The Impact of International Diplomacy on Combating Global Terrorism

Paul NWALA[1]

Abstract

Insecurity had defined the global arena with insurgency and terrorism increasing by leaps and bounds. Therefore, defining terrorism as a discrete international crime under the purview of international law normatively recognizes and protects vital international community values and interests. The issue of terrorism symbolically expresses community condemnation, and stigmatizes offenders. In proper analysis context the paper opines that any definition of terrorism also accommodates reasonable claims to political violence, particularly against repressive governments, and this paper examines the range of exceptions, justifications, excuses, defenses, and amnesties potentially available to terrorists, as well as purported exceptions such as self-determination struggles. The paper further seeks to minimize recourse to violence, it recognizes that international law should not become complicit in oppression by criminalizing legitimate forms of political resistance and instead diplomacy can be applied in such scenario. In the absence of an international generally accepted definition of terrorism, the paper explores how the international community has responded to terrorism in international and 'regional' treaties, the United Nations system, and in customary law which has proof that diplomacy is a vital instrument in the global combat of terrorism. The conclusion of the paper explores the distinctive prohibitions and crime of 'terrorism' in armed conflict under international humanitarian law.

Introduction

Although international law may not be accused of addressing the issue of terrorism with levity, it was after the 9/11 terrorist attacks on the United States that the international community's efforts toward fighting terrorism garnered more strength and attention (Dugard, 2005).

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[1] Dr Paul Nwala is of the Department of History and International Diplomacy, Rivers State University, Nkpolu-Oroworukwo, Port Harcourt, Rivers State, Nigeria.

The debatable critical question is whether terrorism under international law should be studied and treated as a specific subject in developing the legal norms and principles for its fight and regulation, or whether terrorism should be fought and regulated based on the already existing relevant international legal norms and principles. We favour the later approach. Terrorism like piracy, torture, genocide etc. should be examined within the context of the already existing framework of international law, because it does not, as of the present time, have clear legal norms. Terrorism has become one of the top-ranking problems threatening the peace and stability of the international community and challenging international law at the present time. While the international community as a whole has not avoided addressing the challenges of this anathema, a lot still needs to be done to adequately combat terrorism. More cooperation among States and international organizations through diplomacy is a sine qua non in this direction. One major impediment to the efforts being made to contain terrorism is the inability of the international community to adopt a comprehensive and generally acceptable definition of terrorism that would capture its constitutive elements (Black, 2003).

In broader terms, terrorism is a violent activity involving attacking a specific group or mass of civilians for personal-political objectives. One of the worst terrorist attacks that happened in India was the 26/11 attacks in Mumbai causing death of 165 civilians and injuring more than 300 people. The attack was systematically planned by 10 terrorists who were members of Lashkar-e-Taiba over a course of four days. The attack shook not just the citizens of India, but all the countries around the globe. Similar was the 9/11 attack that happened in United States of America by a terrorist group called Al-Qaeda that caused death of 2,977 civilians and injured 25,000 people. These two attacks depict how global terrorist attacks have impacted the world at large in which international law and diplomacy should be applied in order to combat it (Aldrich, 2002, p.894).

The difference between International and Domestic Terrorism is that in the case of the former, the criminal acts are committed by individuals who are associated by designated foreign terrorist organizations. While in the case of Domestic Terrorism, the acts are committed by individuals or group of members that stem from certain domestically located groups such as political or religious groups within the country. (Ricks, 1988, pp. 538-541). Public International Law includes set of norms, rules, regulations and principle-guidelines that are to be followed and accepted by different countries and honoured by all in order to have a harmonious relationship between or among nation-states. The framework creates guidelines with respect to trade, citizenship, diplomatic-relations, war, security and civil rights amongst others. Public International Law can be derived from through various treaties, customs and conventions that are signed and confirmed by the states.

