



SECURITY COUNCIL REPORT UPDATE REPORT



3 December 2008 No. 1

Terrorism

Expected Council Action

As Council president in December (and also Chair of the Security Council Counter-Terrorism Committee), Croatia will convene a high-level open debate on 9 December on “Global Security and International Terrorism”. Croatian president Stjepan Mesić is expected to preside, and other leaders have been invited to participate.

The purpose of the debate is to revitalise and strengthen international solidarity in combating the threat of terrorism, including strengthening the UN’s leading role in global counter-terrorism efforts.

At press time, text for a presidential statement was under discussion.

Background

In its concept paper Croatia has identified a significant increase in international terrorist acts, giving rise to an atmosphere of suspicion, mistrust, serious infringement of human rights, and religious and cultural intolerance since 11 September 2001.

In addressing the threat of terrorism, Croatia seeks a move away from the concept of “waging war” against terrorism, given its limited impact in eliminating the complex conditions conducive to terrorism. Croatia advocates a multidimensional approach covering a broad spectrum of specific, traditional counter-terrorism steps as well as preventative measures and policies, including the elimination of conditions which favour or facilitate the recruitment of potential terrorists.

Croatia also raises concerns about the slow pace in the implementation of the UN global counter-terrorism strategy and insufficient cooperation between member states and the United Nations. It also argues that a greater unity within the United Nations system should be promoted in order to take better advantage of the different UN bodies.

A number of objectives have been identified for the meeting including:

- to initiate thinking on a multidimensional approach to address the fundamental issues which continue to foster terrorism;
- to confirm unity in the fight against terrorism under the umbrella of the UN;
- to promote coherence and unity of the UN's efforts at both the General Assembly and Security Council levels; and
- to disassociate terrorism from any nation, religion or belief, civilisation or culture.

Security Council Counter-Terrorism Bodies

Adopted on 28 September 2001, resolution 1373 was the first comprehensive resolution imposing obligations on all states to respond to the global threat of terrorism. The resolution requires all states to criminalise terrorist acts, to penalise acts of support for or in preparation of terrorist offences, to criminalise the financing of terrorism, to freeze funds of persons who commit or attempt to commit terrorist acts, and to strengthen international cooperation in criminal matters related to terrorism. Resolution 1373 also established the Counter-Terrorism Committee (CTC) to monitor implementation of the resolution. The Counter-Terrorism Committee Executive Directorate (CTED) was established in 2004 to provide the CTC expert advice and to facilitate technical assistance to countries in addition to promoting closer cooperation and coordination both within the UN and among regional and intergovernmental bodies.

Resolution 1267 of 15 October 1999 imposed an air embargo and an assets freeze on the Taliban (then in power in Afghanistan) for refusing to extradite Usama bin Laden, indicted for the 1998 bombings of US embassies in Africa. Resolution 1267 also created a sanctions committee to monitor implementation of the resolution. The committee's operations were expanded and modified between 2000 and 2006, including in resolution 1333 of December 2000 the addition of measures against individuals associated with Al-Qaida, which led to the 1267 Committee also being referred to as the Al-Qaida and Taliban Sanctions Committee. The sanctions now comprise an assets freeze, an arms embargo and a travel ban against designated individuals and entities associated with Al-Qaida, Usama bin Laden and/or the Taliban wherever located. Gradually, following numerous concerns and a wave of court cases around the world, steps have been taken to improve the fairness and clarity of UN procedures on adding and removing names to the so-called consolidated list of individuals and entities suspected of terrorist links to which the measures apply, although some still argue that the procedures do not go far enough in respecting fundamental human rights.

Adopted on 28 April 2004, resolution 1540's primary aim is to prevent the proliferation of weapons of mass destruction and their means of delivery and to deter non-state actors such as those listed by the 1267 Committee from accessing or trafficking them. Resolution 1540 also established a committee to report to the Council on the implementation of the resolution.

On 8 October 2004 the Council adopted resolution 1566 which condemned acts of terrorism as one of the most serious threats to peace and security and called upon all states to become party to the relevant international conventions and protocols to

address the threat of terrorism. It also called on states to cooperate fully in the prevention and punishment of criminal acts irrespective of whether motivated by considerations of a political, philosophical, ideological, racial, ethnic, or religious nature. These crimes included those:

- committed against civilians with the intent to cause death or serious bodily injury, or taking of hostages;
- committed with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population, or compel a government or an international organisation to do or to abstain from doing any act; and
- constituting offences within the scope of and as defined in the international conventions and protocols relating to terrorism.

