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Longer Term Approaches to Terror Prevention with reference to social factors such as societal changes and the role of civil society

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Introduction:

- Terrorism as a form of conflict and war, but specifically targeting civilians and non-combatants, has been practised for thousands of years, by state, non-state and sub-state actors.
- Terrorism in our times has not only re-emerged, but expanded beyond local theatres to regional ones and is now a global phenomenon.
- It cuts across continents and countries, across political, ideological, social, cultural and religious divides, and no single set of characteristics applies in all cases.
- Although it may not be possible to prevent all terrorism all the time, or do so completely, or counter it all times, terrorism (like crime) can be contained and reduced.
- Although there is still no single universally accepted definition of terrorism, at the 2005 World Summit at UN Headquarters New York, world leaders condemned “**terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes.**” This was a first-ever clear and unqualified condemnation, by all governments, of terrorism and an important outcome of the largest gathering of heads of state and government in human history.
- The United Nations emphasizes that terrorism is unacceptable and can never be justified, and stresses ways to strengthen operational activities to counter it.

Instruments against terrorism:

- There are 13 major multilateral conventions and protocols related to the responsibilities of States for combating terrorism: however,

many states are not yet party to these legal instruments, or are not yet implementing them.

- In addition to these treaties, other instruments may be relevant to particular circumstances, such as bilateral extradition treaties, the 1961 Vienna Convention on Diplomatic Relations, and the 1963 Vienna Convention on Consular Relations.
- In addition, there are a number of important UN Security Council and General Assembly resolutions on international terrorism, dealing with specific incidents.
- *See Annex A:* List of major terrorism conventions and protocols and a brief summary of major terms of each instrument. In addition to the provisions summarized, most of the conventions provide that parties must establish criminal jurisdiction over offenders (eg. the state where the offence takes place, or in some cases the state of nationality of the perpetrator or victim).

Recommendations for a Global Counter-Terrorism Strategy

- Building on important UN work and on a number of relevant reports: *A More Secure World: Our Shared Responsibility: Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change* (Her Excellency Madame Sadako Ogata of this distinguished country was a prominent member of this panel), as well as the Secretary-General's own report *In Larger Freedom: Towards Development, Security and Human Rights for All*, the Secretary-General issued in April 2006 a follow-up report to the outcome of the Millennium Summit (2000): *United Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy*.
- Secretary-General's **Five "Ds"**:
 - (i) **Dissuading** people from resorting to terrorism or supporting it;
 - (ii) **Denying** terrorists the means to carry out an attack: requires eliminating terrorist financing, protecting soft targets, and preventing terrorists from acquiring conventional weapons and weapons of mass destruction;
 - (iii) **Deterring** States from supporting terrorism;
 - (iv) **Developing** State capacity to defeat terrorism: building State capacity should be the cornerstone of any global counter-terrorism effort. The report identifies practical means by which States can improve their individual and collective capacity to fight terrorism, including by addressing conditions conducive to exploitation by terrorists;

- (v) **Defending** human rights in the context of terrorism and counter-terrorism: defending the human rights of all – not only of those suspected of terrorism, but also those victimized by terrorism, and those affected by the consequences of terrorism – is essential to all components of an effective counter-terrorism strategy.

Role of the United Nations:

- The UN has a key role to play in combating terrorism, using and strengthening its substantial capacity to work with governments, other international organizations, and **civil society** – each using their comparative advantage to supplement the others' efforts.
- Greater coherence is needed in global counter-terrorist activities. For its part, the UN should strengthen and deepen its efforts through the Counter Terrorism Implementation Task Force, which currently brings together **23 UN system entities** which address different aspects of terrorism.

Factors which enable terrorist activity and support for terrorism:

- There is no single “root” cause for the emergence of terrorism in a particular location, nor is there a direct causal relationship between factors such as poverty, over-population, lack of resources, lack of representative government, and terrorism.
- There are, however, “enabling” factors which underpin support for terrorism, and can attract persons to join groups which practise terrorism.
- Enabling factors which may render persons vulnerable include: a set of causes which resonate strongly, locally, regionally and/or globally; alienation, exclusion and disaffection on the part of youth, where organized groups offer support, alliance and action as alternatives; lack of law and order; actual or perceived lack of justice; massive and sustained violation of human rights; weak administrative structures and services; lack of immediate, concrete and viable resources and development (eg. employment, access to services).
- In short, state and national security cannot exist with lack of human security. Both are necessary for there to be real and sustained peace, and security.
- Positive forces can also be used for terrorist purposes: globalization, ease of travel and communications, shrinking of

boundaries, deletion of borders, and the flow of funds, people, and goods around the world.

