

USAWC STRATEGY RESEARCH PROJECT

THE ROLE OF UNITED NATIONS
IN COMBATING GLOBAL TERRORISM

by

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ABSTRACT

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After the end of the cold war, the trend in the type of conflicts has been changing drastically from that of state conducted conflicts to those of non-state actors being more involved in creating terror in the world today. The cause for various fractions adopting these means to enforce their beliefs vary in degree from religious to ethnic, economic, political and other vested interests to disrupt peace and stability in a state, region or even globally. The United States (US) and some other nations effected by this act of terror have together pledged to fight against terrorism .International committees like the United Nations (UN), that were formed after the end of the 2nd World War to resolve conflicts in the world did not have a mandate to be able to confront such type of emerging situations. Many violent activities effecting both nations and innocent civilians were becoming a major concern of the UN. Therefore, it is important to study and analyze the role that the UN can play in the fight against global terrorism and suggest methods to maximize the UN potential to combat the menace of international terrorism.

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THE ROLE OF UNITED NATIONS IN COMBATING GLOBAL TERRORISM

Terrorism is a global menace. It calls for a global response. To defeat it, all nations must take counsel together, and act in unison. That is why we have the United Nations.¹

–Kofi A. Annan, September 2001

The world periodically experiences fresh and well-publicized spasms of terrorism. The fact that people are intimidated by terror is not a fresh phenomenon of sudden, alarming and recent innovation; it has existed throughout the history of humankind. However, it was not until the decade of 1970's that international terrorism established itself to be a force to reckon with. Terrorism is no longer a threat only to the internal security of developing countries but has also grown to be a menace of global dimensions attracting national and international attention. Sophisticated weapons, advanced communication and transportation systems with secure bases worldwide have brought all places in the world within their striking range. Terrorism has been used as a substitute for war and to prevent the establishment of a lasting peace. After the end of the Cold War, the fact that conventional wars are becoming too expensive and too risky for any state to be engaged in has encouraged national and international terrorism to quietly flourish. Over the past few decades, terrorism has assumed the character of a worldwide challenge of violence -short of war.

International terrorism, in its new and frighteningly violent form threatens the global community and thence qualifies to be recognized as a threat to humanity. Therefore, it is imperative that response to this is formulated and implemented internationally. There is a consensus amongst the international community including the United States (US), which has been taking a lead role in the global war on terrorism; that terrorism cannot be effectively addressed without international cooperation. The audacity and magnitude of the disaster of September 11, 2001 shocked the world like never before. Immediately afterwards there was a general recognition, that terrorism is a global problem and to find its solution, the engagement of all countries is required. Within a span of a few weeks, the UN adopted resolutions to underline international commitment to an effective, sustained and multilateral response.

In recent years, due to globalization the traditional distinction between internal and international affairs has become increasingly blurred. Internal disorder, whether in the form of armed insurgencies, bloodless military coup or fractional struggle for governmental power has major ramifications on global security environment and politics. Similarly, other sources of

conflicts such as ethnic hostilities, religious conflicts and personal ambitions have raised doubts and uncertainties with regard to the instruments required to deal with the increasing instability and insecurity. Terrorist groups having regional interests are able to use modern technology to exert their influence globally. This has led to the relevance of an international organization to resolve the conflict scenario developed by acts of terrorism. The UN and its agencies through regional organizations have perceived a new chance to tackle the UN's founding mission – to establish peace by protecting the new generation from the scourge of war. At this moment in history, the only global organization the UN must play an essential role in dealing with transnational threat.

NATURE OF GLOBAL TERRORISM

Terrorism by definition is directly violent, it is the continuation of violence with other means. It is a very particular form of warfare, popular terrorism brings a further elaboration of guerilla warfare to which it is intimately related and state terrorism brings a further elaboration of state repression to which it is equally intimately related. Like regular war, it is fought for political ends. It aims kills and destroys.²

- Johan Galung

Terrorism is a phenomenon that is easier to describe than to define. The problem of finding the correct definition is compounded by the fact that terrorism has become a 'fad word' used and often applied to a variety of acts of violence. This difficulty in defining the term has led to the cliché that "one man's terrorist is another man's freedom-fighter."³ Terrorism can be defined as "violence, or the threat of violence, calculated to create an atmosphere of fear and alarm in the pursuit of political aims."⁴ In political terms, terrorism is the employment of terror as a weapon of psychological warfare for political ends. If terrorism is stated as "the systematic and deliberate murder, maiming and menacing of the innocent to inspire fear for political ends,"⁵ it would cover the spectrum well. We can assume that terrorism is not in any form random, undirected and purposeless violence. Terrorists and those who support them have definite goals; terrorist violence is the means of achieving those goals. The stated goals or objectives may range from separatist causes and revenge for ethnic grievances to social, political and religious revolution. The Secretary General Kofi Anan said in a press conference on January 26, 2002 that, "regardless of the differences between governments on the definition of terrorism, what is clear and what we all can agree on is any deliberate attack on innocent civilians, regardless of one's cause, is unacceptable and fits into the definition of terrorism."⁶ By framing, terrorism in terms of self-determination confirms human rights justifications especially in the

case of loss of innocent civilian lives. However, for the terrorists, killing civilians is an effort to get world publicity and serves as an option of retaliation.