Resolution 1566 also established a working group which would submit recommendations on measures to be imposed on individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida and Taliban Sanctions Committee. The working group was also requested to consider the establishment of an international fund to compensate victims of terrorist acts and their families. At its last meeting on 28 April 2006 it was unable to reach consensus on the expansion of the sanctions list beyond that already established under the Al-Qaida and Taliban Sanctions Committee. On the compensation fund, the group encouraged individual states to extend assistance to victims of terrorist attacks.

Latest Debates on Terrorism

On 12 November the chairmen of the three counter-terrorism bodies of the Security Council (the Al-Qaida and Taliban Sanctions Committee, the Counter-Terrorism Committee and the Committee concerning the Non-Proliferation of Weapons of Mass Destruction) briefed the Council. In the subsequent debate, speakers said the three committees constituted an important contribution to the UN's counter-terrorism strategy and encouraged cooperation between the three committees and with international, regional and subregional organisations. Most agreed that technical assistance to countries to help them comply with their obligations under the related resolutions was important.

On 4 and 5 September the General Assembly conducted a review of the UN Global Counter-Terrorism Strategy. The strategy, adopted on 20 September 2006, has four pillars: measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the UN system in this regard; and measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism. In resolution 62/272 the General Assembly reaffirmed the strategy and its four pillars and called on all parties to step up efforts to implement the strategy in an integrated manner and in all its aspects.

Previous Thematic Security Council Debates on Terrorism

On 14 September 2005, coinciding with the World Summit, the Philippines convened a meeting of heads of state or government and foreign ministers of Council members on preventing the incitement of terrorism. Speakers reaffirmed the central role of the UN and the Security Council in responding to terrorism. They said it was necessary to take action against those who incite, preach or teach extremism and to address the issues that fuel terrorism including inequality, ongoing violence, injustice, conflict and social misunderstanding in order to eliminate the breeding grounds for terrorism. It was also essential to promote dialogue among civilisations. Prior to the debate, resolution 1624 was unanimously adopted, calling on states to adopt measures to prevent the incitement of terrorist acts.

On 20 January 2003 France convened a ministerial-level public debate on combating terrorism. The debate had two objectives: to give new political impetus to the fight against terrorism and to open new lines of thought on the means of developing the role of the UN in the fight against terrorism. During the debate members said the threat of terrorism could not be eradicated unless a united international community mobilised against the terrorist threat. The UN must play a central role in the fight against terrorism. Underlying causes such as regional conflicts and socioeconomic development must be addressed collectively and comprehensively. An equitable global development strategy was deemed essential to aiding in the removal of the environment which breeds terrorism. Measures taken to combat terrorism must comply with international law. Some members said greater promotion of cultural and religious harmony and dialogue were required. Following the debate the Council adopted resolution 1456 urging all states to prevent and suppress all support to terrorism.

In a follow-up meeting on 20 February 2003 the Council heard statements from non-Council member states on combating terrorism. There was general agreement that solidarity among nations and sustained long-term action was required to combat terrorism. Speakers raised the need to pay greater attention to the conditions conducive to terrorism, including poverty, intolerance, regional conflicts and denial of human rights.

In the immediate aftermath of the events of 11 September 2001, on 12 November that year, Jamaica and the Ukraine convened a ministerial-level Council meeting to discuss terrorism. The Council, declaring acts of international terrorism one of the most serious threats to international peace and security, called on all states to intensify their efforts to eliminate international terrorism. Members called for a sustained, comprehensive approach to eradicating international terrorism, utilising financial, political and humanitarian measures to deny terrorists reasons to exist or to find safe havens. Resolution 1377 was unanimously adopted, calling on states to become party to the relevant international conventions and protocols relating to terrorism, to implement resolution 1373 and to assist each other in doing so. Resolution 1377 also recognised that many states would require assistance to implement the requirements of 1373 and

invited the Counter-Terrorism Committee to explore ways in which such assistance could be provided.

Human Rights and Terrorism

While initially staying largely silent on human rights in the context of counter-terrorism, beginning with resolution 1456 in 2003, the Council has called on states to ensure counter-terrorism measures comply with international human rights, refugee and humanitarian laws.

In April 2005, the Commission on Human Rights appointed a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur's mandate includes making recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to investigate alleged violations of human rights and fundamental freedoms while countering terrorism and identifying best practices on measures to counter terrorism.

The UN's first symposium on Supporting Victims of Terrorism was held on 9 September 2008 involving member states, 18 victims and ten international experts. Secretary-General Ban Ki-moon said he hoped the symposium would raise awareness of how the international community could support victims. He said member states had committed themselves to consolidating national systems of assistance to promote the needs of victims and their families and facilitate the normalisation of their lives; to promoting international solidarity in support of victims; and to promoting and protecting victims' rights in the UN Global Counter-Terrorism Strategy. The victims emphasised the need for acknowledgement and the need to give victims a voice. Some called for the creation of an international compensation fund to support victims.

