Assessing the Role of the United Nations in Countering Global Terrorism: Issues and Challenges

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Abstract

Global attention has shifted to terrorism since 9/11 multiple terror attacks on the United States. The study examines the efficacy of the United Nations in galvanizing global effort against terrorism, 2001-2021. It argues that while the global body didn't envision the emergence of terrorism, the global body has strained apace with global issues, more so with terrorism both before and especially since the multiple terror attacks on the United States on 9/11. The United Nations has provided an outlet on global response. Employing the use of secondary source and relying on archival materials, the study found that the UN has since stopped efforts in leading consensus on the devastating impact of terrorism on global security if not quickly checked. Thus, unlike arguments by some critics, the UN, especially since 2001 has remained unrelenting in arguing for a global consensus for a unanimity to define terrorism. The study recommends that terrorism can best be defeated with a shift in the structure of the international system from the perception of the ''we versus them'' approach to an all-embracing system coordinated by the United Nations.

Key words: Terrorism, Countering Terrorism, United Nations, Issues, Challenges.

Introduction

Terrorism is part of human interaction and it has existed for quite some time now. However, before 9/11, the United Nations was overtly too concerned with terror issues but the multilateral body was groping with other equally pressing global concerns. However, all of that changed with the multiple terror attacks on the United States on 9/11, when some Jihadist fighters hijacked four planes within the United States turning them into an unguided missile. The date 9/11 has become a significant day in the world history, following the multiple terror attacks on the United States of America and other periphery global insecurity occasioned by the action. The United Nations like the rest of the world responded by bringing the accompanying security implications of such actions to the front burner with sustained debates and proffering avenue

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to addressing underlining and roots causes of terrorism (Agwu, 2013). The 9/11 terror attacks were the first terror attacks witnessed live on news cable television simultaneously all around the world with torrents of condemnations both at the interstate and multilateral levels. As though they were watching a movie, millions of people witnessed the disaster first hand with wanton destruction of lives and properties (Calvert, 2010). It was difficult to realize what was happening at first but in a short period of time it became obvious, and the shock turned into anger and hatred. This was a good opportunity to get national and international entities to realize what terrorism really is and unite in the fight against these terrorists.

Life has changed since that day, not only politically and economically but also emotionally and psychologically. But people all over the world became aware of the scene they watched on television, further stressing the notion that we indeed live in a globalized world. For countries that have been living with terrorism, September 11th was not a big surprise, because they had been facing such attacks for decades. Mass murder by bombings, killings of intelligentsia, threats and coercion are examples of what they have gone through. On the other hand, secure and domestically peaceful states that had no idea of how terrifying terrorism could be, especially the United States, which was the target of this attack, have been horrified by this act. Although the States seemed like the target, in fact the hidden objective was to hit the symbolic center of the globalized world. With this act, allegedly vulnerable people were struck in their homeland. This was the most important message conveyed by the events of September 11th 2001. Even the strongest and wealthiest state in this world is not secure as non-state actors could without much ado precipitate devastating attacks even when not provoked. A country might have the most developed and wide spread intelligence services and military or the best weapon technology but unforeseen attackers can hit such a country at any time (Eugene, 2013).

As current examples, September 11 and Middle East terrorism have continued to draw sustained interrogation given the fact that a lot of non-state actors in the region openly and brazenly call for the destruction of leading countries such as the United States and Israel amongst others as responsible for their disruptive tendencies. Modernization has only exacerbated a clash of civilization as predicted by Samuel Huntington. Terrorism has become more pronounced as a consequence of the increasing pace of globalization, as a terror attack in one part of the world carried enormous security implication on far flung places around the world. The world is increasingly regarded as a global village and as such not one state or political entity is completely isolated from another, hence the spate of terror attacks if left unchecked is capable of eroding both national and global security. There may be globalists or anti-globalists, but both sides agree on certain definitional principles on which they argue and act according to their own perceptions and beliefs. The wind of globalization and the near universality of the United Nations, thus have proponents and supporters, but there are not specific camps. This dichotomy is further accelerated and exacerbated to the point that some people in another region of the world may feel entitled to such feelings as perceived marginalization and sense of injustice caused by the developed western countries of the world.

