

Defining Terrorism: Why Does The UN Fail?

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ABSTRACT

The transnational character of terrorism coupled with its international fallout compelled the United Nations to take on the issue in the last quarter of the 20th century. However, even after fifty years of engagement with the issue, the UN has failed to produce anything substantive or conclusive about terrorism. There is neither an agreed definition nor even a broad consensus over the meaning of terrorism. Numerous deliberations and subsequent resolutions on terrorism at the UN have proven to be largely bootless and ineffectual. This repeated failure raises the obvious question; why does the UN fail? What is it about terrorism that prevents the UN member states from agreeing on its definition? It is precisely these questions that this article seeks to investigate. It identifies five standout factors that help put the UN failure in perspective.

Keywords: *United Nations, Terrorism, Definition, Failure*

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INTRODUCTION

“Lack of agreement on a clear and well-known definition undermines the normative and moral stance (of the U.N. General Assembly) against terrorism and has stained the United Nations image”.¹

This statement by Secretary-General Kofi Annan nearly two decades ago is not only a bitter and harsh reminder of repeated UN failures to adequately define and codify terrorism in the past but is also equally relevant today. Although the definitional issue has been taken up on several occasions on numerous UN platforms, it has thus far not yielded anything significant. The precise meaning and understanding of terrorism remain just as dubious and ambiguous as ever.

After the 9/11 attacks, there appeared to be little doubt about what terrorism was, and many were hopeful that the impending definitional dilemma would finally be resolved.² After all, not only had the US and its allies decided to wage a war against terrorism, but the on-going era itself was also widely referred to as the age of terrorism. Interest, that the phenomenon was drawing - coupled with generous grants, opened up unprecedented prospects at the time for dissecting and understanding terrorism at political, academic, and intellectual forums. However, as it turns out, all such undertakings largely fell short of adequately explaining and codifying terrorism. The failure of United Nations in this regard particularly tends to stand out.

Even two decades later the September 11 attacks, and with dozens of UN conventions and resolutions on terrorism, the definitional problem of terrorism continues to linger on. Years of lengthy UN debates and deliberations on terrorism have yielded nothing meaningful or substantive. This incessant failure raises the obvious questions, why does the UN keep on failing? What is it about terrorism that prevents a consensus from emerging? Even after Kofi Annan observed and raised number of normative and moral challenges, what are the reasons that prevent the UN from defining terrorism?

It is precisely these vital questions that this article seeks to investigate. It identifies five standout factors; composition of the UN, the right of asylum, state and nonstate terrorism, self-determination vs. terrorism, and combating terrorism as opposed to understanding it,

1 Kofi Annan, *A more secure world: our shared responsibility* (UN High Level Panel on Threats, Challenges and Change, 2004), 51.

2 Martha Crenshaw, *Explaining terrorism, causes, processes and consequences* (London: Routledge, 2011).

that help put UN failure in perspective. Although the discussion is far from exhaustive, it nevertheless offers a comprehensive insight into UN failures over the years.

It is important to note that the article does not intend to show how the UN can overcome its inhibitions and ultimately define terrorism. Instead, its primary purpose is to methodically analyze and dissect the standout reasons that are notable obstacles in any UN attempt to define terrorism.

FIVE REASONS FOR REPEATED UN FAILURES

Diverse Composition

With 193 active member states, the United Nations is unquestionably the largest intergovernmental organization in the world.³ Boasting near universal membership, the UN comfortably also lays claim to being the most diverse international body on the global stage. While this diversity and universality is a strength of the organization, it is also a great disadvantage insofar as achieving consensus and effective decision-making are concerned.

Owing to the immense diversity and universality of the UN, any issue or matter brought before the organization subsequently generates a range of divergent, and often conflicting viewpoints. Since it is crucial to consider and pay due respect to all opinions, before any decision is taken or a resolution is passed, achieving universal consent is a daunting task.

