and supporting and promoting international cooperation on the question, the observations of the Assembly reflected in related resolutions in the 60th session (2005) revealed that the GA was not satisfied with what has been done and the current situation. In 2005, the Assembly declared that it is “*Deeply disturbed* by the persistence of terrorist acts, which have been carried out worldwide” (Ibid, original emphasis). Further it has to continue its efforts, as the World Summit in 2005 stressed, to “reach an agreement on and conclude a comprehensive convention on international terrorism” and to follow “the question of convening a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations” (A/RES/60/1).

B. The Security Council and International Terrorism

The SC response to international terrorism dates back to the adoption of resolution 286 (1970) on hijacking of commercial airplanes. In that resolution, the SC asked states “to take all possible legal steps to prevent further hijackings or any other interference with international civil travel”. In another step to secure air

transportation against terrorism, the SC adopted resolution 635 (1989). The primary aim of that resolution was to support the efforts by the ICAO in devising an international regime for the marking of plastic or sheet explosives for the purpose of detection. The preamble to the resolution reveals that the SC knew of the implications of international terrorism for international peace and security. In explaining the role of the UN in regard to the problem, the SC described it as important, but limited to “supporting and encouraging efforts by all States and intergovernmental organizations in preventing and eliminating all acts of terrorism” (S/RES/635). In another measure, in December 1989, the SC condemning all acts of hostage taking and abduction, called for “the immediate release of all hostages and abducted persons wherever and by whomever they [were] being held” (S/RES/579).

In 1985, in response to “the prevalence of incidents of hostage-taking and abduction”, the SC adopted resolution 575. In that resolution, the SC observed hostage-taking and abduction as “offences of grave concern to the international community”. Appealing to states to become parties to the related international convention and other international conventions against terrorism, the SC urged states to devise and adopt “effective measures which are in accordance with the rules of international law to facilitate the prevention, prosecution, and punishment of all acts of hostage-taking and abduction as manifestations of international terrorism” (S/RES/575).

Further to the above-mentioned measures, the SC responded to one case of hostage-taking in July 1988. The Council adopted resolution 618 in regard to the abduction of William Richard Higgins, a military observer of the UN Truce

Supervision Organization in Lebanon. Condemning the abduction of Lieutenant-Colonel Higgins, the Council demanded his immediate release. Without mentioning any specific state, the SC called upon member states to use their influence in any way possible to promote the implementation of that resolution.

In the 1990s, the prosecution of the perpetrators of terrorist acts became the most important issue in combating international terrorism. Most UN measures and other multilateral measures against international terrorism were to outlaw different manifestations of international terrorism and provide necessary instruments for the prosecution of the perpetrators of terrorist acts. The efforts of the UN and other regional organizations had provided the international community with considerable legal instruments to combat international terrorism. The SC adoption of resolution 731, on January 21, 1992, was an important development and a turning point in UN measures against international terrorism.

By adopting resolution 731, the SC intervened in the prosecution of the two Libyans accused of committing terrorist acts against Pan Am flight 103 and Union de transports aériens flight 772. Announcing its determination to eliminate international terrorism, the Council condemned the destruction of those flights. Further, the Council strongly deplored the fact that the Libyan government had not responded to the requests of France, Great Britain and the United States of America for cooperation in prosecuting the perpetrators of those crimes. The Council urged Libya “immediately to provide a full and effective response to those requests so as to contribute to the elimination of international terrorism” (S/RES/731). Moreover, the SC requested the Secretary-General, and all states, individually and collectively,

to encourage the Libyan government to provide a full and effective response to those requests.

The SC resolution 731 on Libya marked the first time that the Council considered the implication of state engagement in terrorism. It called upon Libya to comply with international obligations in relation to international terrorism. Libya's non-compliance with that resolution led to the adoption of resolution 748 on March 31, 1992, a landmark in the history of the UN in dealing with international terrorism. The resolution included practical measures against terrorism. The SC announced that "the suppression of acts of international terrorism, including those in which States are directly involved, is essential for the maintenance of international peace and security" (S/RES/748). The preamble to the resolution reaffirmed that pursuant to the principle in Article 2, Paragraph 4, of the Charter of the UN, "organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when such acts involve a threat or use of force" constitute violation of the Charter.* Subsequently, the Council decided that the Libyan Government had to comply with Paragraph 3 of resolution 731 regarding the requests addressed to the Libyan authorities by France, the United Kingdom and the United States of America. Moreover, the Libyan Government had "definitely to cease all forms of terrorist action and all assistance to terrorist groups" (S/RES/748).

* The resolution refers to Article 2, paragraph 4 that reads: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

What differentiated resolution 748 from other SC resolutions, was the imposition of tough sanctions against Libya including an air and arms embargo, and technical, economic and diplomatic sanctions. Further, the Council established a committee consisting of all members of the Council to monitor the implementation of the sanctions. The SC action against Libya was the first case of such measures against international terrorism in the history of the UN. The important development in the preamble to the resolution was the Council's reference to the Charter. Instead of referring to previous UN resolutions and international conventions on international terrorism, the Council decided to directly identify the question as the violation of the Charter. This development reveals that the lack of related international legal instruments was not the only reason for the UN's reluctance to take action against international terrorism in the 1970s and 80s. This is a serious question in the history of the UN in dealing with international terrorism as to why such a connection between international terrorism and the violation of international peace and security had not been considered prior to that resolution, more importantly, why it had not resulted in practical measures against international terrorism. Because of this new interpretation of the Charter and subsequent measures against Libya, new procedure on international terrorism was established. Both issues, i.e. the violation of international peace and security by international terrorism and the necessity to prosecute the perpetrators of acts of terrorism were reiterated in the subsequent Council resolution – resolution 883 – on the Libyan case. In resolution 883 (1993), moreover, the Council emphasized the need for prosecution of those involved in acts of international terrorism. Reaffirming

resolutions 731 and 748, and tightening up on sanctions, the Council asked all states to freeze “funds or other financial resources (including funds derived from property) owned or controlled, directly or indirectly, by: (a) the Government or public authorities of Libya, (b) or any Libyan undertaking” (S/RES/883)*.

