AN INVESTIGATION OF THE UNDERLYING REASONS FOR THE CHANGING PERSPECTIVE OF THE UNITED NATIONS ON TERRORISM*

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ABSTRACT

The norms and values of the United Nations are in constant flux as the world body strives to counter evolving security challenges while adapting to changes in the international system. This was also evident in the United Nations perspective on the issue of terrorism as part of its responsibilities regarding international peace and security. As such, the United Nations has changed its perspective on terrorism from an earlier emphasis on debating the causes of the phenomenon, towards an all-inclusive view which addresses both the causes of terrorism and measures to counter the manifestations of terrorism itself. The conclusion is that the United Nation's changed perspective on terrorism was a gradual process evolving over a period of nearly four decades and which has been facilitated by the demise of national liberation movements, changes in the phenomenon of terrorism itself, as well as by the changes in the international security environment after the end of the Cold War.

1. INTRODUCTION

Since the 11 September 2001 attacks on the United States (US), the United Nations (UN) has followed a more purposeful and clear ap-

proach in countering international terrorism. This new perspective on terrorism and counter-terrorism followed after the world body had attempted for nearly four decades to reach consensus on its approach towards this complex, multi-faceted issue, in addition to consistently failing to agree on a consensus definition of the concept.

This article analyses the most salient factors which facilitated the change in the UN perspective on terrorism.

2. TERRORISM AND SECURITY: A CONCEPTUAL OVERVIEW

Despite the efforts by analysts to formulate a definition of terrorism which could be considered as neutral with regard to the perpetrators of a terrorist act, consensus on an adequate social science definition of terrorism remains lacking and this has remained an enduring question in terrorism research. This problem of definition is primarily caused by the moral judgement which must be made when describing a person or a group as terrorists and which necessarily leads to subjectivity and the politicisation of the concept. This also applies to the question of whether the problem is the violence itself or its underlying causes (Gearson, 2002: 13).

In this respect Wilkinson defines terrorism as the systematic use of coercive intimidation, usually to service political ends. It is then used "to create and exploit a climate of fear among a wider target group than the immediate victims of the violence and to publicise a cause, as well as to coerce a target to acceding to the terrorists' aims" (Wilkinson, 2006: 15). Crenshaw points out that, even if the term is used objectively as an analytical tool, it is still difficult to find a satisfactory definition that distinguishes terrorism from other forms of violent action and describes terrorism as pre-eminently political and symbolic, and as "deliberate and systematic violence performed by small numbers of people with the purpose of intimidating a watching audience" (Crenshaw, 2000: 406). A distinction can also be made between domestic and international terrorism where the former is confined within the borders of one country or a particular part of a country, and not aimed at foreign nationals or foreign property. However, contemporary groups are seldom operating only in one country or region and in practice most terrorism campaigns will cross interna-

tional borders because terrorist groups seek political support, funding, weaponry or safe haven outside their own countries (Wilkinson, 2000: 19).

While terrorism as a political instrument has been used throughout history, the 1960s and 1970s presented two kinds of groups, namely those motivated principally by an anti-capitalist ideology and those motivated by ethno-separatism as an extension of national liberation struggles. Ideological terrorists sought to change the existing political, social and economic system, considered themselves as the "vanguard of a people's revolution" and created their own rationality which interpreted reality in terms of a revolutionary ideology (Wilkinson, 2000: 27). Traditional terrorism was mostly left-wing and it was partly considered as a response to perceived injustices. The end of the Cold War saw a process which politically marginalised these groups by removing much of their ideological relevance.

The profound changes in the international political environment after the end of the Cold War led to new perceptions of warfare and the use of violence in sub-state conflicts. This included new interpretations of the motivation and aims of terrorism as a political strategy which led to the notion of a 'new' terrorism. The starting point of the 'new' terrorism is identified by the majority of authors to be the 1993 World Trade Center (WTC) attack in the US and the attacks on the Tokyo subway and in Oklahoma City two years later (Simon and Benjamin, 2000: 59). These events were considered as harbingers of a new and more threatening kind of terrorism, capable of producing mass casualties. Ideas around the possible use of non-conventional weapons by terrorist groups were explored by various authors who identified a new fanaticism due to the religious motivation of Islamic and right-wing extremists. The logic of this 'maximal' terrorism cautioned that, even if only one such attack succeeds, the perpetrators will have created the impression that they have won their struggle and this would seriously affect the public sense of security (Simon and Benjamin, 2000: 73).

In the absence of consensus on the concept of terrorism, 'new' terrorism has equally led researchers towards divergent conclusions on its nature and meaning (Zimmermann, 2003: 25). While the use of the concept has become commonplace among certain terrorism specialists, others have contested the idea which has been described as more dangerous than previous forms of terrorism, as incorrigible

in its beliefs and actions, and as demonstrating specific characteristics which differ from that of earlier forms of terrorism. These characteristics, including an increasingly religious motivation, a preference for mass casualty attacks, a transnational nature and the desire to use non-conventional weapons, indicated a shift in the use of terrorism as a political instrument as a result of the post-Cold War changes in the international system.

