



2005 Parliamentary Hearing at the United Nations ECOSOC Chamber



31 October – 1 November 2005

Response of the United Nations to international terrorism^{*} (Background note prepared by the UN Office of Legal Affairs)

I. Introduction

The United Nations, through its principal organs, has played and continues to play a vital role in formulating the international community's response to international terrorism.

The Organization, together with its Specialized Agencies has elaborated a wide range of international legal instruments aimed at suppressing various terrorist activities and bringing the perpetrators to justice.

The General Assembly and the Security Council, with the assistance of the Secretariat, have each made significant contributions to the global fight against terrorism.

II. General Assembly

International terrorism has been on the agenda of the General Assembly since 1972. During this time, the General Assembly has adopted numerous resolutions on the subject.

In 1994 and 1996 the General Assembly adopted the following two Declarations:

- 1994 *Declaration on Measures to Eliminate International Terrorism* (contained in the annex to General Assembly resolution 49/60 of 9 December 1994. It was the first comprehensive standard-setting instrument at the international level which unequivocally condemned all acts, methods and practices of terrorism as criminal and unjustifiable wherever and by whomever committed. In accordance with this Declaration, all States must refrain from organizing, instigating, encouraging, facilitating, financing, participating or tolerating terrorist activities. States are urged to take effective and resolute measures for the speedy and final elimination of international terrorism.

^{*} This is a non-paper. It has been prepared for information purposes only and it does not, in any way, bind the United Nations and its organs.

- 1996 *Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism* (contained in the annex to General Assembly resolution 51/210 of 17 December 1996). In the supplemental Declaration States Members of the United Nations declared, inter alia, that knowingly financing, planning and inciting terrorist acts was also contrary to the purposes and principles of the Organization.

By its resolution 51/210, the General Assembly also established an Ad Hoc Committee, which has since elaborated the International Convention for the Suppression of Terrorist Bombings (1997), the International Convention for the Suppression of the Financing of Terrorism (1999) and the (2005) International Convention for the Suppression of Acts of Nuclear Terrorism. The Ad Hoc Committee is currently elaborating a draft comprehensive convention on international terrorism.

The reports of the Ad Hoc Committee and the Working Group on Terrorism of the Sixth Committee can be found on the website of the Ad Hoc Committee: <http://www.un.org/law/terrorism/index.html>.

Thus, since the early 1970s, the General Assembly has adopted the following five international conventions

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973 (annex to General Assembly resolution 3166 (XXVIII)); entry into force on 20 February 1977;
- International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December 1979 (General Assembly resolution 34/146); entry into force on 3 June 1983;
- [International Convention for the Suppression of Terrorist Bombing, adopted by the General Assembly on 15 December 1997 \(General Assembly resolution 52/164\); entry into force on 23 May 2003;](#)
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly on 9 December 1999 (General Assembly resolution 54/109); entry into force on 10 April 2002; and
- International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly on 13 April 2005 (General Assembly resolution 59/290); open for signature from 14 September 2005 to 31 December 2006 (not yet in force).

These Conventions form part of the global counter-terrorism legal framework, which consists of 13 sectoral legal instruments adopted by United Nations, the International Maritime Organization, the International Civil Aviation Organization and the International Atomic Energy Agency, each of which criminalizes a specific set of terrorist acts. The Conventions are based on the principle *aut dedere aut judicare* (extradite or prosecute). The other 8 universal counter-terrorism instruments are:

- Convention on Offences and Certain Other Acts Committed On Board Aircraft, signed at Tokyo, 14 September 1963; entry into force on 4 December 1969; deals with safety of aviation;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 17 December 1970; entry into force on 14 October 1971; applies to aircraft hijackings;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971; entry into force on 26 January 1973; applies to acts of aviation sabotage such as bombings aboard aircraft in flight;
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 26 October 1979; entry into force on 8 February 1987; combats unlawful taking and use of nuclear material;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montréal on 24 February 1988; entry into force on 6 August 1989; extends and supplements the Montreal Convention on Air Safety;
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, signed at Rome on 10 March 1988; entry into force on 1 March 1992; applies to terrorist activities on ships;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988; entry into force on 1 March 1992; applies to terrorist activities on fixed offshore platforms;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991; entry into force on 21 June 1998; provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage.