- Equally, there needs to be an awareness that terrorism is also seen in locations which, and practised by persons who, do not fit into these categories, i.e. educated, employed middle class professionals who practise terrorism (many of the 19 suicide hijackers of 9/11), and/or “home-grown” terrorists (the four suicide bombers in London on 7 July 2005).
- In our times, terrorism is the *modus operandi* in areas where any or a mix of the following factors are found: foreign occupation; foreign troops; insurgency; sectarianism; struggle for independence or autonomy; struggle for control of resources; power struggle between local groups; sponsors and militias organized around core ideology (secular, nationalist or religion-based); and organized criminal networks (in various roles, such as suppliers of services to terrorists, offering quick and easy earnings, illegal trafficking in human beings, drugs, arms, and regional and global delivery mechanisms).

Approaches to reduction in terrorism with special reference to the role of civil society:

- First and foremost, it must be stated that political and social ills deserve to be fought on their own, irrespective of their direct or indirect relationship to terrorism.
- Hence poverty, hunger, disease, illiteracy, lack of development, uneven access to resources and services, human rights violations, crime, slums, lack of potable water, basic education, affordable housing, and jobs -- all these and similar ills -- must be rooted out, irrespective of whether there are links between these social ills and failures to terrorism or not.
- The means and steps are within the reach of states and societies: implementing the Millennium Development Goals by 2015, as adopted at the Millennium Summit in 2000.
- It is precisely in these social and societal arenas that civil society can play its key roles; civil society as the public, or as an important organized component in the lives and livelihoods of communities, needs to be involved in many ways to counter, reduce and prevent terrorism:
 - (i) as an organized voice for what is good and what is not;
 - (ii) in spearheading change and making it acceptable to society and communities;

- (iii) as catalyst and partner with state, administrative, private sector and communal entities;
- (iv) in lobbying with opinion and decision-makers;
- (v) in acting as a pressure group with official government structures;
- (vi) in having a voice in parliament and other consultative mechanisms;
- (vii) in mobilizing at the local and national levels; and
- (viii) in networking regionally and globally.
- Civil society inhabits a vast social and “political” space and is specially vulnerable to terrorist attacks, since one of the most pernicious aspects of modern terrorism is the intent to cause mass casualties in public spaces and/or to usurp the social and “political” space which legitimately belongs to civil society.
- Civil society has a unique and critical role to play, including through a broad-based and sustained campaign denouncing terrorism, and rejecting and countering the terrorists’ message of hate.
- For example, the threat of bioterrorism is one that States will not be able to address by themselves. This will require a comprehensive biosecurity initiative involving all stakeholders in biotechnology, including governments, development actors, public health, industry, science, and civil society – both as a component of these sectors as well as civil society *per se*.
- Another example: the international community must eliminate terrorist safe havens, as well as virtual safe havens by impeding the use of information and communications technologies for promoting and carrying out terrorist activities.
- Victims are the true face of terrorism, and by the very nature of terrorism, the majority of victims are non-combatants — members of communities which are a vibrant part of civil society. The strategy of the Secretary-General calls for measures to protect the rights of the victims, ensure their voices are heard, and provide assistance to facilitate their reintegration.
- Just as civil society is vast, and layered in concept and in theatre of action, so is terrorism. **Terrorist groups need structures and “uncivil society.”** Terrorism is like a big industry. Terrorists need financing, recruits, media, delivery systems, transport, explosives, arms and other weapons, expertise – and importantly, they need supporters, and leaders who can attract and incite volunteers, and sympathizers who offer a safe haven.
- Threat and devastation by unseen and unexpected human forces spread panic and terror beyond the loss of life, livelihood and

property. Terrorism's most virulent menace lies in its ability to undermine normal life, routine, values, and decency.

- Change, especially rapid change, unsettles people and could make them vulnerable to fanaticism, whether secular or religion-based.
- In today's rapidly changing societies, where familiar structures are breaking down or are no longer capable of meeting the demands of the times, social ills find easy victims. Vulnerable communities – such as the youth, children, old persons, the sick, the unemployed, migrants, exploited groups -- need state help. And states need the support of civil society.
- Hence it is in countering “uncivil society” and terrorism's support structures that civil society can play its widest and most important role. Global, coordinated and comprehensive measures must be taken not only by states but also by civil society networks.
- The United Nations system, which deals with all facets of life, is not only a collection of 192 Member States; it is also the world's largest “civil society” in spearheading the fight to counter the world's most dangerous “uncivil society” -- the terrorists.

