



INTERNATIONAL TERRORISM

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(Deliberated)

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INTERNATIONAL TERRORISM

I. INTRODUCTION

A. Background

1. The Charter of the United Nations sets out the purposes of the Organization, which include the maintenance of international peace and security, to take collective measures to prevent threats to peace and suppress aggression and to promote human rights and economic development. As an assault on the principles of law and order, human rights and the peaceful settlement of disputes, terrorism runs counter to the principles and purposes that define the United Nations. The United Nations has been taking concrete steps to address the threat of terrorism, helping Member States to counter this scourge.

2. The present international framework to counter terrorism comprises mainly of instruments that deal with certain specific acts of terrorism, known as “Sectoral Conventions”.¹ However, this has not replaced the need for a comprehensive convention that deals with the issue and the United Nations and the International Community has been working towards this end.

3. Apart from the above stated 13 Sectoral Conventions there are other Regional Conventions formulated at the initiative of various regional organizations to counter the menace of terrorism at the regional levels. This process was started almost at the same time as it was started by the United Nations. The OAS was in the forefront in this regard and its anti terrorism Convention was adopted in 1971. This was followed by the Council of Europe, South Asian Association for Regional Cooperation (SAARC), League of Arab States, Organization of Islamic

¹ These conventions are: 1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (entered into force on 4 December 1969). 2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (entered into force on 14 October 1971). 3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (entered into force on 26 January 1973). 4. Convention on the Prevention and punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973; entered into force on 20 February 1977). 5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (entered into force on 3 June 1983). 6. Convention on the physical Protection of Nuclear Material; signed at Vienna on 3 march 1980 (entered into force on 8 February 1987). 7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (entered into force on 6 August 1989). 8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988 (entered into force on 1 March 1992). 9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988 (entered into force on 1 March 1992). 10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (entered into force on 21 June 1998). 11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (entered into force on 23 May 2001). 12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (entered into force on 10 April 2002). 13. International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the UN General Assembly on 13 April 2005

Conference, Organization of African Unity (OAU), and the Commonwealth of Independent States.²

4. The adoption of the Declaration on “Measures to Eliminate International Terrorism” by the General Assembly at its 49th Session on 9th December 1994³ along with a declaration supplementing the same at the 51st Session in 1996⁴ establishing an ad hoc committee gave impetus to the active consideration of the issues involved to arrive at such a comprehensive framework. Initially, the committee was mandated to elaborate conventions on suppression of terrorist bombings and nuclear terrorism and pursuant to its work a convention was adopted by the General Assembly in 1997 relating to terrorist Bombings.⁵ Upon the initiation of the General Assembly at its 53rd Session, the committee initiated work on legal responses to combat funding of terrorism, which then resulted in the adoption of the Convention for the Suppression of Financing of Terrorism on 9th December 1999.⁶ The matters concerning elaboration of an International Convention for the Suppression of Acts of Nuclear Terrorism was extensively in the subsequent meetings of the Ad Hoc Committee and its Working Group and the UN General Assembly adopted the Convention on 13 April 2005.⁷ The mandate of the committee to address means of further developing a comprehensive legal framework of convention dealing with international terrorism continues to be renewed and revised on an annual basis by the General Assembly in its resolutions on the topic of measures to eliminate international terrorism.

5. At its 53rd Session, the 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 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.

6. In addition to the General Assembly, the Security Council has also been engaged in framing legal responses to combat and curb acts of terrorism. On 28 September 2001, vide resolution 1373 (2001), the Security Council established the Counter Terrorism Committee

² These Conventions are: 1. OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and related Extortion that are of International Significance, concluded at Washington, D.C. on 2 February 1971; 2. European Convention on the Suppression of terrorism concluded at Strasbourg on 27 January 1977; 3. SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987; 4. Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo on 22 April 1998; 5. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999; 6. Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999; 7. OAU Convention on the Prevention and Combating of terrorism, adopted at Algiers on 14 July 1999.

