

BANGALORE MODEL UNITED NATIONS

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UNCTC

**DISCUSSING THE UNITED
NATIONS GLOBAL COUNTER
TERRORISM STRATEGY WITH
SPECIAL REFERENCE TO THE
PROPOSED COMPREHENSIVE
CONVENTION ON
INTERNATIONAL TERRORISM.**

LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates!

Bangalore Model United Nations welcomes you to this year's United Nations Counter Terrorism Committee. This year, the UNCTC will be discussing a rather enthralling issue that global diplomats have failed to reach consensus on for the past two decades and will be attempting to draw up a comprehensive combating mechanism to counter international terrorism, keeping in mind the UN Global Counter Terrorism Strategy. We expect debate to extend to the smallest details of the agenda including funding of terror organizations, rise of feeders to terror organizations such as organized criminal groups, procedure for prosecuting convicts and establishing rule of law, impacts on and enhancing the capacity of member states to combat cross-border terrorism, conditions conducive to the rise of terrorism including State Sponsored terrorism etc., and specifically focus on the Proposed Comprehensive Convention on International Terrorism (CCIT).

Delegates, be extremely inquisitive with regards to your research and make sure that your efforts are not limited to the confines of the background guide as it merely provides you with a base and broader outlook for your research, which should extend further beyond the facts stated here.

We await your presence at BMUN 2018. Good Luck!

Regards,

The Executive Board

INTRODUCTION TO THE COMMITTEE

The United Nations Counter Terrorism Committee (UNCTC) was established by the United Nations Security Council Resolution 1373 (2001) and was unanimously adopted on 28 September 2001 following the 11 September terrorist attacks in the United States of America.

The committee was tasked with monitoring the implementation of the resolution 1373 (2001) and requested member states to collaborate and take necessary measures to enhance their counter-terrorism activities including steps to:

- a. Criminalize the financing of terrorism
- b. Freeze without any delay any funds related to persons involved in acts of terrorism
- c. Deny all forms of financial support to terror groups
- d. Suppress the provision of safe havens or any other form of support to terror organizations
- e. Share information with other governments about any group practicing or planning terror attacks
- f. Collaborate with other governments in the arrest, detention, prosecution or extradition of perpetrators
- g. Criminalize active and passive assistance to terrorism in domestic law and bring violators to justice

Member states are required to become parties to relevant international counter-terrorism instruments and are also required to make efforts in increasing communication and information sharing to broaden understanding and collaboration between them in Counter-Terrorism efforts.

THE UNITED NATIONS GLOBAL COUNTER-TERRORISM STRATEGY

The United Nations General Assembly adopted the UN Global Counter-Terrorism Strategy on 8 September 2006, and it was a unique instrument to enhance counter-terrorism efforts at national, regional and international levels. The strategy is reviewed by the UNGA every two years, making it a living document adapted to member states' counter-terrorism priorities and is composed of 4 pillars:

1. Addressing the conditions conducive to the spread of terrorism
2. Measures to prevent and combat terrorism
3. Measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations in that regard
4. Measures to ensure respect for human rights and the rule of law as the fundamental basis for the fight against terrorism

Although member states have agreed upon a common strategic and operational approach to combat terrorism through the adoption of this strategy, increased concerns have been expressed at member states' failure to address human rights abuses and the increased militarization of counter-terrorism approaches. Concerns have also been expressed at the inability of States to enable a suitable environment to civil societies, including those relating to women to be meaningfully engaged in the process.

This year at the UNCTC, we aim to address and enhance the operations involved in this strategy as well as rectify the causes which act as hindrances to the successful implementation of the pillars involved.

FRAMING A UNIVERSAL DEFINITION OF TERRORISM

One of the greatest hindrances in implementing Global Counter-terrorism measures is the lack of a universal definition of terrorism, which also hinders terror acts from being governed and criminalized by specific legal documents.

