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## International Terrorism and the United Nations

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On 11 September 2001 (9/11), global terrorism struck at the symbolic headquarters of global power and globalisation. This was followed over the next five years by horrific terrorist outrages in Bali, Madrid, Beslan and Delhi. Iraq saw more terrorist attacks than anywhere else in 2004–05, with large scale car bombings the preferred modus operandi but also the kidnapping and beheading of foreigners. Worst-case scenarios see terrorists using nuclear or radiological weapons to kill hundreds of thousands of people.

Studies on the UN and the problem of terrorism are sparse. On the one hand, the problem of terrorism has been peripheral to most UN analysts; on the other, the organisation has been peripheral to most students of terrorism. In this talk, I will first discuss the emotional impact of 9/11, followed by an outline of the broad framework within which the international community should address the threat of international terrorism, and then look at a mixed-strategy approach that can combine being tough on the terrorists with being tough on the causes of terrorism and in defending the values of human rights, civil liberties and the rule of law.

### **9/11 and the ‘War on Terror’**

The tragedy of ‘9/11’ inflicted on the American body politic a pain yet to ease and aroused an anger not easily appeased. The world grieved with America, understood its pain, shared its anger and supported the ensuing ‘war on terrorism’. The UN and the US share an interest in isolating and defeating terrorism, not each other, and in containing the threat of weapons of mass destruction falling into the hands of state or nonstate terrorists.

Yet the rhetoric of 'war' is fundamentally misleading. No state is the target of military defeat, there are no uniformed soldiers to fight, no territory to invade and conquer, no clear defining point that will mark victory. Coral Bell draws some interesting parallels between the Cold War and the war on terrorism. Both were hegemonial wars, about the order of power in the world. Both were ideological, about the norms on which societies should be ordered, and transcendental, with the whole world as the battle-space, albeit with some areas being more vital and vulnerable than others. Both had two military campaigns: Korea and Vietnam, and Afghanistan and Iraq. In both cases the first campaign was defensive and necessary, the second wars of choice in which the enemy chose insurgency over set-piece battles. Of course, the Cold War was a conflict between states ranged against one another in two heavily militarised alliances, while the war on terrorism is between the society of states as a whole and a worldwide but loosely connected group of terrorist cells using the tactic of asymmetric warfare. And the guerrilla warfare in Vietnam was rural, while in Iraq it is urban.<sup>1</sup>

Osama bin Laden's evil genius was to fuse the fervour of religious schools (madrassas), the rallying power of the call to holy war (jihad), the cult of martyrdom through suicide (shahid), the reach of modern technology and the march of globalisation into the new phenomenon of global terrorism.<sup>2</sup> Globalisation has empowered terrorist organisations by democratising information and telecommunications technologies, linking like-hating groups and making it much easier to set up support structures among far-flung diasporas. Al Qaeda is a good example of how globalisation has helped transnational networks of 'uncivil society' to disseminate propaganda, raise and move funds and weapons and recruit and train terrorists with the world as their stage.

What did the terrorists want? To inflict a searing wound on the American psyche, avenge a litany of real and imagined historic wrongs and grievances of the Arab and pan-Islamic community and achieve such specific targets as the ouster of US forces from the sacred soil of Saudi Arabia and of the Jews from Palestine. But also to polarise the world into hard divisions, break harmony into strife and replace the community of civilised countries with the flames of hatred between communities.

## **Fashioning a Global Response**

In the struggle against terrorism, how can we marry the international legitimacy of the UN to the global reach and power of the US? A combination of factors determines whether terrorist organisations will thrive, be defeated or simply fade away. They include their emotional/political appeal, organisational efficiency, access to resources and the extent of their support base. The line between global terrorism and organised crime has become increasingly blurred. Terrorism is a problem to be tackled mainly by law-enforcement agencies, in cooperation with military forces; its magnitude can be brought down to 'tolerable' levels, but it can never be totally 'defeated', just as we cannot have an absolutely crime-free society; and it is part of the growing trend towards the lowered salience of the state in the new security agenda that emphasises human as well as national security. The wise strategy has to be a multi-layered one that addresses grievances and counteracts the causes of individual and group humiliation and indignity. The object is not to destroy the motivation of every individual terrorist but to neutralise support for terrorists in the communities in which they live and generate the will and capacity to act against them by relevant authorities.

