

39. Items relating to terrorism

A. Threats to international peace and security caused by terrorist acts

Decision of 12 September 2001 (4370th meeting): resolution 1368 (2001)

At the 4370th meeting of the Security Council, on 12 September 2001, the President (France) drew the attention of the Council to a draft resolution.¹ At the meeting, statements were made by all members of the Council and the Secretary-General.

At the outset of the meeting, the Council observed a minute of silence in memory of all the victims of the terrorist attacks of 11 September 2001.

Speaking before the vote, the Secretary-General stated that the Council was meeting under exceptionally grave circumstances in which the host country and the host city had been subjected to a terrorist attack that horrified all. He reiterated that terrorism was an international scourge and the United Nations had condemned it many times. He stated that a terrorist attack on one country was an attack on humanity as a whole and he called for all nations to work together to identify the perpetrators and bring them to justice.

All members of the Council expressed their deepest condolences and sympathy to the Government and people of the United States and to the victims of the terrorist attack on 11 September 2001. Several speakers suggested that international terrorism should be addressed through efforts of the whole international community and through international cooperation.² Some representatives also supported the idea of holding a special summit of the Council to discuss ways and means of combating terrorism.³

The representative of the United Kingdom stated that his country was determined to eradicate terrorism globally, in cooperation with and in support of the United States. He stated that the international spirit of the response was exemplified by the European Union

in a meeting of ministers the same morning, which had stated that the horrendous attacks were an attack not only on the United States, but against humanity itself and the values and freedoms they all shared. He stated that mass terrorism was the new evil in the world today, perpetrated by fanatics, who were utterly indifferent to the sanctity of human life. He noted that terrorism was a global issue that needed a global response.⁴

The representative of Mauritius condemned the attacks as inhuman and barbaric terrorist acts and underlined that all who believed in the cardinal values of democracy stood shoulder-to-shoulder with the American people in the struggle to preserve peace and the rule of law. He stated that terrorism represented a major threat to international peace and security. His delegation also stood ready to cooperate with the United States and the international community to find the perpetrators of the terrorist acts of 11 September 2001 and bring them to justice.⁵

The representative of Singapore emphasized that terrorism anywhere should not be condoned for any reason whatsoever and held that the Council and the international community had to come together to ensure that the events of 11 September were not repeated.⁶ The representative of Tunisia stated that no civilization condoned and no cause whatsoever could justify the attacks, and that it was time for all societies of the international community to cooperate in preventing and combating terrorism and organized crime.⁷

The representative of Ireland stated that the perpetrators of the attacks on 11 September had sought to destroy the values that formed the fundamental principles of the United Nations, including the right of every human being to live in freedom and dignity, and

¹ S/2001/861.

² S/PV.4370, p. 3 (Mauritius); p. 3 (Ukraine); p. 4 (Singapore); p. 4 (Tunisia); p. 6 (Jamaica); and p. 6 (Bangladesh).

³ Ibid., p. 3 (Mauritius); p. 4 (Ukraine); and p. 6 (Jamaica).

⁴ Ibid., pp. 2-3.

⁵ Ibid., p. 3.

⁶ Ibid., p. 4.

⁷ Ibid., p. 4.

he called for the international community to work together to bring the perpetrators to justice.⁸

The representative of China stated that international terrorism seriously endangered human society as well as the political and economical order of countries and was a serious potential danger to international peace and security. He held that the attacks represented an open challenge to the international community as a whole. China was in favour of enhanced cooperation among Member States through the practical implementation of the relevant international conventions against terrorists. He underlined that the Council, as the organ with the primary responsibility of maintaining international peace and security, should play a leading role in that respect.⁹

The representative of the Russian Federation stated that the attack had been a brazen challenge to all of humankind. It highlighted the timeliness of the task of joining the efforts of the international community in combating terror. In that respect, he recalled resolution 1269 (1999), which had been unanimously adopted by the Council on the initiative of the Russian Federation. The draft resolution on the table demonstrated unconditionally the resolve of Council members to leave not one terrorist act unpunished and to increase efforts to prevent and end terrorism.¹⁰

The representative of Norway stated that the attacks had been directed against freedom and democracy itself and had been an effort to undermine the value that constituted the foundations of the civilized world. He held that the Council had been established to defend those values and that a unified Council must show that it was ready to support efforts to do just that.¹¹

The representative of Colombia informed the Council that the Organization of American States had adopted a vigorous condemnation of terrorist attacks and expressed the need to strengthen hemispheric cooperation to combat terrorism. He expressed his delegation's willingness to participate with all members of the Council in the adoption of immediate

measures in keeping with the responsibilities of the Council under the Charter of the United Nations.¹²

The representative of France also stated that the events constituted an attack upon all of humanity and against the values and principles that the Charter embodied and constituted a challenge to the international community as a whole. He emphasized that it was time for unity and resolve. He stated that France stood with the United States in deciding upon any appropriate action to combat those who resorted to terrorism, those who aided them and those who protected them. He called for a global strategy and held that the Council should work on the issue as the principal organ entrusted with international peace and security.¹³

The representative of the United States, while thanking all Members for their support and resolve, underlined that the attack was an assault not just on the United States, but on all who supported peace and democracy and the values for which the United Nations stood. He stated that his country looked for all those who stood for peace, justice and security in the world to stand together with the United States to win the war against terrorism. He emphasized that there would be no distinction between the terrorists who committed those acts and those who harboured them. The United States would bring those responsible to account.¹⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 1368 (2001), by which the Council, *inter alia*:

Unequivocally condemned in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C., and Pennsylvania and regarded such acts, like any act of international terrorism, as a threat to international peace and security;

Expressed its deepest sympathy and condolences to the victims and their families and to the people and Government of the United States;

Called upon all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of those terrorist attacks, and stressed that those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of those acts would be held accountable;

Called upon the international community to redouble their efforts to prevent and suppress terrorist acts, including by

⁸ *Ibid.*, pp. 4-5.

⁹ *Ibid.*, p. 5.

¹⁰ *Ibid.*, p. 5.

¹¹ *Ibid.*, p. 6.

¹² *Ibid.*, pp. 6-7.

¹³ *Ibid.*, p. 7.

¹⁴ *Ibid.*, pp. 7-8.

increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions;

Expressed its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001 and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

**Decision of 28 September 2001
(4385th meeting): resolution 1373 (2001)**

At the 4385th meeting, on 28 September 2001, the President (France) drew the attention of the Council to a number of letters, by which the representatives of Belgium (on behalf of the European Union),¹⁵ Pakistan,¹⁶ Qatar (on behalf of the Organization of the Islamic Conference (OIC)),¹⁷ Mali,¹⁸ Azerbaijan, Georgia, the Republic of Moldova, Ukraine and Uzbekistan (the GUUAM States)¹⁹ and China²⁰ expressed condemnation of the attacks on 11 September 2001, offered their support to the Government of the United States and called for the international community to work together to combat international terrorism.

In his letter, the representative of Qatar transmitted a statement by the Minister for Foreign Affairs, who stressed that Islam was a true religion, which denounces and rejects terrorism, repudiates violence and bloodshed and calls for the protection of human beings and non-aggression against innocent persons.

By a letter dated 25 September 2001, addressed to the Secretary-General and the President of the Security Council, the representative of Belgium transmitted the conclusions and plan of action of the European Council meeting of 21 September 2001, in which the European Council stated that it would cooperate with the United States in bringing to justice and punishing the perpetrators, sponsors and accomplices of the barbaric acts, and that on the basis of resolution 1368 (2001), a riposte by the United States was legitimate. It stated that the member States of the European Union were prepared to undertake

such actions, which must be targeted and might also be directed against States abetting, supporting or harbouring terrorists.

By his letter, the representative of China transmitted the position paper of the Government of China, recommending that the Council establish an anti-terrorism mechanism to explore, formulate and conduct concrete programmes for the fight against terrorism, and that the Secretariat strengthen its capacity for information collection and analysis in the field of anti-terrorism.

By his letter, the representative of Georgia transmitted a letter from the President of Georgia, who suggested that the United Nations convene a summit of heads of States Members of the United Nations to address the fight against terrorism, genocide, ethnic cleansing, mass murder and the sources that fed them, such as aggressive nationalism, aggressive separatism, xenophobia, fanaticism and bigotry.²¹

By a letter dated 14 September 2001 addressed to the Secretary-General, the representative of Afghanistan transmitted a letter from the President of Afghanistan,²² in which the President stated that the attacks on the United States established how terrorism constituted a threat to international peace and security. He noted that the officials of Afghanistan had made every attempt over the years during the General Assembly and special sessions to warn of the threat of terrorist activities emanating from the Taliban-occupied parts of Afghanistan. He stressed that the people of Afghanistan were not only victims of terrorism but were in fact hostage to it. He called upon the international community to put effective and bold pressure on the Government of Pakistan to cease immediately their aggression in Afghanistan and withdraw their armed personnel from Afghanistan, and invoked Article 35 of the Charter to propose the convening of a special meeting of the Council to address the presence of foreign military and armed personnel in Afghanistan. He also asked the international community to establish a multi-ethnic, broad-based and fully representative government, which would secure the right of the Afghan people to self-determination.

¹⁵ S/2001/894 and S/2001/909, letters dated 12 and 25 September 2001, respectively.

¹⁶ S/2001/877, letter dated 13 September 2001.

¹⁷ S/2001/869, letter dated 14 September 2001.

¹⁸ S/2001/895, letter dated 18 September 2001.

¹⁹ S/2001/906, letter dated 25 September 2001.

²⁰ S/2001/914, letter dated 27 September 2001.

²¹ S/2001/893.

²² S/2001/870.

By a letter dated 18 September 2001 addressed to the Secretary-General, the representative of Iraq transmitted two letters from the President of Iraq,²³ who maintained that it was irresponsible of the Government of the United States to accuse Islamic countries of committing the 11 September 2001 attacks without having the minimum evidence or allowing enough of an opportunity to verify things. He maintained that the security of the United States and the security of the world would be achieved if the United States and its constituents became rational and if the United States disengaged itself from the evil alliance with Zionism, which had been scheming to plunder the world and plunge it into blood and darkness by exploiting the United States and some Western countries. He accused the United States of committing attacks against other countries, which were the main cause of instability in the world.

By a letter dated 25 September 2001 addressed to the Secretary-General,²⁴ the representative of the United Arab Emirates transmitted a statement from the Ministry of Foreign Affairs stating that the Government had severed all diplomatic relations with the Government of Afghanistan, as the latter had refused to comply with the request of the Council to hand over Osama bin Laden.

The President then drew the attention of the Council to a draft resolution;²⁵ it was put to the vote and adopted unanimously and without debate as resolution 1373 (2001), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that all States should:

- (a) Prevent and suppress the financing of terrorist acts;
- (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, to carry out terrorist acts;
- (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts;
- (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets

²³ S/2001/888.

²⁴ S/2001/903.

²⁵ S/2001/921.

or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

Declared that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

Decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution;

Directed the Committee to delineate its tasks, to submit a work programme within 30 days of the adoption of the resolution, and to consider the support it required, in consultation with the Secretary-General.

Decision of 12 November 2001 (4413th meeting): resolution 1377 (2001)

At the 4413th meeting,²⁶ on 12 November 2001, the President (Jamaica) drew the attention of the Council to a draft resolution.²⁷ At the meeting, statements were made by all members of the Council and the Secretary-General.²⁸

In his statement before the vote, the Secretary-General applauded the Council for acting so swiftly in adopting resolution 1373 (2001) to enshrine in law the first steps to carry the fight against terrorism forward with new vigour and determination. He recalled that this was a broad resolution aimed at targeting terrorists and those which had harboured, aided, or supported them. It required Member States to cooperate in a wide range of areas, namely suppressing the financing of terrorism, providing early warning, cooperating in criminal investigations and exchanging information on possible terrorist acts. He reported that the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism had produced a work programme that focused on the first 90 days of the work of the Committee and had

²⁶ For more information on the discussion at this meeting, see chap. XI, part IX, sect. B, with regard to the discussion relating to Article 51 of the Charter.

²⁷ S/2001/1060.

