THE ORIGINS OF UNITED NATIONS' GLOBAL COUNTER-TERRORISM SYSTEM

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Abstract: This article explains the origins of the United Nations' global counter-terrorism system. We argue that three factors shaped the system's decentralized and state-centered characteristics. The first is the UN's reactions to terrorism prior to the attacks of 11 September 2001. The second factor is the growing relevance of transnational governance networks. The third force is the interests and concerns of the Security Council's permanent representative interests, which ultimately shaped the system's architecture.
***Keywords*:** 9/11, United Nations, Security Council, transnacional governance networks, counter-terrorism system.

INTRODUCTION

Before the terrorist attacks of 11 September 2001, the United Nations (UN) played a very small part in counter-terrorism efforts. The General Assembly had failed numerous times to negotiate a convention outlawing terrorism, though its members had successfully negotiated 12 international conventions banning a number of terrorism-related activities. While the Security Council reacted to several terrorist events since its founding, its permanent members did not think of terrorism as a threat to international peace and security. A majority of UN members shared this opinion, emphasizing that it was a problem that could be best addressed at the national level. Many states did not ratify the General Assembly's conventions dealing with terrorism. As a result, the UN's role in counter-terrorism before 11 September 2001 was very informal, encouraging, rather than requiring, members to combat terrorism.

The attacks of 11 September transformed the UN's role on counter-terrorism. Using its quasi-legislative powers, the Security Council passed Resolutions 1368 and 1373, establishing the three pillars of the current global counter-terrorism system.[1] The first pillar is based on Resolution 1368's principle that states have a right to self-defense when attacked or threatened by terrorism groups or state supporters of terrorism.[2] The second pillar is the establishment of a universal counter-terrorism legal framework. According to Resolution 1373, the Security Council obligates all states to criminalize terrorism, to ratify the 12 international conventions mentioned above, and to modify their counter-terrorism laws in accordance with international best practices.[3] In other words, the Security Council has required all states to build their capacity to fight terrorism at the domestic level in order to constrain terrorist groups' ability to operate globally. In addition, the Security Council has argued that if all states adapt their legal infrastructure in accordance with international law and emerging best practices, it would improve interstate cooperation on counter-terrorism efforts. The final pillar is Counter-Terrorism Committee (CTC), established following the Security Council's adoption of Resolution 1373, and the Counter-Terrorism Executive Directorate (CTED), a specialized staff created in 2004 by the Security Council to assist the CTC's efforts.[4]

The CTC and CTED are subsidiary bodies of the Security Council. Thus, the Security Council is

at the system's center. These bodies' role is to collect and analyze data on states' compliance efforts. The CTC and CTED do not provide technical assistance or set the standards that inform states' counter terrorism operations.[5] Donor states and intergovernmental bodies, such as the International Monetary Fund and the World Bank, provide financial and technical assistance bilaterally, while standards are set by international bodies, such as the Financial Action Task Force, the World Customs Organization, International Maritime Organization or the International Civil Aviation Organization. As such, the Security Council's role is more strategic, than operational. The CTC and CTED work with other intergovernmental bodies to evaluate the international community's global struggle against terrorism and to act as a "switchboard" pairing states that need technical or financial assistance with donor states or intergovernmental organizations.[6] Consequently, the Security Council, by design, established a decentralized, state-centered system, where the UN plays a necessary supportive role and the states are the primary actors in the global struggle against terrorism.

This new counter-terrorism system has not been the subject of widespread nor substantial news coverage. Too often, ordinary citizens are likely to be unaware even of its existence, while tending to concentrate on their government's counter-terrorism operations. Terrorism scholars, in general, also have not paid attention to the development of this new system, focusing their analyses on specific states' policies or the dynamics that drive terrorist organizations.[7] A smaller group of more specialized UN scholars have written about this system's emergence and evolution, but most of these investigations, while praising the Security Council's willingness to recognize and act decisively against terrorism, complain that it has given too few resources and too little power to the CTC and the CTED for it to monitor and support the member states' counter-terrorism efforts.