To be classified as an act of terror, the Global Terrorism Database (GTD) requires events to be intentional, violent and perpetrated by Non-State Actors. Furthermore, the events should meet given criteria:

1. Attacks launched in pursuit of economic, social or political aims
2. Evidence of intention to convey message to a larger audience
3. The activity must be outside the context of legitimate warfare activities

However, the lack of an academic definition has strongly hampered cross-national counter-terrorism efforts.

While framing a Universal definition, one needs to assimilate the various structures of terror entities and to do this, one must first understand the hierarchical commitments within an organization.

<u>DESIGNATION</u>	<u>OBLIGATIONS</u>
Leaders	They usually rise from within the ranks of an organization or create one of their own. They provide direction and policy, approve goals and objectives and provide overarching guidance for operations.
Cadres	This echelon, not only plans and conducts operations, but also manages areas of finance, intelligence, logistics, propaganda and

	communications.
Active Supporters	They are active in the political, fundraising, and information activities of a group and acting as tacit partners, may also conduct intelligence and surveillance operations, provide safe havens, financial contributions, medical assistance and transit assistance to cadre members. Active members are fully aware of their relationship with terror organizations but often do not engage in violent acts.
Passive Supporters	They are often individuals or groups of individuals who are sympathetic to the announced goals of an overarching agenda of a terror organization but do not take active role in terrorism. Presently, even the passivity of States through tolerance of recruitment of individuals by Non-State actors, unpoliced borders etc. is considered to be passive support offered to terrorism.

ORGANIZATIONAL STRUCTURES OF TERROR GROUPS

1. Cellular Foundation: A cell usually comprises of three to ten individuals who form the basic tactical component of the organization and may be formed based on family or employment relations or on a geographic basis. Cellular organization aids security in the sense that the loss of one cell does not compromise the identity of others. Compartmenting functions within the organizational structure prevents an adversary to perforate the entire organization, and further personnel from one cell are usually unaware of the existence of the other cells which prevents them from giving out sensitive information to infiltrators or captors.

2. Hierarchical Structure: This form of configuration has a well-defined vertical chain of command, control and responsibility and intelligence flows within the organization corresponding to these vertical chains. It offers for better specialization in subordinate cells such as intelligence, operation etc. Usually, only the senior leader has a view of the entire organization at large and possesses information about other cells.
3. Networked Organization: These groups, usually, due to the lack of a specific motive, are in less need of a hierarchical structure and instead thrive on loose affiliations with groups or individuals in various locations. Responsibilities for various operations are distributed and cells maintain minimal contact with each other, except in case where coordination is required for a certain operation. Maintaining minimal communication enables leaders to deny certain acts of terror and enhances operational security. Networked Organizations are further divided into chain networks, Hub and Star, All- Channel networks etc.

IMPLICATIONS OF CROSS-BORDER TERRORISM

How nations deal with and combat terrorism has often been the determining factor of modern International Relations and with the increasing role of multi-governmental bodies in this field, the structural dynamics are continuously changing. The theory of Machiavellianism may be added here, which refers to an extreme form of psychological trait of manipulateness. Non-State Actors are disposed to not only manipulate their victims but the audience as well. Both the timing of a future event and its aftermath, including counter-terrorism policies of the government and media coverage of such acts are subject to manipulation by terror organizations.

International terrorism also has severe impacts on Global Markets and while some attacks affect only specific regional markets, others can send ripples through the entire International financial system. While causing extreme financial uncertainty by continuous and sudden pricing fluctuations it also affects the rate of FDI in developing countries for whom it is harder to recover from such situations due to the lack of resources.

In accordance with the often disregarded, fourth pillar of the UN Global Counter-Terrorism Strategy, it is imperative to create a comprehensive structural, multitier system of private insurance and charities, government assistance, Non-Governmental assistance as well as tort-

jurisdiction in member states to establish Rule of Law and ensure respect for the human rights of civilians who have been victimized by radical groups.