²⁸ The meeting was held at the ministerial level: all delegations were represented by their respective State Minister for Foreign Affairs, Minister for Foreign Affairs or Secretary of State.

established mechanisms for States to report progress. He encouraged all States to ensure the full implementation of resolution 1373 (2001). In addition, he reported that he had established a working group, bringing together senior officials from the United Nations system, as well as outside experts, to identify the longer-term implications and broad policy dimensions of the issue of terrorism for the United Nations and formulate recommendations on steps that the United Nations system might take. He pointed out that the United Nations was uniquely placed to facilitate cooperation between Governments in the fight against terrorism, as it could convey the necessary legitimacy to ensure that States would take the necessary and difficult diplomatic, legal and political steps needed to defeat terrorism. He stated that the first step would be to ensure that the 12 existing legal instruments on international terrorism would be ratified and implemented without delay by all States. In addition, it would be important to obtain agreement on a comprehensive convention on international terrorism. He also called for a strengthening of the global norms against the use or proliferation of weapons of mass destruction, the banning of the sale of small arms to non-State groups, the elimination of landmines, improvement of the physical protection of sensitive industrial facilities, specifically nuclear and chemical plants, and increased vigilance against cyberterrorist threats. He held that there was a need for moral clarity and expressed the view that there could be no acceptance of those who sought to justify the deliberate taking of innocent civilian life, regardless of cause or grievance. Nevertheless, he warned against treating terrorism as a single phenomenon, emphasizing that it was, like war, an immensely complicated phenomenon with multiple objectives and causes, a multitude of weapons and agents and virtually limitless manifestations, with the only common denominator being the calculated use of deadly violence against civilians for political purposes.²⁹

In their statements before the vote, most representatives emphasized that full cooperation at the international level was needed to address international terrorism. The speakers supported the measures taken by the Council so far and called for the full implementation of the recently adopted resolutions. In that regard, many speakers held that the creation of the

Counter-Terrorism Committee would prove helpful in ensuring the implementation of those resolutions. Most representatives expressed their country's commitment to the fight against terrorism and reported progress in the ratification and implementation of the existing legal instruments against terrorism. Many speakers held that, as a matter of priority, the international community should cooperate to track the financial resources of terrorist networks and should strengthen the exchange of information that could lead to the dismantling of terrorist networks. A number of speakers reported on the approach taken by several regional organizations and called for enhanced coordination of the national, regional, subregional and international levels to strengthen the global response to international terrorism.

In addition, several representatives called for a renewed commitment to address such global problems as poverty, regional conflicts and a lack of sustainable development, which could constitute the wider conditions on which terrorism could thrive.³⁰

The representative of Jamaica also noted that not all States had an equal capacity to fully implement the measures provided in resolution 1373 (2001), and called for countries with the capacity to provide financial and technical assistance to assist those countries that were in need of assistance.³¹

The representative of China, while emphasizing that terrorism was a brazen challenge to all of human civilization, also held that the strike against terrorism should be clearly targeted and try to avoid injuring innocent people, and should be in compliance with the purposes and principles of the Charter. He also opposed linking terrorism to any specific religion or ethnicity, and believed that there should be no double standards with regard to counter-terrorism and that the international community should take a common stand against all forms of terrorist acts and carry out a resolute fight against them. He pointed out that China had also been threatened by terrorism and that the "East Turkestan" terrorist forces had received training, financial aid and support from international terrorist groups.³²

³⁰ Ibid., p. 4 (Jamaica); p. 4 (China); pp. 7-8 (Ireland); p. 9 (Mauritius); pp. 10-11 (Russian Federation); p. 13 (Tunisia); p. 14 (Ukraine); and p. 17 (Mali).

³¹ Ibid., p. 4.

³² Ibid., pp. 4-5.

²⁹ S/PV.4413, pp. 2-3.

The representative of Colombia drew the attention of the Council to the role played by the world market in illicit drugs as a factor in the financing of violence and terror.³³

The representatives of France and Norway reaffirmed that the armed response of the United States against Osama bin Laden, the Al-Qaida network and the Taliban was undertaken pursuant to resolution 1368 (2001) and in exercise of the United States right of self-defence, and declared that they supported that action.³⁴

The representative of Mauritius pointed out that the attacks of 11 September 2001 had seriously affected the economies of poor countries, which did not have the resilience of the major economies.³⁵

The representative of the Russian Federation welcomed the fact that the Council, as the body entrusted with the primary responsibility for the maintenance of peace and security, was demonstrating its central coordinating role in uniting the efforts of the world community to combat international terrorism, which he regarded as the most acute threat to global stability. He held that the adoption, by the Council, of resolutions of unprecedented scope, especially resolution 1373 (2001), laid a solid political and legal basis for the neutralization of the terrorist threat. He believed that the creation of the Counter-Terrorism Committee would facilitate the implementation of those resolutions and reiterated that they were binding on all States. He also emphasized that there should be no double standards with regard to terrorism, but held that it would be a mistake to identify terrorism with any religion, nationality or culture. In that regard, he called for the establishment of dialogue and mutual understanding between different civilizations on the basis of the common values of protecting the life and dignity of human beings. In addition, he called for the Council to appeal to the General Assembly to adopt at its fifty-sixth session the draft international convention on the suppression of acts of nuclear terrorism.³⁶

The representative of the United Kingdom declared that terrorism, the deliberate targeting of innocent people for political ends, was criminal, and there was no political, religious or ideological cause

that could justify the use of such indiscriminate violence. He also welcomed military advances in the north of Afghanistan as a first step to the overall liberation of Afghanistan, to the establishment there of a broad-based, representative and multi-ethnic Government, and to the goal of a world free from the twin scourges of terrorism and war.³⁷

The representative of the United States declared that action was needed and action was needed now. In reference to the question on the definition of terrorism, he responded that those who sought to define terrorism needed to look no further; no one could defend such heartless acts against innocent people. It was not about a clash of civilizations or religions. It was an attack on civilization and religion themselves. That was what terrorism meant. He stated that the United States was taking the fight against terrorism directly to the terrorists as well as their supporters and that the United States had declared war on all terrorist organizations with a global reach. He held that since those organizations were global, the United States needed the support of the international community, and especially the help of police forces, intelligence services and banking systems around the world to isolate and eradicate the common enemies. He welcomed the swift action by the Council and stated that resolution 1373 (2001) was a mandate to change fundamentally how the international community responded to terrorism, and reiterated that its obligations were urgent and binding. He acknowledged that, for many States, its implementation would necessitate changes in their financial and legal systems and offered technical assistance ranging from aviation security to financial tracking measures and law enforcement.³⁸

The President drew the attention of the Council to the draft resolution;²⁷ it was put to the vote and adopted unanimously as resolution 1377 (2001), by which the Council decided to adopt a declaration, annexed to the resolution, on the global effort to combat terrorism.

**Decision of 15 April 2002 (4513th meeting):
statement by the President**

At its 4453rd meeting, on 18 January 2002, the Council heard a briefing by the Chairman of the

³³ Ibid., p. 6.

³⁴ Ibid., pp. 6-7 (France); and p. 10 (Norway).

³⁵ Ibid., p. 9.

³⁶ Ibid., pp. 10-11.

³⁷ Ibid., pp. 15-16.

³⁸ Ibid., pp. 16-17.

Counter-Terrorism Committee.³⁹ Statements were also made by the Secretary-General, most members of the Council, the representatives of Bangladesh, Belarus, Brunei Darussalam (on behalf of the Association of Southeast Asian Nations (ASEAN)), Canada, Costa Rica (on behalf of the Rio Group), India, the Islamic Republic of Iran, Israel, Jamaica (on behalf of the Caribbean Community (CARICOM)), Japan, Mongolia, Morocco (on behalf of the Group of Arab States), Nauru (on behalf of the Pacific Islands Forum Group), Nepal, Pakistan, Peru, Poland, Portugal,⁴⁰ Qatar, Spain (on behalf of the European Union⁴¹), Tajikistan and Uzbekistan, and the Permanent Observer of Palestine.

Speaking first, the Secretary-General welcomed the energy and spirit of cooperation prevailing among Member States in response to the terrorist attacks of 11 September, and held that the work of the Counter-Terrorism Committee and the cooperation it had received from Member States were unprecedented and exemplary. He stressed that through the work of the Committee, Member States were, for once, really using the Organization in the way that its founders had intended — as an instrument through which to forge a global defence against a global threat. He expressed the hope that Member States could apply that same spirit to other global threats, ranging from weapons of mass destruction to HIV/AIDS or climate change. In addition, he pointed to the interrelationship between terrorism and other threats, including organized crime and illicit trafficking in weapons drugs and diamonds, and underlined the need for the various United Nations bodies dealing with those threats to coordinate their work closely. Further, he noted that there was no trade-off between effective action against terrorism and the protection of human rights, which, on the contrary, along with democracy and social justice, was one of the best prophylactics against terrorism. He held, therefore, that human rights and other key principles should not be sacrificed in the fight against terrorism and that there was a need to make sure that the

measures adopted by the Council did not unduly curtail human rights or would give others a pretext to do so. Finally, he pointed to the lack of capacity of many States to adopt effective counter-terrorist measures and the ensuing need for technical and financial assistance.⁴²

The Chairman of the Counter-Terrorism Committee, in his briefing, noted that the Council had reacted strongly and quickly to the threat which international terrorism in its latest form posed to international peace and security by, *inter alia*, the adoption of resolution 1373 (2001), which imposed binding obligations on all States to take immediate action to suppress and prevent terrorism. Those measures, monitored by the Committee, intended to improve the capacity of every State to fight terrorism and ensure that there was no weak part of the chain. Resolution 1377 (2001), he noted, had given the Committee the task of identifying assistance programmes and best practices, which it had started to do by inviting States and international and regional organizations to contribute to a directory of available assistance. In addition, the Chairman had requested the Secretary-General to consider establishing a United Nations trust fund to ensure that such essential work was adequately funded. The Chairman welcomed the fact that 123 States had to that date submitted reports to the Committee on the implementation of resolution 1373 (2001), but pointed out that some States remained. He reported that the Committee hoped to have reviewed two thirds of the reports received to that date by the end of March 2002. In its review, the Committee intended to write to each State, in confidence, offering comments, requesting more information or outlining areas in which legislation or further executive measures might be needed. He held that it was not the role of the Committee to act as a tribunal for judging States. Nor would the Committee trespass on to areas of competence of other parts of the United Nations system. The Committee would not define terrorism in a legal sense, nor would it issue lists of terrorist organizations. Where a matter of political controversy arose, that matter would be referred back to the Council. While the mandate of the Committee was to monitor the implementation of resolution 1373 (2001), rather than monitor performance against other international conventions, including human rights, the Chairman held that the

³⁹ The representative of the United Kingdom, who delivered the briefing in his capacity as the Chairman of the Committee, did not make a statement in his national capacity.

⁴⁰ In the capacity of Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE).

⁴¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

⁴² S/PV.4453, pp. 2-3.

Committee would remain aware of the interaction with human rights concerns. Other organizations were free to study the reports and take up their content in other forums, he added.⁴³

In their statements, all speakers condemned terrorism with several speakers highlighting that terrorist attacks victimized the innocent civilian population.⁴⁴ Most speakers recognized the important role of the Committee as a follow-up mechanism for the implementation of resolution 1373 (2001) and commended its Chairman for the work achieved to date and for the transparent approach taken by the Committee vis-à-vis the wider membership. They underlined support for the 12 international conventions against terrorism and highlighted the importance of having those conventions ratified by as many States as possible. A number of speakers reported on the measures taken by regional organizations and groups.⁴⁵ Most speakers noted that some States would need technical assistance to enable them to fulfil their obligations under resolution 1373 (2001). Several other speakers reiterated their countries' readiness to provide a range of technical assistance programmes in areas related to counter-terrorism.⁴⁶ Several speakers agreed with the Secretary-General that there could be no trade-off between the fight against terrorism and the protection of human rights.⁴⁷ In addition, the representative of Peru maintained that the Council and the General Assembly should affirm that terrorist groups themselves were violators of human rights.⁴⁸

Several speakers referred to the need to define terrorism. In that regard, several representatives expressed their support for the negotiations on the draft comprehensive convention on international terrorism in the General Assembly.⁴⁹

The representative of the Syrian Arab Republic, while strongly condemning the brutal crime of 11 September 2001 and its impact on innocent civilians, also held that there was a need to define terrorism and to distinguish it from the just struggle of people to free themselves from foreign occupation. Referring to, inter alia, the Palestinian question, the representative of the Syrian Arab Republic, supported by the representative of the Islamic Republic of Iran, held that foreign occupation was the most brutal form of terrorism and that therefore, resistance to foreign occupation, in his opinion, constituted legitimate struggle. He regretted that the Council had not denounced Israeli State terrorism.⁵⁰ The representatives of Morocco (on behalf of the Group of Arab States) and Qatar also recognized a right to self-defence for the Palestinian people.⁵¹ The representative of Palestine rejected suicide bombings carried out in Israel targeting Israeli civilians as terrorist acts. With regard to acts of violence in the occupied Palestinian territory, he stated that while they were incompatible with the current ceasefire, he regarded them as legitimate resistance to foreign occupation and did not accept any attempt to label them as terrorist acts. Moreover, he also accused Israel of committing State terrorism.⁵² The representative of Pakistan also held that foreign occupation constituted a form of State terrorism and linked the concept to the situation in Kashmir.⁵³ The representative of India stressed that the existence of, and support for the activities of, terrorist groups such as Jaish-e-Mohammed and Lashkar-e-Tayyiba was in direct and complete contravention of resolution 1373 (2001).⁵⁴ The representative of Israel

⁴³ *Ibid.*, pp. 3-5.

⁴⁴ *Ibid.*, p. 8 (Syrian Arab Republic); and p. 10 (Costa Rica on behalf of the Rio Group).

