4. MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

I. INTRODUCTION

1. Terrorism has been of concern to the international community since 1937 when the League of Nations elaborated the Convention for the Prevention and Punishment of Terrorism. Subsequently, the United Nations and regional inter-governmental organizations have dealt with terrorism from a legal and political perspective. Since 1963, the international community has elaborated universal legal instruments related to the prevention and suppression of international terrorism, which constitute the universal legal regime against terrorism.

2. The item “Measures to Eliminate International Terrorism” have been on the agenda of the UN General Assembly of the United Nations and various other international organizations for over three decades. During this period several international legal instruments were adopted addressing certain specific acts of terrorism, which are also known as Sectoral Conventions. However, the adoption of the historic Declaration on “Measures to Eliminate International Terrorism” by the General Assembly at its 49th Session, on 9th December 1994, gave impetus to the active consideration of the issues involved.

3. At its 51st Session, the UN General Assembly adopted a Supplement to its 1994 Declaration and established an Ad Hoc Committee with the mandate to elaborate an International Convention for the Suppression of Terrorist Bombings and another one on Suppression of Acts of Nuclear Terrorism. Following the mandate, the Ad Hoc Committee met twice during the year 1997 and completed its work on the International Convention for the Suppression of Terrorist Bombings, which later was adopted by the General Assembly, at its 52nd Session, on 15 December 1997.

4. In the meantime, at its 53rd Session, the UN General Assembly initiated consideration of a draft Convention for the Suppression of Financing of Terrorism taking as a basis for discussion on the draft text submitted by the delegation of France to the Sixth Committee. The Convention was adopted by the General Assembly on 9th December 1999.

5. At the 53rd Session, the UN General Assembly decided that the negotiations on the Draft Comprehensive Convention on International Terrorism based on the draft circulated by India, earlier at the 51st Session in 1996, would commence in the Ad Hoc Committee at its meeting in September 2000. In addition, it would also take up the question of convening a high level conference under the auspices of the United Nations to address these issues. Pursuant to that mandate, a Working Group of the Sixth Committee in its meeting held, from 25th September to 6th October 2000, considered the Draft

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1 A/RES/49/60.
3 A/RES/52/164.
4 A/RES/54/109.
Comprehensive Convention on International Terrorism as proposed by India. Since then the matter has been under active consideration of the Ad Hoc Committee and the Sixth Committee of the UN General Assembly.


7. The present Secretariat Report seeks to highlight the developments that have taken place after the 62nd Session of the General Assembly of the United Nations. The Report briefly highlights Deliberations on the Draft Comprehensive Convention on International Terrorism at the Sixth Committee of UNS General Assembly at its 62nd Session (2007); Discussion on the Draft Comprehensive Convention on International Terrorism at the Twelfth Session of the Ad Hoc Committee; Developments in the Counter Terrorism Committee; Deliberations at the Forty-Seventh Session of AALCO; and comments by the AALCO

II. DELIBERATIONS ON THE DRAFT COMPREHENSIVE CONVENTION ON INTERNATIONAL TERRORISM AT THE SIXTH COMMITTEE OF UN GENERAL ASSEMBLY AT ITS 62nd SESSION (2007)

8. The Sixth Committee considered the item at its 3rd to 5th, 16th and 28th meetings, on 10, 11 and 26 October and 19 November 2007. At its first meeting, on 8 October, the Sixth Committee established a Working Group to carry out the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210, as contained in resolution 61/40. The Working Group held three meetings, on 11, 15 and 18 October. Informal consultations were also held on the resolution on this item.

9. At the third meeting of the Sixth Committee, on 10 October, the Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 introduced the report of the Ad Hoc Committee (A/62/37); and at the 16th meeting, on 26 October, the Chairman of the Working Group presented an oral report on the work of the Working Group and on the results of the bilateral contacts with delegations which were held intersessionally on 16 and 17 October (A/C.6/62/SR.16).