Moreover, each nation at the UN seeks to principally safeguard and promote its specific national interest. Such foremost protection of individual self-interest is a clear obstacle to achieving across-the-board consensus. Matters are additionally compounded by the existing power dynamics and structure of the organization. The UN essentially is a crossover between states exercising varying degrees of power. This power asymmetry forces the organization to frequently oscillate between different viewpoints. This prevents clarity on issues, as the organization has no clear direction or mandate. Issues and matters brought before the organization are thus often subject to the individual preferences of the powerful states.⁴

Deeming self-interest and power disparity as key obstacles to effective decision-making at the UN is an allusion to the realist school of thought. Just as Robert Keohane “reaffirms

³ “United Nations Member States,” *UN.Org*, <https://www.un.org/en/about-us/member-states>.

⁴ Courtney B. Smith, *Politics and process at the United Nations* (Lynne Rienner Publishers, 2022), 55.

the value of the Realist view that institutions depend on structures of power and interests”.⁵ This is not to say that the article is necessarily taking a realist position, instead, it is merely an acknowledgment of the obvious premise and overall leaning of the organization. While it is true that from a theoretical standpoint, the institution of the United Nations represents a compromise of sorts between the liberal and the realist school of thought. However, in practice, it tends to lean towards the realist tradition.

On the one hand, the United Nations is inspired by the liberal school insofar as its aspirations and normative outlook is concerned. Conversely, on the other hand, the structure and composition of the organization adhere to the realist assertions.⁶ The existence of the Security Council with its reserved right of veto for a select few is, in itself, a vindication of the realist stance. Such positioning has over the years greatly hindered the functioning of the organization, as it not only thwarts cooperation but also effectively prevents a universal consensus from emerging.

Lastly, resolution of issues and achieving universal consensus at any UN forum is additionally complicated by whether an issue is deemed local, regional or international. With individual states very much in charge of indigenous affairs (courtsey the Westphalian Nation State System), issues deemed local are largely considered to be internal matters and enjoy a fair degree of immunity. This built-in provision not only allows a state to disregard international concerns over a matter believed to be indigenous but also encourages it to claim near-absolute ownership over local and regional matters.⁷

Now about terrorism, it is crucial to note that terrorism was treated as a universal problem only after the fateful 9/11 incident. Before this, terrorism was overwhelmingly seen as a local problem. It is fairly difficult to find any literature before 9/11 that regards terrorism as a global problem. Even today, despite its alleged international character and transnational mutations, terrorism is first and foremost believed to be a local and regional problem.⁸

The assertions and stances of various countries at the UN are, shaped by their own respective experiences with home-grown terrorism. Pakistan's hands-on experience with terrorism, for instance, is fairly different from that of the United States. Where Pakistan's

5 Robert O. Keohane, “Twenty Years of Institutional Liberalism,” *International Relations* 26, no. 2 (2012):

6 G. John Ikenberry, “Liberalism in a Realist World,” *International Studies* 46, no. 1-2 (2009): 211.

7 Herbert Wulf, “Privatizing and Internationalizing Violence,” *The Economics of Peace and Security Journal* 2, no. 1 (2007), 35-40.

8 Richard English, *The Cambridge History of Terrorism* (Cambridge University Press, 2021), 32-33.

stance on terrorism has heavily been influenced by the on-going insurgency in Kashmir, the longstanding sectarian strife in the country, and the nationalist elements in its troubled Balochistan province. The United States' position, on the contrary, has primarily been shaped by the alleged threat from Islamic fundamentalism and radicalization. Likewise, the position of the United Kingdom influenced by its experience with the Irish Republican Army (IRA) and somewhat different from the Turkish experience of the Kurdish Workers Party (PKK). The position and stances of all other countries are also shaped by their respective experiences with terrorism.

There are thus, significant qualitative and quantitative differences between the respective experiences of countries with terrorism. To expect them all to respond to terrorism in the same way and unanimously agree on its meaning is a tall order.

Individual responses and experiences to and of terrorism explain why collective action and achieving universal consensus is such an enormous issue at the UN. With terrorism being an indigenous problem, generalizations over its meaning and understanding are bound to stalemate.