The UN General Assembly has played the dual role of developing a normative framework on terrorism and encouraging cooperative action among states. While the Security Council might concentrate on preventing acts of terrorism through cooperation between the security, law enforcement and border control authorities, the GA can mould the global response to terrorism through its power of budgetary allocations. The international civil and maritime organisations are addressing threats to the world's air and shipping traffic respectively, the IAEA and the OPCW seek to ensure compliance with chemical and nuclear weapons treaties, the WHO is preparing defences against terrorist attacks using biochemical weapons, and the Terrorism Prevention Branch of the UN Office on Drugs and Crime provides legislative assistance to many countries in connection with the ratification and implementation of anti-terrorism conventions and Security Council resolutions.

9/11 provided a fresh opportunity to rededicate the terms of US engagement with the international community in protecting the world from deadly new threats immune to conventional tools of statecraft. Although the monuments to American power and prosperity were shaken to their foundations, the foundation of a civilised discourse

among the family of nations must not be destroyed. Responses that are crafted must be carefully thought out, with a balance between retaliatory counter-measures and long-term resolution. The rhetoric and metaphors of frontier justice from the time of the Wild West or the Crusades roused domestic fervour but risked fracturing the fragile international coalition. An order that is worth protecting and defending must rest on the principles of justice, equity and law that are embedded in universal institutions. The nation of laws must turn its power to the task of building a world ruled by law.

The threat of international terrorism has been addressed internationally both within the framework of international law and specific UN resolutions and measures. Until the 1970s terrorism in UN circles was viewed largely as a local phenomenon. As the frequency, violence and reach of terrorist incidents began to expand, the GA seemed to be as interested in understanding and rationalising terrorism as in suppressing it, while the Security Council was more exercised by the counter-terrorism tactics of Israel and the US than by the acts of terrorism themselves.

The day after 9/11, both the Security Council and the GA adopted resolutions strongly condemning the acts of terrorism and urging all states to cooperate to bring the perpetrators, organisers and sponsors of 9/11 to justice. Resolution 1368 (12 September 2001) was the first to incorporate acts against terrorism into the right of self-defence. Resolution 1373 (28 September 2001), adopted under chapter 7 of the Charter, imposed significant requirements on member states within their domestic jurisdictions and expanded the Council's oversight role in relation to them. On 13 April 2005, after seven years of negotiations, the GA unanimously adopted the 'International Convention for the Suppression of Acts of Nuclear Terrorism'. The 13<sup>th</sup> UN convention against terrorism makes it a crime to possess or demand radioactive material or device with the aim of causing death or serious injury or substantial damage to property. It calls on states to adopt national laws to make these acts criminal and to provide for appropriate penalties for those convicted of such acts.

Between them, the 13 global treaties define, proscribe and punish such individual categories of terrorism as hijacking, piracy, hostage taking, bombing civilians, procuring nuclear materials, and financing terrorist activities. But they do not address the totality of terrorist acts within one comprehensive normative or institutional framework.

The *final* line of defence against international terrorism is preventive national

measures in countries that are the targets of attack. This includes robust counter-terrorism intelligence and surveillance efforts by the law enforcement, national security and border control, and financial regulatory and surveillance agencies. There is not much scope for UN involvement here, although the political cover of the UN can make programs of bilateral technical assistance more palatable to the domestic constituency. But in the end there can be no guaranteed security against suicide terrorists who know no limits to their audacity, imagination and inhumanity.

Efforts to build effective defences against international terrorism should focus *first* on countries that harbour or host individuals and groups advocating, financing, arming and otherwise supporting international terrorism. This is where the export of terror can be stopped or contained most cost-effectively. Fragile states with frail institutions are the soft underbelly for global terrorism. Terrorists take advantage of porous borders, weak and corrupt law-enforcement forces and limp judicial systems. This requires both capacity-building in countries that lack institutional resilience in their security sectors to tackle terrorist cells in their midst; and mustering political will in other countries that have the capacity but lack the determination to root out cells from their midst.

