

ODUMUNC 2010
Issue Brief for the
Special Political and General Assembly Plenary



Measures to Eliminate International Terrorism

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Introduction

The United Nations is engaged in the ongoing serious debate on international terrorism. But as a body bound by the sovereignty of its 192 member states and the need for international consensus, its approach to the issue is very distinct. The United Nations typically is not at the forefront of international counterterrorism, but its decisions carry enormous weight, giving measures much greater legitimacy than they can have merely as national policy of a particular country. The UN tends to do less, in other words, but its actions tend to mean more.

The U.S. National Counterterrorism Center reported there were worldwide approximately 11,800 terrorist attacks in 2008, dominated by Iraq and Afghanistan.¹ One result of rising numbers and enormous pressure from the United States under President George W. Bush is a growing willingness in the United Nations to deal with growing threat. Despite the recognition of the importance there is lack of the legal comprehensive phenomena's definition adopted by the United Nations, which causes problems in introducing common international law and is one of the debated issues that should be resolved. Countries also can be ambivalent in attitudes toward terrorist methods, often shielding particular groups they may sponsor or favor.

While the UN Security Council usually focuses on specific actions to deal with particular terrorist problems, the General Assembly usually stresses broad principles to guide the entire international community on these issues. There are important exceptions, though, such as Palestine, where the GA also gets into relevant regional issues. In 2006, the United Nations General Assembly adopted the *Global Counter-Terrorism Strategy*. The strategy is composed of five pillars: dissuading groups from resorting to terrorism; denying terrorists the means to carry out an attack; deterring states from supporting terrorist groups; developing state capacity to prevent terrorism; defending human rights in the context of terrorism and counter-terrorism.² The document confirmed the United Nation's commitment to work towards comprehensive law as a measure to eliminate international terrorism.

¹ The National Counterterrorism Center (2009). *2008 Report on Terrorism*
Retrieved on 11th October 2009 from <http://wits.nctc.gov/Reports.do?f=crt2008nctcannexfinal.pdf>

² UN Action to Counter terrorism. *Adopting a global counter-terrorism strategy*.
Retrieved on 11th October 2009 from <http://www.un.org/terrorism/framework.shtml>

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International Standards

The lack of commonly used definitions did not stop the United Nations from elaborating legislation aimed at preventing acts commonly seen as terroristic. Documents mentioned below are aimed to establish legal regimes to recognize, prevent and fight with terrorism in various forms and conditions. The collection of the United Nations law on terrorism includes “30 instruments, 16 universal (13 instruments and 3 recent amendments) and 14 regional, pertaining to the subject of international terrorism”³. The 13 universal instruments are:

- Aircraft Convention (1963),
- Unlawful Seizure Convention (1970),
- Civil Aviation Convention (1971),
- Diplomatic agents Convention (1973),
- Hostages Convention (1979),
- Nuclear Materials Convention(1980),
- Airport Protocol (1988),
- Maritime Convention (1988),
- Fixed Platform Protocol(1988),
- Plastic Explosives Convention (1991),
- Terrorist Bombing Convention (1997),
- Terrorist Financing Convention (1999),
- Nuclear Terrorism Convention (2005).

Drafting a new conventional or international law always is a strong possibility for GA action. There also is a strong tradition of regional conventions on terrorism like the *European Convention on the Suppression of Terrorism* (1977) adopted by the Council of Europe; the *Arab Convention on the Suppression of Terrorism* (1998) adopted by the League of Arab States; the *Convention of the Organization of the Islamic Conference on Combating International Terrorism* adopted in 1999; the *Organization of American States Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that*

³ United Nations. (2009). Extract from the Report of the Secretary –General on Measures to eliminate International Terrorism (DOC. A/63/173 and Add.1). Retrieved October 11, 2009, from http://untreaty.un.org/cod/terrorism/terrorism_tableupdateJanuary2009.pdf

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are of International Significance (1971); the *Organization of African Unity Convention on the Prevention and Combating of Terrorism* (1999); and the *Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism* (1999).

