Introduction

The chapter analyzes United Nations action against terrorism both before and after 9/11. It also discusses about the various Conventions adopted by the United Nations against different acts of terrorism and about their implementation and ratification by different countries. It gives details of the United Nations Global Counter-Terrorism Strategy for the purpose of consolidation of the endeavours of United Nations and its Member States against the menace of terrorism in all its forms and manifestations. There is also a brief discussion about the important regional treaties on terrorism.

The United Nations was formed as a result of the failure of the League of Nations to prevent the outbreak of World War II and its unsuccessful attempts to maintain international peace and security. As a consequence, the United Nations came into existence on 24 October 1945 for the purpose of global governance. Although the issue of terrorism had captivated the attention of the U.N., it was not the matter of significant concern for the newly formed Organization which was faced with the number of emerging challenges such as Cold War and numerous other issues. The environment of Cold War and the problem of decolonized States was one of the main obstacles to reach a consensual definition of terrorism which hampers the United Nations to adopt comprehensive instrument against terrorism.

The world body shows the determination and expectations of millions of men and women residing in large and small nations all over the world that they can dream of peace and wealth amidst horrors and obliteration of war. In spite of having numerous weaknesses the United Nations is the optimal manifestation of the communal desire of man to live in perpetual peace. The Preamble of the U.N. Charter reflects this noble desire of man which pledges “to save succeeding generations from the scourge of war and reaffirms faith in fundamental human rights, and in the dignity of and worth of human person, and in the equal rights of men and women nations large and small.”

According to Article 7 of the U.N. Charter, the United Nations comprises of six organs: The General Assembly, the Security Council, ECOSOC (The Economic and Social Council), the Trusteeship Council, the International Court of Justice
and the Secretariat (the Secretary General). All these six bodies of the United Nations handle the issue of terrorism in one way or another.

- The General Assembly deals with issue of terrorism by passing Resolutions, through long debates, the draft conventions on the issue, since 1996 through special Committee it is dealing with the issue of terrorism;
- The Security Council through justly and operative resolutions and the formation of CTC (the Counter Terrorism Committee);
- The ECOSOC (the Economic and Social Council), by associating the subject of human rights with terrorism, through a special rappoteur;
- The Trusteeship Council deals with the issue of terrorism through non−debate on freedom fighters v. terrorists and the connection to self determination;
- The International Court of Justice, for instance in the Lockerbie and the Iranian hostage taking cases; and
- The Secretariat (the Secretariat General) through innumerable initiatives and declarations.\(^2\)

In combating terrorism the role of United Nations is long standing. Yet, it fails to deal effectively with the menace of terrorism due to the lack of consensus among the Member States.

Terrorism is an issue of grave concern in today’s globalized world and is a serious threat to international peace and security which goes against the very spirit of the Charter of the United Nations. This result in the infringement of human rights, and the counter-terrorism policies frequently result in refutation of even basic freedom and rights of citizens. A study by the Office of the United Nations High Commissioner for Human Rights acknowledges this fact and observes:

Terrorism clearly has a very real and direct impact on human rights, with devastating consequences for the enjoyment of right to life, liberty and physical integrity of victims. In addition to these individual costs, terrorism can destabilize governments, undermine civil society, jeopardize peace and security and threaten social and economic development.\(^3\)

This study also observed that terrorism “threatens the territorial integrity and security of states, constitutes a grave violation of the Purpose and Principles of the United Nations, is a threat to international peace and security, and must be
suppressed as an essential element for the maintenance of international peace and security.”

**United Nations Action against Terrorism before 9/11**

Before the infamous attacks of September 11, 2001, on World Trade Centre of New York the United Nations played a very frivolous role in counter-terrorism. The Charter of the United Nations fails to refer terrorism candidly, “either as one of its many diverse concerns or as a threat to international peace and security.” It only mentions, in Chapter V and VII that it is the duty of Security Council “to maintain international peace and security in accordance with the Principles and Purposes of the United Nations; …to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;…To call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression; and to take military action against an aggressor.” Although terrorism has posed threat to international peace and security for centuries, the attacks of September 11, 2001 transformed and expanded the role of the United Nations to counter and combat terrorism. Before 1980s and 1990s, in the history of United Nations, the issue of terrorism was treated by the States as a localized and a national problem which was not considered as worthy of bringing to the attention of the United Nations.

It is significant to mention here that international community has shown interest and cooperation to combat terrorism as early as 1926. First international conference of Penal Code which was held in 1926 recommended the need to conclude an international convention to combat terrorism. In fact, the issue of international terrorism was discussed in many conferences of the international association for unifying the Penal Code that were held in 1931, 1934, and 1935. Although these endeavours proved unsuccessful in reaching a consensus on the drafting of comprehensive international instrument, they nevertheless contributed in crystallizing the international legal thought in that field. The first formal proposal to conclude such a comprehensive agreement to combat terrorism was submitted by Romania to the League of Nations in 1926. This drive gained momentum at the end of 1934, when France submitted a proposal to the League
of Nations after the assassination of King Alexander I and the French foreign minister in Marseilles earlier that year.\(^6\)

In 1937 the League of Nations organized a conference on the issue of terrorism which resulted in 1937 Geneva Convention for the Prevention and Punishment of Terrorism. One more convention was adopted for the creation of an International Criminal Court. But both these efforts proved futile due to the outburst of Cold War and it also did not receive the required signatures and ratifications by the Member States. As a consequence the focus of major powers was shifted from fight against terrorism to political and ideological rivalry. It was only after the end of Cold War which made possible to progress on the Purposes and Principles of United Nations.\(^7\)

In the year 1960, the issue of terrorism was briefly put forward in the context of the Declaration on Principles of International Law Concerning Friendly Relations and cooperation among States, which was adopted by the General Assembly as Resolution 2625 (XVII) (24 October 1970).\(^8\) Before 1963 the United Nations was not as much concerned about the subject matter of terrorism, nevertheless, it adopted numerous conventions and declarations which might be invoked indirectly to cope with terrorism. Since its inception the United Nations has adopted thirteen international conventions against terrorism which prohibits its different facets and aspects. It is significant to highlight that these conventions primarily concentrate on terrorism perpetrated by the non state actors, avoiding the fact that state actors have been involved in the most awful kind of terrorism.

