

The Day After 9/11: UN Security Council's Passes Resolution 1368 and Starts "Pillar Four" of the United Nations

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Renowned Icelandic composer and author Elias Davidsson passed away on April 7, 2022.

Our thoughts are with Elias whom I first met in Iceland in 2006.

His Legacy will live. This article focusses on resolution 1368 adopted by the UN Security Council on September 12, 2001. This resolution largely endorses de facto collective security self-defense adopted that same morning by the Atlantic Council in Brussels.

The first draft of this article was written in 2014.

The first overt diplomatic achievement by the United States related to 9/11, was Resolution No. 1368. It was adopted at noontime by the UN Security Council on September 12, 2001. The resolution contained the obligatory statements of condemnation and of solidarity with the 9/11 victims and their families. But this particular resolution manifested three puzzling features whose implications are unsettling.

Resolution 1368 included a one-paragraph preamble in which the Council "recognized the inherent right of individual or collective self-defence in accordance with the Charter." There was no need to mention this particular principle in the resolution unless it was the intent of the Council to give the United States a wink that it may, if it wishes, use military force against any country it chooses as a response to 9/11.

A Wink

Note that the Council did not "authorize" the United States to use military force, as it had done in the case of the invasion and occupation of Kuwait by Iraq in 1990,[1] but chose to convey to the United States indirectly the message that the Council would look the other way and ask no questions, if the United States would use military force against foreign states in response to 9/11.

That is precisely what happened: The U.S. bombing campaign against Afghanistan and the subsequent occupation of that country was not condemned by any member of the Security Council, although it was a violation of customary international law – as established on the basis of the so-called Caroline doctrine – and of the U.N. Charter.

According to the Caroline doctrine, the resort to self-defense requires “a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment of deliberation.” Furthermore, any action taken must be proportional, “since the act justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it.”

Resolution 1368 also condoned a blatant act of aggression. The International Military Tribunal at Nuremberg (1945) called the waging of aggressive war “not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole.” [2]

I argue that by including the Charter’s provision on self- defense into Resolution No. 1368, Council members contributed to the violation of customary international law and the commission of the supreme international crime by the U.S. government, namely aggression.

Was 9-11 an International Act?

Furthermore, the Council designated the events of the preceding day as an act of “international” terrorism, and “a threat to international peace and security” without being provided with the slightest evidence in support of both of these assertions. The Council is not known to have at any time requested or obtained such evidence.

Note: it is the formula “threat to international peace” that gives the UNSC the authority to issue resolutions that bind member states. I am referring to Article 39 of the UN Charter:

” The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”

According to the US’s official account, four airliners in domestic routes were hijacked by 19 passengers on September 11, 2001. Even if that account had been true – which it is not – it would not have amounted to an act of “international” terrorism, but would remain a large-scale act of domestic terrorism by travelers whose real identities remain in question.

A further puzzling feature is the swiftness with which Resolution 1368 was adopted. Had the above two features not been included in the resolution – calling 9/11 international terrorism and designating terrorism as a threat to peace — there would be nothing odd about the fact that it was adopted one day after the attacks.

Numerous governments and inter-governmental organisations adopted resolutions on the very day of the attacks, September 11, 2001, in which they condemned the attacks and expressed solidarity with the victims. They, however, carefully refrained from designating the attacks as containing an international dimension.

Vast Implications

The two features discussed above were neither self-evident nor necessary, yet have vast legal and political implications. It is inconceivable that individuals sitting in the Council, representing their governments, would approve the wording of Council resolutions on the base of their personal feelings, no matter how strong.

Drafts of Security Council resolutions, particularly those which contain legal precedents or entail legal consequences, are typically examined – down to their punctuation – by legal experts in the home countries of the Council’s members. It is inconceivable that experts around the world would be able to assess within hours the legal and political ramifications of the features discussed above.

