Introduction

The chapter begins with the discussion that General Assembly is the inter-governmental body which deals with broad political issues and is a forum where all the states of the world are represented and have equal votes. It further discusses the role of the General Assembly in fighting against terrorism. Until 1990s the issue of terrorism was mainly handled by the General Assembly or particularly before the deadly event of 9/11. It further discusses that the General Assembly approached the issue of terrorism as a general problem rather than one relating to particular events or conflicts. In doing so, the Assembly worked to develop a normative framework on terrorism and to encourage cooperation between the states on the development of an international legal framework. Despite the fact that its resolutions are of recommendatory nature it has passed numerous resolutions as shown in table below. The resolutions of General Assembly elaborately discussed in form of three streams “measures to prevent terrorism,” human rights and terrorism,” and “measures to eliminate terrorism.” The General Assembly actively reacted against the 9/11 attacks and along with Security Council it has also made a number of endeavours to fight against this global menace. It has adopted on September 8, 2006 Global Counter-Terrorism Strategy which is considered to be a unique global instrument that will increase national, regional and international efforts to counter terrorism.

The General Assembly is one of the six main organs of the United Nations. It comprises 193 Members of the United Nations. The General Assembly is considered as the main deliberative, policy making, and the representative organ of the United Nations. The Charter of the United Nations establishes the General Assembly as a stage where all states can discuss any significant matter with the Assembly having a wide competence to consider the issue of human rights. Each Member country may have up to five representatives but has only one vote. In the General Assembly voting on important questions requires two thirds majority and other questions are decided by a simple majority.

In accordance with the provisions of the United Nations Charter, the General Assembly’s powers are of deliberative or recommendatory nature only with one exception i.e. internal budgetary obligations of Member States. According to Article 10 and 11 of the U.N. Charter, the General Assembly is authorized to
discuss any questions or any matters which come under the scope of the Charter of the United Nations apart from the subject with which Security Council is also dealing.\(^1\)

In stern interpretation of the provisions of the Charter, the General Assembly is not a law making body. It is not to be regarded as a substitute for the Security Council nor has it been given a principal role, though it has a role in the protection and promotion of international human rights. However, there are numerous reasons that led the General Assembly to become a forum of great importance. During an era of Cold War, the lack of the ability of the Security Council to reach harmony on areas affecting the security and peace provided the General Assembly with the opportunity to wield political authority. The adoption of Uniting for Peace Resolution on 3\(^{rd}\) November 1950 by the General Assembly was its move in the direction of establishing such authority. The Resolution provides that:

If the Security Council, because of lack of unanimity of the permanent members fails to exercise its primary responsibility for the maintenance of international peace and security, breach of the peace or act of aggression, the General Assembly shall consider the matters immediately with a view to making appropriate recommendations to Members or collective measures, including in the case of breach of peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security.

By adopting this Resolution, the General Assembly played an important role in the determination of threat to peace and security and also made recommendations on the usage of armed forces. On the other hand increasing membership from the States of Asia and Africa was another important factor which enhances the power of the General Assembly.\(^2\)

A recommendation on counter terrorism may be discussed in General Assembly First Committee (Disarmament and International Security) and Sixth Committee (Legal affairs).\(^3\)

**The Actions of General Assembly against Terrorism**

In the earlier period Member States have advanced their work on counter terrorism through the General Assembly both, on the legal and operational level. The Assembly’s norm setting work has been marked by current successes in adopting conventions targeted at repressing Terrorism Financing, Bombings and the Right to Use Nuclear Material. Since 1972, the General Assembly has

Until 1990s the General Assembly deals entirely with the menace of terrorism and approached the subject as the general international problem, instead of one which was related to any particular conflicts or events. In doing so the Assembly acted to develop a normative framework among the member States.²

There are generally two methods by which General Assembly deals with the question of terrorism. One is by establishing a normative framework that defines the issue of terrorism as general problem. The second method is, by developing some specific international and national legal rules through government action which deal with terrorist. For analyzing the Assembly’s endeavours there is need to understand the general institutional features of the General Assembly, its debate on terrorism as well as the politics behind the numerous streams of that debate. The institutional features of the General Assembly restrict its ability to take effective measures against international terrorism. It cannot operate as direct coordinator of action against terrorism because, the Assembly lacks authority to give an order to the governments and powerful actors to take or shun particular actions. Furthermore, the General Assembly oversees no administrative structure which is able to realize its decisions and it also have scarcity of resources which is required to provide material reward for good behaviour or material punishment for bad behaviour. Despite all these restrictions, it is the only intergovernmental body which deals with the wide political issues in which almost all the States around the globe were represented and have equal votes. It is able to work as a supporter of cooperative action as well as developer of normative debate or discourse. Summarizing Inis Claude, Peterson points out:

The General Assembly functions as an organ for the collective legitimization or collective delegitimization of normative prescriptions that guide the activity of member government in some general issue areas, and it influences the statements, policies or behaviour of individual governments and other actors in particular situations. This collective legitimization often proceeds at the level of generally applicable norms. Related efforts to influence particular governments’ behaviour through resolutions praising or condemning their actions or inactions occur, but their
impact is often minor or very slow in developing and depends on existence of a strong consensus on the norms applicable to situational hand.\(^6\)

After the Munich crises of 1972, the Secretary General of the United Nations Kurt Waldheim, decided to act through General Assembly and put the issue of terrorism on the agenda of the organization. His proposal was initially titled as: “Measures to prevent terrorism and other forms of violence which endanger or take human lives or jeopardize fundamental freedoms.”