Emphasizing the significance of technology in the development of internationalization may not be the ultimate focus of this research but such cannot be denied, hence the need to interrogate the place of United Nations in ensuring that terrorism is checked if relative peace within the international system is to be maintained. The UN in helping to lead a coalition of initiatives to tackle such virus as terrorism can be a bulwark of defence and a rallying point to confront the scourge of terrorism for relative peace and stability to take root within the international system. It will analyse terrorism from different angles and such a global body has become a vanguard in opposing it from further festering.

Conceptual Clarification

Terrorism

According to Keshin (2018), the maintenance of global peace, security and harmony is the greatest challenge of the United Nations in contemporary times given the pervasive turn and spiraling insecurity within the international system. The UN has continued to come under intense searchlight and judged variously but mainly harshly because many think that the global body is failing to keep pace with the changing complexities of the moment but the UN has been able to achieve the core mandate for the formation of the organization that rose from the ashes of the second world war in 1945. Even though the world has not witnessed the eruption of a third world war, the world is plagued with several variants of security challenges that further re-affirm the nation that the international system is indeed an anarchic system and volatile and prone to instability. As we know the system is currently plagued with the Russia-Ukraine war, the Israeli-Palestine and more recently the flares between Iran and Israel. Furthermore, the Houthis in Yemen have ensured that there is a disruption in commerce as it has ensured that the Red Sea has become too turbulent with serries of its activities.

Another round of crisis is playing between Hezbollah and Israel while in Africa, the scourge of wars is playing out in the Sahel, Sudan, Somalia, Ethiopia and even regional power house, Nigeria is not spared from the plague of insecurity as the nation is battling Boko Haram, kidnappers and other forms of insecurity which threaten its national and sub-regional security.

While the United Nations has indeed helped in the resolution of many conflicts, eradication of global health challenges, and the promotion of democracy as a global brand and in the process winning the iconic Nobel prize for peace, the international organization continues to attract a sizeable number of critics for some obvious mis-steps, gaps and failures which has brought some analysts to question its continued relevance in the contemporary order.

Matter of fact, some critics have poised that the mere fact that a major plank of the organization which is the Security Council as currently composed and dominated by the Permanent Five of Russia, Britain, United States of America, France and China remains a colonial legacy and anachronistic, this is an obvious lopsidedness that needs to be corrected to reflect contemporary realties. However, the question how many countries outside the advanced world can stand forward to be saddled with global responsibilities? Certainly not in

Africa and most of the under-developed world. Some member states from the developing world, particularly the African bloc have serially accused the powerful nations of lack of sincerity of purpose by preaching democracy as a global brand while at the same time holding tightly to the composition of the UNSC since formation, an obvious and blatant negation of democratic ethos of inclusion of all, regardless of their power ratio.

The United Nations
As World War II was about to end in 1945, nations were in ruins, and the world wanted peace. Representatives of 50 countries gathered at the United Nations Conference on International Organization in San Fransisco, California from 25 April to 26 June 1945. For the next two months, they proceeded to draft and then sign the UN Charter, which created a new international organization, the United Nations, which, it was hoped, would prevent another world war like the one they had just lived through. Four Months after the Francisco conference ended, the United Nations officially began, on 24 October 1945, when it came to existence after its Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and by most other signatories. A half century of law creation and application by the United Nations and its specialized agencies has produced corpus juris (Latin for "body of law) of impressive breadth and diversity (Oscar Schachter, 1994). It is the successor of the League of Nations, a body devoted to international cooperation after the first World War but found itself unable to prevent the outbreak of war in Europe and Asia in the 1930s.

Today, almost every country in the world is represented in the U.N., including the United States (U.N. headquarters is located in New York City). A few states lack U.N. membership, though some of these exercise are de facto sovereignty. In some cases, this is because most of the international community does not recognize them as independent (Tibet, Somaliland, Abkhazia). In other cases, it is because one or more powerful member states have blocked their admittance (Taiwan, Kosovo). The U.N. is made up of five principal bodies: the U.N. General Assembly, the U.N. secretariat, the International Court of Justice, the U.N. Security Council, and the U.N. Economic and Social Council. A sixth, the U.N. Trusteeship Council, has been inactive since 1994.