I can conceive of only two explanations for this apparent swiftness: Either the United States (backed by its NATO allies) threatened the governments of the other Security Council members with severe sanctions, should they fail to adopt this resolution, or the draft resolution had been circulated to, and approved by selected members of the Security Council prior to the events of 9/11, in order to ensure its speedy adoption on September 12, 2001. Both explanations give rise to highly disturbing questions.

Now for a comment on the probity of information put before the UNSC. The Security Council does not have to base its decisions on proven facts. It may legally base its operative decisions on hunches, hypotheticals, hearsay and even fantasy. The Security Council would be legally entitled to determine that the earth is flat, if such determination would politically suit its members.

The members of the Security Council are admittedly under the legal obligation to act in good faith, but no international entity has been set up to examine whether they have complied with this principle, and if violated, to invalidate decisions based on the breach of this principle.[3]

The readiness of all members of the Security Council to underwrite American foreign policy aims, as reflected in the provisions of Resolution No. 1368, must be regarded as a historical watershed.

The UN’s Fourth Pillar

For years, I have been a lonely voice pointing out that the UNSC’s Permanent Five (US, UK, France, Russia and China) have committed themselves to define “international terrorism” as a major threat to world peace. This definition is a monumental lie, for terrorism is not even a threat to the sovereignty, national defense, or political order of any country. While terrorism (attacks on civilians for political purposes) is a crime, the number of people killed yearly by terrorist acts in most countries lies between zero and 10. In Europe, a territory of over 500 million people, about 44 people die on the average yearly in terrorist attacks (compared to over 5,000 yearly homicides).

I have repeatedly warned that the United Nations have adopted the ideology of “counter-terrorism” as one of the pillars for the entire UN system. Now, finally and belatedly, others vindicate my warnings. In June 2020, the UK-based organization Saferworld has lamented the mainstreaming of the counter-terrorism ideology within the United Nations Organization.

“For three-quarters of a century, peace, rights and development have been the three core pillars that define the UN’s unique purpose. However, in the post-9/11 era, governments’ collective determination to define terrorism as the pre-eminent global security challenge has made a deep impression on the UN [sic]. Counter-terrorism has come to the fore through a flood of UN Security Council resolutions, General Assembly strategies, new funding streams, offices, committees, working groups and staff – all dedicated to counter-terrorism.” [4]

Any Good Guys?

I urge all those who for various reasons believe Russia and China to be “the hope for Mankind” as opposed to Western imperialism, to take a second look at this perception. The five permanent members of the UN Security Council are firmly committed to the fraudulent counter-terrorism ideology, for it provides all governments around the globe with justifications to abolish democracy and institute a digital dictatorship.

The counter-terrorism ideology, now complemented by a global health-scare campaign, is precisely the cement that binds the rulers of the P5, and it bears no relation to Al Qaeda, ISIS or other real or fake terrorist organisations. The P5, serving their ruling classes, have thus declared a war against the world’s peoples. The United Nations, once a hope for the world, have become a tool of oppression. “We the People” can trust no government and no organisation of states to ensure our rights and liberties. We must join hands across borders without state or corporate interference to restore an acceptable world order.

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Notes

[1] This is from the “Gulf war”: Under SC Resolution 678 of November 29, 1990, the Security Council “authorize[d] Member States co-operating with the Government of Kuwait [...] to use all necessary means to uphold and implement resolution 660(1990) and all subsequent relevant resolutions and to restore international peace and security in the area.”

[2] The Rome Statute of the International Criminal Court, too, refers to the crime of aggression as one of the “most serious crimes of concern to the international community”, and provides that the crime falls within the jurisdiction of the International Criminal Court (ICC).

[3] See, in particular, Elias Davidsson, “The Security Council’s Obligations of Good Faith”, Florida Journal of International Law, Vol. XV, No. 4 (Summer 2003) (<http://www.aldeilis.net/bpb/goodfaith.pdf>)

[4] <https://www.saferworld.org.uk/downloads/ct-texttp-final-file.pdf>

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