The inability of UN member states to reach an amicable agreement regarding the definition of terrorism restricted the ability of the UN to send an effective message that any form of terrorism was unacceptable to the world. Difficulty in defining what constitutes international terrorism gives the advantage to countries to define international terrorism to suit their own narrow national interests. United States accused Libya of sponsoring and financing international terrorism. Libya did not agree on this, but in fact condemned US actions in Grenada as one of sponsoring international terrorism. Similarly, the United Kingdom declared the Irish Republican Army (IRA) as a terrorist organization while the US has not declared the IRA as an international terrorist organization. This tug of war continues and gives the freedom of action to terrorists.

The report presented to the Secretary General on December 01, 2004 by the High-level Panel on Threats, Challenges and Change, states that there is a value to achieve consensus definition within the General Assembly. Based on the discussion the panel presented four elements that should be included in the definition of Terrorism:

- Recognition, in the preamble, that State use of force against civilians is regulated by the Geneva conventions and other instruments, and, if of sufficient scale, constitutes a war crime by the persons concerned or a crime against humanity;
- Restatement that acts under the 12 preceding anti-terrorism conventions are terrorism, and a declaration that they are a crime under international law; and restatement that terrorism in time of armed conflict is prohibited by the Geneva convention and Protocols;
- Reference to the definitions contained in the 1999 International Conventions for the Suppression of the Financing of Terrorism and Security council resolution 1566 (2004);
- Description of terrorism as “ any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1556 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act”.⁷

Terrorism is said to be the strategy of the weak and thus a kind of substitute of warfare. For a relatively small investment compared to the cost of the more sophisticated arsenals for conventional armies and the reliance on outside financial support, a country sponsoring

surrogate warfare can inflict debilitating losses on an enemy and at the same time, deny any connection with the terrorist group inflicting the damage. "Terror can be the blackmail of many for the few."⁶ History gives many examples of how outlaws, spiritual leaders of revolts and guerrilla fighters through an excessive use of terror means have become heroes. Over the years a great amount of terrorist related study has been done based on various historical events of different terrorist groups, but much of this is still under studies. The attacks on September 11, 2001 by the Al Qaeda have resulted in public awareness about terrorism. Hence, terrorism has become a major subject of discussion in all spheres including policy and academic literature.

During the 1990's after the end of the Cold War, a series of concurrent changes including an increase in terrorist related incidents, mainly directed towards the US became a subject of vigorous debate. The dissolution of the Soviet Union and the emergence of terrorist organizations like that of Osama Bin Laden was of a grave concern that a "new" type of terrorism was likely to evolve having the options of obtaining lethal weapons of mass destruction, which were no longer under government control. Such organizations were more religiously motivated and developed an ideology of inflicting damage at a large scale to show their organizational strength to the world, focused mainly to the US.

International terrorism is warfare without territorial restrictions and comprises of those incidents that have clear international consequences. In trying to understand international terrorism, we must first recognize that it is not a sporadic phenomenon of social misery and frustration. It is rooted in the political and religious ambitions of the terrorist organization that require sanctuary and support of states to be able to operate effectively. Many international terrorist groups operating overseas are given considerable financial support, weapons, protection and sanctuary by sponsor states. International terrorist organizations like that of Osama Bin Laden has established its network for financial support, intelligence, information operations and logistic backup through their own system of commercial enterprises, NGO, donations from different sources and sub-contracts with criminal organizations and are thus able to sustain their organizations independently. The Al Qaeda was provided only shelter in Afghanistan from where they could safely carry out terrorist activities.

ROLE OF UN IN COMBATING TERRORISM

The destruction and elimination of terrorist networks is a time-consuming task, for which there are no instant solutions. The United Nations does, however, have effective measures at its disposal to fight terrorism—international conventions and sanctions that can be applied to hamper terrorist activities.⁹

- Toomas Hendrik Lõvi,
Minister for Foreign Affairs, Estonia.

The battle against terrorism is integral to the entire mandate of the UN. The UN charter sets out the purposes of the organization, which include the maintenance of international peace and security, collection of measures to prevent threats of peace, suppression of aggression, promotion of human rights and economic development. Until the end of the Cold War, the issue of terrorism raised mainly in the General Assembly was taken by the member states as a general type of a problem. International terrorism was added to their agenda only when it became a widespread concern among member states. Since then the UN has taken numerous resolutions which when analyzed focuses on three aspects; measures to prevent terrorism, human rights and terrorism, and measures to eliminate terrorism.¹⁰ The Security Council started to become involved only after the 1990's when resolutions were passed to impose sanctions against the non-complying nations. Nevertheless, after September 11, 2001 the council became more active and made some major decisions to the limit of using force in self-defense and for nations to take extensive measures against terrorism.