UN and Anti-terrorism Campaigns
Counterterrorism at the United Nations: An early history Terrorism did not find its way onto the agenda of the United Nations permanently until 1972. It is, however, worth reflecting on how the organisation responded to terrorism before that. In September 1948, the United Nations Security Council made its first reference to terrorism in resolution 54. Deeply shocked by the murder of Count Folke Bernadotte (the UN Mediator in Palestine), the Security Council unanimously condemned the act "which appears to have been committed by a criminal group of terrorists in Jerusalem while the United Nations representative was fulfilling his peace seeking mission in the Holy Land" (UNSC res. 57: 1948, para. 1). Besides instructing the Secretary-

General to take ceremonial preparations (e.g. flying the UN flag at half-mast), the Council took no further action. In the 1950s, the report "Draft Code on Offences against Peace and Security of Mankind" drafted by the International Law. A further project that demonstrates the Third World Bloc's growing influence was the adoption of resolution on 1515 on the Declaration on Granting Independence to Colonial Countries and Peoples and the establishment of Committee 24 to advance the furtherance of people's right to self-determination. In Sayward's United Nation in International History, the conclusion will be further discussed in subsequent sections of the thesis. Count Bernadotte was the UN chargé d'affaires tasked with brokering peace between Palestine and Israel. He was assassinated by members of the Jewish Zionist group Lehi. - 31 - Commission (ILC) made a few passing references to terrorism. In its third session in 1951, the ILC made note of terrorism in Article 2 (6), stipulating that an act of aggression includes, inter alia, "the undertaking or encouragement by the authorities of a State of terrorist activities in another State, or the toleration by the authorities of a State of organised activities calculated to carry out terrorist acts in another State" (ILC: 1951, Article 2 (6)). Eventually the issue of terrorism was again raised in the 1960s in "the context of the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States" (Romaniuk: 2010b, 32). The declaration settling the friendly relations between states compels governments to refrain from engaging in terrorist acts or participating in related activities in another state, as well as encouragement of such activities (UNGA resolution 2625: 1970, Annex, para. 9 & 21). General Assembly resolution 2625 that followed in 1970 made no mention of the term terrorism but merely asserted: "every State has the duty to refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organised activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force" (UNGA res. 2625: 1970, Annex, para. 1 sub para. 10). With the proliferation of airplane hijackings in the 1960s, UN involvement in counterterrorism gained new momentum, although action was filtered through UN specialized organisations (Luck: 2006a and Carlton: 2005). In fact, the International Civil Aviation Organisation (ICAO) became the centre-piece to the UN's counterterrorism efforts in the 1960s. By then, the hijacking of aircraft was a global concern.

Theoretical Framework
The theoretical framework used in this study is realism. The realists' theory is one of the most dominant and popular in international relations. In analyzing the foreign policy of states that make up the international system, realism has been employed by students and scholars of international politics and power politics over the years. One of the most compelling analysts of realism can be found in the works of leading exponents of the realist school such as Hans Morgenthau, E. H. Carr and others such as Arnon Raymond, Henry Kissinger, F.S. Northedge and Kenneth Waltz. Hans Morgenthau a leading authority of the realist school of thought

argues in his most popular book-Power Among Nations-that politics be it local or international is basically a struggle for power and prominence among the actors involved. In other words, state actors' interaction and participation in the international arena are driven either by stated or unstated interests. These interests could be economics, political or military depending on the aims of the state involved. It is even possible for a state's national interests to embody the three. Morgenthau (1967:27) argues:

> International politics and indeed all politics, is a struggle for power. Whatever, the ultimate aims of international politics, power is always the immediate aims of statesmen and peoples may ultimately seek freedom, security, prosperity or power itself…But whatever they strive to realize their goal by means of international politics, they do so by striving for power.