⁴⁵ *Ibid.*, pp. 10-11 (Costa Rica on behalf of the Rio Group); pp. 12-13 (Spain on behalf of the European Union); p. 14 (Canada on behalf of the Group of Eight); p. 17 (Bulgaria); p. 18 (China); and pp. 22-23 (Morocco on behalf of the Group of Arab States); S/PV.4453 (Resumption 1), pp. 12-13 (Brunei Darussalam on behalf of ASEAN); p. 13 (Portugal on behalf of OSCE); p. 15 (Nauru on behalf of the Pacific Islands Forum); p. 17 (Nepal); and pp. 28-29 (Mauritius).

⁴⁶ S/PV.4453, p. 6 (United States); p. 7 (France); p. 12 (Spain on behalf of the European Union); p. 15 (Canada); and p. 28 (Norway); S/PV.4453 (Resumption 1), p. 3 (Japan).

⁴⁷ S/PV.4453, p. 10 (Costa Rica on behalf of the Rio Group); p. 15 (Ireland); and p. 21 (Peru); S/PV.4453 (Resumption 1), p. 4 (Bangladesh) and p. 27 (Mexico).

⁴⁸ S/PV.4453, p. 22.

⁴⁹ *Ibid.*, p. 6 (United States); p. 13 (Spain on behalf of the European Union); p. 16 (Ireland); and p. 23 (Morocco on behalf of the Group of Arab States); S/PV.4453 (Resumption 1), p. 10 (Mongolia); p. 19 (Qatar); p. 26 (Cameroon); and p. 27 (Mexico).

⁵⁰ S/PV.4453, pp. 7-8 (Syrian Arab Republic); S/PV.4453 (Resumption 1), pp. 21-22 (Islamic Republic of Iran).

⁵¹ S/PV.4453, p. 23 (Morocco on behalf of the Group of Arab States); S/PV.4453 (Resumption 1), p. 19 (Qatar).

⁵² S/PV.4453 (Resumption 1), p. 23.

⁵³ S/PV.4453, p. 31.

⁵⁴ *Ibid.*, p. 21.

regretted the baseless allegations made by the representative of the Syrian Arab Republic and held that States that provided support, assistance or safe harbour to terrorist organizations had to be targeted no less than the terrorists themselves.⁵⁵ The Chairman of the Committee noted that neither resolution 1373 (2001) nor the 12 international conventions relating to terrorism referred to a concept of “State terrorism”. He stated that the Committee had to proceed within the given consensus. He further held that States should be judged against the international instruments dealing with war crimes, crimes against humanity and international human rights and humanitarian law.⁵⁶

Several speakers held that efforts to address other global challenges facing the United Nations, including in the area of development, would strengthen the fight against terrorism.⁵⁷ Several speakers held that nothing could justify the deliberate taking of innocent civilian life, regardless of cause or grievance.⁵⁸ The representative of Morocco (on behalf of the Group of Arab States) held that it was necessary to address the fundamental causes of terrorism, which would not in any way constitute an attempt to justify or rationalize terrorism.⁵⁹ The representative of Pakistan also held that the roots of terrorism, which in his view lay in inequality, the denial of fundamental rights and in a sense of injustice, needed to be addressed.⁶⁰ In contrast, the representative of Canada held that the root cause of terrorism was terrorists.⁶¹

The representative of Costa Rica (on behalf of the Rio Group) maintained that extreme poverty and the violation of human rights fed extremism and terrorism, and that a multilateral strategy against terrorism needed to tackle the problems of extreme poverty, hunger, destitution, illness and the lack of housing and education. He also held that respect for human rights and democracy constituted the best line of defence

against terrorism and that the struggle against terrorism should not become an excuse to disregard fundamental rights. He expressed his belief that the fight against terrorism should not lend itself to fuelling ethnic hatred or promoting discord among the different religions and civilizations.⁶² The representative of Morocco (on behalf of the Group of Arab States) held that the international community should act to prevent all slander and defamation campaigns against the Arab and Muslim communities.⁶³

The representative of Spain (on behalf of the European Union) emphasized that the European Union could not remain indifferent to States who did not comply with the obligations established by resolution 1373 (2001), and that the importance that the European Union attached to combating terrorism would be reflected in its relations with those States.⁶⁴

Several speakers voiced support for the establishment of a United Nations trust fund to support Member States in their implementation of resolution 1373 (2001).⁶⁵

The representative of Peru also highlighted the potential of a biological terrorist threat and asked the Committee to consider that threat, and promote international cooperation on nuclear and radiological safety.⁶⁶ The representative of Colombia put special emphasis on the need to combat the financing of terrorism.⁶⁷ Several speakers highlighted the linkages between terrorism and drug-trafficking, organized crime, money-laundering and the illicit trafficking of arms.⁶⁸

At its 4512th meeting,⁶⁹ on 15 April 2002, the Council heard a briefing by the Chairman of the Counter-Terrorism Committee, following which statements were made by most members of the

⁵⁵ S/PV.4453 (Resumption 1), pp. 20-21.

⁵⁶ S/PV.4453, pp. 24-25.

⁵⁷ *Ibid.*, p. 10 (Costa Rica on behalf of the Rio Group); p. 18 (China); and p. 28 (Norway); S/PV.4453 (Resumption 1), p. 10 (Mongolia); p. 11 (Jamaica on behalf of CARICOM); and pp. 18-19 (Qatar).

⁵⁸ S/PV.4453, p. 6 (United States); p. 10 (Costa Rica on behalf of the Rio Group); p. 20 (India); and p. 28 (Norway); S/PV.4453 (Resumption 1), p. 11 (Jamaica on behalf of CARICOM); p. 16 (Nepal); and p. 20 (Israel).

⁵⁹ S/PV.4453, p. 23.

⁶⁰ *Ibid.*, p. 32.

⁶¹ *Ibid.*, p. 15.

⁶² *Ibid.*, p. 10.

⁶³ *Ibid.*, p. 24.

⁶⁴ *Ibid.*, p. 12.

⁶⁵ *Ibid.*, p. 16 (Ireland); and p. 18 (China); S/PV.4453 (Resumption 1), p. 6 (Guinea).

⁶⁶ *Ibid.*, p. 22.

⁶⁷ *Ibid.*, p. 28.

⁶⁸ *Ibid.*, p. 10 (Costa Rica on behalf of the Rio Group); p. 17 (Bulgaria); and p. 29 (Colombia); S/PV.4453 (Resumption 1), p. 11 (Jamaica on behalf of CARICOM); and p. 17 (Nepal).

⁶⁹ For more information on the discussion at this meeting, see chap. XI, part IX, sect. B, with regard to the discussion relating to Article 51 of the Charter.

Council⁷⁰ and the representatives of Australia, Cambodia (on behalf of ASEAN), Canada, Chile, Costa Rica (on behalf of the Rio Group), Israel, Japan, Malawi, Malaysia, Pakistan, Peru, Spain (on behalf of the European Union),⁷¹ Turkey and Ukraine.

In his briefing, the Chairman of the Committee reviewed the structure and activities of the Committee six months after its establishment pursuant to resolution 1373 (2001). He informed the Council that the Committee had so far received 143 reports from Member States, had reviewed and responded to 62 States and was following up with the 50 States that had not yet submitted reports. He stressed that the Committee would continue the excellent dialogue with all Member States and continue to perform on the basis of transparency and even-handedness until the Committee was confident that each State had taken action on all the issues covered by resolution 1373 (2001). In introducing the work programme for the following 90-day period,⁷² the Chairman stated that the Committee would continue to check the facts given in the country reports concerning the legislation in place, the administrative action taken and the way in which those tools were used to prevent the territory of each State being abused by terrorists. He held that, as the preliminary review of the reports received was completed, the Committee would, in a second review of the second round of reports, be more direct in identifying potential gaps and in asking States what action they intended to take to address issues of concern. It would also expect the experts to recommend where assistance would be needed and inform States where to find the required assistance. He emphasized that there was agreement that the Committee and the Council would, if necessary, consider what action was needed to address failures to meet the requirements of resolution 1373 (2001). While expressing understanding for the lack of capacity in some countries to prepare a full report, he requested those States that had not yet done so to begin their written exchange with the Committee before 31 May 2002. In addition, he reported that the Committee intended to deepen its contacts with

regional organizations and continue to make contact with other international organizations, including the Financial Action Task Force, the International Civil Aviation Organization and the International Maritime Organization, to encourage them to take action on issues within their area of expertise.⁷³

In their statements, most speakers stated that they were impressed with the work achieved so far by the Committee and endorsed its programme of work. Most speakers underlined the importance of providing assistance to States to implement their obligations under resolution 1373 (2001) and called on the Committee for facilitation. In that regard, most speakers welcomed the imminent appointment of an additional expert dealing with technical assistance. Several speakers underlined the need for equitable geographical representation in the group of experts.⁷⁴

In a similar vein, while stressing the obligation of the remaining States to submit reports to the Committee as soon as possible, most speakers recognized that many States lacked the financial, technical and administrative resources to do so. Several speakers suggested that the Committee should assist those States in their responses.⁷⁵

In addition, most speakers emphasized the need for cooperation with regional organizations. As in previous meetings, a number of speakers reported on the measures taken by regional organizations and groups.⁷⁶

Many speakers reiterated that the fight against terrorism should never come at the expense of human rights.⁷⁷ Several speakers also held that terrorism itself

⁷⁰ The representative of the United Kingdom, who delivered the briefing in his capacity as the Chairman of the Committee, did not make a statement in his national capacity.

⁷¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

⁷² S/2002/318.

⁷³ S/PV.4512, pp. 2-4.

⁷⁴ *Ibid.*, p. 5 (Guinea); p. 9 (Syrian Arab Republic); and p. 17 (Russian Federation on behalf of the Commonwealth of Independent States).

⁷⁵ *Ibid.*, p. 7 (Bulgaria); and p. 9 (Syrian Arab Republic).

⁷⁶ *Ibid.*, p. 17 (Russian Federation on behalf of the Commonwealth of Independent States); pp. 18-19 (Spain on behalf of the European Union); and pp. 22-23 (Canada on behalf of the Group of Eight); S/PV.4512 (Resumption 1), pp. 2-3 (Costa Rica on behalf of the Rio Group); p. 6 (Cambodia on behalf of ASEAN); p. 9 (Malawi on behalf of SADC); and pp. 10-11 (Malaysia, on behalf of OIC).

⁷⁷ S/PV.4512, p. 9 (Norway); p. 13 (Mexico); p. 15 (Mauritius); p. 16 (Ireland); pp. 18-19 (Spain on behalf of the European Union); and p. 20 (Chile); S/PV.4512 (Resumption 1), pp. 7-8 (Peru).

represented a violation of fundamental human rights.⁷⁸ In addition, the representative of Malawi (on behalf of the Southern African Development Community) held that terrorism represented the antithesis of socio-economic development.⁷⁹

The representative of Singapore noted that support for the Committee would become stronger if it became clear in which way it impacted the struggle against terrorism, and noted four concrete areas where the impact of the Committee went beyond reports and discussions, including by forcing Member States to review their national legislation and assessing its adequacy in the struggle against terrorism; increasing the momentum towards the ratification of international conventions related to counter-terrorism; deepening the mechanisms for information and intelligence exchange; and pushing for an increase in assistance to Member States in the fight against terrorism.⁸⁰ The representative of Australia observed that the terrorist attacks of 11 September 2001 had revealed that existing counter-terrorism instruments, while enjoying wide adherence, had not provided sufficient accountability or verification of their implementation and that other weaknesses in the international counter-terrorism regime had included insufficient information exchange and the lack of assistance for capacity-building.⁸¹

The representative of Norway emphasized the importance of cutting terrorist financing and noted, in that regard, that information obtained suggested that terrorist groups were already finding it difficult to receive funding through international channels.⁸²

In addition, the representative of Mexico insisted that all efforts in the fight against terrorism conform to the provisions of the Charter and of international law. He emphasized that the use of force was not without limits, had to be governed by a valid interpretation of the legitimate right of self-defence and should in all circumstances conform to the principle of proportionality.⁸³

The representative of Mauritius, reflecting on his experiences with respect to his Vice-Chairmanship of the Committee, shared some of the concerns that Member States had expressed when presented with the response of the Committee to their reports, including concerns as to whether some questions in the response might not be beyond the scope and purview of the mandate of resolution 1373 (2001), whether answers by Member States to the questions of the Committee would help in understanding if a country had complied with resolution 1373 (2001) and what the next course of action would be after the reports of all Member States had been thoroughly studied by the Committee.⁸⁴ The representative of Ireland stressed that as the Committee progressed into more detailed assessments regarding the implementation by States of resolution 1373 (2001), it should be careful not to micromanage or prescribe beyond the requirements of resolution 1373 (2001).⁸⁵ The representative of the Russian Federation held that the Council had a clear general understanding that the Committee should and would not function as a repressive organ or in any way go beyond the limits of its mandate.⁸⁶ The Chairman of the Committee, responding to those questions, maintained that the text of resolution 1373 (2001) was extremely broad and that the Committee had agreed to implement nothing less and nothing more than the mandate. Addressing the question of non-compliance with resolution 1373 (2001), the Chairman stated that this had not happened so far, and that the Committee would address the question if and when it would arise.⁸⁷

The representative of Spain (on behalf of the European Union) welcomed the initiative of the Secretary-General to create a working group to review and improve actions undertaken by the various departments of the Secretariat in the fight against terrorism. While indicating that the European Union was carrying out an assessment of its relations with third countries in the light of their attitude towards terrorism, he also emphasized that the actions of the European Union were aimed at individuals or groups of terrorists, never at peoples, religions or cultures.⁸⁸

⁷⁸ S/PV.4512 (Resumption 1), p. 2 (Costa Rica on behalf of the Rio Group); p. 4 (Turkey); and p. 9 (Malawi on behalf of SADC).

