

The Concept of International Terrorism in Accordance with UN Security Council Resolutions

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Terrorism has become a dangerous global phenomenon that threatens not only States' internal security and stability, but international peace and security. However, it has no specific definition, internationally. The UN Security Council has issued numerous resolutions describing some acts as "terrorist", yet these resolutions have not clearly and explicitly defined this concept. This study describes and analyses the contents of UN Security Council resolutions (UNSCR). It seeks to define the concept of terrorism, and find a conceptual ground acceptable to all countries for the phenomenon of international terrorism in its legal dimension. The study concludes that the terrorist act can be defined as an act of violence, which is criminalised under international law. Further, it may be committed by States, individuals or violent extremist groups to achieve illegal ends. This act is based on violent extremist discourse. However, it is not associated with any particular religion or belief. Moreover, it targets people in their lives or property, or States in their security, political, economic and social stability, and thus threatens international peace and security.

Key words: *International Terrorism, Security Council, Terrorist, Resolutions.*

Introduction

Terrorism is a worrying phenomenon internationally and nationally. It threatens international peace and security, and jeopardises the lives of individuals and their property. Yet this term is not subject to a universally agreed definition. This may be due to intellectual and political differences and the contradiction of economic interests among States, in addition to Great Power conflict, in the first place, which differentiates visions and attitudes (Issa, 2017). The emergence of terrorism as a phenomenon has multiple reasons. First, there are economic reasons (Wissi, 2011), most notably the exploitation of wealth by some groups within

countries. Such exploitation creates hunger and poverty and aggravates social problems, such as the loss of health care and education, and lack of employment opportunities (Issa, 2017). There are ideological reasons related to intellectual obscurity, and lack of awareness and scientific knowledge (Moore, 2003).

The dangers and damage caused by terrorist acts and their threat to security and peace have pushed countries to develop policies, programs, plans and strategies to combat them. However, these policies and programs cannot be effective in our present reality, without concerted efforts by all countries around the world. These efforts require a legal framework to regulate them and identify mechanisms to combat terrorism internationally.

The Security Council has been entrusted with the task of maintaining international peace and security. It has issued several resolutions concerning terrorist acts. These show, in a scattered manner, elements of terrorist acts. But they have not clearly defined the concept of terrorism. This lack of a specific definition of terrorism opens the door to States defining terrorism according to their own interests, and thus attacking the sovereignty and interests of other countries under the pretext of combating terrorism. It is therefore necessary to establish an international legal framework that defines the nature of terrorism, its elements, and mechanisms to combat it. The study assumes that there are considerable international efforts to define terrorism, which can be built upon to establish an international conceptual framework for it.

This study aims to clarify the concept of international terrorism in accordance with the resolutions of the UN Security Council. Its resolutions revealed the quality of terrorist acts, perpetrators, targets and victims, and thus gives us a perception of the nature of such acts. Accordingly, the study is divided into two sections. The first deals with the nature of international terrorist acts, in accordance with UN Security Council resolutions. The second deals with the perpetrators, targets and victims of terrorist acts.

The Nature of International Terrorist Acts

In reviewing Security Council resolutions on terrorism, it is found that terrorism is an act criminalised under international law, and uses a violent and extremist discourse that could threaten international peace and security.

The Terrorist Act is a Criminal Act

In a number of resolutions, the Security Council points out that terrorist acts are a criminal offence under international law. These acts are unjustified, whatever their motivation and whoever committed them, especially as if they lead to the killing of innocent civilians, the

destruction of property and the undermining of security and stability. (United Nations Security Council Resolutions, 2017). It can also be seen clearly in Council Resolution No. 1566/2004, that:

“Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organisation to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

Furthermore, many international treaties consider the act of terrorism to be a criminal act. These include the Convention for the Prevention and Punishment of Terrorism (1937), and International Convention for the Suppression of the Financing of Terrorism (1999). The General Assembly's Declaration on Measures to Eliminate International Terrorism (1994), incorporated into the scope of terrorist acts, criminal acts committed for political purposes aimed at creating a state of terror among the general public or a group of persons. In its resolution No.49/60 (adopted December 9, 1994), it stated that:

“Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them”.

Terrorist acts are also considered criminal acts in some regional instruments. They include the Arab Convention for the Suppression of Terrorism (1998), which defined terrorism as “Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda”.