As a consequence Bassiouni argues:

The United Nations work has focused on state actors as parties responsible for implementing efforts to combat, suppress and prevent terror-violence, while sidestepping possibilities of terror violence committed by state actors themselves.

He also argues that as States monitor the system of the U.N., it is inapt for them to engage in the acts of terrorism. He advocates that if any international crime such as genocide, crimes against humanity, war crimes, torture etc committed by States it should be regarded as terrorism.\(^9\)

The General Assembly and the various agencies of the United Nations have made significant contributions towards the expansion of international norms against
different acts of terror. The General Assembly has played the dual role of developing a normative framework on terrorism and encouraging cooperative actions against states. While the U.N. Security Council might concentrate on preventing acts of terrorism through cooperation between the security, law enforcement and border control authorities, the General Assembly can mould the global response to terrorism through its power of budgetary allocations. The international civil and maritime organization are dealing with the threats to the world’s air and shipping traffic respectively, the Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW) seeks to ensure compliance with chemical and nuclear weapons treaties, the World Health Organization (WHO) is organizing defenses against terrorist strikes using biochemical weapons, and the Terrorism Prevention Branch of the U.N. Office on Drugs and Crime gives legislative support to numerous countries in connection with the approval and execution of anti-terrorism conventions and United Nations Security Council resolutions.

The United Nations has adopted thirteen international conventions and protocols against terrorism from 1963 to 2005. Before September 11, 2001, the subject matter of terrorism was largely managed by the General Assembly rather than by the Security Council. This position indicates that the issue of terrorism was mainly considered as a localized and the national problem that in many cases did not constitute a threat to international peace and security. As a consequence the action of Security Council is not required under the Charter of the United Nations. From the late 1980s to September 11, 2001, the Security Council reacted to certain acts of terrorism—the bombing of Pan Am flight 103 and French UTA flight 772 in 1980s and the bombings of the U.S. embassies in Tanzania and Kenya in the year 1998. From September 11, 2001, the attacks of Al Qaeda and similar other terrorist threats were taken as a threat to international peace and security. Thus, the Security Council put itself at the centre of global counter-terrorism efforts. It has exercised its powers under Chapter VII of U.N. Charter to inflict obligations on all the States by passing a number of landmark anti-terrorism resolutions.

United Nations response to the menace of terrorism has enhanced in the year 1990s with proportionately large number of assaults being directed at U.S. targets,
the rise in the causality rate per incident, the globalization of the terrorist networks, the fear of terrorist acquiring and using weapons of mass destruction and the role of States as sponsors and supporters of international terrorism. Sanctions regimes established in response to the growing concern with terrorism were important in stigmatizing terrorism as an illegitimate action, highlighting the role of international cooperation in combating the threat and raising the cost to States of supporting terrorism. But they failed to have similar effects on State terrorist actors.\textsuperscript{14}

In 1996 India has presented the draft of a comprehensive convention against international terrorism but the draft convention did not get much cooperation from the member states. It again submitted in 2000 a revised Draft of Comprehensive Convention on International Terrorism to the sixth committee of the General Assembly which is under consideration by the adhoc committee.\textsuperscript{15} The considerable drafting progress was made in 2001 and by 2002 agreement was achieved on most of the twenty seven articles. Negotiations were given further momentum by recommendations to define terrorism by the U.N. High Level Panel on Threats Challenges and Change (2004), the U.N Secretary General’s report In Larger Freedom (2005) and the UN World Summit (2005). Nevertheless numerous issues are still unresolved including the issue of the definition of offenses. The current draft try to define terrorist action in article 2 (1) which states that “any person commits an offence within the meaning of this Convention if that person by any means, unlawfully or intentionally, causes:

a) Death or serious bodily injury to any person; or
b) Serious damage to public and private property, including a place of public use, a state or government facility, a public transportation system, an infrastructure facility or the environment; or
c) Damage to property, place, facilities, or systems referred to in paragraph 1 (b) of this article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act.”\textsuperscript{16}
Due to lack of precision this definition has been criticized particularly by a number of Non Governmental Organizations (NGO’s) such as Amnesty International and Human Rights Watch. They have raised concerns about the features of definition and have alerted against the negative results for internationally recognized human rights standards. Though there seems to be basic consensus on the definition of offenses, the Member States of the United Nations remain disagreed on other aspects of the draft convention. These contain the application of the Draft Convention to national liberation forces and the relation between the Draft Convention and sectoral anti-terrorism treaties.\textsuperscript{17}