10. Delegations reiterated their unequivocal and strong condemnation of terrorism in all its forms and manifestations and emphasised that terrorism remained a major threat facing the international community. The respect for the rule of law, in particular the Charter of the United Nations, international humanitarian law, human rights law and refugee law, in the fight against international terrorism was also underlined. A number of delegations pointed out that State Terrorism and the application of double standards in combating international terrorism had a negative effect on the efforts of the international community to eliminate international terrorism.
11. Several delegations emphasized that no link existed between terrorism and a particular faith or religion, nationality, civilization or ethnic group and stressed that continued efforts to encourage interfaith and inter-cultural dialogue were necessary as a way to address conditions conducive to violence and terrorism. The importance of prohibiting incitement to terrorism was also underlined and Member States were urged to harmonize their national legislation with the provisions of Security Council resolution 1624 (2005).

12. Delegations welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, reiterated their commitment to it and called for enhancing international cooperation to fully implement the Strategy and its plan of action. Some delegations noted with approval certain elements of the Strategy, including the necessity for State capacity-building in the prevention and combating of terrorism, of repressing the sources of the financing of terrorism and of addressing conditions conducive to terrorism as well as the reference to General Assembly resolution 46/51. Furthermore, the importance of reviewing and updating the Strategy in the light of new developments was underlined. The Sixth Committee was invited to focus on the legal and technical aspects of the matter, including the finalization of the Draft Comprehensive Convention on International Terrorism.

13. Delegations acknowledged with appreciation the efforts of the Counter-Terrorism Task Force in promoting the implementation of the Strategy in 2007 and support was expressed for the institutionalization of the Task Force and its funding through the United Nations regular budget. Several States called for increased financial support for the Task Force, while others specified the contributions that they had made to support it.

14. The key role of the United Nations in mobilizing the international community to combat international terrorism was emphasized and its enhanced cooperation with regional organizations in this area was welcomed. Several delegations praised the increasing role of the United Nations Office on Drugs and Crime (UNODC) and the Counter-Terrorism Committee Executive Directorate (CTED) in providing technical assistance to States at the regional and national levels, especially for developing countries. However, the view was also expressed that the current monitoring and supervising mechanisms assigned to the Counter-Terrorism-Committee, CTED and UNODC could be further streamlined.

15. Some delegations expressed support for the proposal made by Saudi Arabia to establish a counter-terrorism centre under the aegis of the United Nations and for the proposal by Tunisia to convene a high-level conference to establish a code of conduct in the fight against international terrorism. It was also suggested that a single entity within the United Nations be in charge of the fight against terrorism, on the same model as the Peace building Commission, be created.

16. Some delegations expressed support for serious consideration of amending the Rome Statute of the International Criminal Court to include the offence of
terrorism within the jurisdiction of the Court.

17. With regard to the work of the Ad Hoc Committee established by General Assembly resolution 51/210, delegations recalled that the conclusion of the Draft Comprehensive Convention on International Terrorism remained a priority for the General Assembly and called for its early conclusion. It was noted that the few remaining differences on the text were not insurmountable, and that all efforts should be made not to lose the momentum and to finalize the text. In this context, it was noted that the conclusion of the Draft Convention would greatly enhance the implementation of the Global Counter-Terrorism Strategy.

18. Several delegations expressed the view that the Draft Convention should contain a universally accepted definition of terrorism, which would, in principle, differentiate it from the legitimate struggle of peoples in the exercise of their right for self-determination from foreign occupation or colonial domination. It was also noted that the Draft Convention should be viewed as a functional criminal law instrument, and that any compromise text would not include an overarching definition of terrorism, a clear distinction between terrorism and the right to self-determination, or an explicit reference to State terrorism. It was also stressed that the Draft Convention should not interfere with the rules of armed conflict bycriminalizing conduct which would otherwise not be prohibited under international humanitarian law. Differing views were expressed on whether the activities of armed forces should be excluded from the scope of the Convention and whether it should address the issue of State terrorism. A suggestion was also made that the Draft Convention should contain a mechanism relating to the reparation to victims of terrorist acts.

19. The necessity of preserving the integrity of the current draft text and focus the negotiations on the outstanding issues relating to article 18 was emphasized. In this regard, some delegations noted with interest the recent proposal made by the Coordinator of the Draft Comprehensive Convention during the 2007 session of the Ad Hoc Committee and believed that it constituted a step in the right direction. A view was expressed that this proposal constituted a viable basis for compromise.

