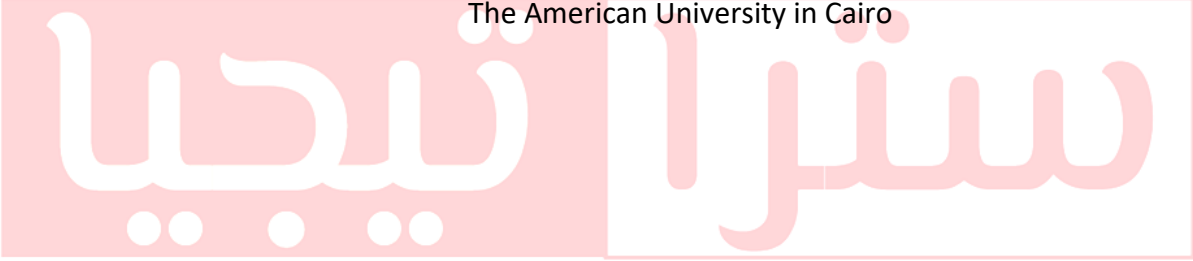


UN GLOBAL COUNTER-TERRORISM STRATEGY CHALLENGES &
OPPORTUNITIES

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I. Introduction

The international community has never succeeded in developing an accepted comprehensive definition of terrorism. During the 1970s and 1980s, the United Nations attempts to define the term failed mainly due to differences of opinion between various members about the use of violence in the context of conflicts over national liberation and self-determination. The 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, recognized in Article 1. Paragraph 4¹ "... in which peoples are fighting against colonial domination and alien occupation and against racist regimes..." this paragraph in article 1 contains many ambiguities on the issue of who is, or is not a legitimate combatant. Hence depending on the perspective of the state a resistance movements, may or may not be labeled terrorist group, based on whether the members of a resistance movement are considered lawful or unlawful combatants and their right to resist occupation is recognized.

Historically, Post World War I, the League of Nations Convention (1937) has defined terrorism as "All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of

¹. United Nations, Treaty Series: Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), P7
<https://treaties.un.org/doc/publication/unts/volume%201125/volume-1125-i-17512-english.pdf>

particular persons or a group of persons or the general public.”² Later the United Nations organs have put forward some broad political definitions of terrorism. The UN General Assembly Resolutions, 1996 non-binding United Nations Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed to the UN General Assembly Resolution 51/210, described terrorist activities in the following terms: “Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.”³ Further in 2004, United Nations Security Council Resolution 1566 condemned terrorist acts as: “criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical,

² Christian Walter, *Defining Terrorism in National and international Law*, in Walter Christian, VonekySilja, Roben Volker (ED) *Terrorism as a Challenge for International Law: Security Versus Liberty?* Berlin/Heidelberg (Springer 2003) pp9/10

³ United Nations General Assembly: A/RES/51/210, 88th plenary meeting, 17 December 1996: <http://www.un.org/documents/ga/res/51/a51r210.htm>

ideological, racial, ethnic, religious or other similar nature⁴. Also in 2004, a High-Level Panel Report on Threats, Challenges and Change which was produced by a group composed of independent experts convened by the Secretary-General of the United Nations called states to set aside their differences and to adopt, in the text of a proposed Comprehensive Convention on International Terrorism, with the following political "description of terrorism": "any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act."⁵ The following year, Secretary-General of the United Nations Kofi Annan endorsed the High Level Panel's definition of terrorism and asked states to set aside their differences and to adopt that definition within the proposed comprehensive terrorism convention before the end of that year.⁶ However, the lack of consensus regarding a unanimous agreed upon definition to terrorism continued. In fact, the

⁴ Security Council resolution 1566 (2004), UN Web Site: <http://www.un.org/press/en/2004/sc8214.doc.htm>

⁵ Report of the High Level Panel on Threats, Challenges and Change "A more secure world: Our shared responsibility" (2004) para. 164: http://www.un.org/en/peacebuilding/pdf/historical/hlp_more_secure_world.pdf

⁶ United Nations General Assembly, Secretary General, and Report of the Secretary-General In larger freedom: towards development, security and human rights for all Chapter 3 (2005) para. 91: http://www.un.org/en/events/pastevents/in_larger_freedom.shtml

suggestion of incorporating High Level Panel report definition of terrorism into the comprehensive convention was rejected.

Some United Nations' Member States contended that a definition such as the one proposed by the High-Level Panel Report on Threats, Challenges and Change, and endorsed by the Secretary General, lacked the necessary requirements to be incorporated in a criminal law instrument. Carlos Diaz-Paniagua, who coordinated the negotiations of the proposed Comprehensive Convention on International Terrorism, stated that a comprehensive definition of terrorism to be included in a criminal law treaty must have "legal precision, certainty, and fair-labeling of the criminal conduct - all of which emanate from the basic human rights obligation to observe due process."⁷ This lack of consensus has resulted in the fact that the 'only general characteristic generally agreed upon is that terrorism involves violence and the threat of violence.' Yet terrorism is hardly the only enterprise involving violence and the threat of violence. So does war, coercive diplomacy, one man's terrorist is another man's freedom fighter. This paper is an attempt to explain the United Nations Global Counter Terrorism Strategy that was developed in 2006 to combat terrorism. The methodology applied in this paper will analyze the challenges and opportunities involved in implementing this strategy. The paper will