TERROR FINANCING AND LINK WITH ORGANIZED CRIME

The source of funding of terror groups may be legitimate or illegitimate and funding often takes place in the form of multiple small donations rather than in a singular heap. Terror organizations require significant funding not only to undertake terror acts but for purposes such as maintaining the functioning of the organization, providing for basic technical necessities as well as covering costs for the propagation of related ideologies.

Modern times have witnessed the growing links between terror entities and Organized Criminal Groups (OCGs) which have caused increased rates of drug smuggling, fire arms trafficking, kidnapping for ransom etc. Recent investigations by the EUROPOL has shown that migrant smuggling networks were used by terrorist groups to enable their operatives to enter the EU. The threat posed by the formation of these links is two-fold.

Firstly, the exploitation of the OCG infrastructure by terror entities to procure tools such as fire arms, fraudulent documents, and to move people and goods, may deliver lethal weapons to them and secondly, involvement in organized criminal activities may help non-state actors to generate funds to help finance terror related activities. This issue has reached a whole new dimension with smuggling being enabled through advanced networks such as the dark net, hawala chains etc.

It thus becomes imperative for member states to initiate cooperation in devising methods and software to detect and thus restrict such smuggling routes through exchange of operational information by relevant entities including National Financial Intelligence Units.

RADICALISATION AND RECRUITMENT

A variety of tools are used by terror organizations to recruit individuals and while some methods are relatively low cost, others require substantial initial or on-going investment. Recruitment methods vary based on social and political context and from region to region. In the Eurasian region, recruitment occurs mainly through religious organizations and most of the recruitments happen by organized recruitment networks which require financial support.

In Europe, recruitment often occurs online, through contacts in lower socio-economic regions, specific religious gatherings and in prisons. In the MENA region, recruitment usually occurs where the terror organization has territorial control or influence, however there have been cases in Africa where terror entities have recruited militants from outside the territory under their control.

There are strong links between social exclusion and marginalization, & insurgencies, violent unrests and terrorism. The 'War on Terror' has often been criticized to be an ideology of fear and repression that creates enemies and promotes violence. With the global campaign often becoming an excuse for governments to repress opposition groups and disregard international law and civil liberties, this has only resulted in the further radicalization of organizations against each other and governments.

Since the launch of the global War on Terror, Muslims have often been subjected to discrimination through social xenophobia and Islamophobia, to the extent that refugees in Europe are blamed for terror attacks. The spread of such anti-Muslim ideologies through Europe has in fact been one of the causes leading up to the migrant crisis. Refugees live in extremely inhumane and crowded conditions and although the UN has made efforts in collaboration with NGOs to aid those in need, the influx has been greater than what was expected. Due to said reasons, refugees often become recruiting points for extremist groups. It thus becomes imperative to take measures to curb the recruitment of refugees by attacking their core causes, such as the marginalization of social groups and make efforts in curbing the spread of radical ideologies in refugee camps.

PROSECUTION PROCESS FOR PERPETRATORS

The introduction of a regulated mechanism for the prosecution or extradition of perpetrators becomes essential keeping in mind the violations of International Law caused due to the absence of it. In the War on Terror, many countries have been found to use torture which is a violation of International human rights, refugee and humanitarian law.

In fighting terrorism, many governments had transferred or proposed to transfer suspects of terrorism to countries where they could be a risk of torture or ill-treatment. Diplomatic assurances were given that regular monitoring would be done to prevent ill-treatment, however,

they were unreliable and ineffective. Further, they were sought for by States where torture was systematically practiced.

The Supplementary US-UK Extradition Treaty, which was signed by both countries on June 25, 1985 and needs confirmation by the US Senate, is an instrument in combatting terrorism as it increases the chances of where a person commits a crime in one of the countries and flees to the other, he will be returned to the former for trial. The Supplementary treaty was needed as the current treaty does not cover acts of hijacking and hostage taking. This treaty in fact serves as a major benefit to both countries as well as an effective counter terrorism mechanism.

