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**STRATEGIC CHALLENGES POSED BY NON-STATE ACTORS
TO COLLECTIVE SECURITY ARRANGEMENT**



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Course Conclusion Work presented to the
Brazilian Army General Staff College as a
partial requirement to obtain the title of
Specialist in Politics, Strategy and Senior
Military Management

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ABSTRACT

Ever since its foundation, the predicament of the United Nations Organization has been that the enforcement of the general principles of international law as set out in the Charter has only been possible when and to the extent by which the interests of the Security Council's permanent members allowed such measures to be undertaken. Obviously, this was the main reason for the *de facto* paralysis of the Security Council during the Cold War, a period which was characterized by the bipolar power structure resulting from the rivalry between the United States and the Soviet Union.

In the wake of the 21st Century, the world has witnessed a huge rise in the activities of transnational terrorists and violent non-state actors. These threats erupted immediately after the Arab spring. Series of terrorist groups claimed to be fighting for justice under the pretext of religious ideology or secessionist claims, thereby posing lots of strategic challenges to global peace and the UN collective security mechanism. The UN has made several efforts at addressing these challenges but to no avail. The obstacles to consistent and efficient mechanisms of collective security are becoming even more serious in the present era of unipolarity – when the international community is faced with the rise of global terrorism in the course of the tragic events of Sept. 11, 2001. At the dawn of the 21st century, the issue of terrorism constitutes the most serious challenge to the world organization's supremacy in matters of enforcing common legal principles, i.e. as guarantor of the international rule of law vis-à-vis all nations, small or big, weak or powerful. The way the United Nations deals with this challenge politically – and the legal and eventually military methods the organization uses, or authorizes, in its collective action against terrorism on the basis of Chapter VII of the Charter – will define its future role in the global system. Indeed, the world organization will have to walk a tightrope trying to balance the power politics of sovereign nation-states – particularly those that enjoy the status of permanent members in the Security Council – against the requirements of collective action as set out in the Charter.

This challenge, however, cannot be met if one has to rely solely on instruments and legal procedures created on the basis of the power balance of 1945, i.e. by means of a Charter reflecting the necessities of an earlier era. Despite the fact that Article 43 of the Charter determines Member States to make their armed forces available to the UN if required by the Security Council, it has rarely occurred and seems to be even

more difficult in the case of the fight against non-state actors employing terrorism. The United Nations Organization can only accomplish its mission if it adapts itself to the newly emerging global situation through a genuine *democratic reform*^[11] – along the lines neither of bipolarity nor of unipolarity, but of multipolarity – and by establishing a comprehensive and consistent system of international humanitarian law in which norms regulating the definition and punishment of the crime of terrorism will form an integral part. This is the essence of the international rule of law. In such a system, there can be no *domaine réservé* of international action with impunity, neither for a state nor for a movement acting against a state, whether it does so with the support of a third state or not. One state's terrorist cannot be the other state's freedom fighter and vice-versa – no international actor, not even a permanent member of the Security Council, can be above the law. In this regard, the Organization needs to streamline its work with the International Committee of the Red Cross and Member States to ensure that Humanitarian Law instruments are more widely accepted and enforced. That includes better defining of terrorism and connected crimes in armed conflict. Even if it may sound highly idealistic or utopian in the present state of international affairs, in the eyes of the citizens of the world, the very legitimacy of the world organization will depend on a consistent and persistent commitment to the rule of law. Such a commitment is the essence of the policy of collective security as laid out in Chapter VII of the UN Charter.

Key words: Non-state actors, collective security, United Nations, UN Security Council

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LIST OF ACRONYMS

NGO	Non- governmental Organization
NSA	Non-state Actor
VNSA	Violent Non-state Actor
IGO	Inter-governmental Organization
UN	United Nations
UNSCR	UN Security Council Resolution
UNSCCTC	UN Security Council Counter Terrorism Committee

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1 INTRODUCTION

1.1 THEME

Human civilization is profoundly influenced by the behaviour and activities of the society. The elements of civilization such as language, history, custom and institutions are some of the driving forces that have brought nation states into existence. No nation state can satisfactorily develop without aggregating views from all quarters in formulating its domestic and foreign policies.

The International armed conflicts like the First and Second World Wars have revolutionized all facets of national and international relations. For instance, by the end of the Second World War, new international diplomatic relations emerged. New actors and ideologies in the form of Non-governmental Organizations (NGOs) and Inter-governmental Organizations (IGOs) dotted the international landscape to provide some form of relief and succour. Notably, the United Nations (UN) as an IGO emerged as an international actor for the maintenance of international peace and security. It has however not been able to provide the requisite solution for combating global terrorism. It has also to do with a historical lack of political willingness on fully fulfilling the spirit of the Charter and its chapters and articles, for example, the necessary availability of Member States' troops to counter terrorism.

As technology advances in the new world order, the world continues to shrink due to globalization. The new world order has witnessed increasing roles particularly by NGOs and IGOs whose activities impacted positively or negatively on nation states; and seek solutions to problems across regional and international boundaries. Areas that were hitherto the exclusive preserve of sovereign states are increasingly being taken over by NSAs. The role of NSAs in the international security arena has assumed wider dimension and recognition. Several acts of terrorism such as the attack on the World Trade Centre (WTC) of 11 Sep 2001 underscore the potentialities of transnational terrorists to influence national security decision. As a result, national policies and actions in the international system are now being shaped and driven by different domestic and international groups and associations thereby posing strategic challenges to global collective security arrangement. Currently, NSAs have influenced world affairs through the challenges they pose to the supremacy and sovereignty of nation states who remain the dominant actors in the global system. The Stockholm International Research Institute defined Non-state

actors (NSA) as entities that participate or act in international relations. They are organizations with sufficient power to influence and cause a change even though they do not belong to any established institution of a state¹. The admission of non-state actors into international relations theory conflicts with the assumptions of realism and other black box theories of international relations, which argue that interactions between states are the main relationships of interest in studying international events². NSAs include IGOs, NGOs, global business and finance institutions, multinational corporations, transnational terrorist and militia groups; and a new type of global interest groups made possible by the growth of the internet. Joseph S. Nye, Junior defined IGOs as “formal organizations that link one or more sovereign governments. States themselves are members and this membership enables them to make collective decisions to manage global problems”. Examples would include the UN, North Atlantic Treaty Organization (NATO), World Trade Organization (WTO) and International Monetary Fund (IMF). Furthermore, he defined an IGO as an organization composed primarily of sovereign states (referred to as member states), or of other intergovernmental organizations³. Intergovernmental organizations are often called international organizations, although that term may also include international non-governmental organization such as international non-profit organizations or multinational corporations. Intergovernmental organizations (INGOs) are an important aspect of public international law. IGOs are established by treaty that acts as a charter creating the group. Treaties are formed when lawful representatives (governments) of several states go through a ratification process, providing the IGO with an international legal personality. Examples include but not limited to the UN, NATO, IMF and Islamic Development Bank.

A NGO, according to Joseph. S. Nye. Junior, is any organization that represents interest other than those of a state or multinational corporation. Its membership consists of private citizens and organizations that are independent of the state and the IGOs. They work with IGOs and the states but lack the power to act in the name of the states. Most references concern transnational or international groups referred

¹ STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE. "Non-State Actors in Conflict". SIPRI Archive. Retrieved 11 June 2012.

² FORDE, Steven,(1995), 'International Realism and the Science of Politics:Thucydides, Machiavelli and Neorealism,' International Studies Quarterly 39(2):141–160

³ NYE, Joseph S.,(2003), 'Transnational Relations and World Politics: An Introduction'. 332-335

to as INGOs. They cover a wide range of activities from monitoring human rights, providing and delivering relief supplies, protecting the environment etc. Examples include the Catholic Church, Greenpeace and the International Red Cross (ICRC). Similarly, the Oxford English Dictionary 10th Edition defines an NGO as 'a non-profit organization that operates independently of any government, typically one whose purpose is to address a social or political issue'. It therefore means that it is independent from states and international governmental organizations. They are usually funded by donations but some avoid formal funding altogether and are run primarily by volunteers. NGOs are highly diverse groups of organizations engaged in a wide range of activities, and take different forms in different parts of the world. Some may have charitable status, while others may be registered for tax exemption based on recognition of social purposes. Others may be fronts for political, religious, or other interests. There are many different classifications of NGO in use. The most common focus is on "orientation" and "level of operation". An NGO's orientation refers to the type of activities it takes on. These activities might include human rights, environmental, improving health, or development work. An NGO's level of operation indicates the scale at which an organization works, such as local, regional, national, or international.

Transnational Terrorists according to Joseph S. Nye are violent NSAs or entities that act across international borders. They conform to a trend of increasing lethality driven largely by ideology, nationalism or extreme religious beliefs⁴. On the other hand, a Militia Group generally is an army or other fighting unit that is composed of non-professional fighters, mercenaries or citizens of a nation or subjects of a state or government who can be called upon to enter a combat situation, as opposed to a professional force of regular, full-time military personnel, or historically, members of the warrior nobility class (e.g., knights or samurai). Unable to hold their own against properly trained and equipped professional forces, it is common for militias to engage in guerrilla warfare or defense instead of being used in open attacks and offensive actions. Examples of some category of violent NSAs that have inflicted terror in different parts of the world include Al-Qaeda, ISIS, Boko Haram, Taliban, Hezbollah, Hamas, Kurdish Workers Party, FARC rebels, Niger Delta Avengers, Janjaweed rebels, Al-Shabab, IRA, Lord Resistance Army rebels, Jewish Defence League,

⁴ NYE, Joseph S.,(2007), 'Understanding International Conflicts: An Introduction to Theory and History', 6th edition, 247-248

Zetas, Sinaloa, Comando Vermelho Cartels of Rio De Janeiro etc. In a bid to condemn transnational and other forms of organized crime, the UN has passed conventions through a Security Council resolution in 2001 to suppress terrorist bombings, assassinations, hostage taking, drug trafficking and financing of terrorism. All 189 member states were obligated to deny terrorists safe harbour. However this action has not been able to curb the spate of terrorism around the world.