The proposal was approved by a vote of 15 in favour, 7 against and 2 abstentions in the General Committee but the Asian and African members cast the negative votes. Before the inclusion of item on the agenda its title was altered due to the intervention of Saudi Arabia. After the alteration the title reads as: “Measures to prevent terrorism and other form of violence which endanger or take human lives or jeopardize fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance, despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.”

It was in this form that the item was referred to the Sixth Committee of the Assembly (Legal). The objective behind these amendments was that Saudis and their allies wanted to retain the legitimacy of “national liberation movements” in Asia and Africa, and particularly in Middle East.\(^7\)

The United States presented a Draft Convention for the Prevention and Punishment of certain Acts of International Terrorism in 1972. This draft included offences of “international significance such as offences committed with goal to ruin the interest of or obtaining concessions from an international organization or state under certain enumerated transnational situations and those consisting of, causing serious bodily harm, unlawful killings, or kidnapping other persons. These acts should have been committed neither by nor against a member of the armed forces of a state in the course of military hostilities.” This 1972 Draft Convention of the U.S. was unsuccessful to secure the international community’s approval. As an alternative, the United Nations General Assembly set up an Ad hoc Committee on International Terrorism to “consider the observation of sates [and] submit its report with recommendations for possible cooperation for the speedy elimination of the problem….to the General Assembly.”\(^8\)
The General Assembly’s approach to the problem of terrorism undergo a marked change in the early 1990s to 1989, consideration of terrorism as a general problem was primarily assigned to the Sixth Committee (Legal) under an agenda item titled as “Measures to Prevent International Terrorism” and this phrase was also applied in resolution titles. Nevertheless, the Preamble gives more attention to distinguishing justifiable armed struggle from terrorism than did to suggesting measures for lessening the incidence of terrorism. The operative paragraph gives no more guidance; instead, they showed severe divergence among governments about whether terrorism should be prevented by each other’s support to suppress the activities of terrorism or elimination of the “root causes” said to inspire terrorism. The matter was still assigned to the Sixth Committee in the 1990s, but the character of the resolution adopted in that decade was quite different.

The first resolution on the general problem of terrorism was adopted in 1991 by consensus but the agenda item was renamed, and consequently the resulting resolutions, “Measures to Eliminate International Terrorism.” The new name showed broader agreement that the existence of root causes did not justify terrorist activities; the endeavour to guarantee that the justifiable armed struggle were not marked as “terrorism” moved from differentiating among the goals of armed struggles to differentiating the means employed. Even the several governments that constantly emphasize the need to eliminate root causes agreed that there is a requirement of collective cooperative action against anyone indulging in terrorist activities. In 1993, a further stream of resolutions on “Human Rights and Terrorism” addressing the conditions of both victims and those charged of engaging in terrorist activities emerged from the Third Committee (Social, Humanitarian and Cultural). Elements of this stream were included into the “Measures to Eliminate” series when it was given its current form in resolution 49/60 (1994). The common titles and definite invocation permit us to draw the following sequences of related resolutions on terrorism:

- “Measures to Prevent Terrorism”
- “Human Rights and Terrorism”

- “Measures to Eliminate Terrorism”

General Assembly Resolutions under the Title “Measures to Prevent Terrorism”

The General Assembly adopted Resolution 3034 (XXVII) on 18 December 1972, with a vote of 76 to 35 and 17 abstentions (again it bore the politicized name of the initial agenda item). The resolution’s text “express deep concern” over the aggressive actions and in numerous paragraphs, exhorting states to find solution to the “underlying causes” of such violence, reaffirming the legitimacy of struggles for national liberation and the right to self determination and criticizing “colonial, racist or repressive regimes.” However, the resolution institutes two new instruments. First, the resolution demanded that the states give reports to the Secretary General, including proposals for responding to terrorism. Second, an Ad hoc Committee was created by the resolution and it consists of 35 members. The Committee develops its own recommendations and it receives report from the Secretary General. The major task before the Committee was to study the causes and suggest ideas for prevention of terrorism. The two major reports were submitted by the Committee to the Assembly. This was one of the difficult works for the Committee because of the political differences between the Western and the Third World blocs. For instance, when the Committee met in 1973, the Third World bloc members proposed that “State Terrorism” should be the main concerns which were endorsed in a number of Assembly resolutions. Although a number of states submitted reports to the Secretary General, and he reports back to the Committee, but the same debate was repeated in the forum. For example, the Committee reported in 1979 that:

Legal formulation no matter how perfect would never suffice to solve the problem of terrorism unless action was taken to remove its underlying causes. The restoration of the legitimate rights of the Arab people of Palestine….. and the provision of support to the liberation struggle of people under the colonial yoke were some ways in which the real solution to that problem can be found.