⁷ Robert P. Barnidge, *Non-State Actors and Terrorism: Applying the Law of State Responsibility and the Due Diligence Principle*, The Hague: TMC Asser Press, 2007, p. 17.

adapt the legal approach in investigating the United Nations resolutions and reports, in addition to applying the System Analysis, as the United Nations Global Counter Terrorism Strategy being the input that goes into conversion system in the international relations dynamics, resulting in outcomes that has not succeeded so far, in eliminating terrorism, with feedback generated in further refining of the UN strategy. Structural Functionalism will be also be applied in a complimentary approach, to measure to what extent has the UN Global Counter Terrorism Strategy, led to building a more functional structure on combatting terrorism.

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II. UN Global Counter Terrorism Strategy

The United Nations General Assembly adopted the Global Counter-Terrorism Strategy on 8 September 2006. The adoption of the strategy fulfilled the commitment made by world leaders at the 2005 September Summit, and builds on many of the elements proposed by the Secretary-General in his 2 May 2006 report, entitled “Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy”. The General Assembly reviews the Strategy every two years, in order to make it a living document attuned to Member States’ counter-terrorism priorities. The Global Counter Terrorism Strategy in the form of General Assembly and Security Council resolutions and an annexed Plan of Action (A/RES/60/288) is composed of four pillars. The first, addressing

the conditions conducive to the spread of terrorism, the second pillar, measures to prevent and combat terrorism, the third pillar, measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard, the fourth pillar, measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism⁸.

The first pillar of the strategy is addressing the conditions conducive to the spread of terrorism. The UN in the Global Counter Terrorism Strategy, intended to resolve prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism. To attain this goal, the United Nations continued to strengthen and make best possible use of the capacities of the UN in areas such as: conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peace building, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. The United Nations has also continued to arrange initiatives and programs to promote the dialogue for tolerance

⁸Global Counter-Terrorism Strategy, contained in General Assembly resolution 60/288 of 8 September 2006
<https://www.un.org/counterterrorism/ctitf/en/un-global-counter-terrorism-strategy>

and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for, and prevent the defamation of religions, religious values, beliefs and cultures such as the Secretary-General of the initiative on the Alliance of Civilizations and encouraging the United Nations Educational, Scientific and Cultural Organization (UNESCO) to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations. The UN continued to work to adopt such measures as may be necessary and appropriate and in accordance with the obligations under international law, to prohibit by law incitement to commit a terrorist act, or acts and prevent such conduct. Through the Millennium Development Goals the UN worked to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists. The United Nations system as a whole scaled up the cooperation and assistance it was already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development and considered putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their

lives. In this regard, the UN encourages States to request the relevant United Nations entities to help them to develop such national systems.⁹

The second Pillar in the UN Global Counter Terrorism Strategy is: measures to prevent and combat terrorism, by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks. This is through imposing refraining from organizing, instigating, facilitating, participating in, and financing, encouraging or tolerating terrorist activities. The UN in this pillar makes sure that states would cooperate fully in the fight against terrorism, in accordance with obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, or perpetration of terrorist acts or provides safe havens. In addition, through this pillar the United Nations, continue to work on ensuring the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. And urges cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism with coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug

⁹Ibid: PP 5/7

trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defense systems , money laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials. The United Nations Global Counter Terrorism Strategy, calls on states to consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them.¹⁰

The table below illustrates UN Conventions that are referred to in the UN Global Counter Terrorism Strategy second pillar. The Conventions are listed in chronological historical order, which started back in 1963. As Between 1963 and 2014, under the auspices of the United Nations and its specialized agencies, the international community developed 19 international counter-terrorism instruments which are open to participation by all Member States.

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UN Conventions to Combat Terrorism

Year	No	UN Conventions Against Terrorism
1963		Convention on Offences and Certain Other Acts

¹⁰ Ibid: PP 10/11

	1	Committed On Board Aircraft(<i>Aircraft Convention</i>)
1970	2	1970 Convention for the Suppression of Unlawful Seizure of Aircraft (<i>Unlawful Seizure Convention</i>)
1971	3	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (<i>Civil Aviation Convention</i>)
1973	4	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons(<i>Diplomatic agents Convention</i>)
1979	5	International Convention against the Taking of Hostages (<i>Hostages Convention</i>)
1980	6	Convention on the Physical Protection of Nuclear Material (<i>Nuclear Materials Convention</i>)
1988	7	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal

		Convention on Air Safety) (<i>Airport Protocol</i>)
198 8	8	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation(<i>Maritime Convention</i>)
198 8	9	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Fixed Platform Protocol)
199 1	1 0	Convention on the Marking of Plastic Explosives for the Purpose of Detection (Plastic Explosives Convention)
199 7	1 1	International Convention for the Suppression of Terrorist Bombings (Terrorist Bombing Convention)
199 9	1 2	International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention)
200 5	1 3	International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention)
200 5	1 4	16. Protocol to the Protocol Suppression Unlawful Acts against Safety Fixed Platforms on the Continental Shelf

2005	15	Protocol Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
2005	16	4. Amendment to the Convention on the Physical Protection of Nuclear Material
2010	17	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention)
2010	18	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol)
2014	19	Protocol to the Convention on Offences and Certain other Acts Committed on Board Aircraft

Table 1¹¹

Further in the second Pillar in the UN Global Counter Terrorism Strategy, is to take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities. And to encourage relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centers, while, encouraging States to implement the comprehensive international standards embodied in the Financial Action Task Force's

¹¹ Security Council Counter Terrorism International Law Documents: <http://www.un.org/en/sc/ctc/laws.html>

Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing.