1.2 PROBLEM

How could the UN tackle the challenges of terrorism posed by violent NSAs (VNSAs) around the world? The global dilemma lies in the slow response on the part of States and the United Nations in bridging the gaps to address the menace posed by violent NSAs which affect the global security environment. The major challenge posed by activities of violent NSAs has aggravated global terrorism thereby increasing violent activities carried out by terrorists.

The United Nations, through the strategies of collective security and sovereign equality, aspires to have its member states prevent war through the peaceful settlement of disputes. The United Nations' Charter only outlines a method for how sovereign states are to handle disputes with other states. The Charter fails to establish an effective method for states to respond to violence that originates from a non-state source. On the other hand, the Charter, through its article 43, provides the means do address violent conflict. Consequently, States therefore have elected to respond to aggression by non-state actors in terms that are not full in accordance with the United Nations' Charter. In the absence of institutional rules and procedures providing states with effective ways to confront the threats posed by VNSAs, states have reacted and will continue to react to VNSAs through the unilateral use of force, with tremendously negative consequences for the international system.⁵

1.2.1 Range and Limits

This paper therefore argues that any member state that chooses to use force against another state, specifically due to that state being the perceived origin of violent non-state aggression, without the approval of the United Nations Security Council, is doing so illegally and undermining the integrity of the organization. Since

⁵ ANDERSEN, David R.. "Foreign Policy Decision-Making and Violent Non-State Actors." *International Studies* 38, No. 1 (1994): 1-129.

the United Nations' Charter fails to make provisions for the use of force against violence by non-state on state actors, it would seem wise for the United Nations to update its Charter to reflect a more efficient method for states to respond to non-state aggression. Unless the United Nations modernizes to respond to this tactic and outlines a strict method for states to respond to these situations, the United Nations will grow increasingly irrelevant.

1.3 OBJECTIVES

The paper attempted to discuss some relevant strategies adopted by the UN to address the problem of VNSAs and the efforts of some countries to adopt the unilateral use of force against transnational terrorism. A case study of Israel and Palestine was used to site an example of the role of non-state actors in the international contest as applicable to the Middle Eastern part of world. By doing that the NSA and their role in the international contest is identified. Thereafter, some of the strategic challenges posed by VNSAs to global peace and security in different parts of the world as well identifying UN's capabilities to deal with these challenges were highlighted in the paper. Furthermore, Chapter Three dwelled on some legal aspects under the International Law, UN and Westphalian Treaty as it concerns the idea of a UN collective security arrangement against terrorism. The Fourth Chapter analysed the role of the UN and difficulties that prevents it from functioning efficiently in terms of resolving the menace of VNSAs, citing the issue of unilateral use of force by Israel in the case study of the Palestine territory. Lastly, Chapter Five concluded the discourse and suggested recommendations on the best approach to adopt in reducing the spread of terrorism. The methodology adopted in the discourse was based on written sources, experiences and data gathered from the internet.

1.4 HYPOTHESIS

In order to guide this work and the thinking process it was established that the United Nations needs to be reformed in a way that it can compel nation states and international players to conform to the rules in order to meet the challenges faced.

2 STRATEGIES AND POLICIES ADOPTED BY THE UN TO TACKLE CHALLENGES POSED BY TERRORISM

This chapter outlines some relevant instances adopted by the UN to address the menace of terrorism through passage of resolutions.

The UN Conventions regarding Terrorism through the International Humanitarian Law (IHL) promote an environment that aims to eliminate violent threats against civilians and is the foundation for the UN's regulations on this topic.

The UN has expanded its legal regulations from ICRC's Protocol I so that it can more efficiently address the threats that are being imposed by NSAs and their terrorist activities. To date, the UN has adopted 13 major conventions to address the on-going use of terrorism. The first convention, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, was signed in Tokyo (also known as the Aircraft Convention.) on 14 September 1963. The Tokyo Convention established methods to handle in-flight terrorist acts and required states to take offenders into custody. Two more conventions were adopted in 1970/71 to handle similar situations and behaviors. This topic evolved once again in 1988, with the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, where the UN supplemented the previous conventions, which were limited to domestic airports and flights, to now include international aviation.

Similarly In 1973, the UN held the Convention of the Prevention and Punishment of Crimes Against Internationally Protected Persons (also known as the Diplomatic Agents Convention) defining who constitutes as an "internationally protected person" and established that states must penalize all parties that threaten, attempt, or carry out actions that compromised the "liberty of an internationally protected person. The fifth UN convention against terrorism is the International Convention against the Taking of Hostages (also known as the Hostages Convention), which is particularly relevant to this research because it shows how the UN has updated its framework to address new tactics of terrorism that violent NSAs (VNSAs) employ. This convention acknowledges the impact and power that NSAs have obtained through kidnappings. The Hostages Convention stipulates that it is unlawful 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". Through this convention, the UN made it illegal for a

person or organization to exploit innocent individuals as bargaining chips in return for certain demands.

Two UN conventions deal with the unlawful acts of violence created through nuclear material and plastic explosives, the transportation, and selling of these items. In 1980, the UN adopted the Convention on the Physical Protection of Nuclear Material (also known as the Nuclear Materials Convention), which made the possession, transportation, or use of nuclear materials to cause death or injury a criminal offense. The 1991 Convention on the Making of Plastic Explosives (also known as the Plastic Explosives Convention), specifically deals with the detonation of these items aboard aircraft. The Convention of the Suppression of Unlawful Acts against the Safety of Maritime Navigation (also known as the Maritime Convention) and its protocol, the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, were adopted in 1988, addressing maritime terrorism both against ships and fixed offshore platforms. Most recently, the UN has adopted conventions with the specific purpose of addressing terrorism. In 1997, the UN adopted the International Convention for the Suppression of Terrorist Bombings (also known as the Terrorist Bombing Convention) which stated that member states who adopted this convention would make it a crime within their state to organize, direct, carryout or be an accomplice to an offense that intentionally delivers, places, discharges or detonates an explosive or other lethal device in a public place, a government building or within modes of public transportation. This convention stated that the member state would prosecute any criminal offenders through appropriate penalties. This puts the responsibility to prosecute offenders upon member states, not upon the Security Council. Therefore, even if the Security Council deems a bombing to be a terrorist attack, unless member states agree to pursue the offenders, then this convention lacks any true strength or power.

Another convention adopted by the UN is the United Nations Global Counter Terrorism Strategy (also known as the Nuclear Terrorism Convention), which was adopted on 12 January 1998. This convention addresses national, regional and international acts of terrorism and outlines a strategy for member states to address terrorism. This includes coordination of all member states to combat crimes that are associated with terrorism, such as drug trafficking, illicit arms trade, money laundering, and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials. The Nuclear Terrorism Convention was adopted by all

192 members of the UN. While the UN has passed numerous conventions addressing the evolving tactic of terrorism, violent NSAs still are carrying out violent attacks that are bestowing terror upon the general population. It is therefore necessary to examine how the UN applied these conventions to address the issue of NSAs receiving support from states.

Over time, the activities of NSAs have increased and diversified which made it difficult for the UN, to evolve structurally in a manner that it will be able to track these NSAs. The scope and intensity of violence NSAs were inflicting was disproportionate with their status of not belonging to any recognized state. As the severity of the NSA terrorist actions increased, the UN saw the need to financially inhibit the relationship between NSAs, their backers and possibly sympathetic states. As the UN began to recognize that some of these groups must be obtaining support, finances, or some other form of assistance from a state, it acknowledged the need to address the rising problem of terrorism and state support. For the UN to curtail state-supported terrorism, it relied upon the foundation of its Charter to outline responsibilities that member states were required to follow. Under Chapter VII titled Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, Article 41 of the UN Charter states that "The Security Council may decide what measures, not involving the use of armed forces, are to be employed to give effect to its decisions. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. Article 41 does not specifically refer to states perceived or proven to sponsor terrorism but this is irrelevant. When states agreed to sign the UN Charter, they are agreeing to support Article 41 and therefore the resulting Security Council decisions. The Security Council has passed resolutions regarding the use of terrorism and outlined methods for member states to follow as a response. Therefore, member states are bound to follow these decisions due to Article 41.

2.1 UNITED NATIONS SECURITY COUNCIL 1267 COMMITTEE MONITORING TEAM

More recently, the United Nations Security Council 1267 Committee, also known as "the Al-Qaida and Taliban Sanctions Committee", was established pursuant to resolution 1267 (1999) for the purpose of overseeing the implementation

of sanctions measures imposed on Taliban-controlled Afghanistan for its support of Osama bin Laden. The 1267 sanctions regime has been modified and strengthened by subsequent resolutions, including resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008) and 1904 (2009) so that the sanctions measures now apply to designated individuals and entities associated with Al-Qaida, Osama bin Laden and/or the Taliban wherever located. The above-mentioned resolutions have all been adopted under Chapter VII of the United Nations Charter and require all States to take the following measures in connection with any individual or entity associated with Al-Qaida, Osama bin Laden and/or the Taliban as designated by the Committee:

- a. Freeze without delay the funds and other financial assets or economic resources of designated individuals and entities;
- b. Prevent the entry into or transit through their territories by designated individuals; and
- c. Prevent the direct or indirect supply, sale and transfer from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, spare parts, and technical advice, assistance, or training related to military activities, to designated individuals and entities.