In terms of international security, there was a notable shift after the end of the Cold War. During the Cold War era, national security was primarily seen as military security against external military threats. During this period, the security agenda was dominated by the concepts of nuclear deterrence and bipolarity, or the strategic balance between two ideologically opposed superpowers. It was assumed that state behaviour was based on military power and the maximisation of security by influencing rivals to act in certain ways through threat manipulation and the projection of military force. Attention was therefore focused away from how security policy fitted into foreign policy towards nuclear strategies, East-West relations and the management of alliances in order to strengthen national security (Snyder, 2008: 6).

With the end of the Cold War, the political and intellectual climate changed and this facilitated different views on how to define the concept of security; the scope of analytical approaches; and empirical domains appropriate to Security Studies (Katzenstein, 1996: 9). Dissatisfaction with the narrow focus imposed on the security field by the military and nuclear focus of the Cold War led to discussion on the widening of the field to include other issues that became prominent in international relations. As such, Buzan and the Copenhagen School pioneered the widening of the concept of security by calling for a reassessment of the term and its application to a wider range of issues. To further this aim, they broadened the perspective on security by focusing on the political, economic, societal and environmental sectors as additional security concerns. This was mainly the result of the changing nature of military threats after the end of the Cold War and which made other security threats more prominent (Buzan, 1991: 369).

In addition, both the origins and targets of security threats have changed in the post-Cold War period and this led to new security challenges. Although states still remained central in the security debate,

they no longer dominated as the exclusive referent objects or as the main agents of threats, and a range of additional referent objects was established. The rise in prominence of non-state actors in security issues after the Cold War, was demonstrated by the terrorist attacks on the US in September 2001 (9/11) which posed a direct challenge to the traditional prerogative of the state, namely the protection of its citizens form external danger. These and other attacks by the Al Qaeda movement, which is considered to exemplify the new transnational nature of terrorism, placed terrorism at the centre of security challenges and signified that states could no longer assume that existential threats primarily emanated from rival states (Boyle, 2008: 172). It also created a context in which weak or failed states were viewed as humanitarian challenges and opened up opportunities for UN intervention.

3.   HISTORICAL OVERVIEW OF THE UNITED NATIONS PERSPECTIVE ON TERRORISM

Together with peace and security, development, and human rights, the right to political self-determination was one of the four main ideals enshrined in the *UN Charter*. This followed after the League of Nations supported the idea of national self-determination and after the US, a critic of European imperialism, took the initiative in the establishment of a new global security institution after World War II. At the time, the wars of national liberation of the 1950s, 1960s and 1970s were mainly associated with guerrilla warfare, insurgency and terrorism. This not only testified to the revolutionary intent of these wars, with the pursuit of radical political change the dominant aim, but also to the military weakness of the respective liberation movements. Meanwhile, the balance of world public opinion shifted against the perpetuation of Western authority in the colonies, where this authority rested on contested moral grounds (Moran, 2006: 23, 32).

The UN General Assembly (UNGA), as barometer of world public opinion, was therefore well positioned to support the various struggles for national liberation in territories forming part of Western empires. Already in 1952, the UNGA adopted a resolution which stated that the right of peoples and nations to self-determination is a prerequisite for fundamental human rights, and that UN members "shall

recognise and promote the realisation of the right of self-determination of the peoples of Non-Self Governing and Trust Territories who are under their administration…" (UN General Assembly, 1952. Res 637 (VII), para 2). This was followed by the adoption of the landmark *Declaration on the Granting of Independence to Colonial Countries and Peoples* and which established a "Decolonisation Committee" (UN General Assembly, 1960: Res 1514(XV)).

The first major UN resolutions which also mentioned the issue of terrorism were adopted by the UNGA in 1965 and in 1970. Resolution 2131 of 21 December 1965, the *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty*, prohibits "terrorist or armed activities directed towards the violent overthrow of the regime of another state" (UN General Assembly, 1965: Res 2131, para 2). In the *Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the UN*, (UN General Assembly, 1970: Res 2625) adopted on the 25th anniversary of the UN, "terrorism acts" are mentioned twice although no definition of such acts is provided and the matter received little attention during the drafting process (Saul, 2006: 193). This declaration was drafted with the intention of confronting the indirect use of force after 1945 and the reference to "irregular forces or armed bands" was non-exhaustive and, though not mentioned specifically, could include terrorist groups. The document therefore failed to establish effective criteria for determining which peoples were appropriate candidates for self-determination (Roberts and Kingsbury, 2004: 27).

The apparent contradictory principles regarding the legality of support for national liberation movements was also evident in the 1974 *Definition of Aggression*, annexed to UNGA Resolution 3314 (XXIX) (Roberts and Kingsbury, 2004: 27). Another declaration of the UNGA which dealt with the use of force, and which mentioned terrorism, was the 1987 *Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations*, annexed to Resolution 42/22. The declaration expressed concern about the "pernicious impact of terrorism on international relations" and called upon states to cooperate to "prevent and combat international terrorism". It further emphasised the "right to self-determination, freedom and independence, as derived

from the UN Charter", and called upon the international community to pay special attention to situations that might give rise to international terrorism, including situations involving colonialism, racism, violation of human rights and fundamental freedoms, as well as alien domination and occupation (UN General Assembly, 1987: Res 42/22).