In this pillar, the United Nations system seeks to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the International Criminal Police Organization's contemplated Biocrimes Database. In addition to encouraging states to work with the United Nations, with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the internet, use as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.

Further this pillar, of combatting and preventing terrorism in the UN Global Counter Terrorism Strategy has also focused on step-up national efforts and bilateral, sub-regional, regional and international co-operation, as appropriate, to improve border and customs controls, in order to prevent and detect the movement of terrorists, and to prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect while encouraging the United

Nations Counter Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations, and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization. In addition to encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities , as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In this regard, the UN encouraged States to share information, by widely distributing the International Criminal Police Organization-United Nations Special Notices concerning people subject to this sanctions regime, and to step up efforts and co-operation at every level, as appropriate, to improve the security on manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use.

The United Nations in its second pillar of the Global Counter Terrorism Strategy, seeks to improve co-ordination in planning a response to a

terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency co-ordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In addition to step up all efforts to improve the security and protection of particularly vulnerable targets such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to that effect.¹²

The third pillar in the UN Global Counter Terrorism Strategy is: measures to build States capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard, as the capacity-building in all States is a core element of the global counter-terrorism effort. The United Nations encourages Member States through this pillar to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. The UN through the strategy encourages reaching out to the private sector for contributions to capacity-building programs, in particular in the areas of port, maritime and civil aviation security. The UN also encourages member

¹² Counter Terrorism Implementing Task Force, Section II, paragraph 17 :
<https://www.un.org/counterterrorism/ctitf/en/preventing-and-responding-wmd-terrorist-attacks>

states to take advantage of the framework provided by relevant international, regional and sub-regional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area, and to consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter terrorism measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States.

The third pillar of the strategy encourages the United Nations Counter-Terrorism Committee (CTC)¹³ and its Executive Directorate (CTED) to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and sub-regional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance

¹³ Counter Terrorism Committee. Guided by Security Council resolutions 1373 (2001) and 1624 (2005), the CTC works to bolster the ability of United Nations Member States to prevent terrorist acts both within their borders and across regions. It was established in the wake of the 11 September terrorist attacks in the United States. The CTC is assisted by the Counter-Terrorism Committee Executive Directorate (CTED), which carries out the policy decisions of the Committee, conducts expert assessments of each Member State and facilitates counter-terrorism technical assistance to countries: <https://www.un.org/sc/ctc/>

provider while encouraging the United Nations Office on Drugs and Crime¹⁴, including its Terrorism Prevention Branch, to enhance, in close consultation with the United Nations Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions¹⁵.

The following table illustrates UN Security Council Resolutions that are referred to in the UN Global Counter Terrorism Strategy in historical chronological order, the historical developments, of the resolutions reflect the feedback of the UN to the development of terrorism threats on the global level.

Table 2: Main Security Council Resolutions in Combatting Terrorism

Yea	No	Security Council Resolution
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¹⁴ Office of Drugs and Crimes: UNODC is a global leader in the fight against illicit drugs and international crime. Established in 1997 through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention, UNODC operates in all regions of the world through an extensive network of field offices. UNODC relies on voluntary contributions, mainly from Governments, for 90 per cent of its budget

¹⁵General Assembly Sixty-sixth session Agenda item 118 United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy Report of the Secretary-General <http://www.un.org/en/terrorism/ctitf/pdfs/A%2066%20762%20English.pdf>

r		
199 9	126 7	Establishing Committee for monitoring the sanctions against the Taliban (and subsequently Al-Qaida as of 2000)
199 9	126 9	Encouraging the efforts to promote universal participation in and implementation of the existing international anti-terrorist conventions
200 1	137 3	Prevention and suppression of terrorist financing, International cooperation, Prevention and criminalization of terrorist acts, Establishment of the Counter-Terrorism Committee
200 4	154 0	Calls on States to prevent & Refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, transport or use weapons of mass destruction, Establishes a Committee which will report to the Security Council
200 4	156 6	Member States to take action against groups and organizations engaged in terrorist activities that were not subject to the 1267 Committee's review, to explore the possibility of setting up a compensation fund for victims of terrorism
200 5	161 7	-Member states to: Freeze funds and other financial resources owned or controlled by members of these groups, Prohibit members of these groups to transit or to enter the

		country, Prohibit the supply, sale or transfer of weapons to members of these groups Security Council resolution 1617 (2005)/Monitors the implementation of the sanctions Compiles, updates and circulates the lists of persons and entities subject to the sanction , Obligation upon the States to report to the Sanctions Committee
200 5	162 4	Regarding Incitement to Terrorism: Member States to Prohibit by law incitement to commit a terrorist act or acts and prevent such conduct, Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct, to report to the Counter-Terrorism Committee on the steps they have taken to implement this resolution
200 5	163 1	Regarding Cooperation with Regional Organizations: Urges that regional and sub regional organizations strengthen their capacity in “conflict prevention,” “crisis management,” and “post-conflict stabilization,” specifically in Africa, Expresses the determination” of the UNSC to improve cooperation between the UN and regional and sub-regional organizations
		Extending the Counter-Terrorism Committee Executive