UN bodies & International Terrorism

To strengthen cooperation regarding international terrorism and create further legislation, the United Nations established a number of specialized bodies. The most important probably is the *Ad Hoc Committee* (AHC). This was established by the GA in 1996 “to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism”.⁴ Other vital UN actors include the United Nations Office on Drugs and Crime, Terrorism Prevention Branch, the Security Council’s Counter-Terrorism Committee, and the United Nations’ *Counter-Terrorism Implementation Task Force* (CTITF).

In 1994, the General Assembly passed the *Declaration on Measures to Eliminate International Terrorism* (Res. 49/60, 9 December 1994). In 1996, it adopted the *Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism* (Res. 51/210, 17 December 1996) which established the AHC. After the establishment of the AHC, the work on legislation accelerated and resulted in the adoption of three aforementioned conventions: *Terrorist Bombing Convention* (1997), *Terrorist Financing Convention* (1999), and *Nuclear Terrorism Convention* (2005). The main goal of the AHC is still not accomplished and a comprehensive approach has not been created. The negotiation on the draft of the Comprehensive Convention on International Terrorism is ongoing and has not reached a final conclusion.

The UNODC Terrorism Prevention Branch began operations in 1999. Its activities include building databases of international terrorist incidents, threat assessment, conducting research projects and preparing technical manuals. In 2002, the General Assembly decided to expand responsibility of the branch in delivering counter-terrorism legal and related technical assistance.

⁴ United Nations. (1996). *Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, Res. 51/210 of 17 December 1996*. Retrieved October 11, 2009, from <http://daccessdds.un.org/doc/UNDOC/GEN/N97/761/65/PDF/N9776165.pdf?OpenElement>

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Its role was again underlined in the United Nations Global Counter-Terrorism Strategy (CTS) adopted by the General Assembly in 2006. The UNODOC is working closely with the Security Council Counter-Terrorism Committee and CTITF (Counter-Terrorism Implementation Task Force). The Committee was established by Security Council resolution 1373 in 2001 mainly in reaction to the 11 September terrorist attacks. It not only established the body, but also called member states to become parties of United Nations instruments aimed at fighting with terrorism. The CTITF was established in 2005 by the Secretary-General. Its role is to coordinate United Nations effort in fighting terrorism. It is responsible for introducing goals of the CTS. The CTITF plays an extensive role in coordination of efforts of main United Nations counter-terrorism actors.

Challenges

The work on the draft Comprehensive Convention on International Terrorism (CCIT) started in 2000, nearly ten years ago. The first negotiations on the draft took place in 2002. The prolonging period of negotiations proved that despite overall consensus on the need of eliminating terrorism, there are differences between states on certain issues. The 13th session of the AHC, held in July 2009, did not reach a final decision on the CCIT. The disagreement continued on the following issues: the legal definition of terrorism and terrorist acts, inclusion of state terrorism as a form of terrorism, the relationship between terrorism and anti-colonial and national liberation, activities of armed forces of the state during armed conflict, name of the Convention and high-level conference on terrorism.

The challenge of creating a widely recognized definition of terrorism is the distinction between the criminal acts conducted under freedom-fighting and terrorism. States like the United States or Israel stand on the position that there is no justification for criminal acts, terrorism in the name of freedom fighting. In practice, the United States has been more adaptable. The United States sponsored many terrorist organizations under President Ronald Reagan such as UNITA in Angola and the Contras in Honduras-Nicaragua. Although often forgotten in the United States, this support is a major consideration within those regions.

The 118 members of the Non-aligned Movement (NAM) and the 56-country Organization of Islamic Conference (OIC) stress to create the distinction between terrorism and the armed struggle and resistance in the right to self-determination. They support Palestinian violence

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against Israel as part of their struggle for national self-determination, and oppose any resolution that would weaken their ability to send people, financial support or arms to the Occupied Palestinian Territories (OPT). They also maintain that “state terrorism”—excessive use of force by government agencies—deserves equal condemnation. Iran, Libya, and Syria have been especially active in condemning state terrorism, which they insist should be part of any definition of terrorism.