Thus, during its first two decades, the UN mostly gave attention to anti-colonialism and became an important forum for groups with credible anti-colonial and self-determination aims. During this time, UN debates merely confirmed that dissident groups be viewed as defending the principle of self-determination and that terrorism was to be considered as a domestic issue. However, after terrorism became a concern of member states and became a discussion point at the UN during the 1970s, the UNGA played the leading role in adopting resolutions discussing, respectively, measures to prevent terrorism; measures to eliminate terrorism; as well as the issue of terrorism and human rights. However, as a deliberative institution, the UNGA could only act in a reactive, rather than a proactive manner and only took up the matter of terrorism when a significant number of countries regarded it as a problem (Peterson, 2004: 177).

In addition, differences of opinion among UN members on the use of force by national liberation movements seemed insurmountable. Although the UN support for self-determination struggles won respect from the Third World, aspects of its approach in supporting liberation movements during the 1970s and 1980s were considered in Western countries as casting doubt on the impartiality of the organisation. UNGA resolutions which promoted self-determination adopted during this period did not address the question of restraints that should be exercised in the methods applied by national liberation movements. In this respect, although Resolution 40/61 was the first UNGA resolution which condemned terrorism "wherever and by whomever committed", (UN General Assembly, 1985: Res 40/61, para 1) the first resolution refraining from a reference to the legitimacy of the struggle of national liberation movements was only adopted nine years later (UN General Assembly, 1994: Res 49/60).

Therefore, for almost 30 years prior to the terrorist attacks on the US on 9/11, the UNGA was the major organ in shaping the UN agenda on terrorism but the issue seldom reached the agenda of the UN Security Council (UNSC), a more important UN body. Terrorist attacks at the time were primarily associated with the politics of the

Middle East and the UNSC would not have been able to overcome the dominance of Cold War issues to consider a response (Boulden, 2007: 428). In contrast, the UNGA succeeded in developing and adopting a number of international legal conventions relating to terrorism and, together with UNGA resolutions, these established a set of norms and legal requirements which encouraged states to take counter-terrorism measures (Boulden, 2007: 428).

However, after struggling to distinguish between legitimate armed struggle and acts of terrorism for most of its existence, expressions of concern about conditions encouraging a resort to terrorism became less prominent in texts of UNGA resolutions adopted during the 1990s. Developments in the international environment aided the UNGA in overcoming this dilemma. Firstly, the end of colonialism led to the disappearance of most traditional national liberation movements. Secondly, new and continuing ethnic conflicts after the end of the Cold War highlighted attacks on civilians and led the UNGA to focus more on human rights issues. Consequently, UNGA resolutions on terrorism started to encourage governments to treat terrorism as a form of criminal activity and transnational crime, to be handled through cooperative law enforcement (Peterson, 2004: 182-183). This, together with the reluctance of some governments, mainly the US, to discuss the root causes of terrorism, led to a near consensus at the end of the 1990s that all forms of terrorism should be condemned.

In contrast with the UNGA, the UNSC's earlier approach was to deal with terrorism on a case-by-case basis, in the context of its role as custodian of international peace and security. Its response was predominantly reactive and punitive through the imposing of sanctions and the monitoring of their implementation. However, this changed after 9/11 when the UNSC established specialised bodies, namely the Counter-Terrorism Committee (CTC) in 2001 and the Executive Directorate (CTED) in 2004, which signified a heightened level of interest of the UNSC in counter-terrorism issues. The 9/11 attacks thus marked a change in the reaction of the UN towards terror attacks and the willingness of the UNSC to invoke the right of self-defence in response to these attacks, was the first time that the UNSC approved a resolution reaffirming the inherent right of individual or collective self-defence in accordance with the *UN Charter* (UN Security Council, 2001: Res 1368). The subsequent adoption of Res-

olution 1373, which became the cornerstone of the UNSC's counter-terrorism efforts, provided the UN with a clear and security focused approach, placed it at the forefront of international counter-terrorism efforts and assisted in its efforts to implement a sustainable global UN counter-terrorism campaign

Consequently, after 9/11 the UNSC became the centre of UN counter-terrorism activity, reflecting the dominance of the political paradigm of its most powerful member, namely the US concept of a "global war on terror". The counter-terrorism agenda of the UN was therefore clearly influenced by political dynamics within the UNSC, which led to a greater focus on law enforcement measures and less attention to long term preventive strategies (Cortright, 2005: 2).

4. REASONS FOR THE CHANGING UNITED NATIONS PERSPECTIVE ON TERRORISM

The most important factors leading the UN towards a new perspective on terrorism were changes in the phenomenon of terrorism itself; developments in international security which expanded the UN role in peace and security issues; the demise of national liberation movements; and the influence of non-UN entities.

4.1 Changes in the nature of terrorism

From the mid-1980s the nature of international terrorism changed and these changes continued to manifest after the end of the Cold War. The most important characteristics of this type of terrorism included the increasing religious motivation, the execution of mass casualty attacks, a transnational nature and the as yet unconfirmed desire to use non-conventional weapons.

In terms of religious motivation, terrorism has become increasingly non-secular in nature and has been driven mainly by religious considerations, principally Muslim extremism. Although religious identity previously served as a motivation for violence, the revolution in Iran in 1979 contributed to the re-emergence of religiously motivated terrorism which was now aimed at establishing sovereign states based on religious tenets (Rapoport, 2003: 43). Terrorism also became more lethal, less discriminate in its target selection and therefore

capable of producing mass human casualties. This trend first became evident during the mid-1980s when bombs were detonated in public places amongst a concentration of people (Jenkins, 1995: 46) and it was in contrast with traditional terrorism which was considered as more of a political communication strategy aimed at seeking publicity.