Another extension of problem is the longstanding existence of pressure groups and blocks within the United Nations. These pressure groups and blocks tend to pursue their respective agendas that compound problems for across-the-board cooperation.⁹ The cold war rivalry between US and USSR in the last century was a bitter and vivid reminder of East-West block rivalry. On the one hand, led by the US, was the Western hemisphere vehemently opposed the Eastern Hemisphere led by the USSR on the other hand. In between the two Hemispheres was a so-called Non-Aligned Movement (NAM) that strived for neutrality and tried to maintain its unique stance. Amidst all this block formation, it became increasingly difficult to cooperate and achieve consensus on even matters of mutual interest.¹⁰

Thus, discussions at the United Nations, throughout the cold war were marred with blame games and reciprocal accusations of non-cooperation and misdemeanours. This formation of blocks - from the very outset seriously hampered the effectiveness and functioning of the UN. For a greater part of its existence, the organization failed to achieve anything meaningful and substantial. It was simply a major international platform where cold war was awkwardly fought out.

9 Carol Harlow & Richard Rawlings, *Pressure through law* (Routledge, 2013), 155.

10 Boutros-Ghali, "Empowering the United Nations" *Foreign Affairs* 71 (1991): 97.

After the disintegration of USSR there was hope that the UN would finally come out of the East-West block trap and start functioning as a truly global organization. It also appeared as if a “definitional consensus [on terrorism] would finally emerge as charges of ideological bias faded”.¹¹ However, all such assumptions only proved to be wishful thinking, even after the demise of Soviet Union, there is visible blocks and cracks within the UN. Even today, the Western countries under the patronage of the US promote and propagate their respective stance that is often contrary to the position taken by Russia, China, and other rising powers. The importunate block formation continues to be a stumbling block in any attempt to achieve consensus over the definition of terrorism.

Given the diverse composition, individual self-interest, indigenous context, and block formation at the UN, it is perhaps not surprising that even after the fateful events of 9/11, the UN miserably failed to produce anything new and conclusive about terrorism (See e.g. Krieken, 2002).¹²

The Indeterminate Right of Asylum

Grant Wardlaw’s book ‘Political Terrorism’ is perhaps one of the most overlooked classical work on terrorism. The book provides a very comprehensive and thought-provoking account on terrorism that is highly relevant even today. While discussing many reasons for the UN’s failure to define terrorism, Wardlaw pithily notes that one of the most standout issues - is the right of asylum. In his own words, the international failure to adequately codify the right of asylum is “inextricably bound to the definitional problems of terrorism”.¹³

According to Encyclopedia Britannica, asylum is “the protection granted by a state to a foreign citizen against his own state” where the person seeking asylum “has no legal right to demand it, and the sheltering state has no obligation to grant it”.¹⁴ The seemingly straightforward right of asylum is therefore clearly ambiguous and fairly open-ended. There are neither any certainties nor any guarantees. The boundaries of the right are poorly defined and are largely subject to the whims of the concerned states.

The right of asylum is thus one of the most contentious and unresolved issue confronting

11 Crenshaw, Explaining terrorism, 2.

12 Peter Van Krieken, *Terrorism and the international legal order* (T.M.C. Asser Press, 2003), 55.

13 Grant Wardlaw, *Political terrorism: Theory, tactics and counter-measures* (Cambridge University Press, 1989), 119.

14 George J. Andreopoulos, “Asylum law,” *Encyclopedia Britannica*, <https://www.britannica.com/topic/asylum>.

the international community. Hopes of resolving this predicament are often pinned on the UN since it is the largest intergovernmental organization in the world. However, despite numerous attempts, no permanent solution to the problem has yet been found. At the moment there is no well-defined international asylum law and all UN resolutions and conventions on the issue are mostly inconclusive. At best, they are only advisory in nature.¹⁵ This provisionary and complimentary status of the right of asylum grants states the freedom to do as they please with asylum seekers.

It is worth pointing out here that the issue is not so much with the right of asylum per se, since it is a fundamental human right that every individual can and should be able to exercise freely. The issue primarily is with the disagreement over the uniform application and codification of the said right. The right of asylum is inherently divisive and contradictory, subject to individual preferences and political biases. It is too often used as a tool to persecute political dissent or simply to express some discontentment. Moreover, the right of asylum is also intrinsically linked to controversial provision of extradition, which in large part explains why the UN has failed to achieve any consensus over asylum laws?

