

**VERBATIM RECORD OF THE
SECOND HALF-DAY SPECIAL
MEETING ON "INTERNATIONAL
COOPERATION IN COUNTERING
TERRORISM" ON WEDNESDAY, 4TH
JULY 2007, AT 2.30 PM**

Her Excellency Mrs. Brigitte Sylvia Mabandla, President of the Forty-Sixth Session in the Chair.

Amb. Dr. Wafik Zaher Kamil, Secretary-General, AALCO: Madam President, Honourable Ministers, Excellencies, Distinguished Delegates, Observers, Ladies and Gentlemen, I welcome you all to the second half-day special meeting on "International Cooperation in Countering Terrorism". This meeting is being organized in cooperation with the United Nations Office on Drugs and Crime (UNODC) and AALCO. I also welcome the experts who are with us to enlighten us on this pressing international problem, which requires everybody's attention. I have on my right Dr. Iskander Ghattas, Chairman of the Board of Trustees of the United Nations Inter-Regional Crime and Justice Institute as well as Global Consultant for the UNODC, Vienna. Welcome Dr. Ghattas. I have on my extreme left Dr. Jonathan Lucas, Representative, Regional Offices for Southern Africa, UNODC. Welcome Dr. Lucas.

For international lawyers, the problem of international terrorism continues to pose a critical challenge as the international community struggles to formulate legal and institutional mechanisms to combat terrorism in all its forms and manifestations. While attempting to make an understanding of terrorism, one may be confronted with many conceptual issues. If terrorism is to be understood as mere law and order problem then it may be dealt with well within the framework of criminal laws of States. However, it is always emphasized that terrorist crimes are more than ordinary crimes requiring stringent mechanisms. Apart from emphasizing the special character of terrorist acts, it is also further argued that they are not just heinous crimes

warranting stringent legal mechanisms but they need also to be contextualised in the larger framework of political, social and economic factors. Thus, while emphasizing on the stringent legal mechanisms against terrorism it is repeatedly recognized that terrorism is not merely a criminal act but pursued with certain political motives.

There are two types of International Conventions on Terrorism. Firstly, the International Conventions which are open to ratification by all States, and presently, there are thirteen global Conventions of this nature under the auspices of the United Nations. Secondly, Regional Anti-terrorism Conventions. The international legal instruments that are adopted so far under the auspices of the United Nations constitute an important corpus of international law dealing with various forms of terrorist acts.

Further, with a view to drafting a comprehensive international legal instrument, the UN General Assembly at its 54th Session in 1999 decided that negotiations on the draft circulated by India would commence in the Ad Hoc Committee on International Terrorism in September 2000. Thus the negotiations on a comprehensive international legal instrument are underway before the Ad Hoc Committee and there has been agreement on many issues except on some outstanding ones.

Madam President, the topic of international terrorism has been on the agenda of the AALCO for the last several years. Keeping in view the developments at the United Nations, the item entitled "International Terrorism" was placed on the AALCO's agenda at its Fortieth Session, held from 20 - 24 June 2001, in New Delhi, 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 based on the draft submitted by India.

The topic is divided into two themes for the discussion. Theme one: *Combating Terrorism: International Context*; theme two: *Combating Terrorism: National Implementation of International Obligations*. We have excellent panelists for this meeting and I am quite confident that they would be able to cover issues as comprehensively as possible. I look forward to listening to extremely fruitful deliberations during the course of this meeting. Thank you.

President: Thank you. I now give the floor to Dr. Jonathan Lucas.

Dr. Jonathan Lucas, Representative, Regional Offices for Southern Africa, UNODC: Thank you Madam President. Excellency Madam President, Minister for Justice and Constitutional Development of South Africa and President of this Session, Honourable Ministers, Secretary-General of the AALCO, Excellencies, Ladies and Gentlemen.

Let me start by thanking the host for inviting the UNODC to speak today at this Forty-Sixth Session of AALCO in Cape Town. It is indeed an honour and pleasure for me to be with you in this timely important meeting to address the issue of International Cooperation in Combating Terrorism.

Terrorism poses one of the major international security threats. It is a threat that undermines peace, security and human rights. It is a scourge that threatened all nations, developed and developing, and all people, rich and poor. Its perpetrators come from all walks of life, all religions, all creeds, and all cultures. AALCO Member States have been encountered with both domestic and international forms of terrorism.

Terrorist motivations, financing and support mechanisms, methods of attack, and choice of target are constantly evolving, thus adding to the complexity of an effective strategy to counter it. Multilateral efforts must adjust to match the breadth and reach of the terrorist threats as it evolves. In this regard, it had often been highlighted that a global and

coherent response to this threat should be the priority of all nations.

By its virtue, the United Nations stands at the forefront of this international effort to provide a global response. The Organization's role in countering terrorism is extensive. Through its mandate and expertise it is involved in almost every aspect of counter-terrorism, from broad-based prevention strategies, social and development works, to the development and implementation of an international criminal justice norms and standards. As a transnational phenomenon not restricted by borders or national politics, as is the case today, international terrorism can most effectively be addressed at the normative level through a body with the multilateral tools and global mandate that the United Nations possesses.

The UN started working on the development of a multifaceted and coherent global response to terrorism well before the tragic and seminal events of September 11, 2001. The first defining movements for the international community were the hijackings of several transnational airlines in the early 1970's, the assault on Olympic Games in Munich, Germany in 1972 and the kidnapping of many staffs of the Organization of the Petroleum Exporting Countries (OPEC) in Vienna, Austria, 1975. In the following decades in the increasing prevalence and severity of terrorist attacks further strengthen the international resolve to respond to the burgeoning threat.

The UN's counter-terrorism efforts therefore spanned more than three decades, involving the General Assembly, the Security Council, the Economic and Social Council (ECOSOC) and the United Nations specialized agencies such as the International Atomic Energy Agency (IAEA), the International Civil Aviation Organization (ICAO), and the International Maritime Organization (IMO).

One of the most important contributions of the United Nations has been the gradual establishment of a common legal

framework consisting of more than a dozen Conventions and Protocols that covered different kinds of terrorist acts, ranging from aircraft hijacking to nuclear terrorism. These 16 instruments, together with several Security Council resolutions relating to terrorism (most notably Resolutions 1267 (1999) and 1373 (2001)), make up what is commonly referred to as the *universal legal regime against terrorism*. This regime offers the legal infrastructure to address serious crimes committed by terrorists utilizing the wide array of tools offered by *criminal justice mechanisms*. It is based on the premise that perpetrators of terrorist crimes should be brought to trial by their national governments, or should be extradited to a country willing to bring them to trial. The well known principle *aut dedere, aut judicare* (extradite or prosecute) is meant to make the world inhospitable to terrorists (and those who finance and support them) by denying them safe havens. This regime, and related aspects of international co-operation in criminal matters, will be dealt with in detail by my colleague Dr. Ghattas.

Another important counter-terrorism development in recent years was the elaboration of the *United Nations Global Counter-Terrorism Strategy* that was adopted unanimously by the General Assembly on 8 September 2006. The strategy - in the form of a Resolution and an annexed Plan of Action - is a unique global instrument that aims to enhance national, regional and international efforts to counter terrorism. This is the first time that all Member States have agreed to common strategic approach to fight terrorism, not only sending a clear message that terrorism is unacceptable in all its forms and manifestation, but also resolving to take practical steps individually and collectively to prevent and combat it. Those practical steps include a wide array of measures ranging from strengthening State capacity to counter terrorists threats, to addressing conditions conducive to the spread of terrorism.

The UNODC, specifically its Terrorism Prevention Branch (TPB), is one of the UN's lead providers of counter-terrorism technical assistance. It is mandated to assist requesting countries to enhance their *counter-terrorism legal regimes and related criminal justice capacity*.

UNODC's main activities include: Promoting the ratification and implementation of the universal counter-terrorism legal Conventions and Protocols; Analyzing national legislation and regional/sub-regional counter-terrorism Conventions and providing advice on effective implementation and application of the laws; Assisting, where required, with legislative drafting of counter-terrorism legislation; Training criminal justice officials on the implementation and practical application of the new laws; and Organizing regional and sub-regional workshops on counter-terrorism.

To succeed in its mission UNODC has built sustainable global counter-terrorism capacity based on partnerships. It needs partners at all levels, including regional and sub-regional organizations with the mandate and political support to tackle the threat in their own territories. Organizations like the AALCO bring essential political, logistical, and financial support to the global effort, as well as a wealth of relevant expertise and experience that is tailored to meet regional and national needs.

In order to enhance the effectiveness of its counter-terrorism technical assistance, that UNODC strives to develop operational partnerships with international, regional and sub-regional organizations in support of existing bilateral arrangements for technical assistance and to assist countries to strengthen their counter-terrorism legal regimes and related criminal justice capacity. UNODC has in this regard established similar partnerships with several other regional organizations, including SADC in Southern Africa with which we have regional programme, IGAD in East Africa, and working relations with ASEAN in South East Asia.

The advantages of this approach are clear: at the international level, partnerships enable technical assistance providers to share information on planned activities and explore the potential joint collaboration. At the regional and sub-regional levels, partnerships ensure that the political, economic and development dynamics and sensitivities germane to the regions are appropriately understood and effectively incorporated into technical assistance activities.