In 1996, in response to the terrorist assassination attempt on the life of the President of Egypt, in Addis Ababa, Ethiopia on 26 June 1995, the SC adopted resolution 1044. It called upon the government of the Sudan to comply with the requests of the Organization of African Unity without further delay to:

- (a) Undertake immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the assassination attempt on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan;
- (b) Desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuaries to terrorist elements and act in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the Charter of the Organization of African Unity [...] (S/RES/1044)

Another important development in that resolution was the recognition of international terrorism as a threat to ‘international community as a whole’ and further pointed to the responsibility of the international community in dealing with international terrorism. In the preamble to the resolution, the Council stressed

the imperative need to strengthen international cooperation between States in order to make and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole [...] (Ibid)

Interestingly, the OAU had considered that assassination act a measure aimed at Africa as a whole. This situation created an atmosphere that can be called the

* For the exception to this measure, see S/RES/883, 11 November 1993.

international solidarity against international terrorism. Given this situation, in Paragraph 5, the Council urged “the international community to encourage the Government of Sudan to respond fully and effectively to the OAU requests” (Ibid). In fact, the SC asked the international community to encourage Sudan to fulfill its international obligations in relation to the question. Therefore, the main responsibility of the international community was considered to be monitoring and enforcing the implementation of international instruments on terrorism. Resolution 1044, specifically, requested Sudan’s compliance with bilateral agreement between Sudan and Ethiopia on the extradition of criminals, multilateral convention on crimes against internationally protected persons and other related regional measures. The intervention of the SC intends to facilitate and expedite this implementation. Further, the SC supported the efforts of the Secretary General of the OAU aimed at the implementation of the decision of the OAU in this regard. Moreover, the Council requested the UN Secretary General “in consultation with the OAU to seek the cooperation of the Government of Sudan in the implementation of this resolution” (Ibid). This case is an ideal example of how the UN considered and supported the regional organizations and their measures in dealing with international terrorism.

The non-compliance of Sudan with the request of the OAU and resolution 1044 led to the adoption of resolution 1054 April 26th 1996. In the preamble to that resolution, the Council reaffirmed that the suppression of acts of international terrorism was “essential for the maintenance of international peace and security”

and that the non-compliance of Sudan with SC resolution 1044 had constituted “a threat to international peace and security” (S/RES/1054).

In resolution 1054, the Council considered the elimination of international terrorism, a mandate of the UN, according to Chapter VII of the Charter. This statement causes another question to be asked about the UN’s dealing with international terrorism. Why was the SC not active in dealing with international terrorism in the 1970s and 80s? Incidentally, the SC decided that all states should reduce their diplomatic relationship with the government of Sudan. Further, it called upon “all international and regional organizations not to convene any conference in Sudan” (Ibid).

An important inclusion in the Council resolutions in the 1990s was the differentiation of the role of the Secretariat, specifically the role of the Secretary General, in dealing with international terrorism. In all early UN counter-terrorism measures in relation to the problem the Secretariat played a facilitating role for the Secretariat. The facilitating role of the Secretary General included collecting reports from member states, financing and staffing the Committees of the GA and the SC. Further to that role, in the UN measures against Libya and Sudan, the SG was requested to supervise the implementation, and possible violations, of the decision of the SC on those cases. Moreover, the Secretary General was asked to watch the developments of those issues. The mentioned duties of the Secretary General became strengthened in Afghan related cases.

The situation of Afghanistan in the 1990s and its relationship with international terrorism is an ideal example of the complexity of international

terrorism and its implications for international security in the age of globalization. The origins of the long and devastating civil war in Afghanistan are traced back to the Soviet invasion of Afghanistan. As far as it is related to this research, the Soviet invasion initiated a long crisis. While the foreign occupation of Afghanistan could be considered merely as a national issue for Afghanistan, it emerged as an ideological war against the socialist superpower. An armed struggle against the occupation motivated by Islam led to the mobilization of Mujahedin from different Muslim countries. That Islamic fight against the Soviet invasion was supported, technically and financially by the United States, and financially by some Muslim countries such as Saudi Arabia. The long battle in Afghanistan resulted in the Soviet defeat and its withdrawal from Afghanistan, and a huge network of non-Afghan militants around the Muslim world. Subsequent to the collapse of the Soviet Union, this network, being proud of its success, aimed at the remaining superpower, the United States. The terrorist bomb attacks in Nairobi, Kenya and Dar-es-Salam, Tanzania on August 7th 1998, by Al-Qaeda was a painful start to a chain of devastating terrorist attacks by this network of Mujahedin.

Subsequent to the above-mentioned attacks, the SC adopted resolution 1189 on August 13th 1998. In that resolution, in Paragraph 3, the Council called upon “all States and international institutions [to] cooperate with and provide support and assistance to the ongoing investigations in Kenya, Tanzania and the United States to apprehend the perpetrators of these cowardly criminal acts and to bring them swiftly to justice” (S/RES/1189). Paragraph 5 of this resolution became a rule for preventing international terrorism. It called upon “all States to adopt, in accordance

with international law and as a matter of priority, effective and practical measures for security cooperation, for the prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators” (Ibid). In contrast to other SC resolutions that mainly considered the issue of the prosecution of perpetrators of acts of terrorism, this resolution obliged states to cooperate to prevent terrorist acts.

Along with issues such as producing and trafficking of drug and mass violation of human rights, “the sheltering and training of terrorists and the planning of terrorist acts” (S/RES/1214) was a serious concern of the SC in regard to Afghanistan. Given the importance of prosecution of perpetrators of terrorist acts, the Council demanded the Taliban “stop providing sanctuary and training for international terrorists and their organizations, and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice” (Ibid). Important to note is that the demand was made even though the SC did not consider the Taliban to be the government of Afghanistan. Now, non-governmental groups are invited to cooperate against terrorist acts.