Encyclopedia Britannica defines extradition as a process that “effects the return of a person for trial for a crime punishable by the laws of the requesting state and committed outside the state of refuge”.¹⁶ Much like asylum, the provision for extradition is also not defined in detail and has no universally agreed parameters. It is a process that is not just fundamentally contentious but is also a source of constant friction and discord between states. Disagreements over extradition rights often turn ugly and can turn states against each other.

Both extradition and asylum are intrinsically linked with each other. Though both are equally consequential insofar as the failure to adequately defined terrorism is concerned. The longstanding ambiguity over extradition has proven to be far more tenacious. The failure of states to adequately codify the extradition law not only pits them against one another but also prevents them from agreeing on other crucial interrelated issues, such as combating terrorism.

In the context of terrorism, this longstanding confusion over asylum and extradition laws is particularly troublesome. On the one hand, individuals that are rightly accused of

15 “United Nations Office of Legal Affairs,” *UN.Org*, http://untreaty.un.org/ilc/summaries/6_2.htm

16 George J. Andreopoulos, “Extradition,” *Encyclopedia Britannica*, <https://www.britannica.com/topic/extradition>.

terrorism in one country can acquire safe havens in other countries under the pretext of political asylum. Efforts to extradite such individuals (so that they may face criminal charges in the country where the alleged crime was committed), can easily be stalled by the country willing to offer refuge to the accused. On the other hand, states may wrongly persecute political opponents by denouncing them as terrorists and having them extradited. Thus, a failure to adequately codify the asylum and extradition laws can both work to the advantage of terrorists, and at the same time cause immense problems for those with legitimate political grievances. Either way, the cost incurred by the states and the international community at large is tremendous. Osama Bin Laden's extradition fiasco is a case in point.

After his very obvious and direct involvement in the 9/11 attacks, the US government wanted Osama Bin Laden and his key aides to be extradited so that they could face charges for the heinous atrocities that had been committed on that fateful day. However, due to the political hostility between the then Taliban government in Afghanistan and the US - owing to the absence of any mutual agreement over asylum and extradition laws, the Taliban regime refused to comply. Bin Laden thus could not be extradited to the US or any other country for that matter, because the Taliban were reluctant to do so and there was no legal system in place that could compel them otherwise.¹⁷ The failure to extradite an accused terrorist is what ultimately paved way for US invasion of Afghanistan in late 2001.

It is pertinent to point out in the end that the failure to define and codify both asylum laws and terrorism is also somewhat oddly entwined. The respective failures not only reinforce one another but also explain, why all efforts in this vein have largely been futile. On the one hand, if asylum and extradition laws were formally codified and agreed upon, then states would be bound to comply with incidents of international crime and terrorism, irrespective of their individual preferences. On the other hand, if the definitional dilemma of terrorism were to be resolved, then the states would be forced to comply with the asylum and extradition laws (regardless of how crude or ill-defined such laws may be) since otherwise, they would be harboring a terrorist. As Wardlaw notes, it is hard to imagine that a state would willingly grant asylum to someone it agrees should be called a terrorist.¹⁸

There is thus a vested stake in not defining and codifying both terrorism and asylum laws, as it works to the advantage of the individual countries. However, if the countries were to approach the problem collectively, then they will gradually realize the immense advantage

17 Jonathan Randal, *Osama: the Making of a Terrorist* (Vintage, 2007), 60.

18 Wardlaw, *Political terrorism*, 119.

of formal codification that will benefit the entire international community. Nevertheless, the way things stand, the existing asylum and extradition laws are a serious handicap in any UN attempt to define terrorism.

Confusion Over State and Non-State Terrorism

The question of whether or not terrorism is an - actor-neutral activity is at the very heart of deciphering the enigma of terrorism. The identity of the actor responsible for terrorism has for a long time confounded the scholarly community and seriously hampered any attempt to formally define terrorism.¹⁹ This definitional stalemate owing to the confusion over the identity of terrorist violence not only plagues academic and intellectual discussions but equally divides the political enterprises. Nowhere is this predicament more evident than in the repeated failures of various UN conventions and resolutions over terrorism. Though apparently, the problem of terrorist identity is straightforward. Its subsequent upshot, however, makes it particularly challenging.

