

**Resume/Summary of the PhD Thesis**

**A historical analysis of the UN Counter-Terrorism Framework post 9/11**

By

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# INTRODUCTION

## **Relevance of the study and Research program**

Ever since the 9/11 terrorist attacks on the United States, the issue of terrorism has assumed pivotal significance in global parlance. The concept of terrorism is not new however. Even prior to the above incident, the international community was confronted with the issue of terrorism; however, the global response on this account was not as coherent in character. United Nations, which is the largest International Organization, has been the lead entity in terms of an institutionalized response to the menace of terrorism. However, the story of the UN's response to terrorism has not been similar in character if one looks deeper into the pre-9/11 political milieu.

As a matter of fact, with every passing day, the menace of terrorism has continued to evolve with new complexities and variations. Accordingly, the response from the part of the United Nations has also evolved continuously. As a discernable feature thereof, while, the United Nations, institutional response to terrorism has enlarged through the creation of new entities, which in turn have been supplemented through new legal norms; strategies and resolutions; the organization's focus on varying thematic areas pertaining to countering terrorism also speaks volumes of the manner in which the UN has been responding to the menace of terrorism in recent years.

While the above major developments in terms of the UN-wide response to terrorism have occurred over the years, much of the focus of existing studies and research work on this aspect has been incoherent and dispersed to say the least. Either the existing research on this important field of study has remained restricted to analyzing a particular element or theme of terrorism; or has been limited in scope for having concentrated a particular strategy or entity within the UN dealing with the subject. It is because of this limited focus on the field of UN's counter-terrorism studies that an all-encompassing critical and historical evaluation of the UN's counter-terrorism efforts has remained missing from the annals of research, resulting in inconclusive discourse on the success or failure of the UN, as an international organization, in dealing with the above challenge.

It is for the aforementioned reasons that this thesis is aimed at specifically undertaking a historical analysis of the UN counter-terrorism framework post 9/11 and that too in an all-encompassing manner. Accordingly, this study begins by assessing the pre-9/11 UN response to terrorism as a prelude to comprehending the Organization's response to this menace in the post-9/11 political milieu. There remain cogent reasons for doing so, as it is on the basis of the above assessment, that the study attempts to understand the reasons as to why, the very concept of terrorism has not been able to turn into a coherently agreed upon definition by the international community. Building up on this problematique, this thesis then aims at understanding as to how the UN has evolved itself in terms of its response to terrorism. In this context, the current thesis assesses both the systemic and strategic as well as thematic response to the issue of terrorism from a critical standpoint.

For the purposes of this thesis, I have taken the post-9/11 timeframe with a view to contextualize the spectrum of the discourse on UN's counter-terrorism response, and this would also serve as a barometer to better understand the manner and the expanse of the UN's global counter-terrorism response coupled with an assessment of its successes and encountered challenges. While doing so, I have employed the liberal institutional approach as the theoretical underpinning for my thesis.

### **Research Methodology**

For the purposes of my thesis, the theoretical approach being employed is that of liberal institutionalism. While, there has been a lot of criticism on the efficacy of liberal institutionalism since 9/11, the manner in which the UN despite facing challenges from unilateral acts by global powers at times, and acting as the final resort when all dust has finally settled, still validates the utility of the theory of liberal institutionalism. As for the United Nations, the manner in which this entity has addressed different global issues including terrorism ranging from norm setting to preparation of strategies and their implementation, speaks volumes of the validity of this theoretical approach. For these reasons, I would be employing this theoretical approach for the purposes of my thesis.

Furthermore, I intend to employ the *qualitative research methodology* for my thesis, as it enables a holistic and historic interpretation of events. Furthermore, it enables a deeper introspection of the phenomenon that is otherwise difficult to quantify. Taken in this sense, one can clearly note that because the manner in which UN has evolved and its focus has oriented between institutional and thematic approach, the success or failure of its approaches in terms of countering terrorism cannot be assessed in quantitative terms per se. Under the qualitative research that I will be employing for the purposes of my thesis, I will be undertaking inter alia, a thematic analysis of the manner in which the UN's response to terrorism has evolved since 9/11. As methods of my research, these will be ethnographical in character, besides being case study based at certain junctures and content analytical at certain other nodes.

As regards the qualitative data analysis, I have used secondary data sources for the purposes of my study including inter alia, publications, books; records, research reports, UN reports etc.

### **Structure of Research**

As for the structure of my research, I will begin by undertaking an overview of the state of affairs or the manner in which the UN addressed the issue of terrorism prior to 9/11. This would be aimed at understanding the complexities that have remained associated with elaborating an agreed upon concept of terrorism. This would also serve as a prelude to the manner in which the discourse within the UN on the issue of terrorism post 9/11 has evolved.

Building up on the above prelude, the next priority area of my study will then focus on the manner in which the UN has addressed the issue of terrorism post 9/11. In this category, I would first analyze the different legal documents including resolutions etc. adopted by the different UN entities as well as strategies set forth by the UN as part of its response to combating terrorism. In doing so, I will also be undertaking an analysis of the manner in which different UN bodies have responded to the issue of terrorism. This will also encompass an assessment of the success or failures of these UN entities in doing so.

The priority area to follow in terms of my research thesis would be to make an analytical assessment of the shift of the UN to the thematic focus in terms of addressing the challenge of

terrorism. Under this segment, I will be assessing the different thematic areas as well as evolving dimensions through which the UN bodies are now addressing the issue of terrorism.

Last but not the least, under the segment on conclusions and recommendations, I will assess as to how far the UN has been successful in terms of the manner in which it has addressed the menace of terrorism.