It is worth mentioning that not every criminal act is a terrorist act. Moreover, to be considered a terrorist act, any act must be criminalised not only in States' domestic law, but also international law. Nationally, any act that harms the interests of individuals or society as a whole, and threatens its existence and security, can be counted a criminal act prohibited in accordance with the State's domestic laws. International crime is different. As defined by Glacer, it is conduct contrary to international law, and seriously prejudices the interests and funds of the international community protected by that law, and established in the international relations that such conduct must be punished criminally (Woetzel, 1972).

Acts deemed criminal by the Security Council can be considered further. It is found that such acts threaten the lives and security of the people, subject them to torture or force them to act against their will, principles or beliefs which are protected under the Universal Declaration of Human Rights of 1948. The Security Council also condemned acts that endanger States' security or negatively affect international relations (UNSCR No. 635/1989). Furthermore, it deplores in the strongest terms all acts of unlawful interference against the security of civil aviation, describing them as acts of terrorism. In this context, the bringing down of a Russian passenger plane over Sinai, Egypt, on October 31, 2015 by the Islamic State of Iraq and the Levant (ISIL) is a terrorist act, and any act of terrorism is a criminal act that cannot be justified regardless of its motives (UNSCR No. 635/1989). The Security Council also described the bombings of the United States Embassies, in Nairobi and Dar-es-Salaam in 1998, as indiscriminate and brutal acts of terrorism (UNSCR No. 1189/1998). "Indiscriminate" here denotes its legal meaning, whereas its political meaning refers to attacks on military and civilian targets without distinction, including innocent civilians. Targeted individuals in the embassies are mostly civilians. Brutality consists not only in the absence of any moral or religious deterrent to such crimes, but also the perpetrators stripping away any human feelings towards the victims, without distinction whether they are adults or child, men or women.

In the aftermath of the September 11 attacks, the Security Council described what happened as "horrific terrorist attacks" (UNSCR No. 1373/2001). Meanwhile, it called on all States to refrain from providing any form of explicit or implicit support to entities or persons involved in the terrorism. It also stressed that such acts should be characterised in domestic law and legislation as serious crimes, and that sanctions should reflect their seriousness. These attacks have been a milestone in international political relations and in addressing the issue of terrorism, which has been reflected in the interest shown by all States and international organisations in the fight against terrorism.

The Security Council also described bomb attacks in Bali, Indonesia, on November 12, 2002, and bombings in Istanbul, Turkey, on November 15, 2003 and those in London, as terrorist acts. Moreover, it deemed that the attack on the presidential compound in Sana'a, Yemen, on June 3, 2011, is a terrorist attack aimed at undermining the political process in Yemen (UNSCR No. 2014/2011). This is an important development in the attitude of the Security Council. Acts that threaten the political processes of States are considered terrorist. On the other hand, the Security Council stressed that all the acts committed by ISIL of killing civilians, the destruction of property, cultural and religious sites, and destabilisation, as well as kidnappings and hostage-taking for any purpose, including the commission of such acts to raise funds or to gain political concessions, are criminal terrorist acts (UNSCR Nos. 1438/2002).

The Security Council has condemned numerous acts in its resolutions. That is so whether committed in the form of ordinary explosives, suicide bombings, armed attacks, assassinations, stabbings, burning, kidnapping or hostage-taking, or in the form of murder, rape, slavery or trafficking human beings, the abduction and targeting of civilian aircraft, the destruction of cultural or religious property, the theft or looting of such property, or whether they constitute a grave violation of either international human rights law or international humanitarian law; they are all criminal offenses (UNSCR No. 2199/2015). Further, although terrorist acts constitute a crime *per se*, they may also link to other criminal offences, such as organised transnational crime, illicit drug trafficking, money-laundering, illicit arms trafficking, and the illegal transfer of nuclear, chemical, biological and other potentially deadly materials (UNSCR Nos. 1373/2001).

Terrorists Use a Violent Extremist Discourse

When considering the backgrounds and motives of terrorist acts, it is found that terrorists use a violent and extremist discourse, based on ideological intolerance and religious discrimination to justify and incite their acts (Taylor, 2010). Such discourse provides the terrorists a platform for the recruitment of more fighters, and a basis for winning the support of the masses who believe in those dogmas. The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) explains that the expression “intolerance and discrimination based on religion or belief means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis” (Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981). It also states, in Article 3, that “discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations”.