The problem with a meaningful discussion of international law on terrorism stems from the difficulty of a proper examination of the phenomenon itself. It is a mistake to suppose that merely by describing a group or entity as terrorist, one is formulating its capacity in law. The conventional approach to solving a problem has been to first understand its nature, which

includes its definition. This approach should equally apply to terrorism. Unfortunately, terrorism under international law has no generally acceptable definition, because efforts at defining terrorism have fallen short of adopting a definition that is generally acceptable to the international community. It is ironic that a concept or rather, a problem that has a large implication in international security is met with this fate. The general feeling among some scholars seems to be that the task of evolving and adopting a definition of terrorism acceptable to international law is not achievable (Beres, 1995, p.248).

Notwithstanding the absence of a comprehensive definition of terrorism, it would be naive and destructive to conclude that terrorism lacks a core meaning. The importance of a universally acceptable definition of terrorism cannot be overemphasized; as such definition would enhance intelligence sharing and international cooperation, and bring harmony and unity of purpose in the fight against terrorism. The search for a legal definition of terrorism has led some states to adopt as criminal, acts that do not reveal the intent of the "culprit" to produce a state of terror, and in some situations, those definitions are unnecessarily broad.

This paper aimed to provide an analysis of the existing international bodies, treaties, rules and regulations under the ambit of public international law working to promote peaceful development and also through diplomacy to prevent calculated use of violence by individual or group. The paper further laid emphases on the history, role and importance of United Nations Global Counter-Terrorism Strategy and its four major pillars strengthening the role of the member states. Be that as it may, the overall analysis contained in this paper portrayed the impact, limit and reservations of the use of international law and diplomacy in the campaign against global terrorism in the post Covid-19 dispensation.

Conceptualization

In Blakesley (2006), violence committed by any means; causing death, great bodily harm, or serious property damage; to innocent individuals; with the intent to cause those consequences or with wanton disregard for those consequences; and for the purpose of coercing or intimidating some specific group, or government, or otherwise to gain some perceived political, military, religious, or other philosophical benefit. This includes terrorism by both State and non-State actors. It deviates from the definitions often found in the domestic laws of States.

Terrorism, according to Dinstein (2005, p.185) constitutes "acts of violence committed to instill fear (to terrorize) in a state or a social group, where the victims are chosen either at random or because of mere association with a target entity." As a global problem, terrorism has exposed the entire planet to the threats posed by operations carried out by terrorist groups and organizations across the world. An adequate and skillfully implemented diplomacy is the central factor as complement to international law that can be applied in order to combat the trend of global terrorism. Through diplomatic exchanges we promote counterterrorism cooperation with friendly nations that serves our mutual interests. We

build capacity that bolsters the capabilities of our allies. Diplomacy is an instrument of power that can build political will and foster international cooperation as permissible under international law. Through diplomatic support, nations can promote counterterrorism assistance that serves mutual interests.

In the contemporary global order, International Law is not merely an academic discipline. It has far-reaching political implications for the international community of states in the real world of international politics. International law primarily addresses the conduct of and relations between States, although it also regulates international organizations, groups of persons (such as armed groups) and entities (such as corporations or non-governmental organizations (NGOs) and individuals. Contemporary international law also includes specialized branches of law that address particular subject areas dealt with in this module, including human rights, refugees, transnational crime, international criminal law, weapons control, international humanitarian law and international law on the use of force. It would not be incorrect to surmise that international law-making is essentially a 'political activity that also involves diplomatic resolutions or conventions." While an international lawyer plays a vital role in that process, the role of the diplomat, also assumes a crucial position, given the underlying political considerations which are interwoven into that process. For the success of a global initiative, whether to create a new regime to replace the old order, or in the evolving of new rules of international trade, the efforts of the international lawyer need to be backed up by effective diplomatic initiative and skills in order to reach the desired goals. International Law was traditionally defined as a body of law to regulate inter-state conduct. This traditional definition found in the older classical writings, cannot stand as a comprehensive description of this body of principles, in the light of developments in the last few decades. An essential condition for the continuing relevance of International Law is that it must keep pace with evolving conditions of international life, which impact upon the conduct of international relations in contemporary times (Aust, 2005, p.6).