For a full list of pertinent resolutions adopted by the General Assembly on terrorism-related matters the following website can be consulted: www.un.org/terrorism/res.htm.

III. Security Council

The Security Council adopted numerous resolutions to combat international terrorism, including:

- Resolution 1373 (2001) of 28 September 2001 which, inter alia, obliges all States to take effective action against the financial resources of terrorist groups and to ensure that terrorist acts are established as serious criminal offences in domestic laws. By this resolution, the Security Council also established the Counter-Terrorism Committee.

- Resolution 1540 (2004) of 28 April 2004 dealt with non-proliferation of weapons of mass destruction. In this resolution, the Security Council decided that all States shall refrain from supporting by any means non-State actors that attempt to acquire, use or transfer nuclear, chemical or biological weapons and their delivery systems. Acting under Chapter VII of the Charter of the United Nations, it also decided that all States would establish domestic controls to prevent the proliferation of such weapons and means of delivery, in particular for terrorist purposes, including by establishing appropriate controls over related materials, and adopt legislative measures in that respect.

- Resolution 1624 (2005) of 14 September 2005, in which the Security Council called on all States to cooperate to strengthen the security of their international borders by enhancing terrorist screening and passenger security procedures, with a view to preventing those guilty of the above-described conduct from entering their territory. Among its many other provisions, the text also called on States to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all necessary measures to counter incitement of terrorist acts motivated by extremism and intolerance.

The Security Council has also adopted resolutions addressing specific individuals, groups and entities involved in international terrorism.

For a complete list of resolutions by the Security Council on terrorism-related matters, the following website can be consulted: <http://www.un.org/terrorism/sc.htm>.

IV. Secretariat

The Secretary-General enunciated, at the International Summit on Democracy, Terrorism and Security held in Madrid on 10 March 2005, certain elements for a comprehensive counter-terrorism strategy, which focus on the following five areas:

- Dissuade disaffected groups from choosing terrorism as a tactic to achieve their goals;
- Deny terrorists the means to carry out their attacks;
- Deter States from supporting terrorists;
- Develop State capacity to prevent terrorism and
- Defend human rights and the rule of law in the struggle against terrorism.

In the Outcome Document adopted at the conclusion of the High-level Plenary Meeting on 16 September 2005 (A/Res/60/1), the General Assembly welcomed the Secretary-General's identification of elements and decided to develop them further without delay with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses to terrorism at the national, regional and international levels.

Pursuant to a request by the General Assembly contained in its resolution 59/46 of 2 December 2004, the Secretary-General provided a comprehensive inventory of the response of the Secretariat to terrorism (document A/60/228). It describes the activities relating to the prevention and suppression of terrorism carried out by various Secretariat offices, departments and regional commissions, as well as programmes and funds.

As to the Office of Legal Affairs, it provides legal advice to the Secretary-General and other Offices within the Secretariat on a wide range of legal questions directly or indirectly related to the counter-terrorism activities of the Organization. Further, the Codification Division of the Office regularly compiles and disseminates information on anti-terrorism measures taken by the United Nations and its Member States. In particular, it prepares an annual report, as well as other publications on terrorism such as *International Instruments related to the Prevention and Suppression of International Terrorism* and the *Legislative Series* publication *National Laws and Regulations on the Prevention and Suppression of International Terrorism*.

The Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna (UNODC), in close coordination with the Counter-Terrorism Committee, assists Member States in ratifying the 13 universal instruments relating to terrorism.

The Terrorism Prevention Branch has developed technical cooperation tools, including legislative guides, checklists and a database containing examples of relevant national counter-terrorism legislation and model laws.

Reports of the Secretary-General

The Secretary-General prepared numerous reports on counter-terrorism related matters, among which, the following are the most recent:

- Report of the Secretary-General entitled: "Human Rights and terrorism" (document A/60/326)
- Report of the Secretary-General entitled: "Measures to eliminate international terrorism" (document A/60/228)
- Report of the Secretary-General entitled: "Strengthening international cooperation and technical assistance in preventing and combating terrorism" (document A/60/164)
- Report of the Secretary-General entitled: "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime" (document A/E/CN.15/2005/13).

20 October 2005