In October 1999, SC resolution 1267 deplored the provision of safe haven to Usama bin Laden. It accused the Taliban of allowing a network of terrorist training camps to operate from Taliban-controlled territory. The resolution continued that failure to cooperate in regard to the extradition or prosecution of terrorist suspects “constitutes a threat to international peace and security” (S/RES/1267). Considering this situation, the SC insisted

that the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan, comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their

organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice [.] (Ibid)

This paragraph (Paragraph 1) and the second paragraph of the resolution that demanded the turning over of Usama bin Laden to the United States, are the expression of the obligations of the members of the international community in regard to international terrorism. The Taliban' non-compliance with these obligations resulted in sanctions being imposed on the Taliban by the SC. The sanctions included air sanction, freezing of funds and other financial resources. According to Paragraph 7, the provisions of that resolution abolished "any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of coming into force of the measures imposed by paragraph 4" (S/RES/1267). Paragraph 4 included an air embargo and financial sanction against Afghanistan.

To supervise the implementation of the decisions of the resolution, the Council, in Paragraph 6, established a committee consisting of all the members of the Council. Further, in Paragraph 11 it requested the Secretary General "to provide all necessary assistance to the Committee established by paragraph 6" (S/RES/1267). According to the provisions of this resolution, given the relationship between the Secretariat and the Committee, the role of the Secretariat was not limited to the provision of administrative assistance to the Committee. Pursuant to Paragraph 14, the measures imposed by that resolution could be terminated upon the report of the Secretary General to the SC that the Taliban had fulfilled the

obligation set out by the resolution. To implement such a task, in Paragraph 11, the Secretary General was requested “to make the necessary arrangements in the Secretariat’ to fulfill the decisions of the resolution.”

Resolution 1267 (Paragraph 14) announced the determination of the Council “to consider the imposition of further measures” in order to achieve “the full implementation of this resolution”. As the Council had considered the possibility of non-compliance of the Taliban with resolution 1267, the Council adopted resolution 1333 in December 2000. In that resolution the Council reiterated the condemnation of “the continuing use of the areas of Afghanistan under the control of the Afghan faction known as Taliban [...], for the sheltering and training of terrorists and planning of terrorist acts”. The Council, again, explicitly deplored the provision by the Taliban of safe haven to Usama bin Laden and others associated with him “to operate a network of terrorist training camps” and “to use Afghanistan as a base from which to sponsor international terrorist operations” (S/RES/1333).

Taking terrorist acts or sponsoring terrorism needs financial resources. To satisfy financial needs, many terrorist groups are inclined to establish connections with illegal profitable activities, such as drug trafficking, human trafficking and money laundering. Such an evil connection with other organized crimes needs further attention by the international community. Among other issues mentioned in the preamble to the resolution (1333), the recognition of the relationship between terrorism and drug trafficking in Afghanistan was an important observation. The resolution mentioned that “the Taliban benefited directly from the cultivation of illicit opium by imposing a tax on its production and indirectly benefit[ed] from the

processing and trafficking of such opium”. Further, the resolution recognized that those substantial resources strengthened the Taliban’s capacity to harbor terrorists.

Resolution 1333 reaffirmed the Council’s demand that Taliban had to “cease the provision of sanctuary and training for international terrorists and their organizations” and

take appropriate effective measures to ensure that the territory under its control [was] not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with international efforts to bring indicted terrorists to justice [.] (Ibid)

Confirming the measures taken in resolution 1267, the Council asked all states “to close immediately and completely all Taliban offices in their territories” and “to close immediately all offices of Ariana Afghan Airlines in their territories”. Resolution 1333 concentrated specifically on the persecution of Usama bin Laden. Section (c) of Paragraph 8 was to ensure all possible ways of feeding Al-Qaeda financially were closed. It included the decision of the Council to freeze Al-Qaeda’s funds and other financial assets.

The SC’s measures against Al-Qaeda were pivotal. Although the Council did not recognize the Taliban as the legitimate political authority in Afghanistan, except for some areas in the North and North-East, in practice that faction was in charge of the country. Therefore, the SC could treat the Taliban as it did other governments. As for Al-Qaeda, it was a non-governmental network. Given the mobility of the age of globalization it is very difficult to control a non-governmental network of terrorists. The Council’s traditional procedure for security issues focused on the role of states in international relations. Traditionally, the state is the

audience of all SC resolutions. Such a tradition adds to the problem of dealing with non-governmental violent groups. The measures of this resolution against Al-Qaeda represent what the UN can do against transnational terrorism.

In resolution 1267, the SC considered an important role for the Secretary General. According to Paragraph 15 of that resolution, the Secretary General was requested to appoint a committee of experts to make recommendations to the Council for the implementation of the resolution, such as the closure of terrorist training camp to be supervised. Further, the Secretary General was required to supervise the implementation and report possible problems in enforcing the measure of the resolution, and recommend how to strengthen enforcement measures. Moreover, the Secretary General was asked to review the humanitarian implications of the measures imposed by resolutions 1267 and 1333, and report to the SC.

The SC tried to deal with the question through the existing UN offices and avoid expanding the administration. But, the Committee of Expert observed that the issue of the closure of terrorist camps was so complicated that needed close monitoring. The Committee recommended “the establishment of a United Nations Office for Sanctions Monitoring and Coordination-Afghanistan” (S/2001/211, Paragraph 96). The proposed office had two parts: the first part made up of small teams of experts, the second comprising the various border control and counter-terrorist services in each of the countries bordering Afghanistan (Ibid, Paragraph 78). Considering the importance of the monitoring of the implementation of these resolutions, in July 2001, the Council adopted resolution 1363. In that resolution,

the Secretary General was requested, in consultation with the Committee established pursuant to resolution 1267, to establish a mechanism “to monitor the implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000)”, to offer assistance to bordering states of Afghanistan to increase their capacity regarding the implementation of the measures imposed by the above-mentioned resolutions, and “to collate, assess, verify wherever possible, report and make recommendations on information regarding violations of the measures imposed by resolutions 1267 (1999) and 1333 (2000)” (S/RES/1363).