Edward Luck, for instance, suggests in several pieces that Resolutions 1368 and 1373 were a provocative and hopeful beginning, but concludes pessimistically in one article that the CTC "was not given the authority to invoke penalties or sanctions for noncompliance",[8] while in another piece he observes that "[c]laims that the events of September 11 changed the world find little nourishment in the UN's response".[9] Other UN scholars also agree that the CTC has too few powers and resources, and argue that the Security Council should reform this system. Chantal de Jonge Oudraat, for instance, argues that because of its lack of both resources and powers, the CTC "was waging a heroic but losing battle", and that "(t)ransforming the CTC into a CTO – that is a Counter-Terrorism Organization, an independent UN agency – that can address this type of technical and implementation issue should be considered".[10] Alistair Millar and Eric Rosand also maintain that while the CTC and the CTED have been the UN's center of global efforts to fight terrorism, that they have no "resources to provide assistance", have been given too few powers to "play a coordinating role among states and organizations", and therefore have been "little more than window dressing, having little measurable impact on the enemy".[11] To remedy this, Millar and Rosand, like Oudraat, recommend the creation of a "Global Counter-Terrorism Organization".[12]

In this article, we do not provide a detailed description of this counter-terrorism system or assess its effectiveness; we have looked into these issues in a previous study.[13] We do not examine the counter-terrorism system's evolution either. This article explains why the Security Council did not establish a new centralized counter-terrorism system with a new intergovernmental organization, similar to the "Global Counter-Terrorism Organization" discussed above, at its center. We argue that this system's establishment was shaped by the UN's history dealing with terrorism and the way it has recently tackled new transnational security threats. In other words, for the system's architects, history served as a guide, realistically defining the UN's contribution in the global struggle against terrorism. From the standpoint of the Security Council's members, especially its permanent representatives, there was little interest in augmenting the UN's authority as they felt that a new intergovernmental body could interfere with their own strategies to combat terrorism. Thus, it is not surprising that the Security Council's members carved out a limited role to the CTC and CTED.

This article is divided into three sections. The first section reviews the UN's reactions to terrorism before 11 September 2001, highlighting why many member states did not think the UN was the right forum to direct the global struggle against terrorism. In the second

section, we point out that terrorism is a new transnational security threat, similar to the threats posed by drug cartels or other criminal syndicates. We also examine the growing importance of trans-governmental networks and we suggest that the current global counter-terrorism system has network-like features. The last section explores the interests of the Security Council's permanent representatives, which delineated the goals of the UN counter-terrorism efforts, shaped the CTC and CTED's functions, and influenced the current system's decentralized and state-centered character.

1. THE UN'S HISTORY DEALING WITH TERRORISM

In the aftermath of the terrorist attacks of 11 September 2001, the UN role in counter-terrorism dramatically expanded. To appreciate the UN's new role in this area, it is critical to understand the UN's history dealing with terrorism. As noted above, the Security Council treated terrorism as "largely a localized national problem that in most cases did not constitute a threat to international peace and security."[14] As a result, from 1945 to 2001, the General Assembly's proceedings largely shaped the UN's response. The General Assembly tried to generate a "normative legal framework" to stimulate international counter-terrorism cooperation and de-legitimize terrorist acts.[15] Member states inability to agree on a universal definition of terrorism spoiled the General Assembly counter-terrorism efforts. The Cold War environment made it difficult to reach a common definition, but the main obstacle was the newly decolonized states' objections to the proceedings; they vehemently criticized any definition that precluded a people's right to struggle foreign subjugation.[16] Thus, while some states viewed the Palestinian Liberation Organization, Hezbollah, and the Irish Republican Army, for instance, as terrorist organizations, other states believed that these groups were fighting for their freedom.[17] These political battles prevented the UN from responding adequately to terrorist attacks and they forced many states to see the UN as an obstacle to their counter-terrorism efforts.[18]

This definitional struggle may have hampered the General Assembly's attempts to negotiate an international convention banning terrorism, but it is important to highlight that this body successfully adopted 12 conventions prohibiting "different aspects of acts of terrorism",[19] such as terrorism financing, hijackings, hostage-takings, attacks on diplomats and governmental officials (including heads of states), and the bombing of governmental facilities, transportation systems, infrastructure facilities, military forces, or places of public use.[20] Most states may not have agreed on a single definition of terrorism, but many did agree that certain acts were deplorable and should be outlawed. These conventions, though some did not enjoy widespread support before 11 September, are key elements of the current global counter-terrorism system.