2.2 THE ANALYTICAL SUPPORT AND SANCTIONS MONITORING TEAM

The Analytical Support and Sanctions Monitoring Team established pursuant to the United Nations Security Council resolution 1526 (2004) and extended by Security Council resolution 1904 (2009) concerning Al-Qaida and the Taliban and associated individuals and entities (the “the Monitoring Team”) supports the work of the 1267 Committee. The Monitoring Team is composed of eight independent experts, appointed by the Secretary-General, with expertise in counter-terrorism, financing of terrorism, arms embargoes, travel bans and related legal issues. The Monitoring Team assists the Committee in evaluating the implementation of the sanctions regime by Member States, including on the ground, as well as by reporting on developments that have an impact on the effectiveness of the sanctions regime, such as the changing nature of the threat of Al-Qaida and the Taliban. The 1267 Monitoring Team is part of the United Nations Counter-Terrorism Implementation Task Force (CTITF) and is, within CTITF, the lead entity of the Working Group on Countering the Use of the Internet for Terrorist Purposes.

The Working Group on Countering the Use of the Internet for Terrorist Purposes aims to identify and bring together stakeholders and partners on the issue of abuse of the Internet for terrorist purposes, including through radicalization, recruitment, training, operational planning, fundraising and other means. In conjunction with Member States, the Working Group aims to explore ways in which terrorists use the Internet, quantify the threat that this poses and examine options for addressing it at national, regional and global levels, including what role the United Nations might play, without compromising human rights, fundamental values and the open nature of the Internet itself. The most recent UNSC Counter Terrorist Committee document which constitutes the most up-to-date collection of official United Nations documents relevant to the phenomenon of so-called foreign terrorist fighters/ violent (NSAs) is attached at Annex A⁶.

There are varying levels of commitment by member states depending on the type of decision passed by the UN. Under the UN Charter, all member states agree to accept and carry out decisions of the Security Council. The Security Council alone has the power to make decisions which member states are obligated to follow. If other organs of the UN choose to pass a convention or make recommendations, then member states are allowed to decide if they want to sign on and follow this decision. Therefore, when the Security Council has passed resolutions regarding terrorism, then member states are obliged to follow the recommendations of the Security Council. An example of this would be UNSCR 638, which the Security Council states that *“it is deeply disturbed by the prevalence of incidents of hostage taking and abduction... and demands the immediate safe release of all hostages and abducted persons”*. Therefore, all member states of the UN must work to prevent the taking of hostages and is also responsible for the failure to help in the release of these hostages. If member states fail to do so, they are in violation of this resolution and therefore the UN Charter.

For instance, in July 1998, 120 member states adopted a treaty that established a permanent international criminal court. This treaty went into force on 1 July 2002. Prior to the establishing of the ICC, the UN dealt with violators of its Charter and Resolutions through tribunals. These tribunals were established on a case-by-case basis. The ICC does not try member states, but instead tries the individual criminals

⁶ UNITED NATIONS SECURITY COUNCIL CTC. UNSC CTC meeting on 3 sep2016. Available in <<http://www.un.org/ctc>>. Acces in ___/___/____.

behind the offenses. The ICC only has jurisdiction over current crimes; it is not able to try crimes committed prior to 1 July 2002. The types of crimes that the ICC handles are genocide, crimes against humanity, war crimes, and crimes of aggression⁷. While terrorism is not specifically addressed, it could be tried under crimes against humanity if the attack is determined to be a “systematic attack directed against a civilian population.

If a violation does not fall under the auspices of the ICC, the UN can still chose to penalize states through diplomatic efforts or sanctions. The UN has chosen to employ these penalties against states that it believed were offering financial assistance to VNSAs. The first attempt, through diplomatic efforts, was intended to build multinational coalitions against terrorism and encouraging states to take effective counterterrorism action. The second penalty sanctions, has ended up being a more effective mechanism used by the UN in its battle against state-supported terrorism. These sanctions forced violating states, through rigorous economic restrictions, to reconsider the extent of their involvement in harboring, supporting, and aiding violent NSAs. The following portion of this chapter will examine examples of the use of sanctions to combat terrorism.

2.3 INSTANCES OF UN USE OF SANCTIONS

2.3.1 Rhodesia

Prior to 1990, the UN had only relied upon Article 41 to justify economic sanctions twice. The first time sanctions were implemented was in 1966, with the passing of UNSCR 232 against the Ian Smith-led government of Rhodesia. This occurred when Rhodesia issued its declaration of independence from the U.K. in 1965. The Security Council rejected the existence of the UDI-Rhodesia state and went onto establish that UDI-Rhodesia was a threat to international peace and security with UNSCR 216 and UNSCR 217 in November of 1965. By 1966, the Security Council built upon these two resolutions with the passing of UNSCR 221 and eventually UNSCR 232. UNSCR 232 established the expectations of member states to limit trade with UDI-Rhodesia. These economic sanctions began in 1966 and remained in force until 1979, ending with the collapse of the UDI government.

⁷ ibid

There are multiple elements that led to the collapse of the UDI government. One being a growing lack of respect from the citizens of the country upon its military, a major arm of the government. This occurred because the military was beginning to be seen as costly, unproductive and potentially infiltrated by the British Secret Service. This lack of respect for the military was leading numerous black soldiers, which made up 70% of the military, to begin to shift their allegiance. Eventually, Ian Smith recognized the need for an agreement to be reached between his government and national parties that were growing support within the country. In April of 1979, free and open elections were held within Rhodesia.

2.3.2 South Africa

The second time that economic sanctions were implemented prior to 1990 was against South Africa in 1977 due to apartheid. UNSCR 418 was passed on 4 November 1977, implementing an arms embargo and led to restrictions upon foreign investments. These sanctions remained in force until 1993, when the UN General Assembly voted to lift sanctions due to the fall of apartheid with Resolution 48/1 at its 22nd plenary meeting. While the UN sanctions may not be the direct reason for the end of apartheid in South Africa, it did help bring about the end to it. Essentially, the UN, along with most of the international community had denounced the apartheid regime by 1980. Prior to 1980, the states that bordered South Africa were heavily economically dependent upon South Africa. Yet, these states formed the Southern African Development Co-ordination Conference, which aimed to promote economic development in the region and therefore reducing their dependency upon South Africa. Additionally, the government of South Africa implemented increasing social conservative demands upon its citizens. These reforms led to an increase in civil unrest within South Africa. A state of emergency was declared in July of 1985 and did not end until 1990. In 1990, South Africa's new President, F.W. de Klerk lifted the ban on anti-apartheid parties. He also started working towards the release of Nelson Mandela. When apartheid finally ended, numerous reasons can be given for why the South Africa's government finally turned away from apartheid. The main reasons were that President De Klerk extended elections within the country to include black candidates, the on-going civil unrest within the country had weakened the government, and the continuing economic instability of the nation all resulted to the fall of apartheid.

Since 1990, the UN's Security Council has increased its economic pressure in hopes of dissuading the behaviors of unlawful member states. The reasons for sanctions have ranged from civil wars, ceasefire violations, human rights violations, suppression of democracy, and terrorism. These issues have been handled through increases in military operations, mandates for arms inspections, heightened expectations regarding human rights, and the implementation of economic sanctions.

2.3.3 Iraq

Since the end of the Cold War, the Security Council has voted to implement economic sanctions, for a variety of reasons, against eleven separate states beginning with Iraq. Iraq is one of the first states to be listed by the UN as a state that supported organizations who employed terrorism. Sanctions began in December of 1979 but the UN removed Iraq from its list in 1982. Iraq is believed to aid numerous terrorist groups, including the Palestinian Liberation Front (PLF), the Abu Nidal Organization (ANO), and al-Qaeda. With Iraq's invasion of Kuwait in August of 1990, the country became subject to the most comprehensive trade and financial sanctions by the UN. UNSCR 661 mandated the implementation of economic sanctions that would curtail Saddam Hussein's ability to obtain biological and nuclear weapons. Sanctions were only dropped in 2003, by UNSCR 1483, when the U.S. campaigned for the removal of sanctions so that the Occupying Forces could obtain full control of Iraq's oil sales. The Security Council voted in favor of economic sanctions against terrorist-supporting states in three other cases: Libya (1992), the Sudan (1996), and Afghanistan (1999).

2.3.4 Libya

The most substantial terrorist act carried out by Libyan based NSAs was the 21 December 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland. This occurred when 12-16 ounces of plastic explosives were hidden within a cassette player and placed in a suitcase held in the storage hold of the Boeing 747. The blast killed all 270 people aboard the plane and eleven on the ground. The UN Security Council passed UNSCR 635 "strongly condemning the destruction of Pan Am Flight 103 and calling on all states to assist in the apprehension and prosecution of those responsible. One of the largest international criminal investigations ensued. Investigators interviewed over 15,000 people, examined more than 180,000 pieces of

evidence, and went to more than 40 countries. After finding the timing device of the bomb, the investigators were able to trace it back to Abdelbaset Ali Mohmed al-Megrahi and Al Amin Khalifa Fhimah, both Libyan nationals. Despite numerous requests, Qaddafi refused to extradite these men. With UNSCR 731, the UN Security Council officially recognized that the Libyan Government played a major part in the Pan Am bombing and condemned the government for not fully aiding in the prosecution of those responsible. By 31 March 1992, the Libyan government still had failed to respond to the extradition request of UNSCR 731. At this point, the Security Council passed UNSCR 748 and implemented economic sanctions against the state of Libya. This included denial of any international aircraft to enter or exit Libya, prohibition of the sale or transfer of arms, and the censure of Libyan nationals from international travel until the two Lockerbie suspects were extradited. In November 1993, the UN met again to discuss the lack of cooperation from the Libyan government and implemented further sanctions. UNSCR 883 required all member states to freeze all funds and financial resources involving Libya, with specifically extreme restrictions on all petroleum products. UNSCR 883 additionally froze all Libyan government assets abroad.