³ A/RES/49/60

⁴ A/RES/51/210.

⁵ International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly at its 52nd Session on 15 December 1997 (A/RES/52/164.)

⁶ A/RES/54/109.

⁷ adopted by the General Assembly in resolution 59/290

(CTC), which consists of all the 15 Members of the Security Council with the mandate to monitor the implementation of its anti terrorism efforts. The Committee monitors the implementation of resolution 1373 (2001) by all States and tries to increase the capability of States to fight terrorism. The CTC is charged with ensuring every State's compliance with Council requirements to halt terrorist activity, and with identifying weakness in state's capabilities to do so. For States with deficiencies in legislation, funds, or personnel, the CTC is supposed to help them remedy their deficiencies and upgrade their capacity. However, where the Committee concludes that the deficiencies are in political will, it will leave it to the Security Council to decide what measures to take to bring such determinedly non-compliant States into compliance with the 1373 mandates.

7. Seeking to revitalize the Committee's work, in 2004 the Security Council adopted resolution 1535, creating the Counter-Terrorism Committee Executive Directorate (CTED) to provide the CTC with expert advice on all areas covered by resolution 1373.⁸ CTED was established also with the aim of facilitating technical assistance to countries, as well as promoting closer cooperation and coordination both within the UN system of organizations and among regional and intergovernmental bodies. During the September 2005 World Summit at the United Nations, the Security Council – meeting at the level of Heads of States or Government for just the third time in its history – adopted resolution 1624 concerning incitement to commit acts of terrorism. The resolution also stressed the obligations of countries to comply with international human rights law.

8. The item entitled “International Terrorism” was placed on the agenda of the AALCO's Fortieth Session held in New Delhi from 20-24 June 2001, 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 the on-going negotiations in the Ad Hoc Committee of the United Nations on elaboration of the comprehensive convention on international terrorism.

9. It is pertinent to recall that during the Forty-First Annual Session of AALCO held in Abuja, Nigeria in 2002, a comprehensive Special Meeting on “Human Rights and Combating Terrorism” was organized by AALCO with the assistance of Office of the High Commissioner for Human Rights (OHCHR).

10. The successive sessions directed the Secretariat to monitor and report on the progress in the Ad Hoc Committee of negotiations related to the drafting of a comprehensive international convention to combat terrorism; and requested the Secretariat to carry out, an in-depth study on this topic. The Centre for Research and Training (CRT) has brought *A Preliminary Study on the Concept of International Terrorism* in the Year 2006.

11. The brief prepared for the Fifty-First Annual Session has reported on the following: (i) Developments in the Ad Hoc Committee on International terrorism; (ii) Developments in the Counter Terrorism Committee (CTC); (iii) Deliberations on the Comprehensive Convention on International terrorism at the Sixth Committee of the UN General Assembly at its Sixty-Sixth Session; (iv) Consideration at the Sixty-Sixth Session of the United nations General Assembly;

⁸ The Security Council extended the mandate of the CTED vide resolution 1963 (2010) (20 December 2010)

(V) Comments and Observations of the AALCO Secretariat and (vi) the Draft resolution on the subject.

B. Issues for focused deliberation during the Half-Day Special Meeting at the Fifty-First Annual Session of AALCO:

- (i) *there remain considerable gaps in the international legal framework against terrorism, especially in relation to a comprehensive definition of “terrorism” agreeable to all Member States;*
- (ii) *terrorism should not be associated with any particular religion, culture, nationality, race, civilization or ethnic group; and*
- (iii) *terrorism must not be equated with the legitimate struggles of people who under colonial domination or alien occupation pursue national liberation or self determination.*

II. Developments in the Ad Hoc Committee on International Terrorism

12. The fifteenth session of the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996 was convened in accordance with paragraph 24 of Assembly resolution 65/34. The Committee met at the United Nations Headquarters from 11 to 15 April 2011. The Ad Hoc Committee held two plenary meetings: the 47th on 11 April and the 48th on 15 April 2011.