With the rise of heinous crimes at the hands of terror organizations, it has become essential for a similar mechanism, based on the principles of 'Prosecution or Extradition', to be introduced at a global level. In fact, states have often failed to act upon the establishment of such a mechanism despite its proposal in documents such as the Proposed Comprehensive Convention on International Terrorism, which has prevented the implementation of any such mechanism.

STATE SPONSORED TERRORISM

Just like terrorism, the notion of State Sponsored Terrorism lacks a universal legal definition and the confusion is reflected upon the very disagreements based on the elements of terrorism itself. There are however certain basic elements of State Sponsored Terrorism including a politically disruptive act or threat, a state sponsor, an intended political outcome, and target, whether civilian, military or material whose death, injury or destruction is expected to influence the desired political outcome. State Sponsored terrorism consists of both commission and omission, and ranges from direct support of the State of terrorist attacks to more indirect state involvement through provision of funding, training or other support to terror organizations.

In two different cases, the International Court of Justice (ICJ) has had to decide if a State was to be held responsible for criminal and terrorist acts committed by private persons. In 1980, the ICJ held Iran responsible for the taking of US hostages by private militants because the Iranian government sanctioned and perpetuated the hostage crisis. Six years later, in Nicaragua, the ICJ used a 'all or nothing' approach and ruled that the United States was not responsible for the rebel activities of the Nicaraguan Contras because the evidence that the Contras were dependent on the US were insufficient to establish that the US directed each of their acts.

ALLEGED STATE SPONSORS TO TERRORISM

1. Recent studies have hinted at **Iran**'s possible cooperation with extremist groups such as the Al-Qaeda, which seem to be coinciding with President Donald Trump's recent accusations against Iran on the same. Iran has also been alleged to have founded and funded the Hezbollah, which is classified as a terrorist organization by many member states.
2. Despite being classified as a terror organization by many member states and having been found to commit several atrocious human rights violations, the Hezbollah is recognized as a legitimate political party in **Lebanon**. With increasing gains in the Lebanese elections, an Israeli security cabinet has said that the Iranian backed Shi'ite group is indistinguishable from the State and no such distinction should be made in future wars.
3. **Pakistan** has often been accused of providing support to Afghan oriented militant groups such as the Taliban and Haqqani network who allegedly retain freedom of action in Pakistani territory and receive support from certain elements of the Pakistani government. The Afghanistan-Pakistan border region remains a sanctuary for several extremist groups including the Al-Qaeda, the Haqqani Network, Lakshar-e-Taliba, Tehrek-e-Taliba Pakistan, Islamic State etc. Pakistan has also been placed back on the terror financing watchlist which implies that it must take immediate measures to curb money laundering and terror financing.
4. The **Democratic People's Republic of Korea** has been put back on the list of State Sponsors of Terrorism by the United States which allows for greater sanctions to be imposed on them. President Donald Trump has accused North Korea of not just 'threatening the world by nuclear devastation but also repeatedly supporting international terrorism including assassinations on foreign soil.' He has also said that this designation should have been made a long time ago.

THE PROPOSED COMPREHENSIVE CONVENTION ON INTERNATIONAL TERRORISM

In its Resolution 71/151 of 13th December 1996 the General Assembly decided to recommend that the Sixth Committee, in its seventy second session of the General Assembly establish a working group to finalize procedures in drafting the Comprehensive Convention on International

Terrorism (CCIT) which aimed at criminalizing all forms of terrorism and denying Non-State Actors their sources of funds, arms etc. More than two decades hence, the International Community has failed to reach consensus on the convention.

In an Amnesty International statement to the United Nations General Assembly, several concerns were raised regarding the fact that the CCIT severely threatens Human Rights Standards and the organization thus called for amendments to the draft.