### **Root Causes**

The controversy over root causes highlights the tension between tackling today's priorities, better done outside the UN framework, and adopting a holistic approach, best done through the UN. To describe terrorism as an *understandable* response does not make it into a *legitimate* response. Explanation is not justification; to try to understand is not to seek to condone, let alone to endorse. But because the root cause argument is deeply connected to the global fault lines on terrorism, it has been summarily dismissed as implying that the US had provoked or somehow deserved 9/11. The underlying or root causes of terrorism can be grouped into five categories: lack of democratic institutions and practices, political freedoms and civil liberties; group grievance based in collective injustice; intractable conflicts; poverty; and inter-civilisation suspicions.

*Democracy*

Democracy legitimises the struggle for power; its denial drives dissent underground.<sup>3</sup> Terrorism flourishes amidst frustration with repressive, inept, unresponsive and dynastic regimes that spawn angry and twisted young men taking recourse to lethal violence. Terrorism has an impact on human rights in three ways. First, it is an extreme denial of the most basic human right, namely to life, and it creates an environment in which people cannot live in freedom from fear and enjoy their other rights. Second, the threat of terrorism can be used by governments to enact laws that strip away many civil liberties and political freedoms. And third, without necessarily amending laws or enacting new ones, governments can use the need to fight terrorism as an alibi to stifle dissent and criticism and imprison or threaten domestic opponents.

The campaign against terrorism must be anchored in the norms of accountability, the rule of law and non-derogation of core human rights and civil liberties, including life, liberty and due process. The UN has been pursuing a ‘whole-of-system’ approach to the promotion of democracy, good governance, human rights and the rule of law. It is the single best font for the authoritative promulgation of the international rule of law and the single best forum for building global respect for democracy and good governance. Kofi Annan laments that ‘The United Nations does more than any other single organization to promote and strengthen democratic institutions and practices around the world, but this fact is little known’.<sup>4</sup>

The struggle against terrorism must not be at the expense of the fundamental freedoms and the basic dignity of individuals. In resorting to the lesser evil of curtailing liberties and using violence in order to defeat terrorism, we must be careful not to succumb to the greater evil of destroying the very values for which democracies stand.<sup>5</sup> Governments must justify all restrictive measures publicly, submit them to judicial review and circumscribe them with sunset clauses to guard against the temporary becoming permanent. Safeguards are especially important because history suggests that most people, even in the mature democracies, privilege the security of the majority over the harm done to minorities who are deprived of their rights in the name of national security.

After 9/11, American priorities shifted, subordinating human rights to victory in the ‘war’ against terrorism. Two separate issues became merged in the public debate: the relevant legal regime that should apply to prisoners in this particular war, and

abuses in the actual treatment of the prisoners. The designation of prisoners as ‘enemy combatants’ and their confinement and treatment at Guantánamo Bay raised serious questions about the US commitment to fair trials and impartial justice. The abused accounted for a minority of prisoners held by the US but, like the Gulags in the Soviet system, they were integral to the war: they provided the standard of terror by which the good behaviour of the rest would be judged and enforced. Many other democracies joined the US in shifting the balance of laws and administrative practices towards state security. And there developed also the distasteful practice of ‘rendition to torture’, sending prisoners to their home or third countries precisely because the latter are known to practice torture as part of their interrogation routine.

President Bush’s response to 9/11 was to elevate terrorism from a tactic or a method into a transcendental conflict that was at once simpler yet more fundamental: an epic struggle of historic proportions between the greatest force for good on earth, responding to a calling from beyond the stars against enemies bent on destroying it. Neutrality was not an option. But this reinterpretation of 9/11 in Manichean terms of good and evil allowed many other governments to re-label their domestic difficulties as part of the global war on terror and to justify their own version of a ‘might-is-right’ approach to governance.

To defeat the terrorists, it is absolutely critical that the symbolism of America – the home of the free and the land of the brave, yes, but also the bastion of liberty, freedom, equality between citizens and rulers, democracy and a nation of laws – be kept alive. As Benjamin Franklin, one of the fathers of American independence, said, those who would sacrifice essential liberty to temporary safety deserve neither liberty nor safety. The robustness and resilience of the US commitment to human rights norms and values will be judged in the final analysis not by the breaches in the aftermath of 9/11, but by the reversal and attenuation of the breaches through domestic judicial and political processes as well as the pressures of civil society.