13. At its 47th meeting, on 11 April 2011, the Committee adopted its agenda.⁹ On the basis of past practice, it was decided that the Members of the Bureau of the Committee at the previous session, to the extent of their availability, would continue to serve in their respective capacities. The committee had before it, for discussion, along with the recent developments, the report of its fourteenth session and the report of the working group of the 6th Committee of the 65th Session of the General Assembly. The latter contained texts of the preamble and Articles 1,2 and 4 to 27 of the proposed Comprehensive Convention on Terrorism, prepared by the friends of the chair incorporating the various texts contained in Annexes I, II and III to the report of the ad Hoc Committee established by the General Assembly Resolution 51/210.¹⁰ A list of written proposals relating to the outstanding issues surrounding the proposed draft convention was also available before the committee.¹¹ Based on these the committee decided to continue with its discussions in informal consultations and informal contacts.

⁹ A/AC.252/L.20

¹⁰ Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 (A/57/37) (11 February 2002)

¹¹ A/65/37 and A/C.6/65/L.10. See also the reports of the Ad Hoc Committee on its sixth to thirteenth sessions (A/57/37 and Corr.1; A/58/37; A/59/37; A/60/37; A/61/37; A/62/37; A/63/37; and A/64/37). See also the reports of the Working Group established at the fifty-fifth to sixtieth sessions of the General Assembly (A/C.6/55/L.2, A/C.6/56/L.9, A/C.6/57/L.9, A/C.6/58/L.10, A/C.6/59/L.10 and A/C.6/60/L.6). The summaries of the oral reports of the Chair of the Working Group established at the sixty-first, sixty-second, sixty-third and sixty-fourth sessions are contained in documents A/C.6/61/SR.21, A/C.6/62/SR.16, A/C.6/63/SR.14 and A/C.6/64/SR.14.

14. Discussions on 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 12 April 2011.¹² At the discussions, the sponsor delegation of Egypt reiterated its proposal made in 1999 to convene an international conference under the auspices of the United Nations to formulate a joint organized response of the international community. It was recalled that the proposal had been supported by the Non-Aligned Movement, the Organization of the Islamic Conference, The African Union and the League of Arab States. It was stressed that the issue was to be discussed on its own merits and though not mutually exclusive, must not be linked to the discussions on the draft comprehensive convention. Some delegations expressed support to this view. However, some other felt that the question is to be considered after the completion of the negotiation on the draft convention as it would enable an opportunity for stock taking including identifying needs and available resources for assistance in the implementation of the convention.

15. At the 48th Meeting on 15th April, the Coordinator of the draft convention made a statement briefing the delegations on the informal contacts held during the session. It was decided to recommend that the Sixth Committee, at the sixty-sixth session of the General Assembly, establish a working group with a view to finalize the draft comprehensive convention on international terrorism and continue to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. The Ad Hoc Committee will not meet in 2012 and will be reconvened only in 2013.¹³

A. General Discussions

16. Further informal consultations regarding the draft comprehensive convention were held on 12 April 2011 and informal discussions were held on 12 and 13 April 2011.¹⁴ In statements made at these sessions and also at the 48th meeting of the Committee, the delegations, some drawing attention to particular incidents condemned all terrorists attacks, regardless of their motivations. It was further stressed that all measures taken to counter terrorist activities must be in conformity with international law, particularly the Charter of the United Nations, human rights law, humanitarian law and refugee law. It was also pointed out that terrorism is not be associated with any particular religion, culture, nationality, race, civilization or ethnic group and that those attributions should not be used neither for the commission of terrorist acts nor for the adoption of measures to counter terrorism. Some states emphasized that terrorism must not be equated with the legitimate struggles of people who under colonial domination or alien occupation pursue national liberation or self determination. Noting that terrorism was a multifaceted phenomenon, the need for coordinated and comprehensive counter terrorism strategies was called for. The delegations expressed their support to the United Nations Global Counter Terrorism Strategy and called for its full realization and transparent implementation by the Member States. The delegations also stressed on the importance of full implementation of international counter

¹² An informal summary of those discussions, prepared by the Chair, appears in annex I (sect. C) of A/66/37

¹³ General Assembly Resolution 66/105 (13 January 2012), para 25.