Today terrorism has become international or transnational in nature. The attacks of 9/11 has certainly proved this fact that the transnational terrorist organization like Al Qaeda have determination and strength to attack anywhere in the world. The risk that the Weapons of Mass Destruction may go down into the hands of terrorists has also made the situation complex and provoked the United Nations to state:

\begin{quote}
All too often we are reminded that terrorism continues to inflict pain and suffering on people’s lives all over the world. Almost no week goes by without an act of terrorism taking place somewhere in the world, indiscriminately affecting innocent people who just happened to be in the wrong place at the wrong time. Countering this scourge is in the interest of nations and the issue has been on the agenda of the United Nations for decades.\textsuperscript{18}
\end{quote}

In the year 1972 the United Nations for the first time became conscious about the concealed threats of international terrorism and decided to adopt a resolution. Thus, the year 1972 marked the beginning of the United Nations intervention to curb terrorism. On 18\textsuperscript{th} December 1972 in 2114\textsuperscript{th} plenary meeting of the General Assembly, the first ever text of the United Nations on international terrorism was adopted. The matter of the text illustrated as:

\begin{quote}
Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedom, and study of the underlining causes of those form of terrorism and acts of violence which lie in misery, frustration, grievance and despair, and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.
\end{quote}

The main objective of adopting this resolution was to get the concentration and support of member states. In 1973, the President of the U.N. General Assembly
appointed the Adhoc Committee of 35 members to generate awareness among the member states as well as to look into the details towards prevention of global terrorism.\textsuperscript{19}

\textbf{U.N. Conventions on Terrorism}

The United Nations is an international organization which mainly focuses on resolution of conflicts and the formation of universal legal norms and the framing of standards for human rights. During the last four decades the incidence of terrorism has increased and it has emerged in different forms at the national and international levels. Thus, the United Nations in this regard has taken prolonged interest in developing an effective multilateral legal response to terrorist acts. But the establishment of universal legal norms in this field has been decreased by super power rivalry, national liberation movement and struggle of colonial countries for independence. These are the causes for thwarting the efforts of international community in effectively dealing with terrorism. As a consequence the conventions adopted by the United Nations for proscribing terrorist acts proved futile. Since the 1960s, responsibility for negotiating the adoption of these conventions has been fallen on the General Assembly and the numerous specialized agencies of the United Nations. This has led to evolving international consensus for the adoption of thirteen main U.N. conventions. Regrettably the United Nations has not been able to secure the willingness of all the members of the U.N. to sign and ratify them.

\textbf{Table: 3 United Nations Conventions and Protocols Related to Terrorism}

<table>
<thead>
<tr>
<th>U.N. Conventions or Protocols</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>1. International Convention for the Suppression of the Financing of Terrorism, New York December 9, 1999</td>
<td>Commits member states to prevention and counteraction of the financing of terrorist; holds those who finance terrorists liable and provides for the identification, freezing and seizure of funds for terrorist activities.</td>
</tr>
<tr>
<td>2. International Convention for the</td>
<td>Creates a regime of universal</td>
</tr>
<tr>
<td>3. <strong>Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal</strong>&lt;br&gt;<strong>March 1, 1991</strong></td>
<td>Commits aircraft sabotage, designed to control and limit the use of undetectable plastic explosives.</td>
</tr>
<tr>
<td>4. <strong>Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, Rome</strong>&lt;br&gt;<strong>March 10, 1988</strong></td>
<td>Obligates member states to establish jurisdiction over unlawful acts and punish offences with appropriate penalties.</td>
</tr>
<tr>
<td>5. <strong>Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome</strong>&lt;br&gt;<strong>March 10, 1988</strong></td>
<td>Establishes a legal regime applicable to acts against international maritime navigation. Makes it an offence for a person to unlawfully or intentionally seize or exercise control over a ship by force.</td>
</tr>
<tr>
<td>7. <strong>Convention on the Physical Protection of Nuclear Material, Vienna</strong>&lt;br&gt;<strong>March 3, 1980</strong></td>
<td>Criminalize the unlawful possession, use, and transfer of nuclear material, the theft of nuclear material, and threat to use nuclear material to cause death or serious injury.</td>
</tr>
</tbody>
</table>
| 8. **International Convention against the Taking of Hostages, New York**<br>**December 15, 1997** | Defines the taking of hostages and require state parties to make this

Defines internationally protected persons, required appropriate penalties for those who commit attacks against internationally protected persons and those who support them.


Outlaws acts of violence on aircraft, placement of explosives on aircraft, and supporting those who attempt such acts.


Outlaws the use of intimidation to take control of aircraft; hijackers must be prosecuted or extradited.

12. Convention on Offences and Certain other Acts Committed on Board Aircraft, Tokyo September 14, 1963

Applies to acts affecting in flight safety; authorizes pilot to take measures to protect aircraft; requires contracting states to take custody of offenders and return aircraft to pilot.


The conventions related to terrorism are directed at the protection of potential terrorist targets, or they concern themselves with the means through which terrorist organization work. They do three main things: they want states parties to criminalize certain conduct; they provide for the prosecution and extradition of perpetrators of such acts; and they impose obligations upon states to suppress the conduct in question.  

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The result of this unrealized legal structure is apparent in critical public statements from U.N. Secretary Generals both before and after the attacks on 11 September 2001. For instance, on the 40th anniversary of the signing of the U.N Charter in 1985, Secretary General Javier Perez De Cueller stated that:

Mere condemnation of…. [terrorist] acts is insufficient. Effective international action is required. Resolution and Conventions have been adopted in the past… These provide a vital framework for countermeasures. It is tragically evident, however, that new, multilaterally coordinated efforts are urgently required to deal with this terrible phenomenon, which is beyond the capacity of anyone country to handle alone.