### **Research Objectives**

The objectives of this dissertation are as follows:

1. Understanding the evolution of the concept of terrorism with a view to comprehending the legal and technical lacuna in this regard in the pre- and post 9/11 political milieu
2. Comprehending the systemic; legal and strategic reponse of the United Nations to the issue of terrorism since 9/11 along with the challenges and successes on this account.
3. Understanding as to why and how the UN has shifted its focus to thematic response to terrorism through enhanced concentration on such elements as money laundering and terrorist financing as well as foreign terrorist fighters; water terrorism etc. over the years;
4. A critical assessment of how far UN's reponse to countering terrorism has been successful in addressing the issue of terrorism

### **Research Questions**

For the aforementioned research objectives, this study addresses the following research questions:

- i. What was the state of affairs of UN's response to countering terrorism prior to 9/11?
- ii. What have been the reasons for the UN not having reached a consensus definition of terrorism?
- iii. How did the UN address the issue of terrorism immediately in the wake of 9/11 terrorist attacks?
- iv. What has been the UN's institutional response to countering terrorism and how far has this been successful?
- v. What has been the UN's legal and strategic response to countering terrorism and how effective has been its implementation?

- vi. What led to the UN's shift of approach in terms of addressing the issue of terrorism from being institutional to thematic in character?
- vii. How far has the thematic focus of the UN's response to terrorism been successful?
- viii. What is the counter-terrorism framework developed by the UN under its thematic focus on the issue and how far has this been successful?
- ix. How has the actual implementation of the UN's counter terrorism framework, be it institutional or thematic, been in different conflict situations such as Afghanistan, Syria and Iraq?
- x. What are the evolving themes under the UN's counter-terrorism framework and how has the UN responded on this account?

For its purpose, based on the earlier mentioned research questions as well as main highlights of the literature review, the following hypothesis has been tested during this study:

*Since the tragic terrorist attacks of 9/11, the United Nations counter-terrorism framework has evolved from being institutional and strategic in character to a more thematic approach owing to lack of mutually agreed upon conceptualization of terrorism. The success of this new approach, though a definite improvement over earlier attempts at countering terrorism, is still however, contingent upon the manner in which the UN Member States actually implement the above new norms and rule setting approach based on thematic priorities.*

### **EVOLUTION OF THE TERM 'TERRORISM' PRE- AND POST- 9/11**

#### **The complexity in defining "Terrorism"**

Terrorism is a phenomenon that has been continuously reinventing itself. It can be defined like all political phenomena, by the duality between professed ideas and their implementation (Edward Schneider, 2007). The term Terrorism is being grossly overused and it has become a part of the argot of the twenty first century but most of the people have a vague impression of Terrorism. A precise and explanatory definition of the term is lacking. Modern media is partly responsible for that imprecision because it has mostly conveyed a promiscuous label of a wide range of violent acts as "Terrorism", for example; a bomb blast in a building, the savage killing of civilians by military, the assassination of a head of state, the hacking of an important e-mail server and exposure of its employees' personal data to public, all of these acts are labelled as acts of terrorism by modern media (Hoffman B. , Inside Terrorism, 2017).

According to John Horgan (Horgan J. , *The psychology of terrorism*, 2014), the complexity in defining terrorism lies in the fact that the emotional response to the terrorist's actions might shape our view of both the terrorism process and those which are involved in it. So, emotional response to terrorism is one of the problems faced by researchers studying terrorism and terrorist behaviour. However, more positive outlook can be achieved by adopting a substantial, balanced approach in the definition process. Schmid took the definitional problem to another level and he distinguished four arenas of discourse on defining terrorism. The academic context which offers a consensus definition of terrorism but the discourse taken by state gives a vague idea of terrorism which is deliberately presented to be so wide to serve state interests. (Schmid A. P., *The Response Problem as a definition Problem*, 1992).

Though, a definition of terrorism like a definition of war does not solve the underlying problem. The lack of definition is considered to be one of the factors likely to encourage future terrorism and also the continuation of double standards. Absence of a common definition also spoiled the development of an effective counter-terrorism strategy at national and international level. If the states disagree about an act to constitute terrorism, the chances of interstate cooperation are oblique.(Schmid A. , 2004)

The multidimensional nature of the phenomenon resulting in wide range of manifestations such as narco-terrorism and cyber-terrorism makes it difficult to believe that it is a unitary concept. Schmid proposes that a narrow definition of terrorism in terms of the methods used leaves no room for states to manoeuvre behind technical distinctions (Schmid A. P., 2007). He describes terrorism as the peacetime equivalent of war crimes. In this way he offers a potential exit from a problem of deciding on the righteousness of violent acts. It becomes simple to escape the choice between a purely criminal model of terrorism which highlights only the illegal means and a war model portraying terrorism a continuation of politics by other available means. So, a legal definition as the peacetime equivalent of war crimes can gain more international agreement. In order to resolve the problem of sub state and state terrorism and to increase intergovernmental and interagency law enforcement response in this regard, a number of local and international treaties have been under consideration but the development of a global legislation could not be successful against what actually terrorism is and who the terrorists are. But if we focus on the

means of perpetrators there may be a possibility of international consensus. Schmid proposed a definition of terrorism which took only an academic status;

“Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi) clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons, whereby in contrast to assassination, the direct targets of violence are not the main targets. The immediate human targets of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organisation), (imperilled) victims, and main targets are used to manipulate the main target (audience), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought (Schmid A. P., 2007)..”