¹⁴ An informal summary of those discussions held between 11 – 13th April, 2011, prepared by the chair is available in Sec. A and B of Annex 1 to A/66/37. The informal summary is only for the purposes of reference and is not a record of discussion.

terrorism instruments and drew further attention to the recommendations of the Twelfth United Nations Conference on Crime Prevention and Criminal Justice which was held at Salvador, Brazil in 2010. Some of the delegations highlighted the need for assistance to States in capacity building and information sharing in the field of combating terrorism. The delegations also expressed concern over the interrelationship between illegal trade in arms and drugs, human trafficking and money laundering with terrorist funding and also over the challenges raised by the phenomenon of suicide bombings. Welcoming the approach taken by the Security Council in Resolution 1904 (2009) to apply the obligation to freeze funds and assets to the payment of ransoms to terrorists, some of the delegations expressed the view that States should ban the payment of ransoms to terrorists. Some of the delegations expressed their support the proposal made by Saudi Arabia to establish an international centre under the auspices of the United Nations to combat terrorism.

B. Discussions on the Draft Comprehensive Convention on International Terrorism.

17. Comments on the draft comprehensive convention on international terrorism were made during the informal consultations held on 11 and 12 April 2011 as well as during the 48th meeting of the Ad Hoc Committee.

18. Reiterating their commitment to the principle of concluding work on the adoption of the draft comprehensive convention by consensus, the delegations expressing their regret on the lack of such consensus, called on Member States to show utmost flexibility and a constructive spirit in the negotiations. Some delegations underlined the need for a more open, transparent and inclusive negotiation process and in this regard a suggestion was made to revisit the methods by which the committee was working. Delegations stressed the importance of arriving at a definition of terrorism that provides a clear distinction between acts of terrorism covered by the convention and the legitimate struggles of peoples in exercise of their right to self-determination or in pursuit of national liberation. Some delegations reiterated their view that the convention must address and cover terrorism in all its forms and manifestations including State terrorism, and acts of armed forces not regulated by international humanitarian law. These delegations expressed the view that the suggested definition of terrorism presently incorporated in draft Article 2 to the convention may have to be revisited in this light.

19. While some delegations reiterated their preference for the proposal relating to draft article 3 (former draft article 18) of the Organization of the Islamic Conference in 2002¹⁵ which they considered to have better addressed their concerns and was still viable, they remained willing to continue to consider the proposal presented by the Coordinator in 2007.¹⁶ The point was also made that all groups had still not been able to endorse the 2007 proposal, and this was interpreted as constituting a serious challenge. The view was also expressed that the problems surrounding draft article 3 were substantive in nature and would not be resolved through the mere repackaging of the current texts.

20. Some delegations also stated that the 2007 proposal was a step in the right direction and called for development along those lines. In their view, the 2007 proposal preserved the other

¹⁵ A/57/37, annex IV.

¹⁶ A/62/37

international legal regimes and that it constituted a legally sound compromise position that took into account the concerns raised by several delegations. Some delegations also expressed caution against revisiting those draft articles which enjoyed general agreement. Some delegations also expressed support for the idea of addressing certain outstanding issues in an accompanying resolution as a way to move the process forward and suggested that work on such a text should commence as soon as possible.

