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Addendum

Agenda item 4. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism

Proceedings

1. At its 1st to 3rd meetings, on 12 and 13 April 2010, Committee I held a general discussion on agenda item 4, entitled "Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism". For its consideration of the item, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat on the provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism (A/CONF.213/5);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

2. At the 1st meeting, on 12 April, the Chair of Committee I made an introductory statement. A representative of the Secretariat then briefly introduced the agenda item. Statements were made by the representatives of Japan, Germany, China, Indonesia, Switzerland, Algeria, Austria, Saudi Arabia, France, South Africa and Canada. A statement was also made by the observer for the Japan Federation of Bar Associations.

3. At the 2nd meeting, on 13 April, statements were made by the representatives of Oman, Namibia, Argentina, India, Thailand, Italy, Azerbaijan, Egypt, the Islamic Republic of Iran, the Philippines, Spain, Colombia, the Republic of Korea, Brazil,

Lebanon and Morocco. Statements were also made by the observer for the Counter-Terrorism Implementation Task Force and the International Society for Traumatic Stress Studies.

4. At the 3rd meeting, on 13 April, statements were made by Peru, Kenya, the Democratic Republic of the Congo and the United States of America.

General discussion

5. In his introductory statement, the representative of the Secretariat underlined the considerable progress made by Member States in the ratification and implementation of the international conventions and protocols related to terrorism; even so, much remained to be done to achieve universal ratification and full implementation. He referred to the technical assistance work undertaken by UNODC, in particular its Terrorism Prevention Branch, to respond to the needs of Member States. He highlighted the specialized, tailored and in-depth capacity-building assistance provided by the Branch to criminal justice practitioners.

6. Many speakers stressed that terrorism remained a very serious threat to international peace, security and stability and that it undermined the rule of law, respect for human rights and social and economic development. Terrorism affected all States and therefore required a global and comprehensive response. The importance of the efforts of the international community and the key role of the United Nations in countering terrorism were underlined. Several speakers referred to the relevant Security Council resolutions and the United Nations Global Counter-Terrorism Strategy in that regard.

7. It was reiterated that terrorism was to be condemned in all its forms and manifestations and that terrorist acts were unacceptable in all circumstances. Some speakers also stated that terrorism should not be associated with any particular nationality, civilization, religion or ethnic group.

8. Many speakers drew attention to the importance of upholding the rule of law, respecting human rights and complying with international obligations and standards in countering terrorism. Effective counter-terrorism measures and respect for the rule of law were viewed as complementary and mutually reinforcing. It was stated that counter-terrorism measures must comply with the Charter of the United Nations and with the obligations of Member States under international humanitarian law and refugee law. Several speakers stated that, in conformity with international law, refugee status should not be abused by alleged terrorists.

9. Several speakers highlighted the importance of adopting comprehensive national strategies and action plans in accordance with the United Nations Global Counter-Terrorism Strategy. Emphasis was placed on the need to include preventive measures and to address the conditions conducive to the spread of terrorism, including through long-term measures to counter radicalization and foster education and awareness-raising, social participation and enhanced dialogue. One speaker mentioned that, when developing counter-terrorism policies and measures, states should bear in mind that discrimination and intolerance could themselves become conditions conducive to radicalization and violence. Several speakers stressed that the needs of victims should be considered.

10. Several speakers emphasized that terrorism was a crime and, accordingly, terrorists were to be dealt with by the criminal justice process as the most appropriate mechanism for ensuring justice. Attention was drawn to the importance of a criminal justice response based on the international conventions and protocols. Several speakers mentioned that the international legal framework against terrorism had evolved since the Eleventh Congress through the adoption of additional instruments, including the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex). Member States were urged to ratify the international legal instruments, in particular the most recent ones. The need to complete the work on the draft comprehensive convention on international terrorism, including an agreed definition of terrorism, was mentioned by some speakers.

11. It was stressed that long-term efforts were required for the effective application of the international legal instruments. In that regard, States needed to have adequately functioning national counter-terrorism legal regimes as well as the associated implementation capacity in their criminal justice systems. States lacking the required capacity needed to be provided with specialized technical assistance. One speaker suggested exploring further areas of synergy between development aid and counter-terrorism assistance.

12. Speakers emphasized that international and regional cooperation in criminal matters, especially extradition and mutual legal assistance, was crucial to any effort to prevent and combat terrorism. Some speakers made reference to regional conventions relating to terrorism and to the need to develop regional and subregional mechanisms to foster cooperation in criminal matters as a way to counter terrorism. One speaker suggested establishing an informal global network of national counter-terrorism focal points under the auspices of the United Nations to facilitate the sharing of information and good practices.