⁷⁹ *Ibid.*, p. 9.

⁸⁰ S/PV.4512, p. 4.

⁸¹ S/PV.4512 (Resumption 1), p. 3.

⁸² S/PV.4512, p. 9.

⁸³ *Ibid.*, p. 14.

⁸⁴ *Ibid.*, p. 15.

⁸⁵ *Ibid.*, p. 16.

⁸⁶ *Ibid.*, p. 17.

⁸⁷ S/PV.4512 (Resumption 1), p. 13.

⁸⁸ S/PV.4512, p. 19.

The representative of Costa Rica (on behalf of the Rio Group) held that extremism was fueled by political oppression, extreme poverty, hunger, destitution, disease and the violation of fundamental human rights. He also expressed his conviction that the fight against terrorism required the building of societies reigned by a true culture of peace, tolerance and solidarity.⁸⁹

The representative of Chile condemned both the appalling violence unleashed against the population of Palestine and the atrocity of the acts of terrorism committed against civilians in Israel and held that the international community, in addition to combating terrorism, should address situations, such as the one in the Middle East, which in his view, fostered a climate contributing to a spiral of violence and terror. He also expressed the conviction that the oppression of peoples, ignorance accompanied by extreme ideologies and conditions of extreme poverty were increasingly creating a climate of marginalization and dehumanization that encouraged recourse to violence and legitimized the actions of terrorists through the degradation it perpetrated. He underlined the limitations of strategies that reduced combating terrorism to a simple question of military strength and held that the international strategy should be based on a multifaceted and resolute approach. In that regard, he proposed that the Committee participate in the elaboration of new, twenty-first century concepts of security.⁹⁰

The representative of the Syrian Arab Republic reiterated his country's position on the need to include "State terrorism" in the definition of terrorism and called the acts of destruction and killing being perpetrated against the Palestinian people the most severe form of terrorism.⁹¹ The representative of Pakistan, also reiterating his position on State terrorism, held that to confront terrorism, it was necessary to address the source and the roots of the problem and that it was time for correcting historical wrongs and for redressing endemic injustices, and in the same vein to find a just, lasting and honourable settlement of the Kashmir and Palestine issues.⁹²

The representative of Malaysia quoted a declaration of the Organization of the Islamic

Conference, in which OIC stressed that terrorism had no association with any religion, civilization or nationality and underlined that preventive action taken to combat terrorism should not result in ethnic or religious profiling or in the targeting of a particular community. While referring to the concept of State terrorism, he stressed the legitimacy of resistance to foreign occupation in the struggle for national liberation and self-determination and called for an internationally agreed definition of terrorism that differentiated such struggles from acts of terrorism. The statement also emphasized the importance of addressing the root causes of international terrorism, which included foreign occupation, injustice and exclusion. While it reaffirmed the commitment of OIC to international action in combating terrorism in conformity with the principles of the Charter, including the principles of non-intervention in internal affairs and respect for sovereignty and territorial integrity, it rejected any unilateral action taken against any Islamic country on the pretext of combating international terrorism. The Organization of the Islamic Conference also reiterated the call to convene an international conference under the auspices of the United Nations to formulate a joint, organized response of the international community to terrorism in all its forms and manifestations.⁹³

The representative of Turkey, regretting that Turkey could not align itself with the statement of the European Union, stressed that the problem of terrorism should not be addressed partially and selectively with regard to terrorist groups and organizations, and expressed the belief that the terrorist list of the European Union was incomplete and deficient in its current form.⁹⁴

The representative of Peru proposed that the Committee could develop or promote extensive cooperation programmes with requesting countries, including a programme for legal assistance, a programme of "smart borders" and a programme to strengthen awareness of human rights in the fight against terrorism.⁹⁵

The representative of Israel, while underlining the role of States in providing support, assistance and safe harbour to terrorists, also called for ending

⁸⁹ S/PV.4512 (Resumption 1), p. 3.

⁹⁰ S/PV.4512, p. 20.

⁹¹ *Ibid.*, p. 10.

⁹² S/PV.4512 (Resumption 1), p. 9.

⁹³ *Ibid.*, p. 10.

⁹⁴ *Ibid.*, p. 5.

⁹⁵ *Ibid.*, p. 7.

encouragement, incitement and moral and religious sanctioning of terrorist acts.⁹⁶

At the 4513th meeting, on 15 April 2002, the President (Russian Federation) made a statement on behalf of the Council,⁹⁷ by which the Council, *inter alia*:

Welcomed and confirmed the continuation of the current Chairmanship and Bureau arrangements for a further six months; invited the Counter-Terrorism Committee to continue its work as set out in the work programme for the Committee for the third 90-day period;⁹⁸

Considered it essential that those Member States which had not yet submitted a report pursuant to paragraph 6 of resolution 1373 (2001) did so as soon as possible;

Invited the Counter-Terrorism Committee to report on its activities at regular intervals and expressed its intention to review the structure and activities of the Committee no later than 4 October 2002.

Decision of 8 October 2002 (4619th meeting): statement by the President

At its 4561st meeting, on 27 June 2002, the Council heard a briefing by the Chairman of the Counter-Terrorism Committee, following which statements were made by most members of the Council⁹⁹ and the representatives of Brunei Darussalam (on behalf of ASEAN), Costa Rica (on behalf of the Rio Group) and Spain (on behalf of the European Union¹⁰⁰). In his briefing, the Chairman drew the attention of the Council to a letter dated 17 June 2002 that he had written to the Council, explaining the way in which the Committee planned to follow up with the States that had not submitted a report to the Committee as at that date.¹⁰¹ Encouraging States to make contact with the Committee, he reiterated the readiness of the Committee and the experts to discuss any difficulties States might have in submitting reports. Presenting the work programme for

the next 90-day period, the Chairman stated that the Committee would focus on reviewing the second reports submitted by many States on the implementation of resolution 1373 (2001). He stressed that the Committee, in its second response to States, intended to set out more clearly the gaps identified by the experts together with recommendations to improve the implementation of resolution 1373 (2001). He expected many States to submit a third report to the Committee setting out their response to those recommendations and including timetables for action. He also stressed that experts would indicate, where appropriate, how a State might benefit from technical or other assistance. He reiterated that the Committee did not intend to declare any Member State fully compliant with resolution 1373 (2001), as the Committee believed that there was always further work to improve counter-terrorism measures against a constantly evolving background. With regard to the Committee's outreach to regional organizations, the Chairman had called on those organizations to develop permanent mechanisms for dealing with terrorism, to use those forums to discuss counter-terrorism measures on a regional level and to develop their own assistance programmes. Turning to the achievements of the Committee, the Chairman held that widespread attention had been directed to resolution 1373 (2001) and that a broad range of regional and subregional organizations were now aware that there was a global structure for countering terrorism. He also pointed to ratifications of the 12 international conventions and protocols relating to terrorism, which had gone up by more than 15 per cent since July 2001, as an indicator of success.¹⁰²

In their statements, most speakers commended the work of the Committee and committed themselves to cooperation against terrorism. Several speakers welcomed the scheduling of a full debate on the matter in three months time. Many speakers welcomed cooperation with regional and subregional organizations. The representative of the Russian Federation believed that cooperation between the Committee and the Commonwealth of Independent States anti-terrorism centre and the regional anti-terrorist structure of the Shanghai Cooperation Organization could be fruitful.¹⁰³

⁹⁶ *Ibid.*, p. 12.

⁹⁷ S/PRST/2002/10.

⁹⁸ S/2002/318.

⁹⁹ The representative of the United Kingdom, who delivered the briefing in his capacity as the Chairman of the Committee, did not make a statement in his national capacity.

¹⁰⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁰¹ S/2002/673.

¹⁰² S/PV.4561, pp. 2-4.

¹⁰³ *Ibid.*, p. 12.

Many speakers reiterated the importance of providing assistance to States to implement their obligations under resolution 1373 (2001). The representative of Spain (on behalf of the European Union) expected that the Committee and countries or regions in need of assistance would provide specific requests to donors.¹⁰⁴ The representative of Norway stated that, in addition to other measures, his country considered a strong commitment to development cooperation to be a relevant contribution to combating terrorism by improving socially unjustifiable conditions.¹⁰⁵

The representative of Singapore, although fully agreeing with the approach of the Committee not to declare any State completely in compliance with resolution 1373 (2001), questioned if it would not be possible to create some informal criteria against which Member States could assess whether they had fulfilled the requirements of that resolution.¹⁰⁶ In that regard, he was supported by the representative of Colombia.¹⁰⁷ In response, the Chairman of the Committee offered to provide to the Committee a synthesis of ongoing experience drawn from the reports of Member States, which would begin to amount to benchmarks for the implementation of resolution 1373 (2001).¹⁰⁸

The representative of the United States held that the review of the second round of reports would, to a large extent, determine the level of impact that the Committee would have in the fight against terrorism and whether it would be anything more than an ongoing world audit of the capacity of Member States to combat terrorism. He stressed that the Committee should be prepared to be professionally critical and tough-minded but also constructive. He emphasized the need to focus attention on those States which lacked the capacity or the will to implement resolution 1373 (2001). He therefore welcomed that the Committee had informally agreed to identify, in the response to the second round of reports, gaps in each State's implementation of resolution 1373 (2001). He also emphasized that resolution 1373 (2001) and the Committee established to monitor it had no time limits

and would continue until the Council would be satisfied with the implementation of the resolution.¹⁰⁹

The representative of Ireland held that the Committee should continue to be vigilant in the extreme not to go beyond the letter or the spirit of the mandate of resolution 1373 (2001). He noted that the role of the United Nations in the international counter-terrorism efforts was to provide legitimacy, to build a global consensus and to act as the defender and promoter of multilateralism and internationalism against those who were enemies of the international good. The Council should therefore avoid any actions that could undermine the sense of international legitimacy in the struggle against international terrorism. He also held that as the implementation of resolution 1373 (2001) advanced, it might be necessary to renew the mandate of the Committee in the light of the experiences gathered to that date.¹¹⁰

The representative of Spain (speaking on behalf of the European Union) emphasized that resolution 1373 (2001) was not complied with through mere presentation of reports and that the reports should reflect the reality of legal and practical measures adopted at the national or regional level.¹¹¹ The representative of China noted that the Security Council should focus on how the counter-terrorism efforts of the United Nations could be integrated into the international fight against terrorism.¹¹² In addition, several speakers underlined the connection between terrorism and organized crime.¹¹³

With regard to the relationship between counter-terrorism efforts and human rights, the representative of Ireland quoted the United Nations High Commissioner for Human Rights, who warned that order and security had become overriding priorities, and that in the past, emphasis on national order and security had often involved the curtailment of democracy and human rights.¹¹⁴ The representative of Spain (on behalf of the European Union) held that individual human rights had to be taken into account in the design and implementation of sanctions in the fight against terrorism and emphasized that States, in

¹⁰⁴ *Ibid.*, p. 16.

¹⁰⁵ *Ibid.*, p. 7.

¹⁰⁶ *Ibid.*, p. 4.

¹⁰⁷ *Ibid.*, p. 13.

¹⁰⁸ *Ibid.*, p. 20.

¹⁰⁹ *Ibid.*, p. 6.

¹¹⁰ *Ibid.*, p. 11.

¹¹¹ *Ibid.*, p. 16.

¹¹² *Ibid.*, p. 10.

¹¹³ *Ibid.*, p. 5 (Guinea); p. 9 (Cameroon); and p. 14 (Mauritius).