After the attacks on 11 september 2001 Secretary General Kofi Annan argued on the issues of non ratification and the lack of overall convention on terrorism:

The fight against terrorism must begin with ensuring that the 12 legal instruments on international terrorism already drafted and adopted under United Nations auspices are signed, ratified and implemented without delay by all states. It is also important to obtain agreement on a comprehensive convention on international terrorism.21

The issue of terrorism has given birth to numerous specialized international conventions of the United Nations against varied forms of terrorism. These conventions have dealt with diverse varieties and manifestations of terrorism extensively focusing on Protection of Civil Aviation and Safety of Aircraft, Protection of the Safety of Persons, Protection against the Use of Explosives and Bombings, Preventing the Use of Weapons of Mass Destruction, and Preventing Measures of Financing Certain forms of Terrorism.22

It is also important to mention here that besides the above mentioned conventions dealing with different aspects of terrorism, the United Nations is still striving to adopt a major convention on international terrorism. However, this task of the United Nations becomes difficult because of the different approach of member states towards the issue of terrorism. Each member state deals with this issue according to its own national interest and political dynamics which become hurdle in the consensual solution of the menace of terrorism.

The major conventions of the United Nations are discussed below under the different broad headings as given by Bassiouni:
A. Protection of Civil and Commercial Maritime Navigation and Non-Military Sea-Based Platform

There are four important conventions under this category:


The crime of piracy has been dealt under the convention on the High Seas (1958) and on Law of the Sea (1982). Under the customary international law piracy has been recognized as an international crime since 1600 A.D. After the establishment of the United Nations, the international law related piracy becomes more enforceable and effective. By invoking the provisions of these conventions the crime of piracy can be treated as terrorism under certain situations. One specialized convention and protocol was developed in 1988 by the International Maritime Organization to limit and suppress the increasing threat of terrorism on sea. This was adopted as a reaction to the seizure of the Italian Vessel “Achilles Lauro” on the high seas in 1985. These forms of attacks upon the maritime navigation and sea based platforms on the high sea are not frequent occurrence and the rare form of terror violence.

B. Protection of Civil Aviation and Safety of Aircraft

This category includes four important instruments which were adopted between 1963–1988. These instruments contain three conventions and a protocol given below.

Chapter 3


One of the specialized agencies of the United Nations, i.e., the Legal Sub Committee of International Civil Aviation Organization examines varied responsibilities of the aircraft commander related to the jurisdictional problem of crimes committed aboard the aircraft. The International Civil Aviation Organization (ICAO) consists of 191 states associated with all significant aviation organizations particularly with International Air Transport Association (IATA) and the Federal Aviation Association (FAA). As a result, the increasing hijacking incidents during 1960s and 1970s led the International Civil Aviation Organization to develop and draft convention against hijacking and unlawful seizure of aircraft. The subsequent decrease in the incidents of hijacking led the United Nations to concern about other terrorist acts such as bombings, sabotage, and attacks on airports. During 1970 and 1971 the large number of hijacking incidents took place. The main cause of these incidents was the development of technology and the increasing capability of the terrorist which led them to commit more terrorist acts in the air. Since 1972, the number of hijacking incidents decreases to an average rate of sixteen high jacking incidents per year. Nevertheless, the international community to face terror violence which affects aviation safety as evidenced from numerous incidents such as the bombing Pan Am 103 aircraft over Lockerbie (Scotland) in 1988 and the deadly attacks of September 11, 2001 in U.S. have proved that air safety is still in danger and is a matter of concern for the international community. 

Not unlike the problem of definition of piracy the international law, the Hague Convention 1971 clearly gives the definition of unlawful seizure of aircraft under Article 1 which says:

Any person who on board an aircraft in flight (a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes or exercises control of that aircraft, or (b) is an accomplice of a person who performs or attempts to perform any such act commits an offence. The Hague “Hijacking” Convention is considered a milestone both in general development of an international criminal air law and in fight against aerial hijacking specially.

The Hague Convention was widely accepted.
Although all the three conventions, i.e., Tokyo convention of 1963, Hague convention of 1971, and the Montreal convention of 1971 came into force, they were ratified by few. Also some of the states which was engaged in hijackings had not signed them. The cause of this failure according to contemporary scholars was due to Arab-Israeli conflict which led some Arab states to oppose any further action against hijacking.\textsuperscript{32} These three conventions can be easily compressed into a single extensive instrument which deals effectively with the protection of Civil Aviation and Safety of Aircraft by identifying all forms of threat and dangers. In the same manner, the 1988 Protocol contain almost the same provisions as mentioned in previous conventions in the expanded and elaborated form. It is important to mention here that in order to reduce the terror incidents at the airport and on aircraft some of the safety measures should be applied such as x-ray, scanners, CCTV Cameras, for passengers and baggage, metal detector, bioinformatics and finger printing identifications and the trained officials should be placed on duty.\textsuperscript{33}

C. Protection of the Safety of Persons

This category includes three conventions which were adopted between 1973 and 1995. The main objective of these conventions was the protection of the Head of States, Diplomats and other persons who enjoy international immunity and civilians who are frequently made hostages by the terror groups for pressurizing the government for the fulfillment of their dictatorial aims. The other category of internationally Protected Persons includes United Nations and its associated Personnel. The following are the three U.N. conventions which deal with the protection and safety of persons.


b) The Convention against the Taking of Hostages (also known as Hostage Taking Convention), 1979.

The convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents or the Diplomatic Agents Convention was adopted as a response to the increasing practice of kidnappings of diplomats. It defines internationally protected persons as: “Head of State, a Minister for Foreign Affairs, a representative or Official of a State or of an International Organization is entitled to special protection from attack under international law.”

This convention provides safety to the internationally protected persons such as the Head of States, diplomats, foreign ministers and their families. This convention includes 20 articles which deal with different aspects of protection and punishment of crimes against Internationally Protected Persons.

The convention of 1979 protected the civilians from attack upon them and from being taken as hostages. The Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) has long been declared the taking of hostages as a crime, though it does not mention clearly that violence or murder upon the civilian hostage is the violation of the convention of hostage taking. The provisions only recognize that it is unlawful to seize or detain individuals and threaten to kill or injure them.

This convention states that:

any person who seizes or detains and threaten to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a state, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offense of taking hostages within the meaning of this convention.

This convention requires its parties to cooperate in the investigation, prosecution, and extradition of any persons attempting or committing such actions and also to assist mutually in connection with criminal proceedings brought under the convention. Through this convention, the United Nations made it illegal for a person or organization to exploit innocent individuals as bargaining chips in return for certain demands.

The convention on the Safety of United Nations and Associated Personnel (1995) was adopted to ensure the safety of United Nations and Associated Personnel (Civilian and Military). This convention contains 29 articles which elaborate its varied aspects and was against the increasing number of injuries and death of
U.N. Personnel. Through this efforts had been made to provide safety to the Personnel and to protect them from mistreatment and premeditated attacks.\textsuperscript{40}

According to Article 8:

Except as otherwise provided in an applicable status of forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established. They shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Convention of 1949.\textsuperscript{41}

These three conventions are to be read in the light of significant provisions of the four Geneva Conventions (1949). It is important to mention here that the implementation of these three conventions required the political will of the contracting parties because during the period of an armed conflict the member states themselves violated the provisions of these conventions.

D. The Protection against the Use of Explosives and Bombings

In the contemporary societies the conventional methods of attacks by bombs and explosives are common. Now days technological methods are available for planning a most deadly attack. But terrorists are, on the whole, conventional in their use of weapons, bombs and guns are their favourites. Non state actors frequently used the conventional explosives because they are easily available and can be assembled into bombs capable of making large scale destruction and damage.\textsuperscript{42} The use of sophisticated technology in making these bombs made it more destructive and the security agencies face difficulty in finding the traces of perpetrators. The suicide bombers often use this technology who ties these explosives to their body or they use varied vehicles full of explosives which they collide with the target and it results in huge destruction. The 1991 convention on the making of explosives (also known as the Plastic Explosive Convention), specifically deals with the detonation of these items aboard aircraft. The following two different conventions are adopted by the United Nations against the use of explosives for the purpose of terrorist activities.


b) Convention for the Suppression of Terrorist Bombings (also known as Terrorist Bombing Convention 1998).
The 1991 Convention on the Marking of Plastic Explosives for the purpose of Detection limits the use of unmarked and undetectable plastic explosives, used for example, to sabotage aircraft. It provides for chemical marking to facilitate detection of plastic explosives parties are obliged to ensure effective control over “unmarked” plastic explosives i.e., those that do not contain one of the detection agents described in the Annex to the treaty. The convention also regulates the manufacture, transfer, import, export and storage of such materials are implemented through national legislation. This convention was negotiated after the bombing of Pam Am Flight 103. This convention required each party to take effective and necessary steps to prevent and prohibit the manufacture, movement, possession and transfer of unmarked plastic explosives, as well as to monitor the holding of such materials by the police or the military.

The increasing number of bombing incidents in the 1990s and the targeted bombing of the U.S. embassies in Tanzania and Kenya was the reason for the adoption of international convention for the suppression of terrorist bombing by the United Nations in the year 1998. This convention is broad and comprehensive as it provides protection to critical infrastructure facilities and public transportation systems, as well places of public use, including commercial, business, cultural, historical, educational, religious, governmental, entertainment, and recreational places. The targeted attacks on power plants, water and sewage filtration centers, and communication networks have the potential to cause large scale damage and destruction to civil society, creating significant physical, environmental and economic damage. It is important to mention here that before the adoption of this convention in 1998, no other convention explicitly criminalized the destruction of these sites.

Besides the above mentioned two conventions of the United Nations against the use of explosives and bombings the Universal Postal Union also made important contribution. It contains some important provisions which aimed at the prevention and the suppression of terror—violence by means of sending letter bombs and parcels containing explosives through mails.

E. Preventing the Use of Weapons of Mass Destruction

The collapse of Soviet Union in 1991 and the likely threat and the likely threat of nuclear weapons or technology of manufacturing weapons of mass destruction
falling in the hands of terrorist sent an alarm signal across the globe. After 9/11 incident it becomes explicable that terrorists instead of acquiring WMD they can transform the harmless passenger aircraft into a destructive weapon of mass destruction if they crash it with a nuclear reactor or the safe store houses where the nuclear, biological and chemical weapons are reserved by states. The development of science and technology has made it possible for the non state actors or sub national groups to cause millions of deaths and unbelievable obliterations as WMDs are now acquired by many states across the globe. Hence, it is not only important to preclude terrorists from gaining access to technology of making these weapons but also to keep these weapons out of the reach of terrorists is a real difficulty. Scholars and security experts are entirely sure that the threat of terrorist use of WMD is a genuine problem.\textsuperscript{47}