200	178	Directorate Mandate
7	7	-extends CTED Mandate until 31 March 2008
200	180	-extends CTED Mandate until 31 December 2010
8	5	-extends CTED Mandate until 31 December 2013
201	196	-extends CTED Mandate until 31 December 2017
0	3	
201	212	
3	9	
201	213	Regarding Kidnapping for Ransom by Terrorist Organizations: Reaffirms condemnation of financing of terrorism in resolution 1373 (2001), Encourages States and the Counter-Terrorism Committee to engage in dialogue about the procedure for citizens held for ransom by terrorist groups
4	3	
201	217	Measures against ISIL, Al-Nusra Front (ANF), and Al-Qaida: Asks States to address the problem of “foreign terrorist fighters” traveling from their home countries to join these groups, Calls on States to stop their citizens from financing or trading with these groups, Requests a report on the situation from the Monitoring Team
4	0	

201 4	217 8	Regarding Foreign Terrorist Fighters and Financing of Terrorist Organizations: Calls on States to prevent foreign terrorist fighters from traveling to join “ISIL, ANF and other cells, affiliates, splinter groups or derivatives of Al-Qaida” , Calls for international cooperation in this effort
201 4	219 5	Regarding Terrorism and International Organized Crime: Urges States to prioritize implementing protocols for combating transnational organized crime, Stresses the need to fight against organized crime, particularly as it can be used to finance terrorist groups such as Boko Haram, Al-Qaida, the Taliban, and Da’esh, Calls on states to strengthen border security to combat international organized crime, especially in Africa
201 5	219 9	Regarding Threats to International Peace and Security by Terrorism: Condemns trade with groups associated with Al-Qaida, including ISIL and ANF, Says that resolution 2161 (2014) prohibits the payment of ransom to these groups, Specifies that trade in oil and refined oil should not benefit these groups
201 5	224 9	Condemning Attacks by ISIL: in response to attacks in Sousse, Ankara, the Sinai Peninsula, Beirut, and Paris, Calls the threat posed by ISIL “unprecedented”
201	225	Response to “the rise of radicalization to violence and

5	0	violent extremism, especially among youth “Urges increased representation of youth in decision-making
201 5	225 3	Expanding Sanctions to Focus on ISIL: Strengthens and expands the framework of existing sanctions, Provides for an “asset freeze,” “travel ban,” and “arms embargo,” listing measures for implementation, Reiterates the responsibility of States to prevent terrorist financing by their citizens
201 5	225 5	Sanctions Against Taliban-Affiliated Groups: Clarifies exemptions to asset freezes and travel bans against Taliban-affiliated groups, Reaffirms the need to combat terrorism financing, Condemns the flow of arms and equipment to the Taliban and related groups
201 6	232 2	Aiming to Strengthen international Judiciary Cooperation including by investigators, prosecutors and judges, in order to prevent, investigate and prosecute terrorist acts, and expressed concern at the use by terrorists of information and communications technologies.

Table no 2¹⁶

¹⁶ UN Security Council resolutions on Terrorism, UN Web Site: <http://www.un.org/en/sc/ctc/resources/res-sc.html>

The third pillar in the UN Global Counter Terrorism Strategy, encourages The UN agencies and bodies to work on combating terrorism. First, it encourages the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and financing of terrorism. Second, it encourages the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials. Third, it encourage the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists. Fourth, it encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their co-operation, work with States to identify any national shortfalls in areas of transport security and provide assistance upon request to address them. Fifth, it encourages the United Nations to work with Member States and relevant international, regional and sub-regional organizations to identify and share best practices to prevent terrorist

attacks on particularly vulnerable targets. Last but not least, the UN invites the International Criminal Police Organization to work with the Secretary General so that he can submit proposals to this effect. The UN also recognize the importance of developing public-private partnerships in this area.

The fourth pillar in the UN Global Counter Terrorism Strategy is: Measures to ensure becoming parties and respect for human rights conventions, refugee's laws and international humanitarian law, and their monitoring bodies, for all and the rule of law as the fundamental basis of the fight against terrorism. This pillar in the strategy recognizes that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism based on the General Assembly resolution 60/158 of 16 December 2005¹⁷ which provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism".

The fourth pillar of the Strategy, urges Member States to exert every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with UN obligations under international law, that any person who participates in

¹⁷ General Assembly resolution 60/158 of 16 December 2005:
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/158

the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. States can get technical assistance in this respect by the United Nations Office on Drugs and Crime. The UN Human Rights Council¹⁸, also contribute to this pillar, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism.