20. In relation to the question of the convening of a high-level conference under the auspices of the United Nations, while some delegations reiterated their support for the proposal, which would help formulating an organized response of the international community to terrorism, others pointed out that this issue should be considered only following an agreement on the Comprehensive Convention on International Terrorism.

21. At the 28th meeting, on 19 November 2007, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled “Measures to Eliminate International Terrorism”. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft
resolution. Also at the same meeting, the Committee adopted draft resolution A/C.6/62/L.14 without a vote.

III. TWELFTH SESSION OF THE AD HOC COMMITTEE ESTABLISHED BY GENERAL ASSEMBLY RESOLUTION 51/210 OF 17 DECEMBER 1996 (25 AND 26 FEBRUARY AND 6 MARCH 2008)

22. The twelfth session of the Ad Hoc Committee established by the UN General Assembly in its Resolution 51/210 of 17 December 1996 was convened in accordance with paragraph 23 of General Assembly Resolution 62/71. The Committee met at Headquarters on 25 and 26 February and on 6 March 2008. The Ad Hoc Committee held two plenary meetings: the 40th on 25 February and the 41st on 6 March 2008.

23. At the 40th meeting, the Ad Hoc Committee adopted its work programme and decided to proceed with discussions in informal consultations and informal contacts. At the same meeting, Ms. Telalian, Coordinator of the Draft Comprehensive Convention, was requested to continue her consultations and contacts on the outstanding issues concerning the Draft Convention during the current session of the Committee. At the same meeting, the Committee held a general exchange of views on the Draft Comprehensive Convention and on the question of convening a high-level conference.

24. The informal consultations regarding the Draft Comprehensive Convention on International Terrorism were held on 25 February and informal contacts were held on 25 and 26 February and from 27 February to 5 March, on the sidelines of the session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

25. The informal consultations concerning the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations were held on 26 February. At the same meeting, the Ad Hoc Committee adopted the report on its twelfth session.

26. At its 41st meeting, the Ad Hoc Committee decided to recommend that the Sixth Committee, at the sixty-third session of the UN General Assembly, establish a working group with a view to finalizing the Draft Comprehensive Convention on International Terrorism and continue to discuss the item included in its agenda by UN General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations.

A. Summary on the exchange of views in plenary meeting and on the results of the informal consultations

27. During the general exchange of views at the 40th meeting of the Ad Hoc Committee, on 25 February 2008, delegations reaffirmed their unequivocal condemnation of international terrorism in all its forms and manifestations, committed by whomsoever,
wherever and for whatever purposes. It was emphasized that international terrorism posed a threat to international peace and security, as well as to human life and dignity and to the consolidation of democracy. The continuing importance of the work of the United Nations system-wide, and of the General Assembly in particular, in combating terrorism was highlighted. In this regard, references were made to the landmark strides achieved thus far, including the 16 multilateral counter-terrorism instruments adopted under the United Nations auspices, the 2005 World Summit Outcome (General Assembly resolution 60/1), the United Nations Global Counter-Terrorism Strategy (resolution 60/288, annex), as well as the relevant Security Council resolutions. The importance of implementing the Global Counter-Terrorism Strategy through sustained and collaborative efforts of Member States was underlined. Some delegations also emphasized the necessity of strengthening international cooperation in the struggle against terrorism.

28. Delegations stressed that the fight against international terrorism should be conducted in conformity with international law, including the Charter of the United Nations, as well as relevant instruments concerning international human rights law, international humanitarian law and international refugee law. It was also reiterated that any attempt to link terrorism with any religion, race, culture or ethnic origin should be rejected, as there was no religion or accepted religious doctrine which encouraged or inspired terrorism. Concern was expressed by some delegations over the use of double standards in the fight against international terrorism. The need to address the root causes of terrorism was also emphasized by some delegations.

B. Draft Comprehensive Convention on International Terrorism

29. During the general exchange of views at the 40th meeting, delegations stressed the importance of finalizing the Draft Comprehensive Convention on International Terrorism, as it would be an effective tool for combating international terrorism, complementing the existing legal framework. They also reaffirmed their commitment to the current negotiating process and the early adoption of the draft comprehensive convention.