The UN that was initially established with its Charter to deal with conflicts within and between State securities has diminished; we now face security threats that go far beyond States waging aggressive war. These threats are from state as well as non-state actors mainly targeted towards state and human security. Due to globalization, today's threats see no boundaries and hence needs to be dealt nationally, regionally and globally. States must be aware that however powerful they are, no state can make itself invulnerable and not all of them are capable of providing security to its own people. Hence, the requirement of collective approach and responsibility is inevitable.

In the unipolar world, there are two world organizations: The UN having global membership and the US, which has the power for global reach. The war against Iraq initiated without the resolution of the Council is an outstanding example of US dominance in the world today. On September 12, 2002, the President of the US. George W. Bush made the following statement to the General Assembly, "All the world now faces a test, and the UN a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside

without consequence? Will the UN serve the purpose of its founding, or will it be irrelevant? We cannot stand by and do nothing without dangers gathering. We must stand up for our security, and for the permanent rights and the hopes of mankind. By heritage and by choice, the United States of America will make that stand. And, the delegates to the UN, you have the power to make that stand, as well."¹

Defining a new role for the UN in a unipolar world; on December 04, 2003 Mr Kofi Annan said, "We have come to a decisive moment in history. The great threat of nuclear confrontation between rival superpowers is now behind us. However, a new and diverse constellation of threats has arisen in its place. We need to look again at the machinery of international relations. Is it up to these new tests? If not, how does it need to be changed? The events of the past year have exposed deep divisions among members of the United Nations, on fundamental questions of policy and principle. How can we best protect ourselves against international terrorism, and halt the spread of weapons of mass destruction? When is the use of force permissible and who should decide? Does it have to be each state for itself, or will we be safer working together? Is preventive war sometimes justified, or is it simply aggression under another name? And, in a world that has become unipolar, what role should the United Nations play?"¹²

Many people of the world, especially in poor countries are more likely to be victims of the so-called "soft" threat. The dangers of extreme poverty, hunger, unsafe drinking water, environmental degradation and endemic or infectious disease, kills millions of people every year. It would be imprudent to imagine that these things are unconnected with peace and security, or that international organizations can afford to ignore them until the "hard threats" have been sorted out. We should have learned by now that a world of glaring inequality between or within countries, where millions of people endure brutal oppression and extreme misery, is never going to be fully safe, even for its most privileged inhabitants. Hence, in the world, the existence of such root causes and frustrations are the main elements that provide materials for the terrorist leadership to be able to instigate their cadres. While there is no validity or justification that can be accorded to resort to such actions, there are definitely many issues that provide fuel for breeding terrorists and that needs to be addressed. Even so, acts of terrorism against innocent civilians cannot be condoned no matter how noble the cause. Addressing the underlying causes of terrorism would deny the terrorists the support that fuels them and narrow the ground upon which they act. This should be done in a cooperative global approach through the UN.

UNITED NATIONS AGENCIES INVOLVED IN COMBATING TERRORISM

Many of the specialized agencies and programs that make up the UN system also play a key role in addressing terrorism, overseeing the implementation of many of the treaties against terrorism and establishing international norms to prevent it. The role for UN to fight against terrorism is given in the chapter VII of the charter of the United Nations. The UN combats international terrorism primarily through two of its main bodies, the General Assembly and the Security Council.

The UN General Assembly in its capacity organized two adhoc committees on terrorism, composed from delegates of member states to work out laws related to terrorism. Specialized agencies of UN related with terrorism were encouraged to address the issue and governments were coaxed to take preventive actions by endorsing a variety of measures including enforcement of laws intended to reduce the likelihood of terrorist activities.

On September 12, 2001, the General Assembly adopted a resolution requiring: "International cooperation to bring to justice the perpetrators, organizers and sponsors of the outrageous of September 11, 2001", stressing that "Those responsible for aiding, supporting or harboring the perpetrators, organizers and sponsors of such acts will be held accountable."¹³

The Security Council's meeting of the head of states in January 1992 expressed concern and emphasized on the increase of terrorist activities in the world. This encouraged the Security Council to back its commitment and in March 1992 adopted sanctions against Libya in order to pressurize the government to relinquish suspects of the bombing of the two airliners. This was followed by sanctions against Sudan in 1996 for supporting terrorist groups, and later in 1999 against the Taliban in Afghanistan.

In response to terrorist's attacks of September 11, 2001, the Security Council passed resolution 1368 condemning the attacks and showed determination to "Combat by all means threats to international peace and security caused by terrorist attacks."¹⁴

On September 28, 2001, the Security Council passed resolution 1373 in which it established the Counter Terrorism Committee (CTC) and called on states "to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism."¹⁵

OTHER UN DEPARTMENTS AND AGENCIES WORKING TO COMBAT TERRORISM.