In that report recommendations were made to condemn terrorism as well as with an emphasis on the obliteration of its causes—underline the modesty of the role of
Assembly. The item which upholds its long title up to 1991 was put on the agenda on a biannual basis, but the Committee was not asked to carry on its task beyond 1979.\textsuperscript{10}

The General Assembly in its resolution of 34/145 of 1979 condemned all the terrorist acts and it also condemned “the continuation of repressive and terrorist acts by colonial, racist, and alien regimes in denying people their legitimate right to self determination and independence and other human rights and fundamental freedoms.” The Resolutions’ title and text confirms that the focus of Resolution is upon the “underlying 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 Attempt to Effect Radical changes.”\textsuperscript{11} The similar stress on the underlying cause was placed on the General Assembly Resolution 36/109 (1981)\textsuperscript{12} and General Assembly Resolution 40/61.\textsuperscript{13}

The United Nations has incorporated terrorism as an agenda item for every session of the General Assembly since its 27\textsuperscript{th} session in 1972. The Adhoc Committee which was created by the General Assembly gave the reports of its findings to the General Assembly in 1973, 1977 and 1979. Again in 1996, Ad hoc Committee on terrorism was re−established by the General Assembly with an objective to elaborate a comprehensive convention on international terrorism….. developing a comprehensive legal framework of conventions dealing with international terrorism, and convening a high level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

But regrettably, such attempts made by the General Assembly have produced more paper work than any concrete results in the fight against terrorism.\textsuperscript{14}

In 1979, the Adhoc Committee formed by General Assembly Resolution 3034 recommended that the Assembly analyses the major causes of terrorism contained in the report of the Committee and condemn terrorist attacks and that the states works for the elimination of terrorism as they are obliged under international law to refrain from instigating, organizing, assisting, or participating in acts of terrorism in other states and also decline to use their territory for such acts and to take cooperative measures to combat international terrorism. But these recommendations of the General Assembly were tempered by the terminology of ‘underlying causes’ and the ‘right to self determination’. In 1985 further
development took place when the U.N. General Assembly adopted Resolution 40/61, in which it strongly recommended to the states to take measures for the ‘speedy and final elimination of the problem of international terrorism’. The General Assembly also took the position that it:

Unequivocally condemns, as criminal, all acts, methods and practices of terrorism whenever and by whoever committed, including those which jeopardize friendly relations among states and their security [and] deplores the loss of innocent human lives which result from such acts of terrorism.

One of the distinguishing characteristics of this Resolution was that after a prolonged debate of fifteen years, the United Nations for the first time in this Resolution linked the term criminal with terrorism. Another Resolution was adopted by the United Nations General Assembly in 1987 based along the lines of 1985 Resolution also condemn terrorism.15

The discussion and debate within the U.N. General Assembly have showed fundamental split between the developed and the developing world. The developed world has persisted on the complete proscription of terrorism, no matter what was the motive and underlying causes. On the other hand the developing world has keep on in the state of suspicion of this approach of the developed world, asserting that underlying causes of terrorism require giving the determining factors and that national liberation should be permitted as an alternative to every conceivable means to free themselves from colonial or racist regimes.16

The General Assembly’s first action on terrorism in 1990s, culminating in Resolution 46/51 adopted on 9 December 1991, was in several ways an extension of measures adopted in the year 1980s in both operational and preambular paragraphs, language referring to the legitimacy of self determination and struggle for national liberation was sustained. But the resolution again avoided the issue of organizing an international conference to define terrorism, as different from national liberation movements (Syrian proposal) and also to ask Secretary General to look for the views of Member States on the matter. The specialized organs within the U.N. system were also requested to take actions within their domains. The resolution in other way indicates a transformation in the dynamics of cooperation, for example the long title which was inherited from 1972 was discarded by simply “Measures to Eliminate Terrorism”. When after two years this item was taken up in the Sixth Committee, India and Algeria proposed that
there was a need of general convention on terrorism for strengthening international legal response against terrorism... But consensus could not be found on this proposal and the matter was put for discussion. In 1993 no resolution was adopted (breaking biannual cycle) and the Secretary General was asked to seek the opinions of Member States on the idea. Consequently, the report manifests split among the Member States on the idea. Though India and Algeria draw some support but, it was strongly opposed by the United States and the European Union.17

**The General Assembly Resolutions under the Title: “Human Rights and Terrorism”**

In 1993 after the Vienna World Conference on Human Rights the U.N. General Assembly started to adopt resolutions on “Human Rights and Terrorism” and at the same time sustained its main international anti−terrorist activity under the agenda item “Measures to Eliminate International Terrorism”. In 1997, the Sub Commission on the Promotion and Protection of Human Rights (now it is replaced by the Advisory Committee of the Human Rights Council in 2006) appointed Ms. Kaufa, a special rappoteur who conducted a study on Human Rights and Terrorism. She highlighted in her paper that the resolution on “Human Rights and Terrorism” adopted by the General Assembly exhibit not only the lengthening of its interest in the specific relationship that exist between human rights and terrorism but also a firm evolution of its attitude with regard to terrorist acts committed by the non state actors. Whereas, the provisions of these resolutions basically obtain from those embodied in preceding resolutions that denounce all forms of terrorism and concentrate on the obvious connection between terrorism and human rights violation. However preambular paragraph which all of them contain, refers expressly to the sincere concern of the General Assembly “at the gross violations of human rights perpetrated by terrorist groups”.18