The transnational nature and global reach of the new terrorist movements became evident with the founding of Al Qaeda, a Sunni-inspired Islamist movement. This movement was described as a "world-wide network of networks" in which the leadership provides ideological direction and inspiration while the affiliated networks carry out attacks against appropriate targets (Wilkinson, 2006: 42). Al Qaeda also illustrated that terrorists increasingly became part of amorphous, indistinct broader movements without a central command and which allowed for greater freedom and independence in tactical decisions (Hoffman, 2001: 418). In terms of weaponry, terrorist groups started to use weapons capable of inflicting greater destruction and it became an enduring concern that they might pursue non-conventional weaponry. It was reasoned that, because of their particular worldview and aim of mass destruction, these groups would have no restraint regarding the use of non-conventional weapons in order to perpetrate spectacular terrorist attacks. These developments, which were facilitated by the process of globalisation, allowed terrorist groups to benefit from new technologies which enabled them to operate simultaneously in various countries (Cronin, 2003: 48). Globalisation also accentuated the cultural and religious differences between Islam and the Western world which some terrorist movements sought to exploit.

In terms of the effect of these developments on the UN perspective on terrorism, the increased incidents of large-scale terrorism forced UN member states to view the phenomenon, which was previously mainly seen as a domestic issue, more seriously. This changing perspective culminated after the 9/11 incident which proved that terrorism has become a strategic issue and that a terrorist group could attack a superpower on its own territory.

These developments were frequently mentioned in important UN policy documents, as well as in resolutions adopted by the UNSC and the UNGA. Resolutions adopted by the UNSC, specifically during the post-9/11 period, frequently reflected aspects of the new terrorism, for instance in condemning "multiple criminal, terrorist

acts, aimed at causing the deaths of numerous innocent civilians" (UN Security Council, 2002: Res 1390, preamble). The UNSC then expressed concern about the risk that non-state actors may "acquire, develop, traffic or use nuclear, chemical and biological weapons and their means of delivery", and added that this new dimension of proliferation posed a threat to international peace and security (UN Security Council, 2004: Res 1540, preamble). Reference is also made to the "criminal misuse of the Internet" in furtherance of terrorist acts, specifically by Al Qaeda (UN Security Council, 2006: Res 1735, preamble; UN Security Council, 2008: Res 1822, preamble).

Resolutions adopted by the UNGA also reflected aspects of the new terrorism. For example, in reaction to the 9/11 attacks, UNGA resolutions as from 2002 reaffirmed a strong condemnation of the "heinous acts of terrorism that caused enormous loss of human life, destruction and damage" (UN General Assembly, 2002: Res 56/88, preamble; UN General Assembly, 2003: Res 57/27, preamble; UN General Assembly, 2004: Res 58/81, preamble; UN General Assembly, 2005: Res 59/46, preamble). In reference to the religions motivation of the new terrorism, it was further stated that terrorism "cannot and should not be associated with any religion, nationality, civilisation or ethnic group" (UN General Assembly, 2007: Res 61/171, preamble; UN General Assembly, 2008: Res 62/159, preamble).

The UN also had to incorporate the developments in international terrorism into its counter-terrorism program and activities, for example through the creation of new counter-terrorism structures. Especially after 2001, the UNSC embarked on a decisive campaign in order to counter the manifestations of what was considered a new kind of terrorism. The UN thus took cognisance of the above developments in the field of terrorism, took them into account in its activities regarding international peace and security issues, and this contributed to mould its perspective on the issue.

4.2 Changes in the international security environment

Profound changes in the international security environment after the end of the Cold War, as well as the broadening of the concept of security to increasingly include non-military aspects, played an important role in re-directing the UN system towards countering new

security threats, including international terrorism. As a result, the UN adjusted its focus regarding peace and security towards issues such as intrastate conflict; an involvement in peace support operations; the countering of ethnic conflict; the protection of human rights and human security; the promotion of democracy and good governance; and humanitarian intervention.

An important feature of the post-Cold War security environment was a change in the nature of conflict which manifested itself as a shift away from conflict between states towards predominantly intrastate conflict. As such, the sudden manifestations of ethnicity during the wars of secession in the Balkans in the early 1990s and civil wars in some African countries, exposed civilian populations to state violence or genocide. Amid the vacuum left by the end of the East-West ideological conflict, these conflicts led to an increase of the relevance of religious beliefs, collective and cultural identity and of human rights issues in security affairs (Katzenstein, 1996: 7).

In addition, the post-Cold War security environment allowed for the proliferation of non-state actors in international security affairs and the emergence of new transnational security threats, such as organised crime and arms- and drug trafficking. This was also evident in the field of international terrorism with the appearance of the transnational Al Qaeda network. The manifestation of these transnational security threats was facilitated by changes in the international system, such as the process of globalisation or advances in information technology, and this made it increasingly difficult for states to deal with new, non-territorial security problems by way of traditional state-centred responses (Sheehan, 2005: 23).

The gradual realisation by states that the new security threats could be countered more effectively through international cooperation, and no longer primarily by the use of military power, contributed to a revival in multilateral cooperation (Snyder, 2008: 8). As such, the changes in the perception and manifestation of new security issues after the end of the Cold War had a marked effect on the role of the UN in terms of international peace and security issues and led the world body to change its perception of security threats from the emphasis on military threats during the Cold War period towards an emphasis on broader, non-military, security threats. Especially the shift from interstate conflict to intrastate conflict has had a determining influence on the activities of the UN as it created various humanitarian

challenges in weak states and opened up opportunities for UN intervention.