The notion of terrorism is introduced as a political concept which gives an understanding of its aims and objectives and it is the main characteristic of this term that distinguishes terrorism from the other types of violence (Horgan J. , The psychology of terrorism, 2014). The goal of terrorism is not only to create widespread fear, stimulation and uncertainty on a wider scale than that gained by targeting the victim alone but also it aims to influence the political process. The specific types of short-term actions are formulated to give rise to long term outcomes. There have been many examples of states and governments being involved in reprehensible acts of violence in 2011 and 2012, to the level that is not accessible for conventional terrorist organizations (Horgan J. , The psychology of terrorism, 2014).

### **Misconceptions about root causes of terrorism**

There is a broad agreement that the relationship between poverty and terrorism is weak and indirect (Gupta, 2005), (Merari, 2005). A terrorist generally does not originate from the poorest segment of a society. In terms of education and socio-economic background, a terrorist typically belongs to an average or above average level. The people from unprivileged segments of society are more likely to participate in simple forms of political violence which include riots and civil wars and poorest countries are not particularly targeted by terrorism (Maleckova, 2005). The data about recruitment of certain type of terrorist actors suggests that poverty can be a factor of some significance in recruitment of terrorist actors (Post, 2005), (Schmid A. P., 2005).



Religion and specifically Islam is not a cause of suicide terrorism (Merari, 2005). Suicide terrorists are mostly secular or belong to other religions and they are motivated by political goals to get independence from a foreign occupation or domestic domination of different ethnic groups (Ahmed, 2005). Peter Bergen and Swati Pandey reached the same conclusion in their study of madrassas (Islamic schools) and lack of education as a presumed terrorist incubator.

There is a common misconception about terrorists that they have some psychological abnormalities and they are irrational actors. These myths are dismissed by many research scholars like Gupta, Post and Merari. However, terrorists seem to follow their own rationalities which are normally based on extremist ideologies or particular terrorist logics, but they are not irrational (Bjorgo, Root causes of terrorism: myths, reality and ways forward, 2005).

John Horgan applied psychology to the terrorism studies in two ways describing the role of individual psychology and the effect of organisational membership on it. He dismissed the popular notion about terrorists exhibiting abnormal psychological traits (Horgan J. , 2008).

### **Factors acting as Preconditions of terrorism**

- Radicalization
- Lack of territorial control
- Absence of rule of law and democracy
- High economic growth
- Extremist ideology
- Imbalance of power
- Corrupt Government
- External involvement and foreign occupation
- Ethnic or Religious discrimination
- Relative Deprivation
- Charismatic Leaders

### **Al-Qaeda, a never-ending threat**

The absolute triumph over al-Qaeda and the Salafi-Jihadi terrorist movement has been continuously heralded. So much so that Al-Qaeda ceased to exist as an organizational entity and it became like a hollow shell and a leaderless entity of heterogeneous individuals disconnected from any centralised authority. Bin Laden became completely alienated from the movement he created, isolated from his fighters, followers and supporters, and he had no more power to play any meaningful part in the movement's operations and future course of action. Terrorism became

primarily “bottom up” instead of being “top down” to the extent that terrorist organizations lost their existence. Their traditional ways of command-and-control functions no longer matter. Instead, the threat took a new shape and it comes from “lone wolves” being self-radicalized and self-selected bunches of guys. So, the threat from actual, existing terrorist organizations is no more easily identifiable like before.

Bin Laden being “out of sync” or in fraught relations with the variety of far-flung al-Qaeda affiliate organizations is not very surprising. He accepted that trade off after 2002 for movement’s longevity and survival as he devolved the power to the local franchises. Al-Qaida has well established connections in Syria, Afghanistan, Yemen, Libya and Mali where it continues to train its terrorist forces and makes the plans to plot its operations trying to explore new opportunities for its expansion and consolidation of its presence wherever it is possible.

Al-Zawahiri made a stunning announcement in September 2014 about the creation of a new al-Qaeda franchise in the Indian subcontinent (AQIS) proved that the movement’s revitalization was no joke and it also showed its interest in cultivating more opportunities for expansion. It shows that al-Qaida took an advantage of resurgent Hindu nationalism in India, a country which has world’s second largest Muslim population. So, recruits from India, along with those from other South Asian countries played role in remaking al-Qaeda. So, its demographic changed from being once predominant Arabian and Middle Eastern to a distinctly South Asian one.

Al-Qaeda’s intense interest in Syria is neither recent nor ephemeral. “The territory in the Middle East that al Qaeda desires the most is of course Saudi Arabia, but Syria is next on the list which is not known by al-Qaeda and its minions as al Bilaad al-Shaam” (Hoffman B. , Inside Terrorism, 2017)

## UN WIDE SYSTEMIC RESPONSE TO TERRORISM

Defining terrorism has been a problem for a long time that bothered the General Assembly even before the time when many conventions addressing the specialized fields of terrorism were negotiated. There are about 19 such global and regional conventions that are recognized by United Nations but all failed to provide a proper generic definition. However, the International Convention for the Suppression of the Financing of Terrorism included a definition in its article

2 para.1 and sub-Para (b) which can be identified as the one going beyond the definitions of special conduct given by other conventions.

“Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully (...) commits an act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act (Nations, International Convention for the suppression of the Financing of Terrorism, 1999)”.

The problem of defining terrorism arises from the variation in its usage in different states so that a common usage of the word is hard to achieve. Therefore, on one hand the definitions given in different conventions vary to a large extent and on the other hand the domestic legislation of terrorism also varies considerably. However, to combat terrorism on a serious note, the need for a common definition is indispensable to have a coordinated fight and international cooperation against terrorism.