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III. Implementation Mechanism of the UN Global Counter Terrorism Strategy

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¹⁸ The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. The Council was created by the United Nations General Assembly on 15 March 2006 by resolution [60/251](#). The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, and independent experts and working groups that monitor, examine, advice and publicly report on thematic issues or human rights situations in specific countries. (Human Rights Council Web Site: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>)

Since the adoption of the UN Global Counter Terrorism Strategy in 2006, much of the implementation work has been initiated by the UN system, under the leadership of the Counter Terrorism Implementation Task Force (CTITF)

The General Assembly welcomed the institutionalization of the Task Force, which brings together representatives of 24 actors - UN entities and other international organizations - active in the area of counter-terrorism , working in coordination under mandates from the General Assembly, the Security Council, and various specialized agencies, funds, and programs.

The work carried out by Task Force entities does not substitute actions taken by Member States nor does it aim to supersede existing UN mechanisms, including the Security Council related bodies, but it complements and supports their work.

The Task Force framework serves as an ‘umbrella’ for coordinating the individual actions of its entities into a common strategic effort as well as combining the expertise and capacity of various entities to pursue actions called for by the Strategy. Following the adoption of the Strategy, efforts by the CTITF were aimed at assisting Member States in implementing the Strategy. The Task Force established several Working Groups and identified concrete areas in which the UN system efforts are needed. These areas include: assisting interested Member States in implementing the Strategy in an integrated manner, providing a forum

for addressing political and economic exclusion, in particular among youth; enhancing technical assistance assessment, delivery, and follow-up, improving UN coordination in planning the response to a terrorist attack that uses nuclear, chemical, biological or radiological materials, bringing together stakeholders and partners to discuss the abuse of the internet for terrorist purposes and identify innovative means to counter it, finding ways to meet international standards for countering financing of terrorism, establishing best practices on protecting vulnerable targets , including UN field staff, and creating a mechanism to share experience in this regard, assisting countries in strengthening domestic legislation to protect human rights in order to comply with international standards, and bringing together victims from around the world to identify their needs and possible government responses¹⁹.



IV. Opportunities Supporting the Effectiveness of the Intended Outcome of the United Nations Global Counter Terrorism Strategy

The United Nations has 193 Member States. In fact, the UN supporting a Global Counter Terrorism Strategy provides global membership to the strategy founding values. It encourage states to join the UN Nineteen Conventions on combatting terrorism, which was joined only by two

¹⁹ UN CTITF web site: <https://www.un.org/counterterrorism/ctitf/>

members only before the eleventh of September attack on 2001, and obliges them to abide to the binding Security Council resolution in this regard.

The UN Global Counter Terrorism Strategy provides directly and indirectly related Security Council resolutions on combatting Terrorism that are binding to Member States. The Member States are also requested to submit annual reports to the Counter Terrorism Committee that monitors the implementation of Resolution 1373, which was produced under Chapter VII of the UN Charter, to obligate Member States to take a number of measures to prevent terrorist activities, criminalize various forms of terrorist actions, assist and promote cooperation among countries including adherence to international counter-terrorism instruments. Over time, the CTC and its subsidiary body, CTED have developed more consensual modalities for monitoring compliance than those that were initially used, and have consequently enjoyed much more success²⁰. Linking compliance monitoring, to the facilitation of capacity building described in the third pillar in the UN Global Counter Terrorism Strategy, has been a key part of this process; states are much more willing to discuss their incapacities, if the discussion seems to hold out the prospect of those incapacities being addressed through partnership and support. Multilateral cooperation on terrorism benefited from the renewed energy and urgency that followed

²⁰ Security Council Counter Terrorism Web Site: <https://www.un.org/sc/ctc/>

the September 11 attacks on the United States and its interests, and subsequent attacks in Europe, Russia, Africa, the Middle East and around Asia. Over the past decade and a half, the international community has developed instruments and created new initiatives to address the threat of terrorist attacks which was all accumulated in the UN Global Counter Terrorism Strategy.

Member States of the UN, cannot tackle the threats posed by transnational terrorist and criminal networks and extremists on their own. They need a global framework of norms, cooperation, and assistance in order to do so. Such assistance is provided in building the capacity of the state through the third pillar of the UN Global Counter Terrorism Strategy. The United Nations has had clear successes on counterterrorism capacity building in the last decade and a half, particularly in areas where the UN family can facilitate Member States' access to niche expertise, such as civil aviation (the International Civil Aviation Organization) and border controls. The major success of the Counter-Terrorism Committee Executive Directorate (CTED) in the last five years has been precisely to move from being perceived as solely focused on coercive compliance to being perceived as a partner for states in identifying and facilitating capacity building from other donors tailored to meet state needs. The UN Office on Drugs and Crime's (UNODC) Terrorism Prevention Branch (TPB) too is frequently singled

out for praise for its capacity-building work. Yet, much more could be done²¹.

The question of UN leadership to fulfill the need for a coherent UN message and voice is very vital. The UN provides leadership in combatting global terrorism and transnational threats. The shift toward “prevention” in the second pillar of the strategy that offers: Measures to prevent and combat terrorism prioritizes soft power rather than hard power and civilian rather than military efforts, which makes the UN with its Economic and Social Council (ECOSOC) multiple agencies role in generating and leveraging political legitimacy all the more relevant and appropriate.