At the regional level UNODC has gained considerable positive experience in conducting joint activities with relevant regional and sub-regional organizations involved in countering terrorism. Such activities have taken place in Suva, Fiji; in Khartoum, Sudan; in Cairo, in Madrid, at the Organisation of the Islamic Conference in Kuala Lumpur and with Southern African Development Community (SADC).

Madam President, the universal legal regime against terrorism provides normative framework that should guide the development of counter-terrorism legal measures across the globe. The counter-terrorism Conventions and Protocols, supported and strengthened by various Security Council Resolutions and the UN Global Counter-Terrorism Strategy, represent over four decades of intensive international debate and negotiation to achieve some level of global consensus and joint commitment to fight terrorism in its various manifestations.

And while the threat of terrorism is likely to further morph and grow, international counter-terrorism measures will have no option but to keep pace. AALCO Member States, like many other countries of the world, is replete with examples of States that urgently require assistance to strengthen their counter-terrorism legal regimes to bring them in line with international obligations, and establish laws and effective criminal justice structures that are able to deal with terrorists and the threats they pose and, where required, bring them to justice.

The United Nations cannot build this capacity alone. Partnerships - at all functional levels - must be constructed with clearly identified aims and goals. Longer-term and sustainable capacity building should never be sacrificed at the altar of expediency. Building effective counter-terrorism requires commitment and political support at all levels: international technical assistance providers, donors and importantly all the countries involved. I hope that this meeting will be fruitful and contribute further co-operation in addressing this priority issues. Thank you Madam President.

President: Thank you. I now give the floor to Counselor Ghattas.

Counselor Dr. Iskander Ghattas, Global Consultant, UNODC, Vienna¹: Thank you Madam President. Excellencies, Honourable Ministers of Justice, Head of Delegations and Member Delegations. It is a great honour for me to be here and address you by representing United Nations Office on Drugs and Crime; and the United Nations Inter-regional Crime and Justice Research Institute, the specified department for combating and preventing terrorism. The issue of combating terrorism has taken great attention and importance in the international arena and because of the danger posed by terrorist criminal acts, the Security Council has designated it as a threat to international peace and security thereby enabling the Security Council to adopt coercive measures in accordance with Chapter VII of the Charter of United Nations.

The importance given by the international community to confront terrorism goes back to the first half of the last century where this international tendency has been clarified and crystallized in an agreement defining international terrorist offences 1937 with another Convention concerning the creation of an international criminal court to punish those offences. But as the

¹ Statement delivered in Arabic. Unofficial transcription from the Interpreter's Version.

political differences have their impact until now, that stands against enforcing these two international instruments and as a result of which the countries are not ratifying these two Conventions. This was a start of an international tendency to combat any terrorist activities.

From another part there was continuous efforts exerted aiming to establishment of an International Criminal Court taking into consideration at the very start that this Court should be in charge of all cases pertaining to terrorism. But the sponsoring countries who were behind establishing such courts feared that there will be political differences that are related to issues of terrorism and hence the crime of terrorism were excluded from the jurisdiction of ICC. Thus the jurisdiction of ICC was confined to crime against humanity, genocide, aggression, and war crimes. Despite this, we find that the Madrid Declaration, that has been passed on the occasion of the attacks that took place in Madrid in 2004, have requested that the international community to consider to include crimes of terrorism under the jurisdiction of the International Criminal Court.

This is a proof that the international community feels that the danger of this threat is increasing and that each country feels that it is not safe from the impact of terrorist activities, which is rather destructive either to individuals or to the community as a whole or at the level of the international community itself. My colleague the Regional Representative of the United Nations Office in Southern Africa has mentioned the international instruments that were concluded under the umbrella of United Nations or under the umbrella of other international organizations. These are thirteen in number and there were three other instruments making it as sixteen. It is enough to note that until September 2001 the number of countries that ratified these instruments was only two. However, during the period between 2001 and 2007, some of these instruments have been ratified by more than 150 States. Moreover, there is still a call and

invitation for all Members States of the United Nations for ratifying these instruments.

Furthermore, there are decisions and declarations adopted by the Security Council and the General Assembly, requesting the countries to join and ratify these international instruments, as well as also requesting these countries to cooperate together to confront the hazards of terrorism and requesting to bring all their legislations at par with these international instruments, so that these States would be able to implement these resolutions at the domestic level in their countries. In addition, to all these international efforts through the United Nations, there are other regional efforts as well. They are European Convention on the Suppression of Terrorism adopted in the year 1977 and the Protocol amending the same Convention in 2003 at Strasbourg; Arab Convention for the Suppression of Terrorism adopted in the year 1998; and the OAU Convention on the Prevention and Combating of Terrorism, 1999. Moreover, there is also a Convention concluded in 1999 under the umbrella of Organization of Islamic Conference, in addition, to the different agreements that took place at the Asian and African level. All these are proof of a strong conviction that countries acting alone and individually cannot confront terrorism.

Therefore, there should be a cooperation and collaboration among the countries in order to eradicate this epidemic, which has spread all over the world. In fact as long as we are speaking about international cooperation, it should exist in each country and we can say it is not enough that countries can be proud that they have ratified the Conventions to Combating Terrorism. But more than that all countries should adjust their domestic legislation so as to ensure that their legislative and security infrastructure is capable of enabling the country to fulfil its commitment from the judicial point of view when ratifying such Conventions.

Hence, the United Nations plays a very important role and also the UN Programme for Combating Terrorism plays role of permanent importance in providing financial assistance to the countries who are requesting such technical assistance, either at the level of training of cadres or adjusting the legislations or at the level of establishment of the mechanism for cooperation be it regional or international level.

As far as achievements are concerned, at the level of European Cooperation, particularly, in the field of Combating of Crime of Terrorism, we find that the countries of the EU when they felt the danger of terrorism they referred to the security organization in Europe i.e., the EUROPOL and to the judicial organization i.e., EUROJUST that has been established by the European Union. These Organizations were given charge of coordinating among themselves as well as to coordinate among those organizations, in order to, mobilise its efforts and to cooperate together in following up in all kinds of terrorist activities. It is sufficient to note that since 2002 and with the establishment of the EUROJUST that is formed from the judicial representatives of all Member Countries of European Union met together regularly and to consult among themselves concerning whatever files pertaining to criminal activities aiming to reach solutions necessary and that would enable them to facilitate whatever the judicial impediments that would stand against arrest and follow up on those criminals. It is sufficient to note that extradition of criminals represents a big mechanism of judicial cooperation among countries. It always faces several legal impediments that would stand against extraditing criminals wanted even among the European countries. These are the countries that belong to one judicial family and have similar circumstances whether it is political, social or economic. The solutions that they have reached were to create a single judiciary i.e., one judicial system and they passed the European warrant system to be able to arrest criminals. Thus, this system did not confront legal obstacles that come up in

most of such cases of extraditing of criminals. We hope that this would take place at the regional level or even at sub regional level in the Asian and African continents. Hence, we are going to facilitate any legal obstacle that could face and focus judicial cooperation among countries. This is the part concerning the judicial cooperation from the international or regional perspective.

Now, I am coming to the requirements of the judicial cooperation at the regional level. If we are speaking about terrorism in particular the requirements of judicial cooperation and the requirements of combating terrorism at the national level seems to be pressing urgently. The experts in combating terrorism says that if the attempts to abort the terrorism activities more successful by 99.9% this is a very bad result we should not give the opportunity to whatever possibility for the success of any terrorism operation or act. This reveals the extent of the difficulty in confronting terrorism by internal legislations. There is an equation, a very basic equation that confronts the national efforts in combating terrorism to the level of legislations. From one side there is the necessity of confronting terrorism; this is the principle of the necessity. On the other side, there is another principle of relative necessity in the sense that the arrangement of confronting of terrorisms should suit the necessity required. And that we should not waste the freedom or basic and fundamental rights guaranteed according to the Constitution and according to all international Conventions and Instruments. In following up on the necessity of confronting terrorism we see in the European Constitutions, and in the legislations of those countries that are really democratic like Germany, Spain, Portugal, that their Constitution stipulates that it is permissible to limit practicing some fundamental freedoms and rights as stipulated in the Constitution according to what is required to secure the safety of the society, their property, their individual and their political and economic life.

The European Court of Human Rights in Strasbourg has in different rulings laid

down that the State is more capable to determine the quality of the necessity and suitability in confronting the risks that threatens the security and safety of a country. If we implement this perception in the legislative efforts undertaken by the legislature we can notice that the national legislations faces different challenges. The first challenge is what is related to the definition of terrorism and we all know that until today international community has failed to arrive at a comprehensive definition of terrorism. But there are definitions for specific acts that were considered to be terrorist crimes and were stipulated in some of the international and regional Conventions and there is a definition in the national legislature. When the national legislature is putting a definition for terrorism should take into consideration of all these definitions in order to be able to take into consideration by all aspects, what his country has ratified from the international instruments and according to the legal commitments of these international instruments.

The other big challenge that confronts the national legislation is when the legislature starts to stipulate an issue of legislation for combating terrorism. This is related to the preventive measures, that could include some rights and freedom as stipulated in the Constitution but it is very necessary to prevent the danger of terrorism. And we have mentioned how that 99.9% is a bad result. Hence, there should be a balance that should be very accurate. The legislature should take into consideration in order to resolve this balance between security and realizing security at the same time not compromising on freedom and rights. This is a very difficult mission for the legislature but at the same time it is very important in order to protect the security of the communities.