21. Some delegations, notwithstanding their preference for the text proposed by the former coordinator in 2002, which according to them reflects the language of the existing legal framework, expressed their willingness to consider the 2007 proposal without modifications if it would bring the negotiations to a successful completion. It was also reiterated that any compromise text had to be based on the principle that no cause or grievance could justify terrorism in any form and that activities of the military forces of a State, which were already governed by other legal regimes, should not be covered by the draft convention. Some delegations also urged those States who were not in a position to endorse the 2007 proposal to clarify their concerns so that they could be better addressed and to propose any alternate language.

22. On 12 April, 2011, the Coordinator Maria Telalian (Greece), noted that the negotiations that have lasted over the past decade has made good progress on some important aspects including the compilation of the draft articles at the previous session of the working group of the Sixth Committee. That text, according to her, represents the current stage of negotiations and would facilitate further discussions and inform decisions on the outstanding issues. The coordinator also noted that the 2007 proposal did not meet with any open objection from any delegation so far and urged delegation to consider whether it would serve as a basis for compromise. Further, delegations were also strongly discouraged from attempting to pick and choose elements from the proposal, which would affect the overall balance and integrity of the text. Recalling the main concerns raised by the delegations, i.e. (a) the right of peoples to self-determination under international law; (b) the activities of armed forces in armed conflict; and (c) the activities of military forces of a State in peacetime, also taking into account related concerns about State terrorism, the Coordinator noted that these issues have been addressed by the 2007 proposal by taking into account the existing international legal framework and that the draft convention is not aimed at rewriting or rectifying any perceived flaw in other fields of law. Stressing that the convention was a law enforcement instrument dealing with individual criminal responsibility, it was also noted that it also deals with obligations of states which according to her tracked the provisions of General Assembly resolution 2625 (XXV)¹⁷ The coordinator also said that the convention must reflect the principle that prohibits the indiscriminate use of force and that civilians under no circumstances can be legitimate targets of the use of force.

III. Developments in the Counter Terrorism Committee (CTC)

23. A Special meeting of the CTC commemorating the adoption of the Security Council Resolution 1373(2001) and the establishment on the committee took place on 18 September 2011 at New York. pursuant to the request of the Security Council in its resolution 1963 (2010),

¹⁷ Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations.

the Executive Directorate of the CTC (CTED)¹⁸ had conducted a study updating the 2009 survey on the strengths and weaknesses the Members States have in implementing resolution 1624 (2005). The report of the said study was released on that occasion.¹⁹ The report provides an assessment of the implementation of resolution 1373 (2001) in the Asian, African, Latin American, European and North American regions and sub-regions and draws conclusions about progress in the implementation of the resolution in the key thematic areas, namely: Legislation, Counter Financing of Terrorism, Law Enforcement, Border Control, International Cooperation and Human Rights. The Report also provides recommendations for practical ways to implement the resolution with regard to each thematic area and each region. The report notes that positive developments are evident with increasing number of States demonstrating increased political commitment to international cooperation by signing and ratifying international instruments, criminalization of terrorists acts in their domestic jurisdictions and adoption of measures to cut terrorists funding and preventive border security. Nevertheless, it was seen that terrorism remains high in many parts of the world with the terrorist networks altering their operational methods and engagement in arms and narcotics smuggling and kidnapping for ransom as sources of revenue. Varying governmental stability was also found to be a fact that allows terrorists to operate without State interference. The use of modern Communication and Information technology for recruitment, raising and transfer of funds and organization across international borders was noted with alarm. The report noted that responses to the issue must be both legal and must rest on social policy that addresses the factors that lead to terrorist activities, promotes development, dialogue between civilizations, social integration and human rights.

