



## AN ANALYSIS ON THE RESPONSES OF THE UN SECURITY COUNCIL OR GENERAL ASSEMBLY TO TERRORISM WITHIN THE LEGAL FRAMEWORK OF THE UN CHARTER AND INTERNATIONAL LAW

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**Abstract.** Acts of terrorism and conflicts are not new but the September 11,2001 terror attacks on the United States suddenly gave the events a new dimension. From regional considerations, terrorism acquired global connotations and in this changed perspective its various dimensions needs to be explored afresh if only to ascertain the evolving events.

As the international community responds to the menace of terrorism, the UN has been playing an important role in combating transnational terrorism through norm setting, codification as well as of drafting and effective implementation of multi-lateral agreements aimed at counter terrorism. 'Terrorism' poses unique challenges to the transitional democratic state, and the transitional nature of terrorism necessitates cooperation between and among states. However, acts of terrorism must be analysed in a political and strategic context. Since the best way for states to win legitimacy vis a vis terrorists is by adhering to cooperate with other states, and applying prudent counterterrorist tactics within the legal framework of the UN Charter and International Law, The present study is an attempt to critically assess the responses of UN to terrorism within the legal framework of the UN Charter and International Law.

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### 1. Introduction

#### 1.1 Defining Terrorism

The word terrorism has an inherent definitional problem as often the acts and the actions, the motives and processes blur the distinctions between insurgency, struggle for self-determination and other manifestations of low intensity conflicts.

The term terrorism has derived from the Latin word terror means great fear. It may be defined as a systematic use of violence and intimidation to achieve some goals specially political. Thus, it is different from all other crimes in its purpose. Its objective is to put the people in a state of terror and keep it there while forcing a government or organization to either act or not act in a given direction. It is important, therefore, to consider the myriad definition, categories, and perceptions of the term 'terrorism'.

It is to be noted, however, that all acts of terrorism are not referred to as 'international terrorism'. International Terrorism includes those acts where two or more states are involved, i.e. where the perpetrator and victim are citizens of different states, or where the act is performed in whole or in part in more than one state. It implies that international terrorism occurs when the interest of more than one state is affected. International law is concerned with international terrorism. International terrorism may be caused either with or without violence in time of peace or in time of armed conflict. Further, it may take place either by the act of state, i.e., by the government of a state, or by an individual or groups of individuals. The above scope of the international terrorism is not acceptable to all the states. While Western States do not agree for the inclusion of governmental acts within the scope of international terrorism, the Third World countries and Non-Aligned countries are of the view that international terrorism includes acts of States as well. The latter view appears to be sound in view of the fact that the act of terrorism committed by states beyond transnational border affects the relations between the

states in one way or the other in the same way as to that of acts committed by individuals or groups of individuals.

### **1.1.1 Terrorism Committed by States**

The term political terrorism involved the use of, or threat to use, violence for political goals. Its principal character is that the event itself, and perhaps the victims, are incidental to some broader political aspirations. This aspiration is expressed in terms of influencing either directly or indirectly the political process. Warfare, as a feature of a political process, might fall within this category, drawing together war and political terrorism.

When a state is involved in the act of terrorism, directly or indirectly for the fulfillment of certain objectives, may be a matter of policy, the act is referred to as State terrorism. Involvement of a state in such acts may be in different ways and in varied degrees. For instance, firstly, the act may be committed by the authorities of a state in respect of some of its citizens residing inside or outside the territory with a view to intimidating them, or against colonialism, or against national liberation movement. Secondly, an act may be committed by a state in the territories of another state by way of giving assistance to the latter. The range and intensity of the act may be different from case to case. It is to be noted that the above way of terrorism have not only been condemned by the international community, they are contrary to the well established rules of international law. Further, they are contrary to many international conventions and declarations.

### **1.1.2 Terrorism Committed by Individuals and Groups of Individuals**

A different situation arises when terrorism is committed by an individual or by groups of individuals. Motive for the commission of the act may be numerous and may be different from case to case. However, motive is not that relevant because terrorism for any goal is unjustifiable. What is relevant from the international law point of view is the commission of the act itself. International Law is concerned only with those acts which have bearing on international relations. Such acts are those wherein international element is present. The presence of international element, therefore, conditions the international character of the act of terrorism. It has manifested in various forms in different parts of the world.

The most common forms of international terrorism at present are the hijacking of aircrafts, attack on diplomatic missions, taking of hostages, and crimes against intentionally protected persons. It is true, however, that in the burgeoning of modern international terrorism in the late 1960s and early 1970s many efforts to obtain international agreements and conventions on the prevention and suppression of terrorist crimes were stymied by governments that, for their own political and ideological reasons, wished to block such measures by claiming that there was no internationally accepted definition of terrorism.

## **2. Definitions of Terrorism: an overview**

The term 'terrorism' is a highly contested one. The scholars, strategic thinkers, security experts and national governments have quarreled about its meaning perhaps more than over any other concept in the recent past. One of the major problems with terrorism is that it does not possess a universally acceptable definition. It is basically a politically loaded term which conveys a different meanings in different circumstances.