13. Several speakers noted the links between terrorism and other forms of crime, including organized crime, money-laundering, drug trafficking, arms trafficking, trafficking in human beings and corruption, and the need for integrated responses in that regard. The importance of depriving terrorists of their sources of financing was stressed, as was the need to streamline policies to counter drug trafficking and to counter the financing of terrorism. The constantly changing and increasingly complex nature of terrorism was felt to require a long-term approach on various fronts. One speaker highlighted the need to address phenomena such as the taking of hostages and the use of the Internet and high-resolution satellite maps for terrorist purposes.

14. Many speakers described national measures to implement the legal regime against terrorism, including steps taken by their Governments to ratify existing international and regional legal instruments related to terrorism. Legislative measures taken or envisaged included criminalizing offences, enhancing capacity to prevent and prosecute terrorist acts and introducing specific action to identify the financing of terrorism. Other measures included the creation of specialized counter-terrorism bodies, inter-agency coordination mechanisms and capacity-building in police and intelligence agencies, measures to protect critical infrastructure and measures addressing the victims of terrorism.

15. Speakers expressed appreciation and strong support for the work of the Terrorism Prevention Branch, which had become the key provider of technical assistance within the United Nations system on the legal and related aspects of counter-terrorism. Special mention was made of the work of the Branch in assisting Member States in becoming parties to and implementing the relevant international instruments related to terrorism, including in strengthening the capacity of national criminal justice systems to apply effectively the provisions contained in those instruments for the prevention, investigation and prosecution of terrorist acts and in reinforcing international cooperation.

16. Several speakers stressed that technical assistance needed to be sustained and intensified in order to ensure effective and adequate follow-up to initial assistance efforts and thus achieve a long-term impact. The need for stronger and specialized capacity-building for criminal justice officials was highlighted. Some speakers made specific reference to the technical assistance tools developed by the Branch, including in specialized thematic areas of its mandate, which could foster a train-the-trainers approach. Appreciation was expressed for the multilingual approach adopted and for the innovativeness of the initiatives, such as online training.

17. The importance of integrated services that incorporated relevant aspects of drug control and crime and terrorism prevention was stressed. Some speakers noted that there was a need to ensure that areas of synergy were established within UNODC to deal with cross-cutting issues of counter-terrorism and other relevant substantive areas of the Office's mandated work, such as money-laundering, transnational organized crime, drug trafficking, corruption and criminal justice reform. Support was expressed for the strengthened field-based approach taken by UNODC.

18. With regard to collaboration with the counter-terrorism bodies established by the Security Council, one speaker encouraged UNODC to further enhance its cooperation with the Counter-Terrorism Committee Executive Directorate with a view to the facilitation of capacity-building assistance. Collaboration with the Counter-Terrorism Implementation Task Force was also mentioned. Specific reference was made to the need for close cooperation among international actors in the field of combating nuclear terrorism.

19. Several speakers called upon the international community and donors to provide adequate financial resources for the counter-terrorism work of UNODC. Several speakers noted that UNODC required increased core capacity and specialized expertise for its counter-terrorism work and that that, in turn, required increased, predictable and sustainable resources, including allocations from the regular budget of the United Nations.

Conclusions and recommendations

20. In summarizing the salient points of the discussion, the Chair noted that participants had called upon Member States:

(a) To become, without delay, parties to the international conventions and protocols related to terrorism, if they had not yet done so, and to fully implement those instruments;

(b) To ensure that action taken in pursuance of the international legal framework against terrorism was in full compliance with international law, including international human rights, refugee and humanitarian law;

(c) To take all necessary steps to have in place an adequately functioning national counter-terrorism legal regime and criminal justice system, as well as the associated implementation capacity;

(d) To establish and maintain effective mechanisms for international cooperation in criminal matters related to terrorism; and to reinforce coordination, cooperation and the exchange of information to counter terrorism effectively at the national, regional and international levels;

(e) To seek, if they lack such capacity, specialized technical assistance to strengthen their national capacity to implement the international legal framework against terrorism.

21. The Chair recalled that participants had called upon the United Nations, in particular UNODC:

(a) To intensify the provision of assistance to States, upon request, for the ratification and full implementation of the international legal instruments related to terrorism, in particular assistance to build capacity for establishing a functional, national rule of law-based criminal justice system that can effectively counter terrorism;

(b) To ensure that such capacity-building work is tailored to the specific circumstances and evolving needs of the requesting States and is provided in a sustainable manner;

(c) To strengthen the building of substantive thematic expertise for the delivery of technical assistance, and to continue to make use of innovative mechanisms for delivering technical assistance, such as online training;

(d) To offer integrated services and comprehensive packages of technical assistance incorporating cross-cutting aspects of drug control and crime prevention aimed at reinforcing national criminal justice systems.

22. In view of the work that remained to be done, participants had called on Member States to make sufficient resources available, both from the regular budget of the United Nations and in extrabudgetary resources, to enable UNODC to continue to meet in a sustained manner the increased demand of Member States for technical assistance.