Subsequently, the SC established a Monitoring Group including up to five experts in the fields of concern, especially counter-terrorism, and a Sanctions Enforcement Support Team that worked under the coordination of the Monitoring Group and that had to report at least once a month to the Monitoring Group. The Monitoring Group was requested to report to the Committee established pursuant to resolution 1267. That Committee had to report to the Council at regular intervals. The Secretary General was asked to make the necessary arrangements to support the work of the monitoring mechanism. As to the costs of such measures, the Council required “the Secretary-General to make the necessary arrangements to support the work of the monitoring mechanism, as an expense of the Organization and through a United Nations Trust Fund established for this purpose” (Ibid). In the same paragraph, the Council asked the SG to establish that Trust Fund, and encouraged states to contribute to the Fund and “to contribute, through the Secretary-General, personnel, equipment and services to the monitoring

mechanism”. The Committee established pursuant to resolution 1267 should be kept informed of the financial arrangements supporting the mechanism (S/RES/1363).

The case of Afghanistan was an amalgamation of different issues, such as terrorism and mercenaries, drug trafficking and the suppression of human rights. The Afghan case was an ideal example of the interconnectedness of these problems. Among those problems, the issue of international terrorism, in particular the prosecution of perpetrators of terrorist acts and the suppression of terrorism, was the concern that caught the attention of the SC. The Afghan crisis and its association with international terrorism reminded the international community of the threats of failed states to international peace and security. Responding to the cases of Libya and the Sudan seemed much easier to the Council because of the existing governments in those states. To monitor the resolutions on Libya and the Sudan, the Council had established the related committees. However, the complexity of the Afghan crisis and the organization of Al-Qaeda made the Council expand the executive and monitoring bodies of its measures against international terrorism.

Further to SC responses to specific terrorist acts, the Council adopted some measures on international terrorism in general. Resolution 1269, adopted on October 19th 1999 was one of such measures. In that resolution, the Council announced its deep concern about “the increase in acts of international terrorism which endangers the lives and well-being of individuals worldwide as well as the peace and international security” (S/RES/1269). In those resolutions the SC concentrated specifically on the elimination of international terrorism. In those measures the problem was not bound to any other issue such as the right to self-

determination. Such a development freed the Council from any other concern, allowing it to unequivocally condemn

all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, in particular those which could threaten international peace and security [.] (Ibid)

Although similar statements had been made before that in other UN resolutions, in general, the traditional approach of the UN to consider simultaneously international terrorism and the issue of the right to self-determination hindered a coherent policy for international terrorism.

In the preamble to resolution 1269, the Council explained its policy for combating international terrorism. To deal with this problem, the Council held ‘the necessity to intensify the fight against terrorism’ at two levels: national and international. These two levels are not separate from each other; mostly, international commitments in this regard are the extension of national commitments of individual states. At the national level, the Council focused on the issue of national legislation that not only enables states to prevent and suppress acts of terrorism in their territories through ‘lawful means’ but also to participate internationally in war against terrorism.

The SC put emphasis on the ‘rule of law’ in combating international terrorism. In this regard, the SC called upon all states “to implement fully the international anti-terrorist conventions to which they are parties”, “to consider as a matter of priority adhering to those to which they are not parties, and ‘the speedy adoption of the pending conventions” (Ibid). At the international level, the SC called upon all states to “cooperate with each other, particularly through bilateral

and multilateral arrangements” (Ibid). As the fight against terrorism proceeded the Council emphasized the conformity of measures on terrorism with human rights.

As can be understood from various SC resolutions, particularly resolution 1269, the Council had realized the necessity of combating international terrorism as a threat to international peace and security. Further, its measures against Libya, Sudan, and particularly Afghanistan, revealed the determination of the Council to fight terrorism. However, the Council believed that *ad hoc* measures would be sufficient in dealing with international terrorism, a belief that was ruined by the terrorist attacks on September 11th 2001 in New York, Washington DC and Pennsylvania. SC resolution 1368, adopted on September 12th, announced the determination of the council “to combat by *all means* threats to international peace and security caused by terrorist acts” (emphasis added). The Council called on

the international community to redouble their efforts to prevent and suppress terrorist acts including by increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions, in particular resolution 1269 [.] (S/RES/1368)

Further, this resolution expressed the readiness of the Council “to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations” (Ibid). Although the resolution did not consist of practical measures against international terrorism, it reaffirmed “the inherent right of individual or collective self-defence in accordance with the Charter”. Moreover, it paved the way for the adoption of resolution 1373 by the Council.

Resolution 1373 was a landmark measure against international terrorism. One paragraph of the preamble to the resolution includes an important observation of the Council on international terrorism. It announces the deep concern of the Council because of “the increase, in various regions of the world, of acts of terrorism motivated by *intolerance or extremism*” (S/RES/1373, emphasis added). That statement reveals the knowledge of the Council of the shift in the motivation of the perpetrators of acts of terrorism. For many nationalist terrorists in the 1960s to 1980s, terrorism was a means to publicize a specific problem, mainly related to nationalism. For this type of terrorism, terrorism was only a means to affect target groups. The benefits and losses associated with a terrorist act had to be calculated carefully by terrorists to avoid reverse effects. Thus the ultimate goal of terrorism was not murder but to change the process of decision making through creating terror. In contrast to nationalist terrorism, the ideological terrorism that prevailed in the 1980s and reached its peak in September 2001, more than creating terror, aimed at maximum casualties in terrorist attacks. Terrorism was not only to create fear, but also to increase the death toll. Extremist terrorism does not follow a specific goal as nationalist terrorism does. Further, it is not negotiable. Therefore, this type of terrorism has to be considered more seriously and carefully.

As mentioned in the preamble to the resolution 1373, the increase ‘of acts of terrorism motivated by intolerance or extremism’ in various regions of the world had become a major concern of the Council. As before, the Council emphasized international cooperation in dealing with terrorism. In resolution 1373, the Council reviewed some of the earlier UN decisions on international terrorism and made

some new decisions. The Council considered the process from the formation of a terrorist group to the persecution of the perpetrators of terrorist acts in order to prevent and suppress terrorist acts.

As to the formation of terrorist groups, the Council began from the issue of recruitment and decided that all states had to suppress the recruitment of members of terrorist groups. The way the Council articulated the related paragraph was interesting. It reads all states shall refrain

from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists [.] (Ibid)

According to this decision, states no longer have a valid excuse for ignoring the issue. All states have the responsibility to actively fight terrorism.