The global scenario which emerged towards the end of the 20th century, was a universal order based on the inter-dependence and co-operation amongst states in which diplomacy plays a major role. The emergence of new actors (non-state actors), apart from states, in particular the increased recognition of the individual and international organisations as entities of legitimate concern of International Law, has thrown up new challenges that international lawyers and professionals engaged in the conduct of diplomacy are called upon to deal with. Amidst these profound changes, Contemporary International Law is required to focus not only on the regulation of inter-state relations, its long recognize primary function, but also on the relations between the state and the individual, traditionally regarded as a matter falling exclusively within the national domain through diplomacy.

The adoption of the landmark Universal Declaration of Human Rights (UDHR, 1948) followed by the binding legal instruments, the International Covenant on Civil and Political Rights (ICCPR,1966) and the International Covenant of Economic, Social and Cultural Rights (ICESCR, 1966), together with key resolutions of the United Nations General

Assembly, providing for varied mechanisms and procedures to safeguard human rights, collectively resulted in the protection of human rights, the treatment of a state's own nationals within its borders becoming a matter of legitimate international concern. The antecedents of these initiatives lay in a clear recognition that the rights of the individual must be strengthened vis-a-vis their own governments, based on the voluntary acceptance by States, of obligations under international human rights instruments and to that extent, conceding certain attributes which would have formed an integral component of the classical notion of sovereignty. Thus, the protection of human rights fell within the legitimate domain of International Law and led to consequences at the international level where a state is perceived to be falling short of meeting 'minimum international standards' prescribed by these legal instruments. Unfortunately, the act of terrorism grossly violates human rights.

The effective conduct of contemporary diplomacy requires sensitivity to and a realistic appraisal of these fundamental changes that have occurred and are occurring in the global scene – how classical concepts long considered well established, have come under increasing stress and are undergoing radical change. What is required in this evolving diplomatic and legal environment is a nuanced approach to such changes in defining one's national position, rather than an unrealistic assertion of classical concepts, disregarding the fundamental changes that have occurred and continue to occur.

The adoption of controversial resolutions within the Security Council, authorizing sanctions and paving the way for military action including for regime change and terrorism in different global situations, have brought to the forefront, difficult issues in the relationship between states and international organizations. These concerns have led to the International Law Commission (ILC, 1947), the principal norm creating body of the United Nations, to formulate Draft Articles on the Responsibility of International Organizations, to follow up on its work on state responsibility.

The role and responsibility of non-governmental organizations (NGOs) and the need for codes of conduct for these organizations is assuming equal importance with the increased role being performed by such entities, particularly in fields such as environmental protection, protection of human rights and the providing of disaster relief as well as victims of terrorist attacks. The challenge is to ensure that humanitarian objectives are not diverted by extraneous considerations or agendas, while recognizing the useful role these entities could perform in difficult situations, such as in providing disaster relief, and accordingly, preserving their operational flexibility, to facilitate bona fide humanitarian activities. Thus, in order to keep pace with these evolving conditions of international life, international law is called upon to deal with complex and varied relationships that have emerged at different layers in the contemporary global order; at the inner-state level; at the level of the state and the individual; and at the level of state and international organizations, as well as between such organizations of which diplomacy plays a complementary role.

Roach (2008, p.8) argued that terrorism, traditionally defined as any act designed to incite fear and terror, is identified as domestic and international. The US FBI's international terrorism definition specifies an act of terrorism as perpetrated by either be a group or an individual inspired by or affiliated with a foreign terrorist nation or organization. An act of domestic terrorism occurs when the perpetrator is motivated by extremist views and has clear U.S. affiliations. Diplomacy professionals interested in international terrorism should be well versed in current events, strategies and tactics and how they may impact foreign relations, government policies and international security. They must also understand the influences currently impacting terrorist activities. According to the FBI, three key factors impacting terrorism are the increased use of the internet to share extremist messaging, popular social media channels that reach audiences across the globe, and the radicalization of U.S. citizens.