Just as America is a nation of laws that find expression in institutions, so Americans should work to construct a world of laws functioning through international institutions. The ‘UN can and does serve as the institutional vehicle through which international norms are codified into international agreements’.<sup>6</sup> Security Council Resolution 1456 (20 January 2003) obligates states to ensure that counter-terrorism measures comply with international human rights, refugees and international humanitarian law obligations. The Office of the High Commissioner for Human

Rights has published advice on how the war against terrorism can be balanced with human rights standards and norms.<sup>7</sup>

### *Group Grievance*

Second, grievance rooted in collective injustice against ethnic and religious groups generates anger and armed resistance when the weaker resort to their comparative advantages in 'asymmetric warfare'. Often the driving force behind fanatic hatred is individual despair born of collective humiliation. Fanaticism feeds on grievance, and grievance is nurtured by deeply felt injustice. The US becomes the focus of grievance if its arms and policies are seen to be propping up occupying or brutalising forces: 'the anger of young Muslims results primarily from revulsion at their corrupt leaders, and the subservience of these rulers to the United States'.<sup>8</sup> Of all the so-called 'root causes', the most proximate is the sense of humiliation of the collective Arab identity.<sup>9</sup> The occupation by US tanks and soldiers of Baghdad, the capital of the Islamic world during the golden age of their civilisation, is deeply humiliating. For young Muslims, 'it is better to carry arms and defend their religion with pride and dignity than to submit to this humiliation'.<sup>10</sup>

Security from the fear of terrorism is indivisible. How many of today's radical extremists, embracing terror against a host of countries, are yesterday's 'freedom fighters' trained and financed by the West as jihadis against the former enemy? Muslims from all over the world flocked to the Afghan resistance against Soviet occupation, received CIA training in arms and explosives for guerrilla fighting, became battle hardened and acquired pride, power and comradeship in the victorious struggle. After the expulsion of the Soviets, Afghan veterans fanned out to every struggle involving Islamic communities. The United States is not the only culprit; there are many other examples of 'blowback', including India and Pakistan. Rather than feeding the fires of group grievance across one another's borders, nations would be better advised to cooperate in dousing the flames and containing the common threat.

Terror is the tactic of choice of those who harbour the sense of having been wronged, are too weak to do anything about it through conventional means and are motivated to seek vengeance by other means. Terrorism is the attempt to use indiscriminate violence to change politics. Therefore the defeat of terrorism can never



be simply a law enforcement problem, but must inject the political calculus into the centre of debates over tactics and strategy. Those resorting to the illegitimate tactic of terrorism can be isolated, but their goals may still be worth supporting and may even be necessary to support for the sake of separating the perpetrators from their sympathisers in the wider community. The UN is the ultimate symbol of inter-group relations based on equality, law and justice that temper the raw interplay of power and money. It is the forum of choice for mediating power asymmetries.

### *Intractable Conflicts*

Third, long-running conflicts spawn generations of radicalised populations, from Palestine to Kashmir and Sri Lanka. Robert Pape, having compiled a comprehensive database of every single suicide terrorist attack in the world from 1980 to early 2004, argues that 95 percent of suicide terrorists aim at compelling military forces to withdraw from the territory that terrorists view as their homeland under foreign occupation.<sup>11</sup> Thus territorial liberation, not religion, is what they have in common. Simply allowing conflicts to lie dormant for decades, in the hope that something will come right eventually, is not enough. Al-Qaeda is a vast, decentralised and clandestine operation spread across Asia, the Middle East and Africa that has successfully infiltrated and colonised many separatist and independence movements.

While the US will always be the most forceful and sometimes may even be the most welcome mediator and peacemaker, usually the UN forum is more authoritative and more broadly acceptable for conflict resolution efforts. Washington therefore has a vested interest in strengthening both the principle of UN-centred multilateralism and its administrative, technical and financial capacity for conflict resolution.