24. For the African region, the report recommended the adoption of more precise standards in line with the international instruments for determining criminal behavior, better coordination amongst law enforcement agencies both at national, regional and international levels particularly at the operational level and judicial oversight of the same and improvements on border control measures. The report also noted the need for more financial inclusion and establishment and operation of financial intelligence units and review of non-profit sector to ensure that they are not being used for terrorist finance. The CTED called for more regional cooperation at the operational level. As regards the Asian Region, the report noted that some of the States are yet to enact legislations that are fully in line with international standards, specially that which relates to criminalization of terrorist financing. The CTED noted the need for more coordinated and consorted action towards border control and the gaps in institutional capacities and limited resources that render prioritizing counter terrorism initiatives difficult. Though the progress at efforts to prevent money laundering and other terrorist financing regimes were noted, greater regional cooperation was called for at the interactive sessions²⁰, the participants noted that though significant progress has been made since the establishment of the committee in evolving legal frameworks over a spectrum of areas of concerns and implementing them, terrorism continues to be a serious threat and remained particularly attractive to marginalized groups and individuals. Noting that terrorist groups have taken recourse of innovative communication technology and novel means to raise funds, the participants called for attention on these issues.

¹⁸ The Current mandate of the CTED is governed by Security Council Resolution 1963 (2010) (20 December 2010)

¹⁹ S/2011/463 (17th August 2011)

²⁰ **Rapporteurs' summaries of the** Special meeting of the CTC commemorating the adoption of the Security Council Resolution 1373(2001) and establishment of the committee, available at:
< http://www.un.org/en/sc/ctc/specialmeetings/2011/docs/rapporteurs_summary.pdf>

Some of the participants called for a more cooperation between the General Assembly and the Security Council and called for a more integrated response from the United Nations Organization. Noting that terrorist organizations operated all over the world, some participants called for a broader approach based on partnerships and open, transparent interaction. Some participants felt that though resolution 1373 (2001) had recognized human rights in an asylum and refugee context, the need for anti-terrorism measures to be consistent with international law, particularly human rights law required greater emphasis. Some participants also called for streamlining of the committees work, ensuring greater cooperation with the other Organs of the United Nations. Participants also stated the need to bestow attention on the need to focus increasingly on countering incitement and radicalization and to address the issue of recruitment through the internet. The need for efforts to address new threats such as links with transnational organized crime, nuclear terrorism and cyber terrorism was also noted. Some of the participants noted the need for greater attention on capacity building and the role that non-governmental organizations and representatives of the media can play towards this end.

25. The Committee further noted the close relation between terrorism and transnational organized crime including trafficking of illicit drugs, money-laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials and resolved to monitor and assist to ensure the full implementation of resolution 1373 (2001), with the support of CTED and to continue to focus on ways and means to address identified gaps in the implementation of the resolution in cooperation with international, regional and sub regional organizations by strengthening its role in facilitating technical assistance aimed at providing full implementation of the resolution.²¹

IV. Deliberations on the Comprehensive Convention on International Terrorism at the Sixth Committee of the United Nations General Assembly at its Sixty Sixth Session.

26. Pursuant to its resolution 65/34 of 6 December 2010, the topic “Measures to eliminate international terrorism” was included in the provisional agenda of the sixty-sixth session of the General Assembly. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee. The Sixth Committee considered the item at its 1st, 2nd, 3rd, 4th, 28th, 29th and 30th meetings, on 3 and 4 October and on 4, 9 and 11 November 2011. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in A/C.6/66/SR.1-4 and 28-30.

27. At its first meeting, the committee established a working group to carry out the mandate of the Ad Hoc Committee. At the same meeting Mr. Rohan Perera (Sri Lanka) was elected as the chair of the working group. The Working Group held four meetings, on 17 and 19 October and on 1 November. It also held informal consultations on 17 and 19 October. The report of the Ad Hoc Committee²² was also considered. At the 28th meeting on 4th November, the committee heard an oral report by the chair of the working group on its work and on the results of the

²¹ Outcome Document for the special meeting of the Counter-Terrorism Committee commemorating the adoption of Security Council resolution 1373 (2001) and the establishment of the Committee, available at: < <http://www.un.org/en/sc/ctc/docs/2011/2011-09-28-specialmtg-outcome.pdf>>