According to GTI, terrorism is "the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation". Further, there are few things that are to be part of the act in order to be considered as a terrorist activity. The criteria lay down for the same is following:

I.   The act should depict intent of the attacker. This means that the act was done for a specific purpose to cause a specific outcome.
II. There should be violence of a grave nature. The violence could also be in form of a threat or intimidation. The causality of such a violent act could either be on the living beings or property.
III. The violent lethal act should be done by sub-national members of the country.

When all of the above given criteria are met with, only then the act shall be considered as an act of terrorism and then tallied by the Institute for Economics and Peace.

As per the Global Terrorism Index 2020, the deaths that occurred as a consequence to terrorist activities fell by fifteen percent when compared to the previous years. There was a twenty-percent decrease in terrorist deaths in Middle East and North Africa, Russia and Eurasia, South America and South Asian region countries. While some countries observed a decease, few regions were affected severely due to terrorism. Such countries included Africa, Burkina Faso, Sri Lanka, and Afghanistan. According to the latest index, Taliban was the deadliest terrorist group in the year 2019. Other such groups that caused major terrorist activities were Boko Haram, Islamic State of Iraq and the Levant, Al-Shabaab amongst others. The rank of top 10 countries as per the Global Terrorist Index (GTI, 2020) was in Afghanistan, Iraq, Nigeria, Syria, Somalia, Yemen, Pakistan, India, Democratic Republic of the Congo and Philippines.

According to the index, it was predicted that Covid-19 could worsen the impact of terrorism as it increased opportunities for the terrorist organizations to expand their activities. Several government authorities and forces focused majorly on the global pandemic and sought to

find possible solutions to decrease the adverse effect of the same on human health. However, global pandemic can also be seen creating situational problems for the terrorist organizations. With so many travel and accommodation restrictions, it would not be easy for the organizations to easily place themselves at the attacking area. This paper is an attempt to open up the issue of the role of diplomacy in the combat of global terrorism. Diplomacy has a great and irreplaceable role in the fight against modern terrorism.

International Law Resolutions to Combat Global Terrorism

There are sixteen international conventions that have been approved to deal with the issue of terrorism. Some of the conventions on modern terrorism include the following: the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the 1979 International Convention against the Taking of Hostages.

At another level, The General Assembly (GA) adopted several declarations that addressed the threat of terrorism. In December of 1994, the General Assembly approved the Declaration on Measures to Eliminate International Terrorism (A/RES/49/60). This resolution explicitly called for the "adoption of the declaration on measures to eliminate international terrorism should contribute to the enhancement of the struggle against international terrorism." In addition, the resolution urged that all member states "take all appropriate measures at the national and international levels to eliminate terrorism." A supplement to the declaration was approved in 1994 which "established an Ad Hoc Committee to elaborate [on] an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism."

Prior to the heinous attack on September 11, 2001, due to the threat posed by Al Qaeda's transnational terrorist organization, the United Nations Security Council approved resolution 1267 in 1999 which targeted the Taliban government and required the regime to end the terrorist training camps inside the country. The resolution also created the 1267 sanctions committee. With respect to the Taliban and subsequently Al Qaeda and a host of other terrorist organizations, sanctions committee noted that member states were required "to freeze without delay the funds and other financial assets or economic resources of designated individuals and entities."

In 2001, the UN Security Council approved resolution S/RES/1373 which created the Counterterrorism Committee (CTC). In 2004, UN Security Council Resolution (UNSCR) S/RES/1566 established "the working group to consider measures against individuals, groups and entities other than Al-Qaeda/Taliban." To ensure that regional organizations

continued their efforts to confront terrorism, the Security Council approved S/RES/1631 which called "upon relevant regional and sub-regional organizations to enhance the effectiveness of their counterterrorism efforts." In one example of those activities, the Security Council adopted S/RES/2178 on September 24, 2014 to address the increasing threat of foreign fighters. The resolution called upon member states to enhance "the effectiveness of the overall effort to fight this scourge" of ISIS. In addition, the resolution noted that "Member States must ensure that any measures taken to counterterrorism comply with all their obligations under international law...."