The struggle for power therefore is assumed to be an integral part of human nature according to the realist school. The grapple within member states for not only a unanimity of definition of terrorism shouldn't be lost on the struggle for power amongst member states of the international system and the United Nations. Going forward it is not unlikely to hear that another man's terrorism is another man's freedom fighter. Mention made of the unparallel and unequal status amongst member states of the international system is even in itself a trigger for the complexities and audacious resort by some to terrorism. The international system and particularly the United Nations is regarded as anachronistic given that only the dominant members of the Permanent five (United States of America, United Kingdom, China, Russia and France) have access to the permanent status and invariably dominate the UN system with mere tokenism to the rest of the world. They maintain dominance, influence and impose their will as necessary and always in tandem with their national interest. Besides Russia and China, the rest frame debates around the notion of democracy but often forget the contradiction that the rest of the world are excluded from the big-five status.

However, for many years even though realism has been used for explaining inter-state actions in the international arena, the theory has remained popular amongst scholars and experts-researchers because of its seeming faultless underpinnings about international politics and global complex posturing and its changing nature. However, for quite some time now, much of the scholarly literatures have challenged some of the impressive assumptions of this school of thought. Critics of this theory downplay the role of power in the interaction of states and rather maintained with emphasis on such other factors as values, international morality and institutions. Like other theories in international relations, there are a number of objections against any theory of international politics which places premium on power politics. Critics of the realist school or approach have been of the view that state actions in the international arena should not just be interpreted from the power angle alone as state actors use other strategies such as persuasion, manipulation, propaganda, as well as economic measures and instruments such as reward, grants, and other forms of assistance (Akinboye, 2005). In spite,

of all these criticisms against the realist theory, the theory still remains perhaps the most compelling theory in explaining actions and inactions of state actors within the international political system as it has for decades impacted and provided lucid picture concerning the key elements which drive the foreign policies of state actors in the international system and especially more so within the context of the United Nations.

The United Nations and Terrorism
As a new global organization, four primary goals were listed in its Charter: Second was "to re-affirm faith in fundamental human rights." Third was "to uphold respect for international law." And fourth, the new organization pledged "to promote social progress and better standards of life." The UN's role in contributing to world security and peace in order to solve international disputes required bilateral and multilateral methods. As emphasized in its Charter, a primary objective was to expand international law legislation that would meet new and extant challenges, conditions and satisfy the latest community needs. As Briggs pointed out, the Charter appeared to be an adequate procedure for developing effective legislation designed to tackle chronic international State disputes. Rather than adopting multilateral treaties when dealing with problems such as drug trafficking, for example, various regional differences may have also required identical bilateral treaties in addressing a specific phenomenon. From the UN's early beginnings, security and peace have been underlying concerns due to ongoing conflicts within and between States as well as the threat of global terrorist activities. Hence, numerous legislations were adopted by the UNSC in order to prevent threats against world security and peace. However, it has not been an easy path for the world's only existing international organization to achieve this goal even though Chapter 7 of its Charter provided a wide range of authority to the Security Council.

The United Nations has always dealt with terrorism as a serious threat against humanity by legislating anti-terrorism conventions during the pre-9/11 era and later expanding them to a greater degree. The United Nations and international legislation. Especially prior to the early 1990s, however, member states did not consider the issue so seriously until terrorist groups committed large scale global attacks. Furthermore, the UN's point of view towards terrorism was somewhat different in that there were no compelling powers for member states to implement specific measures. The United Nations' counter-terrorism efforts before the 9/11 attacks against the United States became known as the 'Twelve Instruments of Countering Terrorism'; however, only two state delegates representing the United Kingdom (UK) and Botswana signed each one of the conventions. Thus, events of 9/11 became a worldwide turning point for all countries as well as international organizations including the UN and the European Union (EU). After having examined Resolution 276 (1970), the UN's International Court of Justice (ICJ) confirmed its binding character in 1971. According to the decision as it appeared in the resolution— "declares and calls upon all states"—the ICJ had a compulsory feature.

One priority imposed by Resolution 1373 of 2001 was to compel states to ratify the 12 conventions in order to effectively prevent terrorist threats and ensure global security. The UN's 12 Conventions include the following; a. Applies to acts affecting in-flight safety; b. Authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft.