According to Donald Hanle, 'Terrorism is called terrorism because it violates the normative values of the target entity regarding the employment of lethal force.'

According to the Office for the Protection of the Constitution, German's Internal Security Agency, terrorism is the 'enduring conducted struggle for political goals which are intended to be achieved by means of assaults on the life and property of other persons, especially by means of severe crimes[such as murder, kidnapping, arson].'

According to Mahan and Griset, terrorism is an ideological and political concept. Politics by its nature, is adversarial, and thus any definition evokes adversarial disagreement. The meaning given to terrorism is part of a persons or nation's philosophy. Thus, the determination of the 'right' definition of terrorism is subjective and not likely to be reached by consensus.

### **2.1.1. Definitions of Terrorism in Academic Discourse**

According to Hoffman, terrorism is the 'deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change'.

Walter Laqueur who has written extensively on the subject underlines the fact that a comprehensive and universally accepted definition of terrorism neither ever existed nor may exist at any point of time. To him, terrorism is ‘the act of covert violence by a group for political ends.’

Viotti and Kauppi view terrorism as ‘politically motivated violence, aims at achieving a demoralising effect on politics and governments’.

They argue that terrorism is often viewed as a weapon of the weak and therefore, it is often associated with non-state actors working clandestinely. However, they observe that terrorism can be and has been a tool of state craft and indeed, down through the centuries, States have certainly terrorized many more people than have terrorist groups or insurgencies.

Bassiouni, an internationally acclaimed expert on terrorism defines it as an ideologically motivated strategy of internationally prescribed violence designed to inspire terror within a particular segment of a given society in order to achieve a power-outcome or to propagandise a claim or grievance, irrespective of whether its perpetrators are acting for and on behalf of themselves, or on behalf of a state.

If one analyses the above mentioned opinions of the experts about terrorism and the scholarly definitions offered by them, it becomes clear that most of them have taken violence as one of the important determinants of the acts of terrorism. However, one wonders, how to understand acts of terror not committed with apparent violence. For example, the term like narco terrorism, cyber terrorism or environmental terrorism are quite in vogue. Also, it is quite difficult to define violence itself. Most of the definitions also include the element of politically motivated acts of violence. It implies that a distinction is made between criminal acts of violence like murders and rapes etc. as they are not politically motivated.

What is also important to notice that most of the scholars have not given much importance to the actors involved in the acts of terrorism. For them terrorism is to be determined on the basis of the act committed irrespective of the actors involved in those acts.

### **2.1.2. Definition of Terrorism in Official Documents**

The key statutory definition of terrorism in the UK legislation is contained in the Terrorism Act (2000):

- (1). Terrorism’ means the use or threat of action where:
  - (a) the action falls within sub-section (2),
  - (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and
  - (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.
  
- (2). Action falls within this submission if it:
  - (a) involves serious violence against a person,
  - (b) involves serious damage to property,
  - (c) endangers a person’s life, other than that of the person committing the action,
  - (d) creates a serious risk to the health or safety of the public or a section of the public or is,
  - (e) designed seriously to interfere with or seriously to disrupt an electronic system.
  
- (3) The use or threat of action falling within sub-section(2) which involves the use of firearms or explosives is terrorism whether or not subsection (1) (b) is satisfied.

The government of the United Kingdom, thus, interprets terrorism as ‘serious violence against persons or property, or the threat to use such violence, to intimidate or coerce a government, the public, or any section of the public for political, religious or ideological ends.

The US government has employed the definition contained in US Code Title 22 Section 2656f(d) since 1983 as follows:

The term ‘terrorism’ means premeditated politically motivated violence perpetrated against noncombatant targets by sub national groups or clandestine agents, usually intended to influence an audience.

One can, therefore, explain that the term, 'international terrorism' means terrorism involving citizens or the territory of more than one country and similarly the term 'Terrorist group' means any group practicing, or that has significant sub groups that practice, international terrorism.

### **3. Terrorism and Human Rights**

Terrorism has a direct impact on the expression of human rights and civil liberties. Therefore, a human rights perspective to understand and analyse terrorism can also be taken into consideration. Although, this perspective to approach terrorism finds favour neither in academic fraternity nor in government circle. In common parlance, terrorism is of only two kinds –one adopted and executed by non-state actors and the other applied by States. In case of terrorism by non-state actors, the governments face immense pressure from its citizens to ensure security against terror violence. Under such situation of heightened concern for security, the government usually find human rights and civil liberties as impediments to security. Thus the government start believing that security and human rights are anti-ethical and in case of a choice between security and rights, the security should be accorded priority. Nevertheless, it must be emphasized that security with rights should be the concern of governments rather than sacrificing one for the other.

In case of state terrorism the human rights perspective is more relevant but it is highly disliked by States. As protection and promotion of human rights and civil liberties is considered as the most important duty of a state in our time as its violation may de-legitimise the authority of the state. It appears that states make all efforts to avoid to discuss terrorism and violence in the context of human rights.