The difficulty in agreement on a widely acceptable definition yields also from the political nature of terrorism and results from the old saying that “one state’s ‘terrorist’ is another state’s ‘freedom fighter’”. This is also obvious from the statement of Working Group in United Nations. Despite the event of 9/11, the existing homogeneity along with a consensus on a single generally accepted definition of terrorism could not be achieved by United Nations (Hafner, 2006).

## **Multilateral counter terrorism**

The terrorist violence has gained an international orientation over past century and it has become a defining characteristic of terrorism. The terrorists have gained the ability to make strategies and imply tactics across their national boundaries (Rapoport, 2004). Bruce Hoffman mentions that the internationalization of terrorism gained new heights in 1960 (Hoffman B. , Inside terrorism, 2006). The transnational reach of terrorists also gained rise with the religious wave in 20<sup>th</sup> century when foreign citizens and states were targeted with articulated global programs. The attacks of 9/11 were also undertaken in following an ideology having global pretensions. The globalization of terrorism after 9/11 has continued apace. According to US

National intelligence estimate in 2007; “Globalization trends and recent technological advances will continue to enable even small numbers of alienated people to find and connect with one another, justify and intensify their anger, and mobilize resources to attack, all without requiring a centralized terrorist organization, training camp, or leader.” (Council N. I., 2007)

In fact, the efforts to counter terrorism should be formulated in a way to meet the threat effectively. It seems obvious that if the threat of terrorism has attained a globalized nature, the counter terrorism efforts should also be global. In this way it might be anticipated that counter terrorism policy tasks like intelligence operations, law enforcement, use of military powers and the financial controls should be pursued multilaterally in a more cooperative way. So, the extent and level of this multilateral cooperation specifically through the platform of United Nations along with its successes and failures provides the main background of this study. For this purpose, qualitative research methodology has been adopted where a critical review of different UN resolutions and mechanisms has been undertaken. The argument is built on the two main objectives; one being to analyze the patterns of multilateral cooperation against terrorism through United Nations and some regional organizations and; other being the critical analysis of them. For this purpose, I have discussed the cooperation in terms of counter terrorism chronologically. By analyzing the patterns of cooperation among states on discrete tools of counter terrorism policy, a mixed approach is observed discerning the following trends. The degree of multilateral cooperation can vary over time as well as with different aspects of counter terrorism policy as some of its tools require a low level of multilateral cooperation because of the involvement of many actors like law enforcement agencies and national-level intelligence. This study shows that a high-level multilateralism is utilized in the field of counter terrorism in the post 9/11 period and the existing institutions and organizations particularly United Nations have been adapted to enhance the targeted tasks. In regard to the multilateral cooperation, this study is built on an “analytically eclectic” approach utilizing realist, liberal and constructivist theories (Romaniuk, *Multilateral Counter terrorism, the global politics of cooperation and contestation*, 2010).

There are benefits and potential costs related to both aspects of counter terrorism policy and a high level of coordination is required to get fruitful results and it needs to be balanced with other aspects of foreign policy (Pillar, 2003). Many other scholars have thrown light on similar aspects of counter terrorism policy. Alex Schmid presented “toolbox of counter terrorism measures” to

describe different mechanisms that states can imply to counter terrorism. There seems to be a consensus among scholars and in practice on covering a broad range of actions that need to be taken when a complete understanding of counter terrorism is developed. A wide range of analysts believe that following the new approaches to de-radicalization, the scope of counter terrorism policy is increasing. The new counter terrorism strategies deployed by the states and international organizations show a great understanding of counter terrorism (Horgan T. B., 2008).

“The paradigm for combating terrorism now involves the application of all elements of our national power and influence. Not only do we employ military power, we use diplomatic, financial, intelligence and law enforcement activities to protect the homeland and extend our defenses, disrupt terrorist operations, and deprive our enemies of what they need to operate and survive. We have broken old orthodoxies that once confined our counter terrorism efforts primarily to the criminal justice domain (state, 2006).” The focus on addressing the conditions in society that result in radicalization and other aspects of counter terrorism strategy were introduced in “Global Counter Terrorism Strategy 2006” by UN as “the conditions conducive to the spread of terrorism” and UN member states were pledged to address these conditions (A/RES/60/288, 2006) A changing nature of terrorist threats is leading to the changing definitions of counter terrorism and increasing its complexity. However, in my research, I have taken the definition of Multilateral Counter Terrorism as “A coordinated action among three or more states, whether through ad hoc arrangements or institutions, where a stated objective is to suppress terrorism.” (Romaniuk, Multilateral Counter terrorism, the global politics of cooperation and contestation, 2010)

The subsequent research is divided into two parts. In the **first part**, I have addressed multilateral counter terrorism at United Nations post 9/11 as those attacks increased the volume of multilateral cooperation considerably in terms of counter terrorism and United Nations has been playing the central role in all those developments with introduction of new rules and norms in different domains of counter terrorism and providing a support from different institutions. However, there has been observed a rise in political disagreement on the role of Security Council and extent of UN role in countering terrorism. The **second part** will be focused on the increase in volume of multilateral counter terrorism beyond UN, at the level of regional and other

organizations and how the “regime complexes” emerged with time in different domains of counter terrorism policy, depending on the cooperation and contestation between states.

While questions regarding the legitimacy of the Council’s counter-terrorism effort subsided over the years, questions regarding its effectiveness have assumed greater prominence. Financial sanctions contributed to a significant weakening of Al Qaida from 2005 – 2011. However, they have since lost their bite as the group’s financing no longer relies on wealthy donors but on criminal enterprise and coercive taxation in areas where terrorist groups control territory, as in Syria. The regular reports of the expert panel monitoring implementation of the sanctions have greatly contributed to our understanding of the evolution of Al Qaida and the Taliban and the conflict economy of the countries in which they operate (Einsiedel, 2016).