Resolution 1373 put considerable emphasis on the issue of financing terrorism. The first paragraph of this resolution was allocated to the issue of funding with the purpose to “prevent and suppress the financing of terrorism.” The Council decided that all states shall criminalize “the willful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories” (Ibid). Further, the Council asked all states to “Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts”.

The Council touched on the exchange of information as one of the most important fields of international cooperation in combating terrorism. Due to national security concerns, this field is one of the most challenging areas of cooperation. UN resolutions in the past had considered the necessity of the

exchange of information in relation to the prosecution of the perpetrators of terrorist acts. Moving forward, this resolution considered the exchange of information in regard to *the prevention of terrorist acts*. As section (b), Paragraph 2 reads, states shall “[t]ake the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information” (Ibid).

In Paragraph 3, the resolution extended the range of information exchange to operational aspects of terrorism in order to prevent the commission of terrorist acts. Section (a) Paragraph 3 asked all states to find

ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups [.] (Ibid)

The prosecution of the perpetrators of terrorist acts, normally, was one of the major questions in SC resolutions on international terrorism. In resolution 1373, the Council considered the evasion of prosecution by recourse to human rights claims, specifically refugee status. The SC asked states to take appropriate measures “for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts” (Ibid). The section (g) of Paragraph 3 is very crucial in the prosecution of the perpetrators of acts of terrorism. It asked all states to ensure,

in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that *claims of political motivation are not recognized as grounds for*

refusing requests for the extradition of alleged terrorists [...] (Ibid, emphasis added)

Although in the measures prior to this resolution the SC and the GA had announced terrorist acts as criminal, perpetrators of terrorist acts by acquiring refugee status could escape justice. This paragraph put an end to such immunity. Also, it terminated the duality of political terrorism and criminal terrorism that had emerged in the 1980s.

From an institutional point of view, resolution 1373 is a milestone in UN history of dealing with international terrorism. In Paragraph 6, the SC established “a Committee of the SC, consisting of all the members of appropriate expertise, to monitor the implementation of this resolution”. The Committee is known as the Counter-Terrorism Committee (CTC). All states have been asked to submit to the Committee their reports on their measures to implement the resolution. Above all, resolution 1373 is the most comprehensive SC measure against international terrorism including obligations of states in regard to the global aspects of the problem.

The Council incentive subsequent to the terrorist attacks of 9/11 did not end with the adoption of resolution 1373. On November 12th 2001, in a meeting at ministerial level, the Council adopted ‘the declaration on the global effort to combat terrorism’ (S/RES/1377). In that declaration, announcing acts of international terrorism as “*one of the most serious threats to international peace and security in the twenty-first century*” (emphasis added), the Council called on “all states to take urgent steps to implement fully resolution 1373 (2001), and assist each other in

doing so”. Further, it invited the CTC “to explore ways in which States can be assisted”. Moreover, the CTC was asked to consider “the preparation of model laws” and “the availability of existing technical, financial, regulatory, legislative or other assistance programmes” with international, regional and sub regional organizations. In the Declaration attached to resolution 1456, the Council reaffirmed this, by saying that these organizations ‘should work with the CTC and other international organizations to facilitate sharing of best practice in the fight against terrorism, and to assist their members in fulfilling their obligations to combat terrorism’.

The Declaration attached to resolution 1456, adopted in January 2003, included the Council’s observations on the changing motivations and methods, and the international context of terrorism. In some respects, this declaration included important innovations in the history of the UN in dealing with international terrorism. That resolution was not a reaction to a specific act of terrorism; it was recognition of some environmental issues in relation to terrorism. It observed how it was becoming easier, “in an increasingly globalized world, for terrorists to exploit sophisticated technology, communications and resources for their criminal objectives” (S/RES/1456). Further, it considered the “serious and growing danger of terrorist access to and use of nuclear, chemical, biological and other potentially deadly materials, and therefore a need to strengthen controls on these materials” (Ibid). Later, in 2004, by adopting resolution 1540, the Council asked states to take more strict measures against the access of non-state actors to nuclear and chemical material in order to prevent the use of such material in terrorist attacks. More

importantly, in contrast to the early GA measures against international terrorism that linked terrorism with the right to self-determination, the Council detached terrorism from its root causes. Contrary to GA resolutions prior to 1985, the Council refused to accept the root causes of terrorism as a legitimate reason for terrorism. This declaration included a paragraph that had been expected to appear in the first UN resolution on international terrorism. In that paragraph, the Council reaffirmed the following:

since terrorists and their supporters exploit instability and intolerance to justify their criminal acts the Security Council is determined to counter this by *contributing to peaceful resolution of disputes and by working to create a climate of mutual tolerance and respect* [.] (Ibid, emphasis added)

This statement acted as the guiding principle for the UN, particularly the SC in dealing with international terrorism. The Council considered that “acts of terrorism seriously impair the enjoyment of human rights and threaten the social and economic development of all States and undermine global stability and prosperity” (S/RES/1566). Further, in various places it reaffirmed “that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations” therefore, any willful assistance including “knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations” (S/RES/1624). The Council ‘in the strongest terms’ condemned even “the incitement of terrorist acts and *repudiating* attempts at the justification or glorification (*apologie*) of terrorist acts that may incite further terrorist acts” (Ibid, original emphasis). Moreover, the Council called upon “all States to prevent such

acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature” (S/RES/1566).