30. Some delegations observed that the Draft Comprehensive Convention would not be the final answer or sole response of the international community to combating international terrorism; rather it was intended to fill existing gaps and enhance cooperation among States in areas not yet covered by other legal instruments. It was also observed that the present draft text, having been refined over the years, preserved the integrity of international humanitarian law; it should not be considered to be an instrument by which to make changes to that law.

31. Some other delegations stressed the need for the Comprehensive Convention to provide for a clear legal definition of terrorism. It was added that such a definition should establish a clear distinction between acts of terrorism covered by the Convention and the legitimate struggle of peoples in the exercise of their right to self-determination or against foreign occupation. Furthermore, some speakers considered that the Comprehensive Convention should include provisions relating to military activities not covered by
international humanitarian law, and apply to individuals in a position to control or direct such military activities. The point was also made that the conclusion of the convention should not be at the risk of undermining the principle that terrorism cannot be justified for whatever purposes.

32. With regard to draft article 18, some delegations stated that the latest draft proposal by the Coordinator could be a sound basis for negotiating and reaching a consensus on the text, noting in particular that the proposal constituted a clarification of various aspects of the previous text of the draft article.

C. Question of convening a high-level conference

33. In the informal consultations, on 26 February, Arab Republic of Egypt, as sponsor delegation, reiterated that the convening of a high-level conference was important for several reasons. It would seek to address a myriad of issues concerning terrorism, including its root causes, the relationship between goals and means of combating terrorism, and the respect for the rule of law and human rights in this struggle. The conference could also provide a forum to elaborate a definition of terrorism and to identify practical ways of strengthening the central role of the United Nations in the fight against terrorism. The sponsor delegation recalled that the proposal had been endorsed by the Non-Aligned Movement Countries, the Organization of the Islamic Conference, the African Union and the League of Arab States. It reiterated that the convening of the conference should not be tied to the completion of the work on the Draft Comprehensive Convention. In this regard, it was stressed that some important issues to be addressed during the conference were not covered in the discussions on the draft Comprehensive Convention. Moreover, such a conference could provide a fresh impetus to efforts to complete the Draft Comprehensive Convention.

34. During the 40th and 41st meetings of the Ad Hoc Committee, as well as during the informal consultations, some delegations reiterated their support for the convening of a high-level conference and stated that it should not be linked to the Draft Comprehensive Convention. Some other delegations reiterated their support for the consideration of the proposal in principle. However, it was emphasized that the question should be considered after the finalization of the Draft Convention, which should remain the focus of the Committee. The view was also expressed that discussions on the draft Comprehensive Convention and the convening of a high-level conference could continue in parallel. Furthermore, support was expressed by some delegations for the elaboration of an international code of conduct in the fight against terrorism.

D. Reports on the informal contacts on the Draft Comprehensive Convention on International Terrorism

35. In her briefing, on 25 February on the informal intersessional contacts, the Coordinator of the Draft Comprehensive Convention, Maria Telalian (Greece), said that two rounds of bilateral contacts had been convened intersessionally, on 13 and 20 February 2008. On several occasions, she had also met informally with a number of
delegations outside the framework of those scheduled contacts. The purpose of the bilateral contacts had been to afford delegations the opportunity to remain engaged, particularly in the light of the text containing elements of a package to resolve the outstanding issues surrounding the Draft Comprehensive Convention, which had been presented during the 2007 session of the Ad Hoc Committee.

36. The Coordinator recalled that the proposal built upon already existing language and that the additional elements were presented with a view to seeking to bridge the gaps between divergent viewpoints. With regard to the need for a clear delineation, the Coordinator recalled that exclusionary clauses already existed in several of the sectoral counter-terrorism instruments, including the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of Acts of Nuclear Terrorism. The proposed elements to draft article 18 were, in substance, very similar to those clauses but, in the light of the broader scope of the Draft Comprehensive Convention, they sought to provide clarity and further guidance, including to those who might be responsible for implementing the sectoral conventions. The purpose of excluding certain activities was not to allow impunity but only to carve out from the scope of the convention certain activities regulated by other fields of law. Since the Draft Comprehensive Convention would be implemented in the context of an overall international legal framework, the importance of preserving the integrity of those other fields of law had been recognized earlier on. It had also been recognized that the Draft Comprehensive Convention, or the earlier conventions, should not attempt to rectify any perceived flaws or problems in such other fields of law, and in particular the complexity of problems that international humanitarian law was intended to confront. Such problems needed to be addressed in other forums and by the relevant law. The Coordinator nevertheless recalled that means and methods of warfare were not unlimited. International humanitarian law provides principles that offer guidance to States in situations of armed conflict, many of which have been generally accepted, including the principle of the distinction of civilians and non-combatants from combatants, the principle of proportionality, and the principle of prohibition to employ means and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