### Role of the General Assembly: the Global Counter-Terrorism Strategy and Countering Violent Extremism

The record of General assembly in post 9/11 period seems more modest as compared to the bold and assertive role of Security Council.

A few years after 9/11, the UN General Assembly and the UN Secretary General being seriously concerned about the Council’s exclusive grip on the UN’s counter-terrorism agenda, tried to reassert their own role in this field. In 2005, UN Secretary-General Kofi Annan established the blueprint for a global counter-terrorism strategy in order to place emphasis on dealing root causes of terrorism with a consideration to respect human rights. The long-contested debates were transformed into a constructive progressive one as soon as the Strategy was formulated. It also helped the situation of some countries to strengthen counter terrorism measure where the governments were being criticized by their public who were indulged in controversies created by US-led war on terror (Einsiedel, 2016). However, it is arguable that the strategy was able to have concrete achievements on the ground, instead of creating just another activity of meetings and expert workshops in New York and elsewhere.

The rise of the Islamic State and the growing problem of foreign fighters have led to some wider acknowledgement that security-based counterterrorism measures alone have not been sufficient to prevent the spread of violent extremism. This has given rise to efforts to activate the elements of the UN’s global counter-terrorism strategy that deal with root causes and human

rights. These efforts are now framed, at the UN and beyond, under the new headline of “Countering Violent Extremism,” (CVE) which Peter Romaniuk has called “the most significant development in counter-terrorism in the last decade.” (Romaniuk, 2015) In 2014, the Security Council endorsed the concept in Resolution 2178. In December 2015, the UN Secretary-General issued a “Plan of Action to Prevent Violent Extremism” which promoted a long list of measures, from conflict prevention and strengthening governance, human rights and the rule of law to engaging communities, empowering women and youth, and advancing education and increasing employment through a largely unfunded agenda (General, 2015).

Pursuit of any of these activities may or may not contribute to reducing violent extremism. However, there are valid concerns about pursuing a broad range of UN activities under the CVE label, which risks “securitizing” development efforts, leading activities the UN does and should pursue in their own right to be seen as counter-terrorism endeavors (A/HRC/31/65, 2016).

A major 2016 report by the International Crisis Group assessing international efforts to confront Al Qaida and the Islamic State noted that growing reach of these groups in recent years “is more a product of instability than its primary driver.” The report concludes that “[p]reventing crises will do more to contain violent extremists than countering violent extremism will do to prevent crises.” (Group I. C., 2016) It follows that the UN’s operationally most meaningful contribution in the area of counter-terrorism may lie in its conflict prevention, peace building or peacekeeping efforts in countries in which terrorist groups take advantage of the widespread instability.

The UN has accumulated ample experience and a proven record of success in its efforts to end civil wars over the past two and a half decades. However, serious questions arise regarding the preparedness of the UN’s conflict management tools, in particular its peace operations, to deliver mandates in countries affected by terrorist insurgencies, such as Afghanistan, Iraq, Libya, Syria, Somalia, Yemen, Lebanon, and Mali.

The growing presence of Islamist terrorist groups in many of today’s civil war environments complicates the UN’s peacemaking because many of these groups pursue maximalist demands that are very difficult to meet or to incorporate into political settlements based on human rights and democratic governance. Even where such groups may be motivated primarily by local, legitimate, and reversible grievances, key powers tend to discourage negotiations with them,

many of them being proscribed through UN, US, or EU terrorism designation lists. Moreover, jihadi groups have proven difficult to engage around respect for humanitarian norms, which the UN has successfully employed elsewhere with other armed non-state actors. Fourth, the UN has increasingly become a target of such groups, which has led it to ever greater preoccupation with protecting itself rather than local civilians and has hampered its ability to engage with the local population, win hearts and minds, and mediate local disputes. And finally, as a high-level review of UN peace operations concluded in 2015, “UN peacekeeping missions, due to their composition and character, are not suited to engage in military counterterrorism operations.”

While that conclusion is doubtless accurate, the UN needs to reflect on how it can adapt its peace operations to deliver on their mandate in theaters where terrorist networks are present. Among the key questions the UN will need to confront are: how to identify elements among violent extremist groups that could potentially be engaged in mediation, peace and reconciliations processes, and how to peel them away from die-hard radicals; how to reconcile the implementation of mandates to extend state authority with the need to address grievances of local communities which have mainly experienced state authority as oppressive and exclusionary force; and how to adapt Disarmament, Demobilization, and Reintegration programs to the context of violent extremism. (O’Neil, 2015)

## ADDRESSING THE ISSUE OF TERRORISM THROUGH THEMATIC FOCUS

With every passing day, the menace of terrorism has continued to evolve with new complexities and variations. Accordingly, the response from the part of the United Nations has also evolved continuously. As a discernable feature thereof, while, the United Nations, institutional response to terrorism has enlarged through the creation of new entities, which in turn have been supplemented through new legal norms; strategies and resolutions; the organization’s focus on varying thematic areas pertaining to countering terrorism also speaks volumes of the manner in which the UN has been responding to the menace of terrorism in recent years.