During the 1990s, as Cold War divisions receded, the Security Council began to address terrorism with greater energy. In three separate situations, it adopted resolutions that identified Libya, Sudan and Afghanistan as states supporters of terrorism. In each instance, the Security Council placed economic sanctions on these states, but it only achieved marginal gains.[21] The main problems were twofold: a lack of international will to enforce these sanctions; and the fact that many states did not have the laws in place or the regulatory or law enforcement capabilities to compel their governments or citizens to abide by the Security Council's requirements.[22]

The sheer destruction caused by the 11 September attacks silenced potential terrorist sympathizers and opened doors for a stronger, though different, Security Council approach to terrorism. It is clear that the Security Council's members saw the benefits of international cooperation, and did want UN assistance in the struggle against terrorism. However, the lessons emerging from the organization's history with terrorism, led the system's architects to favor a plan that would not centralize power within the UN's General Assembly or Secretariat and would not establish a new counter-terrorism organization. As noted above, the Security Council, influenced by its reactions to terrorism in the 1990s, believed that in order to thwart terrorist groups' campaigns all UN members had to enact new counter-terrorism laws or adopt existing ones in order to constrain terrorists' ability to operate at the domestic level. While the Security Council assumed that states were willing to comply with these requirements, it knew that many states lacked the financial resources or the technical expertise to carry out these reforms. Thus, the current system gives the CTC and CTED the power to monitor states' compliance efforts and to pair states that need assistance with donor states and

intergovernmental bodies. The Security Council also allowed states to use punitive measures against terrorist organizations and sympathetic states.

The relationship between the Security Council's subsidiary bodies, the states, and other intergovernmental organizations does not only suggest that the current global counter-terrorism is decentralized or state-centered, but it can also be characterized as a network of networks. In this manner, the CTC and CTED hold together this network of networks by managing the flow of information and helping coordinate states' reactions to the multiple challenges posed by terrorist groups with global reach. As noted above, the Security Council plays an important supportive role, encouraging states to cooperate in the global struggle against terrorism, but not necessarily directing the fight. The United States and the other permanent representative of the Security Council, as explained below, are the ones responsible for directing the global counter-terrorism efforts.

2. THE RISE OF TRANS-GOVERNMENTAL NETWORKS

The 11 September attacks demonstrated that globalization is a double-edged sword. The same forces that have empowered groups to peacefully challenge the values and principles that inform the international order have given terrorists, drug cartels, militias and other criminal syndicates the means to advance their interests.[23] While many scholars and decision-makers agreed that globalization had eroded states' sovereignty, there was some debate on whether or not these non-state groups could pose a threat to international peace and security. During the 1990s, most decision-makers considered these groups to be a national, and in some limited cases, a regional problem. Of course, the September 11 attacks challenged this perspective and it forced decision-makers around the world to consider new ways to undermine al Qaeda's lethality and its capacity to operate across the globe.[24]

Instead of building a new intergovernmental organization to combat terrorism, the Security Council decided to build on existing institutions and trans-governmental networks. For many policy-makers, al Qaeda's success was partly explained by its ability to establish a global network of training camps, safe houses, and financing schemes that exploited weaknesses in states' regulatory structures.[25] Thus, the Security Council thought that the most efficient way to fight al Qaeda was to strengthen states' regulatory and law enforcement capabilities. This is why Resolution 1373 requires all states to criminalize terrorism, to enact new or adopt existing counter-terrorism laws and to build their law enforcement systems. Actually, the Bush administration encouraged the United States Congress to adopt the USA PATRIOT Act in October 2001 in order to comply with this resolution's provisions.