37. The Coordinator pointed out that, already, paragraph 2 of draft article 18 provided a demarcation between what is covered in the Draft Comprehensive Convention and the activities of armed forces during armed conflict, “as those activities are understood under international humanitarian law”. The general “without prejudice” clause in the new paragraph 5 aimed to further clarify this delineation. It was reiterated that the term “lawful” in this context should be understood with its double negative connotation, that is “not unlawful acts”, since international humanitarian law did not in a literal sense define which acts were “lawful”, but which acts were prohibited. In view of the need to distinguish those acts that were “unlawful” under paragraph 1 of draft article 2, which provides that the convention only covers “unlawful” activities, the term “lawful” in paragraph 5 was used as being more appropriate in the circumstances. The addition of this term in paragraph 5 was not intended to broaden the categories of persons falling under the exclusionary clause. The aim of the paragraph was to ensure that international humanitarian law was not prejudiced by the Draft Convention, and that those who
committed offences under that law were regulated by that law. The Coordinator also stressed that the Draft Convention was not intended to impose international humanitarian standards on States that would become parties to it if they were not bound by such standards. The Draft Convention was also not intended to supersede such obligations where they already existed.

38. With regard to the question of impunity, the Coordinator recalled that paragraph 3 of draft article 18, read together with paragraph 4, intended to close any gap in relation to the military forces of a State. It did not make lawful otherwise unlawful acts. It simply recognized that other laws apply in such circumstances and did not preclude prosecution under such laws. The new element, the reference to article 2 in paragraph 4 of draft article 18, together with the new preambular paragraph, only sought to accentuate that there is an inner core of conduct which, if committed, would constitute an offence which remained punishable irrespective of the regime that would apply. It was also stressed that a full understanding of draft article 18, whose constituent elements had to be read as a whole, would be incomplete without relating it to the other articles of the draft convention, in particular draft article 2, which in paragraph 1 provides for the purposes of the draft convention the criminal law definition of acts of terrorism. That paragraph contains two key phrases, namely “unlawful” conduct by “any person”, which were decisive in understanding the scope of the convention ratione personae.

39. In her briefing on 6 March on the informal contacts held during the current session, the Coordinator of the draft comprehensive convention stated that two rounds of informal contacts had been held, on 25 and 26 February 2008. In addition, she had also met informally with interested delegations, either bilaterally or in groups. The purpose of the informal contacts had been to provide delegations with an opportunity to engage further in discussions on the outstanding issues surrounding the draft comprehensive convention and to seek ways of moving the process forward, particularly in the light of the text containing elements of a package that was presented during the 2007 session of the Ad Hoc Committee.

40. Recalling that the draft convention was a criminal law enforcement instrument, the Coordinator stressed that parties to the convention would be responsible for its implementation in the context of other rules that form part of the international legal system. In any given situation, the parameters of consideration might be different. What was key for purposes of interpretation and application was the principle that international humanitarian law was not prejudiced by the convention nor did the convention seek to restrain the development of that law. She also reiterated that the draft convention was not intended to impose international humanitarian standards on States which would become parties to it if they were not bound by such standards, neither did the convention supersede such obligations, where they already existed. Also key was the principle that there was no impunity in respect of military forces of a State which might commit offences that might be similar to the ones the convention proscribed as the latter would be prosecuted under other applicable laws. It was explained that paragraphs 1 to 5 of draft article 18 built some flesh around those principles.
IV. REPORT OF THE COUNTER TERRORISM COMMITTEE