### UN Response to Terrorist Financing

Counter terrorist financing involves searching very small sums in an ocean of money (Simser, 2011). This research analyses some critical areas of terrorist financing and different UN



instruments devised to address this grave challenge. Briefly introducing the term “terrorist financing” and an overview of the recent situation created by the issue of terrorist financing, the study throws light on the difficulties in terms of defining “terrorism” and its impact on the counter terrorist financing measures. It also undertakes a brief discussion of different modes of terrorist financing and techniques used by terrorists for collecting, storing and moving the funds to be utilized in financing of terrorist activities. The financing of some terrorist organizations like Al-Qaida and ISIL is also described briefly. The study highlights Counter terrorist financing efforts by the United Nations through its different instruments. It takes into account the shortfalls and challenges in the implementation of CTF (Counter terrorist financing) regime and risk assessments related to its implementation. For the purposes of this study qualitative research methodology has been adopted which consists of library research where the method of document analysis (Kothari, 2004) is used. The approach of research is analytical and it utilizes the technique of content analysis. The hypothesis of my research is essentially oriented towards assessing the role of the United Nations in institutionalizing the efforts of “counter terrorist financing” and its successes or failures. The study proposes that the UN’s institutional response towards countering terrorist financing is guided by legal instruments that have had a mixed result essentially owing to domestic legal constraints at the state-level and want of international collaboration at the inter-state level. Addressing these two lacunae especially through cooperation between member states can strengthen UN counter-terrorist financing response.

The research intends to highlight multilateral efforts through institutions being the key to deal with the difficulties in countering financing of terrorism. Institutions play a significant role in “Global war on Terror (Lehto, 2009)” and are certainly the essential part of the efforts employed by states in countering terrorist financing. The success of “global war on terror” depends on the willingness of states to act through institutions. The “financial war on terrorism” is considered to be the direct reaction to the financing of terrorism which was neglected by the international community before 9/11 (Ryder, 2015). United Nations has adapted itself to the tasks of counter terrorism in unprecedented way. Cooperation against terrorist financing has evolved comparatively quickly in comparison to the other fields of counter terrorism (Romaniuk, Institutions as swords and shields, 2010). Karthika Sasikumar has named this multilateral cooperation as evolving international regime which obliges and permits countries to make changes in their domestic policies and also requires them to cooperate with other states. While

identifying the regime principles, terrorism is a threat to all states regardless of ideology, civilizational identity or level of development. It is a transnational threat that can only be tackled by cooperation among nation states and which cannot be employed as weapon of statecraft (Sasikumar, 2010).

Terrorist Financing is the main tool used by the terrorist groups to accomplish their tasks and therefore needs to be countered efficiently to combat terrorism in a successful manner. With the passage of time, terrorists have evolved their capabilities along with diversification of the sources of their funds and instruments to transfer them around the world. A strong political commitment at all levels and coordination among law enforcement institutions as well as financial intelligence entities is required to effectively counter terrorist financing. The transnational nature of terrorist financing makes it essential to be analysed and assessed from a global perspective (Tim Krieger, 2011). The terrorist threat has a direct impact on security. Resultantly, an international approach is obligatory for countering terrorism and terrorist financing (UNODC, Guidance manual for member states on terrorist financing risk assessments, 2018). There are thirteen UN conventions and protocols against terrorism; however, there is no single universally adopted definition of terrorism (Realuyo, 2011).

Given the global nature of contemporary terrorism, it is vital to ensure uniform international implementation of CTF measures. However, this does not seem to be an easy task due to the never-ending debate about defining terrorism which has complicated both academic research and CTF efforts at international level (Romaniuk, Institutions as swords and shields, 2010), (Baisagatova, 2016), (Ben, 2005), (Sorel, 2003). Due to the divergence found in organizational forms of terrorist groups and the methods they use for collecting, moving and saving their funds, it has become a global challenge to counter terrorist financing completely and effectively. Before 9/11, terrorist activities were financed locally (i.e., at national level) by donations and criminal activities or internationally sponsored by some states in pursuit of their specific foreign policy agendas. The post 9/11 progress and coordination among terrorist groups globally has made them achieve the status of self-supporting (Lula, 2014) 'nomadic terrorist networks' (Bures, Private Actors in the Fight Against Terrorist Financing: Efficiency Versus Effectiveness, 2012), (Napoleoni, 2005) that can operate between different jurisdictions and carry out their operations through active cells located in another region. These financial safe havens have caused

complications in counter terrorist financing efforts. To drain out the finances of terrorists and their groups, ‘Smart Sanctions Model’ by UN Security Council has shaped CTF efforts worldwide with successes to a large extent (Bures, *Private Actors in the Fight Against Terrorist Financing: Efficiency Versus Effectiveness*, 2012).

The ‘*smart sanctions*’ or ‘*targeted sanctions*’ are the corner stone of UN strategy to ‘breach the state veil’ and identify the individuals to bring them to justice. There is no broadly accepted definition of ‘targeted sanctions’ but these include the measures inter alia freezing of assets, limitation of access to foreign financial markets, trade restrictions on arms and luxury articles, flight bans, restrictions on visas, international travel bans, and restrictions on educational opportunities in compliance with UN Security Council Resolutions for specific individuals while avoiding their impact on the rest of the population in the “targeted State” (Shillito, 2015).

## UN Response to Challenge of Foreign Terrorist Fighters

The world has witnessed the greatest convergence of FTFs in Iraq and Syria in past few years. There has been observed a significant transformation in the scope of FTFs phenomenon particularly in relation to the conflicts in Syria and Iraq, resulting in legal debates within the sphere of counterterrorism which is of crucial relevance. Following the several terrorist attacks around the world especially the European countries, the UN has rapidly called upon states to address the issue of FTFs through enhanced cooperation, information-sharing, and enactment of new domestic criminal justice and administrative measures to address this emergent phenomenon.