Through hindsight, the international community has viewed these UN economic sanctions as successful. In 1999, Qaddafi finally succumbed to the economic pressures and Libya handed over the terrorist suspects that they had been harboring for nearly a decade. In 2003, the UN Security Council voted 13-2 to pass UNSCR 1506, which lifted economic sanctions against Libya. The Security Council stated that they were “lifting with immediate effect, because the Libyan government had taken steps “to comply with the above-mentioned resolutions, particularly concerning acceptance of responsibility for the actions of Libyan officials, payment of appropriate compensation, renunciation of terrorism, and a commitment to cooperating with any further requests for information in connection with the investigation.”

These sanctions were the first time that the support of terrorism by a state was the reason why the UN imposed economic sanctions against a state. Sanctions effectively achieved their purpose of bringing the Lockerbie suspects to justice in front of the International Court of Justice at The Hague. The Libyan government continued to cooperate with the UN by expelling the once well-harboured ANO terrorist group from the country. This particular example of UN economic sanctions shows how valuable sanctions can be against fighting terrorism if they are effectively

implemented and respected multilaterally. The UN unmistakably conveyed to the government of Libya that sanctions would not be lifted unless full compliance with the requirements of turning over the Lockerbie suspects and curtailing state support for violent NSAs was met. While it did take over a decade for the Qaddafi regime to comply, eventually the sanctions caused an economic stranglehold over Qaddafi. The objectives of the sanctions were achieved, and therefore the UN sanctions are viewed as successful. However, as this paper will further explore, the use of sanctions against terrorism has rarely shown to achieve similar results.

2.3.5 Sudan

The Sudan In 1956, after a short revolt and civil war, the Sudan broke away from British-Egypt rule and became a sovereign state. For nearly five decades, the Sudan was riddled with military coups and civil wars. In 1989, another military coup, which was led by Islamic fundamentalists, forced the Sudanese government into becoming an Islamic state. The coup was headed by Dr. Hassan al-Turabi and backed by General Bashir. These individuals were members of the Iranian-backed extremist organization, National Islamic Front. Bashir served as the president of the NIF, yet Turabi was considered to be the intelligence behind the scenes. After the NIF took over control of the Sudan, strict Islamic law was imposed and a campaign to convert Christians to Islam was launched. Under the NIF, the Sudan offered residency to any Arab or Muslim. Through this policy, Osama bin Laden was allowed to enter the Sudan where he moved to the city of Khartoum. Other known violent NSAs who relocated to the Sudan during this time were Imad Mughniyah, the man believed to be responsible for the 1983 bombing in Beirut of the U.S. embassy and of military barracks. The bombings killed hundreds of U.S. marines and staff members. The Sudan also harbored Ilich Ramirez Sanchez, known as "Carlos the Jackal. Due to the state providing sanctuary, safe passage, military training, financial support, and office space to numerous international terrorist and Islamic organizations, the Sudan was designated as a state that supported terrorism. Prior to the 1989 coup, the Sudan was receiving large amounts of support from foreign countries to aid both its military and its economy. After the coup, this aid significantly decreased and the Sudan entered an economic depression. The inflation that the country experienced was crippling, at times inflation was 200% and the

public debt was greater than \$16 billion, which was more than twice the country's GDP.

Terrorist aggression escalated in 1995, when three members of the Egyptian terrorist organization, Gama'at al-Islamiyaa, attempted to assassinate Egyptian President, Hosni Mubarak, while he was in Ethiopia. The Sudan quickly offered safe haven to these three suspects and refused to extradite them to Ethiopia. The UN Security Council met and passed UNSCR 1044 on 31 January 1996. The language of this resolution stated that the international community was "gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995, and mandated that those responsible for that act must be brought to justice. The resolution demanded that the Sudanese government comply with the request of the Organization of African Unity (OAU), which urged for immediate action to extradite the suspects to Ethiopia and to desist from engaging in any terrorist activities. By April of that same year, the UN met again to analyze the cooperation from the Sudanese government regarding UNSCR 1044. The Security Council decided that the government of the Sudan had failed to comply. In an attempt to escalate the pressure upon the Sudan, the UN passed UNSCR 1054, which imposed economic sanctions against the Sudan until they resolved all request established by the UN and OAU. These sanctions forced a reduction in the number of Sudanese diplomats located in states who recognized that the Sudan supported terrorism. The sanctions also restricted the travel of Sudanese governmental officials. The aims of these sanctions were to have the government comply with the UN's aim to strengthen cooperation between member states in order to prevent, combat and eliminate all forms of terrorism. Yet, despite these sanctions, in 1998, two U.S. embassies were bombed in Nairobi and Dar es Salaam. Combined, about 225 people were killed and 4085 people were injured in these bombings. Through an investigation by the U.S. FBI, Osama Bin Laden was determined to have been the leader behind these attacks. The U.S. government responded to these attacks through Operation Infinite Reach. This was a series of cruise missile attacks upon a chemical plant in the outskirts of Khartoum. The U.S. government justified these attacks by stating that the plant was producing chemical weapons yet a later investigation disproved this statement. After the bombings, the Sudan chose to expel Osama bin Laden, along with Carlos the Jackal and Mughniyah out of their country.

By 1999, despite the earlier economic depression, the political disorder, and the international turbulence that the country was experiencing, the Sudan slowly began to improve. Bashir allowed for some of the political elite that had been exiled to return to the country, foreign currency was allowed to be carried and the dinar was becoming stable. The Sudan was also able to begin to build international relationships by importing and exporting goods, and they were even able to sign commercial trade agreements with Egypt. In late 1999, the Sudan and Uganda signed an agreement to no longer support each other's NSAs. States outside of Africa acknowledge this growth and reopened their embassies in Khartoum. The Sudan opened economic relationships with France, the Netherlands, Germany, Malaysia and Japan, all helping to future improve the Sudan's economic stability. Despite these steps in the right direction, the UN and the U.S. government has yet to remove the sanctions placed upon Sudan, which has led this state to turning to China for economic and military support. China paid for tanks, guns and planes, which have been used to continue the on-going civil war between north and south Sudan.

By 2000, the Sudanese government had signed all 12 conventions relating to terrorism that existed within the UN, yet it still had failed to comply with the requirements established by UNSC 1054. It is possible that if the UN and or Western states had recognized the steps the Sudan was taking towards compliance and had offered financial support, then the civil war in the Sudan would not have increased in its severity and intensity. Because the Sudanese government was failing to comply with the requirements of UNSCR 1054, the sanctions remained in place impacting the civilian Sudanese population in vast and horrific ways. Grave accounts of hunger, famine, and continuing incidences of civil unrest were abundant. Due to these accounts of suffering, the UN passed UNSCR 1372, which terminated the sanctions imposed by UNSCR 1054, in an attempt to alleviate the distress upon the general public. Even after the sanctions had been removed, limited humanitarian aid was offered to the Sudan. This was because of the Sudanese government's lack of compliance in preventing civil war, their failure to halt support for terrorist organizations, and also their failure to extradite the terrorist suspects named in UNSCR 1044.

The UN undertook extensive research to analyze the humanitarian conditions throughout the Sudan, with UN Secretary General Kofi Annan visiting the region, returning with accounts of "catastrophic levels" of suffering. Annan stated that the UN

would aid both in ceasefire efforts and humanitarian aid. Finally, on 24 March 2005, with the adoption of UNSCR 1590, the UN authorized the deployment of 10,000 UN forces focused on ending the civil war, preventing the growth of terrorist activities, and overseeing the ceasefire. In April 2006, the UN passed UNSCR 1672, which imposed sanctions against four Sudanese nationals. Despite the varying attempts by the UN and numerous other organizations, the humanitarian situation in the Sudan is still dire. The Sudan is in the midst of the longest civil war in Africa, a reason why the UN, despite steps by the Sudan against terrorism, still fears that this state will be a training location for terrorists. The Sudan backs this fear, stating if the UN imposes sanctions against it, not only will the government collapse, but also it will become a threat to the war on terrorism. It is difficult to determine the impact UN sanctions have had upon the humanitarian situation within the Sudan. Even prior to the first time sanctions were imposed upon the Sudan in 1996, the Sudan was already in the midst of a civil war and had accounts of terrible human rights violations. One thing that is known is that UN sanctions did not create an environment that would elevate these atrocities. The Sudan has improved its standings in regards to preventing state-sponsored terrorism, but it is still a state that is very unpredictable, leading the UN and some member states to fear that the Sudan will revert back to the appeal of wealthy terrorist organizations to assist with the economic struggles of this state.