On one hand, treating terrorism as a non-state activity absolves states of any meaningful involvement in terrorism. Terrorism, in essence, becomes a non-state or sub-state phenomenon that has little to do with any state. The identity of terrorist actor is predetermined, and regardless of how unambiguous the actions may appear otherwise. Though admittedly, a state can still be accused of sponsoring terrorism, it is important to highlight that despite the contrary claims, state sponsorship of terrorism is not the same as practicing terrorism. State sponsorship merely entails some sort of indirect involvement, that neither carries the intensity, nor the punishment - for practicing terrorism directly. Moreover, state sponsorship of terrorism, regardless of the degree of a state's involvement, is first and foremost non-state terrorism. As it has been observed elsewhere, "...state sponsorship only refers to support of some sort and support of any kind, typically does little more than assist or facilitate an activity. The nature and character of any activity is largely independent of the support it receives".²⁰

On the other hand, an actor-neutral stance over terrorism would entail that both state and non-state actors could practice terrorism. Therefore, if their culpability is adequately established, then both should receive the same sentence. Observing actor neutrality over

19 Stephan Nathan, "Igor Primoratz, Terrorism: A philosophical investigation" *The Jerusalem Philosophical Quarterly* 62 (July 2013): 261-275.

20 Dayyab Gillani, "The Definitional Dilemma of Terrorism: Seeking clarity in light of Terrorism Scholarship," (thesis University of St Andrews, 2017), 104.

terrorism, in other words, ensures that states can, not only be accused of terrorism but in principle can also be punished for the said transgression. This provision visibly creates a conflict of interest for the participating states. Not only do states want to avoid being punished for the actions that would have otherwise been deemed terroristic, but they also actively want to evade the overly valued laden terrorist label. The strong pejorative undertones of the word terrorism would make them a pariah or an outcast not worthy of the international community. To avoid being stigmatized and ostracized by the international community as such, it is in the interest of the individual countries to treat terrorism as essentially a non-state activity.

As discussed already, the UN is a diverse composition of states with each member state seeking to safeguard its national interest. This interest, at times, tends to overlap with a state's repressive and violent measures. According to international law and the parameters set by the Westphalian nation-state system, every country possesses the inherent right to deploy force, if necessary, to maintain law and order within its territories. As Herbert Wulf notes, "For more than three centuries, since the peace of Westphalia, the monopoly of force has been held by the nation-state".²¹ This discretionary deployment of force is neither necessarily proportionate nor always legitimate. In fact, in many such instances, the means and tactics employed by a state under the pretext of maintaining law and order resemble the modus operandi we typically associate with terrorists. However, owing to the provision of a 'monopoly of legitimate violence' that all states inherently possess, it becomes very difficult to implicate them.²² While this provision has arguably been granted to states to ensure law and order within its territories, its misuse however is not uncommon.

If the abuse of the provision of monopoly over legitimate violence was deemed terroristic and also codified as such by the UN, it would raise a plethora of problems for the member states. Such a measure would not only cast aside the superfluous and politically motivated distinction between state and non-state acts of terrorism however, will also impose a substantial cost on the accused state. A state could then in principle also be labeled terrorist and would have to face the consequences of such categorization.

This raises the obvious question, why states cannot define terrorism as a non-state activity? There are two standout reasons why that is unlikely to happen. The first concerns the abuse of such a definition by states, especially ones that are not democratic. A fair number of

21 Wulf, "Privatizing and Internationalizing," 35.

22 Adrian Guelke, *Terrorism and global disorder* (London: IB Tauris, 2006), 12.

member countries at the UN have authoritarian regimes. All such regimes regularly employ controversial violent tactics to suppress any dissent. Iraq under Saddam Hussein and Libya under Gaddafi are notable examples. If terrorism was restricted to non-state actors alone, then the actions of all such states could never be deemed terroristic. This will not only increase the frequency of such occurrences but will also prevent a formal critique by other concerned states. Second, it will be an intellectual and academic nightmare to tie a mode of violence with a specific actor. It will first have to be adequately demonstrated that the nature and character of the terrorist activity are not independent of the actors responsible for it. This will be no plain sailing as the academic community is bitterly divided on the issue. Thus the confusion over state and non-state terrorism (both deliberate and unintentional) is a serious handicap insofar as UN attempts to define terrorism are concerned.