FTFs play a major role in strengthening the terrorist groups and get involved in radicalization, creation of new terrorist groups, and recruitments for terrorist networks. After 2011, the problem became more complex with the returning and relocating of FTFs. Some FTFs returning from Iraq and Syria, after having created havoc in these two countries, were found to be involved in attempting similar malicious activities in their own countries as well. One of the key issues is the difficulty in assessment of returnees, as nobody can anticipate which one of them can pose a threat of being involved in future terrorist activities (Coninsx, 2018).

While the concept of Foreign Terrorist Fighters is relatively new to the global political lexicon, the notion of “Foreign Fighters” is about 250 years old (Nations, *Investigation, Prosecution and Adjudication of Foreign Terrorist Fighter Cases for South and South-East Asia*,

2018). Geneva Academy of International Humanitarian Law and Human Rights states that “A foreign fighter is an individual who leaves his or her country of origin or habitual residence to join a non state armed group in an armed conflict abroad and who is primarily motivated by ideology, religion, and/or kinship (UNODC United Nations Office on Drugs and Crime, 2017)”. In recent years, the term Foreign Fighters was used officially for those fighters going to Afghanistan from around the world to fight against the Soviet occupation.

The evolution of FTFs passed through many stages and FTFs contributed to conflicts in different countries. Research shows that FTFs remained involved in civil conflicts of Afghanistan, Bosnia and Herzegovina, and Chechnya and in the attacks of 9/11 in New York and Washington. After the invasion of Iraq, about five thousand FTFs joined the war with formation of Al-Qaida in Iraq (AQI). Similarly, there was a great flow of FTFs to Syria after the outbreak of Syrian civil war resulting in another multinational militant group called Al-Nusra Front. Later, in 2003, another terrorist group appeared as Islamic State of Iraq and the Levant (ISIL) which made the so-called “Islamic State” in Iraq and Syria, resulting in a flow of FTFs which was unprecedented in character.

The overall response of United Nations to the challenge of FTFs and terrorism developed important counter-terrorism norms and narratives. The ground-breaking focus of UN Security Council Resolution 2178 on countering violent extremism established the fact that terrorism cannot be effectively countered through military, intelligence, and law enforcement tools alone, but it must be addressed in partnership and collaboration with non-governmental actors. UN Security Council resolutions 2178 and 2396 also emphasized that countering the issue of FTFs faced by the entire global community must not be done at the expense of human rights.

All the aforementioned responses to the perceived threat of FTFs and returnees imply potentially significant interference with human rights. It is perceived by the study that the measures against FTFs must be considered carefully. In order to get alternatives aimed at inter alia preventing and countering violent extremism and radicalization that lead to terrorism, “softer” approaches need to be implied. These measures can also raise serious concerns regarding the implications for rights such as freedom of thought, religion or belief, expression, privacy, and equality.

The current study assessed that there are numerous remarkable and substantive accomplishments that UN Security Council delivered successfully against the acute and

disastrous threat posed by FTFs in many regions. During this study it is found out that there have been many systemic shortfalls in implementation of UN Security Council resolutions to tackle the issue of FTFs which can be improved by customized regional solutions. CTED is already on pace in dealing with these complications, however, a complete cooperation by the entire global community is still lacking.

Moreover, it is notable regarding the language of UN Security Council resolutions that the council has greatly regarded the concerns of Member States and the language is quite strong on human rights. The broad support that UN Security Council resolutions received at adoption was because of its grip on protecting human rights and its assurances of compliance with international humanitarian law

## CONCLUSION

The Terrorism is a political phenomenon and it has been continuously reinventing itself pre and post 9/11. The term being overused has become argot of the twenty first century and it has mostly left a vague impression on the minds of people because the media has more often conveyed a promiscuous label of different violent acts as Terrorism, playing with emotional response of the people for terrorism. The complexity of definitional problem of Terrorism can be reduced by considering Terrorism as a conscious and deliberate strategic use of violence against a specific kind of target to affect the political process. Though defining the term Terrorism cannot solve the underlying problem completely but the absence of a definition can not only encourage the future terrorism and cause continuation of double standards but also helped spoiling the development of an effective counter terrorism strategy at national and international levels. My Research work supports the institutionalism and multilateralism. International Terrorism can only be fought by international cooperation. Also, judicial cooperation and extradition is fundamental to dual criminality because in case of a denial by the states about an act to constitute terrorism, there are less chances of interstate cooperation. The possibility of international consensus increases by focusing on the means of perpetrators. However, the political nature of terrorism makes it unique, giving more understanding of its objectives and distinguishing it from other types of violent acts.

Most of the Global conventions failed to provide a proper generic definition of terrorism, however, the definition included in the international convention for the suppression of financing of terrorism, 1999 is considered beyond the definitions of special conduct by other conventions i.e. “Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully (...) commits an act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”.

The attacks of 9/11 were undertaken in following an ideology having global pretensions. The globalization of terrorism after 9/11 has continued apace. It seems obvious that if the threat of terrorism has attained a globalized nature, the counter terrorism efforts should also be global. In this way it might be anticipated that counter terrorism policy tasks like intelligence operations, law enforcement, use of military powers and the financial controls should be pursued multilaterally in a more cooperative way. So, the extent and level of this multilateral cooperation specifically through the platform of United Nations along with its successes and failures have been thoroughly focused in this study. The degree of multilateral cooperation can vary over time as well as with different aspects of counter terrorism policy as some of its tools require a low level of multilateral cooperation because of the involvement of many actors like law enforcement agencies and national-level intelligence. This study shows that a high-level multilateralism is utilized in the field of counter terrorism in the post 9/11 period and the existing institutions and organizations particularly United Nations have been adapted to enhance the targeted tasks. This multilateral cooperation proved to be as evolving international regime which obliges and permits countries to make changes in their domestic policies and also requires them to cooperate with other states.