2.4 COMMENT

The strategic challenges posed by VNSAs range from proliferation of small arms, automatic weapons, heavy calibre bombs and Improvised Explosive Devices (IEDs). This is part of the main source of transnational terrorism. Additionally, the activities of VNSAs, have huge humanitarian impact on global migration. This has its own negative consequences in the escalation of refugees and IDPs around the world. Furthermore, it also has a tremendous religious and ideological effect on the psychology of youth around the world, especially the less educated who are being brain washed to join the fight against the unbelievers. As this chapter has shown, the UN has expanded upon the documents to address the behaviours of VNSAs or terrorists. Despite any legal changes that the UN has undertaken, violent NSAs have continued to carry out attacks. While sanctions have achieved some successes in some states, it has failed to reduce terrorist behaviors within other states. Due to these shortcomings of the UN, member states are searching for means outside of the

organization to ensure their own safety. The overwhelming security threat that is imposed by potential terrorist attacks leads states to act pre-emptively and violating Article 39, believing this behavior will prevent injury and death to their citizens. The UN Charter fails to establish a method for states to protect themselves against violence that originates from a non-state source. Therefore member states are choosing national sovereignty and national security over collective security.

3 LEGAL ISSUES ON TERRORISM UNDER THE UN, INTERNATIONAL LAW AND WESTPHALIAN TREATY

3.1 THE UN CHARTER

The political and legal frameworks that form the foundation of the current international system were created in 1945 in the aftermath of World War II through the United Nations, an international institution that sought to establish effective, regularized means through which the nations of the world could pursue and maintain as peaceful an international system as possible.

In the shell-shocked aftermath of World Wars I and II, the chief concern of those who had survived was proscribing the type of inter-state aggression that had precipitated the two World Wars. In pursuit of this goal, the framers of the UN aimed to preserve and bolster the territorial integrity of the world's nation-states through a collective security institution devoted to the promotion of peace among states.

Consequently, the international legal and political frameworks enshrined in the UN Charter centered on the problems and complications resulting from interactions between states. The norms of International Humanitarian Law (IHL), which govern armed conflict, similarly exemplify the state-centric bias of the current international political and legal system. In other words, both the UN Charter and IHL were created by states, for states. The state-centric nature of the international political and legal system codified in the UN Charter can ultimately be traced back to the 1648 Treaty of Westphalia, which is important not because it ended the Thirty Years' War but, rather, because it is considered by Western scholars to be the international-legal source of the modern conception of the state.

This Westphalian ideal of the state is based upon three primary assumptions: first, that the world is composed of sovereign states; second, that these sovereign states exercise a right to complete autonomy over the territories in which they are sovereign; and third that all states are legally-equal in their sovereignty and autonomy.

In practice, the greatest implication of these assumptions has been a norm of non-intervention in international politics, by which it is presumed that a state (or group of states) cannot legitimately interfere in the affairs of another. Many provisions of the UN Charter demonstrate its reliance upon the Westphalian ideal of the state and its underlying assumptions; most importantly, Article 2 and Article 51. According

to Article 2(1) of the UN Charter, “the [UN] is based on the principle of the sovereign equality of all its Members.” Likewise, Article 2(4) states that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state”. Article 51 exemplifies even more starkly the Westphalian foundations of the UN Charter as it attempts to find a middle ground between the UN’s collective-security arrangement on the one hand and the implications of Westphalian sovereignty and autonomy on the other.

Thus, according to Article 51 of the UN Charter, “nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations”. These provisions clearly demonstrate the fact that the current international political and legal system’s centerpiece - the UN Charter - relies heavily upon the characteristics of the nation-state assumed by the Treaty of Westphalia.

3.2 INTERNATIONAL HUMANITARIAN LAW

International Humanitarian Law (IHL) - another fundamental component of the current international political and legal system - is similarly based upon a Westphalian notion of the state. IHL, also known as the “laws of war” or *jus in bello*, (the right to wage a just war) and “*jus ad bello*”(the law, norms and procedures within an armed conflict) was developed in order to regulate armed conflict and reduce human suffering in times of war. Similar to the UN Charter, IHL provides another clear example of the existing international legal system’s state-centric bias in that IHL was developed under the assumption that states would be the sole participants in major armed conflicts. It is also important to note, however, that the *jus in bello* was abolished with the adoption of the UN Charter who clearly outlaw war, as an illegal international activity.

This assumption is reflected in IHL’s primary principles, which are: first, distinction between combatants and non-combatants; second, use of force according to necessity and proportionality; third, humane treatment of prisoners-of-war (POWs) and civilians; and fourth, preferential treatment toward women and children. Although these principles have served their purpose well in the context of inter-state conflicts - in which both sides are able to separate and distinguish their military personnel from their civilian populations and in which both sides have strong incentive to avoid unnecessary civilian casualties - the same cannot be said for conflicts involving

VNSAs. Furthermore, as time has gone on, the proportion of armed conflicts that exclusively involve state actors has diminished significantly as the economic consequences of globalization have provided states with massive disincentive to fight one another as they have in the past.

Due to increased globalization and the subsequent rise of VNSAs, most of the assumptions upon which the Westphalian ideal of the state are based do not conform to the reality of world politics. As a result, the current international political and legal system is attempting to operate according to normal despite this fundamental dissonance that has created a schism between law and reality. This is rendering the current system increasingly obsolete in the face of the continued, system-wide changes brought on by globalization and the rise of VNSAs. These new dynamics complicate the state-centric system's foundational assumptions and threaten the ability of the current system to promote order and stability in the international system.

3.3 THE WESTPHALIAN TREATY

As globalization, with its panoply of political, economic, social, and technological implications, has continued to link the peoples of the world together as never before, the operational capabilities of VNSAs have increased remarkably, revealing the Westphalia notion of the state as an essentially mythical ideal that cannot credibly be said to exist in reality. In the words of Michael Phillips:

*'this outcome has rendered the Westphalian ideal useful only as an "academic shorthand rather than empirical reality.'*⁸

However, as discussed in the preceding section, because the current international political and legal system is fundamentally based upon the Westphalian assumptions of sovereignty, territoriality and autonomy, there exist insufficient procedures for states to deal with the new realities of global politics, most importantly, the acute threats posed by VNSAs. This legal and procedural deficit has, in turn, left states little choice but to resort to the unilateral use of force against VNSAs in direct violation of the established international political and legal system. Globalization has primarily increased the operational capabilities of VNSAs by democratizing the motivations and means of waging war. Whereas previous eras

⁸ KIRSHNER, Jonathan. "Globalization, American Power, and Security." *Political Science Quarterly* 123, no. 3 (2008): 1-28.

only allowed states, with their superior organization and power, to accumulate the destructive capabilities necessary for engaging in warfare, the unorganized and stateless forces of globalization have allowed VNSAs to organize, recruit, and fight much like states. However, in spite of its transformative power, globalization has not yet entirely invalidated the first assumption of the Westphalian ideal; namely, that the world is composed of sovereign states.

For, in the words of Robert Jackson, VNSAs “must locate and operate on sovereign territory somewhere⁹”. This is indeed true, as evidenced by the experiences of many violent non-state actors such as al-Qaeda, which bases its operations in Afghanistan and Pakistan, Colombia’s FARC guerrillas, or the Yemeni-based al-Qaeda in the Arabian Peninsula (AQAP). The implication of this is that, while the existence of VNSAs on states’ sovereign territories does not in and of itself nullify the international-legal sovereignty of those states, it does call the practical strength of their sovereignty into question, resulting in the first “myth” of the Westphalian ideal upon which the current international political and legal system is based.

The first “myth” present in the current international political and legal system is that all states, considered “legally equal” under Westphalian assumptions, sufficiently exercise sovereignty over their territories. To expand upon the examples used above, this means that although the governments of Afghanistan, Pakistan, Colombia, or Yemen are considered to be the sovereigns of their respective states by the international community, they are either incompetent or unwilling to exercise that sovereignty throughout the whole of their territories and fail to maintain order and security or, to use Max Weber’s terminology, fail to monopolize the use of violence. The same is true for many nations in the developing world, especially those granted sovereignty in the wave of decolonization that swept the world in the wake of WWII, simultaneous with the drafting of the UN Charter. These nations are what Robert Jackson refers to as “quasi-states:

‘in that they ineffectively exercise sovereignty over their territories, typically only providing security and public goods in their cities while the peripheral areas remain subject to lawlessness and violence at the hands of the militias, insurgent groups, criminal cartels, and

⁹ Ibid.

terrorist organizations which fall under the umbrella of “violent non-state actors”¹⁰.

Failed states such as Somalia, in which no regime or government can be said to exert meaningful sovereignty over the state’s ostensible territory, provide even more dramatic evidence of the Westphalian ideal’s practical non-existence. According to both Phil Williams and Klejda Mulaj, state weakness and deficiency-such as that present in Jackson’s “quasi-states” or the developing world’s failed states - is almost always a permissive condition for the emergence of powerful VNSAs. The co-existence of a central government with peripheral VNSAs directly contradicts the Westphalian assumptions of sovereignty, territoriality, and autonomy, resulting in what Mulaj refers to as a condition of “‘fragmented sovereignty’ that is complemented by a ‘system of violence’ in which state and non-state actors interact, coexist, cooperate, or conflict tacitly and implicitly,” and which “impairs the state’s distributive and coercive capabilities, as well as the performance of state institutions, enabling violent non-state actors to penetrate such institutions and find safe havens and launching grounds.” The presence of fragmented sovereignty, which perfectly exemplifies the first “myth,” in turn leads directly to the second “myth” at the heart of the current international political and legal system.