The United Nations has a unique comparative advantage as a convener; a forum for discussion, norm development, and dispute resolution; and a space for generating mutual understanding and even learning. The United Nations is seen as having some success in exploiting this comparative advantage over the last decade and a half in the realm of counter terrorism. A further Comparative advantage, is the UN long history of engaging civil society actors around the world on complex and sensitive security and social issues, ranging from nonproliferation to

²¹ James Cockayne, Alistair Millar, David Cortright and Peter Romaniuk, Reshaping United Nations Counterterrorism Efforts Blue-Sky Thinking for Global Counterterrorism Cooperation 10 Years After 9/11, Switzerland, Center on Global Counterterrorism Cooperation, 2012.pp 45/50

human rights to disease prevention. All these issues are included in the second and third pillar of the UN Global Counter Terrorism Strategy²².

V. Challenges Confronting the Effectiveness of the Intended Outcome of the United Nations Global Counter Terrorism Strategy

As much as the UN Global Counter Terrorism Strategy has several opportunities, it is also confronted by various challenges. The first challenge, is fueled by the lack of unanimously agreed upon definition of terrorism. No international legal definition of terrorism has been agreed upon. And although the United Nations documents provide operational definitions or interpretations of customary international law, and existing conventions against terrorism do provide a universal legal regime against terrorism, none is comprehensive. The UN General Assembly has not reached consensus on a definition of terrorism that would be adhered to by all countries. In turn, differences over the definition have been a major factor in the failure to pass a Comprehensive Convention on Terrorism, which criminalizes all forms of international terrorism. However, till this consensus is attained, a person or a group who are viewed from a certain perspective as terrorist can be viewed from another perspective as a free fighter or a martyr.

²² Over the course of the “Civil Society Side Event” held to mark the 10th anniversary of the adoption of Security Council Resolution 1373 and the establishment of the Counter-Terrorism Committee on 28 September 2011. See <http://www.unmultimedia.org/tv/webcast/2011/09/counter-terrorism-committee-civil-society-side-event.html>.

The second challenge, is at that institutional level of the United Nations, as much more needs to be done. The role of the UN General Assembly is limited by its inability to pass binding resolutions. In fact the UN is a legislative body with no capacity to execute its legislations. It is even often viewed to lack of legitimacy because of the lack of full global demographic, and geographic representation in the five permanent members of the Security council, and the lack of democratic decision making process because of the veto rights entitled to the five permanent members, which hinders UN capacity and credibility in implementing its Global Counter Terrorism Strategy.

The third challenge, is that the fourth pillar of the UN Global Counter Terrorism Strategy emphasizes the respect for human rights for all, and the rule of law, as the fundamental basis of the fight against terrorism. This pillar complements the first pillar of the Strategy that considers respect to human rights as a preventive measure. Yet, as the United Nations takes the lead on counterterrorism efforts, it faces challenges in this area. On human rights, the UN General Assembly, Security Council, and Human Rights Council have taken significant steps to emphasize the centrality of human rights protection to effective counterterrorism efforts. Increasingly, the UN approach to counterterrorism promotes a nonmilitary, rule of law–based model. The United Nations has played an important role in galvanizing states around this approach. Yet, concern remains that even now there are weaknesses in the United Nations’

integration of human rights and counterterrorism activities and in the efforts by states to implement their UN-backed counterterrorism obligations. Ongoing concerns that listing and delisting arrangements may still not measure up to judicial scrutiny and that the Security Council and General Assembly may still not be paying adequate attention to the human rights impact of national-level implementation of UN counterterrorism norms continue to undermine. In addition to the fact that Promoting and protecting human rights while pursuing counterterrorism efforts, continues to be a significant challenge. There is also reluctance of some states to incorporate the human rights agenda which overshadows the emerging consensus among UN member states that human rights are a fundamental part of counterterrorism. Furthermore, the primary framework, Security Council Resolution (UNSCR) 1373, obliges countries to implement legal measures to combat terrorism, yet fails to establish limits on what these new laws should entail. Human rights were not mentioned in UNSCR 1373 beyond a reference regarding refugee status, to the extent that some governments took the mandate of UNSCR 1373 as an opportunity to squash internal dissent.

Fourth, monitoring and enforcement of commitments to UN Global Counter Terrorism Strategy remains spotty, because some countries lack of political will, or governance capacity, particularly when dealing with

non-state actors. Moreover, terrorists increasingly resort to informal methods of financial support that are more difficult to curtail.

Fifth, there is a lack of capacity of the United Nations to address the conditions conducive to the spread of terrorism, as mentioned in the first pillar of the strategy and the lack of capacity to resolve the unresolved conflicts, such as the Arab Israeli Conflict, since 1948, Afghanistan since 1978, Iraq since 2003, Turkish/Kurdish conflict since 1984, Somalia civil war since 1991, communal conflict in Nigeria since 1998, War in Sudan Darfur 2003, War in North West Pakistan since 2004, let alone new conflicts that developed in post 2010 in the Arab World, such as Syria, Libya, and Yemen²³. The diagram below reflects the number of unresolved conflicts from 2013 to 2015, in relation to fatalities, in fact these unresolved conflicts have been one of the fuels of terrorism that the United Nations couldn't get over.

