TRANSNATIONAL TERRORISM AND

THE ROLE OF THE UNITED NATIONS

AND THE GLOBAL COMMUNITY

TO FIGHT TERRORISM

Why has transnational terrorism been taken so seriously after 11 September 2001? Critically assess the roles that globalisation and the United Nations could play in managing the threat of terrorism

The attacks on New York on September 11, 2001 raised the fear among nations that transnational terrorism had begun. Terrorism has had a long history, but before 9/11 it was largely confined within national or local borders and was hardly of a scale or threat that made it necessary for nations to bring it before the United Nations.

When Sec.General. Kofi Annan made his first formal statements about the attacks ten days after, it was implicit that the situation was something that both the global community and the United Nations had foreseen, but was not exactly prepared for. But what he acknowledged however was that if there ever was a more urgent issue than finding the perpetrators was that the global community must find a definitive stand against transnational terrorism.

> *The international community is defined not only by what it is for, but by what and whom it is against. The United Nations must have the courage to recognize that just as there are common aims, there are common enemies. To defeat them, all nations must join forces in an effort encompassing every aspect of the open, free global system so wickedly exploited by the perpetrators of last week's atrocities (Annan, 2001).*

Annan was also probably saying implicitly that the United Nations needed to re-examine its traditional role and the scope of its powers to see if it could adequately address the problem of transnational crime. Indeed as Annad had pointed out, the United Nations was in a unique position to address the issue. It had the forum as well as the credibility to build a global coalition that would foremost agree on a unified response to terrorism. It already had conventions that have built the legal foundations and structure needed to confront the sources or origins of

terrorism. But the fact was that the United Nations, like the United States and of other countries affected by transnational terrorism, needed a new and re-defined approach to the issue.

According to Koechler in an International Conference on International Terrorism and Anti-Terrorism Cooperation in 2002, the obstacle is that the United Nations struggles in enforcing common legal principles to effectively carry out international law as based on its Charter.

The UN's efforts Against Terrorism before 9/11

As we have said earlier, the United Nation's Security Council did not face issues on global terrorism until about 1989. The issue of terrorism was actually tackled by the General Assembly's Sixth Legal Committee which created a forum as well as encouraged the forging of an international legal framework among countries to deal with terrorism.

The General Assembly was able to accomplish the conceptualization and adoption of various conventions that focused on different aspects and components of terrorism. These conventions addressed such issues as hostage taking, handling of potentially radioactive or nuclear materials, airplane hijacking, explosives, protected individuals and even maritime navigation and international piracy. Even as there has been devolution of anti-terrorism efforts since 9/11, the General Assembly is still active in pursuing its original mandate; in 2006, it facilitated the adoption of the Global Counter-Terrorism Strategy, whose plan of action included measures to address the root causes of terrorism, strategies to prevent and fight terrorism, as well as the methods to build the individual state's capacity to fight terrorism, as well as ensuring respect for human rights and the rule of law in general (UN).

It was only in 1989 that the Security Council first passed a resolution directly related to terrorism; Resolution 635 which focused on plastic or sheet explosives. This shift into

transnational terrorism was prompted by the bombing of Pan Am Flight 103 over Lockerbie,

Scotland a year earlier and which foreshadowed an increase in terrorist activities that began

almost aimed solely on the US, but became increasingly global with the development of

transnational networks that threatened to use chemical, biological, or nuclear weapons (UN).

In effect the Resolution basically established the United Nations and the Security Council

as an important venue to deal with a problem which it now recognized as a global threat to peace

and security. Resolution 635 also formally assigned the Security Council to handle terrorism and

laid down the necessary groundwork for the council to deal with the problem.

But it hasn't been easy; basically because of valid concerns that had already been voiced

out even before 9/11 that there is a measure of confusion as to what kind of activist role should

the UN take or play in the war on terrorism. The problematics of this question played itself out

before 9/11 such as the 1998 embassy bombings against the United States.

The United Nation's response to the incident was the creation of two Security Council

committees charged with fighting terrorism. The first one which was the UN's Counter

Terrorism Committee served as a secretariat to assist member nations in drafting laws and

regulations against terrorism as well as being a center which countries could use to mutually find

and track down suspected terrorists. But the committee failed in the sense that it never did find a

strong position to effectively coordinate member countries in an efficient way to respond to

terrorism threats.