¹¹⁴ *Ibid.*, p. 12.

fighting terrorism, must not condone acts of indiscriminate violence against civilians or use counter-terrorism as a pretext for political repression.¹¹⁵

The representative of Costa Rica (on behalf of the Rio Group) stressed that it was not a sustainable solution that the growing practical and financial requirements of the Committee were being met with resources earmarked for other programmes and mandates and held that it was essential that resources for the Committee be allocated within the regular budget of the organization.¹¹⁶

At its 4618th meeting,¹¹⁷ on 4 October 2002, the Council heard a statement by the Secretary-General and a briefing by the Chairman of the Counter-Terrorism Committee, following which statements were made by all members of the Council and the representatives of Australia, Burkina Faso, Cambodia (on behalf of ASEAN), Costa Rica (on behalf of the Rio Group), the Democratic Republic of the Congo, Denmark (on behalf of the European Union),¹¹⁸ Egypt, Ethiopia, Fiji (on behalf of the Pacific Islands Forum), Georgia, India, the Islamic Republic of Iran, Israel, Japan, Kazakhstan, Lebanon, Liechtenstein, Nepal, the Philippines, Pakistan, Peru, Qatar, the Republic of Korea, South Africa, Tunisia, Turkey, Ukraine (on behalf of GUUAM), Yemen, Yugoslavia and Zambia, the Permanent Observer of the Organization of the Islamic Conference and the Permanent Observer of the African Union.

In his statement, the Secretary-General reiterated that terrorism was a global threat with global effects which affected every aspect of the United Nations agenda, ranging from development to peace, to human rights and the rule of law. He held that terrorism was an assault on the fundamental principles of law, order, human rights and the peaceful settlement of disputes. He emphasized that the United Nations had an indispensable role in providing the legal and organizational framework for the international

campaign against terrorism. He noted that he had set up the Policy Working Group on the United Nations and Terrorism, which had submitted a report dated 28 June 2002 with recommendations for a strategic definition of priorities to orient the work of the United Nations.¹¹⁹ He stated that following the strategy proposed in the report, the United Nations would set itself three goals: (a) dissuading would-be perpetrators of terror by setting effective norms and implementing relevant legal instruments, by mounting an active public information campaign and by rallying an international consensus against terrorism; (b) denying would-be perpetrators the opportunity to commit terrorist acts by supporting the efforts of the Committee to monitor compliance with resolution 1373 (2001), through greater efforts to achieve disarmament, especially through strengthening global norms against the use or proliferation of weapons of mass destruction and through technical assistance and support to States seeking to curb the flow of arms, funds and technology to terrorist cells; and (c) sustaining cooperation in the struggle against terrorism, especially by encouraging subregional, regional and global organizations to join forces in a common campaign.¹²⁰

The Chairman, in his briefing, vowed to continue the work of the Committee on the basis of the principles of cooperation and transparency. He stated that the Committee was not a tribunal and did not judge States but expected every State to work at its fastest pace to implement the far-reaching obligations of resolution 1373 (2001), which for most States would mean to have legislation in place covering all aspects of resolution 1373 (2001) and an effective executive machinery for preventing and suppressing terrorist financing. The Chairman held that the global environment for terrorists had changed, whereby almost all States had reviewed their legislation and institutions to fight terrorism. Ratifications of the 12 international conventions and protocols related to terrorism had increased and the number of States working together to improve regional capacities against terrorism and cooperation between States, particularly in the form of assistance, had increased. The Chairman also reported that to date the Committee had received 265 reports from States and regional organizations on the implementation of resolution 1373 (2001), including 86 follow-up reports; however, 16

¹¹⁵ *Ibid.*, p. 17.

¹¹⁶ *Ibid.*, p. 18.

¹¹⁷ For more information on the discussion at this meeting, see chap. XI, part IV, sect. B, with regard to the discussion relating to Article 51 of the Charter.

¹¹⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹¹⁹ S/2002/875, annex.

¹²⁰ S/PV.4618, pp. 3-4.

Member States had not yet filed a report, 7 of which had not made any type of written contact with the Committee.¹²¹

In their statements following the briefing, most speakers lauded the work and the achievements of the Committee in raising awareness of resolution 1373 (2001) and global counter-terrorism measures; in reviewing country reports, identifying areas for improvement in national legislation and implementation; and in facilitating counter-terrorism assistance. Many speakers appealed to the Member States that had not submitted their first report to contact the Committee without delay. Most speakers laid out the measures taken by their countries to adhere to resolution 1373 (2001) and effectively counter the threat of terrorism. They also reiterated the importance of regional and subregional approaches, with the representative of Bulgaria suggesting that regional and subregional organizations were often the most suited for the fight against terrorism.¹²²

Many speakers underlined that there should be no contradiction between counter-terrorism measures and the protection of human rights. Several speakers held that terrorism itself was a threat to human rights.¹²³ The representative of Norway, supported by the representative of Ireland, emphasized that the effective implementation of anti-terrorist measures at the national level should not be perceived as an excuse to deny fundamental rights and freedoms.¹²⁴ The representative of Peru added that the humanitarian institution of political asylum should not be debased; that authorities should be careful not to extend refugee status to possible authors of terrorist acts.¹²⁵ The representative of the United States held that terrorists and their supporters were enemies of the rule of law. He held that effective counter-terrorism was also an effort to vindicate and defend the rule of law, as recognized by the obligation in resolution 1373 (2001) to strengthen domestic legal institutions and capacities to combat terrorism. He also stated that the effective protection of human rights was always the defence of the rule of law. Hence, there was no incompatibility

between the effort to combat terrorism and developing the rule of law and, therefore, the protection of basic human rights.¹²⁶

A number of speakers held that combating terrorism also required taking account of the political, diplomatic, economic, social and humanitarian dimension of the problem. In that regard, several speakers suggested that economic and social development and the fight against poverty would be an essential part of the fight against terrorism.¹²⁷ Other speakers suggested that it was necessary to find just and peaceful solutions to conflicts, with the representative of Lebanon suggesting that a comprehensive solution to the Middle East conflict could ease tensions in that region and eradicate most sources of violence and terrorism.¹²⁸ The representative of the Islamic Republic of Iran held that terrorist acts had roots in political issues, which neither justified the acts of its perpetrators nor necessarily demonized the cause they might embrace.¹²⁹ Several other speakers also referred to those factors as the roots or root causes of terrorism.¹³⁰ In response, the Chairman of the Committee held that poor development and poverty were a growth medium for support for terrorism and that the effective eradication of terrorism would both contribute to and be enhanced by effective sustainable development policies.¹³¹

Several speakers called for finalizing the draft comprehensive convention on international terrorism.¹³²

A number of speakers, while sharply condemning terrorism, also held that there should be a clear

¹²¹ *Ibid.*, pp. 4-7.

¹²² *Ibid.*, p. 11.

¹²³ *Ibid.*, p. 14 (Mexico); and p. 17 (Norway); S/PV.4618 (Resumption 2), p. 2 (Peru); and p. 8 (Ukraine on behalf of GUUAM).

¹²⁴ S/PV.4618, p. 17 (Norway); and p. 18 (Ireland).

¹²⁵ S/PV.4618 (Resumption 2), p. 2.

¹²⁶ S/PV.4618, p. 20.

¹²⁷ *Ibid.*, p. 14 (Mexico); S/PV.4618 (Resumption 1), p. 8 (Tunisia); p. 12 (Pakistan); and p. 17 (Costa Rica on behalf of the Rio Group); S/PV.4618 (Resumption 2), p. 7 (Democratic Republic of the Congo); p. 13 (Zambia); p. 15 (African Union); and p. 17 (Nepal).

¹²⁸ S/PV.4618, p. 14 (Mexico); and pp. 26-27 (Islamic Republic of Iran); S/PV.4618 (Resumption 1), p. 12 (Pakistan); S/PV.4618 (Resumption 2), p. 16 (Lebanon).

¹²⁹ S/PV.4618, p. 27.

¹³⁰ S/PV.4618 (Resumption 1), p. 8 (Tunisia); and p. 12 (Pakistan); S/PV.4618 (Resumption 2), p. 13 (Zambia); and p. 15 (African Union).

¹³¹ S/PV.4618 (Resumption 2), p. 18.

¹³² S/PV.4618 (Resumption 1), p. 2 (Japan); and p. 3 (Yemen); S/PV.4618 (Resumption 2), p. 6 (Democratic Republic of the Congo); p. 11 (Turkey); pp. 15-16 (Lebanon); and p. 17 (Nepal).

distinction between terrorism and the legitimate right to self-determination and the legitimate struggle against foreign occupation. In making that argument, many speakers pointed to their own struggles for independence as an example and to the fact that self-determination was a right confirmed by international law and the Charter.¹³³ In that regard, some speakers pointed to the need to define terrorism, with the Permanent Observer of the Organization of the Islamic Conference reiterating the call of its Member States to convene an international conference under the auspices of the United Nations to define terrorism and to differentiate between it and the right of peoples to resist occupation, and to take all necessary measures to completely eliminate international terrorism in all its forms and manifestations.¹³⁴ The representative of Yemen also held that a definition of terrorism should cover all acts of terrorism, whether undertaken by individuals, groups or States.¹³⁵ The representative of Zambia held that as a country which upheld the right of peoples to self-determination and independence, he knew very well the difference between a freedom fighter and a terrorist. He held that liberation movements were legal bodies with clear objectives and programmes of actions that are available to all those interested. On the contrary, terrorists had no missions, their activities were illegal and often they claimed to represent mysterious forces that existed only in the minds of the perpetrators.¹³⁶ The representative of Israel held that the distinctions between so-called good terrorism and bad terrorism, between the justifiable targeting of civilians and the unjustifiable targeting of civilians were not only wrong and contrary to the most basic principles of international law, but also profoundly dangerous. He held that the principle that no cause or grievance ever justified the deliberate and indiscriminate targeting of civilians had to be defended and that terrorism must be defined on the basis of what a perpetrator did, and not what he did it for.¹³⁷

¹³³ S/PV.4618 (Resumption 1), p. 3 (Yemen); p. 8 (Tunisia); p. 17 (Egypt); and p. 21 (Organization of the Islamic Conference); S/PV.4618 (Resumption 2), p. 14 (African Union); and pp. 15-16 (Lebanon).

¹³⁴ S/PV.4618 (Resumption 1), p. 8 (Tunisia); and p. 21 (Organization of the Islamic Conference); S/PV.4618 (Resumption 2), p. 14 (African Union).

¹³⁵ S/PV.4618 (Resumption 1), p. 3.

¹³⁶ S/PV.4618 (Resumption 2), p. 13.

¹³⁷ S/PV.4618 (Resumption 2), p. 4.

The representative of the Syrian Arab Republic expressed his bewilderment that despite the condemnation by the Arab States of the terrorist attacks on the United States and their expression of solidarity with the families of the victims, despite the efforts of the Committee and despite the fact that the events of 11 September 2001 had been officially linked to Al-Qaida and the Taliban regime, the blame had recently been shifted to Arab States, some of which were being threatened though none played a role in the attacks.¹³⁸

The representative of Colombia suggested that the Committee should move on from a general framework of cooperation to the consideration of specific cases, developing actions and decisions specifically targeting States, individuals or organizations that were directly or indirectly involved in terrorist activities. To do this, he acknowledged that the committee would require a re-evaluated and possibly modified mandate. He also held that there should be more effective cooperation between the Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan, which monitored the implementation of sanctions against Al-Qaida and the Taliban.¹³⁹

The representative of Singapore noted that terrorist groups had gone through a privatization process by receiving private funding and training and that they had become highly networked organizational structures. He held that it was critical for Member States to deepen the exchange of information between intelligence and law enforcement officers at the regional and international levels, thereby also forming closely coordinated networks. In his opinion, it took a network to beat a network.¹⁴⁰

The representative of the United States held that the adoption of resolution 1373 (2001) and the ensuing work of the Committee represented a chapter in the history of the Council and the United Nations in which everyone could take pride. He admitted to initial scepticism at the intent to create a body to monitor the implementation of resolution 1373 (2001), but stated that this scepticism had long since vanished, as without the creation of the Counter-Terrorism Committee, the international community would be far behind in the

¹³⁸ S/PV.4618, p. 9.

¹³⁹ *Ibid.*, p. 10.