In many resolutions, the Security Council has pointed out that intolerance and extremism are among the most important motives of terrorism. However, intolerance and extremism cannot be the sole basis for terrorism; it must be supported by the belief that violence is the means to achieve the objectives of these terrorist groups. While there are many extremist groups around the world, all are not necessarily pursuing their goals through violence and fighting. In this regard, many definitions of international terrorism have focused on the fact that terrorism is “an act of violence or threatens to use it”. For example, Russian Federal Law No. 35-FZ on counteraction against terrorism of 2006 defines the concept of terrorism as

“ideology of violence and the practice of influencing the adoption of a decision by State power bodies, local self-government bodies or international organisations connected with intimidation of the population and (or) other forms of unlawful violent actions” (Russian Federal Law). The US Federal Bureau of Investigation (FBI) described international terrorism as saying that “international terrorism involves violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state” (United States Department of State). It has also been defined by the United States Department of State as “premeditated, politically motivated violence perpetrated against non-combatant, targets by subnational groups or clandestine agents, usually intended to influence an audience politically motivated violence” (United States Department of Justice). Meanwhile, some definitions have combined the fact that terrorism is a violent act and a criminal act. It can be clearly seen in the UNSCR No 2170/2014, which condemned ISIL and the Nasra Front, for their violent extremist ideology. Accordingly, terrorism is a strategy of violence that is internationally banned and driven by ideological motives.

The Security Council has appealed to States. They are to take all measures that may be necessary and appropriate, in accordance with their obligations under the international law, to combat incitement to commit acts of terrorism motivated by extremism and intolerance by individuals belonging to those organisations. It also considered that the recruitment of foreign terrorist fighters contributes to the spread of violent extremism. However, the Security Council addressed a very important issue of not associating terrorism with any particular religion, nationality or civilisation (UNSCR No. 2170/2014). Moreover, in a number of resolutions, the Security Council indicated the need for States to comply with, in any measures taken to combat terrorism, all obligations stipulated in international law, in particular international human rights law, international refugee law and international humanitarian law. Given that, non-compliance with these obligations constitutes one of the factors that contribute to the increasing tendency of extremism that leads to violence. Whereas, the main principles of the UN Charter are the principle of the right to self-determination, the principle of non-interference in the internal affairs of States, and the principle of non-use of force in international relations.

The Security Council noted that the terrorists use and exploit a misleading discourse to attract individuals of local communities, recruit foreign terrorists, and mobilise support from sympathisers, particularly through information and communication technologies, the Internet, and social media. The Council also made it clear that countering the threat posed by foreign terrorist fighters required a comprehensive response to the fundamental factors that could eliminate terrorism. The factors include the prevention of extremist ideology leading to terrorism, the fight against violent extremism, the promotion of political and religious tolerance, economic development and social cohesion, termination and settlement of armed conflicts, and the facilitation of reintegration and rehabilitation (UNSCR No. 2170/2014).

Perpetrators and Victims of the Terrorist Act

In defining international terrorism, it is necessary to examine the perpetrators and victims of the terrorist act, as referred to in Security Council resolutions. International terrorism is often committed by persons of different nationalities, and the victims may be of a different nationality than the perpetrators of the terrorist act.

Perpetrators of the Terrorist Act

The Security Council has affirmed that perpetrators of terrorist acts can be organisations, States, groups and individuals, and that they may plan, organise, instigate, train, finance or assist in the commission of terrorist acts. Terrorism has developed in terms of strategy, armaments and objectives, and fall under the name of organisations. These organisations have modern bases, at the level of command and planning, to carry out terrorist crimes whose effects occur at the international level (Issa, 2017). Moreover, these terrorist organisations aim not only to undermine the security and stability of States (as in Libya, Syria and Iraq) and threaten citizens in their lives and properties, but also to expand their control and impose a compulsory pattern on people's lives, where there is no minimum respect for their rights.

The Security Council has referred to specific organisations as terrorist organisations. They include Al-Qaeda, the Taliban, ISIL, Front Nasra, Al-Qaeda in the Islamic Maghreb and its affiliated groups, Boko Haram in Nigeria, the Mujahideen Youth Movement in Somalia, and the Lord's Resistance Army (LRA) in northern Uganda. However, it did not include some which several States claim are terrorist organisations, in particular those that resist foreign occupation or struggle for their people's right to self-determination.

It is worth mentioning that terrorist organisations may have policies and objectives consistent with the policies of some Great Powers. These organisations are part of the opposition to those accused of violating human rights; political regimes benefitting from the support provided by those Powers against the opposition. This support led to these organisations controlling large areas of these countries' territory, exacerbating the danger of these organisations.

