

Ahmer Bilal Soofi, compiler., *UN Law on Terrorism* (Home Book Publishers, Lahore, 2015), 472.

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The book *UN Law on Terrorism* is a compilation of original text of the series of the resolutions passed by the UNSC, from 1999 to 2014 by Ahmer Bilal Soofi who is a Supreme Court Lawyer and on the panel of advisory committee to United Nations Human Rights Counsel and Vice President of its Asia Pacific group. The emergence of transnational terrorist outfits at the global theatre led to the transformation of criminal law into a corpus of International Counter-Terrorism Law. The emergency measures taken initially, in the form of conventions and resolutions, passed by the United Nations (UN), that later on became the defining features, highlighting contours of legal responsibilities of the member states under the broader umbrella of the UN Charter.

Under Article 24 of the Charter of UN, the United Nations Security Council (UNSC) “primary responsibility [is] the maintenance of international peace and security” (p.7) and in discharging its responsibility, UNSC has promulgated a series of legally and morally binding resolutions, which are compiled in the book.

In the introductory chapter, Ahmar Bilal Soofi has elucidated the topic in a very comprehensive and eloquent manner, covering a spectrum of issues, pointing to gaps in the legal framework and providing constructive suggestions. Moreover, Soofi masters the art of narrating complex legal issues in a simplistic, story-like manner, capturing not only reader’s imagination but also prompting him/her to ponder over grey areas of counter-terrorism law. Hence, the introduction of the book is written with multi-disciplinary approach that interests all kinds of readers. It is not only a teaching tool or a reference book but a curriculum in itself on counter-terrorism under international law in light of the resolutions passed by the UNSC.

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In the introductory chapter, the author distinguishes between ‘soft law’ and ‘hard law’ (pp.7-9). He explains that the resolutions passed under chapter four and six of the UN Charter by the UN General Assembly (UNGA) and UNSC are mere guiding principles and have no legal binding on member states. The UNSC under this domain serves in an advisory role, making recommendations for international cooperation on maintaining peace and security i.e., the pacific resolution of disputes. He termed these resolutions as ‘soft law’, as member states have no legal obligation and cannot be legally held accountable.

However, in contrast, all the resolutions passed under chapter seven of the UN Charter are legally binding on all the UN member states. Under Article 41 and 42 of chapter seven, all member states are legally obliged to take all measures and action to ensure peace and security. To the extent that Article 41 under 1948 UNSC Act also gives permission for extra-territorial means for necessary action. Therefore, these specific resolutions coerce member states to institute necessary legislation and administrative counter-terrorism framework in their domestic sphere. Hence, the author terms these resolutions as ‘hard law’, as they owe legal obligation besides legal value.

In this specific context, Soofi highlights the two important previous resolutions which have left their footprint on the subsequent development of international counter-terrorism law. Among them, the first Resolution 1373 was passed in year 2001. The essence of this resolution lies in its focus on the implementation aspect of counter-terrorism law. Most importantly, it led to the formation of Counter-Terrorism Committee (CTC). CTC works within broader UN framework, collaborating with transnational UN subsidiary organisations, while acknowledging the inter-linkages between terrorism and criminal activities. Moreover, CTC serves as a monitoring and evaluation organ of the UNSC, compiling and analysing progress of all member states from their yearly submitted country reports. Hence, Resolution 1373 set the foundation of CT framework, based on quantification and evaluation of progress on counter-terrorism goals. It also emphasised guiding principles i.e. cooperation and collaboration among member states and within broader UN framework which complements the administrative and compliance framework on CT (Resolution 1624).

The second most important is the Resolution 1377, which declares all forms and manifestations of terrorism as “unjustifiable”. Its significance lies in de-linking the ‘act’ of terrorists from their motives, causes or any ideological belief system. Both these resolutions have set the momentum of its own, which incrementally led to the present sophisticated framework of counter-terrorism. Besides these two important resolutions, the author does not go into detail of each resolution. Rather simplifying it for readers, he mentions three broad categories of series of resolutions: a) Resolutions which focused on the ‘Act of Terror’; b) Resolutions which focused on listing terrorist organisations and measures against, i.e. al-Qaeda; and c) Resolutions which focused on the issue of non-proliferation of conventional and non-conventional forms of weaponry (p. 10).

Presenting his analysis, Soofi hints towards the overlapping and at the same time inter-connections among all the three categories of the resolutions. Moreover, in his opinion, the new series of resolutions have internationalised the issue of terrorism as previously it was a local affair. As a result of it, the author recommends the necessity of re-visiting the UN Draft Articles on State Responsibility (p. 12).

Furthermore, highlighting a few major obstacles in formulating a comprehensive counter-terrorism convention, the author laments on the lack of consensus in producing a clear and comprehensive definition of the term ‘terrorism.’ In his own words, noted in a report presented to Supreme Court of Pakistan, he says, “Although there are extensive references to “terrorism,” or “terrorists,” in several international instruments...in fact, in no single international instrument, “terrorism” has been defined ” (p. 13). However, Resolution 1373 describes this phenomenon and criminalises it within the context of the consequences of such activity. Therefore, limiting the phenomenon to an ‘act’ only, which will be judged on its own merit, thereby creating further controversy and confusion.

Moreover, in defining a terrorist, Resolution 1267 and 1377 come up with names like al-Qaeda and Taliban, through majority consensus, rather than delineating a criterion based assessment. In addition, as mentioned earlier, Resolution 1373 disassociates ideological underpinning of terrorist groups, whereby treatment of terrorism has

rendered their motivations as irrelevant (p.14). Hence, justifying freedom movements and other armed struggles against tyrants stands blurred and their moral and ethical legitimacy is jeopardised, so is their separation from terrorists sidestepped. Therefore, it becomes an imperative for the United Nations and its Security Council to determine the exact and precise contours of this new legal regime.

Finally, concluding his introductory chapter, Soofi advises all Muslim states to centralise and institutionalise these resolutions under the umbrella of Organisation of Islamic Countries (OIC) (p.15). He also emphasises on the fact that these UN conventions and resolutions with immediate effect have implications on the domestic legal system. In this context, the author contends that after the 18th Amendment in Pakistan's Constitution, devolution of administration of criminal justice system has led to the need of re-examining the country's domestic legal system (p. 16). Finally highlighting the purpose of the book, he says that it provides awareness to legal practitioners, academics and religious scholars on the developing International Counter-Terrorism Law, which should be included not only in western styled curriculum but also taught in *madaris* . There is a dire need of internalising and dissemination of these resolutions, for harnessing international cooperation and collaboration with domestic legal system to adapt to these changes in CT law.