¹⁴⁰ *Ibid.*, p. 16.

fight against terrorism and in the effort to improve the world's capacity to conduct counter-terrorism operations.¹⁴¹

The representative of the Russian Federation held that, with regard to the recommendations made by the Committee, to eliminate identified weaknesses it was important to note that the general view in the Council was that the Committee was not a punitive body and that it would adhere strictly to its agreed mandate.¹⁴²

The representative of the Islamic Republic of Iran, while underlining the priority of the fight against terrorism and the measures taken by the Government to cooperate with the international community in this regard, also pointed to the danger that the fight against terrorism would be employed as a means to bring pressure to bear on States that might pursue a different political outlook.¹⁴³

The representative of the Republic of Korea suggested that the findings of the Committee regarding the strengths, setbacks and patterns of national counter-terrorism measures could be of benefit to the relevant deliberations in the General Assembly.¹⁴⁴

The representative of Pakistan held that thanks to a successful international campaign in Afghanistan and elsewhere, Al-Qaida had been virtually destroyed and the Government that had harboured and protected Al-Qaida had been ejected from power, but warned that the war against terrorism in Afghanistan was not fully won and that failure to take timely action to consolidate security could prove to be very costly in the future. He also stated that agencies of the Government of Pakistan were engaged in successful operations to hunt down Al-Qaida and other terrorists that might have infiltrated the country. He warned, however, that the ability of Pakistan to support the international struggle against terrorism could be significantly eroded by the military threat against Pakistan from its eastern neighbour, which in his view had misused the rationale of the anti-terrorism campaign by denigrating the noble freedom struggle of the people of Jammu and Kashmir as cross-border terrorism and had deployed one million troops on the border with Pakistan and along the Line of Control in Kashmir. He also warned of the danger of unwittingly provoking a clash of religions and cultures. He held that the attempt to equate Islam and Muslims with terrorism was

exacerbating discrimination against Muslim minorities in various parts of the world, and pointing to events in Gujarat earlier in the year, he warned of organized pogroms against minorities and suppressed peoples. In that regard, he recalled the proposal by the President of Pakistan that the General Assembly adopt a declaration on religious and cultural understanding, harmony and cooperation.¹⁴⁵

The representative of Georgia, while emphasizing the goodwill of his Government, accused the Russian Federation of subjecting his country to daily terror, intimidation and the threat of aggression. He held that Georgia had launched and completed an anti-terrorist and anti-criminal operation in the Pankisi Gorge, where it had rooted out Chechnyan fighters, terrorist suspects and mercenaries, in line with its obligations under resolution 1373 (2001). However, he held that a notorious international terrorist, wanted for assassination attempts against the President of Georgia, had been taking refuge in the Russian Federation for seven years. He also referred to the conflict in Abkhazia, Georgia, and contended that the Abkhazia and Tskhinvali — the former South Ossetia — regions of Georgia had become a breeding ground for terrorism, drug trafficking and illicit arms smuggling.¹⁴⁶

The representative of Yugoslavia stated that his country had been faced with extremism in the province of Kosovo and Metohija and welcomed the efforts by the United Nations Interim Administration Mission in Kosovo to address those problems.¹⁴⁷

The representative of Egypt, while forcefully condemning terrorism, held that the war against terrorism should be waged by a broad-based international coalition, rather than by a few nations.¹⁴⁸

The representative of India, while lauding the work of the Committee, held that enforceability of violations of counter-terrorist conventions and resolutions remained an issue, as there was more than one instance of blatant non-compliance. He therefore questioned what the Committee and the Council would do to account for the complaint of a Member State that was a victim of cross-border terrorist acts.¹⁴⁹ The Chairman of the Committee, in response, recognized

¹⁴¹ *Ibid.*, pp. 19-20.

¹⁴² *Ibid.*, p. 21.

¹⁴³ *Ibid.*, pp. 26-27.

¹⁴⁴ S/PV.4618 (Resumption 1), p. 7.

¹⁴⁵ *Ibid.*, p. 11.

¹⁴⁶ *Ibid.*, pp. 13-14.

¹⁴⁷ *Ibid.*, p. 15.

¹⁴⁸ *Ibid.*, p. 18.

¹⁴⁹ *Ibid.*, p. 20.

the importance of enforcement and enforceability, but held that the Committee had to start with capacity-building and creating political momentum to create objectivity in its work. He hoped that once objectivity had been established and the Committee felt able to move on in unanimity to some of the questions of enforcement, it could consider how to approach failures to meet the necessary standard. He also added that enforcement was a matter for the Council as a whole, and not for the Committee.¹⁵⁰

The Permanent Observer of the Organization of the Islamic Conference emphasized that the phenomenon of terrorism was not restricted to one people, ethnic group or religion.¹⁵¹

The representative of Peru hoped that the Council would find a way to agree on a list of terrorist organizations. He also pointed to the activities of small groups of Shining Path militants in the United States and Europe.¹⁵²

The representative of Burkina Faso held that the fall of the Taliban regime and the destruction of their sanctuary in Afghanistan had not yet served to eradicate the Al-Qaida organization and that its financial networks had been replaced. He also held that everything must be done to prevent the use of weapons of mass destruction by terrorists.¹⁵³ The representative of Nepal also pointed to the danger of an attack with radiological, chemical or biological weapons or against nuclear installations.¹⁵⁴

The representative of the Democratic Republic of the Congo held that his country and its people had been victims of the most insidious and abject form of international terrorism — State terrorism perpetrated by neighbouring countries.¹⁵⁵

At the 4619th meeting, on 8 October 2002, the President (Cameroon) made a statement on behalf of the Council,¹⁵⁶ by which the Council, *inter alia*:

Confirmed the continuation of the current arrangements for the Bureau of the Committee for a further six months; invited the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the Committee for the fifth

90-day period,¹⁵⁷ focusing on ensuring that all States had legislation in place covering all aspects of resolution 1373 (2001), a process in hand for ratifying as soon as possible the 12 international conventions and protocols relating to terrorism, and effective executive machinery for preventing and suppressing terrorism financing; exploring ways in which States could be assisted to implement resolution 1373 (2001), in particular in the areas of primary focus; and building a dialogue with international, regional and subregional organizations active in the areas covered by the resolution.

**Decision of 14 October 2002 (4624th meeting):
resolution 1438 (2002)**

At the 4624th meeting, on 14 October 2002, the President (Cameroon) drew the attention of the Council to a draft resolution;¹⁵⁸ it was put to the vote and adopted unanimously and without debate as resolution 1438 (2002), by which the Council, *inter alia*:

Condemned in the strongest terms the bomb attacks in Bali, Indonesia, on 12 October 2002, as well as other recent terrorist acts in various countries, and regarded such acts as a threat to the international peace and security;

Urged all States to work together and to cooperate with and provide support and assistance to Indonesian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of those terrorist attacks;

Expressed its reinforced determination to combat all forms of terrorism in accordance with its responsibilities under the Charter.

**Decision of 24 October 2002 (4632nd meeting):
resolution 1440 (2002)**

At the 4632nd meeting, on 24 October 2002, the President (Cameroon) drew the attention of the Council to a draft resolution;¹⁵⁹ it was put to the vote and adopted unanimously and without debate as resolution 1440 (2002), by which the Council, *inter alia*:

Condemned in the strongest terms the act of taking hostages in Moscow, Russian Federation, on 23 October 2002, as well as other recent terrorist acts in various countries, and regarded such acts as a threat to international peace and security;

Demanded immediate and unconditional release of all hostages in that terrorist act;

¹⁵⁰ *Ibid.*, p. 22.

¹⁵¹ *Ibid.*, p. 21.

¹⁵² S/PV.4618 (Resumption 2), p. 2.

¹⁵³ *Ibid.*, pp. 5-6.

¹⁵⁴ *Ibid.*, p. 17.

¹⁵⁵ *Ibid.*, p. 7.

¹⁵⁶ S/PRST/2002/26.

¹⁵⁷ S/2002/1075.

¹⁵⁸ S/2002/1145.

¹⁵⁹ S/2002/1189.

Urged all States to cooperate with the Russian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of those terrorist attacks;

Expressed its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

Decision of 13 December 2002 (4667th meeting): resolution 1450 (2002)

At the 4667th meeting, on 13 December 2002, the President (Colombia) drew the attention of the Council to a draft resolution, submitted by the United States.¹⁶⁰ A statement was made by the representative of the Syrian Arab Republic. Speaking before the vote, he stated that he would vote against the draft resolution because it departed from the pattern of resolutions 1438 (2002) and 1440 (2002). Rather, he stated, the scope of the draft resolution was expanded to include elements that implied direct intervention in the internal affairs of the country where the events took place. He also expressed concern about political references that reflected negatively on the situation in the Middle East region, including the situation in the occupied Arab territories, which he deemed unacceptable. He also held that the attempt to link Israel to efforts to combat terrorism exploited the international campaign against terrorism. He further emphasized that the Government of the Syrian Arab Republic condemned the terrorist attack in Kikambala, Kenya, and reiterated its condemnation of terrorism in all its forms, but that it would vote against the draft resolution because it could not accept the repeated mention of Israel in a manner that was not within the wording of the resolutions on Bali and Moscow.¹⁶¹

The draft resolution was then put to the vote; it received 14 votes in favour and 1 against (Syrian Arab Republic), and was adopted as resolution 1450 (2002), by which the Council, inter alia:

Condemned in the strongest terms the terrorist bomb attack at the Paradise Hotel, in Kikambala, Kenya, and the attempted missile attack on Arkia Israeli Airlines flight 582 departing Mombasa, Kenya, on 28 November 2002, as well as other recent terrorist acts in various countries, and regarded such acts, like any act of international terrorism, as a threat to international peace and security;

Urged all States, in accordance with their obligations under resolution 1373 (2001), to cooperate in efforts to find and

¹⁶⁰ S/2002/1351.

¹⁶¹ S/PV.4667, p. 2 (Syrian Arab Republic).

bring to justice the perpetrators, organizers and sponsors of those terrorist attacks.

Decision of 17 December 2002 (4672nd meeting): statement by the President

At the 4672nd meeting, on 17 December 2002, the President (Colombia) made a statement on behalf of the Council,¹⁶² by which the Council, inter alia:

Requested the Counter-Terrorism Committee, with a view to improving the flow of information on experiences, standards and best practice, and to coordinating ongoing activity, to invite all relevant international, regional and subregional organizations:

(a) To contribute to a report information on their activities in the area of counter-terrorism;

(b) To send a representative to attend a special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations on 7 March 2003;

Invited the Counter-Terrorism Committee to report on developments at regular intervals.

Decision of 20 December 2002 (4678th meeting): resolution 1452 (2002)

At the 4678th meeting, on 20 December 2002, the President (Colombia) drew the attention of the Council to a draft resolution;¹⁶³ it was put to the vote and adopted unanimously and without debate as resolution 1452 (2002), by which the Council, acting under Chapter VII of the Charter,¹⁶⁴ inter alia:

Decided that the provisions of paragraph 4 (b) of resolution 1267 (1999), and paragraphs 1 and 2 (a) of resolution 1390 (2002), did not apply to funds and other financial assets or economic resources that had been determined by the relevant State(s) to be:

(a) Necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the relevant State(s) to the Committee established pursuant to resolution 1267 (1999) of the intention to authorize, where appropriate, access to such

¹⁶² S/PRST/2002/38.

¹⁶³ S/2002/1384.

¹⁶⁴ For more information on the sanctions regime relating to Al-Qaida and the Taliban, see sect. 26 of the present chapter (The situation in Afghanistan).

funds, assets or resources and in the absence of a negative decision by the Committee within 48 hours of such notification;

(b) Necessary for extraordinary expenses, provided that such determination had been notified by the relevant State(s) to the Committee and had been approved by the Committee.

Decision of 17 January 2003 (4686th meeting): resolution 1455 (2003)

At the 4686th meeting, on 17 January 2003, the President (France) drew the attention of the Council to a draft resolution;¹⁶⁵ it was put to the vote and adopted unanimously and without debate as resolution 1455 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to improve the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002);

Decided that the above-mentioned measures above would be further improved in 12 months, or sooner if necessary;

Requested the Committee to communicate to Member States the list referred to in paragraph 2 of resolution 1390 (2002) at least every three months, and stressed to all Member States the importance of submitting to the Committee the names of and identifying information, to the extent possible, about members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them so that the Committee could consider adding new names and details to its list, unless to do so would compromise investigations or enforcement actions;

Requested the Secretary-General to reappoint five experts, drawing on the expertise of the members of the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001), to monitor for a further period of 12 months the implementation of the above-mentioned measures and to follow up relevant leads relating to any incomplete implementation of those measures.

Decision of 13 February 2003 (4706th meeting): resolution 1465 (2003)

At its 4706th meeting, on 13 February 2003, the Council invited the representative of Colombia to participate in the meeting. The President (Germany) then drew the attention of the Council to a draft resolution;¹⁶⁶ it was put to the vote and adopted unanimously and without debate as resolution 1465 (2003), by which the Council, *inter alia*:

Condemned in the strongest terms the bomb attack in Bogota, Colombia, on 7 February 2003 in which many lives were lost and people injured, and regarded such an act, like any act of terrorism, as a threat to peace and security;

Expressed its deepest sympathy and condolences to the people and the Government of Colombia and to the victims of the bomb attack and their families;

Urged all States to work together urgently and to cooperate with and provide support and assistance, as appropriate, to the Colombian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of that terrorist attack;

Expressed its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

Decision of 4 April 2003 (4734th meeting): statement by the President

At the 4710th meeting, on 20 February 2003, the President (Germany) drew the attention of the Council to the report of the Secretary-General submitted pursuant to resolution 1456 (2003).¹⁶⁷ In his report the Secretary-General, as requested, presented a summary of the proposals made by members of the Council at its 4688th meeting, held on 20 January 2003, and forwarded commentaries and responses to those proposals by four members of the Council.

At the meeting, the Council heard a briefing by the Chairman of the Counter-Terrorism Committee, followed by statements by the representatives of Albania, Argentina, Australia, Bahrain, Belarus, Canada, Colombia, Croatia, Cuba, Egypt, El Salvador, Fiji (on behalf of the Pacific Islands Forum), Greece (on behalf of the European Union¹⁶⁸), the Islamic Republic of Iran, Israel, Japan, Liechtenstein, Myanmar (on behalf of ASEAN), Peru (on behalf of the Rio Group), South Africa, the Syrian Arab Republic, Turkey, Ukraine and Yemen.