There are the litigation procedure that has to be determined in the legislative as well and here we say that the national legislation should enhance the jurisdiction of the national courts in looking at terrorism crimes. We should not check, but we should adopt the international jurisdiction as some countries did. We

have to enhance in determining the jurisdiction of the Court because the State should always be able to implement the principle of trial delivery or extradition. If they do not deliver, then the Courts should be in charge and has the jurisdiction in following up the judiciary against those who are wanted. And we can notice that the International Instruments Concerning Combating of Terrorism, particularly the Conventions that have been passed lately has this tendency. It enhances the jurisdiction of the national courts so that no criminal or terrorist could escape the standing against a fair and just Court.

Lastly, the legislations for combating terrorism have to include regulating the international security and safety. There should be harmony between the mechanism that are adopted in countries who have to cooperate together in order to combat terrorism. And we want to say that international cooperation should depend upon confidence among different parties who are dealing together and this should depend upon credibility of the judicial system in each country that would cooperate together.

Thank you very much for your attention.

President: Thank you very much. Now the floor is open to statements and comments from the delegations.

The Delegate of Japan: Thank you Madam President. Let me introduce the counter-terrorism measures taken by the Government of Japan.

Seeing the situation over the world, the number of fighters has decreased, as international community has been engaging in the fight against terrorism. However, the strength of such international terrorist organization cannot be underestimated. Furthermore, new threat has been formed by radical movements supported by related organizations at national, regional and international level.

Bearing in mind such a situation Japan has been implementing the counter-terrorism

measures, which consists of three pillars. Firstly, strengthening the domestic counter-terrorism measures; secondly, broad international cooperation; and thirdly, the counter-terrorism capacity building assistance.

Concerning domestic counter-terrorism measures, the Japanese authorities have been intensively undertaking measures for prevention of terrorism in the following areas; immigration control, gathering and analysis of terrorism related intelligence, hijack prevention, counter CBRN (Chemical, Biological, Radioactive and Nuclear) terrorism, reinforcing security measures for critical infrastructures and facilities, and terrorist financing. As for broad international cooperation, there are four elements:

1. Japan has been working on strengthening political will in the international community to prevent and eradicate terrorism through implementation of UN Security Council resolutions, adopting declarations at various frameworks including G8 APEC and bilateral relations.
2. Japan has been committed to negotiations on relevant treaties in the UN and other international bodies. It has ratified and implemented all the thirteen international counter-terrorism Conventions and Protocols.
3. Japan has actively joined in the efforts of G8 and other frameworks to establish international standards for practical issues, including immigration control and transport security.
4. Operational cooperation such as information exchange and cooperation under Anti-Terrorism Special Measures Law.
5. Counter-Terrorism talks/consultations with various countries.

Regarding as counter-terrorism capacity assistance Japan has been implementing the assistance utilizing its ODA to

Southeast Asia and other regions. Thank you for your attention.

President: Pakistan you have the floor.

The Delegate of Pakistan: Thank you Madam President. Pakistan has been a primary target of terrorism for almost three decades. Our efforts to combat terrorism pre-date the events of 11 September 2001. As a front line State, Pakistan is extending full support and active cooperation to the international coalition against terrorism.

Pakistan fully shares the concerns of the international community on the alarming increase in acts of terrorism. We condemn terrorist activities whether perpetrated by individuals, groups or States resulting in violence or threat of violence against innocent persons irrespective of the motivations involved. We favour concerted action for formulation of a comprehensive strategy to counter-terrorism in all its forms and manifestations.

Pakistan's position on Conventions on Terrorism Related Issues: Pakistan believes that there is a need for a comprehensive definition of terrorism that should take into account all forms of terrorism including State terrorism. Pakistan draws a clear distinction between terrorist activities and the legitimate struggles of people for their right to self-determination. It is vital to address the root causes of terrorism, such as injustice, desperation, sense of humiliation and helplessness, economic and political deprivations in order to eradicate this evil completely.

There is a need to ensure that the fight against terrorism does not turn into a clash between the west and the world of Islam. We also reject the canard of the so-called "Islamic Terrorism". Terrorism has no faith.

Ratification of UN Conventions: Pakistan has ratified/acceded to 11 out of 13 UN Conventions relating to terrorism. Besides, it is signatory to the UN Convention

against Transnational Organized Crime 2000.

Regional Protocols: Pakistan has also signed and ratified SAARC Regional Convention on Suppression of Terrorism. We are also party to the SAARC Convention on Narcotic Drugs and Psychotropic substances and the ECO Protocol against Drugs. Pakistan has also signed the OIC Convention on Combating International Terrorism, 1999.

Extradition Treaties and Bilateral Agreements/MOUs: Pakistan has executed Extradition Treaties with 29 Countries. We have Bilateral Agreements/MOUs on terrorism and security related aspects with 50 Countries.

Counter Terrorism measures taken by Pakistan: Implementation of UN Security Council Resolutions: In order to ensure smooth implementation of UN Security Council Resolutions, Pakistan has devised a comprehensive legal framework and law enforcement strategy to counter terrorism.

Legal Framework: We give effect to UNSC decisions under the United Nations (Security Council) Act, 1948. The following laws of Pakistan have been enacted to counter terrorism on domestic front: Anti Terrorism Act, 1997; Terrorist Affected Areas (Special Courts) Act, 1992; Control of Narcotics Substances Act 1997; Anti Narcotics Force Act, 1997; Pakistan Madrasah Education (Establishment and Affiliation of Model Dini Madrasas) Board Ordinance 2001; the Pakistan Arms Ordinance, 1965; and Surrender of Illicit Arms Act 1991.

Issuance of SRO's: In pursuance of UN Security Council Resolution Nos. 1267(1999) and its subsequent resolutions, including UNSC Resolution 1735 (2006), orders are issued whenever there is a change in the consolidated list maintained by the 1267 Sanctions Committee. These orders provide legal cover for implementing sanctions measures under Security Council Resolutions, including measures such as freezing funds and

financial resources, arms embargo and travel ban.

State Bank of Pakistan has taken measures to check financing of terrorist activities under UNSC Resolutions. It has also frozen a number of bank accounts of individuals and entities proscribed under various UN Security Council Resolutions. The amount so far frozen is in hundred of millions. An Anti Money Laundering law is currently being considered by the Finance and Revenue Committee of the National Assembly. With regard to law enforcement measures Pakistan has deployed approximately 80,000 security forces along the border with Afghanistan and set up around 1000 border posts to interdict Al-Qaida/Taliban members. We have lost the precious lives of a number of our security personnel in anti-terrorist operations. The anti-terrorism drive inside the country to hunt down suspected terrorists has met with great success.

With regard to border control we have taken immigration control system "PISCE" (Personnel Identification Secure Comparison and Evaluation) is being installed at 18 entry/exist points in collaboration with USA. The system is already functional at Karachi, Lahore, and Islamabad with a terminal extended at CTC HQ Islamabad, Queffer and Peshawar airports.

Conclusion: Pakistan remains committed to tight the menace of terrorism to bring security to its own people and people of the world. It fulfills its international obligations with great responsibility.

President: The Delegation of Syria, you have the floor.

The Delegate of Syrian Arab Republic²: Thank you Madam President. I would like to state at the outset, that, terrorism poses a very dangerous threat to international peace and security. Fully realising the importance of it, Syria has been determined to act on terrorist acts. It has

² Statement delivered in Arabic. Unofficial translation from the Interpreter's Version.

dealt with this problem according to its laws and various punitive measures that it has adopted in an effort to root out this scourge. The root causes of this problem should be studied in a comprehensive manner in an effort to formulate a definitive definition for terrorism. The international community, instead of formulating a concrete definition for terrorism in the light of the various causes that trigger it, has proceeded, directly to study the ways and means of cooperation in order to combat it. However, Syria feels that, having a concrete and comprehensive definition for terrorism, would go a long way in mobilizing massive support and finding additional means and ways in eradicating this. This view is also reflected in the opinion of Dr. Ghattas who opined that, for every terrorist act, there is a pretext for it. Thank you very much for listening.

President: Iran you have the floor.

The Delegate of the Islamic Republic of Iran: Madam President, Iran has constantly condemned terrorism in all its forms and manifestations and continues to do so vigorously. As a chronic victim of terrorism, we strongly believe that terrorism, in all its forms and manifestations and irrespective of its motivations, is a criminal and unjustifiable act. We also believe that State terrorism is the gravest, the most dangerous and the most destructive form of terrorism.

The recent developments are a clear indication that eradication of extremism and terrorism cannot be achieved through the use of military force, no matter how strong and excessive it might be. Struggle against extremism and terrorism is a battle of hearts and minds. To win this battle, the international community needs to take courageous decisions to understand the multifaceted root causes of this phenomenon and wise policies to address them through a holistic and balanced approach. Otherwise, by following any narrow-minded or distracted approach to terrorism, all of us will be going downward in a vicious circle. In this context, both the concept and the

discourse of “dialogue among civilizations” can play a key role. This is why we wholeheartedly welcome all the initiatives that seek to promote this ideal.

Despite all the facts and indications that, there are some quarters which prefer the “monologue of might”, we have to spare no efforts to strengthen dialogue and understanding among different civilizations, cultures and religions. We reaffirm our commitment to the principles and true teachings of Islam which abhor aggression, value peace and tolerance and prohibit killing of innocent people. We also believe that the “Golden Rule”³ could be inspiring in this context.