It is in this context, there is no other way to define terrorism objectively except approaching it through behavioural and human rights perspectives. The perceptions of violence and terrorism can not be exonerated only because they wear the uniform provided by a sovereign state. Thus, it is necessary that a consensus is to built for including states as well as non state actors under the domain of terrorism. Notwithstanding all these considerations, it can not be denied that human rights perspective to understand and analyse terrorism and political violence will be quite useful in developing a comprehensive definition of terrorism.

It is evident that defining terrorism is a very difficult undertaking. The most important problem is defining terrorism is the fundamental value of different actors at stake. The terror violence is viewed differently by various actors.

The discussion on the definitions makes it sufficient clear that ambiguity and confusion relating to terrorism is going to continue at international level.

### **4. United Nations' Response to Terrorism**

The establishment of the United Nations on October 24, 1945 is one of the most significant developments in the history of mankind and is the best manifestation of the collective desire of man to live in perpetual peace. This noble desire is reflected in the preamble of the UN Charter which pledges to save succeeding generations from scourge of war and reaffirms faith in fundamental human rights, and in the dignity and worth of human person, and in the equal rights of men and women and of nations large and small.

Its various organs and relevant agencies have evolved some working definitions of terrorism. It has also taken a number of steps and measures to contain the growth of terrorism.

Terrorism has been a matter of concern for international community since the establishment of the first major international organization-the League of Nations. The League attempted to adopt a Comprehensive Convention for the Prevention and Punishment of Terrorism in 1937. The draft Convention defined terrorism as, 'all criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public.' Nevertheless, the Convention could not be enforced as it could not receive the requisite signatures and ratifications by the member states. Interestingly, it had also suggested the creation of an International Criminal Court with a view to making progress in the struggle against offences of an international character.

Terrorism is a serious threat to international peace and security and goes against the very spirit of the Charter of the United Nations. During the last seventy-four years, the United Nations has adopted many Conventions and Declarations that may be invoked indirectly to deal with terrorism.

## 5. Terrorism and the Early UN and International Response

The menace of international terrorism with its wide roots and numerous global connections has been recognized as a grave international concern by every major international gathering in recent years. The United Nations has been concerned with international terrorism since 1972 with a specific agenda item on the subject under consideration once in every two years.

While adopting the Declaration on Measures to Eliminate International Terrorism in 1994, the General Assembly (set out in its resolution 49/60)[] identified terrorism as ‘criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes’.

In 2004, the Security Council referred terrorism as ‘criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organisation to do or to abstain from doing any act.’

In operative paragraph 5, the Resolution noted that States must fulfill obligations under Charter of the United Nations and other provisions of international law with respect to combating international terrorism and to take further necessary steps for the speedy and final elimination of international terrorism. In particular, it noted the following obligations:

- (a). to refrain from ongoing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for installations or training camps against other states or their citizens;
- (b). to ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts;
- (c). to conclude special agreements on a bilateral, regional and multilateral basis to enable prosecution or extradition of perpetrators of terrorist acts;
- (d). to implement through domestic legislation existing international convention on terrorism; etc.

The United Nations, however, did not do substantial in connection with terrorism before 1963[]. However, it adopted many Conventions and Declarations that may be invoked indirectly to deal with terrorism

There are several bilateral and regional conventions on terrorism. Among the latter category are the OAS Convention of 1971 (covering Latin America), The European Convention of 1971, SAARC - Regional Convention on suppression of terrorism, 1987, the Arab Convention of 1988, the Convention of Commonwealth of Independent States (CIS), 1999 (formerly part of USSR), the OAU and Convention of the Organisation of the Islamic Conference on Combating Terrorism (1999) etc.

The Organisation of the Islamic Conference has propounded a definition which specifically deserve attention as it is generally put falsely believed that all Muslims may not be terrorist but all terrorist are Muslims: The OIC stated:

“Terrorism” means any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honor, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.

Whereas, the approach of the United Nations to deal with international terrorism through legal instruments is that they are sectoral in nature dealing with specific kinds of terrorist acts. Due to the lack of consensus among member states upon the definition of terrorism, the United Nations has not been able to adopt a comprehensive instrument against terrorism. During the last seventy-four years, the United Nations has adopted more than twelve specific instruments against international terrorism. It is important to point out that these legal instruments mainly focus on terrorism committed by the non-state actors, ignoring the fact that state-actors have also been engaged in acts of worst kind of terrorism.

Most notable among these conventions are The Tokyo Convention (1963); the Hague Convention (1970); the Montreal Convention (1971); the Montreal Protocol (1988); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973); Convention against the

Taking of Hostage (1979); Convention on the Physical Protection of Nuclear Material(1979); Convention Against the Safety of Maritime Navigation (1988); The Protocol on the Safety of Fixed Platforms Located on the Continental Shelf(1988); Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991);Convention on the Suppression of the Financing of Terrorism(1999) etc.