In the UN’s approach to international terrorism, however, the gravity of the issue does not justify the use of any means. Fighting terrorism has to be carried out within the principles of ‘peaceful resolution of disputes’ and in accordance with the ‘rule of law’. As UN announces that terrorist acts “must be addressed urgently and proactively by the United Nations and all States”, in the same paragraph emphasizes “the need to take all necessary and appropriate measures *in accordance with international law* at the national and international level to protect the right to life” (S/RES/1624, added emphasis). Among various instruments of international law, the Council places more emphasis, in particular, on “international human rights, refugee, and humanitarian law” (Ibid). The declaration on combating terrorism in the strongest terms announced the Council’s position on this issue. It announced

terrorism can only be defeated in accordance with the Charter of the United Nations and international law, by a sustained comprehensive approach involving the active participation and collaboration of all States, international and regional organizations, and by redoubled efforts at the national level [.] (S/RES/1456, Annex, emphasis added)

International cooperation is another important element of the Council policy for combating international terrorism that has close relationship with the principle of peaceful settlement of disputes. The UN, including the SC and the GA, has maintained the importance of international cooperation at different levels in combating terrorism. The Council had recognized and encouraged cooperation at bilateral, subregional, regional and multilateral levels in order to combat terrorism. Subsequent to terrorist attacks motivated by extremism and intolerance, the Council

realized the new level of cooperation; dialogue among civilizations. The declaration annexed to resolution 1456 emphasized that

continuing international efforts to enhance dialogue and broaden the understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, to further strengthen the campaign against terrorism, and to address unresolved regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation and collaboration, which by themselves are necessary to sustain the broadest possible fight against terrorism [.] (Ibid, Annex)

To reach these goals, the Council considered the important role of

the media, civil and religious society, the business community and educational institutions in [...the] efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment which is not conducive to incitement of terrorism [.] (S/RES/1624)

These observations and decisions revealed how complicated the Council had perceived the question. The question is known to have local, regional and global aspects with socio-economic, political, religious and cultural layers. More than just awareness of the Council of this complexity, this statement reveals the determination of the Council to take advantage of international cooperation at different levels to combat international terrorism.

Terrorist incidents have left a crucial impact on how the UN formulated and set rules and principles in regard to terrorism. In fact, all UN measures against international terrorism are the UN's responses to terrorist acts and the created perception of terrorism by those acts. For example, Al-Qaeda has had great influence on SC decisions on international terrorism. Many SC resolutions are directly or indirectly related to Al-Qaeda and Usama bin Laden. It also made the SC

adopt new resolutions in order to elaborate upon more general resolutions on international terrorism. SC resolutions 1526 (2004) and 1617 (2005) for example, seem as the instructions for implementing resolution 1373. For instance, in regard to the movement of terrorists, the Council decided that all states shall “[p]revent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents” (S/RES/1373). Elaborating on this general decision, in order to prevent entry into or transit through their territories of the individuals associated with Al-Qaeda, resolution 1617 urged all member states “to ensure that stolen and lost passports and other travel documents are invalidated as soon as possible and share information on those documents with other Member States through the Interpol database” (S/RES/1617). It also requested “the Secretary-General to take the necessary steps to increase cooperation between the United Nations and Interpol in order to provide the Committee [established by resolution 1267] with better tools to fulfil[1] its mandate more effectively and to give Member States better tools to implement the measures” (Ibid) on Al-Qaeda affiliated persons.

Although previous Council measures on Al-Qaeda, such as resolution 1267 (1999) and 1333 (2000) included financial decisions, resolution 1526 and 1617, focusing on Al-Qaeda, elaborated on financial measures of resolution 1373. Resolution 1526 urged all states and encouraged “regional organizations, as appropriate, to establish internal reporting requirements and procedures on the trans-border movement of currency based on applicable thresholds” (S/RES/1526).

Further, resolutions 1526 and 1617 strongly urged “all Member States to implement the comprehensive, international standards embodied in the Financial Action Task Force’s (FATF) Forty Recommendations on Money Laundering and the FATF Nine Special Recommendations on Terrorist Financing” (S/RES/1617).

Conclusion

The UN discourse on international terrorism has not remained static; it has developed and undergone shifts and changes. Some factors, such as the international system and, more importantly, changes in the motivations and methods of international terrorism have influenced these shifts. Analysis of GA and SC resolutions relating to international terrorism reveals that the history of the UN approaches to the problem has been dominated by three different discourses: Sympathy, Ambivalence, and Combat. The discourse of Sympathy prevailed in the UN deliberations from the establishment of the UN in 1945 to 1972. The period from 1972 to 1992, under the discourse of Ambivalence, was the period of transition from the discourse of Sympathy to discourse of Combat that has dominated the UN action against international terrorism since 1992.

The core concept that helped the emergence and development of the discourse of Sympathy was the right of Self-determination. As a human rights principle, it legitimized, in the UN view, any action against colonization and alien dominance. The UN, especially the GA, supported the mainstream of international terrorism i.e., nationalist terrorism in order to pursue decolonization and achieve independence from colonial powers. Further, the GA recognized the legitimacy of the struggle of the nationalist movements with all means and asked all states and organizations of the UN system to provide them with moral and material assistance. To describe those groups and movements, even those with a terrorist manner and method, the GA used the same terms that terrorists had produced to describe

themselves. The GA recognized those nationalist movements under the rubric of ‘the National Liberation Movements’, and their members as ‘freedom fighters’. Moreover, it urged all states to treat captured members of the NLMs as prisoners of war. While these acts are commendable as enhancing human freedom, but in many cases groups took them as license or as approval of the usage of terrorist methods for specific purposes, such as national liberation.

In the period up to 1972, international terrorism was not an issue before the UN. The UN, especially the GA, concentrated on the issue of colonization as a threat to international peace and security. The issue of decolonization deeply influenced the UN’s interpretation of the Charter and human rights. To fulfill collective human rights, such as the right of self-determination and self-government, nationalist movements were allowed to use all means, even though those means violated other individual human rights such as right of life, freedom and so on. Recognizing the use of “all means” in order to implement the right of self-determination, the GA approved the use of terrorism for purposes such as national liberation. Further, the invitation the movements and groups with terrorist records to attend the GA sessions was another sign of approval for terrorism.

The term ‘terrorism’ appeared for the first time in a GA resolution (A/RES/2331) in 1967 with a different meaning from what is conveyed by terrorism today. That resolution and other subsequent resolutions of that series connected terrorism with Nazism and racial intolerance, and signified the use of violence and terror based on racism by totalitarian states and colonial powers. The international aspect of terrorism in what today is known as international terrorism was inscribed

for the first time in the GA declaration on Friendly Relations among States. Considering terrorism as an absolutely inter-state matter, the GA asked all states to avoid instigating and organizing terrorism against other states.