Madam President, on 8 September 2006, the UNGA adopted the resolution 60/288 and its annex as “The UN Global Counter-Terrorism Strategy”. We joined the consensus despite having a number of reservations we had to the text, as a demonstration of our commitment to defend multilateralism and our support for the fight against terrorism. The Strategy was built on a strong condemnation of terrorism in all its forms and manifestations, which obviously includes state terrorism, committed by whomever, wherever and for whatever purposes, as that constituted one of the most serious threats to international peace and security. Adopting a strategy to address conditions conducive to the spread of terrorism, the United Nations sent a strong message that it was acting in the spirit of the United Nations’ Charter to prevent the growing menace.

Among the positive aspects of this document were, the section on conditions conducive to the spread of terrorism. The conceptualization and development of the root causes of terrorism would certainly help to understand all aspects of terrorism and to pave the ground to eliminate the motivation for resort to violence by both state and non-state actors. While the list of such conditions were not exhaustive, the

³ The rule of conduct that advises people to treat others in the same manner as they wish to be treated themselves.

Strategy had at least acknowledged that, prolonged unresolved conflicts were a root cause of terrorism, the most perilous cases of which arose from foreign occupation.

Madam President, the task before us now is to implement the Strategy in a consistent and objective manner and to work actively together to rectify its defects within an appropriate time frame. One of the major gaps in the UN Counter-Terrorism Instruments is the lack of a definition of terrorism. That means, implementation of all provisions adopted so far in this field would be based on the subjective interpretation of various Member States and thus, prone to political manipulation.

Though this is a not logically a desirable situation, it would hopefully provide an incentive to define terrorism in the future. To fill this detrimental gap, we have to work consistently towards achieving an internationally agreed definition of terrorism and terrorist acts which shall be differentiated from the legitimate struggles and resistance of peoples under foreign occupation.

On the question of definition let me draw your attention to a conceptual point. The question is: "Who shall have the authority to define terrorism?"

To answer this question is a highly political task. In situations of emergency, those who are in a position to differentiate friend and foe, and expose the public enemy, hold the ultimate power. While this has been the case primarily within the nation-states, the determination of the public enemy has become an international issue, too. This is why we see a political struggle behind the legal debate on the definition of international terrorism.

There have been two approaches in the debates on international terrorism, one held since the 1970s and the other since the advent of the new millennium. Both these debates had, and still have, their institutional locus in the UN General Assembly and its Legal Committee. In the 1970s the Non-Aligned Countries tried to challenge the discretion of some States in

determining the international public enemy. Although there is a general consensus that terrorism is a common threat, the main cleavage is between some powers that would like to determine the public enemy on a case-by-case basis, taking into account their foreign policy preferences, and States that would like to tie these hegemonic, and often aggressive, powers by an objective legal definition. It is precisely the absence of such a legal definition that makes it possible for the hegemonic powers and their allies to determine the international public enemy on a subjective and case-by-case basis. Undoubtedly, an objective legal definition would increase the coherence of the international coalition against terrorism and serve as a limitation on the discretionary power of the hegemonic States. This is why they have done and continue to do their worst to disrupt any negotiation process, which may lead to such outcome.

Regarding the other defects of the adopted Strategy, we see it imperative for the GA to review the Plan of Action on a regular basis to provide a truly comprehensive Strategy which duly takes into account all the root causes of terrorism. We remain convinced as we were, that in our confrontation with extremism and terrorism, we would not succeed if the environment that breeds terrorism, including foreign occupation, injustice, exclusion and systematic denial of human rights is allowed to thrive.

Madam President, the Islamic Republic of Iran appreciates the Terrorism Prevention Branch of the UNODC for its contribution in convening a Workshop on Prevention and Combating Terrorism on 17-18 January 2007 in Tehran. The Workshop was organized jointly with the Iranian Ministry of Foreign Affairs and the Iranian Judiciary. Participants were members of the Iranian judiciary and different related Organizations. The participants of the workshop were divided in two Working Groups: Working Group 1 mainly dealt with international legal aspects of the universal regime against terrorism whereas Working Group 2, focused its attention on

issues of domestic implementation. However, some questions which were recurrently discussed in both working groups. They include issues such as the definition of terrorism and the international legal status of armed liberation movements.

The assistance of UNODC/TPB during the workshop to have common understanding on scourge of terrorism and as a result to facilitate the consideration, ratification and implementation of the universal legal instruments against terrorism was very much welcomed.

Madam President, we need to recognize that, application of double-standards in dealing with terrorism and terrorist groups is yet another important matter of grave concern, which seriously undermines the international community's collective campaign against terrorism. In the course of the past 25 years, the Islamic Republic of Iran has been subject to different acts of terrorism by various terrorist groups. A particular reference should be made to a terrorist group which has long been stationed in Iraq and which planned, financed supervised and perpetrated terrorist operations in Iran which resulted in the killing of many civilians and officials as well as damaging private and government properties. This terrorist group was long supported and sheltered by the regime of Saddam Hussein and ironically, continues to enjoy the protection of occupying forces in Iraq today.

During this period, the said terrorist organization has staged more than 612 terrorist operations in Iran or against the Iranian interests outside the country, which includes hijacking, abduction, bombing and indiscriminate terrorist attacks against civilians. There are also other terrorist groups that operated against Iranian people with the collaboration of other terrorist organizations and with the tacit support of some foreign countries. Most recently, a terrorist group attacked and killed tens of people in the eastern and south-eastern parts of the country in an attempt to create an environment of

intimidation and insecurity. We are of the strong view that, there should not be a distinction between different forms of terrorism. In other words, there are not good and bad terrorism. Terrorism is bad and should be condemned and combated with no discrimination. Thank you Madam President.

President: Indonesia you have the floor.

The Delegate of the Republic of Indonesia: Thank you Madam President. Let me first extend Indonesian delegations' appreciations to the distinguished panelists for giving their views on this particular item. Madam President, Indonesian delegation would like to share some points of intervention on the theme of "Combating Terrorism: National Implementation of International Obligation".

First, in responding to the problem of terrorism, at the international stage, Indonesia currently is a party to UN Conventions dealing with international terrorism. Indonesia consistently fulfils its obligation to communicate its written reports to the UN Security Council's Counter-Terrorism Committee (CTC) under Resolution 1373 and UN Security Council's Sanctions Committee under Resolution 1267 on various national measures in the context of implementing relevant UN Resolutions on terrorism. Indonesia has also submitted its report on the implementation of UN Security Council Resolution 1540 on the non-proliferation of weapons of mass destruction to non-state actors, including terrorist groups.

At the regional level, Indonesia and the Members of ASEAN have signed the "ASEAN Convention on Counter Terrorism" on the 13 January 2007. This Convention marks Indonesia's achievement in pushing forward ASEAN cooperation in eradicating terrorism. This Convention bears the marks of strong regional characteristics that will become the legal framework for future cooperations in fighting terrorism, including prevention measures, rehabilitative programs and

addressing the root causes of terrorism itself.

Madam President, domestically, in line with its commitment to combating terrorism, the Indonesian Government has also established 'A Desk of Coordination on Counter Terrorism' under the Coordinating Minister for Political and Security Affairs. The Desk mainly deals with concerted efforts in analyzing, planning and evaluation, as well as serving as a reporting mechanism on terrorist activities. Furthermore, consistent with its efforts to combat the threat of international terrorism, the Government of Indonesia continues to take the necessary and appropriate measures aimed at strengthening the legal infrastructure and enhancing institutional capacities. Indonesia has passed a law on anti terrorism, namely, Law No. 15/2003. The law has been implemented to prosecute the perpetrators of the Bali bombings. Many assert that the Bali bombing trial, the first trial of any high profile terrorism case post 9/11, is indeed a fair trial. In this regard, Indonesia highly appreciates the significant cooperation and support from friendly countries, especially in the forensic area that have greatly aided the Indonesian police to follow the lead and apprehended the perpetrators.

Madam President, Indonesia has the view that, AALCO can play an important role in this regard. AALCO can become the forum to find a common understanding between Member Countries striving for one just cause, the fight against terrorism. It is imminent that, we come together to form a common understanding on the definition of terrorism as a starting point towards the fight against it. As friendly countries we will be able to accommodate each others needs in order to find common ground on the definition of terrorism. I Thank you.

President: Egypt you have the floor.

The Delegate of the Arab Republic of Egypt⁴: Thank you Madam President. In the Name of God, the Merciful, the Compassionate. As it is well known, Egypt was one of the first Countries that suffered from the menace of terrorism. Accordingly, the President of Egypt as early as 1966 and in front of the European Parliament in Strasbourg had called upon to convene a Conference for Combating Terrorism. This call has been repeated and Egypt participated in all the efforts. It continued its effort to do so in the context of Convention for Combating Terrorism either at national or at international regional, which also includes the initiative of the Egyptian diplomacy in September 2005. We also want to reiterate here, that, Egypt made a proposal at the United Nations to convene a Special Session of the United Nations General Assembly concerning terrorism. The Egyptian stance in this regard, depends on several variables and concepts. The most important are as follows and it is the honour of the Delegation of Egypt to present it in detail.

Egypt is keen to condemn totally all types of terrorism, and whatever the means that are used, considering that, all are criminal acts that are not to be accepted. States should look at terrorism, as a dangerous scourge even if is the result of a State's terrorist acts against other States or against its peoples whom are under occupation of the aggressor State.