In terms of the effect of these security-related developments on the UN perspective on terrorism, the new security architecture of the post-Cold War context fundamentally changed the traditional, collective security role of the UN. As the only global body concerned with security issues, including international terrorism, the UN reacted to these changes, both in terms of policy and in relation to the actions it took aimed at safeguarding or re-establishing peace and security. In addition, the UNSC broadened its interpretation of the concept of security to include non-military threats to international peace and security, and which facilitated greater intervention on different levels by the world body.

The above developments were reflected in important UN policy documents, as well as in resolutions adopted by the UNSC and the UNGA. For instance, resolutions adopted by the UNSC pertaining to terrorism frequently reflected the changes in the international security environment and the determination by the UNSC that international terrorism constituted a threat to international peace and security, demonstrated the rise of non-state actors as important security actors in the new security environment. After the 9/11 attacks, the UNGA stated that the world was witness to "historic and far-reaching transformations", in the course of which forces of "aggressive nationalism and religions and ethnic extremisms" have produced new challenges (UN General Assembly, 2002: Res 56/160, preamble). In addition, the emergence in 1993 of the "human rights and terrorism" stream of UNGA resolutions (1993-2008) confirmed the importance of human rights and human security issues as part of the post-Cold War security agenda.

The post-Cold War broadening of the concept of security to include non-military issues also led the UNSC to, for the first time, include a focus on thematic issues that were not directly linked to a specific conflict. In this respect, the UNSC adopted resolutions on the protection of civilians in armed conflict (UN Security Council, 1999: Res 1265); on the impact of HIV/AIDS (UN Security Council, 2000: Res 1308); the protection of children in armed conflict (UN Security Council, 2000: Res 1314; UN Security Council, 2005: Res 1612); and women and peace and security (UN Security Council, 2000: Res 1325). These novel aspects of the post-Cold War security en-

vironment therefore encouraged the development of the concept of human security and created pressure on the UN to take human rights and human security issues into account in policy responses to threats to international peace and security, including those posed by terrorism (MacFarlane and Khong, 2006: 8-9).

4.3 The expansion of the UN role in international peace and security

The new, broader UN focus on security issues led the UN to expand its activities in terms of non-military security-related aspects, a development which contributed to the gradual expansion towards a more holistic UN perspective on the prevention and countering of terrorism. For example, this led the UNSC to, during the 1990s, move beyond its traditional conception of security threats, determining that domestic violations of human rights also constituted threats to international peace and security. As such, the UN-system became involved in an array of activities which, on the one hand, led it to develop and adopt a more holistic perspective on terrorism and, on the other hand, to counter terrorism through taking action on different levels. The most important of these activities include the UN protection of human rights; its involvement in peacekeeping operations; its role in humanitarian intervention; the role it played in the promotion of democracy-related issues; and the linkage which the UN made between terrorism and organised crime.

4.3.1 UN protection of human rights

The protection of human rights has been a main objective of the UN since its founding, and the organisation has been successful in the development of international human rights norms. Starting with the 1948 *Universal Declaration of Human Rights*, the UN has developed an international code of human rights, governing almost all areas of the relationship between the individual and the state (Ramcharan, 2006: 443). In this endeavour the UN had to deal with the fact that the guarantee of human rights has traditionally been a subject of domestic jurisdiction, which made international authority in this area controversial. However, in the post-Cold War period, there has been a transition from purely domestic jurisdiction regarding human rights

towards international concerns about the standards and instruments for the implementation and enforcement of human rights criteria (Bennett and Oliver, 2002: 409-411).

The post-Cold War security environment also highlighted the human impact of war and thereby encouraged the development of the concept of human security where the security of humans, rather than states, is emphasised. This has made human security a main objective of the UN by placing the individual at the centre of its understanding of threats to international peace and security (MacFarlane and Khong, 2006: 8-9). In addition, although the UN has long considered terrorism as aimed at the destruction of human rights, fundamental freedoms and democracy, respect for human rights has formed an integral part of UN counter-terrorism thinking. As such, the UNGA stream of resolutions on "human rights and terrorism" expressed concern for the human rights of both the victims of terrorism and of the perpetrators of terrorist acts. In a further development against the background of the US-led global war on terrorism, the UNGA tasked the UN High Commissioner for Human Rights to investigate and report on the issue of protecting human rights and fundamental freedoms while countering terrorism (UN General Assembly, 2004: A/59/428; UN General Assembly, 2007: A/62/263).

4.3.2   UN involvement in peacekeeping

The changes in the patterns of political violence in the post-Cold War era forced the UN to shift its original focus from military conflict between states towards the managing of intrastate warfare (Weiss and Daws, 2007: 5). The outbreak of civil wars, which often coincided with an upsurge in ethno-nationalism crossing national boundaries, presented the UN with substantial challenges in terms of peacekeeping and post-conflict peace-building, and required extended periods of international involvement in order to rebuild state capacity. As a significant number of all terrorist attacks are the product of ongoing armed conflicts (Jenkins, 1995: 45), the UN involvement in peacekeeping also served as a terrorism prevention measure. In this respect the UNSC, freed from the Cold War ideological deadlock, had the capacity to agree on the action to be taken in particular crisis situations and there was optimism that the UN could play a significant role in preventing conflict through assisting the development

of democracy and human rights (O'Neill and Rees, 2005: 38). In contrast with traditional peacekeeping, which usually involved the monitoring of a cease-fire, the new era of peacekeeping operations included nation-building and were complex operations characterised by multi-functionality. As such, the UN had to assume various non-military tasks, including providing humanitarian aid; decommissioning arms; demobilising combatants; monitoring elections; and supporting democratisation (Dannreuther, 2007: 147).