²² A/C.6/66/SR.1

informal consultations held during the session on 17th and 19th October.²³ The committee recommended to the General Assembly the draft resolution to be adopted along with a recommendation to establish a working group at the 67th Session to finalize the draft Comprehensive Convention on International Terrorism and to include the topic in the provisional agenda for the 67th Session.²⁴

V. Consideration at the Sixty Sixth Session of the United Nations General Assembly.

28. At the 66th Session of the General Assembly of the United Nations, resolutions impacting the formulation of a legal regime to combat terrorism were adopted. At the Session, the General Assembly had also considered the report of the Secretary General on “measures to eliminate international terrorism”.²⁵ In his report, the Secretary General discussed the information he received from States and from international organizations on the measures adopted to combat terrorism. Further, the current status of international instruments relating to suppression of terrorism was also discussed.

29. On 12th January 2012, the General Assembly adopted resolution 66/50 on “measures to prevent terrorists from acquiring weapons of mass destruction”. Noting the linkage between weapons of mass destruction and terrorism, the international community was called upon to support international efforts to prevent terrorists from acquiring weapons of mass destruction and appealed to Member States to accede to and ratify the Convention for Suppression of Acts of Nuclear Terrorism. The Assembly also mandated the Secretary-General to compile a report on measures taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on the issue and to include the subject matter in the provisional agenda for the 67th session.

30. Adopting resolution 66/105,²⁶ the Assembly reaffirmed its commitment to Global Counter Terrorism strategy (adopted in 2006) and its previous declarations on the subject. Affirming the need to develop combating measures in conformity with international law, particularly humanitarian and refugee laws, the need for international cooperation, both among States and international organizations was stressed. The resolution called upon States to implement the Strategy and also enhance the implementation of the relevant legal instruments and to intensify the exchange of facts relating to terrorism. It was decided that that the Sixth Committee, at the sixty-seventh session of the General Assembly, will establish a working group with a view to finalizing the draft comprehensive convention on international terrorism and continuing to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. It was also decided to reconvene the Ad Hoc Committee in 2013, as appropriate, on dates to be decided at the sixty-seventh session of the General Assembly, in order to, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and continue to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question

²³ A/C.6/66/SR.28

²⁴ A/66/478 (15 November 2011)

²⁵ A/66/96 (24 June 2011)

²⁶ A/RES/66/105 (13 January 2012)

of convening a high-level conference under the auspices of the United Nations. The assembly also resolved to include in its provisional agenda for the 67th Session, the item “measures to eliminate international terrorism”.

VI. Comments and Observations of the AALCO Secretariat

31. Terrorist activities, whether they are committed by individuals, groups, non-State entities or in any other form poses a threat to both international peace and security and to human life and dignity of human beings and needs to be checked by all possible means. Any attempts to link or justify terrorism to any particular religion, race, culture or ethnic origin must be discouraged and rejected.

32. While evolving measures to counter international terrorism, both legal and administrative, it is essential that the same is in conformity with international law, including human rights law, humanitarian law and refugee law. In this context, it is also important to note that counter terrorism initiatives cannot be permitted to be used as a pretext for interfering in the domestic affairs and such measures must respect the sovereignty and territorial integrity of States under all circumstances.

33. The United Nations has an indispensable role to play in any action against terrorism as the cooperation of the international community is vital to win the fight against terrorism. Being a vital issue of global relevance since no State is immune from the effects of terrorism, greater cooperation and coordination amongst all the UN Member States is essential to combat the threat. In this direction, Member States of AALCO may consider ratifying/acceding to the existing international counter terrorism conventions, including the 1997 International Convention for the Suppression of Terrorist Bombings; 1999 International Convention for the Suppression of the Financing of Terrorism; and 2005 International Convention for the Suppression of Acts of Nuclear Terrorism. The report of the CTED on the implementation of resolution 1624 (2005) of the Security Council highlights the areas on which attention needs to be bestowed and Member States may adopt measures towards that end. Apart from this, national implementation and enforcement mechanisms, including legislations are crucial in the fight against terrorism. Further, mutual legal assistance in counter-terrorism and criminal matters are of much significance.