The apprehension of the dangerous circumstances due to large number of terror attacks led the United Nations to adopt three conventions to prohibit the use, development, manufacture and stockpiling of weapons of mass destruction for the purposes of terror violence by state and non−state actors. Furthermore, it also adopted a comprehensive convention on the suppression of acts of nuclear terrorism.\textsuperscript{48}

Nuclear, chemical and biological weapons are included in the list of weapons of mass destruction. In times of peace and war these types of weapons are prohibited under the customary and the conventional laws of armed conflict. These weapons are capable of making large number of deaths, painful injuries, and huge destruction to environment and infrastructure which cannot be repaired.\textsuperscript{49}

It is significant to highlight here that the major powers of the world are responsible for the threat of nuclear terrorism because they possess large number of nuclear and other weapons of mass destruction. Instead of non state terror groups, these weapons are used by many weak states that make them available to the right or left wing terrorist and instigate them to use against their adversaries. There is only a single method which can save mankind from the destruction of WMD that is all such type of weapons including nuclear weapons possessed by nation states must be dismantled and its use in any circumstances should be considered as crime against human beings punishable under International law.\textsuperscript{50}

The following conventions are adopted and elaborated by the United Nations for preventing the use of weapons of mass destruction.
a) Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin weapons and on their Destruction (BWC Convention) 1972.51

b) Convention on the Physical Protection of Nuclear Material, 1980.52


d) The International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism), 2005.54

The main objective of (BWC CWC) which mainly applies to state parties is the prohibition of development and production of biological and chemical weapons. These two conventions prohibit states from developing, producing, stockpiling or acquiring biological and chemical substances except for peaceful purposes. The CWC does not criminalize the use of biological weapons like the BWC, but not in the context of war. The biological and chemical substances and materials are easily processed and also easily available to terrorists which results in deadly consequences. Therefore, a more comprehensive and specific convention is required which has the capability to suppress the danger of biological and chemical terrorism.55

The convention on the Physical Protection of Nuclear Material adopted in 1980 was aimed at protecting nuclear material while its transport and to complement other parts of the WMD legal regimes.56 Besides this, another purpose of this convention is to criminalize illegal possession, taking, moving, or use of nuclear material with the purpose to kill, damage, or injure. The parties to this convention are required to cooperate in the investigation, prosecution and extradition of any person attempting or committing any such type of actions.57 But this convention is not particularly designed to deal with nuclear terrorism and its scope is narrow and it was developed and elaborated under the IAEA (International Atomic Energy Agency), and does not prohibit the states from manufacturing the nuclear weapons. It only covers nuclear material used for peaceful purposes while in international transport and does not criminalize the preparation or commission of nuclear weapons for the purpose of terror violence. Due to these voids it lacks penal provisions necessary for its enforcement.58

In addition to the nuclear materials convention is the International Convention for the Suppression of Acts of Nuclear Terrorism (the Nuclear Terrorism
Convention). This convention was adopted in July 2007 and is the most recent of 13 conventions of the United Nations. The Nuclear Terrorism Convention proscribes the ownership or the use of nuclear materials or devices for the purpose of death, injury or large damage to property or the environment with aim of pressurizing an individual, state or organization to do or refrain from doing anything. It sets forth duty on states parties regarding the confiscation of materials and devices and extradition or prosecution of persons acting in contravention of the offences established by the convention. Pertinent to the suppression of acts of nuclear terrorism, and of the means by which weapons of mass destruction may be attained by terrorists, is the proliferation security initiative. This convention is a remarkable endeavour of the United Nations to invigorate the global legal framework to counter the menace of nuclear terrorism. Even though the convention shows the earnestness of the world body to address the threat of nuclear terrorism, it has yet to address the issue of production and use of nuclear weapons by Member States. Unless states are induced to demolish stockpile of their nuclear weapons and resolve not to procure or produce them in any circumstances whatsoever, the problem of nuclear terrorism has not been adequately addressed.

F. Preventing the Means of Financing certain forms of Terrorism.

All forms of violence whether it is state violence or violence at the international level, i.e., international terrorism requires a huge amount of money to sustain it. It is mostly impossible for the transnational terrorist network to recruit cadres, acquire necessary logistic support and execute acts of terrorism without proper and strong financial back. Therefore, the most effective method of counter-terrorism is the freezing and seizing of assets suspected to be used by terrorist and criminal gangs for executing their violent activities. However, international community lack in its efforts and has not done enough to control and contain terrorist funding and financing. It is reported that many of the terrorist organizations engaged in collecting money in the name of charity, but they actually use these funds for conducting their criminal activities.

Modern acts of terror violence which involve modern technique or the type of terror violence specifically those that could involve weapons of mass destruction
likely to produce harm of disastrous nature requires funding which is far larger than the cost of conventional weapons or explosives. Numerous terrorist groups work as organized crime groups employing financial means in varied countries to fund their criminal acts.\textsuperscript{60} Therefore, efforts have been required in this direction by the international community to effectively curtail this form of terrorism financing.