Secondly, Egypt finds that, we have to have a specific definition for terrorism that would distinguish between terrorism as criminal acts and as involving the national liberation movements. Also Egypt will confirm that it is not permissible to use terrorism as a way to attack Islam as a religion or against Arabism also Egypt rejects categorically, using the issue of terrorism to interfere into the internal affairs of any sovereign State. Nor should it prevent a State from realising the right of self-determination. And Egypt is seeking to move at the international level,

⁴ Statement delivered in Arabic. Unofficial Translation from the Interpreter's Version.

aiming to prove the close link between terrorism and organized crime and to speak about the role of organized crime gangs in supporting terrorism from the finance, weapons and giving them forged documents and assist them in causing damage. And Egypt feels as well, that it is very important to deal with the issue of terrorism from a wide perspective that deals with the motivations behind terrorism and its reasons while confirming the necessity of looking terrorism from the social, political economic point of view in addition to the security and judiciary sides. And hence, it is inevitable that we should remove all these reasons for terrorism either from political, economic or social point of view.

Egypt sees as well, the importance that, the country should not, or should obtain from facilitating or financing or assisting or allowing or participating in any terrorist acts. We should take all executive measures to guarantee that, none is using our lands in furtherance of terrorist acts against other Countries or peoples of other Countries. It is easy to take procedures in order to monitor and prevent the movement of money that is suspected to go to terrorist acts, either to be used directly for terrorism or indirectly or under the umbrella of Organization or association. We should also make sure that the money is not to be used in activities that are illegitimate, which include the smuggling of weapons or trafficking in drugs or narcotics or corruption.

We should encourage the habit of extraditing persons who are alleged to have committed terrorist acts in order to stand against whatever terrorist acts and to respect the extradition procedures. In this context, Egypt would like to emphasise that, it would follow both the principles and procedures of international law pertaining to the status of refugees, as found in the UN Convention on the Status of Refugees of 1951 and all appropriate procedures within the international and national laws, before giving a refugee an asylum.

Also Egypt feels that, it is very important to enhance international cooperation in order that we could confront terrorism effectively and to follow up terrorists and arrest them and put them to trial. This should not be only confined to those who are committing terroristic acts but also to those who are motivating others which includes those who are giving them weapons, finance or logistic support.

Egypt insists that, criminal justice system is disciplined according to the Constitution and to different procedures established nationally or internationally. They should be used for ever, in an appropriate manner so as to have preventive measures and in order that international cooperation would have its fruitful results. All Countries should coordinate its efforts in combating terrorism and that we should exchange information on documents concerning this act.

Egypt feels that combating terrorism should not be confined to legal and security aspects alone. And also that, some of the terrorists crimes comes from those who are implicating it with a certain creed that depends upon a distorted understanding of religion. We had a pioneering experience since the early 1990's that depends upon intellectual confrontation as being part of terrorism in full belief that intellect should be confronted with similar intellect. Hence, we called on these who encourage terrorism to stop doing that and to have discussions and debate in order to rectify the misunderstandings associated with these concepts. Egypt since last year has not witnessed any person who repented being a terrorist and taking recourse to terrorism. Egypt would like to take this experience quickly. We are not giving this as an alternative from the legal or security procedures or preventive measure to be adopted. But according to a measurement that goes with all efforts, judicial procedures in confronting terrorism also is important. We are not calling others to implement this. This should be followed according to the conditions and situations of each Country. The Egyptian delegation has the honour to give these statements of

our stance and we hope this would be among the documents of the Conference and thank you very much.

Madam president: Kuwait you have the floor.

The Delegate of the State of Kuwait⁵: In the name of God, the Merciful, the Compassionate, Madam President, despite the absence of having a unified definition for terrorism at the international level and as Dr. Ghattas did thankfully explain that, great efforts have been exerted to understand the common aspect and different definition of this crime. These efforts paved the way for the agreement reached by the international community on formulating a proper draft for the crime of terrorism. Article 1 Para 2 of the OIC Agreement Combating International Terrorism has defined terrorism to be 'every act of terrorism of violence or threatening of violence no matter what the pretext would be and the aim would be to consider as a crime which aims to bring terror among people and terrify them by harming them by exposing their life or their freedom or their security or their rights to danger, or bringing advance efforts to the environment of the utilities of the public property or private properties or occupying it or to know national recourses and exposing them to danger and to threaten the regional stability and peace and political unity or sovereignty of an independent state'. Also Article 1 Para 3 of the same agreement of the just mentioned agreement did define the terrorist crime namely, that 'any crime or act or participating in this act which would be perpetrated according to a terrorist way in the contrary parties or as the citizen or the ownerships or the interest to be punished according to international law'.

Madam President, the State of Kuwait feels that the last definition which has been incorporated in the Agreement of the OIC on terrorism is in line with the Arab Agreement to Combat Terrorism. It is a serious attempt to reach to agree on a

definition for terrorism and it is an attempt that should be appreciated and supported whether on the local level or international level. That is why, the State of Kuwait feels the need to agree on a certain definition for the transit crime which would be in line with what has been defined which I have just mentioned. It is noteworthy to state that, we should always discriminate between terrorism and legitimate armed struggle for self determination or liberation of lands and which has been provided by the international law of armed conflicts. This cannot be confused with one another because prolonged occupation of the lands of a State on the part of another State brings in frustration and the oppressed people are then forced to take resort to violent measures which in turn becomes a source of terrorism. Fighting for the right of self-determination which is recognised in international law, by these oppressed peoples should be considered as legitimate.

Madam chairperson, in this connection, it is noteworthy here to state that, incrimination of actions and crimes should be done on the basis of rules which provides for the fact that nobody can be proved guilty except proven otherwise and that incrimination is just an exception. In this regard, it should be remembered that a fine balance needs to be made between the strategies adopted and the need to preserve the fundamental rights of persons. This calls for the impartial application of the rules and laws of terrorism in order to bring a balance which provides that combating terrorism should always be done in a way to protect human rights. I thank you.

President: Thailand you have the floor.

The Delegate of Thailand: Madam President, terrorism has long been recognized by Thailand as one of the most serious threats to domestic and international peace and security. Thailand has always maintained its firm policy to condemn terrorism in all its forms and manifestations both domestically and internationally.

⁵ Statement delivered in Arabic. Unofficial Translation from the Interpreter's Version.

With regard to those Conventions adopted under the UN's umbrella, Thailand is now a Party to 8 of the 13 United Nations Anti-Terrorism Conventions and Protocols. As for the remaining Conventions and Protocols, we pledge to pursue the goal to become Party at the earliest in order to show our strong commitment to the international cooperation in combating terrorism.

Madam President, with regard to the Draft Comprehensive Convention on International Terrorism (CCIT), Thailand wishes to express its appreciation of the fruitful outcome of the Ad Hoc Committee's eleventh session held at the UN Headquarters in February this year, especially with regard to the text relating to Article 18 of the Draft, which aims to clarify the relationship between the Convention and other areas of international law, particularly international humanitarian law. At this juncture, Thailand looks forward to the adoption of the formula of the text proposed by the Ad Hoc Committee during the meeting of the Sixth (Legal) Committee and Sixty-second Session of the United Nations General Assembly. Furthermore, Thailand is of the opinion that, a study on the relationship between terrorism and other areas of international law, such as human rights and humanitarian laws, should be prepared given that, this will be a critical area when States consider the scope of application of the Draft.

Pending the completion of the Draft Comprehensive Convention on International Terrorism, the United Nations Global Counter-Terrorism Strategy should be regarded as an international plan of action. As for regional level, Thailand encourages the arrangement of regional and inter-regional treaties against terrorism. For example, the ASEAN Convention on Counter-Terrorism concluded recently reaffirmed the ASEAN's intention to combat terrorism in the region. Thailand is of the opinion that, such regional and inter-regional mechanisms could facilitate the conclusion of the Draft Comprehensive Convention in the future.

Also, Thailand welcomes the sharing of experiences and practices with other AALCO Member Countries in the enforcement and operation of regional Counter-Terrorism Mechanisms especially in terms of counter-terrorism measures in order to tackle the root causes of terrorism and address the conditions conducive to the spread of terrorism, such as the promotion of a culture of peace and the rehabilitative program as well as social reintegration of persons involved in the commission of terrorist acts.

Madam President, as far as the monitoring and reporting systems envisaged by the UNSC Counter Terrorism Committee, Thailand is of the view, that any reporting system should not put excessive burden on States, which are already struggling with the technicalities in implementing the UN Anti-Terrorism Conventions and Protocols. Thailand therefore, supports the adoption of an integrated approach in monitoring and evaluating the work of States. In this regard, a self-evaluation mechanism and a model template laying out necessary actions to be undertaken by States could be established.

To conclude, allow me to assure you, Thailand's full support to every effort made to adopt and implement the global counter-terrorism strategy and international instruments to combat terrorism. Thank you, Madam President.

President: Qatar, you have the floor.

The Delegate of the State of Qatar⁶: Thank you Madam Chairperson, In the Name of God, the Merciful, the Compassionate. Qatar condemns all forms, manifestations of terrorism and its practices wherever they are perpetrated and whoever the perpetrators are. We consider that terrorism is in violation of heavenly messages and all the laws does reiterate and State of Qatar does reiterate its keenness to take all the legislative and exercise measures which can prevent our

⁶ Statement delivered in Arabic. Unofficial translation from the Interpreter's Version.