²³ JEAN-MARIE GUÉHENNO, Ten Conflicts to Watch in 2016, Foreign Policy, 3 January 2016, P. 7/10

**Diagram 1:
Unresolved
Conflicts
2013/2015 and
Fatalities**

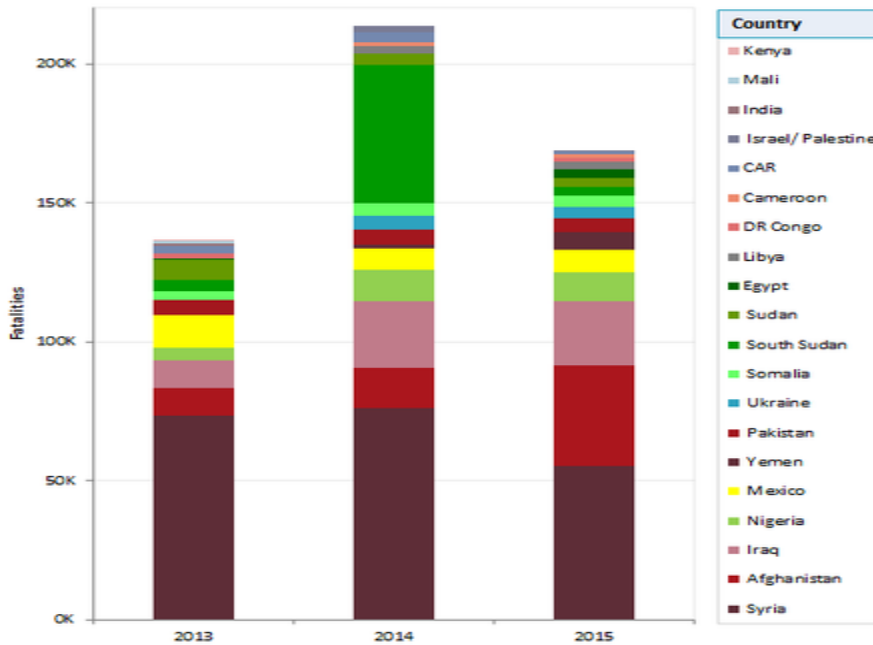


Diagram 1

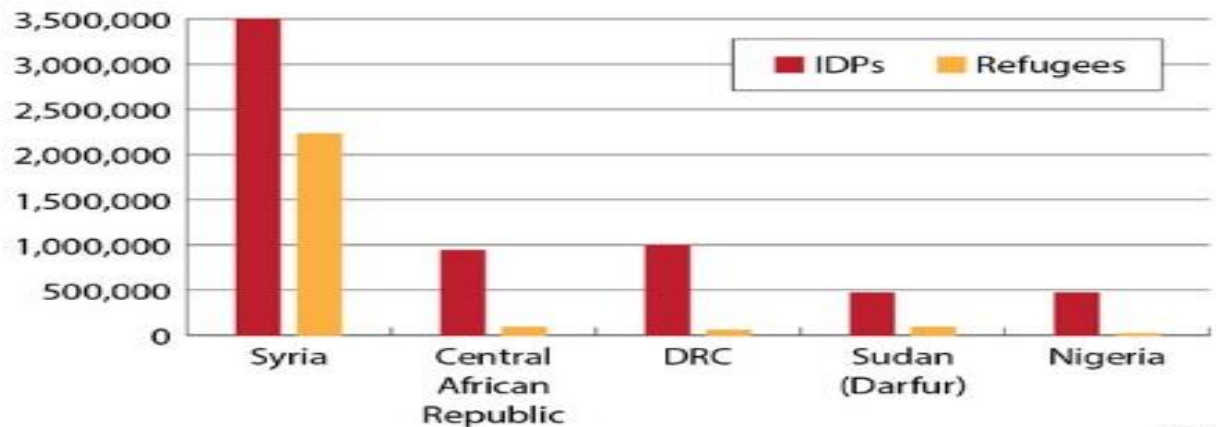
The Diagram reflects the displacement and

refugees situation in 2013 because of the lack of success in resolving conflicts²⁴

Diagram 2: Armed Conflicts in 2013 Displacement & Refugees

²⁴ The International Institute for Strategic Studies: <http://www.iiss.org/en/searchresultpage?q=conflict-related%20fatalities&page=0&size=10>

New displacement 2013



©IISS

Diagram 2 ²⁵

Although the he number of Security Council resolutions has increased tremendously post-cold war, however, the impact of this increase has not resulted in eliminating terrorism. Security Council Resolutions has increased from zero in 1945 to 725 in 1991 (end of Cold war to be) to accumulate to 724 resolutions in 46 years. The number of resolution has increased from 724 in 1991 to 2133 in 2016 to accumulate to the Security Council producing 1606 resolution in 25 years. The Number of Peace keeping missions deployed have increased from two in 1948 to twenty four in1991(after the end of the cold war) while from 1991 to 2016 forty six Peace Keeping missions were deployed²⁶. However this increase in activeness of the producing Security Council Resolutions, and deployment of Peace Keeping operations, did not result in effectiveness in attaint global peace and security. Same applies for the

²⁵ Ibid

²⁶ Peace Keeping Fact Sheets, UN Web Site on Peace Keeping, <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>

effectiveness of the UN Human Rights Council and Peace Building Committee that were established in 2005. In fact, pillar three in the UN Global Counter Terrorism Strategy is dependent on the efforts of UN agencies and institutions, which have proved often inefficiency due to budget deficiency or being affected by the double standardization that governs the UN in general and the Security Council in specific.