Most of the countries around the world enact laws related to control and contain terrorist funding. However, these domestic laws are not applicable to terrorist organizations operating from outside the borders of the countries concerned. Therefore, in order to prevent the free flow of money and other assets to terrorist organization there is a need for the enactment of certain laws of international jurisdiction and application. Thus, the United Nations adopted the Convention for the Suppression of the Financing of Terrorism (also known as the Terrorist Financing Convention) in the year 1999.\textsuperscript{61} This convention contains three important obligations for state parties. First, state parties must establish the offences of financing of terrorist acts in their criminal legislation. Second, they engage themselves in wide ranging cooperation with other state parties and provide them with legal assistance in the matters covered by this convention. Third, they must enact certain requirement concerning the role of financial institution in the detection and reporting of evidence of financing of terrorist acts.\textsuperscript{62}

In order to prevent or prohibit the financing of terrorism each country should take immediate steps to ratify and implement fully the 1999 U.N. International Convention for the Suppression of Financing of Terrorism. Countries should also implement immediately the resolution of U.N. which is related to the prevention and suppression of the financing of terrorist activities, specifically the U.N. Security Council Resolution 1373. This resolution obligates all the members of the United Nations to:

- Criminalize actions which aims to terrorism financing,
- Deny all types of support for terrorist groups,
- Suppress the provision of safe haven or support for terrorists, including freezing funds or assets of persons, organization or entities involved in terrorist acts,
Prohibit passive or active assistance to terrorists,

Cooperate with other countries in criminal investigations and sharing information about planned terrorist acts.

This convention recommends that every country is required to criminalize the financing of terrorism, terrorist acts and terrorist organization whether the funds are derived legally or illegally. In matters of terrorist financing the legislation should be specific and each country should implement effective measures to freeze funds and other assets of terrorists without delay. Besides that, some legislative measures should also be adopted by the countries which would enable the competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in the financing of terrorism, terrorist acts or terrorist organizations.\(^63\)

As terrorism has become worldwide and a global threat, the international organization has planned numerous strategies to fight effectively against its financing. In the aftermath of 9/11 attacks, Financial Action Task Force (FATF) met in Washington on October 29-30, 2001 and by accepting 8 special decisions it extended its range of actions beyond money laundering to include financing of terrorism. In June 2003, FATF revised its 40 advisory decisions so as to refer to this new threat. These decisions of the members of FATF put into action immediately and cut financial sources.\(^64\)

The terrorist financing convention only legitimately requires that member States who have adopted this convention are solely responsible for the prohibition of terrorism financing. This convention was signed by 132 countries up to March 2004, but only 112 countries have completed the ratification and acceptance process. Consequently, 80 member States are not held accountable for preventing the terrorist financing. This detail is relevant in that the U.N. cannot legally reprimand member states that have not ratified this convention.\(^65\) Recently this convention has been ratified by 187 countries.\(^66\)

Although this convention makes it illegal for any individual, State or international organization to intentionally finance a person or organization which may utilize this money for the purpose of terrorist acts and also empowers the member States to freeze all such accounts but recently it becomes quite difficult to detect such
funds. Even the national governments have been reluctant in detecting such funds because, the modern banking system functions on the basis of secrecy laws. Therefore, it becomes quite difficult for the security agencies to trace the origin and source of money of individuals and organizations. Despite that, the United Nations after 9/11 has done commendable work by identifying individuals and organizations engaged in terrorist activities and to freeze or seize their assets.\textsuperscript{67}

In accordance with article 26, the convention against the terrorism financing entered into force on 10\textsuperscript{th} April 2002.\textsuperscript{68}

**The United Nation’s Global Counter–Terrorism Strategy**

After adopting a number of sectoral instruments against terrorism, the United Nations proceed towards adopting a Global Counter Terrorism strategy within the framework of the United Nations System. The Member States of the United Nations on 8 September 2006 adopted this Global Counter Terrorism Strategy for the purpose of consolidation of the endeavours of United Nations and its Member States to the menace of terrorism in all its forms and manifestations. The strategy shows the fact that it is for the first time that each one of member–state of the United Nations have concurred to a mutual strategic and operational framework to counter–terrorism. It draws a concrete plan of action to address the conditions conducive to the spread of terrorism; to combat and prevent terrorism; to adopt procedures in order to build state capacity to fight terrorism; to strengthen the role of United Nations in combating terrorism; to ensure the respect of human rights while countering terrorism.\textsuperscript{69}

Global Counter-Terrorism Strategy is the first inclusive, cooperative, and internationally approved global framework for addressing the threat of international terrorism. It encourages the practical work of the United Nations Counter-Terrorism Implementation Task Force (CTITF) which was established by the Secretary General in July 2005 to guarantee overall coherence and coordination in the counter-terrorism endeavours of the United Nations.

The Secretary General of the United Nations in June 2009 established a CTITF Secretariat in the Department of Political Affairs (DPA). Its main function is to coordinate counter-terrorism actions inside and outside of the U.N. system. It
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operates through various entities of the United Nations. The number of working groups has been enacted by it for preventing and settling the conflicts; highlighting and supporting the victims of terrorism; responding and preventing to WMD (Weapons of Mass Destruction) attacks; handling the financing of terrorism; opposing the use of internet for terrorist purposes; intensification of the protection of vulnerable targets; and protecting human rights while countering terrorism.\textsuperscript{70}