On another level, to curb the financial resources of the Islamic State and other terrorist groups, the council approved S/RES/2199 which called upon member states "to freeze without delay the funds and other financial assets or economic resources of ISIL, ANF, and other individuals, groups, undertakings and entities associated with Al Qaeda, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf." On December 17, 2015, the UN adopted S/RES/2253 whereby "the Security Council imposes individual targeted sanctions (an asset freeze, travel ban and arms embargo) upon individuals, groups, undertakings and entities designated on the ISIL (Da'esh) and Al Qaeda Sanctions List."

Global Effect of Terrorism as a Gross Breach of International Law

Terrorism, as an activity continues to pose a valid threat to fundamental human rights, hence breaching principles of international law. International human rights law is a set of international rules that affirm the rights and dignity of all human beings, women, men and children - without discrimination. It was gradually established after the adoption of the Universal Declaration of Human Rights in 1948 and is now supported by several universal and regional instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), and many other similar treaties.

International human rights law stipulates the obligations that states are obliged to respect. Respecting human rights means that states avoid intervening or impeding the exercise of human rights. Protecting means that states must protect individuals and groups against human rights violations. To establish means that states must take positive measures to facilitate the exercise of fundamental human rights. Despite the efficacy of international law in ensuring that state and non-state actors respect, protect and establish human rights, and though treaties on international humanitarian law – the Geneva Conventions and their Protocols in particular – contain binding human rights obligations for non-state armed groups; when it comes to the application of international humanitarian law to non – states actors, the judicial system is lacking (Theodore Meron, The Making of International Criminal Justice, 2011). For example, armed groups party to a non-international armed conflict, fall under the jurisdiction of international humanitarian law, but are limited to rules related to the conduct of hostilities, and negative obligations towards affected individuals

(such as the prohibition of torture, or certain detention rules). Terrorism touches all aspects of human rights identified and defined in all conventions, declarations, and covenants. Terrorism aims to destroy human rights through violence and spreading fear in civilian populations. An act of terror is an act on fundamental human rights (Filippo, 2008, p.544).

The rights set forth in the Universal Declaration of Human Rights stipulate the right to equality, freedom from discrimination, the right to life, liberty, and personal security, freedom from slavery, and freedom from torture and other cruel, inhuman or degrading treatment or punishment. Article 4(2) of the ICCPR (UNGA 1996) provides that the following non-derogable rights cannot be breached in any circumstances:

- The right to life (article 6).
- Freedom of thought, conscience and religion (article 18 (1).
- Freedom from torture or cruel, inhuman or degrading punishment or treatment (article 7).
- The right to recognition everywhere as a person before the law (article 16).
- The principles of precision and non-retroactivity of criminal law (article 15).

As terrorism involves the use of politically motivated, fear – generated violence to commit criminal acts aimed at harming innocent individuals for the purpose of coercing governments or societies to take or refrain from action, it clearly violates fundamental human rights. Terrorism has marked effects on the enjoyment of the most fundamental of human rights – the right to life. Innocent victims of terrorist acts lose their right to life, an inalienable right that is well grounded in the Universal Declaration of Human Rights, as well as all other legal international instruments related to human rights (International Court of Justice, Human Rights Committee, European Court of Human Rights, Inter –American Court of Human Rights). These obligations are also outlined in General Assembly Resolution 72/ 246.