Though, United Nations has adapted itself to the tasks of counter terrorism in unprecedented way, it is also true that the UN’s operational counter-terrorism activities have faced severe shortfalls and limitations, the UN has proven a useful venue for establishing the broad normative and cooperative frameworks for collective counter-terrorism action. It thus provides a favorable background music that can be helpful to those member states who want to get on the

comprehensive counterterrorism efforts in line with human rights and international law. However, the UN's norm development has proven too weak to offset the negative effects of counterproductive counter-terrorism policies by Member States that ultimately exacerbate the terrorist threat.

It would not be justified to remark the UN counter terrorism legal framework as totally unsuccessful. Despite, its limitations, this framework has established an important foundation on which further improvement can be made. However, for doing so, it is important to underscore that there remains space for more area specific and tailor-made drafting of such legal framework enabling it to deal with all the challenges related to a specific geographical region. The 'one fits for all' approach cannot be justified as every geographical region has its own specific requirements.

The difficulty in concluding an agreement on a broad and reliable definition of terrorism led initially to the adoption of a thematic approach to suppress terrorism. Therefore, the international conventions were negotiated mainly on certain categories of offenses without defining the term 'terrorism'. However, the intent element in the favour of 'sharply narrowed and highly elaborated' material elements made the conventions and acts criminalized by them vulnerable to criticism of being sectoral and based on personal and material causes.

The cooperation against terrorist financing has evolved comparatively quickly in comparison to the other fields of counter terrorism. The '*smart sanctions*' or '*targeted sanctions*' are the corner stone of UN strategy to 'breach the state veil' and identify the individuals to bring them to justice. CTF efforts proved to be useful in many cases for tracing operatives of crime and for finding connections between individuals involved in terrorist financing. Furthermore, in order to limit the ability of terrorists and their organisations to get their required finances, there is a need to apply a series of actions universally which would also require a new international legal framework. It may be highlighted that the issue of Human Rights of victims of terrorism is also an important aspect to be addressed while countering the acts of terrorism and terrorists financing. United Nations Global Counter Terrorism Strategy adopted by UN General Assembly is an appreciable step taken in this regard which clearly identified this issue. This is also emphasized by UN Legal Counsel and by the adoption of UNSC Resolution 1730. However, more needs to be done in this regard as well.

As regards the challenge of foreign terrorist fighters (FTFs), the overall response of United Nations developed important counter-terrorism norms and narratives. The ground-breaking focus of UN Security Council Resolution 2178 on countering violent extremism established the fact that terrorism cannot be effectively countered through military, intelligence, and law enforcement tools alone, but it must be addressed in partnership and collaboration with non-governmental actors. UN Security Council resolutions 2178 and 2396 also emphasized that countering the issue of FTFs faced by the entire global community must not be done at the expense of human rights. The current study assessed that there are numerous remarkable and substantive accomplishments that UN Security Council delivered successfully against the acute and disastrous threat posed by FTFs in many regions.

The response to the perceived threat of FTFs and returnees imply potentially significant interference with human rights. It is perceived by the study that the measures against FTFs must be considered carefully. In order to get alternatives aimed at inter alia preventing and countering violent extremism and radicalization that lead to terrorism, “softer” approaches need to be implied. These measures can also raise serious concerns regarding the implications for rights such as freedom of thought, religion or belief, expression, privacy, and equality. CTED is already on pace in dealing with these complications, however, a complete cooperation by the entire global community is still lacking.

The debate about human rights that resulted from this scenario certainly has its imperatives. Along with the protection and security from terrorism, also the security of human rights and liberties of the individuals are equally important and need to be carefully considered during counter terrorism efforts by United Nations and governments of the states. It is also difficult to eliminate the threat of terrorism in an effective manner if the fundamental rights of individuals are undermined because there is more possibility of abuse of powers by the governments if human rights are not fully protected internationally and institutionally. It will also result in producing more terrorists from the effected or wrongly accused persons.

Based on the above challenges, one can clearly note that it is only through some sort of standardization of procedures and reporting mechanisms that the UN Security Council resolutions can be more effectively implemented. Keeping in view the continuing challenge of different legal systems, there is a need for an all-encompassing international legal framework or a general law for countering terrorism. This may be a long-drawn process with the resultant legal



framework, not as concrete as desirable, however, through some standardization of reporting and enforcement procedures, the likely weaknesses in such an instrument can be countered. Such legal instrument should also serve as the legal basis of cooperation in cases where no bilateral cooperative legal arrangement exists between two States. As for the enforcement at the domestic level, there is a need for incorporation of clauses and articles related to judicial cooperation; dual criminality coupled with the identification of standard means that are considered punishable when employed for mutual legal assistance; law enforcement cooperation; extradition; confiscation and seizure etc. to name a few. There is also a need for a standard reporting mechanism rather than complicated ones currently in place. This is because, a number of states normally face a number of challenges in reporting implementation of UN resolutions.

Finally, the conclusion supports my hypothesis and theoretical base of my research work that multilateral institutionalism is the main key to success as regards the field of counter terrorism. United Nations has adapted progressively in the context of Counter terrorism in adopting and implementing different resolutions for countering terrorism. However, some failures in achieving the maximum outcome do not go completely against institutions and suggest that more efforts in gaining transparency, independence from certain powerful states and equality are required in passing and implementing the resolutions.

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