Self-Determination and Terrorism Paradox

Of all the problems that have been highlighted so far, the one that arguably receives the most attention is the issue of self-determination. Given the ideological foundation of the United Nations and circumstances under which the organization was first created, this disproportionate attention is hardly surprising.

Created after the horrors of WWII, the UN was desperate to break free from the clutches of colonialism and imperialism. The two forces were believed to be responsible for not just the two world wars but also the prevalent global political inequalities. Owing to these liberal aspirations, the organization from the start was immensely sympathetic to freedom movements, and the subsequent right of self-determination that had previously been the sole prerogative of Western countries. This transmutation in global political sensitivities perhaps would not have happened without the crucial role played by the United States.

The concept of self-determination draws its inspiration from the 'enlightenment ideas of popular sovereignty' and 'nation-state' that were originally developed in Europe during the eighteenth century.²³ While it is true that initially, these concepts were largely political devices and compromises that prevented infighting between the European powers. However, by the time they would acquire substantive force and substance. In particular, the successful utilization of these values by the American colonies to achieve their independence was a significant turning point. Before the American independence, the principle of self-determination and the logic of nation-state was strictly restricted to the European continent,

23 Thomas D. Musgrave, *Self-determination and national minorities* (Oxford University Press, 2000), 65.

just as the rest of the world was openly subjected to colonialism. With the US being the first country outside Europe to successfully utilize these principles, it not only served as a role model for aspiring colonies but effectively also paved the way for these values to be incorporated into the UN Charter.

As the concepts of self-determination, nation-state, and popular sovereignty became cornerstones of the United Nations at the onset, the organization was compelled to adopt a very lenient attitude towards independence movements in general. This conciliatory attitude, over the years, inculcated a culture of appeasement that not only tolerated resistance and revolutionary struggles but even actively encouraged them. Such encouragement led to skepticism and confusion over any association or conflation of resistance movements with terrorism.

Now terrorism, as we know, is a frequently employed tactic during insurgency, guerilla warfare, and revolutionary struggles of any kind.²⁴ In fact, during the second half of the 20th century, terrorism was primarily witnessed during these very modes of violent struggles.²⁵ However, owing to the provision of self-determination that permits the use of violence, it becomes very difficult to categorize such violence as terrorism. This is again owing to the pejorative undertone of the word terrorism that denounces and demonizes any violent struggle to which it is successfully attached. On one hand, self-determination is a positive force, a necessary prerequisite for guarantying popular sovereignty, and an essential pillar of the modern-day nation-state system. Whereas on the other hand terrorism is believed to be a regressive force, an immoral and illegitimate activity for which there can be no justification. The conflation of two therefore seems illogical, irrational, and dishonest.

The fear of vilifying an otherwise legitimate political struggle thus prevents an objective application of the word terrorism. If violence is employed in the pursuit of the right of self-determination, then regardless of its resemblance with acts of terrorism, it cannot be called as such. This blatant contradiction creates a paradox that subsequently hampers any international attempt to adequately define terrorism. Furthermore, the individual preferences of the states and their respective national interests often encourage them to denounce violent resistance as terrorism and vice versa. Therefore, an additional vested stake to not define terrorism, as states do not want some objective criteria, but their internal preferences to determine the legality and legitimacy of armed resistance.

24 Walter Laqueur, *A history of terrorism* (Routledge, 2016), 75.

25 David C. Rapoport, "The four waves of modern terrorism", in *Terrorism Studies*, ed. (Routledge, 2013), 15.

It is this very paradox that not only plagues all UN conventions and resolutions on terrorism but effectively also divides the international community. It has also led to the popular adage ‘one man’s terrorist is another man’s freedom fighter’. Since a terrorist is not determined by some objective criteria but by individual preferences of the respective states.