Economic and Social Council (ECOSOC) The UN Charter established the ECOSOC as the principal organ to coordinate the economic, social and related work of the UN and its specialized agencies and institutions such as the ICAO and IMO.

The UN Secretary General and the Secretariat also have been playing a role to fight terrorism. Secretary General Kofi Annan established a Policy Working group in October 2001 to examine how the UN could deal with terrorism. In March 2002, the group keeping in view the UN's limited ability to suppress terrorism and pre-empt specific terrorist strikes or have an effective intelligence gathering capability, submitted a report with 31 key recommendations, which should be adapted by the UN. This report was based on three strategies.

- Dissuade, to stop disaffected groups from embracing terrorism.
- Deny, stopping groups or individuals the means to carry out acts of terrorism.
- Sustain a broad-based international cooperation in the struggle against terrorism based on respect for human rights and fundamental freedoms.¹⁶

The secretariat is one of the six principal organs of the UN. Under this office most of the officers and departments of the UN which are engaged in the war on global terrorism, to include Office of Legal Affairs, Department of Disarmament Affairs, Department of Peacekeeping Operations, Department of Political Affairs and UN Office for Drug Control and Crime Prevention.

UN Office for Drug Control and Crime Prevention (ODCCP)¹⁷ works to combat drug trafficking, organized crime and international terrorism. The branches under this are-

- The UN Terrorism Prevention Branch (TPB): It assists in the research and analysis of terrorism trends.
- The International Drug Control Program (UNDCP): This helps nations to enforce drug control measures and thus reduces one of the possible resources to the terrorists.
- The Center for International Crime Prevention (CICP): This works to counter the money laundering means used by terrorist organizations for financial support.

THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

This agency focuses mainly on verification, safety and technology regarding nuclear weapons in various states. It aims to protect and prevent nuclear related terrorism.

THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

This organization is mainly responsible for setting security standards for operating the terminals, aircraft and advocate measures to prevent terrorism acts.¹⁸

THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

The IMO monitors sea activities and formulates measures to prevent maritime terrorism.¹⁹

THE DEPARTMENT FOR DISARMAMENT AFFAIRS (DDA)

The DDA works to monitor and record details of nations possessing weapons of mass destruction and prevent any form of this proliferating.

ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW)

The OPCW is a part of the UN system that provides research, inspection and information on the prevention and potential use of chemical weapons.

UNIVERSAL POSTAL UNION (UPU)

UPU raises awareness about security and dangers related to the postal system. It has also established a world security network to fight terrorist acts like the Anthrax attack by mail in US in the year 2002.²⁰

RELATED ONGOING UN ACTIVITY

The UN also works to maintain regional stability by addressing humanitarian issues in the following manner:-

- The Office of the UN High Commissioner for Refugees (UNHCR) aims to protect refugees and assist them in returning to their homeland.
- The World Food Program (WFP). Helps in trying to feed millions of poor people and refugees from strife torn areas.
- The United Nations Children's Fund (UNICEF). It helps in providing humanitarian aid to millions of children enabling them to survive humanitarian crisis.
- The World Health Organization (WHO). This works to provide emergency health assistance to nations and respond quickly to possible epidemics.²¹
- The International Criminal Court (ICC). Based on the laws dictated, the ICC develops norms to try international criminals. Since, not all the nations have ratified the ICC treaty this organization has not been able to function effectively. ²²

CHALLENGES FACED TO ERADICATE TERRORISM

FEAR OF ECONOMIC LOSSES

Many countries prefer to remain silent spectators due to fear of economic losses. Germany depends to a very large extent on Libyan oil. Any counter measure by Germany has to be at considerable risk to their economy. This in fact is the prime reason for US not to acknowledge Saudi Arabia's role in financing Islamic fundamentalism.

INTERNAL POLITICS OF INDIVIDUAL COUNTRIES

Internal political squabbles provide a fertile political ground for terrorists to flourish. Many countries put a lid on growing terrorism for fear of losing credibility. Thus the problem remains submerged till the time it erupts in an uncontrollable way. Political parties play their narrow political games and force governments not to act against terrorists. There have been instances wherein political parties themselves have propped up certain terrorist groups to counter the influence of more radical political parties. Nations also are known to have created insurgency organizations to operate for their national interests who were used but not disintegrated. Invariably these terrorist groups have outgrown their masters and become uncontrollable monsters having international ramifications.