Resolution 1373 was not a departure for the Security Council or the UN's agencies and programs. During the 1990s, these intergovernmental bodies, with the support of the United States and its allies, provided technical and financial assistance to restructure the economic and political systems of underdeveloped and developing states, integrating these countries in the expanding global economy and in global governance structures. In other words, the UN has globalized "the very idea of what a state should look like and how it should act".[26] In the most severe cases, the Security Council authorized the UN or a coalition of states to administer and reform war-torn societies.[27] Likewise, the UN's agencies and programs, with the assistance of developed countries and other intergovernmental organizations, encouraged developing and underdeveloped countries to reform their economic and political structures according to neo-liberal values. A good example of this trend was the UN's adoption of the Millennium Development Goals.[28]

The UN's work has largely been very informal, often using trans-governmental networks to encourage governments to reform the political and economic structures according to international best practices, often created by intergovernmental bodies. Anne Marie Slaughter's research on trans-governmental networks demonstrates that globalization has eroded the classical conceptualization of sovereignty, but that these networks actually strengthen states' capacity to deal with important political, social and economic challenges, supporting new conceptualizations of sovereignty. Historically speaking, sovereignty denotes that states are independent actors in the international system, with clearly defined territories "within which domestic political authorities are the sole arbiters of legitimate behavior."[29] Since the end of the Cold

War and with globalization's intensification, the term has taken a new meaning. Based on Abram Chayes and Antonia Chayes's seminal work,[30] Slaughter explains sovereignty as "the right and the capacity to participate in the international institutions that allow their members, working together, to accomplish the ends that individual governments could once accomplish alone."[31] This redefinition is very controversial because it emphasizes a state's responsibility to uphold international legal standards at both domestic and international levels, while also giving the international community the right to interfere in a state's domestic affairs if it commits crimes against its own citizens or if its policies threaten international peace and security. This redefinition informs the conclusions of the International Commission on Intervention and State Sovereignty's final report[32] and the report of the UN Secretary General's *High-Level Panel on Threats, Challenges, and Change*.[33]

Based on this research, Slaughter argues that today's governments have become fragmented, with sub-units reaching out to similar sub-units in other governments in order to establish horizontal trans-governmental networks to tackle issues of common concern. Interaction between a network's actors leads to the creation of best practices and to their dissemination. Who governs these networks? These networks are self-governing, though intergovernmental bodies sometime play a necessary support role, serving as "a secretariat and clearinghouse", managing information and encouraging further trans-governmental cooperation.[34] Other research demonstrates that continued interaction among actors leads to the convergence of national laws on a myriad of social, political, and economic issues,[35] while also improving states' compliance with international legal standards. Indeed, these findings imply that the main challenge to international relations is not states' unwillingness to comply with international standards, but their inability to do so.[36] Thus, networks provide a mechanism where civil servants in one country can help other civil servants build the necessary state capacity to assure their governments compliance with international standards and to integrate them in global governance structures.

On economic and financial issues, trans-governmental networks have produced a number of intergovernmental organizations that have helped manage global economic and financial issues. The U.S. and the European Union have strongly supported the creation and expansion of these networks. In fact, American decision-makers have seen these networks as an important asset, given that negotiating multilateral treaties is a long and difficult process.[37] In this view, networks are more efficient and effective than supranational bodies because they can encourage the creation of new rules and their dissemination, without undermining a state's ability to manage its own affairs.

These networks have addressed transnational crimes as well. For instance, during the late 1980s, the UN and other intergovernmental bodies developed strategies to counter the growing power of drug cartels. As a response, the G-7 in 1989 created the Financial Action Task Force (FATF) to combat money laundering. The FATF's strategy was to develop a list of specific financial recommendations and to convince states to alter their legal systems according to these standards. Like the CTC and the CTED, the FATF did not have the authority to enforce its recommendations, but it pressured countries to embrace its recommendations by naming and shaming non-compliant states. Similarly, the FATF's experts helped government officials and executives in private institutions develop the capacity to counter money laundering. The FATF, while never part of the UN system, or created with the Security Council's blessings, was nevertheless an example to the Security Council of how to best pursue the global struggle against terrorism following the attacks of 11 September.[38]

While the UN's historical experiences with terrorism explain why it was ill equipped to direct counter-terrorism efforts, the growing importance of trans-governmental networks demonstrated that it could play a necessary supportive role. If Al Qaeda's success can be partly explained by its ability to exploit weaknesses in states' regulatory and law enforcement structures, the most sensible option, based on the experience of the 1990s, was to strengthen countries' capacities to fight these terrorist threats at the national level and to enhance international cooperation. Thus, states became key operational players in the new counter-terrorism system, while the CTC and CTED serve as "switchboards" and "clearinghouses" to diffuse counter-terrorism standards and to assist countries to comply with the Security Council's interests. Even though these reasons explain why this system is

decentralized and why states are key actors, it is also important to appreciate how states' interests, especially the concerns of the great powers, influenced the system's architecture.