Article 2(3) of the CCIT is dangerously broad to the extent that it allows for the prosecution of individuals for merely exercising their right to freedom of expression and association if they simply express sympathy for the aims of Non-State Organizations without endorsing their means. Other concerns include the failure of the CCIT to protect the rights of asylum seekers and protect them from being subject to refoulment.

COUNTRY/BLOC STANCES ON THE CCIT

1. **India:** India proposed the CCIT in 1996 and has made continuous efforts in the raising the issue of the need to introduce the CCIT across several bilateral and multilateral forums for the past two decades. Prime Minister Narendra Modi gave a speech in the 69th session of the UNGA in 2014 in which he mentioned that ‘some countries’ use terrorism as their state policy and provide safe havens to terrorists. He called for countries to put aside their differences and adopt the CCIT suggesting that it was intended to provide an umbrella cover for situations not addressed by existing sectoral conventions on terrorism, which are concluded under the guardianship of the UN. However, there have been apprehensions of the CCIT being heavily biased against Pakistan.
2. **BRICS:** BRICS is an acronym used for referring to the association of five major emerging national economies, **Brazil, Russia, India, China** and **South Africa**. Foreign ministers of all five BRICS nations have called for the early and expeditious adoption of the CCIT in light of recent terror attacks and have further suggested the adoption of a ‘holistic’ approach by countries to successfully combat terrorism. The countries have stressed that aspects such as sources of terror funding like organized crime by means of money laundering, drug trafficking etc. and countering misuse of the internet including through social media by terror entities should be focus areas.

3. **USA:** The United States posed a problem with the draft convention stating their requirement that the draft exclude operations carried out by military forces of states. The US fears that the CCIT will affect its own military interventions in Afghanistan and Iraq. India however, has assured that changes in the draft will be made to not include the activities of military forces in armed conflict.
4. **Latin America:** Latin American countries have reservations over the ignorance of International Humanitarian Laws and Human rights in the CCIT. They also want the draft to cover 'State Terrorism' under its mandate.
5. **Organization of Islamic Cooperation (OIC):** The member states of the OIC have major reservations about the CCIT as they believe that it will be used to target Pakistan and will restrict the rights of self determination groups in Palestine, Kashmir etc. It wants acts committed by national liberation movements to be explicitly excluded from the draft.

QUESTIONS A RESOLUTION MUST ANSWER

1. What structures do terror entities adopt to carry out their objectives? Can these be consolidated to form an internationally accepted definition of terrorism?
2. How can the socio-cultural and economic impacts of cross-border terrorism on member states be overcome? How can global financial markets be safeguarded against economic fluctuations as a result of international terrorism?
3. How can we ensure respect for human rights and rule of law in the process of curbing international terrorism and how can a multitier system for compensation be established for affected civilians?
4. What are the major sources of funding of terror entities and how can they be curbed?
5. What is the linkage between organized crime and terrorism? How can activities such as the illicit trafficking of drugs, fire arms, money-laundering etc. which aid terror groups be curbed?
6. How can a universal procedure for the prosecution or extradition of perpetrators be drawn?
7. How can the torture and ill-treatment of suspects and perpetrators at detention centers and prisons be prevented?

8. Should the military approach to combat terror groups be replaced by a political one based on negotiation?
9. What measures need to be implemented to strengthen border security and increase the capacity of member states to combat terrorism?
10. How can marginalized and vulnerable groups and refugees be protected from the radical ideologies and recruitment by terror organizations?
11. How can the active and passive methods of recruitment (creation of sophisticated and password protected websites etc.) be tracked and curbed?
12. How can State Sponsored Terrorism be checked and regulated? What consequences should States guilty of such acts face?
13. Is the CCIT really the 'mother of all anti-terrorism conventions' and does it possess global applicability? What are the loopholes in the universal applicability of the CCIT? How can they be overcome?
14. How can the political hinderances to its universal ratification be overcome?