Owing to these factors, it is perhaps not surprising that “in international law, the nature and scope of self-determination remain to a large extent unclear”.²⁶ The confusion works to the advantage of countries that are only really looking out for their interest on the international political arena.

It was evident from the start that the right of self-determination would prevent any meaningful international consensus and resolution on terrorism. When the problem of terrorism was formally brought to the attention of UN after the infamous 1972 Munich Olympic massacre, it was clear that the political preferences and ideological orientations of the states would lead to a stalemate. The first UN Ad hoc committee on terrorism constituted after the Munich attacks made several bold claims and promises but ultimately ended up “affirming the inalienable right of self-determination”.²⁷ Meanwhile, any hopes and prospects of defining and codifying terrorism were quietly shunned. The failure of the first Ad-hoc committee and subsequent conventions on terrorism prompted Leslie Green to state that “the General Assembly has elevated the right to self-determination above human life”.²⁸

The dilemma posed, then continues to plague all UN Conventions and Resolutions on terrorism today. Amidst the longstanding freedom fighter-terrorist controversy, defining terrorism has become an insurmountable task.

Combating Terrorism as Opposed to Understanding it

All the factors identified in the paper thus far, have in one way or another, been debated and discussed at other intellectual forums as well. Conversely, the issue of combating terrorism is opposed to understanding. It is one standout factor that has largely been overlooked. The prevailing perception of terrorism as a heinous atrocity devoid of any compassion and empathy prevents and categorically discourages an understanding of the problem. Terrorism is largely believed to be some grotesque abnormality that needs to be fought by any, and all

26 Musgrave, *Self-determination and national minorities*, 3.

27 Wardlaw, *Political terrorism*, 108.

28 L.C. Green, “Terrorism”, in *Terrorism: Theory and Practice*, eds. Yonah Alexander, David Carlton, & Paul Wilkinson (Boulder, Colorado: Westview Press, 1979), 184-85.

means possible. There is thus an inherent propensity to first and foremost fight and combat the assumed menace of terrorism as opposed to understanding it.

A preference to fight terrorism unconditionally as opposed to understanding it first creates an intellectual conundrum. On one hand, the illegitimacy and criminality of terrorism are predetermined, leaving no room for either the justification of the act or the broader movement it is part of. On the other hand, the combat exclusive frame of reference by default discredits and undermines any attempt to understand the problem of terrorism.

This paradox was visibly evident after the fateful 9/11 incident. In the immediate aftermath of the September 11 attacks, the phenomenon of terrorism started receiving unprecedented attention.²⁹ From excessive news coverage to academic scrutiny, and from international conventions to policy briefs, terrorism managed to capture the imagination of the public on a global scale. Government's think tanks, and academic institutions were all keen to figure out the enigma of terrorism. Generous government research grants were being provided to study the problem of terrorism. Numerous international workshops were similarly organized. The United Nations too was busy organizing various conventions and managed to pass several resolutions on terrorism.³⁰ If there was ever an opportunity to adequately define and codify terrorism, then it was during this period.

Nevertheless, despite all these hopes and potential prospects, terrorism managed to stay just as enigmatic and cryptic as ever. This in large part was due to the combat-exclusive approach that sought to first and foremost fight terrorism. This approach was not concerned with either the motivation or the causes of terrorist violence. Taking its inspiration from the new terrorism thesis, the combat exclusive approach saw terrorism as some demonic force that only sought to cause large-scale death and destruction. As Robert Bunker argued that the new terrorist groups “are looking to use weapons of mass destruction to create high levels of deaths and indiscriminate damage”.³¹ Similarly, Daniel Masters stated that “new terrorism is defined by a tendency towards maximum destruction”.³²

If terrorism was seeking to cause destruction and annihilation, then it could not be treated

29 Andrew Silke, “Research on terrorism”, *Terrorism informatics* (2008), 85.

30 Andrew Silke, “The devil you know: Continuing problems with research on terrorism,” *Terrorism and political violence* 13, no. 4 (2001): 1-14.