A similar division has emerged between India and Pakistan, initially over Pakistani support for Kashmiri separatist groups that attack Indian armed forces in the disputed state, and especially since the November 2008 terrorist attacks in Mumbai (Bombay), associated with a Pakistan-based group. Pakistan views India’s vigorous anti-terrorism actions as an effort to create instability and undermine the Pakistani government.

Conclusion

The Ad Hoc Committee has yet to reach agreement on basic issues surrounding defining terrorism. However there are signs of possible agreement on CCIT in the coming 2010 year. After the AHC session, the 15th Summit of the Non-Aligned Movement adopted a declaration calling conclusion of the CCIT and organize of the high-level conference on terrorism. This October the AHC meeting is going to take place. There is high possibility of compromise in many issues and finalization of the draft CCIT.

Recommended Resources

The UN Ad Hoc Committee “on the measures to eliminate international terrorism”
<http://www.un.org/law/terrorism/index.html>

The UN Action to Counter Terrorism
<http://www.un.org/terrorism/index.shtml>

The UN Security Council Counter-Terrorism Committee
<http://www.un.org/sc/ctc/aboutus.html>

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The UNODC Terrorism Prevention Branch

<http://www.unodc.org/unodc/en/terrorism/index.html>

<http://www.uncjin.org/Special/PM991216/Netscape/WebTPB.htm>

The UN General Assembly Sixth Committee (Legal) – 64th session

<http://www.un.org/ga/sixth/index.shtml>

The United Nations Dag Hammarskjöld Library – section: International Terrorism

<http://www.un.org/depts/dhl/resources/terrorism/>

The UN News Center – section: Combating Terrorism

<http://www.un.org/apps/news/infocusRel.asp?infocusID=8&Body=terror&Body1>

Documents:

The United Nations – Texts and Status of the United Nations Conventions on Terrorism
(Documents available on the website listed below the link)

http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml&menu=MTDSG

<http://www.un.org/News/dh/latest/intreaterror.htm>

1. Convention on Offences and Certain Other Acts Committed On Board Aircraft (Aircraft Convention)
2. Convention for the Suppression of Unlawful Seizure of Aircraft (Unlawful Seizure Convention)
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Civil Aviation Convention)
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (Diplomatic agents Convention)
5. International Convention against the Taking of Hostages (Hostages Convention)
6. Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention)
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Airport Protocol),
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Maritime Convention)

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9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Fixed Platform Protocol)
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection (Plastic Explosives Convention)
11. International Convention for the Suppression of Terrorist Bombings (Terrorist Bombing Convention)
12. International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention)
13. International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention)

Declaration on Measures to Eliminate International Terrorism, Res. 49/60 of 9 December 1994
<http://www.un.org/documents/ga/res/49/a49r060.htm>

Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, Res. 51/210 of 17 December 1996
<http://www.un.org/documents/ga/res/51/a51r210.htm>

The U.S. Code - Title 18, Part I, Chapter 113B, § 2331
http://www.law.cornell.edu/uscode/18/usc_sec_18_00002331----000-.html

General Articles/Reports:

Report: Draft Convention on International Terrorism (2009). Retrieved on 11 October 2009 from Center for Nonproliferation Studies website: <http://cns.miis.edu/inventory/pdfs/intlterr.pdf>

The National Counterterrorism Center (2009). *2008 Report on Terrorism*. Retrieved on 11 October 2009 from The National Counterterrorism Center website: <http://wits.nctc.gov/Reports.do?f=crt2008nctcannexfinal.pdf>

Terrorism. Retrieved on 11 October 2009 from ReformtheUN.org (project of the World Federalist Movement - Institute for Global Policy) website: <http://www.reformtheun.org/index.php/issues/1738/?theme=alt4>

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Graphics:

Main Actors of the United Nations System in Counter-Terrorism Efforts. Retrieved on 11 October 2009 from The UN Action to Counter Terrorism Website: http://www.un.org/terrorism/pdfs/CT_organogram_Feb2009-3.pdf

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Video:

International body to fight terrorism Saudi Arabia. Retrieved on 11th October 2009 from website: <http://www.bing.com/videos/search?q=international+terrorism&docid=1228661456982&FORM=VIRE2>