34. As a result of negotiations spanning over nearly a decade under the auspicious of the United Nations, the international community has managed to increasingly come closer to adopting a comprehensive convention on terrorism. Arriving at a consensus on the definition of terrorism is in itself a major task. Though a number of versions and multiple concerns are being voiced, there appears to be growing consensus on a universally acceptable definition. The definition needs to take in to account the factors that lead to terrorism and must confirm to international law that protects basic human rights and fundamental freedoms. Framing of such a definition can be possible with the help of both the experts in the field and Member States. The proposal made by the coordinator of the Ad Hoc Committee on International Terrorism in 2007 has so far not met with any open objection from the delegations. Member States are encouraged to clarify their position and concerns regarding the 2007 proposal so as to enable its consideration and to propose any alternate language. AALCO Member States can contribute

more usefully by working together in the on-going negotiations on the “Draft Comprehensive Convention on International Terrorism”, particularly as regards finding an acceptable definition of “terrorism”.

35. The AALCO Secretariat could explore the possibility of jointly convening a seminar or joint programme with other international organizations, especially the United Nations Office on Drugs and Crimes (UNODC), or Member States of AALCO on dealing with the legal aspects of combating terrorism.

VII. ANNEX

SECRETARIAT'S DRAFT
AALCO/RES/DFT/51/SP 3
22 JUNE 2012

HALF-DAY SPECIAL MEETING ON "INTERNATIONAL TERRORISM" (Deliberated)

The Asian-African Legal Consultative Organization at its Fifty-First Session,

Having considered the Secretariat Document No. AALCO/51/ABUJA/2012/S 7;

Noting with appreciation the introductory remarks of the Deputy Secretary-General and the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Meeting on "International Terrorism" jointly organized by the Government of the Federal Republic of Nigeria, AALCO and the **United Nations Office on Drugs and Crimes** held on 21st June 2012 at Abuja, Nigeria

Recalling the relevant international instruments, where applicable, and resolutions of the United Nations General Assembly and the Security Council relating to measures to eliminate international terrorism and the efforts to prevent, combat and eliminate terrorism;

Taking note of the ongoing negotiations in the Ad Hoc Committee established by the General Assembly of the United Nations by its resolution 51/210 of 17 December 1996 to elaborate a Comprehensive Convention on International Terrorism based on the proposal made by the Republic of India;

Expressing grave concern about the worldwide increase in acts of terrorism, which threaten the life and security of innocent people and impede the economic development of the concerned States;

Recognizing the need for the international community to collectively combat terrorism in all its forms and manifestations;

Reaffirming that international effort to eliminate terrorism must be strengthened in accordance with the Charter of the United Nations and taking into account international human rights law, international humanitarian law, and refugee law;

Calling for an early conclusion and the adoption of a comprehensive convention on international terrorism by expediting the elaboration of a universally acceptable definition of terrorism:

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism.

2. **Also encourages** Member States to participate in the work of the above mentioned Ad Hoc Committee on International Terrorism.
3. **Directs** the Secretariat to follow and report on the progress of work in the Ad Hoc Committee on International Terrorism.
4. **Also directs** the Secretariat to obtain national legislation or information on national legislation, as the case may be, on combating terrorism to facilitate exchange of information among Member States.
5. **Requests** the Secretary-General to hold seminars and joint programmes in cooperation with other international organizations, especially United Nations Office on Drugs and Crime, on dealing with the legal aspects of combating terrorism, and
6. **Decides** to place the item on the provisional agenda of its Fifty-Second Annual Session.