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The United Nations and International Terrorism: Challenges to Collective Security

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Abstract

It has been the predicament of the United Nations Organization ever since its foundation 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 to 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, which was characterized by a bipolar power structure resulting from the rivalry between the United States and the Soviet Union.

The obstacle to consistent and efficient mechanisms of collective security is 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 vis-à-vis all nations, small or big, weak or powerful. The fashion in which the United Nations deals with this challenge and its manner of undertaking collective action against terrorism will decide its future in the global system. Indeed, the world organization will have to walk a tightrope in trying to find a balance between the power politics of sovereign nation-states – particularly those that enjoy the status of permanent members in the Security Council – and the requirements of collective action as set out in the Charter.

It will be the *punctum saliens* of the new global order under the conditions of unipolarity how the United Nations will be able to enforce the rule of law in a universal and cohesive manner so that the principle of the sovereign equality of states, including the principle of non-interference, will be upheld while all actors in the international arena will be subjected to the same standards of the legitimacy of their political actions vis-à-vis one another.

Only if the organization succeeds in this mission will it be possible to preserve world peace and “to save succeeding generations from the scourge of war” – as solemnly proclaimed in the Charter’s Preamble.

This challenge, however, cannot be met using instruments created on the basis of the power balance of 1945, i.e. by means of a Charter reflecting the necessities of an earlier era. The United Nations Organization can only accomplish its mission if it adapts itself to the newly emerging global situation through a genuine *democratic reform* – along the lines neither of bipolarity nor of unipolarity, but of multipolarity – and by establishing a comprehensive and consistent system of international humanitarian law of which norms regulating the definition and punishment of the crime of terrorism will form an integral part.

Neither the unipolar power structure of the present world order nor the terrorist threat to peace and stability – whether on the national or international level – must be accepted as *fait accompli*. As in 1945, the United Nations Organization, at the beginning of the Third Millennium, should again unite the peoples of the globe in the search for a system of norms encompassing the practice of states and integrating it with the requirements of a peaceful international order in which no state, no group, no individual will be exempt from the basic rules of law. In such a system, there can be no *domaine réservé* – neither for a state nor for a movement acting against a state; *no state’s terrorist can be the other state’s freedom fighter, and vice-versa*; and no state can be above the law. 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 such a *consistent* and *persistent* commitment to the rule of law. Such a commitment is the essence of the policy of collective security as laid down in Chapter VII of the UN Charter.

The paper deals with the following aspects of the United Nations’ policies and strategies in regard to international terrorism: (1) The United Nations Organization in the global power constellation; (2) obstacles to the enforcement of the international rule of law in a unipolar power structure; (3) implications of a unipolar world order for the United Nations’ capacity to act as global guarantor of the rule of law, and in particular for the fight against terrorism; (4) the history of United Nations codification efforts and measures against terrorism; (5) the way out of the dilemma: comprehensive definition of terrorism by means of integration into existing instruments of international humanitarian law; (6) the conditions for a consistent anti-terrorist policy of the United Nations.
