THE GLOBAL LEGAL FRAMEWORK AGAINST TERRORISM

National Workshop:
INTERNATIONAL COOPERATION IN CRIMINAL MATTERS RELATING TO TERRORIST CASES
Ulaanbaatar, Mongolia
24 – 25 March 2009
The universal legal regime against terrorism

Security Council resolutions 1373 and 1624

Security Council resolutions on Al-Qaida and the Taliban (1267 - 1822)

Security Council resolutions 1540 and 1673 (weapons of mass destruction)

13 + 3 universal instruments against terrorism

UNODC'S TECHNICAL ASSISTANCE
Resolution 1373: legal status

- Legally binding for all UN Member States
- Adopted on the basis of Chapter VII
- of the United Nations Charter
- Applicable without geographic or time boundaries
UN S.C. RESOLUTION 1373 ON
INTERNATIONAL COOPERATION (PARA 3)

- Intensify the exchange of operational information
- Cooperate through bilateral and multilateral agreements
- Ratify and fully implement the 16 universal instruments against terrorism
- Take appropriate measures before granting refugee status
- Political motivation cannot be used to refuse requests for extradition of terrorists
Resolution 1822 (2006):
Sanctions (Res.1267 initial)

• Freeze funds and other financial resources owned or controlled by members of these groups

• Prohibit members of these groups to transit or to enter the country – TRAVEL EMBARGO

• Prohibit the supply, sale or transfer of any weapons to members of these groups – ARMS EMBARGO
Security Council resolution 1540

• Establish domestic controls to prevent the proliferation of weapons of mass destruction

• Refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, transport or use weapons of mass destruction

• Establish a Committee to report to the Security Council
The 16 international conventions against terrorism

United Nations Conventions

Instruments related to civil aviation

Maritime agreements

IAEA Conventions

Convention on the security of United Nations personnel and associated personnel
<table>
<thead>
<tr>
<th>Convention</th>
<th>States Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention against the Taking of Hostages Y: 1979</td>
<td>166 States Parties</td>
</tr>
<tr>
<td>Convention for the Suppression of Terrorist Bombing Y: 1997</td>
<td>161 States Parties</td>
</tr>
<tr>
<td>Convention against Terrorist Financing Y: 1999</td>
<td>167 States Parties</td>
</tr>
<tr>
<td>Convention for the suppression of acts of Nuclear Terrorism Y: 2005</td>
<td>51 States Parties</td>
</tr>
<tr>
<td>Instrument</td>
<td>States Parties</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Convention on offences and Certain other Acts committed on Board of Aircraft Y: 1963</td>
<td>184 States Parties</td>
</tr>
</tbody>
</table>
### Maritime agreements

<table>
<thead>
<tr>
<th>Agreement</th>
<th>States Parties</th>
</tr>
</thead>
</table>

8 States Parties
**Convention on the physical protection of nuclear material**

| Convention on the Physical Protection of Nuclear Material 1980 | 139 States Parties |
Common points to the conventions

- Establish offences
- Establish the principle *aut dedere aut judicare*
- International cooperation mechanisms (extradition, mutual legal assistance)
Mongolia Not Yet Ratified

- 2005 Amendment to the 1988 Convention on the Physical Protection of Nuclear Material
- 2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation
- 2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental
UN Global Counter-Terrorism Strategy

- 8 September 2006 - General Assembly adopted the United Nations Global Counter-Terrorism Strategy (resolution A/RES/60/288) 5

- It encourages Member States to resort to the technical assistance delivered by the Office

- The Strategy mandates UNODC to enhance its provision of technical assistance
  - in full coherence with CTC and CTED
  - working closely with the Counter-Terrorism Implementation Task Force
UN Global Counter-Terrorism Strategy

Plan of Action –
4 pillars ensuring an integrated approach

I. Measures to address the conditions conducive To the spread of terrorism

II. Measures to prevent and combat terrorism

III. Measures to build States’ Capacity to prevent and combat Terrorism and to strengthen the Role of the UN system in this regard

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

“Member States to take full ownership of the Strategy and its implementation”
Ban Ki-moon
16 Feb. 2007

United Nations to assist Member States

Co-ordination by CTITF
Technical assistance

UNODC’s instruments

UNODC’s technical assistance

Partnerships
Technical assistance/Why UNODC?

- The Global perspective: 158 countries assisted from Jan 2003 to October 2008

- Draw on existing specialized expertise in criminal justice and crime prevention, e.g.
  - rule of law
  - promoting int’l cooperation in criminal matters
  - anti-money laundering
  - criminal justice reform
  - drug control

- Expertise and operational capacity delivery / field level technical assistance

- Ability to promote and facilitate a cross-cutting approach and integrating relevant aspects of rule of law, crime and drug control

- UNODC’s Tools – Manuals, Guides

- Partnerships with UN bodies/units, specialised and regional organizations
UNODC's Tools

- Legislative guides
- Legislative databases
- Models laws, treaties, best practices on CJCP:
Legislative guide

- Legislative overview of the conventions
- Advice on incorporating the provisions into domestic law
- Examples of implementing laws
Legislative Database

- Legal texts and documents from more than 100 countries, divided into categories
- International and regional instruments
- Search functions
- Apply for a password online: www.unodc.org/tldb
TPB Technical Assistance Activities

Bilateral technical assistance activities
Regional activities / Study tours
**TPB accomplishments: A brief overview**  
**January 2003- October 2008**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall assistance provided</td>
<td>158 countries</td>
</tr>
<tr>
<td>Direct assistance provided</td>
<td>115 countries</td>
</tr>
<tr>
<td>Legislative drafting assistance/advise provided</td>
<td>85 countries</td>
</tr>
<tr>
<td>Criminal justice officers provided with specialised briefings on counter-terrorism legal regime</td>
<td>7,450</td>
</tr>
<tr>
<td>Regional and sub-regional workshops held</td>
<td>59</td>
</tr>
</tbody>
</table>
Partnerships

• The Counter-Terrorism Committee (CTC) of the UN Security Council, and its Executive Directorate,
  - Monitoring missions of CTED

• International and regional organizations (PIFS)
  - From joint activities to joint programming
  - Regional model laws and treaties
UNODC’s technical assistance: methodology

5 steps in support of:

✓ Drafting and/or amending laws
✓ Policies and actions
✓ Drafting of reports to the Committees of the Security Council
✓ Organizing of training workshops concerning new legislation
✓ Regional and global events on thematic issues and exchange of practices
SPECIAL TREATY EVENT
20 April 2009 in Vienna

- Event will take place on 20th April 2009, during the 18th session of the Commission on Crime Prevention and Criminal Justice
- Jointly organized by UNODC and OLA
- Opportunity for States to deposit instruments of ratification and accession and to lodge required notifications of designated authorities:
  - Treaties: Universal Counter-terrorism and Crimes Conventions and Convention on the Safety of UN and Associated Personnel
Thank you for your attention