The second “myth” of the current international political and legal system is that existing international law and institutional procedures can provide states with sufficient means to confront the threats VNSAs pose to their security. This myth has been revealed because, as argued in the preceding section, the international political and legal system enshrined in the UN Charter and International Humanitarian Law (IHL) was created by states, for states, and thus did not account for the emergence of VNSAs with the operational capabilities to use force like a state. In addition, because VNSAs “must locate and operate on sovereign territory somewhere,” as noted above, the right of states in which VNSAs operate to be free from external intervention may be violated despite the fact that the states themselves often have little to do with the belligerent acts of the VNSAs that operate within their territory¹¹. This problematic state of affairs creates an irreparable tension between the different provisions of the UN Charter; specifically, Article 2(4) and Article 51, which guarantee

¹⁰ JACKSON, Robert. "Sovereignty and its Presuppositions: Before 9/11 and After." *Political Studies* 55 (2007): 279-317

¹¹ ACHARYA, Amitav. "State Sovereignty after 9/11: Disorganized Hypocrisy." *Political Studies* 55 (2007): 274-296.

states' rights to be free from violation of their territorial integrity and to defend themselves against armed attack, respectively. Although the UN has tried to maintain its role as guarantor of international security in response to the rise of VNSAs, the vast majority of scholars who have written on this topic have concluded that, in its current form, the UN is incapable of providing states with security against VNSAs and other transnational threats. Through both the Universalist General Assembly as well as the more elite Security Council, the UN has attempted to use the powerful international means at its disposal to confront the threats posed by VNSAs; however, these attempts have consistently failed to restrain the destructive force of VNSAs. In his book *Striking First*, Michael Doyle analyzes two attempts by the UN Security Council to combat the threats posed by VNSAs to the world's states in the years following September 11, 2001. The Security Council, as the nonpareil body of states charged with "primary responsibility for the maintenance of international peace and security," passed Resolutions 1540 and 1673 in order to "prohibit states from assisting non-state actors in the acquisition of weapons of mass destruction." However, due to the inherent limitations of the UN as an institution created to mitigate threats from state rather than non-state actors, the Resolutions, while ambitious, were wholly ineffective due to their complete lack of any international enforcement provisions. Similarly, the Terrorist Bombing and Terrorist Financing Conventions, passed by the General Assembly in the late 1990s as states began to comprehend the severity of the threats posed by VNSAs, both left enforcement of their provisions entirely up the Security Council have thus far proven themselves incapable of effectively confronting the threats posed by VNSAs.

International Humanitarian Law (IHL) as a means of guiding states' responses to VNSAs is crippled by the same flaw that has rendered the UN ineffectual; namely, IHL was created in the context of inter-state wars and therefore is exceedingly difficult to apply to conflicts with violent non-state actors. Even the 1977 Additional Protocol II to the Geneva Conventions, elaborated to handle insurgency and guerrilla warfare, seems not to be enough as a frame for some of current conflicts. Of the four primary principles of IHL outlined above, that which is the least applicable to conflicts involving VNSAs is unfortunately also the most important - distinction between combatants and non-combatants. The principle of distinction is ill-suited to conflicts involving violent non-state actors for two reasons. First, members of violent non-state groups often intentionally blur the line between civilian and combatant in order to

protect themselves by hiding amongst civilian populations and disguising any recognizable marks or features that would identify them as combatants. Second, VNSAs - specifically, terrorist groups - intentionally target civilians in their attacks, and therefore violate IHL by their very nature. Therefore, IHL, which has been instrumental to the restriction of war's most brutal characteristics for the past century, is powerless to restrict the actions of VNSAs despite the fact that they increasingly present the most salient threats to international peace and security.

Due to the inability of the current international political and legal system to adequately confront the threats posed by VNSAs, states that feel threatened by VNSAs or that have been directly attacked by them have resorted to the unilateral use of force in order to maintain their security¹². This tendency of states to unilaterally use force against VNSAs has to do not only with the inability of the current international political and legal system to provide them with an adequate means of countering violent non-state actors, but also with the fact that violent non-state actors often "lack a formalized political apparatus with which to formally negotiate." In this regard, it is relevant to say that most of the VNSA are considered groups of illegal combatants by not being fully framed into Additional Protocol II, especially because they do not respect the International Humanitarian Law, one of the criteria established in the Protocol. Therefore, when faced with the prospect of resolving a conflict involving a VNSA without any authorized political wing, *"states might find diplomatic solutions to a crisis problematic ... leading to the only other option available - a military response."* While states' recourse to the unilateral use of force may seem natural or perhaps even desirable at first glance, the fact of the matter is that, when states unilaterally use force in response to VNSAs, they not only directly contravene their commitments to the UN Charter but also destabilize the entire international system by sparking insecurity and fear among their fellow states. Regarding the UN Charter, Article 39 establishes that *"the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken ... to maintain or restore international peace and security."* Thus, Article 39 vests in the Security Council the exclusive authority to determine how to identify and respond to threats to international peace and security, rendering any state's unilateral

¹² ANDERSEN, David R.. "Foreign Policy Decision-Making and Violent Non-State Actors." *International Studies* 38, No. 1 (1994): 1-129.

response to a terrorist threat a breach not only of the UN Charter but also of the territorial integrity of whatever state was being used as an operational base for the VNSA in question. Regarding the stability of the international system as a whole, any state's assertion of a right to unilaterally use force against any perceived threat to its security fundamentally destabilizes the international system because of the Westphalian assumption of legal equality upon which it is based. The most dramatic example of such an assertion by a state in recent years is the so-called "Bush Doctrine" proclaimed by the President George W. Bush following the attacks of September 11, 2001. Writing in response to the Bush Administration's controversial doctrine of preventive action expressed in its 2002 National Security Strategy, Michael Doyle argues that:

'There is [a] problem with allowing one state to adopt a standard that is as subjective and open-ended as the Bush administration's identification of threats. Invoking the principle of sovereign equality, other states will claim an equivalent right to act on their equivalent arbitrary threat suspicions, which ultimately would be an invitation to chaos. Unless all states agree on what constitutes a specific threat - and they almost never do - every state will be pre-empting every other state's preventive strikes'¹³.

Therefore, it is clear that the consequences of any one state's assertion of the right to use force unilaterally against any perceived threats to its national security are severely detrimental to the stability of the international system and to the increasingly fragile norm of sovereignty upon which it is based. However, the fact that there currently exists no viable alternative for states to rely upon in order to confront the threats to their security posed by VNSAs underscores the need for political leaders, academics, and policy-experts to critically examine the current international political and legal system in order to develop a practicable, legal means for states to ensure their security in an evolving international environment.

3.4 COMMENT

Violent non-state actors (VNSAs) are not a new phenomenon in international politics; however, as the political, economic, social and technological processes of globalization have diffused power away from states, VNSAs' operational capabilities

¹³ BRADLEY, Curtis A., and Jack L. Goldsmith. Foreign Relations Law. 4th ed. New York: Wolters Kluwer Law & Business, 2011

have increased, rendering them a much more potent threat than at any other time in history. VNSAs' evolutionary growth has, in turn, sparked systemic changes across the entire international system, specifically in so far as a fundamental norm upon which the international system is based - state sovereignty - has been challenged as never before from pressures emanating both from within states as well as between them. Looking to the future, the continued longevity of the international political and legal system established by the UN Charter and International Humanitarian Law depends upon whether or not subsequent academic study is able to examine and apply three separate issues: first, the "wider impact" that VNSAs exert upon the international system; second, whether or not different types of VNSAs impact the international system differently; and finally, whether or not new international law and new institutional procedures for confronting VNSAs mitigate the threats they pose to individual states as well as to the international system.

Considering the fact that the existing international political and legal system is incapable of providing states with adequate techniques to combat VNSAs without destabilizing the entire international system through the unilateral use of force, it is necessary that innovative scholars and leaders devise ways to inject the rule of law into conflicts involving VNSAs lest the entire international political and legal system fall into obsolescence.

4. ROLE OF THE UN AND CHALLENGES PREVENTING IT FROM FUNCTIONING EFFICIENTLY

The case study of Israel versus the Palestinian Authority is perhaps one of the best examples that illustrate the role of the UN and its inability to resolve a major challenge in the Middle East. Consequently, Israel employed unilateral use of force to counter threats posed by violent NSAs to its sovereignty.

4.1 CASE OF ISRAEL VERSUS THE PALESTINIAN AUTHORITY, LEBANON AND THE UN

At the end of World War II, with so many displaced Jewish refugees, there was international pressure to create a Jewish state. In addition to this, the UN acknowledged the chaotic situation that existed between the Jews and the Arabs within the region of the British Mandate. The UN Partition Plan (or UNGAR 181) was voted upon on 29 November 1947. The resolution outlined a plan to create two states, one Jewish and one Arab. The plan was approved by a vote of 33 to 13 with 10 abstentions.

Despite passing, the Security Council determined that the plan could not be implemented without a military presence, which was decided to be an unnecessary use of force. On 14 May 1948, the day that the British Mandate over the Palestine region expired, Israel proclaimed its independence as a state. Immediately, the U.S. recognized the state of Israel and soon thereafter, so did the USSR. Less than one day after the declaration of independence, Egypt, Syria, Jordan, Lebanon and Iraq invaded Israel.

The fighting went on for roughly 15 months. In early 1949, the UN intervened and negotiations between Israel and the invading states (except Iraq) began. On 21 July 1949, the UN acting mediator on Palestine to the Secretary-General transmitted a report stating that armistice negotiations had taken place between Israel and Egypt, Lebanon, Transjordan and Syria and that a truce had been reached with the Palestinian Authority. Through these negotiations, the state of Israel gained 50% more land than it would have been allocated if the UN Partition Plan had been gone into effect.