In targeting specific groups of people by their acts of terrorism, terrorists also infringe upon rights to equality and freedom from discrimination. In this regard states bear the primary responsibility in preventing and countering terrorism and extremism and protecting people within their jurisdictions against terrorist acts; Related to the right to life is the right of the victims whose rights to liberty, physical integrity and security have been violated. In addition to those killed and the survivors, victims of terrorist acts include relatives and dependents of those killed, injured or abducted as well as other persons who may have suffered harm in intervening to assist them. Both international and regional systems emphasize that states have a duty to protect those living within their jurisdictions from terrorism, but this does not imply an absence of limits to the exercise of state powers. The lawfulness of counter-terrorism measures depends upon their conformity with international human rights law.

Given that terrorist activities violate such important human rights, inter-alia, the right to life, physical integrity and liberty, states have a duty to take the necessary measures to prevent

or avoid the perpetration of such violations (JWF s submission to the HRC Advisory Committee, November 2018), while respecting other fundamental rights and liberties. Resolution 72/246 was adopted by the General Assembly, emphasizing that all human rights are universal, indivisible, interdependent and interrelated; and recognizing that terrorism has a detrimental effect on the full enjoyment of all human rights and fundamental freedoms. The resolution also reaffirms the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law, and reiterates that all states have an obligation to promote and protect all human rights and fundamental freedoms and to ensure implementation of their obligations under international human rights law and international humanitarian law, as applicable. It also reaffirms the promotion and the protection of human rights for all and the rule of law as essential to the fight against terrorism, while recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing, and stresses the need to promote and protect the rights of victims of terrorism.

In 2006, member states of the General Assembly for the first time agreed on a common strategic framework for combating terrorism: The United Nations Global Counter-Terrorism Strategy. This Strategy should allow the international community to strengthen its efforts in the fight against terrorism around four axes. The fourth axis represents measures to ensure respect for human rights and the rule of law as a fundamental basis for counter-terrorism. International human rights law has also evolved to recognize crime victims' rights, including some measure of financial compensation for damages resulting from grave and serious violations of international law.

In extreme circumstances in times of public emergency which threatens the life of the nation - states may take measures that directly or indirectly choke and suppress civil society. These measures can criminalise legitimate expressions of opinions and thoughts as they include arrest, searches, restrictions of liberty including longer periods of pre-charge and pre-trial detention, suspension or limitation of habeas corpus, reduced access to legal representation and advice, the utilization of military courts or commissions to try civilian suspects, restrictions on disclosure of and access to classified evidence, the lowering of evidentiary standards, limitation on appeal rights, the imposition of curfews, the prohibition of public meetings, the disbanding of associations/groups, limitations on the right to privacy, restrictions on media reporting and social media, border restrictions, and the mobilization of the army.

Role of International Diplomacy as Tangible means to Combat Global Terrorism

The role of International Diplomacy is to create set of rules and regulations along with various treaties that would help in creating a holistic network. The network or association of member-states can be made for fulfilling various purposes and bettering the existing systems of trade, health and security. The United Nations is one such international organization that was originated in 1945, aiming to create friendly relations of countries and

nation-states which are member to the organization. There are 193 member states of the United Nations who have to abide by the all the bodies i.e., the General Assembly, the Economic and Social Council, the Security Council, the Trusteeship Council, the UN Secretariat and the International Court of Justice.

All the bodies of the United Nations play an important role in countering-terrorism globally. There are various sub-committees that deal with countering terrorism, namely:

I.   The Third Committee (Social, Humanitarian and Cultural Committee) which addresses the problems of crime prevention and justice for those who became the victim of such criminal violent acts.

II. The Sixth Committee (Legal Committee) adopted the milestone Declaration on Measures to Eliminate International Terrorism. The organization defines terrorism as criminal acts that cannot be justified at any costs.

III. Ad Hoc Committee established in by General Assembly resolution 51/210- The General Assembly mandated to an International Convention for the Suppression of Terrorist Bombings and International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism. These three treaties were majorly adopted by the formation of the committee.