## **6. UN and the Global Counter –Terrorism Strategy**

The United Nations, after adopting and elaborating several sectoral instruments against terrorism, moved forward to develop a global strategy to counter terrorism. In order to consolidate and enhance these activities, member States opened a new phase in their counter terrorism efforts by agreeing on a Global Strategy to Counter-terrorism. The strategy, adopted on September 8, 2006 and formally launched on September 19, 2006 marks the first time that countries around the World agree to common strategic approach to fight terrorism. The strategy forms a basis for a concrete plan of action: (a) to address the condition conducive to the spread of terrorism; (b) to prevent and combat terrorism; (c) to take measures to build state capacity to fight terrorism; (d) to strengthen the role of the United Nations in combating terrorism; and (e) to ensure the respect of human rights while countering terrorism.

The Global Strategy 2006 build on the unique consensus achieved by the World leaders at their 2005 World Summit to condemn terrorism in all its forms and manifestations [] is indeed a unique global instrument to enhance national, regional and international efforts to counter terrorism.

The strategy has been endorsed by all 192 Member States to defeat the scourge of terrorism. The strategy will have the greatest success if it is fully implemented. The main responsibility for implementing the strategy is on the member states. Various Secretariat departments, specialized agencies and the United Nations programmes with specific fund allocations are assisting the member states with their implementation efforts.

It is desirable to mention that besides above mentioned conventions dealing with specific kinds of terrorism, the United Nations is underway to adopt a Comprehensive Convention on International Terrorism . []The draft article 2 of the proposed Comprehensive Convention against Terrorism deals with the definitional aspect of terrorism. The proposed definition, however, is not very different from the definitions offered by the United Nations in its earlier sectoral anti-terrorism conventions. The draft article has widened the application of anti-terrorism convention to ‘unlawful and intentional ‘act of causing damage to property ,places, facilities, or systems, resulting or likely to result in major economic loss or the environment.[] Although member states have agreed on many of the provisions of the draft convention yet consensus is not likely to be achieved as many nations have expressed their intention to exclude national liberation movements from the domain of terrorism.[]

This approach, however, has provided scope and space for many states to sponsor and support terrorism in the territories of their adversaries. Thus international terrorism appears to be thriving in the garb of liberation struggle and resistance movements. Added upon this is undue interference of the major powers in developing countries in the name of fighting terrorism and destroying weapons of Mass Destruction.

## **7. The Problem of Legal Control of International Terrorism**

A detailed analysis of the measures taken by the UN as mentioned is, however, desirable to appreciate the limitations and efforts of UN in initiating and adopting measures to curb the menace of terrorism.

As evident, the ad hoc and subject –matter approach of the United Nations to deal with international terrorism resulting in several conventions, has not been very effective as the threat of terrorism is growing day by day. The sudden upsurge in international terrorist activities in the post cold war era culminating in the devastating terrorist attack on USA on 9/11 proved once again that terrorism is to be countered with a comprehensive strategy and approach. Again, the subsequent ‘war on terror’ has also highlighted the fact that in the absence of a comprehensive global strategy against terrorism under the United Nations system, the powerful member states may bypass the world body and act unilaterally to flagrantly violate the basic rights and freedoms of millions of innocent citizens living in a country suspected of aiding, abetting or harboring terrorism.

## 8. Terrorism and United Nations

The General Assembly has over the years developed a number of means to look at and make recommendations on the issues that the Security Council is considering for addressing the menace of terrorism.

It enacted a specific resolution 3034(XXVII) on December 18, 1972 wherein it decided to establish an Ad hoc Committee on International Terrorism. The Committee agreed to adopt a convention on the Prevention and Punishment of Crimes against Internationally protected Persons, including Diplomatic Agents in its first session in 1973, and submitted its report to the Assembly, though, without achieving any positive results. The Assembly, for want of time, could consider the reported item only in its thirty-first session held in 1976. Deliberating on the issue in 1976, the Assembly further adopted a resolution wherein it invited the Ad hoc Committee to continue its work in accordance with the mandate originally entrusted to it. Subsequently, on the recommendations of the Committee, after long deliberations, the General Assembly on December 17, 1979 adopted resolution-34/145,[] wherein the act of terrorism was condemned and it urged all States, unilaterally and in co-operation with other States as well as relevant United Nations' organs to contribute to the progressive elimination of the causes underlying that kind of terrorism. Progress on the subject, however, was not made in the following years as expected excepting the endorsement of the resolution 34/145 by the member countries.

The Ad hoc Committee in the year 2002 again restarted negotiations on a comprehensive international treaty on 'Terrorism'. The Committee in its seventieth session held in April 2003 (as negotiators made progress on acceptable texts), made a fresh recommendation that the Assembly's Legal Committee (Sixth Committee) should work for setting up of a working group to continue the elaboration of two draft conventions on terrorism—a Comprehensive Convention on International Terrorism (CCIT) and an International Convention for the Suppression of Acts of Nuclear Terrorism.

