Terrorism – the contribution of the United Nations

Statement by Mr. Sergei Ordzhonikidze
United Nations Under-Secretary-General
Director-General of the United Nations Office at Geneva
At the High-Level Meeting of the Tripartite Process

Palais des Nations, Room IX
Friday, 14 February 2003, at 10:00 a.m.

Excellencies
Ladies and Gentlemen
Dear Colleagues:

The international community has focused with renewed intensity on the issue of terrorism after the attacks on the United States on 11 September 2001. The attacks underlined the frightening extent of the threat of terrorism to global and regional security. Recent arrests across Europe only serve to bring home the regional dimension of this global scourge. Therefore, today, a strong consensus on the need for shared international commitment and initiatives to confront and combat terrorism effectively underpin the efforts of both governments and international organizations. There is agreement that we must prioritise policies and programmes, and that we should do this based on the comparative advantages of multilateral, regional and national bodies. But, the modalities of such a ‘division of labour’ need to be further developed.

It is clear that in the European context, our partners have enormous potential normative and practical leverage regarding terrorism. This meeting forms part
of an on-going elaboration of how we can ensure that our activities complement each other to have the greatest possible impact.

I believe that we need to concentrate our efforts in three core areas: (1) strengthening the legal structures that are the foundation of our fight against terrorism; (2) assisting the reinforcement of national capacities to apprehend and effectively bring to justice perpetrators of terrorist acts; and (3) bolstering the human rights framework that the fight against terrorism takes place within. I will briefly outline the principal tenets of each of these points and expand on practical steps that should be taken – with an emphasis on how we can complement each other’s efforts. I hope that these ideas will contribute to further discussion of how each organization can add to our common efforts.

Let me first turn to the issue of fortifying the overall legal structures:

The threat of terrorism cannot be effectively addressed unless the legal foundations of the fight against it are well defined, comprehensive and fully implemented by all states. Resolution 1373, passed unanimously by the United Nations Security Council, remains the pre-eminent instrument for the international community’s counter-terrorism efforts. Its provisions must be fully implemented by all states to render the global fight effective.
But, for many countries the implementation of Resolution 1373 is not an uncomplicated and undemanding task. Limited technical expertise and inadequate resources hamper swift and effective implementation. Assistance is needed. The Security Council’s Counter-Terrorism Committee that monitors the working of the Resolution aids countries as far as it is able – particularly with respect to the procedures of progress reporting to the Committee. But, these efforts could be strengthened. This is why the Security Council Presidency on 17 December 2002 called on the Counter-Terrorism Committee to involve the expertise of regional and sub-regional organizations. This call was reiterated in Resolution 1456, adopted at the Ministerial Level Security Council Meeting on 20 January.

Better coordination will enhance the complementary approaches of all organizations within the international system. Exchange of information on best practices, codes and standards will assist both the Counter-Terrorism Committee in carrying out its mandate and help regional organizations further develop their own counter-terrorism instruments and practices. To expand and deepen these mutually beneficial contacts, the Counter-Terrorism Committee will host a meeting with representatives of regional and sub-regional organizations on 7 March.

Resolution 1373 is a uniquely wide-ranging instrument for curbing access to the tools of terrorism – funding, secrecy and arms. But it is neither the first nor the
only legal medium for prevention, repression and elimination of international terrorism. Full implementation of Resolution 1373 needs to be accompanied by signing, ratification and implementation of all 12 global counter-terrorism conventions. The fight against terrorism, however, needs to be broader than these carefully targeted counter-terrorism measures. Transnational organized crime – including drugs trafficking, money laundering, illicit trafficking of arms, trafficking in human beings, and corruption – often nourish terrorist networks. While it is important to note that organized crime does not cause terrorism, it is a critical enabling factor. There is only a thin line between the two. The fight against terrorism should, therefore, be closely coordinated with the struggle against organized crime. The positive experience of collaboration between Member States and the UN in ‘Operation Common Purpose’ in the Balkans is an illustrative example of the potential benefits of fighting transnational organized crime and terrorism in parallel.