State from this endemic. Also Qatar abides to all instruments of the United Nations and international law and also we declare that we are cooperating with other countries in different fields in combating terrorism and in taking effective and decisive measures according to the international laws and instruments pertaining to this topic and according to the practices of human rights in order to overcome terrorism.

With regard to the domestic measures that we have taken at the national level, we have passed law No.3 for combating terrorism in accordance with Arab and international tendency to criminalize terrorism and to have a special law and to criminalize the terroristic acts. And we have ratified the Arab Convention for Combating Terrorism and we are against money laundering, and have passed law 28 in 2002 concerning anti-money laundering according to the efforts exerted internationally in combating all money laundering. The most important No.1 to criminalize money laundering to punish perpetrators according to the flagrant acts that could reach up to imprisonment of 7 years. We have also formed a National Committee for Money Laundering and hence we have established this Committee according to law No.13 for 2004 in harmony with the Security Council Resolution in order to monitor and supervise all acts done by individuals and according to the national policy of the States. To control the entire gamut of financial transactions also, the state of Qatar has passed a Law No. 12 for 2004 concerning the private companies associations and to inspect their records, registers and transactions and they cannot raise funds except after having permission from the State. These laws have been adopted in line with the measures taken at the international level. In addition to what have been formulated in the Qatari Law, we have also the Criminal Procedure Code of 2004 in order to have international cooperation in combating crime and combating terrorism. Qatar joined the Arab Convention for Combating Terrorism of 1998 and we have acceded to

a multilateral Convention Concerning Terrorism.

The State of Qatar concluded several bilateral cooperation agreements in the field of judicial cooperation, of police, of security arrangements, and the extradition of criminals, exchange of information. Besides these, there are different drafts, bilateral agreements in the field of security and combating of terrorism and we are seeking to incorporate the crimes of terrorism according to the judiciary agreements with different Countries in the world. In addition, our authorities in Qatar, particularly the prosecutor and Ministry of Interior, exerts all efforts in giving judiciary, every assistance to all Countries even if you do not have any bilateral agreements with our Country in accordance with different articles stemming from the international law Conventions and from Laws 107 to 143.

The State of Qatar is cooperating fully with the Committee for Counter Terrorism established through the resolution of the Security Council No.1373 for 2001. We have formed a National Committee in order to prepare the reports to be given to the former Committee and to answer whatever questions and to read the reports that are presented to the Secretariat of the United Nations from 2001 to 2006. These are the laws and institutions concerning the combating of terrorism adopted by Qatar. I also should mention that we have an electronic web site dedicated to this and I thank you very much.

President: China. You have the floor.

The Delegate of the People's Republic of China: Thank you President for giving me the floor. I also appreciate both the Panellists for their presentations and the efforts made by UNODC to fight against terrorism. I would like to share some views from the Chinese side.

Madam President, terrorism constitutes a serious threat to international peace and security. It is a public enemy of the international society, including Asian and African Countries. Currently, terrorism is

still rampant, and the international anti-terrorism situation leaves us no reason to be optimistic.

Madam President, the Chinese government has consistently opposed and condemned terrorism in all its forms and manifestations, and is against the use of terrorist activities as ways and means of achieving political purposes. Meanwhile, we believe that, the fight against terrorism must be based upon the purposes and principles of the UN Charter and other established rules of international law. The use of double standards should be avoided, and terrorism should not be identified with any particular civilization, ethnic group or religion. For the fight against terrorism to be effective, measures should be taken simultaneously in the fields of prevention, legislation and enforcement, and both the manifestation and root cause of terrorism should be tackled, with efforts focusing on the solution of such underlying problems as conflict, poverty, social unrest and injustice.

Madam President, China supports the United Nations for its continuing leading and coordinating role in fighting international terrorism. It supports strengthening international cooperation in combating international terrorism through the formulation of international Conventions. China has ratified or acceded to eleven of the thirteen existing international Conventions against terrorism. China has signed the International Convention on the Suppression of Nuclear Terrorism. Currently, the domestic procedure for an early ratification of the Nuclear Terrorism Convention, as well as the procedure for China's accession to the Amendment to the Treaty on the Physical Protection of Nuclear Materials, has been initiated. The Chinese government supports the efforts to finalize the Comprehensive Convention on International Terrorism at an early date, so as to strengthen the international legal framework against terrorism. We are open to any proposal conducive to achieving this goal. We also support convening a High-Level Meeting on terrorism under the auspices of the UN. China has also

concluded Convention under regional framework. The Chinese government is ready to work with the Asian and African Countries and the rest of the international community in its continuous efforts to efficiently fight international terrorism and uphold international peace and security. Thank you, Madam President for the kind attention.

President: Thank you China. Sri Lanka you have the floor.

The Delegate of Sri Lanka: Thank you Madam Chair. Sri Lanka as a country has suffered most by one of the most ruthless terrorism in the world today for many decades. We welcome this discussion on the prevention of terrorism. My delegation wishes to appreciate the two presentations made by the two eminent Panellist on the need to cooperate with the various UN Conventions on Combating Terrorism. In this regard, I wish to mention that Sri Lanka as a country, which is in the forefront of efforts against terrorism has ratified most of the UN Conventions.

Sri Lanka considers that, taking effective steps to curb the financing of terrorism is the pressing need of the time. It is with these funds that terrorists launch attacks against innocent civilians and unless we take effective action against fund raising which are primarily raised through diasporas in various forms through different organizations appearing in the form of cultural organizations, charities, our fight against terrorism would remain incomplete. This is because the money raised this way, goes to the hands of terrorists and to support the financing of arms and ammunitions. Therefore we see the need for the Countries to take action against fund raising. In this regard, Sri Lanka is happy to note that a number of Countries have taken action to freeze the funds of terrorist organizations and also prohibit the operational activities of them in their countries. Thank you very much Madam Chairperson.

President: South Africa you have the floor.

The Delegate of the Republic of South Africa:

Thank you Madam President. The Government of the Republic of South Africa welcomes this opportunity to address the meeting on the important issue of countering terrorism and to reiterate the Government's position on terrorism and the legislative actions that it has taken to combat terrorism.

The South African Government unequivocally condemns all acts of terrorism and has pledged its support for the global campaign against terrorism within the framework of the United Nations and its structures. We are of the view that, it is important that, States pool their resources in fighting terrorism globally and to this end it is also important that the multilateral system be strengthened to deal with such efforts to prevent powerful states taking unilateral action.

The South African Government holds the view that, the growth of terrorism is one of the major scourges undermining international peace and security. South Africa is committed to combating terrorism, but also maintains that, terrorism cannot be defeated militarily. It is important to focus on the root causes of terrorism and to develop appropriate strategies to address them. In this regard, concerted efforts must be made to resolve conflicts in all parts of the globe, such as the Middle East conflict.

In this regard, the international campaign against terrorism should include a worldwide joint commitment to eradicate poverty and under-development and the issue of terrorism should not push development off the international agenda. Similarly the combating of terrorism should not take place at the expense of civil liberties, human rights and the rule of law.

The South African Government is outright in its condemnation of the use of violence against unarmed and innocent civilians to achieve any political objective. It is the Government's view that attacks against

civilians can never be justified under any circumstances.

The South African Government is also of the view that the lack of consensus on the definition of terrorism within the United Nations is problematical – there are many countries which hold the view that the fight for self-determination cannot be defined as terrorism. South Africa shares this view and distinguishes between terrorism and the legitimate struggle for national liberation or self-determination undertaken in accordance with international law and the UN Charter.

Madam President, with regard to South Africa's participation in international efforts to combat terrorism, we are proud to say that South Africa has ratified 12 of the 13 United Nations treaties on terrorism. Parliament has recently approved the ratification of the thirteenth Convention (that is, the Convention on the Physical Protection of Nuclear Material) and we will shortly be depositing our Instrument of Ratification for this Convention. South Africa is also a party to the OAU Convention on the Prevention and Combating of Terrorism and its African Union Protocol.

In support of its commitment to combating terrorism, South Africa continues to contribute to the efforts of regional and other multilateral organisations such as the UN, Non-Alignment Movement (NAM), the Commonwealth, the African Union (AU) and South African Development Community (SADC) in this regard.

With regard to the Comprehensive Convention against Terrorism, South Africa supports the early finalisation of this Convention and it is disappointing that the work of the United Nations Ad Hoc Committee is deadlocked. The reason for the deadlock is a principled difference between States on whether or not national liberation movements should be exempted from the scope of the Convention. The South African Government is convinced that with the necessary political will, creative solutions can be found to break the existing deadlock on the

Comprehensive Convention against Terrorism. South Africa will remain constructively engaged in the negotiations on this Convention.

On the issue of a definition of terrorism South Africa's position is informed by the "Ezulwini Consensus" of the African Union, which on the definitional issue states the following:

"Terrorism, in line with the Algiers Convention on Terrorism, cannot be justified under any circumstances. Political, philosophical, ideological, racial, ethnic, religious or other motives cannot be a justifiable defence against a terrorist act. However, there is a difference between terrorism and legitimate struggle waged by peoples for their liberation or self-determination in accordance with the principles of international law."

On measures to eliminate terrorism taken in the UN Security Council, South Africa has good relations with the counter-terrorism bodies of the Security Council and is fully compliant with its reporting obligations in terms of the various Security Council resolutions.

Madam President, in fulfilment of its international obligations to counter terrorism, the South African government has also adopted legislation to criminalise acts of terrorism, ensure that terrorist acts are prosecuted and that there is no safe-haven for terrorists in South Africa.