Annex A: CONVENTIONS AGAINST TERRORISM

There are 13 major multilateral conventions and protocols related to states' responsibilities for combating terrorism. But many states are not yet party to these legal instruments, or are not yet implementing them.

In addition to these treaties, other instruments may be relevant to particular circumstances, such as bilateral extradition treaties, the 1961 Vienna Convention on Diplomatic Relations, and the 1963 Vienna Convention on Consular Relations. Moreover, there are now a number of important UN Security Council and General Assembly Resolutions on international terrorism, dealing with specific incidents.

The following list identifies the major terrorism conventions and protocols and provides a brief summary of some of the major terms of each instrument. In addition to the provisions summarized below, most of these conventions provide that parties must establish criminal jurisdiction over offenders (e.g., the state(s) where the offence takes place, or in some cases the state of nationality of the perpetrator or victim).

DISCLAIMER

1. Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention", 1963--safety of aviation):

- applies to acts affecting in-flight safety;
- authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, when necessary to protect the safety of the aircraft;
- requires contracting states to take custody of offenders and to return control of the aircraft to the lawful commander.

2. Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 1970--aircraft hijackings):

- makes it an offence for any person on board an aircraft in flight [to] "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so;
- requires parties to the convention to make hijackings punishable by "severe penalties;"
- requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution;
- requires parties to assist each other in connection with criminal proceedings brought under the convention.

3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention", 1971--applies to acts of aviation sabotage such as bombings aboard aircraft in flight):

- makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft; to place an explosive device on an aircraft; and to attempt such acts or be an accomplice of a person who performs or attempts to perform such acts;
- requires parties to the convention to make offences punishable by "severe penalties;"
- requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution;

[4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons \(1973- outlaws attacks on senior government officials and diplomats\):](#)

- defines internationally protected person as a Head of State, a Minister for Foreign Affairs, a representative or official of a state or of an international organization who is entitled to special protection from attack under international law;
- requires each party to criminalize and make punishable "by appropriate penalties which take into account their grave nature," the intentional murder, kidnapping, or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice;"

[5. International Convention Against the Taking of Hostages \("Hostages Convention", 1979\):](#)

- provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention;"

[6. Convention on the Physical Protection of Nuclear Material \("Nuclear Materials Convention", 1980--combats unlawful taking and use of nuclear material\):](#)

- criminalizes the unlawful possession, use, transfer, etc., of nuclear material, the theft of nuclear material, and threats to use nuclear material to cause death or serious injury to any person or substantial property damage;

[7. 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 \(Extends and supplements the Montreal Convention on Air Safety\), \(1988\):](#)

- extends the provisions of the Montreal Convention (see No. 3 above) to encompass terrorist acts at airports serving international civil aviation.

8. [Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, \(1988--applies to terrorist activities on ships\):](#)

- establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established against international aviation;
- makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships;

9. [Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf \(1988--applies to terrorist activities on fixed offshore platforms\):](#)

- establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation;

10. [Convention on the Marking of Plastic Explosives for the Purpose of Detection \(1991--provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage\):](#)

- designed to control and limit the used of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am 103 bombing);
- parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty;
- generally speaking, each party must, among other things: take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry-into-force of the convention; ensure that all stocks of such unmarked explosives not held by the military or police are destroyed or consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police, are destroyed or consumed, marked, or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date-of-entry into force of the convention for that state.

11. [International Convention for the Suppression of Terrorist Bombing \(1997\): \(UN General Assembly Resolution\)](#)

- creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place;

12. [International Convention for the Suppression of the Financing of Terrorism \(1999\)](#):

- requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, though groups claiming to have charitable, social or cultural goals or which also engage in such illicit activities as drug trafficking or gun running;
- commits states to hold those who finance terrorism criminally, civilly or administratively liable for such acts;
- provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other states on a case-by-case basis. Bank secrecy will no longer be justification for refusing to cooperate.

13. [International Convention For the Suppression of Acts of Nuclear Terrorism \(2005\)](#)

- provides for a definition of acts of nuclear terrorism and covers a broad range of possible targets, including nuclear power plants and nuclear reactors;
- covers threats and attempts to commit such crimes, as well as to participation therein, as an accomplice;
- stipulates that offenders be either extradited or prosecuted;
- encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings;
- deals with both crisis situations (assisting states to solve the situation) and post crisis situations (rendering nuclear material safe – through the IAEA).