3. STATE INTERESTS AND THE SECURITY COUNCIL'S POLITICS

Some saw the attacks of 11 September 2001 as an opportunity to reinvigorate the UN's role in the world. As we noted in the introduction, many scholars have advocated a more supranational approach, freeing the CTC and the CTED from the Security Council's politics and allowing these bodies to build new counter-terrorism strategies based on cosmopolitan interests. Given that the Security Council created the current system, its members, especially the permanent representatives, wanted to prevent the UN's actions or its ability to interfere in states' prosecution of the war on terrorism. Consequently, the formation of this system was very much in line with the great powers' most immediate concerns.

The United States and the United Kingdom drafted Resolution 1373. For the United States, this new resolution was seen as a mechanism to internationalize its battle against terrorism and to enlist global support for its efforts. It was adopted unanimously by the Security Council, a day after the draft was presented to its members for discussion. The fact that no major changes were made to the document demonstrates that the sponsors took into consideration the concerns of the other permanent members.[39] For instance, parts of Resolution 1373 were informed by Resolution 1269, sponsored by the Russian government in 1999, which called for the creation of an international coalition against terrorism.[40] Also, Resolution 1373's demand that all states adopt the 1999 *Convention for the Suppression of Terrorism Financing* was in line with French interests, as France had initiated the negotiations that led to the drafting of this legal instrument.[41] While it is not entirely clear how American and British diplomats secured China's support, the fact that states were the key actors in this system and that the Security Council only played a supportive role may have put at ease longstanding Chinese concerns that the UN could interfere in its domestic affairs.[42]

China and Russia also welcomed Resolution 1373 for two other reasons. First, its provisions allowed them to legitimize their struggle against irredentist groups – a deep source of international anger prior to the attacks of 11 September.[43] They also believed that Resolution 1368 had given the United States a free hand in its struggle against terrorism. While not critical of America's right to self-defense, they wanted the Bush administration to wage its war by consulting the members of the Security Council.[44] In this way, these governments wanted to use the Security Council to shape the United States' prosecution of the war on terror, balancing against America's ability to challenge their geo-political interests.[45] International calls for a global approach to fight terrorism prompted the Bush administration and the Republican-controlled Congress to soften their criticisms of the UN and multilateral approaches. While U.S. support for Resolution 1373 was in line with these demands, American diplomats were careful to secure the United States' flexibility in its response, preserving its ability to execute this war unilaterally, if multilateral mechanisms tried to restrain American power.[46]

Resolution 1373 was an important departure in the way the Security Council has historically reacted to terrorist acts. As already noted, the Security Council used its Chapter VII-based legislative powers to obligate all states to ratify the existing UN conventions relating to terrorism. In this way, the Security Council did not implement new standards, but it asked states to comply with ones already negotiated by the General Assembly. The Resolution also required all states to enhance their customs and border controls, to suppress terrorism financing, to strengthen the capacity of their law enforcement agencies and judicial institutions.[47] The aim of the Security Council's response was to not only criminalize terrorism at the domestic level but to also mobilize all states' resources in the global struggle against terrorism.

It is important to note that Resolution 1373 does not make mention of al Qaeda or Osama bin Laden. This was not an accident, but a clear indication that the Security Council, and the United States in particular, wanted Resolution 1373 to be "general in nature and application"[48] in order to encourage all states, even those that did not really face threats of an al Qaeda attack, to adopt these standards. In fact, one of the resolution's provisions hoped that international cooperation against terrorism could be sustained against drug cartels, arms smugglers, proliferators of materials for the production of weapons of mass destruction, and organized

crime syndicates.[49] Without a clear definition of what constitutes terrorism, the Security Council took the opportunity to force states to adopt a series of standards to transform UN members' governmental institutions as a way to restructure the international order.[50] But this re-structuring has not given more power to the UN; it sought to constrain its potential. As we note above, the CTC and the CTED were given the power to monitor and to assess states' compliance efforts and to assist states access the necessary technical or financial assistance to ensure their conformity with the Security Council's requirements. While other UN bodies and agencies have participated in this endeavor, they have not been able to diminish the Security Council's influence over the regime's evolution.