In his briefing, the Chairman of the Committee stated that its work programme for the period concentrated on three areas: first, working with Member States to raise their capacity to defeat terrorism; second, promoting assistance programmes to accelerate the capacity-building process; and third,

¹⁶⁷ S/2003/191; see also S/2003/191/Add.1.

¹⁶⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁶⁵ S/2003/48.

¹⁶⁶ S/2003/177.

creating a global network of international and regional organizations to maximize the efficiency of each of them in dealing with terrorism and to share experience and best practice.¹⁶⁹

The majority of speakers commended the work done so far by the Committee. Many representatives emphasized the need for a cooperative approach to combat terrorism bilaterally, as well as at the subregional, regional and international levels, and took the opportunity to outline their Governments' participation in and contribution to cooperative counter-terrorism initiatives. Some speakers expressed the view that the declaration adopted following the ministerial-level meeting on 20 January¹⁷⁰ was a valuable addition to resolution 1373 (2001) in helping to determine the Council's future approaches to fighting terrorism. In addition, they looked forward to the special meeting of the Committee and regional organizations.

A number of speakers underlined the need to further strengthen the international legal framework to combat terrorism more generally, and called on all States to ratify the 12 existing international conventions against terrorism. Several speakers also stressed the connections between terrorism, drug trafficking and other kinds of crime and the need to combat all of them in an integrated manner. Many speakers stressed the need for agreement on a universal definition of terrorism. A number of representatives highlighted the danger associated with the proliferation of weapons of mass destruction, particularly the risk of terrorists obtaining access to them.¹⁷¹ Several representatives also underlined the importance of analysing and redressing the root causes of terrorism.¹⁷²

Several representatives spoke in favour of a distinction between terrorism and legitimate resistance as well as the legitimate rights of peoples, particularly the people of Palestine, to self-determination.¹⁷³ The representative of the Syrian Arab Republic opined that

the greatest danger to the international campaign against terrorism was the Israeli terrorist approach to combating terrorism. He concluded by stating that occupation was terrorism.¹⁷⁴ The representative of Bahrain also pointed out that the most important component of international terrorism was State terrorism, as in the Balkans, Kosovo and Bosnia and Herzegovina, and which continues in the occupied Arab territories.¹⁷⁵

The representative of Israel called for the Committee to be more transparent in its work as well as to name and shame those States that continued to support terrorism. He expressed the belief that to battle terrorism on all fronts meant making no distinctions between so-called bad terrorism and good terrorism. He stated that his country could never allow the apologists for terrorism to invoke the mantra of root causes to justify murder while laying the moral foundation for future attacks. He therefore called on the Security Council to implement a policy of zero tolerance for terrorism. He also pointed out the appalling contradiction between the membership of the Syrian Arab Republic on the Council and its continued, extensive and unapologetic support for no fewer than 10 separate terrorist organizations.¹⁷⁶

The representative of Cuba declared that unilateral acts or pre-emptive war by a State or a group of States however powerful they may be, on the pretext of combating terrorism were totally unacceptable. Moreover, he added that it was impossible to eliminate terrorism if some terrorist acts were condemned while others were concealed, tolerated or justified.¹⁷⁷

The representative of Turkey expressed the belief that the international community could not come up with degrees of leniency towards terrorism and that it was not possible to talk sensibly about better terrorisms.¹⁷⁸

The representative of South Africa cautioned the Council and the Committee about the public perceptions with regard to terrorism, as many countries, particularly in the North, issued vague statements or advisories warning their citizens of the potential threat of terrorist attacks abroad, which had a

¹⁶⁹ S/PV.4710, pp. 2-3.

¹⁷⁰ Resolution 1456 (2003), annex.

¹⁷¹ S/PV.4710, p. 3 (Japan); p. 6 (Australia); pp. 21-22 (Ukraine); p. 28 (Greece on behalf of the European Union); and p. 34 (Canada).

¹⁷² *Ibid.*, pp. 13-14 (Bahrain); pp. 3-4 (Japan); pp. 30-32 (South Africa); and pp. 25-26 (Yemen).

¹⁷³ *Ibid.*, pp. 13-14 (Bahrain); pp. 31-32 (Islamic Republic of Iran); and pp. 25-26 (Yemen).

¹⁷⁴ *Ibid.*, p. 38.

¹⁷⁵ *Ibid.*, p. 14.

¹⁷⁶ *Ibid.*, pp. 8-11.

¹⁷⁷ *Ibid.*, p. 11.

¹⁷⁸ *Ibid.*, p. 24.

negative impact on a country's standing, as well as on its security situation.¹⁷⁹

At its 4734th meeting, on 4 April 2003, the Council heard a briefing by the Chairman of the Counter-Terrorism Committee,¹⁸⁰ following which statements were made by all Council members and Afghanistan, Australia, Belarus, Brazil, Cambodia (on behalf of ASEAN), Colombia, Fiji (on behalf of the Pacific Islands Forum), Greece (on behalf of the European Union¹⁸¹), India, Israel, Japan, Norway, Peru (on behalf of the Rio Group), the Philippines and the Republic of Korea.

Speaking first, the Chairman of the Committee drew the attention of the Council to the work programme for its seventh 90-day period.¹⁸² He highlighted the excellent cooperation established with the vast majority of Member States and the beginnings of a global network to tackle terrorism. He noted that, for those furthest ahead, the Committee was moving from examining legislation to establishing that executive machinery existed to prevent terrorist activities and bring terrorists to justice. For that reason, he believed that the Committee would need to deepen its understanding of what was required of States; there was no one standard pattern of counter-terrorism machinery for all countries. He also pointed out that a better flow of information on best practice, made available by an expanded Committee website, was necessary, as was its use by Member States and regional organizations.¹⁸³

The majority of representatives commended the work of the Committee during the previous 18 months and welcomed the new work programme. A few representatives underlined the need to strengthen the provision of assistance on counter-terrorism to developing countries and to monitor the implementation

of resolution 1373 (2001) by States. Many representatives recalled that in combating terrorism, the international community had to respect national and international law, human rights and the Charter. Several representatives also called attention to the interlinked problems of transnational crime and drugs.

A number of speakers cautioned about the risk of terrorists gaining access to weapons of mass destruction.¹⁸⁴ Some representatives regretted that there had been no significant progress by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 in the elaboration of a draft comprehensive convention against terrorism and of a draft international convention on the suppression of nuclear terrorism.¹⁸⁵

The representative of the United States believed that the Committee needed to expand its tool kit to conduct a credible review of implementation resolution 1373 (2001) and to enhance its effectiveness. He added that some form of site visits might be necessary to ascertain the truth on the ground in certain instances. He also emphasized that unwilling States needed to be encouraged and pressured, as necessary, to do more to fight terrorism.¹⁸⁶

The representative of Pakistan maintained that it was essential to devise some safeguard mechanisms to prevent terrorist incidents and unsubstantiated allegations from becoming a *casus belli* for the use or threat of force, contrary to the Charter.¹⁸⁷

The representative of Spain, noting his role as the new Chairman of the Committee, affirmed that from then on the Committee would focus on the implementation and effectiveness of national legislation.¹⁸⁸

At the same meeting, the President made a statement on behalf of the Council,¹⁸⁹ by which the Council, *inter alia*:

¹⁷⁹ *Ibid.*, p. 31.

¹⁸⁰ The representative of the United Kingdom made statements in his capacity as the Chairman of the Committee and in his national capacity.

¹⁸¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁸² S/2003/387; by this work programme, the Committee would strengthen international, regional and subregional cooperation, as well as improve coordination and information exchange.

¹⁸³ S/PV.4734, pp. 2-5.

¹⁸⁴ *Ibid.*, p. 5 (Germany); p. 7 (United States); p. 10 (Pakistan); p. 20 (Bulgaria); and p. 22 (Mexico); S/PV.4734 (Resumption 1), p. 11 (Greece); and p. 13 (Japan).

¹⁸⁵ *Ibid.*, p. 7 (Chile); p. 17 (Cameroon); and p. 20 (Bulgaria).

¹⁸⁶ S/PV.4734, pp. 7-9.

¹⁸⁷ *Ibid.*, pp. 10-12.

¹⁸⁸ *Ibid.*, pp. 13-14.

¹⁸⁹ S/PRST/2003/3.

Confirmed the appointment of Mr. Arias (Spain) as the new Chairman of the Counter-Terrorism Committee, and the continuation in office of Mr. Gaspar Martins (Angola), Mr. Aguilar Zinser (Mexico) and Mr. Lavrov (Russian Federation) as Vice-Chairmen of the Committee;

Invited the Committee to pursue its agenda as set out in the work programme for the seventh 90-day period;

Noted that three States had not yet submitted a report to the Committee and that 51 Member States were late in submitting a further report, in contravention of the requirements set out in resolution 1373 (2001); called on them urgently to do so, in order to maintain the universality of response which resolution 1373 (2001) required;

Invited the Committee to continue reporting on its activities at regular intervals and expressed its intention to review the structure and activities of the Committee no later than 4 October 2003.

**Decision of 20 August 2003 (4811th meeting):
statement by the President**

At its 4752nd meeting, on 6 May 2003, the Council heard a statement by the Prime Minister of Spain, following which the representatives of Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, the Russian Federation, the Syrian Arab Republic, the United Kingdom and the United States made statements.¹⁹⁰

The Prime Minister of Spain urged the international community not to fall into complacency. He advocated, *inter alia*, strengthening the Counter-Terrorism Committee and the mechanisms aimed at curbing the proliferation of weapons of mass destruction; cooperating with the disarmament agencies, especially those responsible for weapons of mass destruction; considering the possibility of empowering the Committee to draw up a general list of terrorist organizations; incorporating counter-terrorism assistance into international, bilateral and multilateral cooperation programmes; preventing terrorist groups from using the United Nations system as a platform for conveying their violent message to the world; giving a clear voice to the victims of terrorism; and addressing the social factors that terrorist organizations used as excuses.¹⁹¹

Most speakers supported Spain's leadership of the Committee and the efforts of the Committee to foster a

global counter-terrorism network. Some representatives emphasized that strengthening the Committee's assistance to States in need should be a priority. Several representatives also stressed the need to legitimize the fight against terrorism under international law, human rights and the Charter, and increase attention to other security threats that were linked to terrorist organizations, such as the proliferation of weapons of mass destruction and drug trafficking.

The representative of the United Kingdom believed that it was time for the Committee to take action with respect to States that were falling behind on the implementation of resolution 1373 (2001) and organize visits to Member States. He cautioned against the drawing up of a list of global terrorist organizations because of the lack of a definition of terrorism.¹⁹²

The representative of the Russian Federation expressed his disappointment at the stagnation in the work on the draft comprehensive convention against terrorism and the draft convention against nuclear terrorism.¹⁹³

The representative of Pakistan maintained that the Council needed to ensure that counter-terrorism measures did not mutate into measures used to cloak or justify violations of human rights, and that the right to self-determination could not be delegitimized through association with terrorism.¹⁹⁴

At its 4792nd meeting on 23 July 2003, the Council heard a briefing by the Chairman of the Counter-Terrorism Committee, followed by statements by all members of the Council and the representatives of Colombia, Indonesia (on behalf of ASEAN), Israel, Italy (on behalf of the European Union¹⁹⁵), Japan, Nepal, Peru (on behalf of the Rio Group), the Republic of Korea, Uganda and Ukraine.

The President then drew the attention of the Council to a letter dated 15 July 2003 from the

¹⁹² *Ibid.*, p. 6.

¹⁹³ *Ibid.*, p. 10.

¹⁹⁴ *Ibid.*, pp. 13-14 .

¹⁹⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁹⁰ The Secretary-General also attended the meeting, but did not make a statement.

¹⁹¹ S/PV.4752, pp. 2-4.

Chairman of the Committee, which outlined its eighth 90-day work programme.¹⁹⁶

The Chairman of the Committee announced that technical assistance and strengthening cooperation with international organizations would be priorities for the next three months. He remarked that the Committee needed to be able to ensure that the needs of the countries that requested assistance were truly met.¹⁹⁷

Most of the representatives welcomed the new work programme of the Committee as well as the Chairman's suggestions about expanding technical assistance programmes and increasing regional and subregional cooperation. The majority of speakers agreed that the Committee had succeeded in providing assistance to Member States to enhance their capacities to combat terrorism and align their legislation with the requirements of resolution 1373 (2001). A number of representatives also highlighted the need to increase and evaluate the effectiveness of the measures adopted by the States, which was part of the next phase of the Committee's work. Several speakers called for the establishment, under the auspices of the United Nations, of an international fund to combat terrorism. A few speakers pointed out the link between terrorism and the illicit trade of small arms and light weapons.