INADEQUACY OF INTERNATIONAL LAWS

Similarly, to the charter of the UN, issues related to international laws were made to deal with intra-state and inter-state conflict. Since the last decade, only the importance of individual human rights was placed over the rights of sovereign states. However, not all states have ratified to this and the terrorists are aware that the whole world is not united on the issue of terrorism. They know that international laws are not acceptable to all countries and therefore there is limitation in international legal framework to try them. Many countries refuse to extradite terrorists wanted for crimes in other states. Refusal to extradite Osama Bin Laden from Afghanistan is one such example. In drafting international laws against terrorism most of international bodies have been faced with the problem of arriving at a mutually acceptable definition of terrorism to all member states.²³ Even UN has not been able to resolve this tangle. Hence the terrorists use this loophole and exploit it to carry out terrorist strikes having international ramifications.²⁴ Some states believe that terrorism is not an adequate threat to make them compromise and sacrifice some of their sovereignty. This falls short of the requirement of enactment of international laws to fight international terrorism and is a problem beyond nation states and thus, it must be dealt by the UN.

INACTION OF UNITED NATIONS BEFORE 9/11

Whenever UN steeled itself to come to grips with the concept of terrorism, it has always ended up tying itself in knots. It's first attempt to "do something" came in the wake of Olympic massacre of Israeli athletes at Munich when Secretary General, Kurt Waldheim, called upon the UN to deal with the menace of terrorism. Little more needs to be said about the efficacy of its response than to quote the lengthy title of the study undertaken which clearly reveals the seeds of its own confusion. "Measures to prevent

international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of underlying cause of these forms of terrorism and acts of terrorism which lie in misery, frustration, grievance and despair, and which causes some people to sacrifice human lives including their own, in an attempt to effect radical changes.²⁵

The study beneath the committee compromising clichés, showed a kind of sympathy for terrorism, as its critics claimed, it is not surprising that the UN was still talking about it without arriving at any conclusion before 9/11. In fact debates at UN were simply extension of terror with words replacing bomb and gun. Those countries which support terrorism, harangued about “colonist and racist terror.” There had been virtual stalemate in the UN and premier world body had been paralyzed on this aspect. The only achievement of the UN had been adoption of legal measures dealing with certain specific forms of terrorism. The General Assembly did adopt a convention on prevention and punishment of crimes against, “internationally protected persons, including diplomatic agents.” It is imperative that UN takes a firm stand on international terrorism because this is the international body that must be the nodal agency for fight against international terrorism.²⁶ However, events after 9/11 have changed things drastically.

Globalization has created a fluid environment wherein boundaries between nations are becoming easily accessible. Each nation views a threat by its own perception of the matter. Therefore, it is difficult to prioritize the different types of ‘hard’ and ‘soft’ threats as per their importance. International agencies have difficulty in being legitimately involved until a problem goes beyond the nation’s capability. The different types of threats can be broadly grouped as:

- Threats from poverty, diseases, environmental breakdown.
- Threats from conflict between states.
- Threats from violence and massive human rights violations within states.
- Threats from terrorism.
- Threats from organized crime.
- Threats from the proliferation of weapons – particularly WMD but also conventional.²⁷

RECOMMENDATIONS

The fight against terrorism cannot be used as an excuse for slackening efforts to put an end to conflicts and defeat poverty and diseases. Nor can it be an excuse for undermining the basis of the rule of law—good governance, respect for human rights and fundamental freedoms. The long term war on terrorism requires us to fight on all these fronts. Indeed, the best defense against these despicable acts is the establishment of a global society based on common values of solidarity, social justice and respect for human rights.²⁸

- Kofi A. Annan, October 2001

Today, the UN has to operate in a global environment that is vastly more challenging, complex and demanding than the world of 1945. The number of actors in world affairs has grown enormously, types of actors have changed very substantially, interactions between them have grown even more intense, and the agenda of international public policy has been altered quite dramatically in line with the changing temper of the times. The weakness of state structures and institutions in many countries has heightened the challenges and risks of nation building and sometimes tempted armed groups to try to seize the levers of political power in order to exploit the resources of economic wealth. Arms and monetary transfers that originate in the industrial countries fuel civil conflicts, and in turn, their destabilizing effects are felt in the developed world. The organizing principle of global governance is multilateralism and the UN lies at the very core of the multilateral system of global governance. These are especially challenging times for multilateralism when its very principle as well as some of its institutional manifestations is under attack in parts of the world.

Contrary to popular misconceptions, the struggle against terrorism since September 11, 2001 has encompassed impressively broad and deep patterns of international cooperation. If the most dangerous terrorist groups have found ways to operate in a global scale, so must efforts to thwart them. Denying these groups funding, refuge, communications, movement, access, training, means, and most importantly, recruits and legitimacy entails concerted efforts by individual nations in conjunction with international teamwork across geographical, economic and ideological lines. Measures that can be adopted to counter terrorism are:

- Member states must be encouraged and be convinced in the implementation of the twelve UN counter-terrorism conventions and Security Council's resolution 1373 (2001), so that nations follow the same policy against terrorists operating within and across their borders. There should be sustained broad based international cooperation in the struggle against terrorism.