Similarly, the CTC and CTED were not given the authority to sanction states that have not complied with the Security Council's demands. Although the Security Council reserved the right to consider how to ensure states' full compliance, US and Russian officials argued that their governments could unilaterally decide whether states have met the Security Council's requirements. They have also argued that if their governments find that a state has not complied with the demands of this new counter-terrorism system, as expressed in Resolution 1373 and subsequent resolutions dealing with terrorism, they have the right to self-defense, as captured in Resolution 1368, and can unilaterally compel this state into conformity with these standards.[51] While this is a controversial interpretation of these resolutions, it does show that the architects established this system to advance their own particular interests, to legitimate their responses to terrorist attacks, and to force all states to reform their domestic legal systems so they could assist the architects' counter-terrorism efforts.

CONCLUSION

Some UN scholars have been quite critical of the UN's global counter-terrorism system, favoring a more centralized system, guided by a new "Global Counter-Terrorism Organization". As we noted in the introduction, this article did not evaluate this system's effectiveness. The aim of our investigation is to explain the counter-terrorism system's origins. We argue that three factors determined this system's decentralized and state-centered character. The first factor was the UN's historical failure to deal with terrorism. Even though many UN members today see terrorism as threat to international peace and security, this was not always the case. In the days after 11 September 2001, the architects of the new system wanted the UN to play a supportive role, rather than the leading one.

The second factor is the growing influence of trans-governmental networks. These structures, though informal in character, have been able to address many global challenges. The Security Council's approach to counter-terrorism is in line with research that suggests that networks provide an effective way to deal with transnational threats. As states build their counter-terrorism capacities, their civil servants will be able to work together to counteract the threats posed by terrorist groups.

The final factor recognizes that the Security Council's permanent representatives shaped the character of the existing system. They could have employed the Security Council's quasi-legislative powers to establish a centralized system and a new intergovernmental organization to guide states' counter-terrorism efforts akin to the one favored by many critics of the present system. But, none of the permanent representatives would have supported this arrangement. While they all recognized the need for interstate cooperation, they did not want to empower the UN or a new body to meddle in their own counter-terrorism efforts. So it should not come as a surprise that the Security Council established a decentralized and state-centered system. The CTC and CTED are not independent bodies, their agenda and work largely reflects the permanent representative's interests and concerns.

These three factors help us understand why the current system is decentralized and state-centered and why the international community has failed to establish a new intergovernmental body to deal with counter-terrorism issues. This is not to say that the system has not evolved since it was established after the 11 September attacks. For instance, in March 2005, Kofi Annan, the UN Secretary General at the time, delivered an address at the Madrid Summit where he called for a new comprehensive strategy to fight terrorism that would give the UN Secretariat a more proactive role. While not criticizing the UN members' military actions taken against terrorist organizations or the CTC's and the CTED's work to strengthen states' capacity, Annan "called for broader preventive strategies to address the root causes

of terrorism".[52] The Secretary General's sentiments were captured in the Madrid Summit's report *In Larger Freedom: Towards Development, Security, and Human Rights for All* and it lead to the creation of UN's Counter-Terrorism Implementation Task Force, which authored *Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy* in 2006.

As the title of the later report suggests, it argued that a new strategy was needed that would put the UN at center stage. Shortly after its publication, Annan asked this Task Force to coordinate the UN's different counter-terrorism programs. In September 2006, the General Assembly passed a resolution formalizing this Task Force's authority, but as Rosand and Millar argue it has been unable to make much of a difference given that most of the General Assembly's members cannot agree on the elements of this comprehensive strategy.[53]