As the UN Security Council also stressed in the recent Resolution 1456 to effectively deny access to the means that sustain terrorist activities, states must also sign, ratify and implement the United Nations Convention against Transnational Crime and its three Protocols. Within their mandates, regional organizations can work to ensure that gaps in the existing legal regime are closed by consistently and convincingly urging member states to sign up to all the relevant conventions and through periodic reviews of compliance.
Bolstering the legal framework of our fight against terrorism should also go beyond existing channels. Regardless of the inherent difficulties in devising a definition of terrorism, the international community should continue efforts to finalize and adopt a Comprehensive Convention on Terrorism. The OSCE Charter on Preventing and Combating Terrorism, adopted at the Ministerial Council in Porto in December 2002, and the 1977 European Convention on the Suppression of Terrorism can provide inspiration. But, while the principal ideas of the European Convention remain valid, a comprehensive international convention would have to take account of the changed international environment in which today's terrorists operate and the refinement of the tools that they employ. Regional and sub-regional organizations could provide important information on best practices, codes and standards that could prove a substantial contribution to this essential drafting exercise.

II.

However, without the necessary expertise and skills to translate the provisions of international instruments into domestic legislation and effectively enforce the law, the impact of even the finest web of international legal norms will be limited. The establishment of a comprehensive international legal framework must, therefore, be supplemented by extensive capacity-building efforts. Here, regional and sub-regional organizations have a particularly central role to play – both with regard to prevention and in relation to prosecution.
Technical assistance with respect to drafting of legislation – based on model legislation as well as studies of best practices and core jurisprudence in this area – could significantly enhance domestic legal frameworks for terrorism prevention. Regional organizations could either furnish such assistance to their member states themselves, or facilitate bilateral arrangements. This assistance should be supplemented by training and education of law enforcement, intelligence and security personnel to further develop their ability to identify and eliminate terrorist threats. With the help of national law enforcement agencies, regional organizations could facilitate such training support to member states. Initiatives could include launching and financing training courses and exchange programmes; compiling and disseminating educational material; facilitating bilateral contacts; or liaising with other international organizations concerning information sharing and exchange of expertise to strengthen region-wide capacity in terrorism prevention.

The question of how to ensure that those who finance, plan, encourage or commit terrorist acts are brought to justice is directly linked to the issue of prevention. Effective mechanisms for prosecution of suspects are an integral part of the prevention strategy itself. This includes strengthening international extradition regimes and procedures for adjudicating crimes of a transnational nature, sometimes with overlapping jurisdictions. Such efforts should be based on detailed study of how best to achieve this. Here regional institutions have an important contribution to make – for example through region-wide reviews of
practices and drafting of model legislation. Likewise, regional organizations could take a lead in educational assistance in this crucial area to national judiciaries and other members of the legal profession. Regional organizations with experience in enhancing judicial cooperation in criminal matters could also provide technical assistance – to international bodies or to other regional organizations – for the further development of a comprehensive legal apparatus to ensure that terrorists are subjected to effective due process.

III.

The need to ensure prosecution brings me to my third – and final – point: the protection of human rights as an essential element in the prevention of terrorism. As our Secretary-General, Mr. Kofi Annan, has repeatedly stressed, the fight against terrorism must not become a pretext for derogation from universal human rights norms. All aspects of our struggle against terrorism must be based on the rule of law. The right to protection from terrorist acts – and from the threat of terrorism – should not lead to the suspension of other fundamental freedoms – even for those suspected of the most heinous crimes. Sacrificing human rights would indeed be self-defeating. Firstly, terrorism is itself a violation of human rights. Secondly, terrorism thrives where human rights are abused as these transgressions can be exploited for the mobilization of support of terrorist means to address such grievances.
It is, therefore, also crucial to educate broadly on terrorism and cultivate an environment that is not supportive – or permissive – of terrorism. It must be clear that terrorist methods are always unacceptable. Unequivocal communication of this message requires the active involvement of both civil society actors and the media so that they become real partners in the global struggle against terrorism. The contacts and networks of regional organizations could contribute greatly to reaching those communities and individuals who may not be convinced that there are no valid causes for terrorism.

Ladies and Gentlemen:

I hope that these comments can stimulate further discussion of how each of our organizations can contribute to our joint struggle against terrorism. Our respective efforts should complement each other and add impetus to the collective international fight. Sustained, broad-based international cooperation, based on the comparative advantage of each actor and in full respect of human rights norms, is indispensable for our struggle to be successful. It is in recognition of the need to build on these synergies that the Secretary-General will include the issue of terrorism on the agenda for his next high-level meeting with regional organizations later this year. Our discussions – and possible recommendations – today will feed into that meeting as well.
I strongly believe that our ‘Tripartite Plus’ forum is well placed to act as a framework for on-going consultations and coordination. I would, therefore, suggest that we take this opportunity to establish a mechanism at the working level that can build on our exchanges between our annual High-Level gatherings.

Thank you very much.