

# **The role of the Security Council in the legal mechanisms of the fight against international terrorism after 9/11**

**Seyedeh Mansoureh Emadi,**

PhD student in Political Science, Islamic Azad University, Baft Branch, Kerman, Iran.

**Dr. Mahdi Hasani Bagheri,**

Assistant Professor of Political Science, Islamic Azad University, Baft Branch, Kerman, Iran.

**Dr. Behnaz Azhdari,**

Assistant Professor of Political Science, Islamic Azad University, Baft Branch, Kerman, Iran.

## **Abstract:**

One of the oldest human aspirations has been and is to establish international peace and security. The concept of these two issues has changed a lot over time, as it became extremely important in the world after 9/11. Following this unfortunate incident, the international community took measures such as the ratification of 12 global conventions and 7 regional conventions and the Security Council with the issuance of a resolution in 1994, to deal with such incidents. Therefore, based on the findings of this study, it can be acknowledged that the process of combating international terrorism in international law is very slow, which indicates the lack of sound or anti-human dignity laws in human rights.

Keywords: Security Council, 9/11, Terrorism, International Law, Human Rights.

## **Introduction**

The fight against terrorism is now essential to the preservation of both public order and human rights and civil rights, as "terrorism causes violations of human rights such as the right to life, liberty and security" (Kovanik and Kofalova, 2020). By making society insecure, any criminal phenomenon not only overwhelms people with fear, but also endangers individual and social security, and especially social order (Kinwall and Mitze, 2020). Thus, the legal system, which is a set of reasonable institutions and rituals of society to express a reaction against crime and delinquency, intervenes to restore the lost security and disrupted order of society, replacing peace with fear of crime. Maintaining public peace against crime and directing natural violence against human beings in legal and legitimate ways is one of the goals that governments strive to achieve by taking advantage of the criminal justice system (Allen et al., 2020). The first attempt of public power is to determine judgments. The importance of these sentences justifies the guarantee of the implementation of rights and is the subject of a criminal description; That is, determining the characteristics of actions that society does not tolerate and accept. Terrorism itself violates human rights and the lack of lasting peace, and this also affects human rights in the first place (Duffy, 2020).

Terrorism has long been on the international agenda. However, while previously considered a matter of public "international concern", in some areas the "threat to peace and security" has now become what is consistently described in the Council. "One of the most serious threats to peace and security." The number of resolutions that repeatedly condemn terrorism has increased since 9/11 and the rise of ISIS, and also identifies terrorism as an "unprecedented global threat to international peace and security." However, while there is a growing worldview on the perception of terrorism as a threat and increasingly increasing descriptions of its nature, consensus on its definition and scope remains remarkably low. (Di Filippo, 2020).

The lack of an internationally accepted definition, and the existence of very clear regional and national definitions, is quite obvious. Despite widespread support from governments and institutions for the definition of terrorism and the ratification of a comprehensive anti-terrorism convention on 9/11, long heated debates continue to hamper consensus on the issue of extraordinary definitions. While there is also

little consensus on how to respond to the undefined terrorist threat, counter-terrorism action, including council resolutions, is increasingly focused on prevention strategies. It has evolved over several distinct and sometimes contradictory disciplines. One field focuses on preventing the causes and participants in terrorism. Attention to the "root causes" of terrorism peaked in the postcolonial period, but was marginalized in the 1980s, in part because of the perceived danger of justifying terrorism.

As a result, and given that the courts and human rights institutions and civil society have repeatedly argued about human rights violations and the use of anti-terrorism laws and policies to suppress and punish, defend human rights and build peace, Nevertheless, the UN Security Council's firm determination that terrorism is a general threat to peace and security is the basis for unprecedented measures, including (a) the design of quasi-permanent sanctions under Chapter 7 and (b), to preventive action. Against inappropriate criminal, administrative or other actions against an increasing range of undefined phenomena. These in turn are discussed in the following sections.

## 2- The concept of terrorism

The word assassination is derived from the verb "tres" in classical Latin meaning to intimidate. The terms terrorism and "agent of terror" were used by the French revolutionaries in 1794 with a positive connotation to eliminate counter-revolutionary forces and to intimidate the opposition (Berchtold & Mikel, 1994: 69-70). However, terrorism is now consensually defined as violence that pursues a political goal or goals through public intimidation by disrupting public order (public safety, public comfort, and public health). Accordingly, assassination has a punitive and stereotypical aspect to present a political message.