The South African legislation in this regard is the *Protection of Our Constitutional Democracy against Terrorist and Related Activities Act*, which came into operation on 20 May 2005.

The Act makes the Republic of South Africa fully compliant with United Nations Counter Terrorism Conventions, as well as the OAU Convention on the Prevention and Combating of Terrorism. The Act creates a general offence of terrorism, and offences relating to terrorist activities, such as recruiting, assistance to commit terrorist activities, and facilitating

terrorist activities. It also provides for the specific offences required by the relevant international instruments. The Act therefore equips the law enforcement agencies in South Africa to effectively deal with both international and domestic terrorist activities.

Provision is also made for the freezing of terrorist property, and specific offences required by United Nations Security Council Resolutions and the International Convention on the Suppression of the Financing of Terrorism, to be enacted in respect of terrorist financing.

The Act excludes from the definition of "terrorist activity" those actions taken in pursuance of a liberation struggle provided that those acts were done in accordance not only with the principles of the Charter of United Nations and the African Union, but also in accordance with the principles of the international humanitarian law.

Madam President, as we noted at the beginning of this statement, international cooperation in combating terrorism is pivotal. But it is important that this international cooperation is done in accordance with the purposes and principles of the United Nations, including respect for civil liberties, human rights and the rule of law.

The Security Council in particular has wide ranging powers to list persons and entities that it believes to be linked to terrorists or certain acts. In listing such persons it is very important that due process is followed and the principles of natural justice are adhered to. I thank you.

President: Egypt you have the floor.

The Delegate of the Arab Republic of Egypt⁷: Thank you. I am sorry to ask for the floor again. I will be very brief. I just wanted to update the meeting with the latest development with regard to the Egyptian initiative to convene an International Conference. As my

⁷ Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

colleague has said couple of minutes ago Egypt has initially presented the proposal back in 1986. In 1999 this initiative was inscribed on the agenda of the Sixth Committee to convene a High -Level Conference to deal with the problem of international terrorism. This initiative was referred to the Sixth Committee for consideration and then the Ministerial Meeting of the Coordination Bureau of the Non Aligned Movement adopted that initiative in 1996. The summit of the Non-Aligned Movement adopted the initiative in its meeting in Havana in the same year. We believe that our initiative should not be linked to the reaching on agreement on the International Comprehensive Convention to Combat Terrorism for the reason we believe that, the draft convention is still rife with many problems. Among which is the activities of the armed forces of the State and whether this illegal activity might be included within the scope of the Convention or not. Another reason why we would not want it to be linked with this initiative to the comprehensive agreement is the question of acts of national liberation movements in its efforts to gain self-determination and independence.

This is a huge problem that we do not see any near agreement on this issue in the negotiations. Actually we think that the High Level Conference could facilitate and open the door for discussion of these very thorny issue and could be a launching pad and a springboard for convening for reaching an agreement on the comprehensive Convention. Finally Madam, I would like just to indicate that we believe that the High Level Conference would deal with two issues; first, the underlying causes of terrorism that include the economic and social injustice, under development, poverty and foreign occupation as underlying causes for terrorism. The second being on the agenda of this Conference could be considering the question of definition of terrorism. Again the item is still on the agenda of the Sixth Committee of the United Nations General Assembly and we hope that may be next General Assembly Session, we will reach an agreement on at least

convening a High-Level Conference. Thank you very much Madam Chairperson.

President: India you have the floor.

The Delegate of India: I thank the Panelists for their presentations on the work of the United Nations in trying to help international cooperation for combating the scourge of international terrorism. As was highlighted by both the panelists, international terrorism is a scourge, which affects all countries, and no country is safe from its effects. Because of its international nature and trans-boundary planning and consequences, international cooperation is essential in our efforts to combat this scourge. The United Nations has been focused on international cooperation and number of conventions have been adopted; 13 conventions have been adopted so far. India is party to all these conventions and we have also adopted legislations to criminalize all the offences covered under these conventions. We are also taking action to become a party to the Protocol, which amended the Convention on Physical Protection of Nuclear Materials.

Madam President, in spite of having such a large number of conventions, we felt that there were still some gaps in the international legal regime for combating terrorism and in order to close these gaps and make the international legal regime fully complete, India had proposed the adoption of the Comprehensive Convention. This as other delegates have already highlighted seek wide support in General Assembly and the work on negotiations were held to adopt this convention. Most of the provisions have already been agreed, however, there are some provisions in articles, which are still outstanding, and consultations are continuing both in Ad Hoc Committee and also in the Sixth Committee Working Group. We hope that States will show their visible political will and demonstrate that they were combined in their efforts to combat international terrorism and in that spirit of cooperation, I hope that they would try to resolve the outstanding issues

at an early date, so that the international legal regime against terrorism can be said to be then complete. And it would become an effective legal instrument of cooperation in combating these terrorist crimes. Thank you Madam President.

President: Senegal you have the floor.

The Delegate of Senegal⁸: Madam President, international terrorism constitutes a serious threat and together with transnational organized crime is to be considered to be one of the most dangerous threats to international peace and security because we take into consideration the dangers of these for international crimes. Senegal has joined international efforts initiated by the international community in order to protect and condemn it. After acceding to 13 conventions on international terrorism and ratifying the African Union Agreement on Terrorism to protect and punish the perpetrators of these crimes which has been signed in Algiers in 1998. Senegal has carried out in its Rules, laws pertaining to this matter. Law 2007 which has amended punitive action and criminal action in criminalizing international terrorism and has been defined in the international crimes and among two laws adopted in 2007/04 specialized committees have been established to investigate and punish such crimes related to international terrorism. The magistrates working in these different authorities have been trained through preparation and holding of workshops and meetings which were held in Dakar due to international cooperation by the United Nations particularly, United Nations Office on Drugs and Crime. Further, I would like to inform that according to the Law 2007/04, the judiciary/court has (i) the jurisdiction to investigate the crimes which shall be perpetrated by a foreigner in our national territory and (ii) if the criminal is our territory, despite his foreign nationality, our officials have the right to arrest him or if the victim is a Senegalese national.

⁸ Statement was delivered in French. Unofficial translation from the Interpreter's Version

Senegal has strongly taken part in laying out a unified law and our comments on this Draft Comprehensive Convention will be submitted to the meeting by the West African Economic and Monetary Union. Thank you.

President: Republic of Korea you have the floor.

The Delegate of the Republic of Korea: Madam President, Thank you for giving me the floor. I would like to extend my sincere gratitude, through you, to all the panelists for their intellectually stimulating presentations.

Madam President, Distinguished Delegates, let me take this opportunity, very briefly, to share with you some of the measures the Government of the Republic of Korea has taken to take part in international cooperation to suppress international terrorism, and also to reiterate its position.

The Republic of Korea is a party to 12 universal counter-terrorism instruments. The Republic of Korea has signed the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism and is in the process of preparing for the presentation of the Convention to its Parliament for approval. The Korean Government also strongly supports the activities of the Ad Hoc Committee to adopt a comprehensive convention on international terrorism, and it is of the view that, with a view to suppressing international terrorism which is likely to jeopardise international peace and security, the early conclusion of such a comprehensive convention would be most desirable.

The Government of the Republic of Korea has established a system that would allow it to freeze assets in accordance with the resolutions of the UN Security Council. As a result, over 500 such terrorist asset-freezing measures have been taken since October 2001. In addition, the collection of funds by terrorist groups and the act of financially supporting these groups is

subject to criminal punishment. The Republic of Korea is also in the process of drafting a separate anti-terrorist financing law to more effectively block terrorist financing.

In conclusion, let me assure you that the Government of the Republic of Korea will continue to work actively to support and implement measures to combat and suppress international terrorism. Thank you for your kind attention.

President: Thank you. I now give the floor to Commonwealth Secretariat.

The Observer Delegate of the Commonwealth Secretariat: Thank you very much Madam President. We first of all thank the panelists for the excellent overview they gave us of global efforts in combating terrorism both at the international level and the national implementation of its international obligation.

Madam President, terrorism, terrorist financing, money laundering are crimes whose nature as often has been said is truly transnational, highly destructive of the economies in the societies. Money laundering, as we know, it relates to illicit source of property. Terrorism and terrorist financing is concerned mainly with the illicit use of property regardless of whether or not source is legitimate. These offences as has been said are fostered by international cooperation among criminal elements in our States and cannot be successfully addressed if there is efficient coordination within key departments within States. Effective cooperation between States is paramount to facilitate investigation and prosecution of the offences.

Commonwealth Secretariat, has been a full partner in the efforts of the international community to enhance international cooperation in combating these serious offences through our Counter-Terrorism programme, Anti-Money Laundering and Countering Financing of Terrorism programmes. This was initiated after the events of 9/11; the Heads of Government

of the Commonwealth adopted action on terrorism and asked for assistance to be provided for member countries. Our projects focus on providing member states with the necessary legislative framework and more importantly now on building capacity of the law enforcement agencies and prosecutors to combat terrorism and other serious organized crimes.

Madam President, the second part of the project which is ongoing focuses primarily on capacity-building for law enforcement agencies, that is, police, customs officers, intelligence units and prosecutors. They include training of trainers and specialist workshops, national and regional training workshops lead by the specialists in the earlier workshops, conducting country, region-specific training and technical assistance. Conducting country meetings at national level to develop training programmes and scope, the national needs counter-terrorism training and we do coordinate with the UNODC and other regional organizations in Asia and Africa to provide training at the request of the country or the region. In 2005, Heads of Governments reaffirmed their strong condemnation of all acts of terrorism in all its forms and manifestation.