The United Nations After 9/11
The United Nations was not established as a world government with supranational powers that would allow it to force its members into implementing certain commands. Rather, as an intergovernmental organization with 193 member countries, the UN's primary objective is to maintain peace and security by addressing new global issues and threats, namely terrorism. Essentially, the new general security organization coordinates and harmonizes the efforts of all member states in order to obtain their common goals. Following 9/11, it has been argued that a wide array of power and authority were applied to fulfill the common benefits of all countries. Although the UN took action against terrorism (more especially Al-Qaeda) by adopting Resolutions 1193, 1214, 1267, 1269, 1333, and 1363 before 9/11, the Security Council (SC) reformed its law-making mentality by acting as both legislator and executer after 9/11. Using post-9/11 resolutions as an indication of its firm new determination, the SC explicitly ordered all member countries how to take action against terrorism. Even though devastating terrorist attacks were perpetuated long before 9/11, states throughout the world as well as the UN were caught unprepared for global terrorist activities on September 11, 2001. By contrast, 9/11 stimulated a wide range of alliances against terrorism as a new paradigm for communities to combat terrorism. Apart from counter-terrorism policies developed at state and regional levels, the United States and the EU demonstrated intensive efforts to build a worldwide antiterrorism coalition in which the UN was determined to be the organizational body responsible for generating a momentum on counter-terrorism. Including the UK, many countries supported the UN's leading position in countering terrorism and further believed that the organization should play a more proactive role in deterring terrorism. Immediately following 9/11, the UN's Security Council grasped a leading position by encouraging intensive international cooperation among member states to overcome terrorism—the common enemy of humanity. In effect, the Council's response was extraordinary, quick, firm, and unequivocal. In addition to the UN's legislative dimension, structural changes were also applied. For example, additional units including the Counter-terrorism Committee (CTC), the Counter-terrorism Executive Directorate (CTED), and the Counter-terrorism were evolved. Thus, the SC performed an intense duty by beginning its legislative phase with the adoption of Resolutions 1368 and 1373. As a result, the UN became the only world legislature binding all member states. In particular, Resolution 1373 emphasized UN measures to be taken and how to implement them in combating terrorism. Counter-Terrorism Implementation Task Force

(CTITF) was established in furtherance of the UN's determination to ensure that the scourge of terrorism was nipped in its infancy. Further, the Global Counterterrorism Strategy was ratified by the UN to effectively deal with terrorism.

The UN's post-9/11 Counter-terrorism Approach: Resolutions and Declarations
During the post-9/11 period, the UN demonstrated its determination by adopting various resolutions and declarations in order to address counter-terrorism in detail. With its binding character, the organization-imposed counter-terrorism obligations on all member countries: criminalizing the financing of terrorism, freezing terrorists' assets, denying terrorists safe haven, and bringing terrorists to justice, that all member states must undertake as part of a global counterterrorism campaign, regardless of other, more pressing priorities or the perceived level of the threat. In turn, these requirements generated a host of counter-terrorism responses at the regional, sub-regional, and national levels around the globe. First, the UNSC passed Resolution 1368 on September 12, 2001, in which the legal basis for further measures against international terrorism was addressed and defined as a threat to world peace and security. As a result of Resolution 1368, international legitimacy was provided for taking military actions against terrorist attacks from both perpetrators and supporters of 9/11. From a post-9/11 atmosphere, resolution 1368 might further be understood as the UN's first step taken in which the application of armed conflict law began. However, the UN's war imposed by the U.S. included the risk of how it would be applied—multilaterally or unilaterally.