The Encyclop .dia Britannica defines terrorism as "the systematic use of intimidation or unpredictable violence against governments, human beings and individuals to achieve a political goal" (Encyclop .dia Britannica, 1986: 1125). The Convention for the Suppression and Punishment of Terrorism (1937), which unfortunately did not enter into force, defined terrorism as follows: "All criminal acts that target a government and aim to create a state of terror in the minds of individuals or groups of individuals or the general public" (Encyclop .dia Britannica, 1986: 1126). Here the exact concept of government based on the theory of public order, that is, action against public security, "public welfare" and "public health" can be analyzed (Rivero, 1973: 435); Because the need for a government is based on preserving these three public good, and terrorists intend to force the government to make political and strategic changes by disrupting security, comfort, public health (chemical, biological and nuclear terrorism) and even public morality.

In this way, eight basic characteristics of terrorism can be enumerated: 1. A deliberate act; 2. Logical; 3. Aggressive; 4. Has a political purpose; 5. It is terrifying; 6. Does not follow the conventional laws of war; 7. Chooses its purpose from among the community; 8. It demands to change the private behavior in the society in question "(Bahari and Bakhshi Sheikh Ahmad, 2009: 4). Therefore, intimidation and violence against society is like the criminal description of moharebeh in jurisprudence, which is not important in both moharebeh and terrorism, the type of weapon and the method of terror (Mousavi Golpayegani, 1412: 223).

However, in terrorist acts, a political goal is pursued at the level of the government, and in this respect it is different from moharebeh. In addition, it should be borne in mind that any use of violence and the physical removal of executive and judicial officials is not necessarily a terrorist act; As in organized crime, which is associated with violence and severe violations of public order, the ultimate goal is to obtain financial and material benefits, which is the most important distinction between these crimes and terrorist crimes (Salimi, 2003: 170). In any case, "widespread political violence against the ruling order" is an essential element of terrorism; On the other hand, terrorism can be both internal (without an external element and only in relation to a nation-state) and international (the existence of a foreign element, both directly and indirectly) (Khan, 1987: 947) .

### 3- Fight against terrorism at the international level

Despite the widespread threat of terrorism, unfortunately some countries, including the United States, which has a dense counterterrorism law and a long list of military and covert actions entitled "Fighting and Suppressing Terrorism," emphasize the need for internal public order for the following four reasons: Oppose the Convention on the Prohibition and Punishment of Terrorism: A) Lack of a clear definition of a terrorist crime;

B) politicization [of the International Criminal Court] if it brings this crime under its jurisdiction;

(C) The non-severity of certain terrorist acts in a manner worthy of prosecution by the International Court of Justice.

D) Prosecution and punishment by domestic courts are more effective than in international courts in most cases (Cassis, 2001: 993).

This policy has prevented the United States and other allied countries from providing a specific definition of terrorism in international law; Even Kofi Annan (formerly successful UN Secretary-General) (Kofi, 2001) and Marie Robinson (UN High Commissioner for Human Rights) have defined the 9/11 attacks as crimes against humanity; However, in the fight against these crimes, the need to respect human rights has also been assumed and its violation has been strongly criticized (Kosti, 2006: 463). This approach emphasizes the fundamental point that the fight against terrorism now has a national mechanism, and although measures are being taken against it at the international level, its foundations are national laws that have been significantly affected since 9/11. And, of course, they grew up against human dignity.

Although international determination to define terrorism failed, the United Nations, recognizing that some countries, including the United States, oppose the definition of terrorism, ratified twelve case conventions. Of these twelve conventions, only the Convention for the Suppression of the Financing of Terrorism defines terrorism implicitly in Article 2.<sup>1</sup>

Unlike international conventions, regional conventions have been more successful in defining terrorism, and most have defined terrorism. Organization of American States Convention for the Suppression and Punishment of Terrorist Acts (1971), European Convention for the Suppression of Terrorism (1977), SAARC Regional Convention for the Cooperation in the Suppression of Terrorism (1987), Arab Convention for the Suppression of Terrorism (1998), the Treaty on Cooperation between the Commonwealth of Independent States (CIS) to Suppress Terrorism (1999), the Organization of Islamic Cooperation Convention against Terrorism (1999) and the African Union Convention on the Suppression and Suppression of Terrorism ( 1999) These include regional conventions.

In connection with the prohibition and fight against terrorism, several resolutions have been adopted by the United Nations General Assembly (Resolution 1/56 dated 18 September 2001) and the United Nations Security Council (1269, 1368, 1373, 1377 and 1390), each of which Condemning this dangerous and violating human rights phenomenon, calls on member states to work together and focus on the fight against terrorism, and urges them to report to the Security Council on the implementation of their action in accordance with paragraph 6 of Resolution 1373. Give.