In “Human Rights and Terrorism” stream of resolutions, which was drafted in the Third Committee concern was given to those who are harmed by terrorist acts. Although delegates in this Committee are mainly diplomatic generalists, they have drawn heavily on dialogues among criminologists and advocates of human rights, who took advantage of a more positive climate for raising their concern
when the Cold War ended. Current U.N. Congresses on Prevention of Crime and the Treatment of Offenders, the U.N. Sub Commission on the Promotion and Protection of Human Rights have been the chief sources of inspiration for Third Committee discussions. This stream of resolutions reflects the normative dilemmas which were raised by governments when they urge to take rapid action against the perpetrators of terrorist acts while neglecting erosion of international human rights and due process standards.\textsuperscript{19}

Resolution 48/122 (1993), the first in the Human Rights and Terrorism stream, invoked the U.N. Charter, the Universal Declaration of Human Rights, the two International Covenants on Human Rights, and the 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights.\textsuperscript{20} The General Assembly adopted Resolution 49/185 in 1994 due to the serious concern of gross violation of human rights perpetrated by the terrorist groups. The resolution criticizes the increased killing of innocent persons, including women, children and the elderly, who are massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which under any circumstances cannot be justified.\textsuperscript{21}

The report was submitted in pursuance of General Assembly Resolution 49/185 of 23\textsuperscript{rd} December 1994 entitled “Human Rights and Terrorism” which reads as follows:

Reiterates its unequivocal condemnation of all acts, methods and practices of terrorism, as activities aimed at destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of states, destabilizing the legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of the state.\textsuperscript{22}

The other Resolutions which were adopted by the General Assembly under the title “Human Rights and Terrorism” were 50/186 (1995), 52/133 (1997).\textsuperscript{23} In General Assembly Resolution 54/133 (1999), the Member States again restated their clear condemnation of practices and methods of terrorism, in all its forms and manifestations, as actions aimed at destruction of human rights, fundamental freedoms and democracy. The Member States in that resolution once again acknowledge that such acts threaten the territorial integrity and security of States, and have harmful consequences for the economic and social development of States. No end justifies intentionally attacking civilians and non combatants.
Terrorist acts are infringement of the right to life, liberty, security, well being and freedom from fear. Consequently, adopting and implementing effective counter-terrorism measures is also a human rights responsibility for States.\textsuperscript{24}

In November 2002, General Secretary Kofi Annan observed that 11 September 2001 terror attacks have acerbated the dilemma, “where an understandable focus on preventing still more terrorist acts has increased concerns about the price we must pay in terms of cherished rights and liberties.” He further said “we face a nearly unsolvable conflict between two interpretations of modern life protecting the traditional civil liberties of our citizen, and the same time ensuring that safety from terrorist attacks with catastrophic consequences. There was a need to give particular attention to ensure the balance between the anti-terrorism measures and the observance of human rights standards, Mr. Annan said,” or else the struggle against terrorism would be “self defeating.” According to the provisions of the Charter of United Nations, respect for human rights continues to be essential part of any comprehensive counter-terrorism strategy. The United Nations provide guidelines to help the States for maintaining the respect for human rights while countering terrorism and these have been established in numerous resolutions adopted by the General Assembly, Security Council and the erstwhile Commission of Human Rights. These resolutions emphasize that “states must ensure that any measure taken to combat terrorism comply with their entire obligation under international law and should adopt such measures in accordance with international law.”\textsuperscript{25}

The General Assembly adopted another Resolution 56/160 in 2001, the language of the resolution reads as:

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1995, in which the conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and security of states and destabilizing legitimately constituted Governments, and that the international community should take necessary steps to enhance cooperation to prevent and combat terrorism.\textsuperscript{26}

The Office of High Commissioner for Human Rights (OHCHR) has given priority to human rights while countering terrorism. It has voiced “profound concern at the multiplication of policies, legislation and practices increasingly being adopted by many countries in the name of fight against terrorism, which
affect negatively the enjoyment of virtually all human rights.” In 2003, The Digest of Jurisprudence of the U.N. and Regional organizations on the protection of Human Rights while countering terrorism, published by OHCHR makes many important contributions that elucidate the concept of non–derogable rights. Its foremost work is to institute a framework in which terrorism can be successfully countered without harmfully affecting fundamental freedoms and to address the main principles of necessity and proportionality, essential to legal counter-terrorism laws and measures and also to make recommendations regarding the obligation to promote and protect human rights and fundamental freedoms of States, including in their implementation of significant Security Council resolutions.27

The General Assembly Resolution 60/158 of December 2005 provides the fundamental framework for the “Protection of Human Rights and Freedom while Countering Terrorism.”28 International Human rights experts express their concern that several counter-terrorism measures violate human rights and fundamental freedoms. The other General Assembly resolutions which deals with “Human Rights and Terrorism” were 57/219, 58/187 and 59/191. In July 2005, the Commission on Human Rights appointed a Special Rappoteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while countering Terrorism. This was a leading step towards ensuring the compatibility of international human rights law with counter-terrorism measures. The Special Rappoteur by corresponding with governments, making country visits, liaising with United Nations and regional organizations, and reporting on these issues supports and offers tangible advice to States. The institution of New Human Rights Council in 2006 presents another opportunity to incorporate human rights into counter terrorism attempts and, as it takes shape, the Council should bear in mind the reality of terrorism.29