### *Poverty*

Fourth, terrorism highlights the development-security nexus. No serious analyst postulates a simple and direct causal link between poverty and terrorism. But it can be an incubator of terrorism. 'While poverty and denial of human rights may not be said to "cause" civil war, terrorism or organised crime, they all greatly increase the risk of instability and violence'.<sup>12</sup> A quick and simple review of the countries in which the

systematic use of terror by state and nonstate groups is commonplace confirms its link with poverty, underdevelopment and lack of democracy. The leaders of terrorist actions – like leaders in most walks of life – tend to be affluent and well-educated; but they find ready recruits as foot soldiers among the poor, illiterate and marginalised groups. Alienation, despair and discontent provide fertile grounds to recruit would-be terrorists and maintain a pool of supporters in society at large. Poverty also detracts from the state capacity to provide universal education through the public sector, resulting in thousands of children going to private religious institutions and being schooled in the twin cultures of the Koran and the Kalashnikov.

Poverty elimination is the UN's biggest goal and challenge. The organisation is dedicated to the task of economic development and the goal of poverty reduction in general and the eradication of extreme poverty in particular. Such a role for the UN is not just accepted by the developing countries; it is demanded by them. The world had signed on to the Millennium Development Goals already before 9/11. The calls to help combat the scourge of poverty have found a more sympathetic and receptive audience after that date. The effort to reach the agreed targets is an inalienable part of the UN's reform agenda.

### *Clash of or Dialogue among Civilisations?*

Finally, a dialogue among civilisations will help to promote intercultural harmony and defuse hate-based terrorism. Individual terrorism should not provoke mass intolerance. Islamic terrorists are no more representative of Islam than any fundamentalist terrorists are of their broader community: the Irish terrorists of Christianity, or the Tamil terrorists of Hinduism. The victims of the hijacked planes and the World Trade Centre destruction, along with the rescuers, reflected modern American society in all its glorious diversity. The best way to honour victims is to recognise our common humanity. Perceptions of a US or Western crusade against Islam are likely to alienate many Muslims from the West and drive them into the arms of the fundamentalists. Instead of viewing terrorism through the lens of a war between civilisations, we have to see it as a war *on* civilisation (an assault on values and freedoms we hold dear), and a war *for* civilisation (the defence of the values and freedoms that we hold dear). The United Nations is both the symbolic meeting place of all civilisations and the most readily accepted forum for promoting and engaging in

the dialogue among civilisations.

## **Conclusion**

Defeating international terrorism requires both military and police action, and nation-building: repairing and stabilising war-torn countries, establishing the institutions and structures of government and the rule of law, consolidating civil society, and building markets. The first, spectacular part can be left to the powerful, although even unilateral action needs an institutional context. The second, less glamorous part underlines the importance of international agreements, institutions and policing.

The UN role in countering terrorism must necessarily be limited and modest. It is the forum of choice for regime negotiation and norm promotion. It lacks enforcement capacity, but it can promulgate and promote the normative and legal framework of a counter-terrorism regime. It can also be the coordinating forum for counter-terrorism efforts by states, regional organisations and technical agencies like the IAEA. With respect to biological and chemical weapons, the UN could be the central coordinator and clearing house for information, aligning the work of national and functional agencies; and a clearing house for the global stockpiling and distribution of drugs and vaccines in a global crisis.

An urgent task is adopting a universally accepted definition. The High-Level Panel defined terrorism as ‘any action... that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act... is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act’.<sup>13</sup> The focus on the nature of the acts breaks the unhelpful link with causes and motivations. It affirms that ‘terrorism is never an acceptable tactic, even for the most defensible of causes’ and therefore ‘must be condemned clearly and unequivocally by all’.<sup>14</sup> That the Palestinian people have a just cause and a justified grievance does not mean that blowing up a busload of school children is just: it is an act of terrorism, not a battle in an armed liberation struggle. If the Palestinians resorted to a ‘clean’ war, given overwhelming Israeli superiority, the Palestinians would lose. But it is equally true that the violation of the civilian immunity principle by suicide bombers has been a political catastrophe for their cause. The proposed definition brings clarity and rigor, removes the ideological edge from the debate and mutes the charges of inconsistency and double standards.

Because terrorism is a tactic of deliberately targeting civilians in order to achieve political goals, it always represents a conscious choice of one tactic over others.