### 4- United Nations and Counter-Terrorism

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<sup>1</sup> Section B of Article 2 of the Convention goes on to explain the definition of terrorist financing: "Any other deliberate act [not listed in paragraph A] which results in the death or serious injury of a citizen or any other person who is involved in a conflict "Armed participation is not active if the purpose of committing such acts, given their nature or content, is to intimidate the people by forcing a government or an international organization to commit a specific act or omission."

A. The proposed strategy of the Secretary-General of the United Nations for the fight against terrorism.

In this regard, we can mention two main documents. The first document of the report is "Towards a Safer World" and the second document is Kofi Annan's speech on March 10, 2005 in Madrid, Spain, which is a description of the items mentioned in the report. In this speech, he described terrorism as the main threat to the core values of the United Nations, such as human rights, the rule of law, the protection of civilians, mutual respect for religions and cultures, and the peaceful resolution of conflicts. Therefore, the United Nations must focus all its efforts on combating this international phenomenon, which Annan believes is the main threat of the century. In the first report, the UN Secretary-General is responsible for developing and advancing the organization's counter-terrorism strategy. The main axes of this strategy are:

1- Efforts to refrain from actions that facilitate terrorism. For example, efforts to raise social and political rights, establish the rule of law and democratic reform, tackle organized crime, reduce poverty and unemployment, prevent political repression, and prevent actions that could destabilize the political system. Help, such as the fall of the government.<sup>2</sup>

2- Organizing actions to counter extremism and intolerance. These measures mainly include educational aspects.

3- Creating appropriate tools for the global fight against terrorism, all of which have a legal framework and respect for civil liberties and human rights.

4- Increasing the ability of governments to counter terrorist attacks and actions

5- Control of hazardous materials and equipment and defense health of the society.

Kofi Annan has summarized the above 5 principles as D5.<sup>3</sup>

The report calls on member states to sign 12 major conventions against terrorism and to comply with eight UNECE recommendations.<sup>4</sup>The 12 conventions mentioned earlier are:

1- Convention on Crimes and Other Specific Measures on the Plane (1963)

2. Convention for the Suppression of Unlawful Possession of Aircraft (1970)

3- Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aircraft (1971)

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<sup>2</sup> The United Nations and its member states and civil society must make every effort to support groups dissatisfied with the use of terrorism. Many terrorist groups have stopped their activities due to the loss of popular support. Therefore, it must be declared with more energy that terrorism is unjustifiable and unacceptable

<sup>3</sup> In the final document of the 2005 General Assembly (Resolution 1/60 of the General Assembly), the member states welcomed the five principles proposed by the UN Secretary-General for such a strategy and acknowledged that more research was being done on these principles and further development Find. They asked the Secretary-General to submit his proposals to the General Assembly. In response to these requests, the Secretary-General, with the assistance of the Counter-Terrorism Task Force, established in 2005 to identify key actors in the fight against terrorism, and other UN agencies as well as partner reporting organizations Which includes a global strategy to combat terrorism.

<sup>4</sup> Member countries are required to use 13 international instruments to prevent and suppress international terrorism. All member states are called upon to draft a global convention on international terrorism as soon as possible. This convention must clearly demonstrate the unity of the international community and the spiritual authority of the United Nations. "All member states must implement Security Council resolutions against terrorism, in particular resolutions 1267 (1999), resolutions 1373 (2001) and 1540 (2004)."

- 4- Convention on the Prevention and Punishment of Crimes against Internationally Safe Persons, Including Political Representatives (1973)
- 5- International Convention against Hostage-taking (1979)
- 6- Treaty on the Physical Protection of Nuclear Material (1980)
7. Protocol for the Prevention of Unlawful Violence at Airports for Civilian Aircraft, Amendment to the Convention for the Suppression of Unlawful Acts against Civil Aviation Security (1988).
- 8- Convention on the Prevention of Unlawful Acts against the Safety of Navigation (1988)
- 9- Protocol against illegal actions against the security of fixed platforms located on the continental shelf (1988)
- 10- Plastic Explosives Marking Treaty for Tracing Purposes (1991)
- 11- International Treaty on the Prevention of Terrorist Bombings (1997)
12. International Convention for the Suppression of the Financing of Terrorism (1999)