On 4 September 2008, the United Nations General Assembly, sitting in plenary, reviewed the United Nations Global Counter–Terrorism Strategy, which was adopted by the General Assembly two years ago, on September 2006. The Global Strategy is a path breaking document as every state accepts in it, unequivocally, that human rights are the fundamental basis for the fight against terrorism. The meeting of September review gives a brilliant opportunity to the General Assembly to take stock of the implementation of strong human rights
provisions in the Global Strategy and to take material steps for their implementation.\textsuperscript{30} Therefore, the General Assembly shows the need to respect human rights in the Counter-terrorism efforts, especially in U.N. Global Counter Terrorism Strategy. The Global Counter Terrorism Strategy “recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,” laid down the following pillars for counter terrorism:

- Measures to preclude and fight against terrorism;
- Measures to develop states’ capability to prevent and combat terrorism and to bolster the role of the United Nations in this respect; and
- Measures to guarantee respect for human rights for all and the rule of law as the important basis of fight against terrorism.

This last pillar, focusing on human rights, describes the protection and promotion of human rights as “essential to all components of the Global Counter Terrorism Strategy,” and reaffirms that States must ensure that any measure taken to combat terrorism comply with international law, in particular human rights law, refugee law and international humanitarian law.” In 2009, the General Assembly repeated that “terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,” and requested States, among other measures, not to resort to racial or ethnic profiling, respect non refoulement obligations, ensure due process guarantees; and ensure that “laws criminalizing acts of terrorism are accessible, formulated with precision, non discriminatory, non retroactive and in accordance with international law, including human rights law.”\textsuperscript{31}

\textbf{The General Assembly Resolutions under the Title: “Measures to Eliminate Terrorism”}

One of the continuous features in the General Assembly’s discussion on terrorism as a common problem has been the lack of ability among the Member States to agree on a consensual definition of the terms “terrorism,” “terrorist” and “international terrorism.” Even the chief statement in the current “measures to eliminate” stream, the Declaration on Measures to Eliminate International Terrorism adopted in Resolution 49/60, does not go beyond categorizing terrorism as criminal activity in its three definitional provisions:
1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods, and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of states;

2. Acts, methods, and practices of terrorism constitute a grave violation of the Purposes and Principles of United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic basis of society;

3. 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, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.\textsuperscript{32}

The “measures to eliminate” stream of resolutions is more government centered and, like the previous “measures to prevent” stream, put down a normative framework which encourage government to deal with terrorism as a criminal activity, to repress it using police techniques, and to work together in suppressing it.\textsuperscript{33}

This resolution which was adopted without a vote in both the Sixth Committee and the Assembly’s plenary is mostly repetitive of preceding resolutions, it gives more tasks to the Secretary General, which comprises the collection of data on the status of multilateral, regional, and bilateral agreements in addition to national counter terrorism laws (to be submitted by the States), and re−examining the existing international legal framework. Despite this compromise, there was a reappearance of arguments regarding the general convention on terrorism and a conference on defining terrorism but that resolution did little further than reaffirming the declaration. Looking for advancement of subject, India went so far as to circulate a draft comprehensive convention on international terrorism in Sixth Committee in 1996. These developments resulted in more lengthening and deepening of the General Assembly’s consideration of terrorism yet incremental.\textsuperscript{34}

Resolution 51/210 of 17 December 1996 further broadened the Assembly’s counter–terrorism agenda. The General Assembly established both an Ad Hoc Committee and a Working group of Sixth Committee to develop new legal instruments against terrorism. These fora were to be open to all member states, and also to United Nations specialized agencies. The principal tasks allocated to these bodies were the development of Conventions on Terrorist Bombings and Suppression of Acts of Nuclear Terrorism.\textsuperscript{35} The emphasis on terrorist bombing
issues resulted from U.S. proposal due to numerous attacks on U.S. such as the truck bomb attack on U.S. military offices in Dhahran, Saudi Arabia in June 1996, and also the attack on World Trade Centre in New York City in 1993. On acts of nuclear terrorism, the proposal came from Russia and it was agreed through informal consultations that the Ad Hoc Committee would “address means of further developing a comprehensive legal framework of conventions dealing with international terrorism.”

The International Convention for the Suppression of Terrorist Bombings (15 December 1997) and International Convention for the Suppression of Financing of Terrorism (9 December 1999) were adopted by the General Assembly which were further elaborated by the Ad Hoc Committee. The General Assembly in its resolution 55/158 which was adopted on 12 December 2000 requested the Ad Hoc Committee to carry on its work of elaborating a comprehensive convention on international terrorism and also continue its attempts to resolve the unsettled issue regarding the elaboration of a draft International Convention for the Suppression of Acts of Nuclear Terrorism and put on its agenda the question of organizing a high level conference with the support of the United Nations to formulate a cooperative organized reaction of international community to terrorism.

A further consequence of resolution 51/210 was to continue integration of specialized agencies and other multilateral bodies, in the United Nations response to terrorism. The annual reports submitted by the Secretary General—as requested under the “Measures to Eliminate” resolutions document states implementation of essential measures, as well as the actions of wide range of international and regional organizations. These reports prove that the number of international and regional organizations drawn into the remit of multilateral counter-terrorism continued to grow. Furthermore, these bodies played varied roles.