At the initiative of King Abdullah bin Abdul-Aziz Al-Saud of Saudi Arabia, a two day high-level meeting of the General Assembly on the promotion of inter-religious and inter-cultural dialogue, understanding and cooperation for peace was held on 12 and 13 November 2008. In the resulting declaration, states affirmed their rejection of the use of religion to justify the killing of innocent people, acts of terrorism, violence and coercion and expressed their commitment to strengthening and supporting existing mechanisms within the UN for promoting tolerance and human rights, preserving family, protecting the environment, spreading education, eradicating poverty and fighting drug abuse, crime and terrorism. Resolution 63/22 was also adopted, affirming that mutual understanding and interreligious dialogue constituted important dimensions of the dialogue among civilisations and of the culture of peace, and reaffirming states' commitments to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the UN and the Universal Declaration of Human Rights. Earlier, at the World Conference on Dialogue in Spain from 16 to 18 July, discussions were held on the need to promote understanding and tolerance and on the dual need to combat terrorism and reject theories that call for the clash of civilisations and cultures. Participants noted that

terrorism was one of the most serious obstacles to dialogue and peaceful coexistence, and that it is a global phenomenon which must be confronted in a serious, responsible and just way, requiring unified international efforts.

Key Issues

A key issue is unanimity in condemning terrorism as a major threat to international peace and security and reaffirmation of a commitment to unite in addressing terrorism.

Another is the need to strengthen cooperation and coordination between states, international, regional and subregional organisations and civil society in addressing the threat of terrorism with the UN playing a central role. Coherence between the work of the Security Council's counter-terrorism committees and the UN Global Counter-Terrorism Strategy is a key element.

A further issue is the need to implement measures to address the conditions conducive to the spread of terrorism. In this regard, factors include the promotion of dialogue, tolerance and understanding among civilisations, cultures, peoples and religions and the need to address problems such as poverty, ignorance and social injustice. Another issue is the implementation of measures to prevent and combat terrorism and in this regard, implementation of legal instruments to counter terrorism is a factor.

A central issue in adopting measures to counter terrorism is the protection of human rights and in particular ensuring states comply with their obligations under international law when undertaking any measures to combat terrorism.

A key question is whether the debate will provide some member states a forum to address issues such as the unresolved common definition of terrorism and the rights of people to resist occupation and aggression. Some may argue the General Assembly should play more of a central role in fighting terrorism given it is the only body with universal membership. The debate may also provide some the forum to voice their concerns about the fairness of the 1267 sanctions regime.

Options

The most likely option is for the Council to adopt a presidential statement.

Council Dynamics

There seems to be strong support amongst some members to hold a general debate on terrorism which is not directly linked to the Council's counter-terrorism committees or to a specific terrorist event (although in light of the recent terrorist attacks in Mumbai some members feel the debate is even more timely).

With regards to the presidential statement, while members support a political declaration from the Council on terrorism, there seems to be some discussion on where to place the Council's emphasis. While it appears there will be fundamentally no new concepts in the proposed statement, some members are concerned that in singling out

specific issues in the statement (i.e. referring to specific forms of terrorism) an imbalance may be created, and they are therefore advocating a more concise general political declaration reaffirming solidarity in combating terrorism. Others see the statement, while reaffirming terrorism as one of the most serious threats to international peace and security, as a good opportunity to highlight specific issues.

During the Council's latest debate in November on the Council's three counter-terrorism committees, China said the UN still had a long way to go to accomplish its counter-terrorism mission. Libya stressed it was important to ensure that the conditions that bred terrorism were tackled. Libya, Panama and France (on behalf of the EU) said respect for human rights and the rule of law were essential to counter terrorism.

UN Documents

Selected Security Council Resolutions

- S/RES/1822 (30 June 2008) extended the mandate of the 1267 monitoring team until 31 December 2009.
- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee and expert body until 25 April 2011.
- S/RES/1805 (20 March 2008) extended the mandate of the Counter-Terrorism Executive Directorate to 31 December 2010.
- S/RES/1735 (22 December 2006) established a mechanism on notifying the individual or entity being added to the consolidated list.
- S/RES/1730 (19 December 2006) established a "focal point" within the UN Secretariat to process submissions for delisting.
- S/RES/1624 (14 September 2005) called on states to cooperate and to adopt measures to prohibit the incitement of terrorism.
- S/RES/1617 (29 July 2005) provided guidelines to identify those associated with Al-Qaida or the Taliban.
- S/RES/1566 (8 October 2004) established a working group to consider practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida/Taliban Sanctions Committee and the establishment of a trust fund to compensate victims of terrorist acts and their families.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1535 (26 March 2004) established the Counter-Terrorism Executive Directorate.
- S/RES/1456 (20 January 2003) was a declaration on combating terrorism arising from a ministerial-level meeting of the Council.
- S/RES/1452 (20 December 2002) provided humanitarian exemptions to the assets freeze of those on the consolidated list.
- S/RES/1390 (16 January 2002) extended the financial measures and broadened the travel ban and arms embargo; requested states to report on the measures taken to enforce them; and requested the 1267

Committee "to cooperate" with the Counter-Terrorism Committee.