- International agencies such as the UN should develop a shared analysis of current and future threats to peace and security. They should be able to make an assessment on the contribution that collective action can make in meeting these threats and formulate changes that will make international agencies a legitimate and effective instrument for a collective response, not only on issues of threats to peace but also on other economic and social issues. The key areas that need strengthening through national or international program include the eradication of extreme poverty, globalization, its impact on developing countries and the resulting need to ensure that the proper framework of rules, norms and standards are in place . This includes the issues of water scarcity, pollution , energy security, disaster, risk management, the effects of HIV/AIDS, coping with the heightened threat of international terrorism , policy gaps in governance, conflict prevention and post conflict transition , peace building and the pursuit of sustainable disarmament.
- Operations tend to be long drawn and a hazardous affair hence adequate resource for finance, arms and equipment must be catered for to meet the demands of any situation keeping in view the gravity of the problem. The UN is solely dependent upon the contributions of member states. It must be able to get international, regional donors and financial institutes to increase their assistance to poor countries with debt relief, longer rescheduling and improved access to global markets.
- The UN has the convention to respect the independence and sovereignty of a member nation but, when there is an issue of a nation(s) being directly or indirectly involved in terrorist activities then, regional or international organizations must have the ability to intervene in the internal affairs of a country as dictated by UN resolution. Irrespective of the consent of the concerned parties, the involved organization must be able to act immediately by authorizing the states the right to use force as necessary
- The international law needs to be reviewed and updated to meet the present terrorist environment. In all situations involving counter terrorism measures, the issue of fundamental human rights must always be protected by emphasizing on judiciary and legal means. The role of international law and endorsement by the member states must be strongly advocated to all nations.
- The UN and the regional organizations should develop a stronger cooperation and understanding between each other so that they are in constant contact to share information and early warning, be involved collectively in training, provision of personnel's and equipment as a standby arrangement system within the UN

framework. The involvement of regional organizations under the Legal Provision of the UN's Articles 52, 53 and 54 that recognizes regional organizations for resolving conflicts, disputes and for welfare activities must be expedited.²⁹

- No delay in intervention. The UN does not have the capability to play an active operational role to collect dedicated intelligence or to pre-empt terrorist strikes. Hence, in the event of large scale killing, genocide, ethnic cleansing or severe violation of human rights the Security Council should be able to immediately authorize the nation affected or if beyond the capability of the nation then endorse an authorization for military intervention by regional or international forces. The UN should make the following considerations prior to making any decision on military intervention; Seriousness of the threat; proper purpose for them intervention; is it the last resort available; is the degree of intervention compatible to the situation and is military action the primary solution to the problem.
- Agencies of the UN should be used to formulate operating procedures for effective post conflict peace building operations which must be activated immediately so as to prevent any chances of resurgence of conflict. To initiate the peacebuilding a standing fund must be created followed by establishment of robust donor coordinating mechanism. The judicial system of the state should be strongly implemented to prevent conducive grounds in which the terrorist groups may revive. Preventive action, especially measures to strengthen the capacity of states, can help to create inhospitable environments for terrorism.
- The UN through its various organizations must be able to put across its policy on terrorism to target audiences. Nations should be aware about issues of human rights, use of security forces mainly the military and treatment to unarmed civilians and rule of law. Similarly activities related to the fight against terrorism by UN agencies, their works in all fields particularly on poverty, HIV/AIDS and environmental degradation should reach the local populations that support terrorist aims. Public Information should be targeted to key audiences; particularly to achieve a greater impact to project a clear and principled message underscoring the unacceptability of terrorism.
- Given the concern that terrorist may seek to access the stockpiles of weapons of mass destruction in related technologies; United Nations activities in the field of disarmament must gain renewed relevance. The Department of Disarmament Affairs must be able to record and monitor the production and storage of weapons of mass destruction and evaluate the possibility of it being used for terrorist acts.³⁰

CONCLUSION

In sum, combating the threat of international terrorism requires both military and police action combined with nation-building, repairing and stabilizing war-torn countries, establishing institutions and structures of government and the rule of law, building and consolidating civil society and building markets. The first part can be left to the powerful to act on their own, however, even there, the world will not accept usage of the word 'terrorism' as a subjective epithet that allows any one country to assert an absolute right to attack any other country or group that it dislikes. The UN is the best forum for an objective and universally agreed definition. The second, less glamorous part underlines the importance of international agreements, international institutions, international policing and international law. The UN, not any national capital, is the embodiment of the principle of multilateral cooperation and the core of global governance. If the United States is the super power, the United Nations is the indispensable institution. Its prestige, authority and capacity as the standing global coalition to tackle threats to international peace and security of any type and from any source, must be enhanced. If isolationism is not an option in today's interconnected world, unilateralism cannot be the strategy of choice either. The concert of democracies to combat terrorism cannot be a closed circle, but must embrace all those willing to join in the fight against threats to a civilized community of nations. A global coalition formed to combat terrorism must not be restricted to punitive and retributive goals instead must be transformed into the larger cause of rooting security worldwide in enduring structures of cooperation for long term. The supremacy of the rule of law has to be established at the national, regional and global levels. The principles of equity and justice must pervade all institutions of governance.