With regard to terrorism perpetrated by States, or so-called State terrorism, the Security Council has not explicitly mentioned this form of terrorism. Instead it has referred to acts in which States participated directly or indirectly in supporting terrorism. For instance, in its resolution No 1373/2001, the Council affirmed the duty of each member State to refrain from either organising, instigating, or assisting in the commission of terrorist acts, or accepting the organisation of activities in its territory with a view to committing such acts. Moreover, after accusing Libyan citizens of being behind the downing of a Pan Am plane over the Scottish

city of Lockerbie that killed 259 people, the Security Council imposed specific sanctions on Libya. It also called on the Libyan government to commit itself unequivocally to stop all forms of terrorism, to cease providing all forms of assistance to terrorist groups, and to demonstrate concrete measures immediately to abandon terrorism. When the United States embassies were bombed in Nairobi and Dar es Salaam, the Security Council issued a resolution demanding that the Taliban, which controls power in Afghanistan, refrain from harbouring and training international terrorists and their organisations.

Terrorism may also be perpetrated by individuals or groups, and these groups may operate independently or link to terrorist organisations. In its Resolution No. 2071/2012, the Security Council condemned human rights violations committed in northern Mali by armed rebels, terrorists and other extremist groups. It was based on Chapter VII of the UN Charter. It called upon the rebels in Mali to cut off all ties with terrorist organisations, particularly Al-Qaeda in the Islamic Maghreb and its affiliates. In resolution No. 2255 /2015, the Security Council also expressed serious concern about the security situation in Afghanistan, in particular the continuing terrorist activities of the Taliban and associated groups, including the Haqqani Network and other violent and extremist groups. The Security Council has confirmed that acts or activities indicating that an individual, group, institution or entity associated with Al-Qaeda include: participating in the financing of the activities or activities of the organisation, supplying arms to the organisation, and recruitment for Al-Qaeda.

Furthermore, its resolution No. 2178/2014 was based on Chapter VII. The Security Council expressed its deep concern at the grave and growing threat posed by foreign terrorist fighters. It defined foreign terrorist fighters as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.” The resolution further indicated that foreign terrorist fighters, and those who finance and facilitate their travel and subsequent activities, might be subject to the criteria for inclusion in the list of sanctions imposed on Al-Qaeda. In this sense, the United Nations Security Council Counter-Terrorism Committee described terrorism as “an act of violence or serious threat, issued by an individual or group ... and an attempt to commit or incite such violence”.

Targets and Victims of Terrorist Acts

According to the Security Council resolutions on terrorism, the targets of terrorist acts do not appear limited to a specific scope. Terrorist acts can target States in their financial systems and economic resources; they may target aircraft, ships, trains or transportation in general. Terrorist acts can also target government installations, electoral centres, symbols of power, the security and stability of States or their political system, to overthrow them and undermine the rule of law. On the other hand, terrorist acts may target educational, cultural and religious



sites, thereby undermining human rights and fundamental freedoms and preventing people from enjoying economic, social and cultural rights, including their right to education. Innocent civilians, journalists, government and military officials and members of security institutions are also targets of terrorist acts.

In the case of targeting military personnel and members of security institutions, especially in the context of a non-international conflict, it is difficult to characterise the particular act. However, if the act was committed by a terrorist organisation, it is a terrorist act, but if committed by rebel groups committed to respect for human rights and international humanitarian law, it cannot be considered a terrorist act (Ganor, 2002).

Conclusion

The question of terrorism is a topic that has attracted the attention of the international community. There are many international conventions and treaties dealing with the fight against terrorism. For its part, the Security Council has issued numerous resolutions condemning terrorist bombings and acts of intimidation. Meanwhile, it has not addressed problematic issues, especially the legitimate struggle against occupation and aggression. However, there are indications that the actions of national struggle are excluded from the scope of terrorism, in accordance with the obligation to comply with international law.

Despite all these efforts, the Security Council has not yet provided a clear and specific definition of the concept of terrorism. In its resolutions, however, it refers to elements of terrorist acts in a more comprehensive manner than in the international conventions on terrorism. Accordingly, the terrorist act could be defined as an act of violence, which is criminalised under international law, and may be committed by States, individuals or violent extremist groups to achieve illegal ends. Such an act is based on violent, extremist discourse, but is not associated with any particular religion or belief, and targets people in their lives or property, or States in their security, their political, economic and social stability, and thus threatens international peace and security.



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