#### B. The United Nations Counter-Terrorism Committee

The UN Security Council issued a statement on 21 December 2005 instructing the UN Counter-Terrorism Committee to increase its cooperation with member states in the fight against terrorism. This includes technical assistance and finding ways to increase cooperation with international, regional and sub-regional organizations. The statement called on the Counter-Terrorism Committee to set up a new executive branch to achieve the UN Security Council's stated objectives in the fight against terrorism. The Counter-Terrorism Committee is based on Security Council Resolution 1373 (2001) and its members include 15 members of the UN Security Council. Overall, the 1994 resolution is considered one of the most important international instruments in the fight against terrorism, and provides a context that conflicts with some traditional concepts of international politics, such as the sovereignty and independence of countries. The important points of this resolution are:

- Call on member states to prevent or counter terrorist financing
- Consider any financing of terrorist acts on its territory as a crime.
- Freezing the economic resources or financial reserves of the perpetrators of terrorist acts or those who attempt to commit terrorist acts or those who participate in or facilitate the commission of such acts.
- Call on member states to cooperate in criminal and judicial investigations into crimes related to the financing of terrorist acts
- Call on member states to refrain from supporting individuals or groups involved in terrorist acts, either actively or passively.
- Governments are asked to ensure that they are not involved in terrorist acts before granting asylum to asylum seekers, and that after granting asylum, care must be taken not to misuse the refugee status to organize, plan and prepare terrorist acts.
- Call on member states to coordinate their efforts to combat the phenomenon of terrorism, given the close link between international terrorism and transnational organized crime, including drug trafficking, money laundering, illicit arms trafficking and illicit trafficking. Nuclear, chemical and biological substances and other potentially hazardous substances.

•Establish a committee to monitor the proper implementation of this resolution by the Council and declare that it will take any necessary steps to ensure the full implementation of this resolution in accordance with the Charter of the United Nations.

#### C- Political and legal bases of forming the Counter-Terrorism Committee of the Security Council

The Security Council may, in accordance with Article 28 of its Rules of Procedure, establish a commission or committee on a specific matter. Or appoint a reporter to look into the matter. Pursuant to Article 29 of the Charter of the United Nations, the Council may, if necessary, establish subsidiary bodies to carry out its functions. Since "international organizations are among the subjects of international law, they are therefore obliged to comply with their obligations under the general rules of international law, their statutes and a treaty to which they may be a party." The Security Council shall have the authority to implement the provisions of its Charter and its Rules of Procedure. In other words, the Counter-Terrorism Committee is the product of a general international treaty and resolution 1373. This committee is the result of a legal act, because the resolution of 1373 was issued in accordance with Chapter VII of the Charter, and therefore has a binding aspect for all member states of the United Nations.<sup>5</sup>

From a political point of view, in order to examine the performance of member states in building global capacity to fight terrorism, Resolution 1373 established a 15-member counter-terrorism committee of the Security Council. Unfortunately, the United States has not welcomed this development, and Washington's lack of support for the committee has greatly hampered its work.<sup>6</sup> The US National Security Strategy against Terrorism is designed and implemented in the context of the pre-war war doctrine. This strategy does not say much about how to build multilateral international cooperation in the fight against terrorism. . The United States has played little role for the United Nations, especially the Security Council, in the global fight against terrorism. Multilateral international cooperation is sometimes centered around the Committee's programs and a national security strategy.<sup>7</sup>

#### D- Executive Office of the Counter-Terrorism Committee

The Security Council on 15 December 2005 in a letter signed by the British Representative to the Security Council as Permanent Chairman.<sup>8</sup> Fifteen council members have been asked to review counterterrorism activities around the world by the new Executive Committee of the Counter-Terrorism Committee.<sup>9</sup> At the same time, this statement refers to the following:

- 1- Terrorism is one of the main threats to international peace and security. This action has a criminal aspect and can not be justified in any way and under any circumstances.
2. The Executive Committee of the Counter-Terrorism Committee established by the Council Resolution 1534 (2005) is formally obliged, under the policies of the Committee, to upgrade the Committee's capacity to oversee the implementation of Resolution 1373 (2001). To strengthen anti-terrorist measures. This office has been active since December 15, 2005.
3. The Counter-Terrorism Committee is obliged to present the framework and agenda of the Executive Office in order to improve the efficiency and ability of the Committee to perform its duties. In fact, the purpose of the Counter-Terrorism Committee was to implement the 1994 resolution, which calls on

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<sup>5</sup> Provisional Rules of Procedure of the Security council, United Nations New York, 1983, <http://www.un.org/Docs/Sc/Scrules.html>.

<sup>6</sup> Kofi Annan, The counter - Terrorism committee, United Nations, Department of Public Information, 2002.

<sup>7</sup> Chantal de Jonge, Combating to Terrorism, The Washington Quarterly, autumn 2003.