As a result, the Outcome document adopted by the World leaders at the end of the 2005 World Summit condemned terrorism in all its forms and manifestations as it constituted one of the most serious threats to international peace and security. It was agreed by the World leaders that a comprehensive Convention on International Terrorism (CCIT) shall be concluded within a year. The convention, although, could not reach to an agreement in the Sixth Committee of the General Assembly. UNGA resolution 55/158 adopted on 12 December 2000 again mandated the Ad Hoc Committee to begin work on drafting a Comprehensive Convention on International Terrorism ('CCIT'), to include both - terrorist crimes not covered under existing conventions (such as serious attacks on the environment and a serious and credible threat to commit a terrorist act) and to adopt enhanced measures of co-operation and assistance between States.

### **The Resolutions adopted by the General Assembly on the report of the Sixth Committee :**

1. Strongly condemns all acts, methods, and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;
2. Reiterates that criminal acts intended or calculated to provide a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be involved to justify them;
3. Reiterates its call upon all states to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraph 3(1) level to eliminate international terrorism.

Divergent views taken by the States before the Ad hoc Committee show that unless and until States come close on certain broad issues, general recommendations would be of little use. The imminent and indispensable task in suppressing the act of terrorism is, therefore, to achieve international co-operation. Measures to combat international terrorism on international level would be grim as long as the attitude of the States is not changed.

## 9. Combating Terrorism and the Security Council

The Security Council also became active to curb the terrorism after the terrorist acts that took place in New York, Washington and Pennsylvania on September 11, 2001. The Council condemned unequivocally the attack by adopting Resolution 1368 on September 12, 2001-declaring thereby that 9/11 was 'a threat to international peace and security' and that it is willing to take 'all necessary steps to respond to the attacks' and called on all States to work together urgently to bring the perpetrators to justice. The Council called terrorism a threat to international peace and security. The resolution also explicitly underlined the inherent right of the US to self defense and the right to collective self defense in accordance with the UN Charter.

After condemnation of the incident, it unanimously adopted Resolution 1373 on September 28, 2001 with steps and strategies to combat international terrorism.

The Security Council by the same resolution also decided to establish a Committee of the Security Council consisting of all its members. The mandate of the Committee is to monitor implementation of the resolution with the assistance of appropriate expertise. The Council called upon all States to report to the Committee, not later than 90 days from the date of the adoption of the resolution and thereafter according to a time-table to be proposed by the Committee, on the steps they have taken to implement it. The Council directed the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of the resolution.

The great value of UNSC Resolution 1373 adopted by the Security Council, is that it became a chapter VII obligation for member states to apply the terms of the resolution, within the possibility of sanctions being used against them if they failed to comply.

The main thrust of the resolution is on the financing of terrorist operations and to stop providing safe haven to anyone who supports terrorists or their organisations. As earlier referred, the resolution invoked Chapter VII of the U.N. Charter which makes it mandatory for all the members. However, the resolution does not provide for any action against those States which violate the provisions of the resolution. Although, through the resolution, the Council decided to impose a number of binding obligations on States. The resolution, however, does not define terrorism which is an important element as some of the States are seeking to differentiate between terrorism and freedom struggle (or to say terrorists and freedom fighters). It is also to be noted that resolution uses the terms 'terrorist groups' but the Council has not identified them and therefore States might feel difficulty in implementing the resolution. It is satisfying, however, to note that the Committee of the Security Council known as Counter-Terrorism Committee (CTC) established by the resolution is receiving encouraging reports from a number of countries on the steps they have taken to implement anti-terrorism measures in their respective domains.

One of the great strengths of the Resolution is that, it is geared to achieving goals that are, at least in principle, within the capacity of the UN to attain. Needless to mention that by using Chapter VII, the UNSC also adopted legislative resolutions 'to generate a comprehensive regulatory structure to combat terrorism and that is not limited to a particular situation or time.

After the removal of the Taliban from power and the apparent destruction of A-Qaida's bases there, the Security Council on January 6, 2002, also adopted Resolution 1390 by sanctioning for the removal of all the territorial basis of the Taliban.[] Similarly, the Council by adopting Resolution 1566 on October 8, 2004 unanimously called on countries to prosecute or extradite anyone resorting terrorist acts or participating in the planning of such schemes. To this end, the Counter-Terrorism Committee (CTC) established by the Security Council also constituted a Working Group for considering recommendations on measures to be imposed against individuals, groups or entities involved in or associated with terrorist activities not already identified.

The Security Council Resolution 1617 on July 29, 2005 also unequivocally condemned Al Qaida, Osama Bin Laden, the Taliban—and associated individuals, groups, undertakings and entities—for ongoing 'and multiple criminal terrorist acts'. The Council decided that all States shall (a) freeze without delay the funds and other financial assets or economic resources of these individuals, groups,

undertakings and entities; (b) prevent the entry into or the transit through their territories of these individuals; (c) prevent the direct or indirect supply, sale or transfer, to either individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types including weapons and ammunition, military vehicles and equipment, para-military equipment and spare parts. Much of the progress risks at stake being undone by yet another legislative resolution adopted by the Resolution 2178( 2014) 'Foreign Terrorist Fighters'. The resolution requires member countries to take adequate measures to curb the FTF threat, including to prevent suspicious FTFs from entering or transiting their territories and to have laws to prosecute FTFs .