Regional Treaties on Terrorism

Besides the number of conventions adopted by the United Nations against terrorism, there are numerous multilateral regional organizations that have advanced and elaborated various regional treaties and mechanism to repress terrorism. Consequently the Organization of American States, perhaps the first to do so, adopted a treaty in 1971 to prevent and punish acts of terrorism against persons “to whom the state has the duty according to international law to give special protection” (generally diplomats and public officials). The Council of Europe approved the European Convention on the Suppression of terrorism in 1977 (a Convention on the Prevention of Terrorism in 2006).\textsuperscript{71} Most noteworthy among the provisions of Council of Europe Convention on the Prevention of Terrorism are the three new offences which are defined by it as: public Provocation to Commit a “Terrorist Offence;” Solicitation of Person to Commit “Terrorist Offences;” and Provision of Training for “Terrorist Offences.” It is necessary for the parties to establish these offences in their national legal systems.\textsuperscript{72} The South Asian Association for Regional Cooperation (SAARC) (1987), the League of Arab States (1998), the Organization of Islamic Conference (1999), the Commonwealth of Independent States (1999) and African Union (1999) all followed the suit. Several of the regional conventions move further than global treaties in defining terrorism, instituting the concept such as state terrorism, and the environmental and technological terrorism. The African Union (formerly the Organization of African Unity), Arab and Islamic regional treaties leave out from their definition of terrorism struggles for self determination and liberation from foreign occupation, aggression and colonialism.\textsuperscript{73} The African Union adopted the Convention on the Prevention and Combating of Terrorism at
its 35th Ordinary Session of the Assembly of Heads of State and Government in 1999, in Algiers. The detailed definition of terrorist act was provided by the Convention. According to Article 1(3):

a) any act which is a violation of criminal laws of the state party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
   i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
   ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
   iii) create general insurrection in a state;

b) any promotion, sponsoring, contribution to, command aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any acts referred to in paragraph (a) (i) to (iii).\(^{24}\)

This stressed the fact that terrorism has really become a global disease which arouses concern in every part of the world. Therefore, it can be said that there must be a need of some more efforts on the part of international community in order to end this menace.

**Concluding Observations**

Thus, the approach of United Nations towards international terrorism has been adhoc. Though U.N. had adopted several conventions and protocols against specific kinds of terrorist acts, the problems of terrorism have been only partially addressed. In almost all cases the United Nations swung into action against particular manifestation of terrorism after its occurrence. One of the major lacunas of the United Nations counter-terrorism strategy is that it is not comprehensive in nature. In fact, the divergence of views of member states has made it impossible for the United Nations to adopt a comprehensive anti-terrorism convention.

Bassiouni observes:

As a result of the political dynamics pertaining to terrorism, it has been impossible for the states to agree on a comprehensive anti-terrorism convention. For the same
reason, no international convention addresses the question of state–committed and state–sponsored terrorism.\textsuperscript{75}

As the threat of terrorism increasing rapidly it has been felt and observed that the adhoc and subject matter approach to deal with terrorism is ineffective. The devastating terrorist attack on the U.S. has proved that there is an urgent need that the issue of terrorism is to be countered with a comprehensive strategy and approach.

Keeping in view the difference of opinion and approaches of member states on the matter of terrorism and its implications it does not seem feasible that the draft comprehensive convention will be adopted and entered into force accordingly. In fact, it cannot be denied that in the contemporary world there should be some comprehensive convention against an international terrorism to suppress this menace. The member states have to rise above their parochial and narrow national interest to address the growing scourge of international terrorism. One might hope the United Nations will transform the collective concern of people around the globe into a comprehensive and durable mechanism and instrument to suppress the threat of international terrorism. Therefore, it can be said that though the United Nations has elaborated numerous conventions and treaties against terrorism, still it has to make some more effective endeavours in this direction than merely adopting these legal instruments. The elaboration of a comprehensive convention on international terrorism will effectively contribute to the prevention, control, and suppression of various forms and manifestation of that phenomenon.
Notes

1 The Preamble of the U.N. Charter (1945).


4 Ibid., p.8.


7 Peter J. Van Krieken, n. 2, pp. 1-2.


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18 The U.N. and Counter-Terrorism, (accessed on July 10, 2012) 2:00 p.m. at www.un.org.


20 Alex Conte, Human Rights in the Prevention and Punishment of Terrorism, Common Wealth Approaches: The United Kingdom, Canada, Australia and New Zealand, London and New York: Springer, 1 January 2010, p.41.
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22 M. Mohibul Haque, n. 9, p.84.

23 Ibid., p.85.


25 M. Mohibul Haque, n. 9, pp.85-86.

26 M. Cherif Bassiouni, n. 24, p.119.

27 M. Mohibul Haque, n. 9, pp. 86-87.


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30 M. Mohibul Haque, n. 9, p. 87.


32 Peter Romaniuk, n.8, p.36.

33 M. Mohibul Haque, n.9, pp. 88-86.

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36 M. Mohibul Haque, n.9, p. 90

37 M. Cherif Bassiouni, n. 24, p.147.

39 Suman Lata and Sameer Saran, n. 35, p.121.

40 M. Mohibul Haque, n.9, p. 90.

41 M. Cherif Bassiouni, n. 24, p.165.

42 M. Mohibul Haque, n.9, pp. 90-91.

43 M. Cherif Bassiouni, n. 24, p.173.

44 Ibid., p.173.

45 Graeme C.S. Steven, n.38, p.214.

46 M. Mohibul Haque, n.9, p.92.


49 M. Cherif Bassiouni, n.24, p.195.


54 International Convention for the Suppression of Acts of Nuclear Terrorism


55 M. Mohibul Haque, n. 9, pp. 94-95.

57 Graeme C.S. Steven, n. 38, p.213.

58 M. Mohibul Haque, n. 9, p. 95.

59 Alex Conte, n. 20, p.44.

60 M. Cherif Bassiouni, n.24, p. 96.

61 M. Mohibul Haque, n. 9, p. 96.


64 Ibid., p.246.


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68 United Nations Treaty Collection


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73 n. 72, p. 20.


75 M. Mohibul Haque, n. 9, pp. 97-98.