The failure was due in part to the consensus that the UN is not structured to take on a

direct enforcement role.

UN procedures are very cumbersome and political. Diplomatic niceties and political

realities hamper timely and forthright action. The UN has a poor record in coping with

controversy or holding its member countries accountable. And few countries have been willing to share sensitive information or intelligence on terrorism to so broad a forum (Comras, 2005).

The suggestion then and as what Annan expressed later after 9/11 was that the United Nations should focus not on enforcement but on putting together "an appropriate international mandate to stimulate others to improve international and regional coordination in the war on terrorism."

The UN After 9/11

Less than three weeks after 9/11, the United Nations adopted Resolution 1373 which effectively imposed a number of binding commitments to all UN member states. These obligations required nations to prohibit active and passive support of terrorists, stop their sources of funding as well as holding and freezing all confirmed assets. The states were also required to deny any kind of asylum or haven. Furthermore, emphasis was made on tightening vigilance over the forgery of travel documents and passports, porousness of borders and the strengthening of border patrols and enhancing general global cooperation against terrorism.

What made this resolution unique and different from anything that the UN has passed before 9/11 was that it did away with treaties and the choice of whether a member would ratify it or not; now all member states were obliged to follow it with its uniform set of obligations. More importantly, it also created a mechanism which was meant to monitor the commitment of member nations to the resolution.

This mechanism, the Counter-Terrorism Committee or CTC also took on the role of strengthening the counter-terrorism abilities of UN members as well as to allow the efficient delivery of technical assistance to these states.

In return, the States must also send to the CTC, specific reports outlining and describing the steps they have taken to fight terrorism. The reports focus on seven crucial points of concern: financial asset controls, relevant legislation, immigration and customs, extradition, law enforcement and arms traffic (NCT).

Specific questions are asked whether there are laws that have currently been passed in the country prohibit recruitment into terrorist groups as well as the nature of weapon supplies to terrorists; steps taken to ensure appropriate punishments for terrorist acts; current legislation pertaining to denying refuge for terrorists and the freezing of all assets and accounts proven to be terrorist owned.

An earlier resolution, Resolution 1267 passed in 1999 created committee tasked to sanction individuals, entities and groups belonging, related to or working with the Taliban, Osama bin Laden and the Al Qaeda. The resolution required all states to control the funding operations of these groups by freezing all their assets, apprehend and prevent the entry and exit of intermediaries carrying arms, military equipment and other supplies as well as discourage and prosecute those willing to provide those services to the groups (UN).

As of late, the committee has on its lists, hundreds of entities and persons associated with both the Taliban and the Al Qaeda which it continues to monitor.

Another strategy in the global fight against terrorism through the initiative of the United Nations is the convening of international conventions whose primary aim of course is to solidify the international legal basis for anti-terrorism activities, a component that has been cited as weak and which frustrates most efforts in truly controlling the problem.

Each of the conventions seeks to define a type of terrorist activity and then requires the signatories to craft appropriate penalties for such acts through their own laws. Under these conventions, signatories are also obliged to prosecute or extradite violators of these conventions.

At the International Convention on the Suppression of the Financing of Terrorism in 1999, signatory countries who willingly provide funding to known terrorist organizations are criminally liable, marking the first time in history that such an act is criminal under international law.

Managing the threat of transnational terrorism: pros and cons

In summation of what the United Nations has achieved and implemented since 9/11 made transnational terrorism a global concern, it can be said that what was ultimately significant in its efforts was the way it transformed itself from being merely a glorified bureaucracy into a true international organization with independence to pursue anti-terrorism efforts. Advocates of globalization- nations now with complex interconnections with other countries- have more than a compelling reason to rally behind the UN as they recognize the reach and impact of terrorism which is now practically everywhere. Both are now cognizant of a cooperative and unified role to truly manage, contain and hopefully stop terrorism on all fronts.

The transformative effect of 9/11 has never been more evident within the United Nations. Since September 11, 2001, more than 20 resolutions have been passed all marked not only with a fierce determination to tackle the problem, but also to tackle internal mechanisms that might be seen as impeding the efficiency of these resolutions (Kramer, Yetiv, 2007).