4.2. COLLECTIVE SECURITY REFORMS FOR A CONSISTENT UN ANTI-TERRORIST STRATEGY

The doctrine of collective security is the very foundation upon which the United Nations Organization is built. It is based on the joint commitment of member states to the international rule of law. The respective provisions of Chapter VII of the UN Charter have been the cornerstone of the multilateral security system that was envisaged by the sponsoring governments of the United Nations in 1945. That system has been considered essential for the preservation of peace ever since the end of World War II and has been defined as one of the basic elements of modern international law because it incorporates the principles of sovereign equality (Art. 2 [1] UN Charter) and the non-use of force in relations between states (Art. 2 [4]). It was meant to ensure, once and for all, that the *jus ad bellum*, which previously (i.e. in the period prior to World War I) had been considered a prerogative of the sovereign state, would never again be incorporated into the system of rules governing international relations¹⁴.

The United Nations Charter is based on the principles of collective security and the functioning of the organization depends upon the co-operation among sovereign nation-states, first and foremost the permanent members of the Security Council. According to Art. 24 of the Charter, that body bears the primary responsibility for the maintenance of international peace and security. Although terrorism (including trans-border terrorism) is not a new phenomenon, large-scale *international terrorism*, in the context of highly complex and increasingly global networks, constitutes an entirely new challenge to the system of collective security as represented by the United Nations Organization.

By its very nature, trans-border terrorism cannot exclusively be dealt with within the framework of an international order defined by the nation-state. Naturally, effective strategies cannot be developed by states in isolation from each other. Except in cases of state terrorism, where specific state responsibility can be established, governmental authorities cannot automatically be held accountable for terrorist acts originating from their territory. Governments are often not aware of their state's territory being used as "staging ground" for terrorist acts in other countries and on other continents.

¹⁴ KOECHLER, Hans, *Global Justice or Global Revenge? International Criminal Justice at the Crossroads*. Vienna/New York: Springer-Verlag, 2004, pp. 279-290.

To a certain extent, the new brand of international terrorism referred to above (in the form of regional and transnational networks) is also a phenomenon of globalization¹⁵. This kind of terrorism not only exploits the global availability of information infrastructure for its own logistical purposes, but also makes use of it for political mobilization. If the global anti-terrorist struggle (including the development of an integrated political and security strategy to combat terrorism) is left to the nation-states alone, the world will be confronted with the real danger of uncoordinated action by a multitude of sovereign actors. In such a scenario, each actor will define its strategies on the basis of an essentially *unilateral* threat assessment and may eventually carry out *pre-emptive measures* according to that threat assessment. This is a recipe for *global anarchy*.

The moral dilemma of terrorism in the context of international power politics has been aptly described by Chalmers Johnson:

*"Terrorism by definition strikes at the innocent in order to draw attention to the sins of the invulnerable." An entirely new approach is needed by the international community in order to tackle a challenge to the global order of peace that, by its very definition and strategy, transcends the confines of the nation-state and cannot be defined in the traditional framework of conflicts between nation-states*¹⁶.

Consequently, efforts towards a consistent and, for that matter, efficient counter-terrorist strategy on the global level should include, *inter alia*, the following measures:

a. The General Assembly of the United Nations should agree on a comprehensive definition of terrorism which can be used in a legal context and can serve as basis for joint enforcement action under Chapter VII. Any credible counter-terrorist strategy must be based on the international rule of law, which requires a legally sound definition that is not arbitrarily established by individual states according to their constantly changing and often mutually exclusive national interests. However, because of those interests, the respective efforts of the General Assembly's Sixth Committee (Legal Committee) have been in vain. A definition agreed upon between UN member states could provide for, *inter alia*, the inclusion of acts of terrorism in the list of war crimes defined by the Geneva Conventions of 1949;

¹⁵ *ibid.*

¹⁶ *ibid.*

furthermore, the definition might consider an act of terrorism as the "peacetime equivalent of a war crime" as earlier suggested by A. P. Schmidt in his 1992 report to the UN Crime Prevention Office. Such a procedure would contribute to unifying the systems of international humanitarian and international criminal law.

b. On the basis of a consensual definition, United Nations member states will be enabled to develop a unified strategic approach to the phenomenon of international terrorism. This will imply that the international community no longer accepts a constellation in which one state's terrorist is another state's freedom fighter and vice-versa. A policy of double standards defeats the very goals which a counter-terrorist strategy professes to pursue. In order for a counter-terrorist policy to be credible and effective at the same time, the phenomenon of terrorism must be evaluated according to unified criteria.

c. The existing international (United Nations) covenants on combating specific forms of international terrorism should be integrated into one comprehensive international convention against terrorism. Such an undertaking is of paramount importance if what some vaguely call the "global war on terror" is to be distinguished from an essentially anarchical system of self-help where each state unilaterally decides on appropriate anti-terrorist measures including preventive war. If the international community is serious about preserving peace and enforcing the international rule of law, it must "legalize" the global anti-terrorist struggle by providing a normative framework in the form of a comprehensive convention on terrorism.

d. A clear distinction has to be made between acts of terrorism and acts of resistance by national liberation movements. The use of violence in connection with a struggle of national liberation is not in and of itself a terrorist act. International law recognizes the inherent right of resistance against foreign occupation. This right is intrinsically linked to the inalienable right of self-determination, a fact which has been expressly stated by the United Nations General Assembly. What has to be made clear is that while a particular liberation movement may not necessarily be terrorist (as long as it serves a just cause of national liberation), the means applied by that very movement, such as the deliberate targeting of civilians as in the case of "suicide bombings," may well be terrorist. This will also be the case in regard to an indiscriminate use of force by regular armies such as "carpet bombings" (often condemned as "terror bombings"): they unavoidably victimize the civilian population.

Casualties are euphemistically referred to as "collateral damage;" accordingly, there is a tendency to avoid the term "terrorism" in such cases and to categorize the use of force against civilians by regular armies in a more "neutral" way as "war crimes" although, in ethical terms, such transgressions are of the same quality as politically motivated acts of violence against civilians by non-state actors.

e. A credible approach towards combating international terrorism must first and foremost be founded on general ethical principles (including those of human rights) which, in the modern understanding of international legality, form part of the *jus cogens* of general international law. One of these principles is that, however noble or legally justified a cause may be, "the end never justifies the means."

In view of the principles outlined above, a basic obstacle to a consistent and sustainable counter-terrorist strategy lies in the denial of reality by the political élites of influential countries, particularly permanent members of the UN Security Council, as regards the causes of terrorism. Many decision-makers are still determined to use the labeling of acts of violence – or entire movements linked to such acts – as "terrorist" as a political tool; this kind of classification often serves narrowly-defined national interests as evidenced, *inter alia*, by the "list of foreign terrorist organizations" established by the United States administration.

In spite of the tragedy of September 11, 2001 and atrocities in Europe and other parts of the world that followed it, governments have still not learned the lessons of history; they stubbornly refuse to deal with acts of politically motivated violence – the illegality and immorality of which is defined by the *means*, not necessarily by the *causes* – in a consistent manner. Through their parochial approach of refusing to disassociate a political cause from the application of the means, those governments have undermined a joint and cohesive counter-terrorist strategy. By this attitude, they have sacrificed the *bonum commune* (in the sense of effective international prevention of terrorist acts) for the sake of power politics, thus undermining global solidarity *vis-à-vis* the terrorist threat. In many instances the classification of a group or movement whether as "terrorist" or as a genuine movement of national liberation, depends upon the national interests of the country that undertakes that classification.

The conflicting approaches towards the disputes in or around Palestine, Syria, Ukraine and Yemen to mention a few, are a vivid illustration of this policy of double standards which, in spite of statements to the contrary, is still a characteristic element of international relations in the framework of the United Nations Security Council. A

consistent strategy to combat international terrorism on the basis of unified criteria will only be possible if the international community agrees on a comprehensive convention on terrorism.

4.3 THE NEED FOR A COMPREHENSIVE APPROACH TOWARDS THE PHENOMENON OF TERRORISM.

In order to make the above-described strategy *credible* (in terms of applying a unified system of norms) and *efficient* at the same time, the phenomenon of terrorism has to be dealt with at all levels: legal, political, social, economic and cultural. The approach has to be inclusive, i.e. it must not artificially separate the previously mentioned aspects of the terrorist threat.

As far as the legal level is concerned, *international criminal jurisdiction* should be established for the crime of terrorism in addition to strengthening the procedures of domestic jurisdiction. Generally, terrorism should be situated within the domain of universal jurisdiction. The states parties to the Rome Statute should consider incorporating the prosecution of terrorist acts into the jurisdiction of the International Criminal Court (ICC) – a step which is not necessarily detrimental to national sovereignty in so far as the ICC's jurisdiction is defined on the basis of complementarity with national jurisdiction. All United Nations member states that are seriously committed to combating terrorism should consider joining the International Criminal Court to document their unequivocal commitment to the international rule of law and to the principle of personal accountability (without which any counter-terrorist strategy lacks efficiency). By this step, the states having proclaimed a "global war on terror" would be particularly able to demonstrate the credibility of their efforts.

As regards the political, social and economic levels, the *root causes* of terrorism – whether those lie in injustice, oppression, foreign occupation, colonial subjugation, denial of basic human rights – have to be clearly *identified* before they can be *eradicated*, i.e. before a meaningful counter-terrorist strategy can be developed. Turning a blind eye to the motives for terrorist acts which are, whether directly or indirectly, related to these causes, amounts to dangerous self-betrayal.