In 1997, Terrorism Prevention Branch within the office on Drugs Control and Crime Prevention (now Office on Drugs and Crime) was established by the General Assembly in order to increase the capability of the U.N. Secretariat on counter-terrorism. The office has been instituted as a result of the consolidation of the United Nations criminal justice organs, which had focused on terrorism in the past on numerous occasions.
Thus in all the three streams, that is the Measures to Prevent Terrorism”, “Human Rights and Terrorism”, “Measures to Eliminate Terrorism” General Assembly has issued number of resolutions on terrorism condemning acts of terrorism and calling on member States to cooperate with each other in order to prevent and eliminate terrorism. The General Assembly has also proposed some functional measures that would make terrorist actions more difficult. The General Assembly’s effort to promote coordinated action, whether in the form of elaborating an international legal framework that promotes cooperation against terrorism or in the form of urging governments to work together, have had more mixed results. Here too, the possibilities of Assembly action are defined by the attitudes of the member States. Indeed, there were a lot of reasons to doubt the effectiveness of General Assembly as a tool of counter-terrorism. Although the mechanism of General Assembly recorded numerous achievements, especially regarding the elaboration of rules and norms, limitations were readily evident. Rates of ratification of terrorism–related convention were quite modest, and implementation did not follow always.

Table: 4 U.N. General Assembly Resolutions Related to Terrorism

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<tr>
<th>UN General Assembly Resolutions</th>
<th>Key Provisions</th>
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<tr>
<td>56/1 September 18, 2001</td>
<td>Condemns the September 11, 2001, terrorist attacks and expresses condolences and solidarity with the people and Government of the United States. Call for urgent international cooperation to bring perpetrators to justice.</td>
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<td>55/158 January 30, 2001</td>
<td>Reiterates General Assembly Resolution 54/110. Welcomes the effort of the Terrorism Branch of the Centre for International Crime Prevention. Continues the previous work of the Ad Hoc Committee.</td>
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<td>54/164 February 24, 2000</td>
<td>Recalls General Assembly Resolution 52/123. Commends those governments that supplied the Secretary General with their views on the implications of terrorism. Welcomes the Secretary</td>
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<td>December 12, 1997</td>
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<td>44/29</td>
<td>December 4, 1989</td>
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</table>
| 42/159     | December 7, 1987   | Reaffirms General Assembly Resolution 40/61. Urges all states to (a) prevent the preparation and organization of terrorists acts from their territories; (b) ensure the apprehension, prosecution,
or extradition terrorist perpetrators; (c) conclude bilateral and multilateral agreements to that effect; (d) cooperate with other states in exchanging terrorist information; and (e) harmonize their domestic legislation with existing international conventions to prevent terrorism. Also welcomes the air and maritime—security conventions being drafted by the International Civil Aviation Organization and the International Maritime Organization.

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Date</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>40/61</td>
<td>December 9, 1985</td>
<td>Recalls General Assembly Resolution 38/130. Unequivocally condemns all acts of terrorism. Urges all states not to obstruct the application of appropriate law enforcement measures against terrorist suspects provided for in the conventions to which these states are a party. Urges states to eliminate underlying causes of terrorism, including colonialism, racism, and situations involving massive human rights violations. Also, calls upon all states to follow the recommendations of the International Civil Aviation Organization to prevent terrorist attacks against civil aviation transport. Requests the International Maritime Organization study the problem of terrorism against ships.</td>
</tr>
<tr>
<td>39/159</td>
<td>December 17, 1984</td>
<td>Condemns policies and practices of terrorism between states as a method of dealing with other states and peoples. Demands that states refrain from taking action aimed at undermining other states. Urges all states to respect and observe the sovereignty and political independence of states.</td>
</tr>
<tr>
<td>38/130</td>
<td>December 19, 1983</td>
<td>Recalls General Assembly Resolution 34/145. Deeply deplores the loss of innocent human lives and the pernicious impact of international terrorist acts on friendly relations among states as well as on international cooperation. Re-endorses the recommendations of the Ad Hoc Committee on International Terrorism.</td>
</tr>
<tr>
<td>36/109</td>
<td>December 10, 1981</td>
<td>Re–endorses the recommendations made to the General Assembly by the Ad Hoc Committee on International Terrorism</td>
</tr>
<tr>
<td>Date</td>
<td>Resolution</td>
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<tr>
<td>December 17, 1979</td>
<td>34/145</td>
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<tr>
<td>December 15, 1976</td>
<td>31/102</td>
<td></td>
</tr>
<tr>
<td>December 18, 1972</td>
<td>30/34</td>
<td></td>
</tr>
</tbody>
</table>

and calls upon all states to observe and implement these recommendations.