Recalling that existing normative instruments for the use of force by states are well developed and robust, the High-Level Panel calls for similar strength concerning nonstate actors.<sup>15</sup> This is a contentious and contestable claim. For decades, it has been common to use the word ‘terrorist’ to describe regimes ‘that kill, torture and make people disappear in order to terrify the rest of the population’. The HLP and the SG are trying to alter this powerful moral discourse for the worse, especially as the moral effects of shaming ‘are likely to be greater where state officials fall within the definition of terrorist than when private actors do’.<sup>16</sup>

In his response the Secretary-General reaffirms the definition, notes that terrorism is ‘neither an acceptable nor an effective way to advance’ a cause, and calls for it to be included in a comprehensive convention. He outlines five pillars of a counter-terrorism strategy, all of which are included in the above analysis: dissuasion of people from resorting to or supporting terrorism; denial of access to funds and materials to terrorists; deterrence of states from sponsoring terrorism; capacity development so states can defeat terrorism; and defence of human rights.<sup>17</sup> The strong condemnation of terrorism ‘in all its forms and manifestations’, no matter what the cause, was reiterated in the outcome document of the 2005 world summit, and the call for a comprehensive convention and the Secretary-General’s counter-terrorism strategy were endorsed.<sup>18</sup> But the assembled leaders failed to agree on a norm-setting definition.

The fight against terrorism is a war with no frontiers, against enemies who know no borders and have no scruples. If we abandon our scruples, we descend to their level. The dialogue of civilisations is a discourse across all frontiers, embracing communities who profess and practice different faiths, but have scruples about imposing their values on others. The need of the hour is for discourse among the civilised, not a dialogue of the uncivilised deafened by the drumbeats of war.

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<sup>1</sup> Coral Bell, ‘Power and World Order’, in Edward Newman, Ramesh Thakur, and John Tirman, eds., *Multilateralism under Challenge? Power, International Order, and Structural Change* (Tokyo: United Nations University Press, forthcoming).

<sup>2</sup> Not all terrorist groups are global in their orientation and scope; the Liberation Tigers of Tamil Eelam (LTTE) are not Al Qaeda.

<sup>3</sup> ‘Those who make peaceful revolutions impossible make violent revolutions inevitable’; Mai

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Yamani, 'Saudi Arabia pushing sand against tide', *Japan Times*, 29 May 2005.

<sup>4</sup> Kofi A. Annan, *In larger freedom: towards development, security and human rights for all*. Report of the Secretary-General (New York: United Nations, document A/59/2005, 21 March 2005), paras. 148–51. For a study of the UN's role, see Edward Newman and Roland Rich, eds., *The UN Role in Promoting Democracy: Between Ideals and Reality* (Tokyo: United Nations University Press, 2004).

<sup>5</sup> Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror* (Princeton: Princeton University Press, 2004).

<sup>6</sup> Christopher C. Joyner, 'The United Nations and Terrorism: Rethinking Legal Tension between National Security, Human Rights, and Civil Liberties', *International Studies Perspectives* (2004:5), pp. 241–42.

<sup>7</sup> *Digest of Jurisprudence of the UN And Regional Organizations on the Protection of Human Rights While Countering Terrorism* (Geneva: Office of the High Commissioner for Human Rights, July 2003).

<sup>8</sup> Mai Yamani, 'Alienated Muslims build internet shrine', *Australian Financial Review*, 30 June 2004.

<sup>9</sup> See Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (St. Paul: Ecco, 2003).

<sup>10</sup> Jessica Stern, 'Terrorism's new Mecca', *Globe and Mail* (Toronto), 28 November 2003.

<sup>11</sup> Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005).

<sup>12</sup> *In larger freedom*, para. 16.

<sup>13</sup> High-level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility* (New York: United Nations, A/59/565, December 2004), para., 164.d. What does this definition imply for the doctrines and practice of nuclear deterrence?

<sup>14</sup> *Ibid.*, paras. 157, 161.

<sup>15</sup> *Ibid.*, para. 159.

<sup>16</sup> Tom Farer, 'The UN Reports: Addressing the Gnarled Issues of Our Time', *International Spectator*, 2/2005, p. 12.

<sup>17</sup> Annan, *In larger freedom*, paras. 84, 88, 91.

<sup>18</sup> Draft Outcome Document, 13 September 2005, paras. 81–83.