The UN millennium Development goals targeting poverty, human rights, and human security have attained a level of success but not enough due to various global obstacles worldwide. In fact, activeness of UN bodies were not reflected in effectiveness as conditions that lead to the spread of terrorism such as, poor education, health, lack of inclusion. This has resulted in weak capacity of the first pillar in the Global Counter Terrorism Strategy that focus on the addressing the conditions conducive to the spread of terrorism.

Sixth, the UN Global Counter Terrorism Strategy is dependent on the Member States political will to cooperate and coordinate in the implementation of the strategy. However, experience has proved that Member States can be sponsors of terrorism. In fact, terrorism has grown beyond extremist groups to also include radical states that sponsor or support terrorist activity as tools of their own foreign policy.²⁷ In

²⁷ History Behind the Headlines: The Origins of Conflicts Worldwide
COPYRIGHT 2001 The Gale Group Inc. <http://www.encyclopedia.com/history/energy-government-and-defense-magazines/state-sponsored-terrorism>

addition to the fact that, the international developments have resulted in failed states that has provided a safe haven impeding the efforts to combat terrorism.

Seventh, The United Nations' strategic leadership role is also undermined by duplication and lack of normative integration on issues closely related to counterterrorism, including transnational threats (fighting drug trafficking and organized crime and technical assistance on rule of law issues). There is a need increased attention to the linkages between these issues and propose some architectural reforms that might foster this, such as, in the most ambitious form, consideration of the future creation of a position of Under Secretary-General for Transnational Threats.



Eighth, there has been no system-wide effort to assess the effectiveness of the UN Global Counter Terrorism Strategy. UN bodies involved in counterterrorism efforts have not systematically thought to measure their own impacts and performance, and are thus unable to reliably identify their comparative advantages in the international counterterrorism arena. The United Nations' so far, lack of attention to performance measurement in its counterterrorism programming hampers efforts by strategic decision-makers to deploy UN political, financial, and human resources in a cost-effective manner. To put the point most provocatively, it is difficult to argue, on the basis of current evidence as

opposed to anecdote and supposition, whether the United Nations is an effective counterterrorism actor. In fact, Reshaping United Nations Counterterrorism Efforts in the counterterrorism field, the measurement of outcomes and impacts is inherently difficult.

Last but not least, the limited funds devoted to multilateral counterterrorism efforts have left little room for the United Nations to provide leadership in this field. Nonetheless, in this fiscal climate, it is timely to ask whether the United Nations can do more to ensure that is adding maximum value given its unique role in the global effort to suppress terrorism.

VI. Conclusion

Over the past decade and a half, the international community has developed instruments and created new initiatives to address the threat of terrorist attacks. All these efforts, accumulated in the UN Global Counter Terrorism Strategy.

To further enhance the United Nations Global Counter Terrorism Strategy outcome, it is proposed that the UN would take various serious steps. First, to overcome the draw backs of the image of the United

Nations, by speeding the implementation of UN needed reforms, to eliminate double standardization, be more representative, democratic and transparent, in order to enhance the organization capacity to attain its goal.

Second, there is a need to reach unanimously agreed on definition of terrorism, with clear criteria. Unless this is attained, the Global Strategy will never be viewed as a legitimate strategy that is applicable on all nations.

Third, a number of concrete steps to address the challenges confronting the Strategy, including increased interaction between the Security Council and United Nations and other sources of human rights expertise and other human rights–promoting changes to the Security Council’s approach to counterterrorism.

Fourth, there is a commonly shared view that UN entities can accomplish far more by working together than any one of them could on its own. However, the Task Force can only succeed if Member States take full ownership of the Strategy and its implementation, at the national, regional and global levels. Lacking any resources from the UN regular budget the mechanism will lead to limiting the implementation of the strategy as , the CTITF relies on limited voluntary contributions from a few of Member States to support its work.

Fifth, raising public awareness among diplomats, stake holders, and those related to the field of the UN Global Counter Terrorism Strategy. Programs are to be implemented to further explain the holistic approach in the strategy, and how states can benefit from the third pillar of that focuses on building states capacity to combat terrorism.

Sixth, the UN needs to better exploit its comparative advantages; the United Nations must take a more deliberate approach to measuring its own performance. Review briefly the efforts undertaken by CTED, the CTITF, and TPB to measure their own performance and conclude that although there is no “off-the-shelf” model for counterterrorism measurement that the United Nations can adopt, experimentation in this field would have quick payoffs. Policymakers should give more attention to questions of performance measurement. In the preparation of work plans and budget documents, performance measurement should be accorded a higher priority.

Finally, terrorism has various origins, and possess an overwhelming security threat. The UN Counter Terrorism Strategy, is a holistic approach to confront this threat. It is built on a solid international law approach, and has various opportunities as well as challenges rooted in it.

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