A. Survey of the implementation of Security Council Resolution 1373 (2001)

41. The survey has been prepared in response to a request by the Security Council in its Resolution 1805 (2008), and as part of the assessment by the Counter-Terrorism Committee Executive Directorate of progress made by Member States in the implementation of Security Council Resolution 1373 (2001). The Committee survey was prepared for it by experts of the Counter-Terrorism Committee Executive Directorate. It is based on their professional judgement of the information available as at October 2007. The survey relied on data compiled by the Committee Executive Directorate from reports of Member States, visit reports (in the case of States visited by the Committee) and from international organizations. The data was also recorded in 192 preliminary implementation assessments that have been prepared for all Member States. Dialogue on the preliminary implementation assessments and reports of Committee visits with Member States is ongoing. The Committee and its Executive Directorate continue to encourage this dialogue, in order to promote exchange of information and views with Member States on the implementation of resolution 1373 (2001).

42. The survey focused on the major thematic areas addressed by the resolution, notably on counter-terrorism legislation and policies pertaining to counter-terrorist financing, border control, law enforcement, international cooperation and the protection of human rights. The purpose of the survey was to present current general trends in the implementation of the resolution with a view to identifying regional vulnerabilities or areas where groups of States were facing particular implementation difficulties and thus might benefit from a regional or subregional approach to counter-terrorism. It was noted that in some subregions States display significantly varying levels of progress in their implementation of the resolution. It was also noted that in a number of regions many States face a range of challenges, including competing developmental priorities, limited training opportunities and continuing pressure on government budgets that impact on the level of progress in the implementation of resolution 1373 (2001).

43. Priority recommendations for future action by the Committee in each thematic area are as follows:

Legislation

(a) Promote the adoption of national counter-terrorism legal frameworks that are both coherent and comprehensive, that is, that include all the relevant terrorist offences, define the scope of terrorist acts, specify lawful investigative methods, guide criminal procedures in accordance with respect for human rights, designate the jurisdiction of the courts, prescribe set penalties and streamline sentencing;

(b) Encourage States to provide the relevant officials with the training
necessary to implement the counter-terrorism legal framework, for example, in areas such as investigation, prosecution, sentencing and extradition.

**Counter-financing of terrorism**

(a) Facilitate the legal and institutional capacity to investigate financial crimes and seize funds linked to terrorism;

(b) Encourage States to share financial intelligence with international counterparts;

(c) Promote implementation of new initiatives for preventing terrorist financing in predominately cash-based economies.

**Border control**

(a) Promote the implementation of international standards for customs, aviation and maritime security;

(b) Encourage the adoption of best practices in border control where such practices have proven their effectiveness, as in the fields of travel document security, traveller screening and cargo security;

(c) Enhance coordination among police and border control agencies;

(d) Encourage States to gain and provide better access to international counter-terrorism and criminal databases in order to enhance abilities to detect and exclude persons involved in terrorism.

**Domestic security and law enforcement agencies**

(a) Promote inter-agency coordination and the exchange of counter-terrorism information at the national, regional and international levels;

(b) Encourage States to establish dedicated and permanent counter-terrorism units, with the assistance of experts seconded from various specialized institutions, in areas such as criminal law, counter-financing of terrorism and border control;

(c) Encourage greater cooperation with INTERPOL and increased utilization of its resources and databases, such as red notices and watch lists.

**International cooperation**

(a) Encourage States not only to ratify all international counter-terrorism instruments, but also to incorporate the elements of those instruments into their domestic laws;
(b) Promote and facilitate training for members of the judiciary, law enforcement agencies and other relevant civil servants in procedures for requesting and offering assistance in criminal investigations and extradition matters.

Human rights

(a) Continue to take account of relevant human rights concerns in the assessment of States’ implementation of the resolution and include such concerns in dialogue with States;

(b) Strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and other human rights authorities;

(c) Identify States’ needs with respect to enhancing institutions and strengthening the rule of law, and recommend, where appropriate, that States consider seeking relevant assistance from the Office of the United Nations High Commissioner for Human Rights and other assistance providers.

V. GLOBAL COUNTER TERRORISM STRATEGY

44. United Nations General Assembly held its first review of the implementation of the Global Counter Terrorism Strategy on 4 September 2008. Following the debate on 4 and 5 September 2008, the General Assembly renewed its unwavering commitment to strengthen international cooperation to prevent and combat terrorism, and, recalled its pivotal role in following up on implementation of the United Nations Global Counter-Terrorism Strategy, and called on Member States and the Organization to accelerate their efforts to implement it in all its aspects.