4.3.3 The UN role in humanitarian intervention

Humanitarian intervention, or the use of military force in the territory of a state without its consent with the goal of protecting innocent victims of large-scale atrocities (Thakur, 2007: 388), stands in contrast to Article 2(7) of the *UN Charter* which prohibits the UN from intervening in matters that are essentially within the domestic jurisdiction of a member state. However, after the UN gave priority to state sovereignty during its first four decades, during the 1990s the UNSC endorsed the use of force aimed at humanitarian protection and assistance. This was made possible by the end of the Cold War which decreased fears that international action in defence of human rights would threaten the existing international peace (Thakur, 2007: 391).

Although the contestation between non-intervention and humanitarian intervention continued, the *Report of the Panel on UN Peace Operations* (*Brahimi Report*) of 2000 concluded that the protection of human rights was essential to effective peace-building (UN, 2000: A/55/305/305-S/2000/809). This was followed by the report of the International Commission on Intervention and State Sovereignty (ICISS), sponsored by Canada, which stated that sovereignty should be considered as a responsibility, rather than as a right, and that the most basic responsibility of a state is to protect its own citizens. Should a state fail to live up to this, the "responsibility to protect" shifts to the international community (ICISS Report, 2001). Subsequently, the concept of the "responsibility to protect" populations from genocide, war crimes, ethnic cleansing and crimes against humanity was adopted by the 2005 UN World Summit (UN General Assembly, 2005: Res 60/1, para 138-139). This allowed the UN to undertake operations of humanitarian intervention in situations of serious violations of human rights as the UN was also uniquely placed to use this instrument in

managing or preventing internal conflicts, which included instances of terrorism.

4.3.4 UN promotion of democracy

Although the fostering of a particular form of domestic governance has never been a stated purpose of the UN, in considering the basic purposes of the organisation as set out in the preamble to the *UN Charter*, namely, to save succeeding generations from the scourge of war; to maintain respect for fundamental human rights; and to promote social progress and better standards of life, it becomes clear that democracy plays a role in achieving each of these goals (Newman and Rich, 2004: 5-10). The UN's role in promoting democracy was also enhanced by the end of the Cold War in that it was called upon to assume a more active role in conflict resolution, peacemaking and the protection of human rights. As a result, the UN has become involved in providing assistance in the conduct of democratic elections, an activity which reflected the principle of equal rights and self-determination set out in the *UN Charter*. With the adoption of a resolution by the UNGA aimed at enhancing the effectiveness of periodic elections in 1991, a structure was established for the provision of electoral assistance (UN General Assembly, 1991: Res 46/137).

Therefore, since the 1990s, the UN has increasingly regarded democratisation as a means to serve these purposes, including the prevention of internal conflict because it addresses exclusionary politics which could lead to violence, including terrorist acts. This argument was also confirmed by the former UN Secretary General (UNSG), Kofi Annan, when he stated that, as a way to counter political dissent and violence, democratisation served to prevent conflict and to support the UN development agenda (Annan, 2002: 139). As such, the UN has accepted democracy as a universal value and that democracy, development and respect for human rights are interdependent and mutually reinforcing. In addition, the UN also made a linkage between democracy and terrorism in its counter-terrorism programme in stating that the support provided to strengthen national anti-terrorism legislation supports progress in building democratic societies in new or restored democracies (UN General Assembly, 2007: A/62/296, para 44).

4.3.5 Linkage made by the UN between terrorism and organised crime

The UN has frequently established a link between international terrorism and transnational organised crime in pointing out that they enjoy a mutually beneficially relationship. The *Vienna Declaration on Crime and Justice* committed the UN to, in order to prevent and combat terrorism, take effective measures for "preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations" (UN General Assembly, 2001: Res 55/59, para 19). Likewise, the *UN Convention against Transnational Organized Crime* emphasised the concern of the UN over the growing links between transnational organised crime and "terrorist crimes" (UN General Assembly, 2001: Res 55/25, preamble).

4.3.6 Creation of judicial institutions to prosecute human rights violations

Due to the importance of human rights as a cornerstone of the UN, acts of terrorism have been considered as grave violations of humanitarian law. In addition to the establishment of specific counter-terrorism institutions, the frequent recurrence of crimes against humanity during the 1990s led international society to react by creating judicial institutions aimed at prosecuting individuals responsible for grave violations of human rights. As such, concern by states and NGOs about the selectivity of justice in cases where the UNSC chose not to take action, led to a process of establishing an international criminal court with universal jurisdiction (MacFarlane and Khong, 2006: 192). The creation of the court started in 1989 when the UNGA requested the International Law Commission (ILC) to investigate the establishment of such a court (Goldstone, 2007: 473). Thereafter the *Rome Statute of the International Criminal Court*, providing for the prosecution of individuals for genocide, crimes against humanity, war crimes and crimes of aggression (Article 5), led to the creation of the International Criminal Court (ICC) (UN, 1998: A/CONF.183/9). During the drafting of the statute a number of states, including Israel and Turkey, wanted the inclusion of a "crime of terrorism" but this was rejected because of definitional difficulties (Simpson, 2003: 28).