<sup>8</sup> S/2005/800

<sup>9</sup> Counter-Terrorism Committee Executive Directorate

member states not to support and fight terrorism, not to provide financial support, and not to support those who commit terrorist acts. The reports of the Committee shall be in accordance with the guidelines set out in Resolution 1535 (2004). In addition to these two resolutions, the Committee must follow up on the provisions of Resolution 1634. The resolution was adopted on September 14, 2005, and strengthens the fight against terrorism, the adoption of policies and measures by governments to enact laws prohibiting terrorist acts, or the prevention of any safe haven for those The accused is committing or intending to commit terrorist acts.

4- At the same time, the Committee is obliged to provide cooperation to the member states and in particular to inform them about the relevant areas.

In general, the Executive Directorate of the Security Council Counter-Terrorism Committee has the following tasks:

1- Making the goals of the Counter-Terrorism Committee operational, setting up the implementation methods of the committee instructions

2- Intensifying the promotion and monitoring of the comprehensive implementation of the 1994 resolution, increasing interactions, dialogue in this regard with governments individually or in the form of regional mechanisms.

3- Monitoring the performance of governments and fulfilling their obligations based on international law, monitoring the implementation of resolutions and resolutions by governments, collecting and reporting the performance of governments to the Committee and the Security Council.

4- Raising and strengthening technical assistance to governments as one of the main priorities of the committee. This should be done on the basis of an executive plan with detailed details that are also reported to the committee.

5- Strengthening relations and cooperation with other UN institutions. These include the United Nations Office on Drugs and Crime, and the United Nations Development Program. Communication and cooperation with committees and sub-groups of the Security Council that undertake counter-terrorism activities are also on the agenda of the Executive Office.

6- Increasing cooperation and coordination between local, regional and international organizations to fight terrorism.

7- Enhancing the ability to gather information to monitor the activities of member states in the fight against terrorism and to provide the necessary technical assistance and inspection of member states with their consent.

8- Upgrading the capabilities of the Committee in order to provide appropriate solutions and recommendations to the Security Council in all fields, for the implementation of the 1994 resolution.

9- Accelerate affairs and trends.

10. Adopting a strategy for effective communication by providing a clear picture of the activities of the committee and its executive branch.

11- Maintaining and promoting a high level of expertise in all areas of the 1994 resolution, by improving the working conditions of the experts of the Counter-Terrorism Committee.

E- The perspective of the Counter-Terrorism Committee

The structure, tasks and programs of the Counter-Terrorism Committee are being set up and pursued in such a way that its philosophy and activities are not limited to a specific case or period of time. However,

the lack of a global consensus on the definition of international terrorism makes it difficult for the committee to function.

Resolution 1373 does not take any specific decision against a specific individual, group or country, but in the future, if the Security Council finds that a country or group is acting contrary to the provisions of that resolution, it can exercise its powers under Article 41 or 42 of the Charter to maintain or restore Enjoy international peace and security.

One of the highlights of the resolution is the re-emphasis on the "inherent right of individual and collective legitimate defense", which is a new and thought-provoking initiative to end the use of force against perpetrators or supporters of terrorist acts as a form of "legitimate defense". . This easily paves the way for countries to put precautionary action on their agenda as a strategy, based on a broader interpretation of Article 51 of the Charter and the principle of legitimate defense. For example, by addressing what happened on 9/11 as an act of war, Americans are practically making broad interpretations of legitimate defense. The use of this principle has a history in US military intervention and unilateral action. Such as the US-led invasion of Nicaragua in 1985, known as the "Nicaragua Case" in international law, and its 70-page ruling, including international law documents defining rape and banning preventive action as an act under Article 51 Charter, and in the missile attack on Sudan in 1997, and in all cases the United States stated that the purpose of the attack was legitimate defense. The US House of Representatives and Senate passed a law on September 15, 2001 authorizing the use of US force and armed forces against the perpetrators of 9/11, citing the principle of legitimate defense (paragraph 3). Law). The two US parliaments have considered the action a threat to US national security and foreign policy and considered it continuous. The president is therefore constitutionally mandated to protect the United States from terrorism. In this case, the law goes beyond what happened on September 11 and allows the president to use the necessary force against the planners and perpetrators, whether the group, organization, or government, and in addition to Counter a group, organization, or government that may commit terrorist acts against the United States in the future. This removes the temporal and spatial constraints of the law and the powers of the president, and allows the president to use force against what he calls terrorism whenever he sees fit. Because the United States defines its sphere of interests globally and believes in creating security in layers beyond its territory, the conditions for the use of force in the United States in a variety of situations are well established. The president also cited and recognized precautionary action as a central principle in the US National Security Strategy document (September 17, 2002), citing the powers vested in him by Congress.