IV. United Nations Global Counter-Terrorism Strategy- the strategy was formulated in September 2006 which aims to be a global instrument to enhance ways that can counter terrorism nationally, regionally and internationally. The Strategy consists majorly four pillars:

- Measures that can be taken to address the conditions conductive to the spread of terrorism.
- Measures that can be taken to prevent and combat terrorism.
- Measures that can help in building a nation's capacity to prevent and combat the issues of terrorism along with strengthen the international organization.
- Measures that will ensure respect for the human and civil rights for all along with creating fundamental basis that will help in fighting terrorism.

V.   The United Nations Security consists of fifteen member states and few permanent members i.e., China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America).

VI. Counter-Terrorism Implementation Task Force (CTITF) is a force that focuses on coordinating and information-sharing body that remains forever active in countering-terrorism. This Task Force addresses several issues such as Financing of Terrorism, Civil Rights, Implementation and Integration, Radicalization that leads to terrorist activities, use of modern technology including internet, focusing on the victims of such violent activities and safeguarding group that is more likely to be targeted.

VII.   Terrorist Prevention Branch- this organization focuses on providing technical assistance to counter and combat terrorism in legal and other areas. It also focuses on specific mandates that are drawn parallelly taking into consideration the principle of rule of law. It also tends to connect the intergovernmental bodies, crime commission, the economic and social council in order to prevent crime and help in providing justice to those who have suffered by the terrorist activities.

VIII.   The International Court of Justice helps in solving the disputes before the court. There are two types of cases that are to be taken- legal disputes that happen between states and providing advice to state excluding on-member states and individuals. However, ICJ has jurisdiction over states who have accepted its jurisdiction.

The diplomatic efforts against terrorism are extensive. At issue, how effective have those measures been against transnational terrorism? The multilateral initiatives against transnational terrorism are vast. In terms of measuring success, in dealing with the funding sources of terrorist organizations, whether in the form of Al Qaeda or the Islamic State, the diplomatic efforts at the regional and global level have proven successful. The constant communications between states because of the diplomatic efforts have produced several "regimes" that have proven critical in providing states with a global institution in the form of the U.N. counterterrorism committee. The creation of this committee serves as a useful instrument in dealing with current and future terrorist threats. The U.N. counterterrorism committee deals with several focus areas to include but not limited to terrorist financing, border management, law enforcement, information sharing, and cooperation at the international, regional, and sub-regional levels. The success of this body is best exemplified in the ongoing cooperation of member states in carryout the objectives of the UN counterterrorism committee. There are however several flaws with the diplomatic response to terrorism. For example, the United Nations, through the Security Council, approved several resolutions to implement a host of counterterrorism measures. However, because of "international political realities and institutional problems, [they] have hindered the U.N. from successfully implementing and monitoring counterterrorism measures."

Another flaw concerns the absence of direct action by the Security Council. Specifically, other than in the unique cases involving Libya, Sudan, and the Taliban in Afghanistan, "the Security Council has failed to threaten or take action against any country for failing to comply with international counterterrorism norms." A major flaw concerns the instrument of soft power. That is, soft power in the form of diplomacy has its limitations. Diplomacy does not end sanctuaries which permit terrorist organizations to establish operational headquarters from which they plan and implement their terrorist conspiracies. There is another equally important problem. The U.N. has yet to devise a mechanism that imposes costs on a state that supports terrorism or harbors terrorist leaders. For example, it was known that after Al Qaeda was displaced from Afghanistan that many of their members entered and later were given sanctuary in Iran. Yet, the United Nations (and the Bush administration) was powerless to force Iran to turn over the Al Qaeda foot soldiers.

Are there recommendations to improve global efforts to confront terrorism? Victor Comras, Alistair Millar, and Brian Wilson offer this statement: "For future success, the U.N. would be wise to build from former U.N. Secretary General Kofi Annan's 2005 five-pillar counterterrorism strategy." The five pillars include the following: "Dissuade groups from resorting to terrorism; Deny terrorists the means to carry out an attack; Deter states from supporting terrorist groups; Develop state capacity to prevent terrorism; and Defend human rights in the context of terrorism and counterterrorism."