1. Reaffirming the principles and purposes of the Charter of the United Nations,
2. Determined to combat by all means threats to international peace and security caused by terrorist acts,
3. Recognizing the inherent right of individual or collective self-defense in accordance with the Charter. With Resolution 1368 the UNSC Resolution 1368 was adopted on September 12, only one day after the attacks, Resolution 1373 was considered to be the most significant measure taken by the UN.282 Second, Resolution 1373 which stimulated a global response to international terrorism was unanimously adopted by the SC on September 28, 2001. Each member state of the United Nations, by virtue of the mandatory character of the resolution, is obligated to create the prescribed legal framework in its national laws and institutions to combat terrorism, and to co-operate fully with other states on a global scale in this effort. Full and effective implementation of Resolution 1373 has the potential of realizing a principal objective being pursued in the drafting of an international comprehensive anti-terrorism convention, that is, creation of national legal and executive capacity in all countries with the ability and the political will to engage co-operatively, thereby establishing an international legal framework to combat terrorism. In short, Resolution 1373 contains a binding characteristic in which all state members are compelled to comply with. All states shall refrain from providing any form of support to terrorists, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons; take the necessary steps to prevent the

commission of terrorist acts, including by provision of early warning to other and further places, meticulous emphasis on the prevention and suppression of terrorism financing by forcing States to take additional tough measures. The UN Resolution 1368 (12 September, 2001).

Bianchi, deny, and not provide, safe haven to those who finance, plan, support, or commit terrorist acts or harbor terrorists. Furthermore, it is made obligatory on all states to preclude any one within their territories or jurisdictions from in any way aiding or abetting the planning, promoting, financing, executing, or otherwise supporting acts of terrorism against other states, and to ensure that such persons are brought to justice, and that the punishment reflects the seriousness of the crime. States also are required to afford each other the greatest level of cooperation in the investigation and prosecution of terrorist acts. The mandatory requirements also aim at preventing the movement of terrorists across borders through effective border controls and other measures. As briefly mentioned earlier, most counter-terrorism conventions before the 9/11 attacks were ignored by UN member states. After 911, however, all member states submitted their reports to the Counter-terrorism Committee (CTC). Given that the member countries refrained from any probable sanctions for non-compliance, they fulfilled almost all obligations urged by the United Nations. Criminalize the financing of terrorism. By strictly monitoring Resolution 1373's implementation, the CTC strongly urged all UN member countries to implement the following measures intended to strengthen their legal and institutional ability to counter terrorist activities on their soils, in their regions, and around the globe: Freeze without delay any funds related to persons involved in acts of terrorism; Deny all forms of financial support for terrorist groups; Suppress the provision of safe havens, sustenance or support for terrorists; Share information with other governments on any groups practicing or planning terrorist acts; Cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts; and Criminalize active and passive assistance for terrorism in domestic law and bring violators to justice. The resolution also calls on States to become parties, as soon as possible, to the relevant international counter-terrorism legal instruments. The UN Resolution 1373 (2001).

Recommendations
Recommendations for a Global Counter-Terrorism Strategy in 2006. As the title of the later report suggests, it argued that a new strategy was needed that would put the UN at center stage. Shortly after its publication, Annan asked this Task Force to coordinate the UN's different counter-terrorism programs. In September 2006, the General Assembly passed a resolution formalizing this Task Force's authority, but as Rosand and Millar argue, it has been unable to make much of a difference given that most of the General Assembly's members cannot agree on the elements of this comprehensive strategy. Given the General Assembly's failure to create an alternative strategy that meets the diverse interests of its members, the Security Council's approach seems to be the only realistic way of countering terrorist

organizations. While the latter's strategy is guided by its permanent representatives' interests, this does not mean that its efforts are "little more than window dressing". The permanent representatives have a stake in this system's ability to undermine terrorist groups. In many ways, al Qaeda's attacks of 11 September demonstrated that these permanent representatives could not unilaterally address the challenges posed by al Qaeda and its affiliates. Thus, they created a system that protected their autonomy, but established a network-like system that would pressure states to join the global struggle against terrorism. While this global counter terrorism system is characterized by its decentralization and its state-centeredness, this does not mean that it has failed or that the CTC and the CTED are not key players. These two bodies are an important reason the system has been able to globalize the struggle against terrorism. Indeed, the Security Council accomplished in a couple of years what the General Assembly tried to achieve in the last 40 years – establish a normative framework that delegitimizes terrorist acts. This is not to say that we should not continue to assess and to critique the Security Council's counter-terrorism efforts or to think of new ways to combat terrorism, but doing so must appreciate the UN's historical reactions to terrorism since its founding and to take into consideration the factors that gave life to the current global counter-terrorism system.

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