Given the General Assembly's failure to create an alternative strategy that meets the diverse interests of its members, the Security Council's approach seems to be the only realistic way of countering terrorist organizations. While the latter's strategy is guided by its permanent representatives' interests, this does not mean that its efforts are "little more than window dressing".[54] The permanent representatives have a stake in this system's ability to undermine terrorist groups. In many ways, al Qaeda's attacks of 11 September demonstrated that these permanent representatives could not unilaterally address the challenges posed by al Qaeda and its affiliates. Thus, they created a system that protected their autonomy, but established a network-like system that would pressure states to join the global struggle against terrorism. While this global counter terrorism system is characterized by its decentralization and its state-centeredness, this does not mean that it has failed or that the CTC and the CTED are not key players. These two bodies are an important reason the system has been able to globalize the struggle against terrorism. Indeed, the Security Council accomplished in a couple of years what the General Assembly tried to achieve in the last 40 years – establish a normative framework that delegitimizes terrorist acts. This is no to say that we should not continue to assess and to critique the Security Council's counter-terrorism efforts or to think of new ways to combat terrorism, but doing so must appreciate the UN's historical reactions to terrorism since its founding and to take into consideration the factors that gave life to the current global counter-terrorism system.

NOTES

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[28] UN General Assembly, Resolution 55/2 (LV) of September 18, 2000.

[29] Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999), 20.

[30] Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with New Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1998).

[31] Anne Marie Slaughter, "Sovereignty and Power in a Networked World Order", *Stanford Journal of International Law* 40 (2004): 286.

[32] *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa, Ontario: International Commission on Intervention and State Sovereignty, 2001), available: <http://www.iciss.ca/pdf/Commission-Report.pdf>.

[33] *A More Secure World: Our Shared Responsibility, Report of the High-Level Panel on Threats, Challenges, and Change*, UN Doc. A/59/565 (2004) at paras. 29-30.

[34] Anne Marie Slaughter and David Zaring, "Networking Goes International: An Update", *Annual Review of Law and Social Science* 2 (2006): 219.

[35] Slaughter, "Sovereignty and Power", 293.

[36] See the work of: Chayes and Chayes, *The New Sovereignty*.

[37] Slaughter, "Sovereignty and Power", 296.

[38] Martin S. Navias, "Finance Warfare as a Response to International Terrorism", *Political Quarterly*, 73.s1 (2002): 57-79. This view was also confirmed by interviews conducted at the UN with members' representatives and UN officials.

[39] Kendal W. Stiles and Adam Thayne, "Compliance with International Law: International Law on Terrorism at the United Nations", *Cooperation and Conflict*, 41.2 (2006): 158.

[40] Sergey Lavrov, "Building a Collective Response to Terrorism', *UN Chronicle*, 41.2 (2004): 35.

[41] Ilias Bantekas, "The International Law of Terrorist Financing", *American Journal of International Law*, 97.2 (2003): 323.

[42] Rosemary Foot, "The United Nations, Counter Terrorism, and Human Rights: Institutional Adaptation and Embedded Ideas", *Human Rights Quarterly*, 29.2 (2007): 508.

[43] Michael Byers, Terrorism, the Use of Force and International Law after 11 September, *International and Comparative Law Quarterly*, 51.2 (2002): 401-414.

[44] Colum Lynch, "Annan Argues Cautious Response: UN Heads Seeks to Avoid 'Strains' Between Nations", *Washington Post* (September 25, 2001): A13.

[45] On how the Security Council's members use the body to try to shape other members' interest, see: Erik Voeten, "The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force", *International Organization*, 59.3 (2005): 527-57.

[46] Even though Secretary of State Colin Powell made a case for a strong coalition, President George W. Bush told Bob Woodward that while he understood the benefits of such a coalition, he also reasoned that it would be difficult to sustain it over the long-term and that America would have to be prepared to continue its war against terror unilaterally. See, *Bush at War* (New York: Simon and Schuster 2002), 81.
[47] UN Security Council Resolution 1373 (2001).
[48] Bantekas, "The International Law of Terrorist Financing", 315.
[49] UN Security Council Resolution 1373 (2001), para. 4.
[50] Interviews with DPA/CTED officials.
[51] Chantal de Jonge Oudraat, "The United Nations and the Campaign Against Terrorism", *Disarmament Forum*, 1 (2004): 34.
[52] David Cortright and George A. Lopez, "Strategic Counter-Terrorism" in David Cortright and George A. Lopez (ed) *Uniting Against Terror: Cooperative Nonmilitary Responses to the Global Terrorist Threat* (Cambridge, MA: MIT Press), 10.
[53] Rosand and Millar, "Strengthening International Law", 65.
[54] Millar and Rosand, *Allied Against Terrorism*, 4.

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