Dealing with the *symptoms* can only be seen as an emergency measure, but it will never be sufficient to prevent terrorist acts in the future. If one addresses the symptoms alone, the "war on terrorism" will never end. It has been proven in the course of the Middle East confrontation as well as through the conflicts in South-East

Asia that a mere *security approach* will inevitably fail. A comprehensive strategy to combat terrorism must go beyond mere police, military, or intelligence measures, even though they may be effective in particular cases and under specific circumstances. Equal importance has to be given to the search for the motives behind terrorist acts. Such an effort will enable a state to specifically address the causes of grievances and frustrations that may drive people to engage in terrorist violence which by the perpetrators as well as by the sympathizing local population is often seen as legitimate resistance and part of a strategy of national liberation

Furthermore, as regards the cultural level, the Western paradigm of the "clash of civilizations" must not become a self-fulfilling prophecy. Comprehensive efforts will have to be undertaken to promote a dialogue especially between the Western and Muslim worlds to prevent the hardening of stereotypes that in turn may trigger more violent action.

There is likelihood of escalation of the crisis between the Arab and Muslim world on the one hand and the West on the other in the course of events to come – unless enlightened people on both sides are courageous enough to identify the root causes of the increasing cultural and political alienation between the two communities.

4.4 THE INDISPENSABLE ROLE OF THE UNITED NATIONS IN COMBATING INTERNATIONAL TERRORISM.

Unlike individual states acting through unilateral measures that are implemented according to narrow national interests, the United Nations Organization can play a *genuine* role in combating international terrorism and *must* assume this responsibility in terms of its overall responsibility for collective security. It is incumbent upon the United Nations, not individual member states, to determine the "rules of the game" for consistent and efficient multilateral action against terrorism. If one considers the far-reaching implications for global security and stability, this is indeed a challenging task. Should the organization fail in that mission, it will be gradually sidelined and marginalized and may finally be declared obsolete. The predicament that befell the League of Nations in the period prior to World War II has been repeatedly referred to in this regard. However, the United Nations must not be "hijacked" by powerful nation-states for their own anti-terrorist agenda either. The

world organization must not be seen as a tool for the execution of *unilateral* policies providing a "multilateral cover" for the actions of the most powerful member state(s) in the Security Council. If this would be allowed to happen, the legitimacy of collective action against terrorism would be seriously undermined. As evidenced in the role played by the United Nations Security Council in the Gulf war of 1991, this danger is a reality.

The doctrine of collective security, as set out in Chapter VII of the UN Charter, will have to be reasserted in regard to its basic principle of multilateral action and, at the same time, re-evaluated and adapted to the new circumstances referred to above.

In all matters of international terrorism, non-state actors have to be clearly identified in distinction from nation-state actors.

Eventual collective enforcement measures (including the use of armed force) against non-state actors must not be considered, *per se*, as an infringement upon national sovereignty.

In that regard, collective enforcement action in matters of terrorism must not be confused with "humanitarian intervention" which, in most cases, is not compatible with international law.

As far as the actual implementation of resolutions on terrorism is concerned, the Security Council as supreme executive organ of the United Nations must in no way cede terrain to its most powerful member states, i.e. the permanent members. The execution of anti-terrorist measures decided by the Security Council must be under the direct control of the Council – and not of individual states as "sub-contractors" or self-declared "sheriffs" of international security.

In order to avoid arbitrariness and international anarchy, unified legal standards in terms of general international as well as criminal law must be applied in dealing with the phenomenon of terrorism.

In the future, all matters of personal criminal responsibility related to acts of international terrorism should be dealt with in the framework of universal jurisdiction and, whenever possible, in subordination to a permanent institution of international criminal justice such as the ICC (which operates on the basis of complementarity with national jurisdiction). Instead of "military commissions" established on the basis of domestic jurisdiction (such as the Guantanamo "courts"), only institutions that are truly independent – i.e. operate on the basis of a genuine separation of powers –

should prosecute international terrorist acts. In view of its complementary jurisdiction with national courts, the International Criminal Court, although legally not being a United Nations organ, should be accepted as arbiter by the member states of the United Nations in all matters related to the prosecution of crimes of international terrorism. The Security Council should constructively cooperate with this institution, not *block* it in favour of the parochial interests of one or more permanent members. Similarly, the judiciaries of individual member states should coordinate their prosecutorial activities with the ICC on the basis of complementarity.

5 CONCLUSIONS AND RECOMMENDATION

The activities of VNSAs have caused tremendous loss of lives and property around the world. This has increased the level of poverty and disease on the regions that are mostly affected by it. The UN therefore needs to take the lead as the last hope of under developed communities by re-strategizing its counter terrorism policies and procedures. Consequently, as a precondition for a morally credible and politically consistent anti-terrorist policy one that integrates police, intelligence and military measures into a comprehensive political-legal framework, the United Nations Organization must reinvigorate its almost abandoned efforts towards the establishment of a just global order according to the resolution adopted by the UN General Assembly in 1974 on the establishment of a "New International Economic Order." Unless the member states, particularly those of the industrialized world, address the issue of poverty, the social injustice and economic imbalance between the developing countries and the rest of the world, the grievances and frustrations of large sectors of the world's population will never end and will continue to fuel highly destructive political emotions that, in turn, may lead to desperate acts of violence. Although it is true that understanding the causes of terrorist violence is not equivalent to *condoning* such acts of violence, which are intrinsically immoral and inherently illegal, a credible counter-terrorist strategy cannot satisfy itself with moral condemnation and punitive measures alone. A reactive approach has to be complemented by a proactive strategy. Turning a blind eye to the social and economic causes of terrorism has been one of the main reasons why the international community has been utterly incapable of containing the global spread of terrorism so far.

In essence, a policy oriented towards *global justice*, not global revenge, is the main weapon in the joint struggle against international terrorism. The new forms of transnational violence, which are commonly described as "terrorism", are putting the modern state system of collective security to its most severe test since the establishment of the United Nations after the end of World War II. In order to be able to pass this test, that system must be embedded in a comprehensive network of social as well as economic security.

The best form of pre-emption is not a strategy for a "global war on terror" implemented through a series of "preventive wars" such as the ones waged against

Afghanistan and Iraq, which by definition can never be won, but a comprehensive strategy of global economic co-operation based on the principles of fairness and equal opportunities for all, combined with sustained efforts towards civilizational dialogue, and political partnership among all regions of the globe on the basis of the goals enunciated in the Preamble to the United Nations Charter.

TABLE 1.**SECURITY COUNCIL COUNTER TERRORISM COMMITTEE****UN documents on foreign terrorist fighters**

The documents below constitute the most up-to-date collection of official United Nations documents relevant to the phenomenon of so-called foreign terrorist fighters/ violent (NSAs): the link could be followed at www.un.org/ctc

Symbol	Date	Description
S/2016/501 AR CH EN FR RU ES	2016-05-31	Report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat
S/PRST/2016/6 AR CH EN FR RU ES	2016-05-11	Statement by the President of the Security Council on threats to international peace and security caused by terrorist acts
S/2016/92 AR CH EN FR RU ES	2016-01-29	Report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat
S/2015/975 AR CH EN FR RU ES	2015-12-29	Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters - Third report
S/2015/939 AR CH EN FR RU ES	2015-12-23	Conclusions of the Counter-Terrorism Committee's Special meeting in Madrid 27-28 July 2015 (Annex I); Guiding principles on foreign terrorist fighters (Annex II); Declaration of Ministers of Foreign Affairs (Annex III)
S/RES/2253 AR CH EN FR RU ES	2015-12-17	Security Council resolution 2253 (2015)
S/2015/683 AR CH EN FR RU ES	2015-09-02	Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters
S/PRST/2015/14 AR CH EN FR RU ES	2015-07-28	Statement by the President of the Security Council
S/2015/441 AR CH EN FR RU ES	2015-06-16	Seventeenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2161 (2014) concerning Al-Qaida and associated individuals and entities (Report prepared by the 1267 Committee)
S/PRST/2015/11 AR CH EN FR RU ES	2015-05-29	Statement by the President of the Security Council

Symbol	Date	Description
S/2015/377 AR CH EN FR RU ES	2015-05-26	Gaps in the use of advance passenger information and recommendations for expanding its use to stem the flow of foreign terrorist fighters
S/2015/358 AR CH EN FR RU ES	2015-05-19	Analysis and recommendations with regard to the global threat from foreign terrorist fighters (Report prepared by the 1267 Committee)
S/2015/338 AR CH EN FR RU ES	2015-05-14	Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters
S/2015/123 AR CH EN FR RU ES	2015-02-23	Challenges in prosecutions related to foreign terrorist fighters
S/RES/2199 AR CH EN FR RU ES	2015-02-12	Security Council resolution 2199 (2015)
S/RES/2195 AR CH EN FR RU ES	2014-12-19	Security Council resolution 2195 (2014)
S/PRST/2014/23 AR CH EN FR RU ES	2014-11-19	Statement by the President of the Security Council
S/2014/807 AR CH EN FR RU ES	2014-11-12	Preliminary analysis of the principal gaps in Member States' capacities to implement Security Council resolutions 1373 (2001) and 1624 (2005) that may hinder their abilities to stem the flow of foreign terrorist fighters pursuant to Security Council resolution 2178 (2014)
S/RES/2178 AR CH EN FR RU ES	2014-09-24	Security Council resolution 2178 (2014)

Source: UNSC Counter Terrorist Committee

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