The fight against terrorism is a war with no frontiers against enemies who know no borders and have no scruples. If we abandon our scruples, we descend to their level. The dialogue of civilizations is a discourse across all frontiers not only embracing communities who profess and practice different faiths but also having scruples about imposing their values on others. We must talk to and welcome into the concert of civilized communities believers in moral values from all continents, cultures and faiths. The need of the hour is discourse among the civilized and not a dialogue of the uncivilized deafened by the drumbeats of war.

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ENDNOTES

¹ United Nations, "True Faith Is Respectful, Compassionate, Devoid of Hatred, Says Secretary-General at Temple Emanu-El in New York," Press Release SG/SM/7962/Rev. 1, 18 September 2001; available from <<http://www.un.org/News/Press/docs/2001/sgsm7962R1.doc.htm>>; Internet; accessed 15 December 2004.

² Lawrence Freedman, et al, *Terrorism and International Order* (New York: Routledge and Kegan Paul, 1986), 5.

³ Jeffrey Laurenti, "A Transformed Landscape: Terrorism and the U.N. after the Fall of the World Trade Center," in *Combating Terrorism : Does the UN Matter and How ?*, UNA-USA, available from <<http://www.unausa.org/newindex.asp?place=http://www.unausa.org/issues/combating.asp>>; Internet; accessed 8 December 2004.

⁴ Michael Sahlin and Annika Hilding Norberg, introductory remarks in the *Report on the XII International Seminar in the Series Peace Operations and Counter-Terrorism : Challenges Of Peace Operations: Into the 21st Century*, Krusenberg, Sweden, 23-25 May 2003; available from <<http://www.peacechallenges.net>>; Internet; accessed 30 November 2004.

⁵ Laurenti.

⁶ Quaker United Nations Offices (QUNO), "Terrorism: A Global Problem Requiring Global Solutions," briefing paper, March 2002; available from <<http://www.quno.org/>>; Internet; accessed 15 November 2004.

⁷ "Transmittal letter from the Chair of the High-Level Panel on Threats, Challenges and Change Addressed to the Secretary-General," 1 December 2004, handout for Peace Operations elective, U.S. Army War College.

⁸ Andrew Sinclair, *An Anatomy of Terror* (London: Macmillan, 2003), 56.

⁹ United Nations, "Terrorism Must Be Addressed in Parallel with Poverty, Underdevelopment, Inequality, General Assembly Told, as General Debate Concludes," Fifty-Sixth General Assembly, GA/9971, 16 November 2001; available from <<http://www.un.org/News/Press/docs/2001/ga9971.doc.htm>>; Internet; accessed 11 November 2004.

¹⁰ Jane Boulden and Thomas G. Weiss, ed., *Terrorism and the UN Before and After September 11* (Bloomington: Indiana University Press, 2004), 177.

¹¹ Boulden.

¹² Kofi Annan, "For a Safer World, Working Together," 27 December 2003; available from <<http://www.globalpolicy.org/secgen>>; Internet; accessed 5 January 2005. In November 2003, Secretary-General of the United Nations, Kofi Annan established the UN High Level Panel on Global Security Threats, Challenges and Change. In this *Manila Times* article, Annan describes the tasks assigned to the panel and subsequent recommendations for strengthening the UN.

¹³ United Nations Association, "The Role of the UN in Combating Terrorism," available from <<http://www.unausa.org/issues/unrole.asp>>; Internet; accessed 24 November 2004.

¹⁴ United Nations, *UN Security Council Resolution 1368*, adapted by the Security Council at its 4370th meeting, 12 September 2001, (New York: 2001).

¹⁵ United Nations, *UN Security Council Resolution 1373*, adapted by the Security Council at its 4385th meeting, 28 September 2001, (New York: 2001).

¹⁶ United Nations, *Report of the Policy Working Group on the United Nations and Terrorism*, Annex to (A/57/273 S/2002; available from <<http://www.un.org/terrorism/a57273.htm>>; Internet; accessed 24 November 2004.

¹⁷ United Nations Office for Drug Control and Crime Prevention, available from <<http://www.unodcp.org/terrorism.html>>; Internet; accessed 5 October 2004.

¹⁸ International Civil Aviation Organization (ICAO), available from <<http://www.icao.int/new.html>>; Internet; accessed 5 October 2004.

¹⁹ International Maritime Organization (IMO), available from <<http://www.imo.org>>; Internet; accessed 5 October 2004.

²⁰ Universal Postal Union, available from <<http://www.upu.int/postal.html>>; Internet; accessed 5 October 2004.

²¹ World Health Organization, available from <<http://www.who.int/en/>>; Internet; accessed 5 October 2004.