- **Unequivocally condemn all acts of international terrorism.**
- **Adopts the recommendations of the Ad Hoc Committee relating to cooperation for the elimination of international terrorism.**
- **Calls upon states to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorism in another state.**
- **Appeals to states to become parties to existing international conventions relating to terrorism.**
- **Invites states to harmonize their domestic laws with international conventions on terrorism and cooperate more closely in the areas of information sharing, terrorist extradition, and terrorist prosecution.**

- **Urges states to continue to seek just and peaceful solutions to the problem of international terrorism.**
- **Reaffirms the inalienable right to self-determination of all people, and condemns the continuation of repressive and terrorists acts by colonial, racist, and alien regimes.**
- **Continues the work of the Ad Hoc Committee on Terrorism in studying the underlying causes of terrorism and requests that it submit practical measures to combat terrorism to the Secretary General.**

- **Urges states to devote their immediate attention to the growing problem of international terrorism.**
- **Reaffirms the inalienable right to self-determination of all people under colonial regimes and upholds the legitimacy of national liberation movements.**
- **Also, establishes an Ad Hoc Committee on terrorism to study the root causes and devise solutions to terrorism.**

The General Assembly’s Response to Terrorism after 9/11

The events of 2001 did much to change the orientation of the General Assembly’s counter-terrorism policy. In recent period, the concept and terminology are evolving towards discussion of measures to eliminate terrorism. This development is a reminder that it is standard setting activity of the General Assembly that has given rise to the international conventions and protocols on terrorism whose implementation Security Council upholds today as fundamental in the global counter-terrorism effort.

In the post 9/11 period the Security Council took active part in counter-terrorism and passed several resolutions against terrorism, the record of General Assembly is more modest. After 9/11, the General Assembly in its first plenary meeting on 18 September passed a resolution condemning the attacks on U.S. and calling for international cooperation against terrorism. The resolution passed by the General Assembly in the autumn of 2001 not only condemn the 9/11 attacks but also considered remarkable because it reflected the Assembly practice from the pre 9/11 period. The resolution on “Measures to eliminate International Terrorism” that year referred to Security Council resolutions 1368, 1373, and 1337 and urged States to provide technical assistance to those in need.

The two U.N. organs—Security Council and General Assembly—not only condemn the event of September 11, 2001 but also adopt the effective and practical measures through the support of international community. The Security Council adopted Resolution 1368 (A/RES/1368 (2001)) and the General Assembly adopts (A/RES/56/10) on 18 September in order to prevent the future acts of terrorism. In this regard U.N. Secretary General Kofi Annan highlighted three important principles when the opening of the fifty sixth session of the UN General Assembly was addressed by him immediately after the deadly event and again on 1st October. These principles are as follows:

1) “Terrorists act are never justified no matter what considerations may be invoked.’ Simultaneously the counter–terrorist crusade should not distract from actions on other U.N. principles and purposes accomplishment of which could by itself diminish and eradicate terrorism.

2) The adoption of preventive measures to be undertaken on a cooperative basis should be ‘in accordance with the Charter and relevant provisions of international law.”
3) The search for legal precision must be subordinated to ‘moral clarity’ on the subject of terrorism.

This attitude makes this fact sure that the reaction of United Nations against terrorism was not out of retaliation or retribution but based, as to be supposed in an organization based on norms as well as legal concepts and values. Furthermore the Secretary General’s focus was on the protection of the civilians—an important theme in the United Nations—significantly highlighting the indiscriminate nature of terrorist attacks.\textsuperscript{42}

The Sixth Committee’s Ad Hoc Committee and Working Group were renewed, but debate on main items that is, the comprehensive convention, the convention for the suppression of acts of terrorism and the convening of a high level debate on terrorism under the auspices of the United Nations took on familiar hue soon enough.\textsuperscript{43} One new measure taken in 2001 was a request out of a Fifth Committee (Administration and Budget) that the Secretary General develop a proposal to strengthen the Secretariat’s Vienna based Terrorism Prevention Branch (TBP) of the U.N. Office of Drug Control and Crime Prevention.\textsuperscript{44}

In December 2002, the General Assembly adopted three new resolutions on terrorism. A Mexican initiated resolution, out of the Third Committee was adopted on “Protecting Human Rights and Fundamental Freedoms while Countering Terrorism” without a vote in both the Committee and the Assembly. Not like the “Human Rights and Terrorism” resolutions, the emphasis on new measures was on the duty of states to adhere to human rights in implementing and formulating counter-terrorism policies. Also out of the Third Committee, a Russian–initiated resolution on hostage taking was adopted without a vote. The Indians proposed a resolution in the First Committee on Measures to Prevent Terrorist from Acquiring Weapons of Mass Destruction.” The resolution refer to the current action taken by the IAEA (including the advisory group on nuclear security) and requested the Secretary General to report on measures undertaken by international organization regarding the connection between terrorism and the proliferation of WMD (Weapons of Mass Destruction).\textsuperscript{45}

In 2003, the work of the Assembly further expanded, with Third Committee generating a resolution on “Strengthening International Cooperation and Technical Assistance in Promoting the Implementation of the Universal Convention and Protocols Related to Terrorism within the Framework of the
Chapter 4