45. Adopted on 8 September 2006, the Global Counter Terrorism Strategy united, for the first time, all 192 United Nations Member States behind a common strategic framework. They agreed to take a concrete set of measures to address terrorism in all its aspects, and, by that action, to convey the same critical message: terrorism is never justifiable, whether on political, philosophical, ideological, racial, ethnic, religious or any other grounds.

46. In the Strategy, Member States also committed themselves to review its implementation in two years’ time. The Meeting held on 4-5 September 2008 was the first major assessment of their efforts to implement the Strategy’s four pillars: to address the conditions conducive to the spread of terrorism; to prevent and combat terrorism; to build State capacity to prevent and combat terrorism, and to strengthen the role of the United Nations in that regard; and to ensure respect for the human rights of all as well as the rule of law as the fundamental basis for the fight against terrorism.
47. The consensus resolution, adopted as orally amended, Member States reaffirmed the Global Strategy and its four pillars, as well as their own primary responsibility to implement it. By other terms, the General Assembly called on States that had not yet done so to consider becoming parties to existing international anti-terrorism instruments, and to make every effort to conclude a comprehensive convention on international terrorism. It took note of the measures adopted by Member States and by international, regional and subregional organizations, within the framework of the Global Strategy, all of which strengthened international cooperation to fight terrorism.

48. At the same time, the General Assembly reaffirmed the need to enhance international cooperation in countering terrorism, recalling in that regard the role of the United Nations system in promoting international cooperation and capacity-building as one of the Strategy’s elements.

49. The General Assembly decided, by other terms, to interact with the Counter-Terrorism Implementation Task Force on a regular basis. (The Task Force was established by the Secretary-General in July 2005 to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system). It asked the Secretary-General to report to the next Assembly session on progress towards implementation of the Strategy. His report could contain suggestions for future implementation by the United Nations system and for implementation of the present text.

VI. DELIBERATIONS AT THE FORTY-SEVENTH SESSION OF AALCO HELD FROM 30TH JUNE TO 4TH JULY 2008 (NEW DELHI (HQ), INDIA)

50. Dr. Xu Jie, the DSG of AALCO in his introductory remarks stated that international terrorism had become a worldwide threat to the life and security of humankind. As a common enemy, terrorism is an assault on the maintenance of international peace and security, law and order, human rights and the peaceful settlement of disputes. Therefore, the United Nations, various other international organizations and States should not spare any effort, to prevent and combat this crime. He informed that the item “International Terrorism” was placed on the AALCO’s agenda upon a reference made by the Government of India. It was felt that consideration of this item at AALCO would be useful and relevant in the context of ongoing negotiations in the Ad Hoc Committee of the United Nations on Elaboration of the Comprehensive Convention on International Terrorism. He informed that, based upon the discussions at the Ad hoc Committee as well as the Sixth Committee of the United Nations General Assembly, the Secretariat had identified inter alia some of the issues for focused deliberations, namely, Draft Comprehensive Convention on International Terrorism: the legal definition of terrorism and distinguishing it from the self-determination; and the Question of Convening a High-Level Conference under the auspices of the United Nations.

51. Counselor Dr. Iskander Ghattas, Global Consultant, UNODC, Vienna in his presentation predominantly focused on the international cooperation in combating terrorism in general, with a special emphasis on the Plan of Action on Global Counter-Terrorism Strategy adopted by the United Nations General Assembly in September 2006.
The salient features of this strategy included a wide array of practical steps ranging from strengthening State capacity to counter-terrorism threats to better coordinating United Nations system’s counter-terrorism activities; measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