This is evidenced by the nature of the resolutions themselves which are not focused on a broader range of terrorism activities rather than a few specific acts. It used to be that before 9/11, the traditional approach used by the Security Council was not so wide-ranging; today the strategy

includes such components as rhetorical condemnation of attacks, monitoring of and assisting

states in their counter-terrorism efforts, and collective counter-terrorism obligations. But again,

analysts point out that:

> *…the UN is also limited in that it is not ''well placed to play an active operational role in*
> *efforts to suppress terrorist groups, to preempt specific terrorist strikes, or to develop*
> *dedicated intelligence-gathering capacities" (Luck, 2004).*

The general consensus is that despite its efforts, the United Nations seems to lack a clear

vision on how to confront terrorism. Experts point out three strategic options that the UN could

take in this regard: 1) unequivocal acceptance of the fight against terrorism and of making it a

core priority; 2) continue in its present course, staying out of the crossfire and hope that its

initiatives would somehow make a dent in the fight against terrorism; 3) choose at some point to

make its traditional priorities and aims the priority.

Clearly, the UN is struggling through this; while it has been most active after 9/ll, the

bombing of the UN Headquarters in Baghdad in 2003 which claimed the life of the UN's Special

Representative for Iraq, Sergio Vieira de Mello seemed to weaken its earlier strong

counterterrorism front. With such a direct attack, the UN's response was simply to reiterate its

stand that the "UN must project a clear and principled message that terrorism, whatever the cause

in whose name it is undertaken, is unacceptable and deserves universal condemnation."

It continued its course of action modified since 9/11 on dissuasion, assistance of member

states in their counter-terrorism activities and cooperation by means of using its traditional

convening powers to help facilitate counter-terrorist cooperation on both regional and global

levels.

But countries such as the United States are not satisfied with these initiatives with the American public giving the United Nations its lowest approval ratings in years. The United States for its part would like to see the UN put more teeth into its efforts through a direct enforcement approach. But this runs counter to the UN's refusal to utilize military force as a means of prevent and punish terrorism.

The US has expressed its recognition that while it is important to establish international legal and legislative structure against terrorism, the option of military force must also be considered. But part of the reason why it is so difficult to establish a united global front is that there is a lack of an internationally accepted means of defining terrorism.

> *An entirely new approach is needed by the international community in order to tackle a challenge to the global order of peace that, by its very definition and strategy, transcends the confines of the nation-state and cannot be defined in the traditional framework of conflicts between nation-states (ADL, 2004).*

The UN's General Assembly should be able to craft and agree on a comprehensive definition of terrorism that presents no legal problems when utilized as the basis for any kind of global enforcement initiative under the UN's Chapter VII. The basis for an international law that appropriately covers any counter-terrorist strategy is that it removes any conflicting interests from among any member states.

From this definition, the UN along with member nations can then develop a truly unified strategic approach to combat terrorism. The greater significance of this is that it will remove any distinction made by different countries on what standard or criteria should a person or group of persons be judged as terrorists; an individual or a group that has done terrorist activities in one country cannot negate those actions, by doing something "good" in another. Some countries in

this regard have actually considered some terror groups as being" freedom fighters' and with this unified criteria, such confusing ascriptions will be resolved unambiguously.

Another point of concern is also on calls to integrate all existing international covenants and conventions into a single, comprehensive convention against terrorism. Part of the reason why this should be addressed is that while conventions have accomplished what they have set out to do, the process it promotes which is basically a system of "self-help where each state *unilaterally* decides on appropriate anti-terrorist measures including preventive war", goes against the aim of a unified global effort. To be more effective, the global community should effectively enforce the international rule of law by out rightly legalizing its anti-terrorist effort through a singular and wide ranging convention on terrorism.

Conclusion

While the global community and the United Nations have adequately stepped up to confront the problems posed by transnational terrorism, the fact remains that the problem remains a threat and that current initiatives need to be modified to be more effective. New strategies must be formulated as well to address the new forms of transnational violence which have been described as terrorism; clearly, these strategies should be integrated into a comprehensive approach that considers social as well as economic security.

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