This definition of legitimate defense and terrorism is fully in line with the UN Security Council resolution on terrorism. In addition to Resolution 1373, Resolution 1390, while emphasizing practical measures for the formation of the Counter-Terrorism Committee, also introduces a new concept of interventions that can actually pave the way for violations of the sovereignty of countries by members of the Security Council. The resolution obliges countries to regularly inform the Committee of their actions in the fight against terrorism, based on the reports made by the Security Council, in accordance with the reports of the Committee.

According to the resolution, the committee seeks to monitor countries and prevent them from cooperating by harboring terrorists. Resolution 1390, while re-emphasizing the fight against terrorism as a threat to international peace and security, explicitly warns countries that al-Qaeda members or individuals and entities affiliated with them, or have placed terrorists on their soil or Sponsor themselves. This includes the provision of weapons and military equipment, as well as financial and technical assistance.

In any case, this resolution is a tool of additional pressure on the countries whose behavior the United States intends to shape in accordance with the new order. The lack of a clear definition of terrorism that has an international consensus leaves countries like the United States free to take preventive action against any member of the international system. We saw the same thing in the US airstrikes on a village



in northern Pakistan, which, although a clear violation of a country's national sovereignty, was justified on the basis of the resolutions and the strategy proposed by the UN Secretary-General to combat terrorism. have given. Thus, the resolution can be considered as one of the international regimes that impose their norms on the marginal actors of the international system and force them to follow the regime's desired order. The degree of intensity and consensus that governs these regimes is very high, and the system of oversight that they impose is limited by the sovereignty of governments.

#### 5- Human security

Although there are many different definitions of human security, the commonalities of these definitions are remarkable. The narrow definition focuses more on traditional security threats such as landmines, small arms, violence and conflict, and so on. . But broad definitions emphasize a long list of traditional and even development-oriented threats such as poverty and the environment. The goal of human security is to protect the vital core of all human beings against common threats; In a way that is compatible with the long-term prosperity and perfection of man. There are several important points in this definition; Including :

1- Protection (or protection, guarantee, protection, preservation and similar concepts) which refers to the preservation, maintenance and protection of something. That is, the definition recognizes that human beings face significant dangers and threats and must be protected from them.

Dangers can be natural things like floods, earthquakes and hurricanes, or out of political and economic control such as poverty, chronic poverty, terrorist attacks, war and conflict, or problems that can be controlled but beyond one's control such as lack of drinking water, lack of sanitation And include safe water, AIDS and infectious diseases. Of course, some of these are more harmful and destructive than others, and of course each has different solutions (resilience of housing, elimination of the effects of financial crises, etc.), but it is necessary to be prepared to deal with these risks before they occur. Human security therefore includes preventive and flexible measures in an organized and institutionalized manner; Not a passive action after the occurrence of accidents and temporarily. It also focuses on human security, individuals and the human species, not threats. Human security is the product of political, economic, social, cultural, and environmental contexts, and arrangements must be made before any threat can occur.

2. The core of life, which refers to the limitations of the field of human security and does not include all the essential and deep aspects of human life. Of course, consensus is hard to come by.

The question is, does this vital nucleus contain only negative freedom, or does it also include positive freedom? There are differences of opinion in this regard. Despite some opinions, in the field of human security, two categories of needs or two dimensions should be considered (Ghasemi, 2005).

One is the quantitative dimension, which includes the satisfaction of material needs, ie the provision of a minimum of basic material needs such as food, housing, education, health, and the like, and the other is a qualitative dimension related to human character and individual independence, self-determination and free participation in social life Includes. In this sense, liberation from the repressive structures of power at various levels is essential to human security, and the concept is closely linked to democracy in all its dimensions.

Some scholars also consider the rights and freedoms enshrined in human security to be related to survival, life, and dignity. It seems that defining values and the core of life is dependent on the cultural context and context of each society, and prioritizing and setting values is not acceptable for all societies. This concept (vital core) is one of the obstacles to provide a comprehensive definition of human security and researchers' criticisms of this concept are more focused on this part of the definition. Because ambiguity in prioritizing and defining vital values and nuclei adds to ambiguity and ambiguity in definition.