The Resolutions 2170 (2014) and 2178 (2014), adopted under Chapter VII of the UN Charter, resolve that the movement of Foreign Terrorist Fighters (FTFs) comprise a global threat to peace and security. Both the resolutions oblige states to take wide-reaching measures to prevent and stop this flow. The resolutions required the States to illegalise the travel, attempted travel, funding and other facilitation of such travel for dubious/terrorist motives. The basic purpose of the resolutions is to prohibit and illegalise people or groups who intend to travel abroad for participation in the activities of terrorist groups, regardless of whether or not such acts are lawful under International Humanitarian Law .

The 2170 and 2178 Resolutions recognition in addressing the conditions conducive to terrorism and countering violent extremism is in principle a welcome departure from an exclusively security, military and law enforcement approach to terrorism. Subsequent international initiatives such as UNSC Resolution 2396 (2017), also reiterate the characterization of FTFs, and in particular their return, as a grave threat to peace and security, and broadened states' obligations to respond to its manifestations.

## **10. Global Counter-Terrorism Strategy of the United Nations**

In addition to General Assembly and the Security Council, a number of programmes, offices and agencies of the United Nations system have also been engaged in specific operational actions against terrorism.

Perhaps the most radical and potentially useful new measure introduced by the UN Resolution was the establishment of the Counter Terrorism Committee (CTC) of the Security Council to monitor its implementation. Based on the Security Council resolutions 1373 (2001) and 1624 (2005), the establishment of the committee breaks new ground by giving the UN a proactive role in identifying states failing, or lagging behind, in their implementation . The CTC made a good start under the chairmanship of the British representative to the UN , Sir Jeremy Green stock, creating an initial set of procedures and a plan to carry out this work. Assisted by the Counter-Terrorism Committee Executive Directorate (CTED),it has already served as a valuable clearing house for developing best practice in countering terrorism among member states.

One may realize that Terrorism is a serious threat to peace and security. It is ironical that in spite of growing realization of seriousness and gravity of this threat and the best possible measures taken by the UN and its allied agencies , a comprehensive approach to address this problem is conspicuously lacking. In the present circumstances and in the absence of an officially recognized or universally accepted definition, the possibility of gross misuse of the term terrorism by major actors , however, cannot be ruled out.

## **11. Conclusion**

There is no doubt that United Nations has made an earnest endeavour to counter the menace of terrorism across the globe. It has adopted several conventions and protocols to fight against terrorism in all its forms and manifestations. Article 2 , paragraph 4 of the UN Charter mentions that 'every state has the duty to refrain from organizing , instigating, assisting or participation in acts of civil strife or terrorist acts in another state or acquiescing in organized activities within its territory directed towards the commission of such acts , when the acts referred to in the present paragraph invite the threat the threat or use of force'.

The UN 's effort to suppress terrorism, however, have largely been confined to developing legal framework ,in the form of multilateral treaties and conventions without effective enforcement mechanism. Further, the member states under the aegis of the UN have sought to contain non-state terrorism and have made sure that state terrorism remained out of this category. One of the reasons for state terrorism not getting due attention is that the present international legal and political framework against terrorism has been mainly developed by the United Nations which is a conglomeration of sovereign member states. Thus lack of effective institutional mechanism and political dynamics of member states render the UN instruments against terrorism weak and ineffective. It is suggested, therefore, that the attention given to acts of terrorism by states and non state actors should be more balanced .

In the recent times, the Security Council Resolution on 'Terrorism' adopted since September 11,2001, frame the work of UN organs on Terrorism. However , The biggest lacuna of the United Nations to counter-terrorism strategy is that it is not comprehensive in nature. Infact, the divergence of views of member-states over the issue of terrorism has prevented the world body from adopting a universally accepted comprehensive definition of terrorism. Disagreement on the exact meaning of terrorism is not and should not be underestimated as a routine affair in the realm of International Law. In fact, terrorism must possess at least a working definition adopted by the United Nations with universal application because in the absence of such a definition , states and non-state actors may find it easy to justify their acts of terror. Thus, in the absence of an officially agreed upon definition of terrorism , it becomes, difficult to identify terrorist organizations and the fundamental question regarding who is a terrorist and what is terrorism still remains unanswered. Its subject-matter approach in this limitation has led to an ad-hoc policy formulations with regard to terrorism.

The main reason for this anomaly is the specific subject matter approach of the United Nations which is often provoked by a particular kind of terrorist incident. It is evident from the many conventions adopted by UN dealing with specific terrorist acts.

The world has of late surely been responding to terrorism. The respective responses, however, are not always free from partiality or the strategic self-interests of individual countries. In fact , the US and in fact the entire West gets delusioned only it gets hurt by terrorism. Very frequently , it prefers to succumb to its commercial interests and lobbies rather than frontally address the question as a global issue.

Further, with the eradication of the other superpower, the UN today largely echoes the Western voice even on terrorism. For example, if there has happily been a quantum jump in global cooperation in the application of sanctions on states sponsoring terrorism, broadly only those states have been punished who pose some threat to the Western World and its interests. The branding of these countries as terrorist states, however, has severely hurt their image in the world community, starting them at least more cautious in their support of terrorism.