Given the increasing trend of acts of terrorism, the SG drew the attention of the GA to the issue. The adoption of GA resolution 3034 was a departure from supporting international terrorism. The debate prior to the adoption of this resolution and other subsequent resolutions of this series demonstrated a divided international community over international terrorism. While some states insisted on the condemnation of international terrorism, some others viewed discussion about terrorism as an excuse to suppress the NLMs. It is convincing for this argument that the GA was aware of the terrorist methods used by the NLMs. The huge gap between the two camps of Sympathy and Combat initiated a period of ambivalence toward terrorism. On the one hand, the GA wanted to support efforts pursuing the right of self-determination; on the other hand, it had to take action against the increasing trend of international terrorism.

In resolution 3034, the GA avoided condemning the use of terrorist methods. Instead, it condemned the underlying causes of terrorism. In fact, it assumed that international terrorism was a natural reaction to some underlying causes. Therefore, in dealing with international terrorism, the main concern of the GA was a study of the underlying causes of terrorism. Showing sympathy for terrorists, the GA wanted to find out why 'some people sacrifice human lives, including their own'. In the same resolution it condemned 'the continuation of repressive and terrorist acts by colonial and racist regimes and other forms of alien

domination'. The intensity of the issue of colonization and its devastating consequences for international peace and security prohibited the GA from including a serious observation on international terrorism. Therefore, in that resolution the term terrorism was used differently from the meaning that the GA assigned in the subsequent resolutions of the same series.

Inconsistency between different UN measures was a feature of UN actions on international terrorism after 1972. While the GA, prior to 1972, had consistently supported the NLMs, in the second period, the GA had a hard time dealing simultaneously with those nationalist movements and international terrorism. However, the GA gradually came to favor combating international terrorism. The GA resolutions in 1979 and 1985 on international terrorism were major shifts toward a new consistent approach. In 1979, the GA condemned all acts of terrorism. The GA resolution in 1985 completed that step, it identified terrorism as an organized crime and unequivocally condemned as criminal, all acts, methods, practices of terrorism by whomever committed. In 1989, the content of GA resolutions on international terrorism was to a great extent different from the GA's early resolutions on the problem. In a 20-year period, the GA had succeeded in changing its attitude towards the use of terrorist methods. Such a change was influenced by the shifts and developments in international terrorism that prepared the ground for the intervention of the SC.

The SC resolution 731 on Libya, in 1992, began a new phase dominated by the discourse of combating international terrorism. In this period, the UN clearly viewed international terrorism as a threat to international peace and security, and

had a clear question, how to combat international terrorism. In addition to SC resolutions responding to specific cases of terrorism, the SC adopted some resolutions on international terrorism including general rules and regulations on the question. The SC established *Ad Hoc* monitoring bodies for the implementation of the resolutions on cases of terrorism. The SC established a permanent monitoring body, the Counter-Terrorist Committee, for monitoring the implementation of resolution 1373 on international terrorism.

Further to SC measures, the GA continued adopting measures on the question. In this period the GA changed the title of the series of resolutions that had begun in 1972 from ‘Measures to study terrorism ...’ to “Measures to eliminate international terrorism”. Comprehensiveness is one of the main characteristics of the UN response to international terrorism in this period. Thus, the GA initiated the adoption of three sets of new resolutions including “international terrorism and human rights”, and “protecting human rights while combating terrorism”, and “Strengthening international cooperation and technical assistance [...]”^{*} to deal with different aspects of international terrorism. In the new discourse, international terrorism is defined as a threat based on its damage to human rights including the rights to life and property. In fact, the new series of GA resolutions shed light on the human rights implications of international terrorism. In such a discourse, although terrorism is viewed as a violation of human rights, combating terrorism should not violate the end target i.e, the protection of human rights. This reveals

* The Complete title is: “Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime” (A/RES/59/153).

that appeal to human rights has enabled the UN to establish a comprehensive discourse for identifying and combating international terrorism. In the 1990s, the GA supported the establishment and development of the Terrorism Prevention Branch (TPB) in the UNODC in order to expand its technical assistance to states that accede to international conventions on international terrorism made or supported by the GA.

Although these two discourses have fundamental differences, both Sympathy and Combat claim to be developed in accordance with the Charter and principles of human rights. However, these two discourses are the products of different international climates, and concerns. Therefore, each of them highlights specific aspect of the issue, and describes terrorism in its own terms. The discourse of Sympathy recognizes terrorism as a normal response to colonialism and alien dominance, and a means of national liberation. In this discourse, the targets of terrorism are the very agents that precipitated that reaction, thus the response is deserved. To remove terrorism, the underlying causes that motivate terrorism should be eliminated. That discourse was articulated based on an interpretation of the Charter and human rights, mainly the right of self-determination and self-government. In that interpretation, any effort, even terrorism, to fulfill those goals was legitimate.

The Combat discourse was developed based on a different interpretation of the whole situation. As the UN realized, the motivation of the main stream of international terrorism began to change in the 1980s. The UN identified a new wave of international terrorism motivated by extremism, therefore, the UN saw no reason

to express sympathy for terrorists. Furthermore, Combat discourse was based on a new interpretation of the Charter and human rights. In contrast to the discourse of Sympathy, the new discourse was founded based on strong loyalty to pacific settlement of disputes. However the UN does not ignore the existence of serious problems in the world; there is no problem grave or legitimate enough to justify the use of terrorist methods. Moreover, while the old discourse was based on interest in collective human rights such as the right to self-determination, the new discourse was mainly concerned with more individual human rights such as the right to life and freedom. Therefore, no problem however grave, could justify the violation of human rights. In the new context, combating terrorism is defined as the protection of human rights. Therefore, the GA and SC consistently teamed the issue of compliance of counter-terrorist measures with the values and principles of the Charter and human rights.