Activities of the Centre for International Crime Prevention.” Just as the Terrorism Prevention Branch received more resources and broadened mandate, the Centre (also part of the Vienna based U.N. office of Drugs and Crime) had launched a “Global Programme against Terrorism,” strengthening the capability of some forms of technical assistance. Economic and Social Council (ECOSOC) introduced this resolution to the Third Committee, getting unanimous support. The General Assembly in 2004 keeps its emphasis on weapons of mass destruction and strengthening international cooperation and technical assistance relating to the terrorism conventions and protocols. The General Assembly move forward on the issue of nuclear terrorism as a result of the Secretary General’s High Level Panel report on “Threats, Challenges, and Changes” and his 2005 report, In Larger Freedom. The convention defines radioactive and nuclear material and creates a sequence of offences, which comprises possession or use of such material with objective to cause death or injury, to damage property, or to compel a person, international organization or state from doing or abstaining from an act. Those who are signatories are required to criminalize these acts and to extradite or put on trial all those persons who supposed to have committed them. The convention was approved by the Assembly in April 2005. It was opened for signature in September of that year and come into force in July 2007. In September 2005 Summit, the leaders of the world unequivocally criticize terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever reasons. Building on this old platform, the Summit also requested Member States to act through the General Assembly and adopt counter-terrorism strategy based on the recommendations from the Secretary General that would encourage coordinated, consistent and comprehensive reactions at the national, regional and international level to counter terrorism. The Secretary General Kofi Annan acted on those recommendations and submitted a report to the General Assembly on 2 May 2006. Those recommendations shaped the initial basis of a series of discussion by Member States that resulted in the adoption of a Global Counter-Terrorism Strategy for the United Nations. The strategy is in the form of a resolution A/RES/60/288 with an annexed Plan of Action. In September 2008 all Member States confirmed their full commitment to the principles of the strategy and pledged to pursue its vigorous implementation. More reviews of the strategy were by the Member States in September 2010, and
currently in June 2012 in order to share the experiences and good practices in addressing the menace of terrorism. The Secretary General in its current report on the United Nations activities in implementing the strategy showed the good progress in its third review of the Global Counter–Terrorism Strategy on 28–29 June 2012, the General Assembly unanimously adopted a resolution renewing its staunch commitment for strengthening international cooperation to thwart and combat all forms of terrorism. 50

**Concluding Observations**

The absence of definition of terrorism has not prevented General Assembly from preparing the counter–terrorism conventions and protocols which the international community has adopted in the past and which contain descriptions of all the elements associated with the perpetration of terrorist acts. The General Assembly has addressed international terrorism by developing a normative framework that identifies terrorism as a problem common to all Member States and by encouraging concerted government action to develop more specific national and international law and cooperation between States which is the cornerstone of the UN Charter, have been gradually strengthened to the point that they have become obligatory as the scope and deadlines of terrorism continue to grow.

The General Assembly has also suggested some practical measures that would make terrorist operations more difficult. Resolutions also reveal continued concern that terrorist label not be extended to those engaged in what the General Assembly’s majority regards as justified acts of political resistance and reminders that both the victims and accused perpetrators have rights that deserve respect. Therefore, it may be assumed that General Assembly adopted several resolutions calling for the ratification and for improvement on cooperation between states in combating terrorism, as well as condemning as criminal all acts, methods and practices of terrorism whenever and by whomever committed.

The work of General Assembly after 9/11 was broad in scope, disaggregated across Committees and to a large extent derivative of Security Council measures. The failure of the Assembly to endorse the Council led approach more directly no doubt contributed to its loss of momentum, especially regarding the CTC (Counter Terrorism Committee) process, from 2003. For all its activity, however,
the Assembly, much like as the Council, did not elaborate a single, coherent strategic response to terrorism.

The General Assembly is the United Nation’s most democratic body which includes all the members of the organization. It is a platform where countries speak up and decide what they collectively think is best for the international community therefore it can be said that despite having recommendatory nature and non binding approach General Assembly provides members with a tribune for bringing up the matter they regard as important. It is a forum for exchanging views, and an arena for contending over which problems should be viewed as common challenge and the preferable.
Notes


6 Ibid., pp.173-174


8 Javaid Rehman, n.2, p. 441.

9 Jane Boulden, n. 5, p.441.

10 Peter Romaniuk, n.7, pp.40-41.


(accessed on June 19, 2013), 7:15 p.m.

14 Brett D. Schaefer, UN Treaties and Conferences Will not Stop Terrorism
http://www.heritage.org/research/reports/2002/01/un_treaties_and_conferences
(assessed on July 1, 2013), 4:00 p.m.

15 Javaid Rehman, n.2, pp. 449-450.

16 Ibid., pp.447-448.

17 Peter Romaniuk, n. 7, pp. 55-56.


19 Jane Boulden, n.5, p.182.


www.un.org/documents/ga/res/49/a49r185.htm (assessed on July 6 2013), 2:12 p.m.

22 General Assembly, Secretary General Report on Human Rights and Terrorism, A/50/685
www.un.org/documents/ga/docs/50/plenary/a50-685.htm (assessed on July 20 2013), 3:00 p.m.

23 Jane Boulden, n.5, p.177.


www.worldlii.org/int/other/UNGARsn/2001/214.pdf (assessed on June 10 2013), 1:02 p.m.

Leslie Palti, n.25, p.28.


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www.hrichina.org/content/5198(assessed on August 1 2013), 1:12 p.m.

Jane Boulden, n. 5, p.178.

Ibid., p.182.

Peter Romaniuk, n. 7, p.75.

36 Peter Romaniuk, n.7, p.57


39 Peter Romaniuk, n.7, p.61.

40 Peter Romaniuk, n.7, p.77.


45 Peter Romaniuk, n.7, pp.78-79.


47 Peter Romaniuk, n.7, pp.79-80.

48 General Assembly Resolution A/RES/59/80 (3 December 2004).

49 Peter Romaniuk, n.7, p. 81.