3- All human beings: Human security shifts its focus from the government to individuals and individuals regardless of gender, race, religion, ethnicity, citizenship and other characteristics. In fact, the focus of human security is distinct from the goal pursued by governments in the nineteenth and twentieth centuries, which was to protect their territory. Therefore, it is natural that in the international arena, too, its focus is mainly on human development and human rights. Therefore, human development in terms of human security considers "human" as the end and not the means of economic productivity. Of course, these points do not mean denying the security of the government or removing it from the agenda of human security; Nor does human security seek to strengthen human feelings of humanity and altruism. All policies adopted to achieve this security are within the framework of the policies and interests of governments; But in it, the emphases and attitudes have changed and shifted.

4- Common and important threats: The importance of threats means that they are related to the core of human survival and activities, and being common means that firstly, danger and threats are on a large scale (of course, the meaning is different at different levels) and secondly. The threat can be repeated many times and is not accidental or unusual.

Dangers may occur suddenly and quickly, but this condition is not the significance of the threats, but the depth and magnitude of the incident.

Threats are usually divided into direct and indirect categories (in terms of their mechanism of action). Threats such as war and massacres are direct, and threats such as over-investment in military affairs (or other special matters) and backwardness and lack of investment in other sectors (such as education and health) are indirect.

5. Prosperity and human perfection in the long run: Human security is not just about the status quo, it is not just about maintaining the current security on the agenda; It also looks at the long-term compatibility, protection and protection of human rights. In this way, processes such as governance, participation, transparency, capacity building and institutionalization are important. Of course, paying attention to the future does not mean forgetting the present, because the priority of human security is to protect human beings in the world of action and not in intention and thought. In the final analysis, human security is a child who does not die, it is a disease that does not spread, it is a job that is not lost, it is an ethnic tension that does not lead to violence, and it is a dissent that cannot be suppressed (Ghasemi, 2005).

6- Direct and indirect threats against human security

2-1-2-1 Direct threats

Direct threats include the following:

1- Violent murder / disability

Violent crimes, murder of women and children, rape, terrorism, intergroup / massacre / genocide, killing and torture of dissidents, murder of government agents and officials, war invalids.

2- Inhuman behavior.

Slavery and trafficking in women and children, the use of children instead of soldiers, physical abuse of women and children (in the family), child abduction, the illegal detention of political opponents and their unjust trials.

3- Drugs

Addiction to these substances is one of the direct threats to human security.

4- Discrimination and domination

Discriminatory laws and practices against minorities and women, the denial and prohibition of elections and fraud, and the overthrow of political institutions and the closure of the media.

#### 5- International disputes

International tensions and crises, whether bilateral or multilateral, as well as conflicts and conflicts and crises of superpowers.

#### 6- Deadly and destructive weapons

Proliferation of weapons of mass destruction, conventional advanced weapons, small arms and mines.

#### 2-1-2-2 Indirect threats

Indirect threats also include the following (Ghasemi, 2005):

##### 1- Deprivation

Lack of basic necessities (food, safe drinking water, primary health care, basic education).

##### 2- Disease

Prevalence of deadly diseases (infectious, cardiovascular, cancer).

##### 3- Natural disasters and disasters caused by human actions.

##### 4- Retardation

Low per capita and GDP, low GDP growth, inflation, unemployment, inequality, population growth or decline, national poverty, regional and global economic instability, as well as demographic change.

##### 5 - Population transfer (at the national, regional and global level): Displaced and migration.

##### 6- Environmental degradation (at local, national, regional and global levels).

#### 7. Strategies for achieving human security

Human security strategies are usually divided into two categories. First, advocacy and protection strategies that aim at designers and their founders to deal with threats and risks. Accordingly, human security has a protective and protective form; Because it is based on the notion that individuals and communities are exposed to threats such as terrorism and lack of investment in health or environmental pollution and nuclear explosions that are beyond their control. In order to protect and safeguard human security, the rights and freedoms of human beings must first be recognized and affirmed, and to reach this point, a concerted effort is needed to establish norms and rules, procedures and processes, as well as national and international institutions. Rules should systematically, comprehensively and preventively address insecurities and address them. Through the human security discourse, we become aware of the infrastructure that is needed to protect, strengthen and improve it, and our own people can be involved in the formulation and implementation of these strategies. Having adequate support infrastructure, however, can help repel threats, reduce risks, and support and protect those at risk. Second, empowerment strategies or the ability of human beings to help themselves or others, which is one of the main keys to human security. Creating this capability is independent of human security from state-run security. Empowered and empowered human beings can react and demand their rights and dignity when their rights and freedoms are violated or their dignity is violated. These people can solve their problems by using local facilities without the intervention of the government and other forces, create opportunities for other people, and in cases such as floods and natural disasters or human rights violations, they can help other people with their facilities. Hurry up. An important part of the empowerment process goes back to education. Informed and literate people have a broader and more open horizon and are able to challenge

existing political and social arrangements and propose corrective solutions. Such people can organize and act collectively. Creating a public space tolerant of dissenting opinions is also effective in growing useful local and public debates and strengthening self-reliant local groups. Freedom of the press Freedom of information, freedom of association and freedom of conscience are vital in the development of this space (Ghasemi, 2005).