Besides the United Nations , there are many multilateral regional treaties and instruments to suppress terrorism. Thus, Organisation of American States (OAS), Organisation of African Unity (OAU), Council of Europe, The South Asian Association for Regional Cooperation (SAARC), the League of Arab States, and Organisation of Islamic Conference have adopted regional treaties against terrorism. This emphasizes the fact that terrorism has really become a global scourge which has aroused concern in every nook and corner of the world and that compartmentalizing terrorism on the basis of religion and region is not only unrealistic but also highly dangerous.

The United Nations and other significant regional organisations have also elaborated a number of conventions and treaties against terrorism. However, the international community has to do more than merely adopting these legal instruments . Unless the circumstances conducive for the spread and growth of terrorism are not addressed , it will be difficult to contain and suppress the global scourge of terrorism.

It is satisfying to note that the United Nations has realised the weakness of its policies and instruments against terrorism and that it has under taken serious course correction against global terrorism. The UN has also adopted a global counter terrorism strategy in 2006 with a consensus of all its members-states. The strategy besides envisaging a common operational framework to counter terrorism , outlines a concrete action plan to address the conditions conducive to the spread of terrorism. These and other related measures point to the sincerity and seriousness of the United Nations towards the menace of terrorism.

One can conclude, therefore, that Terrorism is a complex phenomenon presenting the international community with daunting decisions and dilemmas . There are no easy solutions . The strategies of state terrorism are almost the same everywhere. Torture, shoot to kill, encounters, illegal detention,

draconian legislation, suspension of human rights etc. are the most important strategies adopted by states as visible manifestation of state terrorism. It is suggested therefore, that the response of the liberal democratic state at international level (in its fight against terrorism) should be firm and courageous, but always within the rule of law. Massive military retaliation against states or groups involved in terrorism will only tend to substitute the even greater evil of war, with its attendant massive loss of life and destruction, in place of the lesser evil of terrorism.

It is important to understand that unless the root causes of terrorism like global injustice, colossal violation of human rights, imperialism, liberal capitalist paradigm of successive exploitation are addressed in proper perspective, it will be hard to contain terrorism and violence.

Ultimately, terrorism is a weapon against order. For that reason alone, world order and order under law needs to be strengthened to the extent that terrorists are prevented from carrying out their deeds. The UN can help by continuing to call for high standards of counter-terrorist capacity and by helping states meet those standards.

## References

1. Fine, Jonathan. "Political and Philological Origins of the Term 'Terrorism' from the Ancient Near East to Our Times." *Middle Eastern Studies* 46.2 (2010)
2. Chandra, R, *World in Transition*, R. Chandra (ed.), Global Terrorism, vol. 4, Delhi, Kalpaz publications
3. Article 6, Charter of the International Military Tribunal and Convention on the Prevention and Punishment of the Crimes of Genocide of 1948
4. Wilkinson, Paul *Terrorism, Insurgency, and Asymmetrical Conflict Terrorism* in *Terrorism Versus Democracy*, Second Edition, New York, Routledge, 2006
5. Boaz Ganor, *The Counter Terrorism Puzzle* (New Brunswick, N): Transaction Publishers, 2005.
6. Heymann, Philip B. *Terrorism and America: A Common Sense Strategy for a Democratised Society* (Cambridge, MA: The MIT Press, 1988.
7. Mahan, Sue and Griset, Pamala L, (eds.) *Terrorism in Perspective*, New Delhi: Sage Publications, 2008, Laqueur, Walter *A History of Terrorism*, Transaction Publishers, Somerset, 2001.
8. Viotti, Paul R. and Kauppi Mark V., *International Relations and World Politics: Security, Economy, Identity*, (3rd edition), New Delhi, Pearson Edition, 2007
9. Basiouni, M. Cherif: *International Terrorism: Multilateral Conventions (1937-2001)*, New York, Transactional publishers
10. Terrorism Act 2000, Part 1, UK, <<https://www.legislation.gov.uk/ukpga/2000/11/section/1>>
11. Alen O'ay (ed.) *Dimensions of Terrorism*, Burlington, USA: Ashgate Publishing Company, 2004
12. Chapter 38, s. 2656f of the United States Code, Office of the Law Revision Council, House of Representatives, USA
13. Ruby, Charles L, *The Definition of Terrorism, Analyses of Social Issues and Public Policy*, 2002, <https://spssi.onlinelibrary.wiley.com/doi/pdf/10.1111/j.1530-2415.2002.00021.x> Preamble, Charter of the United Nations
14. Bassiouni, M. Cherif *International Terrorism: Multilateral Conventions (1937-2001)*, Inc. Ardsley, New York: Transnational Publishers, League of Nations O.J. 23 (1938)
15. Declaration against international terrorism in Indo-EU Summit, November 23, 2001, Ministry of External Affairs, Government of India,
16. Boutros-Ghali, Boutros 'The United Nations and Comprehensive Legal Measures for Combating International Terrorism', in Karel Wellens (ed.) *International Law: Theory & Practice - Essays in honour of Eric Suy*, 1988,