In addition to the ICC, the UN has also assisted in setting up

special courts to investigate violations of international humanitarian law in Sierra Leone, East Timor, Kosovo, Bosnia and Herzegovina, Cambodia and Lebanon, but only the *ad hoc* tribunals for the former Yugoslavia and for Rwanda were created as sub-organs of the UNSC. Although terrorist acts are not directly mentioned in the establishment of these tribunals, they can be conceived as crimes against humanity because terrorism represents direct and planned attacks on civilians. Even if these judicial institutions do not have direct jurisdiction over terrorist crimes, they contributed to address violations of international humanitarian law as well as contributing to post-conflict justice.

4.4   The demise of national liberation movements

The near-completion of the process of decolonisation around 1980 facilitated a changed UN perspective regarding the issue of terrorism as it largely removed the dilemma of the legitimacy of political violence in national liberation struggles. This assisted the UN to change its perspective on terrorism towards an all-inclusive view on the subject, as well as in taking more concerted action against the manifestations of terrorism.

The earlier resolutions adopted by the UNGA on terrorism consistently referred to the legitimacy of national liberation struggles and the inalienable right of self-determination. Since terrorism was first discussed by the UNGA in the early 1970s, the UNGA strongly defended the inherent right to self-determination and the legitimacy of the various liberation struggles. By the 1980s, when most former colonial territories had attained independence, the UNGA responded in reconsidering and amending its acceptance of the use of force by liberation movements and in 1985 it condemned terrorism "wherever and whomever committed" for the first time (UN General Assembly, 1985: Res 40/61). However, it was only a decade later that references to the legitimacy of liberation struggles were removed from UN resolutions, after UNGA Resolution 44/29 was the last to mention the subject (UN General Assembly, 1989, Res 44/29).

Despite this condemnation of terrorism by the UNGA, most Arab states, motivated by the struggle for the liberation of Palestine, continued to advocate the right of liberation movements to use force in order to obtain political objectives. As such, Libya requested that

the *Geneva Declaration on Terrorism*, adopted by a conference of the International Progress Organization (IPO), be circulated as a UNGA document. In a reflection of the viewpoints on terrorism of these countries, it stated that terrorism originated from "the statist system of structural violence and domination that denies the right of self-determination to peoples", and that "real terrorism is founded in the imposition of the will of the powerful states upon the weak by means of economic, political, cultural and military domination" (UN General Assembly, 1987: A/42/ 307).

In terms of the effect of the end of decolonisation on the UN perspective on terrorism, this freed the UN from maintaining an ambivalent policy towards the issue. This ambivalence was characterised by continued support to struggles for national self-determination without condemning the terrorist acts committed by liberation movements. With the gaining of political independence by most former colonies, the UN could proceed to "unequivocally" condemn all acts, methods and practices of terrorism "in all its forms and manifestations, wherever and by whomever committed" (UN General Assembly, 1993: Res 48/122), without including a reference reaffirming the right to self-determination.

In conclusion, the end of the era of classic national liberation struggles and the gaining of independence by former colonies mostly ended the earlier debate on the root causes of terrorism at the UN. However, organisations also considering themselves as liberation movements, such as the separatist organisation Basque Fatherland and Liberty (ETA) in Spain, continued their activities. Meanwhile, as the manifestations of new terrorism became more visible and threatening since the mid-1980s, the UN invested in the design of a global counter-terrorism strategy which revisited the root causes of terrorism.

4.5   The influence of non-United Nations entities

The influence of entities outside the formal UN framework played a significant role in guiding the UN towards a more inclusive perspective on international terrorism. In addition to the activities of the formal UN structures, the world body has traditionally engaged with entities outside the UN, often called panels of experts, in order to obtain new information and ideas on UN activities. This was mostly the case when subjects were of a scientific nature and the UN itself

lacked sufficient knowledge in the area. These entities may consist of NGOs, academics, consultants, independent commissions or other groups of individuals and their functions include advocacy, research, policy analysis or mobilising public opinion around UN activities (Weiss, *et al,* 2009: 124).

Regarding the subject of terrorism, the Policy Working Group on the UN and Terrorism, appointed by the UNSG in October 2001, formed part of this trend. The appointment of the Working Group, shortly after the 9/11 attacks, demonstrated an increase in the demand for expertise after the sudden change in the nature of terrorist attacks and of uncertainty on how the UN should respond. The Monitoring Groups which were constituted by the CTC in order to monitor the implementation of the UNSC Resolution 1267 sanctions regime against Al Qaeda and the Taliban, when the UN realised that it needed persons with expertise on the different elements playing a role in the implementation of the sanctions, are a further example. This was also the case with the convening of the High-level Panel on Threats, Challenges and Change by the UNSG in 2004 which aimed to guide the UN in managing threats in the evolving international security environment (UN, 2000: A/55/305-S/2000/809).

Regarding global civil society, the UN has formed partnerships with NGOs to overcome its state-centred character with the aim of enhancing its legitimacy and Chapter 71 of the *UN Charter* empowers the Economic and Social Council (ECOSOC) to grant them consultative status. Civil society participation in the UN expanded significantly during the 1990s and was able to influence almost all aspects of significant UN policymaking (Wapner, 2007: 257, 259).