²² United Nations Association.

²³ Ken Coates, *International Terrorism and International Law* (United Kingdom: Russel Press, 1987), 9.

²⁴ Ibid.

²⁵ Christopher Dobson and Ronald Payne, *Counter Attack* (London: Faber and Faber, 1988), 4.

²⁶ Ibid., 4-5.

²⁷ Gareth Evans, "Security Threats, Challenges and Change: The UN Secretary General's High Level Panel," presented at Citizens for Global Solutions/Woodrow Wilson Centre Panel, Washington, DC, 20 September 2004.

²⁸ United Nations Information Service, "Secretary-General Commends African Efforts against Terrorism, Urges Ratification, Implementation of Existing Conventions," UN press release SG/SM/7999 AFR/344, 22 October 2001; available from <<http://www.unis.unvienna.org/unis/pressrels/2001/sgsm7999.html>>; Internet; accessed 5 October 2004.

²⁹ Legal Provision. The following provisions of the UN charter legalize the employment of regional organizations:-

(a) Article 52. This Article encourages regional organizations to help resolve conflicts with in that region, provided such arrangements are consistent with the Purposes and Principles of the UN.

(b) Article 53. No enforcement action shall be taken under regional arrangements or by regional organizations without the authorization of the Security Council.

(c) Article 54. The Security Council shall at all times be kept informed of activities undertaken under regional arrangements or by regional organisations for the maintenance of international peace and security.

³⁰ "Transmittal letter."

BIBLIOGRAPHY

- Adebajo, Adekeye, and Chandra L. Sriram, ed. *Managing Armed Conflicts in the 21st Century*. Portland: F. Cass, 2001.
- Annan, Kofi A. *Prevention of Armed Conflict: Report of the Secretary General*. New York: United Nations, Department of Public Information, 2002.
- Boulden, Jane, and Thomas G. Weiss, ed. *Terrorism and the UN Before and After September 11*. Bloomington: Indiana University Press, 2004.
- Boutros Boutros Ghali, Boutros. *An Agenda for Peace*. New York: United Nations, 1995.
- _____. *Building Peace and Development: 1994 Report on the Work of the Organization from the Forty-Eighth to the Forty-Ninth Session of the General Assembly*. New York: United Nations, Department of Public Information, 1994.
- Combs, Cindy C. *Terrorism in The 21st Century*. Upper Saddle River, NJ: Prentice Hall, 2003.
- Freedman, Lawrence, et al. *Terrorism and International Order*. New York: Routledge and Kegan Paul, 1986.
- Jenkins, Brian M., ed. *Terrorism and Personal Protection*. London: Butterworth, 1986.
- Laurenti, Jeffrey. "A Transformed Landscape: Terrorism and the U.N. after the Fall of the World Trade Center." In *Combating Terrorism : Does the UN Matter and How ?*. Available from <<http://www.unausa.org/newindex.asp?place=http://www.unausa.org/issues/combating.asp>>. Internet. Accessed 8 December 2004.
- Netanyahu, Benjamin. *Terrorism: How the West Can Win*. London: Weidenfeld and Nicholson, 1986.
- O'Shea, Bendan. "The Future of Peacekeeping." *Studies in Conflict and Terrorism* 25 (March-April 2002)
- Osman, Mohammed A. *The United Nations and Peace Enforcement: Wars, Terrorism and Democracy*. Burlington, VT: Ashgate, 2002.
- Sahlin, Michael, and Annika Hilding Norberg. Introductory remarks in the *Report on the XII International Seminar in the Series Peace Operations and Counter-Terrorism : Challenges Of Peace Operations: Into the 21st Century*, Krusenberg, Sweden, 23-25 May 2003. Available from <<http://www.peacechallenges.net>>. Internet. Accessed 30 November 2004.
- Transmittal letter dated 1 December 2004 from the Chair of the High-level Panel on Threats, Challenges and Change addressed to the Secretary-General.
- "Transmittal letter from the Chair of the High-Level Panel on Threats, Challenges and Change Addressed to the Secretary-General." 1 December 2004. Handout for Peace Operations elective, U.S. Army War College.

U.S. Army War College, Peacekeeping and Stability Operations Institute (PKSOI). Available from <<http://www.carlisle.army.mil/usacsl/divisions/pksoi>>. Internet. Accessed 5 October 2004.

United Nations Association of Great Britain and Northern Ireland. Available from <<http://www.una-uk.org>>. Internet. Accessed 5 October 2004.

United Nations Association. "The Role of the UN in Combating Terrorism." Available from <<http://www.unausa.org/issues/unrole.asp>>. Internet. Accessed 24 November 2004.

United Nations Office on Drug Control (UNODC). Available from <<http://www.unodc.org>>. Internet. Accessed 5 October 2004.

United Nations. Available from <<http://www.un.org>>; Internet. Accessed 5 October 2004.