The U.N. faces notable challenges in its efforts in counterterrorism. One such challenge remains the body's inability to hold member states accountable for failing to pursue designated terrorist organizations." The U.N., according to Millar, should move to improve their practices. He offers an example of how to achieve better results. The U.N. should provide "legitimacy for multilateral action, keeping terrorism on the global policy agenda, and sustaining political momentum for counterterrorism initiatives." There is another important dilemma that indicates the extent to which the diplomatic efforts have failed to curtail terrorist states and terrorist organizations.

For example, the U.N. has done little to curb the actions of state sponsors of terrorism or those states that harbor terrorists. This point is a reminder of Iran as a state sponsor of terrorism and a state that harbors terrorists. Many member states argue that this issue should be addressed immediately. However, due to politics among the permanent five members of the U.N. Security Council, this issue will not be resolved in the short term so long Russia, a supporter of Iran, retains the option of executing its veto power. There is a strange of not perverse irony, in the age when transnational terrorist non-state actors continue to undermine security; it is the politics among states that often hamper measures to end the scourge of terrorism. In the final analysis, the role of diplomacy in the war on terrorism cannot be overstated. Its role may be best captured in a quote found in the article, "Counterterrorism Pitfalls: What the US fight Against ISIS and Al Qaeda Should Avoid." The quote is as following: "Fighting terrorists without a diplomat … is a fool's game."

Conclusion and Recommendations

Terrorism persists despite the efforts made through international diplomacy to combat global terrorism. This is perhaps a revelation of the inadequacy of those measures. It also underscores the need for a more viable, results-oriented approach to solving the problem of terrorism. There remains the great need to find the right causes of the underlying problems and not just focus on their symptoms. The United Nations Organization has been on the forefront, without success, to come up with a universal and comprehensive definition of terrorism. This definition would serve as a yardstick against which violent actions would be gauged to determine whether or not they amount to terrorism. For more than fourteen years, the United Nations has battled with this task through committee work, resolutions, and calls for concerted State actions to fight the problem. The inability of States to adopt a

Comprehensive Convention on International Terrorism, which would provide an adequate definition of terrorism owing to unnecessary parochial interest, should be deprecated.

Solving the problem of terrorism calls for a multidimensional approach and does not lie in using only military action, which can only cure the symptoms of terrorism – the outward manifestation – and not the problem itself. It is one thing to recognize the need to tackle terrorism using a complex approach – as the UN has observed in the recommendations of the High-level panel – and it is another thing to take bold steps in the direction of combating terrorism. There is a need for a change in the way people perceive terrorism. This change can be achieved by campaign, both at the grassroots and upper levels. This change is where the role of NGOs and other international organizations becomes indispensable. This paper places much premium on this approach.

Having found a link between politics and terrorism, it becomes crucial that those who control the machinery of government should be committed to democracy. A periodic election is a necessary tool for achieving democracy. It is time leaders discarded the idea of clinging to power at the displeasure of the governed. The recent happenings in Egypt are still fresh in our minds, and those of Libya are even fresher. They are the conditions that breed terrorism, especially when the individuals feel that the government is being supported by a foreign State. Governments and financial institutions should be more vigilant over, and where necessary, place stricter monitoring, on the transfer of funds. To the extent permissible by international law, states should be more cautious in the area of international trade, so as not to allow the movement of arms, which can be used for terrorist purposes. There is a need for promotion of international cooperation in criminal matters, especially as it pertains to terrorism. Criminal sanctions still have a deterrent purpose, in spite of whatever objections trail its application. States and individuals should see themselves as stakeholders in the task of combating terrorism. Above all, counter terrorism should not be divorced from human rights; rather, both are complementary and should be adopted in the cause against terrorism. Anything to the contrary would lead to abuse and denial of human rights, which would have a negative impact on the task at hand. In fact, the efforts at combating terrorism should be given a human rights approach. Human rights bodies should increase their participation and should liaise with other stakeholders to achieve a terrorism-free international community.

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