52. During the Forty-Seventh Session of AALCO, the delegations condemned the acts of terrorism and highlighted the need to reach an agreeable definition on terrorism. Several delegations reiterated its commitment to work with the United Nations and its Member Countries in taking concerted action to combat international terrorism. Some delegations pointed out that in order to succeed in the fight against terrorism, its root and underlying causes must be identified. In that regard, the delegates welcomed the renewal of the mandate of the Counter-Terrorism Executive Directorate (CTED) vide Security Council Resolution 1805 of 6 March 2008 in line with its revitalized Work Programme comprising continued efforts to monitor the implementation of UN Security Council Resolution 1373 and to enhance the counter-terrorism capacities of Member States through technical assistance and international cooperation. One delegation stated that his country remained committed to the early conclusion of the Comprehensive Convention on International Terrorism (CCIT). With this perspective in mind, the delegation invited its AALCO counterparts to remain active in the ongoing discussions on the CCIT and to stay focused in resolving the outstanding issues, in particular those centered on Article 18. Some delegations were of the opinion that the adoption of a CCIT, through exercising the law-making powers of the General Assembly, was in the interest of all member States and would reinvigorate the multi-lateral and collective dimensions of counter-terrorism efforts. One delegation stated that international peace and security had been threatened by terrorism in various forms and manifestations. However, the development of international law to fight against terrorism seems to be more or less of a piecemeal approach. Delegations supported the proposal of convening a high-level meeting on counter terrorism under the auspices of the UN. This would help provide the policy guidance for combating international terrorism. One delegation was of the view that a draft convention on terrorism should make no exceptions for any form of terrorism, including State terrorism that was the most ignoble form, particularly when it was perpetrated against liberation movements. The struggle of liberation movements had to be recognized as legitimate right. The delegation stated that the fight against terrorism, however, should not transgress the principles of non-interference and non-intervention as well as of the non use or threat of use of force in international relations.

VII. GENERAL COMMENTS OF AALCO

53. International terrorism poses the most serious threat to international peace and security. In the wake of the tragic events of 11 September 2001, the international community had demonstrated a rare unity to condemn such acts and resolve to take prompt and concerted action to deal with terrorism. Efforts in the direction of concluding a comprehensive convention against terrorism are underway although there are differences of opinion and approaches.
54. Terrorist activities by any individual, groups, or non-state entities have to be checked by all possible means. International law is one of the tools to prevent and punish terrorist activities. It is a positive step that a Draft Comprehensive Convention on International Terrorism is being discussed by Member States of the United Nations which may reflect the views of the whole international community. However, it should be pointed out that counter-terrorism initiatives should not be used as a pretext for interfering in the domestic affairs of other countries. Each country’s sovereignty and territorial integrity should be respected and not to be violated under any circumstances. The United Nations has an indispensable role to play in any action against terrorism. Cooperation of the international community is vital to win the fight against terrorism.

55. Defining terrorism itself is a major task. Although it has diverse versions, there is a growing demand that it needs a universally acceptable definition to solve the problem. The definition may be drafted in such a manner that the root causes and underlying factors of terrorism should be taken into account, as well as protection of human rights and fundamental freedoms. The definition of terrorism may be possible on the basis of experts’ views and with the support of various countries.

56. The manifestation and root cause of terrorism should be tackled effectively and measures should be taken simultaneously in the fields of prevention, legislation and enforcement. Every State should have an internal mechanism on the issue of countering terrorism. This mechanism should have representation from the concerned ministries and departments who deal with terrorism at various levels.

57. The United Nations has been taken various initiatives for curbing the international terrorism. Apart from the United Nations General Assembly and the Security Council, other bodies under the UN system are also focusing on various dimensions of the issue. Gravity of the problem certainly demands utmost attention of the international community. However, it is suggested that all the activities under the United Nations system may be streamlined under a body to bring uniformity and to avoid overlapping of activities. It would also help States to streamline their activities and report the same to the UN system in a comprehensive manner.

58. The on-going work on the Draft Comprehensive Convention on International Terrorism, in the Ad Hoc Committee, established by the General Assembly, since 1996, is a significant step taken by the international community, to fight the menace posed by terrorism. It may be recalled that “International Terrorism” constitutes an important element of the Work Programme of AALCO and in their deliberations on this item, the Member States have been emphasizing upon enhancing international cooperation to fight terrorism. Therefore, the AALCO would continue to contribute in such international efforts, by inter alia, continuously monitoring the progress of work taking place in this issue in the Ad hoc Committee and the Counter Terrorism Committee and placing before its Member States the progress of work achieved in these forums.