These external entities mainly consist of social movements aimed at expanding globalisation; movements or groups coalescing around a universal moral principle; and knowledge-based communities consisting of both policy actors and issue specialists aimed at exploring and advancing ideas on change in a specific area (Acharya, 2006: 107). The involvement of these entities has also contributed to mould the UN perspective on terrorism as it allowed to put across new ideas on a controversial issue. In suggesting different approaches which may be considered undesirable by some member states, these independent actors brought new perspectives to the UN agenda. They also contributed significantly to the redefinition of the security role of the UN towards emphasising human security, in contrast with its tra-

ditional focus on state and national security (Acharya, 2006: 108).

In conclusion, these external role payers reflected the shift in international morality as international circumstances evolved after the Cold War. An important element of this new morality was a concern about human rights and human security issues, and which contributed to influence the UN attitude towards terrorism, as well as the means to counter the manifestations of terrorism.

5. THE UN GLOBAL COUNTER-TERRORISM STRATEGY

The abovementioned factors, which assisted the UN in moulding its perspective on the issue of terrorism, led the world body towards the adoption of the *UN Global Counter-Terrorism Strategy* in 2006, representing a new UN perspective on terrorism. The strategy was adopted through Resolution 60/288, the most important post-9/11 resolution adopted by the UNGA in terms of terrorism-related issues. By agreeing to undertake a set of concrete measures to address terrorism in all its manifestations, the resolution for the first time united all 192 UN members behind a common strategic framework. The strategy was adopted in reaction to the 2005 World Summit during which world leaders challenged the UNGA to implement "a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism" (UN General Assembly, 2006: Res 60/1, para 82).

Resolution 60/288 was loosely based on the recommenda-tions for a global counter-terrorism strategy and proposals for strengthening the capacity of the UN to combat terrorism made by the UNSG in his report of April 2006 (UN General Assembly, 2006, A/60/825). The strategy reiterated that countering terrorism requires a holistic and multifaceted response which is premised on respect for human rights and the rule of law and it included a plan of action based upon four pillars, namely measures to address the conditions con-ducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build states' capacity to prevent and combat terrorism; and measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against

terrorism. It also called for the involvement of civil society, the private sector and regional and sub-regional organisations and made special reference to the need to protect the rights of victims of terrorism (UN General Assembly, 2006: Res 60/288, Annex).

Only with the adoption of Resolution 60/288 did the UN succeed in providing an all-inclusive framework in order to approach counter-terrorism by linking security, economic and socio-cultural considerations. This represented the first time that all UN member states agreed to a common strategic and operational approach to counter terrorism. The strategy also offered a more balanced UN response to terrorism in which preventative measures were combined with efforts aimed at addressing real and perceived grievances, as well as the underlying social, economic and political conditions conducive to terrorism. It furthermore reinforced the condemnation of terrorism in all its forms and manifestations while ensuring the protection of human rights and upholding the rule of law.

6.   CONCLUSION

Since its establishment in 1945, the UN has demonstrated continuity and change as it adapted to international dynamics in the pursuit of its main objectives as set out in the *UN Charter*. Because the UN does not exist in isolation from global developments, it had to adapt to evolving security challenges, including that posed by terrorism. Because terrorism is aimed at creating insecurity and fear at the expense of innocent people, the UN has adjusted its perspective on this form of political violence from an initial ambivalent view during the era of national liberation struggles towards a total condemnation of terrorism as an assault on human rights, democracy and the rule of law. As such, after the UNSC first condemned terrorism in 1985, it has steadily expanded its understanding of the issues causing instability in the international system and in 1992 the UNSC for the first time determined that terrorism constituted a threat to peace and security.

During the era of national liberation struggles the UN experienced difficulty in debating the root causes of terrorism while it considered political self-determination and the process of decolonisation as priority issues. In this respect, the issue of the legitimate use of force in obtaining these goals proved to be controversial and politically divisive. Even after most colonies attained independence by 1980, the UN

continued to struggle to reach a consensus definition of terrorism. However, as the negative effects of terrorist activities manifested themselves worldwide, followed by changes in the nature of terrorism from the mid-1980s, the UN perspective changed towards a focus on devising a global counter-terrorism strategy.

Security-related developments after the end of the Cold War also contributed towards the gradual changing of the UN perspective on terrorism in leading the organisation towards a focus on non-military security threats. This had the effect of involving the UN system in an array of issues considered as contributing to the prevention of, and countering of terrorism. The engagement of the broader UN structure in counter-terrorism activities was also aided by the incorporation of the suggestions and ideas of a variety of external groups and entities into the policy formulation processes of the UN. These external influences reflected a new international morality, also in terms of the punishment of crimes against humanity, and thereby aided the UN in changing its perspective on terrorism.

In the aftermath of the 9/11 terrorist attacks, the UN started to consider terrorism and efforts to counter it as a priority issue. However, as the UNSC designed its counter-terrorism structures, it became evident that the root causes of terrorism also had to be considered and be addressed. With the adoption of the *UN Global Counter-Terrorism Strategy* the UN incorporated its earlier perspective on terrorism into a more holistic view which guided the UN towards a focus on addressing both the causes and the manifestations of terrorism as an ongoing and pervasive security threat.

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