Given this concern, the prosecution of perpetrators of terrorist acts is one of the grave issues of the discourse of Combat. In the discourse of Sympathy, terrorism was considered as a political issue that had special legal implications. But, the more the UN developed the new discourse, the more it emphasized the criminal aspect of terrorism. While in the transition period, the UN warned about the dangerous links between terrorist groups and organized crime such as drug trafficking; in the Combat discourse, it juxtaposed terrorism, as an organized crime, with other international organized crime. However, for the UN, it has taken a long time to remove the teachings of the former discourse from the mind of the international community. In this regard, in different places, both the GA and SC

have identified perpetrators of terrorist acts as criminal and asked all states to consider a punishment suitable for the gravity of those acts. Moreover, the GA and SC in various resolutions and recommendation have called upon states not to grant asylum to perpetrators of terrorist acts. Furthermore, states have been asked to actively cooperate with each other for the prosecution of perpetrators of terrorism. However, the gravity of the threat of international terrorism has not preempted compliance with the principles of the Charter and human rights.

Although both discourses were to protect human rights, the Sympathy discourse believed in the existence of the priority of some rights over other rights. In contrast to the old discourse, the Combat discourse, although emphasizing the human rights to life and freedom as fundamental human rights, considers human rights as a coherent system that some rights should not be disregarded in favor of other rights. Hence, in Combat discourse, the UN places equal emphasis on combating international terrorism as a grave violation of human rights, and on the rule of law and respect for human rights while countering terrorism. This interpretation of human rights has enabled the UN to develop a more consistent discourse on international terrorism. The relationship between the discourse of Combat and human rights has not been a unilateral relationship. The development of this discourse has helped the development and promotion of human rights. It has not only helped strengthen human rights but also, by highlighting the right to life, freedom, and the development of the right of freedom from terror, has promoted human rights.

The shift from Sympathy to Combat does not mean that the transition was a fault line that separated the UN completely from its past; it was, at the same time about the evolution of the UN response to international terrorism. In a sense, that shift can be interpreted as a rectification of the UN policy for dealing with international terrorism. Those two discourses can be seen as two interpretations of the Charter, and declarations and conventions of human rights. These interpretations were developed in reaction to different international climates. However, in the Combat discourse the UN has been very careful about the consistency of its interpretation with the spirit of the rules and principles of the Charter and human rights. In a sense, it shows the maturity of the UN in responding to international issues. Furthermore, the UN's responses to international terrorism show an evolutionary trend in three *inter-related* and mutually-dependent fields: international cooperation, the role of the UN, and the role of the state.

If one wants to summarize the UN solution to international terrorism in a single term, that term would be 'international cooperation'. The UN, including the GA and the SC, has maintained international cooperation, in accordance with the Charter, as the only solution for international terrorism. International cooperation at the bilateral, subregional, regional and global level has been recommended by the UN. It has further considered the dialogue among civilizations and cultures to promote international cooperation. In different places the GA and SC have supported regional actions by the European Union, the Organization of African Unity, and the G8 against international terrorism. The UN has encouraged all states to initiate bilateral measures in regard to the prosecution of perpetrators of terrorist

acts, especially extradition of criminals, and border control. The UN recognizes regional measures as a preparation for global measures against international terrorism.

In addition to cooperation among states, the UN has urged cooperation among international organizations and states, and between international organizations themselves. The UN has tried to extend international cooperation to different aspects of international terrorism. Different international organizations and agencies were asked by the UN to participate, within their mandate, in combating terrorism. Thus, international organizations have played an important role in promoting international cooperation especially in standard setting and providing states with technical assistance. Through the UN's support and encouragement, international cooperation among states and international institutions has addressed different aspects of international terrorism ranging from the study of the underlying causes to participation in standard setting and, more importantly, to the implementation of international measures against terrorism.

In the UN's discourses, among different actors, the state has the primary responsibility in dealing with international terrorism. The role of the UN in global action against international terrorism can be understood in relation to international cooperation and the state. The final result of any international efforts depends on states. Having a state-centric view, the UN intends to assist the state in fulfilling its national and international obligations, not to replace it. The UN has not considered an operational role in combating international terrorism. Instead, it has tried to help

states to increase their capabilities in combating terrorism. In sum, the UN has assumed the role of facilitator of international cooperation in war against terrorism.

The SG drew the attention of the GA to the gravity of international terrorism. However, it was the community of states in the GA that defined the problem. In the Sympathy discourse, colonization was the problem, and among others, terrorism was a part of the solution to the problem. In the Combat discourse, terrorism itself was the problem. In regard to international terrorism, the UN drew the attention of states to the problem. To set international standards, it asked states to submit their proposals, suggestions and plans on the question to the GA. The SG has had the duty of collecting and analyzing the submitted proposals. The UN, in cooperation with states and other international institutions, has succeeded in creating a considerable collection of obligatory measures, and recommendations on international terrorism. While states are the producers of international standards, at the same time, they are subject to those measures.

After international standards were set, the UN encouraged all states to accede to those measures. In this regard, the UN has tried to increase the national and international capacity for the fulfillment of those standards. Different specialized agencies and organizations of the UN system, and other international organizations have been asked to provide states with technical assistance in regard to counter-terrorist measures. The establishment and development of the TPB pursue such a target. Recognition of the issue by the SG, and standard setting by the GA took the UN to a new level of action.

At another level, the UN, especially the SC, has fulfilled the role of monitoring the implementation of international standards and law enforcement. The UN has reminded states of their obligations in regard to international terrorism, and in the case of a serious violation, the SC has considered necessary punishments. Although it seems the special situation of the SC in monitoring and law enforcement puts the SC in a higher position than the GA, GA measures in relation to international terrorism paved the way for subsequent measures by the SC. In fact, the GA was ahead of the SC in the recognizing and dealing with the issue. In many respects, the SC resolutions on international terrorism have reiterated, reaffirmed or paraphrased the GA resolutions on the problem. However, the SC measures seem to be more consistent and mature in comparison with the GA measures which partly because the SC benefited from the work of the GA over a 20-year period. The history of the UN in dealing with international terrorism reveals that the GA and SC are complementary. In addition to these two organs, the SG has acted as the arm of the GA in collecting and analyzing state proposals for standard setting, and has assisted the SC in monitoring and fulfilling law enforcement measures. Further, the reports of the SG have been important sources of decisions in the GA and SC. This cooperation has resulted in different international measures against terrorism that aim at shifting the UN's responses from Sympathy to Combat.

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