The representatives of Cameroon, Chile, Guinea and Mexico highlighted the establishment of cooperation between the Counter-Terrorism Committee and the Committee established pursuant to resolution 1267 (1999).¹⁹⁸

The representative of Colombia suggested that an initiative that deserved attention was the possibility for the Counter-Terrorism Committee and the Council to draw up a general list of international terrorist organizations worldwide, similar to the one kept by the Security Council Committee established pursuant to resolution 1267 (1999) for Al-Qaida and the Taliban. He did not believe that a formal definition of terrorism was a prerequisite to devising such a list; indeed, such a definition had not been achieved in more than 30 years.¹⁹⁹ The representative of Mexico, however, warned against having the Counter-Terrorism Committee become distracted by the drawing up of

lists until a satisfactory solution was found to the matter of a generally accepted definition of terrorism.²⁰⁰

The representative of the Russian Federation maintained that the international community had at its disposal scarcely any standard anti-terrorist models that would be equally effective in all countries. Looking for solutions in specific situations would require individual approaches. Therefore, the focus should be placed on stepping up the Counter-Terrorism Committee's cooperation with profiling, regional and sectoral organizations.²⁰¹

At its 4798th meeting, on 29 July 2003, the Council heard a briefing by the Chairman of the Committee established pursuant to resolution 1267 (1999), following which statements were made by all Council members, by the representatives of Argentina, Australia, Colombia, India, Israel, Italy (on behalf of the European Union²⁰²), Japan, Liechtenstein and Ukraine, and by the Chairman of the Monitoring Group established pursuant to resolution 1363 (2001).

The President (Spain) drew the attention of the Council to a letter dated 7 July 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) addressed to the President, which included the report of the Monitoring Group.²⁰³ In the report, the Monitoring Group observed that members of the original command team of Osama bin Laden had been arrested, denting its operational capability and providing critical intelligence concerning the network. Nevertheless, recent bombings had demonstrated that Al-Qaida and associated groups still posed a significant threat to international peace and security.

In his briefing, the Chairman of the Committee established pursuant to resolution 1267 (1999) stated that the effectiveness of the measures adopted to confront the threat to international peace and security posed by Al-Qaida and the Taliban needed to be examined in detail in order to improve and strengthen them. He highlighted, *inter alia*, the improvements in

¹⁹⁶ S/2003/710.

¹⁹⁷ S/PV.4792, pp. 2-4.

¹⁹⁸ *Ibid.*, p. 6 (Guinea); p. 9 (Chile); p. 15 (Mexico); and p. 16 (Cameroon).

¹⁹⁹ *Ibid.*, p. 27.

²⁰⁰ *Ibid.*, p. 15.

²⁰¹ *Ibid.*, p. 4.

²⁰² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁰³ S/2003/669 and Corr.1.

the format and content of the consolidated list of persons and entities belonging to or associated with the Taliban and Al-Qaida; the review and expansion of the guidelines to assist States in submitting additional list-related information; the preparation and dissemination of guidelines for the preparation of implementation reports; the contacts between the Committee established pursuant to resolution 1267 (1999) and the Counter-Terrorism Committee; the overall disappointing response in the timely submission of the reports; and the current work of the Monitoring Group, including its programme of visits to Member States. He highlighted the need for the international community to exercise greater control over the accounting methods and transparency of charities.²⁰⁴

Speaking after the Chairman, many representatives supported the efforts and work of the Committee established pursuant to resolution 1267 (1999) and of the Monitoring Group. Most of them called on the Committee to deepen cooperation between Member States, the Monitoring Group experts and the Counter-Terrorism Committee to avoid duplication, as well as with other subregional, regional and international organizations. Several representatives expressed concern about States on whose territory the Al-Qaida network was presumed to be operating that had not submitted their reports, and urged them to do so without further delay. Several representatives underscored the difficulties in implementing the travel ban measures. Some representatives emphasized the need to prevent Al-Qaida from using financial networks and from gaining access to weapons of mass destruction. A number of speakers cautioned about the growing link between drug trafficking and terrorist activities.

A number of representatives pointed out that the regulation of such informal money transfer systems as *hawala* also warranted closer Council attention.²⁰⁵

The representative of China proposed that the Committee established pursuant to resolution 1267 (1999), *inter alia*, strengthen its capacity for analysis and research; implement and improve sanctions against Al-Qaida and the Taliban; and improve and enhance the practicality of the consolidated list.²⁰⁶

²⁰⁴ S/PV.4798, pp. 2-6.

²⁰⁵ *Ibid.*, p. 13 (Guinea); p. 18 (United States); p. 23 (Japan); and p. 28 (Colombia).

²⁰⁶ *Ibid.*, pp. 6-7.

The representative of Bulgaria asked the Chairman of the Committee established pursuant to resolution 1267 (1999) for information in his next report on the main difficulties encountered by States in the implementation of the measures imposed by resolution 1455 (2003).²⁰⁷

The representatives of Guinea, Germany and Ukraine pointed out the need for accurate identification data for the consolidated list as well as the de-listing issue to avoid impacts on innocent individuals.²⁰⁸ Regarding the sanctions list, the representative of Liechtenstein observed that, at a time when the Council was increasingly making decisions that had a direct impact on the rights of individuals, it was important to provide for avenues that allowed individuals to address concerns stemming from such decisions.²⁰⁹ The representative of India stressed that Member States needed to be proactive in proposing all names available to them for inclusion on the list.²¹⁰

The representative of the United States urged the 39 States that had not yet introduced domestic legislation enabling terrorist-linked assets to be frozen to enact appropriate laws.²¹¹

The representative of Italy (on behalf of the European Union) pointed out that the European Union had strengthened its cooperation with the Committee and that a unique regulatory framework directly applicable in all European Union member States had ensured proper and timely implementation of Security Council resolutions in this field.²¹²

The representative of Colombia suggested a broadening of the guidelines for the preparation and submission of national reports to include information about suspicious transactions from traffic in illicit drugs.²¹³

At the 4811th meeting, on 20 August 2003, the President made a statement on behalf of the Council,²¹⁴ by which the Council, *inter alia*:

²⁰⁷ *Ibid.*, p. 10.

²⁰⁸ *Ibid.*, p. 13 (Guinea); p. 14 (Germany); and p. 30 (Ukraine).

²⁰⁹ *Ibid.*, p. 22.

²¹⁰ *Ibid.*, p. 25.

²¹¹ *Ibid.*, p. 18.

²¹² *Ibid.*, p. 21.

²¹³ *Ibid.*, p. 28.

²¹⁴ S/PRST/2003/13.

Unequivocally condemned the terrorist attack that took place on 19 August 2003 against the United Nations Headquarters in Baghdad;

Condemned also in the strongest terms the perpetrators of that attack and underlined the need to bring them to justice;

Reaffirmed the imperative to respect, in all circumstances, the safety and security of United Nations personnel and the need for adequate security measures to be taken in that regard;

Reaffirmed its determination to assist the Iraqi people to build peace and justice in their country and to determine their own political future by themselves; welcomed in that regard the determination of the United Nations to continue its operation in Iraq to fulfil its mandate in the service of the Iraqi people, and would not be intimidated by such attacks.

Decision of 16 October 2003 (4845th meeting): statement by the President

At its 4845th meeting, on 16 October 2003, the Council heard a briefing by the Chairman of the Counter-Terrorism Committee, followed by statements by all Council members and the representatives of Armenia, Azerbaijan, Brazil, Colombia, Ecuador, India, Indonesia (on behalf of ASEAN), Israel, Italy (on behalf of the European Union²¹⁵), the Libyan Arab Jamahiriya, Liechtenstein, Peru (on behalf of the Rio Group), South Africa, Switzerland, Uganda and Yemen.

In his briefing, the Chairman of the Counter-Terrorism Committee presented its ninth work programme. He observed that the rate of review had slowed down because the Committee was gradually entering a more complex phase requiring more careful evaluation, as States moved from stage A, related to the verification of adequate anti-terrorist legislation, to stage B, focusing on the implementation of those measures. He noted the agreement between the Counter-Terrorism Committee and the Committee established pursuant to resolution 1267 (1999) to establish periodic meetings to ensure better coordination between the two bodies. He pointed out that the Counter-Terrorism Committee had decided that the Chairman would submit to the Council a list of all States that were late in submitting reports. Finally, he indicated his intention to submit a report identifying problems being encountered by States in implementing

²¹⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

resolution 1373 (2001), as well as difficulties with the structure and functioning of the Committee itself.²¹⁶

Most representatives welcomed the new work programme, including the plans to submit a report on the difficulties encountered. Many representatives expressed concern about the delay of 48 States in submitting their reports. A number of speakers called for a more practical orientation of the Counter-Terrorism Committee and stressed the need to balance reporting requirements with actual action on the ground. Some representatives perceived a weakness in the structure of the Committee and encouraged its members to propose reforms in order to fully implement its mandate. A few speakers called on the United Nations to redouble its efforts in the fields of economic development and poverty eradication in order to fight against terrorism.

The representative of Cameroon suggested that as a purely legal matter there was an urgent need for an overall international regulatory instrument to combat terrorism. He regretted that political differences were delaying consensus in the Sixth Committee of the General Assembly on the drafting of an overall convention and a convention for the suppression of acts of nuclear terrorism.²¹⁷

The representative of Germany suggested the creation of a high-level authority — such as a United Nations counter-terrorism coordinator — to better focus and streamline enhanced United Nations activities to counter terrorism in all its aspects and on a global basis.²¹⁸

The representative of France believed that the Committee needed to focus further on ensuring that the efforts undertaken by States in the implementation of resolution 1373 (2001) were commensurate with the terrorist threats against them. He also highlighted that the work of the Committee needed to be more actively linked to the political level through the Security Council.²¹⁹

The representative of Pakistan held the view that it was important that the Committee consolidate its

²¹⁶ S/PV.4845, pp. 2-4.

²¹⁷ *Ibid.*, p. 4.

²¹⁸ *Ibid.*, p. 9.

²¹⁹ S/PV.4845 (Resumption 1), pp. 2-3.

activities within its existing mandate, avoiding the assumption of a policing role.²²⁰

The representative of Mexico, noting the importance of the Committee maximizing its efforts to ensure that counter-terrorism was carried out in full compliance with international humanitarian law and human rights, suggested that the Council take account of the need to include a human rights expert on the Committee.²²¹

The representative of India suggested that the Committee would need to go beyond the stage of inexhaustible reporting to a more serious examination of the actual actions taken by States in their international counter-terrorism effort and hold countries accountable for their actions. Finally, he stressed that the undue emphasis on cooperation with other international and regional organizations in the work of the Committee would require careful consideration, as several partner organizations of the Committee that had been placed on an equal pedestal with Member States did not bear the same responsibility or accountability and might lack the mandate or competence to deal with the area of work of the Committee.²²²

The representative of South Africa cautioned about regulating or monitoring cultural practices, such as informal donations to charitable causes, to uphold civil liberties.²²³

Following the discussion, the President (United States) made a statement on behalf of the Council,²²⁴ by which the Council, *inter alia*:

Confirmed the continuation of the current arrangements for the Bureau of the Counter-Terrorism Committee for a further six months; invited the Committee to pursue its agenda as set out in the work programme for the Committee's ninth 90-day period;²²⁵

Noted that 48 Member States were late in submitting their reports, as called for in resolution 1373 (2001); called on them urgently to do so, in order to maintain the universality of response which resolution 1373 (2001) required;

Invited the Committee to continue reporting on its activities at regular intervals and expressed its intention to review the structure and activities of the Committee no later than 4 April 2004.

Decision of 20 November 2003 (4867th meeting): resolution 1516 (2003)

At the 4867th meeting, on 20 November 2003, the representative of Turkey made a statement. He condemned the recent attacks in Istanbul. Observing that while the international community had been more successful in reaching a broader understanding not to distinguish between the motivations, forms and so-called causes of terrorism, it had not been as successful in showing the same sensitivity in not making a distinction between the victims of terrorism, adding that all victims of terrorism deserved to be treated in the same manner.²²⁶

The President (Angola) drew the attention of the Council to a draft resolution;²²⁷ it was put to the vote and adopted unanimously as resolution 1516 (2003), by which the Council, *inter alia*:

Condemned in the strongest terms the bomb attacks in Istanbul, Turkey, on 15 and 20 November 2003 in which many lives were lost and people injured, as well as other terrorist acts in various countries, and regarded such acts, like any act of terrorism, as a threat to peace and security;

Expressed its deepest sympathy and condolences to the people and Governments of Turkey and the United Kingdom and to the victims of the terrorist attacks and their families;

Urged all States, in accordance with their obligations under resolution 1373 (2001), to cooperate in efforts to find and bring to justice the perpetrators, organizers and sponsors of those terrorist attacks.

²²⁰ *Ibid.*, p. 4.

²²¹ *Ibid.*, p. 7.

²²² *Ibid.*, p. 22.

²²³ *Ibid.*, p. 26.

²²⁴ S/PRST/2003/17.

²²⁵ S/2003/995.

²²⁶ S/PV.4867, p. 2.

²²⁷ S/2003/1106.