Support and empowerment strategies are not mutually exclusive, but mutually reinforcing. People who have support have more variety of options, and people who are able to escape the dangers and threats and can convey their voices and demands to those in charge, or to support each other by gaining power and using local facilities. Therefore, human security includes the training of knowledgeable, informed and capable human beings.

#### 8- Discussion and conclusion

The many changes that have taken place in recent years in the political, economic and social environments have posed wide-ranging challenges to developing and less developed countries. The intensification of global competition and the advancement of technology has revealed the fact that governments must pay close attention to external factors in addition to internal factors in their decisions. The UN Secretary-General, in his 2008 report on human rights and terrorism, sought to limit the scope of "unlawful provocations" in Resolution 1624, and took an approach consistent with human rights law. The report makes a clear line between direct incitement to violence on the one hand, and praise or apology for past actions on the other, stating that although "the former may be legally prohibited, the latter is not."<sup>10</sup> According to the directive, states must criminalize such crimes as terrorist attacks, public movements, as well as threats to commit such crimes, and precautionary measures, aiding and abetting, inciting or attempting to commit such crimes. Accordingly, among the measures that countries have reflected in the fight against terrorism is the real protection of the public and global interests and the role of international law in suppressing terrorism and the development of the theory of common guarantees and collective security. These measures were mostly taken by certain states in the territory of other states to free their citizens with other hostages. Also, according to Article 51 of the UN Charter on the Right to Practical Self-Defense, these measures were not fully endorsed by the international community.

In the aftermath of 9/11, the US government arrested people accused of involvement in the terrorist attack and removed them from humanitarian law, claiming that they had been involved with members of al-Qaeda and the Taliban. As a result, they did not consider human rights practical in the fight against terrorism, and as a result, they spoke of the need to review these documents. In 2004, the Security Council adopted Security Council Resolution 1535 to regulate the executive affairs of the Counter-Terrorism Committee in order to revive the Committee. The purpose of passing this resolution was to provide expert advice in all areas so that this committee can respond to the resolution of 1373. The aim was to facilitate technical assistance to countries, as well as to promote closer cooperation and coordination between the United Nations internal organizations. During the UN General Assembly in September 2005, UN Security Council Resolution 1624 on incitement to terrorism was adopted by the Security Council. It was the third summit in the history of the United Nations to be held at the level of heads of state or government. The resolution also reaffirmed countries' obligations to abide by international human rights law. The leaders also decided to work on the draft comprehensive convention on international terrorism, including the legal definition of terrorist acts, at the 60th session of the UN General Assembly.

This achievement was the culmination of years of negotiation and debate over various proposals that included the contents of UN Secretary-General Kofi Annan's report entitled "Comprehensive Freedom." In this document, as in the previous document analyzing the threats and challenges to peace and security,

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<sup>10</sup> UNGA, 'Report of the Secretary General: The protection of human rights and fundamental freedoms while countering terrorism' (28 August 2008) UN Doc A/63/337, para 61 (UN Secretary General's report).

he urged the adoption of a definition of terrorism. The definition states: "For any reason and intentional targeting and killing of citizens and civilian elements can not be justified and legitimate. Any act that results in the death or serious injury of civilians or non-combatants; "Either intimidating the people or forcing a government or an international organization to do or not to do so is not justifiable in any context and is a terrorist act." In 2011, the United Nations Counter-Terrorism Center was established in the Counter-Terrorism Directorate (Political Affairs Division). The center provides capacity for UN member states to implement a counter-terrorism strategy. In other words, if the government does not accede to these conventions, it will have no effect on the obligations of these resolutions, but these obligations have been made to help the rule of law in the international community. An important point to note here is that the Counter-Terrorism Committee only works to strengthen the infrastructure needed to fight terrorism and has no involvement in identifying and sanctioning counter-terrorism governments. . All of these factors have weakened the committee, and the issue of human rights protection in the fight against terrorism, etc., has been slow, all due to challenges such as lack of funding, lack of cooperation, and assistance from other institutions. The committee relies solely on the written reports of States.

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