Madam President, terrorism continues to prevail as a persistent challenge to international peace and security. They stressed again to continuing need to take comprehensive measure at local, national, regional level and international efforts and called upon to take aids (a) to accede to implement the UN Conventions and Protocols relating to terrorism, (b) to tackle financing of, incitement to and other support to terrorist activities, (c) to conclude the Comprehensive Convention on International Terrorism and support the early entry into force of the International Convention for the Acts of Suppression of Nuclear Terrorism and continuation of the implementation of the Commonwealth Plan of Action. In this context, they reiterated the need to further strengthen counter terrorism cooperation and assistance, particularly in the area of the capacity building. Law ministers also, Madam President, need to provide

continued assistance to the development of legislation training of authorities.

Further, Madam President, we have conducted series of activities throughout the Commonwealth and sometimes even beyond the Commonwealth. I will not bore you with those details now. To conclude, Madam President, global challenges are not only presented by terrorism but by financing terrorism. Money laundering have forced Member States to reconsider their criminal laws, revisiting the notions of extra-territorial jurisdiction and international cooperation as crime becomes increasingly transnational so must the law enforcement and prosecutorial response, sustainability vital particularly a number of countries do not have sufficient trained practitioners in this field. Training programmes, developing capacity is essential to develop expertise and thereby cascading the knowledge nationally. Specialization we believe that the Secretariat needs to be further enhanced. Ultimately, Madam President, we all seek to maintain the rule of law, purpose of national cooperation and coordination and we believe international cooperation is the only way for it in the fight against terrorism and organized crime. I thank you Madam President.

President: The Organization of Islamic Conference has the floor.

The Observer Delegate of the Organization of Islamic Conference (OIC)⁸: Thank you Madam President. I would like to appreciate the Secretary-General for his continuous efforts to render this Session a success. Also I would like to extend my thanks to all the panelists for their very brilliant and lucid lectures as some of them did delve upon the efforts of the OIC in combating terrorism, I wanted to just delve upon this subject matter for a short time. May be you know, Excellencies that the OIC Summit which was held in Makkah Al-Mukarramah in 2005 had constituted a real

turning point to the nine year programme to follow up these issues and this programme stipulates for a number of commitments, may be they were unprecedented commitments under the heading of good governance and human rights. For the first time it stipulated for international Islamic cooperation and this programme also stipulated for cooperation among countries in order to combat terrorism and agreed to adopt the Agreement/treaty in this connection, which means the OIC Agreement on Combating International Terrorism. This Agreement will bring about very valuable contributions as far as definition of terrorism is concerned. Further, the distinguished delegate from Kuwait, who had preceded me, has said in relation to linking the background of international terrorism which is freedom and self-determination, in defining terrorism. These were the discrepancies in reaching an agreement on terrorism. An international definition of terrorism is essential to consider the struggle of people.

The basic level to define the terrorism in the agreement, enshrined measures to prevent and combat terrorism and terrorists acts, such measures is the State's commitments to not to give their territory to perpetrate such acts and to cooperate with other countries to prevent that. Also, certain measures like arresting the perpetrators of such criminal acts and trying them according to international law, extradition law or to safeguard those who are working in the criminal justice arena are also dealt with. Among these cooperation also, measures to combat and prevent terrorists acts, exchange knowledge about the activities and crimes of the terrorists groups and also to cooperate on the investigation and arrest of the convicts and to exchange the expertise in the domain of education and information in these matters are paramount. One of the very important aspects is the extradition of the convicts/criminals and therefore there is need to have jurisdictional cooperation to trace the perpetrators of the criminal acts. Also cooperation in the field of exchange

⁸ Statement delivered in Arabic. Unofficial transcription from the Interpreter's Version.

of proofs or evidences and this agreement has also provided for mechanism to carry out such cooperation and these mechanisms are represented in the measures of extradition, jurisdiction, and protecting the experts and witnesses. This is what I wanted to add. Thank you Madam President.

President: We have come to an end of the statements from Member States and Observers. Now, I call on the panelists to make their final remarks. I call on Dr. Ghattas.

Dr. Iskander Ghattas⁹: Thank you Madam President. In fact, I will not be lengthy because we have to finish our work of the day, but we should deal with some of the matters from the interventions made by the distinguished delegates, the representatives of the Member countries in this evening. There is unanimity by all States to condemn terrorism and the necessity of coordination in combating terrorism which should be seen in the agreement. This unanimity is to be met in the document which was released by the United Nations which is called international definition of combating terrorism that has been adopted in consensus in September 2006. What is important here in connection with this is what pertains to the definition on terrorism and what pertains to call for the definition of terrorism by the High-Level Conference under the umbrella of the United Nations to study and discuss the issue of terrorism and how to combat it and ways in order to reach a comprehensive agreement in this regard. All these matters are to be found in the strategy and the plan to implement this strategy. Furthermore, it may be for the first time that we find a whole chapter in this Plan of Action which is being dedicated for the elements of the necessity of peace which leads to terrorism. This means that the element is not only pertaining to legal commitments which are required to be committed by the States but the General Assembly of the United Nations expressing the international

concern is of the view that there is a very important need to study and a very important step namely, to trace the reasons which takes us to the necessity for combating terrorism such as foreign occupation, armed conflicts, complex issues of poverty, of food etc., are all the elements of terrorism that has been already mentioned by some delegates here.

Facing a terrorism matter is not only a security matter it is a social, economic and political issue. These issues has been incorporated in the United Nations document on the Strategy of implementation of Plan of Action and how measures should be taken vis-à-vis these methods. As for the thorny issue of distinction between terrorism and illegal arms struggle, this is the main issue of impediment in reaching a comprehensive definition and agreement we find that there is a gradual awareness to this matter and this is why, we should recall the statement made by the delegate of Iran that a conference was held in Iran early this year in this connection. First among other matters, this issue in particular, terrorism and illegal arms struggle in the light are covered under International Humanitarian Law. The four Geneva Conventions and the Additional Protocols should shed light on them and effectuate them at the international political arena. We should also take note on the competent organization to define aggression which will set forth the results it has reached before the meeting of the parties in the International Criminal Court, all these are indirectly showing that we are nearly reaching a definition on aggression and this has been requested by the third world countries and Group of 77 and that is why we say that there are very important measures that have been carried out at the international level in order to eliminate and anticipate all impediments which hamper the intentions of international cooperation and coordination in combating terrorism.

In fact I have a last word to add namely, that pertains to the important steps that every State should take within its territory among its organs, like having a

⁹ Statement was delivered in Arabic. Unofficial translation from the Interpreter's Version.

mechanism inside every state to counter terrorism under the national committee. The counter-terrorism team within should comprise of representative or authorities who are concerned with this matter, such as Ministry of Foreign Affairs, Home Affairs, national security, Interpol, the prosecutors, etc.. All these are matters which are very much concerned with mechanism for coordination and so their efficacy in taking any measures should undermine any terrorist attacks and it will be the facade to answer what is being received by, the request of the states or international requests as to the steps taken to combat terrorism and special reference should be made here to what is the related to national reports which are submitted in order to implement United Nations Security Council Resolution 1373, reports relating to Taliban and Al-Qaeda and report according to the recent report to condemnation of such acts by pragmatic process by more than one country in order to improve the mechanism. And I hope that it will be given adequate consideration to improve and I thank you all for your kind attention.

President: Thank you Dr. Ghattas. I now give the floor to Dr. Lucas.

Dr. Jonathan Lucas: Thank you Madam President. Just to complement what Dr. Ghattas has mentioned. I just wish to thank all the representatives who have expressed their support to the United Nations Office on Drugs and Crimes' programme of technical assistance. We have also heard from various representatives the action being taken by their governments to counter terrorism which we would like to commend them. These are my short comments and thank you for your support and also for UNODC. We hope to working in partnership with you and building on current instruments work that we have worked together. Thank you.

President: Thank you sir. The Secretary-General, you have the floor.

Secretary-General: Thank you Madam President. I am very happy that the

Special-Day Meeting was very successful and very beneficial to all of us. We thank of course the panelists, who gave us an excellent briefing about the topic Investment, Trade and Development. We thank also the panelists who gave us their experience and their profound thought about a very important subject which is treating Counter terrorism and I hope that every year we improve more and more our Special-Day Meeting topics and on behalf of all of you I would like to thank the panelists, please give a big hand to all of them. Thank you.

Madam President, since I have the floor, I would like to inform the members of the Drafting Committee that I have been informed by the Drafting Committee that there will be meeting tonight at 7.00 PM. The Chairman of the Drafting Committee has just given me this information and I would also like to refer to the announcement made yesterday relating to the Friday's prayers and the excursion. The Host Committee informed me that they are trying to make arrangements for those who would like to offer prayer and after prayer to join the whole group to go with them and enjoy the excursion also. Moreover, for those who may choose to pray here I have also been informed that there is a prayer room especially for prayer on Friday. It is on the floor above this one. You can take the escalator and it is upstairs. So you have all the choices, but please those who want to go to the mosques should give their names to the Secretariat so that the Host Government could arrange their transportation from the mosques to join the rest of the group. I think that is all Madam President. You may take over. Thank you Madam President.

President: We conclude the day's deliberations. Thank you.

The Meeting was thereafter adjourned