31 Robert J. Bunker, “Terrorists and Laser Weapons Use: An Emergent Threat,” *Studies in Conflict & Terrorism* 31, no. 5 (2008): 449.

32 Daniel Masters, “The Origin of Terrorist Threats: Religious, Separatist, or Something Else?” *Terrorism and political violence* 20, no. 3 (2008): 396.

as a rational activity. Political ends and stated objectives become meaningless if the means adopted in their pursuit are utterly senseless. With terrorism being treated as an abominable and irrational activity that could strike anywhere and at any time, fighting it became a matter of supreme urgency. Meanwhile, questions over its meaning and understanding are simply rendered irrelevant. How could one understand and define something irrational, senseless, and diabolical? The only logical thing to do then would be to fight and eliminate this social anomaly and abnormality.

In retrospect, the failure to define and codify terrorism should not come as a surprise. All academic and political enterprises at the time were primarily concerned with fighting terrorism. Understanding terrorism, despite contrary claims, was never really a priority. Regardless of the funding and attention terrorism was drawing, the existing premise did not permit rational engagement with the problem. The parameters that had been laid out only encouraged counter-terrorism approaches with little to no regard for what terrorism was, to begin with.

Thus after 9/11, the interest the phenomenon was drawing coupled with generous funding grants, opened up unprecedented prospects for dissecting and understanding terrorism at political, academic, and intellectual forums. However, as it turns out, all such undertakings were largely restricted to combating terrorism as opposed to understanding it. This tendency to find ways to fight and counter-terrorism before adequately understanding it, paved the way for combat-exclusive paradigm to take hold.

It is owing to this paradigm that all UN attempts to define and understand terrorism have largely been in vain. The numerous UN conventions and resolutions on terrorism have always been dominated by the latent tendency to fight and counter-terrorism that subsequently rendered all definitional debates somewhat redundant.

Fighting terrorism and the desire to define and understand it, stand in contradiction with one another. The premise is far too restrictive and has not permitted an impartial engagement with the problem of terrorism, since not only is a response to terrorism predetermined, but its meaning is also presupposed. Hence, if the UN (or any entity for that matter) is serious about defining terrorism, then it first must move past the fight-it-at-all-cost paradigm.

CONCLUSION & RECOMMENDATIONS

The multitude of factors identified in the paper helps explain why the UN has failed to produce a universal definition of terrorism. The list however is far from exhaustive as there are also several intervening variables that play a crucial part in this failure. Nevertheless, all these additional variables are either linked or take their cue from the five-standout factors that have been discussed and dissected in this paper. The analysis and explanation offered, therefore, is fairly rigorous and comprehensive.

From the composition of the UN to the indeterminate right of asylum, and from the confusion over state/non-state terrorism to the divisive right of self-determination, the UN since its inception is caught in a complex web that seriously hampers its ability to act decisively. To complicate matters further, the UN has always endeavoured to fight and combat terrorism, which greatly undermines its subsequent attempts to define terrorism. The resolve to fight terrorism unconditionally on the one hand and a pledge to define and codify it on the other, stand in strict contradiction. Caught between the two extremes, the UN lacks direction and focus. The organization in other words is effectively a victim of its parochial standpoint.

In the end, it is worth bearing in mind that a failure to adequately define terrorism at the UN forum is neither trivial nor inconsequential. Owing to the confusion over the meaning of terrorism, we still for instance, cannot distinguish terrorism from other forms of violence and there is no agreed-upon appropriate response to acts of terrorism in general. This, among other things, potentially encourages member states to denounce any violence or resistance as terrorism, and choose otherwise objectionable and questionable means to counter it, without any serious repercussions. Moreover, how could we reasonably justify a global war on terrorism or continue to express unconditional resolve to fight it, if we do not even agree on what it is? Thus, the UN's failure to define terrorism, though somewhat understandable, is far from excusable. Regardless of the past failures and the misgivings at hand, the UN simply cannot abandon the quest to define terrorism in the long run.