- S/RES/1377 (12 November 2001) called on states to become party to the relevant international conventions and protocols relating to terrorism, to implement resolution 1373 and to assist each other in doing so.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1368 (12 September 2001) expresses readiness to take all necessary steps to combat all forms of terrorism.
- S/RES/1333 (19 December 2000) imposed an arms embargo on the Taliban, travel ban on its senior officials, and a freeze on the financial resources of Usama bin Laden and individuals associated with him including those associated with Al-Qaida.
- S/RES/1269 (19 October 1999) condemned all acts, methods and practices of terrorism as criminal and unjustified and calls upon all states to cooperate with each other to prevent and suppress terrorist acts.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its sanctions mandate.

Selected Meetings Records

- A/63/PV.50 (GA/10784)(13 November 2008) was the General Assembly debate on the promotion of interreligious and intercultural dialogue, understanding and cooperation for peace.
- S/PV.6015 (12 November 2008) was the latest briefing by the chairmen of the three counter-terrorism committees in the Council.
- S/PV.5261 (14 September 2005) was a meeting of the Security Council of heads of state or government, ministers for foreign affairs and other distinguished representatives of Council member states on terrorism.
- S/PV.5053 (8 October 2004) was the debate following the adoption of resolution 1556.
- S/PV.4710 (20 February 2003) was a follow-up meeting to the ministerial-level meeting providing member states the opportunity to comment on combating terrorism.
- S/PV.4688 (20 January 2003) was a ministerial-level meeting of the Security Council on combating terrorism.
- S/PV.4413 (12 November 2001) was a ministerial-level meeting of the Security Council on terrorism.

Selected Secretary-General's Reports

- A/63/337 (28 August 2008) was the Secretary-General's report on protection of human rights and fundamental freedoms while countering terrorism.
- A/63/262 (11 August 2008) was the Secretary-General's report on interreligious and intercultural dialogue, understanding and cooperation

for peace.

- A/63/223 (6 August 2008) was the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
- [A/60/825](#) (27 April 2006) was the Secretary-General's report *Uniting against Terrorism: Recommendations for Global Counterterrorism Strategy*.
- S/2003/191 (18 February 2003) was a report written following the 20 January 2003 ministerial-level meeting in the Council, summarising any proposals and any commentary or response to these proposals by Council members.

Other Documents

- S/2008/738 (26 November 2008) was the concept paper for the Security Council meeting on "Threats to international peace and security caused by terrorist acts" to be held on 9 December 2008.
- A/C.3/63/L.39/Rev.1 (20 November 2008) was the text of a resolution on protection of human rights and fundamental freedoms while countering terrorism adopted by the third committee on 25 November.
- A/RES/63/22 (A/63/L.24/Rev.1 and Add.1) (11 November 2008) was the General Assembly resolution on the promotion of interreligious and intercultural dialogue, understanding and cooperation of peace.
- A/C.6/63/L.11 (10 November 2008) was the text of a resolution on measures to eliminate international terrorism adopted by the sixth committee on 14 November.
- A/RES/62/272 (15 September 2008) reaffirmed the UN Global Counter-Terrorism Strategy.
- S/2008/428-A/62/891 (2 July 2008) was a discussion paper on the establishment of an expert panel to assess delisting requests from representatives of Denmark, Germany, Liechtenstein, the Netherlands, Sweden and Switzerland.
- A/RES/60/288 (20 September 2006) adopted the UN Global Counter-Terrorism Strategy.
- Commission on Human Rights resolution 2005/80 (21 April 2005) appointed a special rapporteur on the protection of human rights and fundamental freedoms while countering terrorism.

Other Relevant Facts

Committee Chairs:

- Ambassador Neven Jurica (Croatia): CTC
- Ambassador Jorge Urbina (Costa Rica): 1540 Committee
- Ambassador Jan Grauls (Belgium): 1267 Committee

Useful Additional Resources

- OHCHR Fact Sheet on Human Rights, Terrorism and Counter-Terrorism
- Amnesty International, *Security and Human Rights, Counter-Terrorism and the UN*, September 2008
- Center on Global Counterterrorism Cooperation, *Human Rights and the Implementation of the UN Global Counter-Terrorism Strategy, Hopes and Challenges*, Eric Rosand, Alistair Millar and Jason Ipe, January 2008.