17. United Nations-84th plenary meeting, 9 December 1994 .  
<<https://www.un.org/documents/ga/res/49/a49r060.htm>>
18. Measures to eliminate international terrorism, <<https://www.un.org/documents/ga/res/49/a49r060.htm>>
19. Fact Sheet No. 3, Human Rights Terrorism and Counter –Terrorism, Office of the United Nations High Commission for Human Rights, Geneva
20. Convention on Offences and Certain Other Acts Committed on Board Aircraft, <http://treaties.un.org/doc/db/Terrorism/Conv1-english.pdf>
21. UN -International Instruments related to the Prevention and Suppression of International Terrorism,2008, New York. <[https://www.unodc.org/.../terrorism/...Instruments\\_Prevention\\_and\\_Suppression...Terr.](https://www.unodc.org/.../terrorism/...Instruments_Prevention_and_Suppression...Terr.)>
22. Convention of the Organisation of the Islamic Conference on Combating Terrorism, [www.oic-cdpu.org/.../getdoc...](http://www.oic-cdpu.org/.../getdoc...)
23. Convention on Offences and Certain other Acts Committed on Board Aircraft Signed at Tokyo on 14 September, 1963 (the Tokyo Convention, 1963). <[http://dgca.nic.in/int\\_conv/Chap\\_XVI.pdf](http://dgca.nic.in/int_conv/Chap_XVI.pdf)>
24. The Hague Convention 1970, < <https://www.mcgill.ca/iasl/files/iasl/hague1970.pdf>>
25. Convention for the suppression of unlawful acts against the safety of civil aviation.<<https://treaties.un.org/doc/Publication/UNTS/Volume%20974/volume-974-I-14118-English.pdf>>
26. Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, Montreal Protocol 1988 <<https://www.mcgill.ca/iasl/files/iasl/montreal1988.pdf>>
27. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons(1973). <[http://legal.un.org/ilc/texts/instruments/english/conventions/9\\_4\\_1973.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/9_4_1973.pdf)>
28. Convention against the Taking of Hostage (1979). <<https://treaties.un.org/doc/db/Terrorism/english-18-5.pdf>>
29. Convention on the Physical Protection of Nuclear Material(1979). <<https://www.iaea.org/publications/documents/conventions/convention-physical-protection-nuclear-material.>>
30. Convention Against the Safety of Maritime Navigation (1988). <[https://en.wikipedia.org/wiki/Convention\\_for\\_the\\_Suppression\\_of\\_Unlawful\\_Acts\\_against\\_the\\_Safety\\_of\\_Maritime\\_Navigation](https://en.wikipedia.org/wiki/Convention_for_the_Suppression_of_Unlawful_Acts_against_the_Safety_of_Maritime_Navigation)>.
31. The Protocol on the Safety of Fixed Platforms Located on the Continental Shelf(1988). <<https://www.un.org/ruleoflaw/blog/document/protocol-for-the-suppression-of-unlawful-acts-against-the-safety-of-fixed-platforms-located-on-the-continental-shelf/>>.
32. Convention on the Suppression of the Financing of Terrorism(1999). <<http://publications.gc.ca/Collection-R/LoPBdP/BP/prb0118-e.htm>>.`
33. UN Action to Counter Terrorism < <http://www.un.org>>
34. UN Draft Convention against International Terrorism. <<https://www.ilsa.org/Jessup/Jessup08/basicmats/unterrorism.pdf>>
35. General Assembly Resolution 3034 (XXVII), December 18, 1972.
36. Clutterbuck, Richard, Terrorism in an Unstable World, (London, Routledge, 1994)
37. General Assembly Resolution 34/145, December 17, 1979.
38. General Assembly Resolution 38/130.
39. UNGA, “Measures to eliminate international terrorism”, 12 December 2000,<http://www.legal-tools.org/doc/ d7c1f9/>
40. Wilkinson, Paul 'International Cooperation Against Terrorism ' in Terrorism Versus Democracy , end Edition.Routledge ,2001, London,

41. United Nations Security Council Resolution 1373/2001
42. United Nations Security Council Resolution, 1390
43. United Nations Security Council Resolution, 1617 (2005),
44. Krahenmann, Sandre 'Legal framework: Addressing Terrorism and Counter Terrorism' in Proceedings of the Bruges Colloquium Terrorism, Counter –Terrorism and International Humanitarian Law, (20-21 October 2016). <[https://www.coleurope.eu/sites/default/files/uploads/page/collegium\\_47\\_v7.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/collegium_47_v7.pdf)>
45. UNSC Resolution 2396 (2017), adopted on 21 December 2017,
46. Military and Paramilitary Activities- (Nicaragua/United States of America) Merits. J. 27.6.1986, I.C.J. Reports 1986,
47. United Nations Office of Counter Terrorism. <<http://www.un.org/counterterrorism/ctitf/en/un-global-counter-terrorism-strategy>.>

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