

United Nations Treaty Collection



Multilateral Treaties on Terrorism



1963-1999

INTRODUCTION

The shock of 9/11 continues to reverberate around the world as humanity begins in earnest to more fully assess the scope and magnitude of the spectre of global terror.

Suddenly the reality of our collective vulnerability is beginning to set in as we discover that there is no longer any "being in the wrong place at the wrong time", and that we may all be living in a kind of "global ground zero."

Responding to the threat of global terror however presents its own special challenges since the choice of the means adopted might further aggravate the problem by engendering more terror. Clearly the optimal option would be to engage as much of the world as possible in the universal struggle in what could very well become a state of permanent war.

Fortunately for the past four decades the United Nations has been consistently defining a set of principles and legal frameworks to empower governments and people everywhere and to place the rule of law at the center of the struggle. Since 1963 the United Nations has facilitated the adoption of some twelve global conventions and a number of regional ones. What is needed now however is the universal ratification and accession to these instruments as well as the political will necessary to implement their provisions. Needed also is broad public support for the actions of governments and respect for the rule of law.

In this connection the World Association of Non Governmental Organizations (WANGO) is pleased to present herewith a summary of the texts of the twelve conventions both as a way of alerting civil society to their existence and to encouraging governments which have not done so to participate in giving them renewed vitality, relevance and strength. It is our hope also to work even more closely with the United Nations to continue educating publics everywhere on the value of deploying the force of law in the struggle against terrorism and the importance of mobilizing public support in saving humanity from this the latest scourge of this latest war.

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<http://www.un.org/apps/news/infocusRel1>
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FIGHTING TERRORISM ON THE GLOBAL FRONT

*By Kofi A. Annan
Secretary-General of the United Nations*

The terrorists who attacked the United States on Sept. 11 aimed at one nation but wounded an entire world. Rarely, if ever, has the world been as united as it was on that terrible day. It was a unity born of horror, of fear, of outrage and of profound sympathy with the American people. This unity also reflected the fact that the World Trade Center, in this uniquely international city, was home to men and women of every faith from some 60 nations. This was an attack on all humanity, and all humanity has a stake in defeating the forces behind it.

As the United States decides what actions it will take in defense of its citizens, and as the world comes to terms with the full implications of this calamity, the unity of Sept. 11 will be invoked, and it will be tested. I have expressed to President Bush and Mayor Rudolph Giuliani -- and to New Yorkers at services in churches, synagogues and mosques -- the complete solidarity of the United Nations with Americans in their grief. In less than 48 hours, the Security Council and the General Assembly joined me in condemning the attacks and voted to support actions taken against those responsible and states that aid them. Of this solidarity, let no one be in doubt. Nor should anyone question the worldwide resolve to fight terrorism as long as is needed.

The most eloquent global answer so far to last week's attacks has been the commitment of states from every faith and region to act firmly against terrorism. The international community is defined not only by what it is for, but by what and whom it is against. The United Nations must have the courage to recognize that just as there are common aims, there are common enemies. To defeat them, all nations must join forces in an effort encompassing every aspect of the open, free global system so wickedly exploited by the perpetrators of last week's atrocities.

The United Nations is uniquely positioned to advance this effort. It provides the forum necessary for building a universal coalition and can ensure global legitimacy for the long-term response to terrorism. United Nations conventions already provide a legal framework for many of the steps that must be taken to eradicate terrorism -- including the extradition and prosecution of offenders and the suppression of money laundering. These conventions must be implemented in full.

Essential to the global response to terrorism is that it not fracture the unity of Sept. 11. While the world must recognize that there are enemies common to all societies,

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GLOBAL CONVENTIONS AGAINST TERRORISM

There are 12 major multilateral conventions and protocols related to states' responsibilities for combating terrorism. But many states are not yet party to these legal instruments, or are not yet implementing them.

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

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

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it must equally understand that they are not, are never, defined by religion or national descent. No people, no region and no religion should be targeted because of the unspeakable acts of individuals. As Mayor Giuliani said, "That is exactly what we are fighting here." To allow divisions between and within societies to be exacerbated by these acts would be to do the terrorists' work for them.

Terrorism threatens every society. As the world takes action against it, we have all been reminded of the need to address the conditions that permit the growth of such hatred and depravity. We must confront violence, bigotry and hatred even more resolutely. The United Nations' work must continue as we address the ills of conflict, ignorance, poverty and disease.

Doing so will not remove every source of hatred or prevent every act of violence. There are those who will hate and who will kill even if every injustice is ended. But if the world can show that it will carry on, that it will persevere in creating a stronger, more just, more benevolent and more genuine international community across all lines of religion and race, then terrorism will have failed.

This byliner was published on the op-ed page of the September 21, 2001, issue of the New York Times.

LIST OF CONVENTIONS:

- ◆ Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963
- ◆ Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 16 December 1970
- ◆ Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971
- ◆ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, New York, 14 December 1973
- ◆ International Convention against the Taking of Hostages, New York, 17 December 1979
- ◆ Convention on the Physical Protection of Nuclear Material, Vienna, 3 March 1980
- ◆ Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 24 February 1988
- ◆ Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome, 10 March 1988
- ◆ Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, Rome, 10 March 1988
- ◆ Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal, 1 March 1991
- ◆ International Convention for the Suppression of Terrorist Bombings, New York, 15 December 1997
- ◆ International Convention for the Suppression of the Financing of Terrorism, New York, 9 December 1999
- ◆ Regional Conventions



1. Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention", 14 September 1963--safety of aviation):

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

2. Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 16 December 1970--aircraft hijackings):

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

3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention", 23 September 1971--applies to acts of aviation sabotage such as bombings aboard aircraft in flight):

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

4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (14 December 1973--outlaws attacks on senior government officials and diplomats):

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





the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice;"

5. International Convention against the Taking of Hostages, New York, 17 December 1979

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

6. Convention on the Physical Protection of Nuclear Material ("Nuclear Materials Convention", Vienna, 3 March 1980--combats unlawful taking and use of nuclear material):

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

7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety, 24 February 1988):

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

8. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, (Rome, 10 March 1988--applies to terrorist activities on ships):

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

9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Montreal, 24 February 1988--applies to terrorist activities on fixed offshore platforms):

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

10. Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991--provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage):

--designed to control and limit the used of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am 103 bombing);



--parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty;

--generally speaking, each party must, among other things: take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry-into-force of the convention; ensure that all stocks of such unmarked explosives not held by the military or police are destroyed or consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police, are destroyed or consumed, marked, or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date-of-entry into force of the convention for that state.

**11. International Convention for the Suppression of Terrorist Bombing (New York, 17 December 1997):
(UN General Assembly Resolution**

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

12. International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999)

-- requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, though groups claiming to have charitable, social or cultural goals or which also engage in such illicit activities as drug trafficking or gun running;

-- commits states to hold those who finance terrorism criminally, civilly or administratively liable for such acts;

-- provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other states on a case-by-case basis. Bank secrecy will no longer be justification for refusing to cooperate.

REGIONAL CONVENTION ON TERRORISMS

- ◆ **Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999.** *(Deposited with the Secretariat of the Commonwealth of Independent States)*
- ◆ **Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999.** *(Deposited with the Secretary-General of the Organization of the Islamic Conference)*
- ◆ **OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999.** *(Deposited with the General Secretariat of the Organization of African Unity)*
- ◆ **Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo on 22 April 1998.** *(Deposited with the Secretary-General of the League of Arab States)*
- ◆ **SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987.** *(Deposited with the Secretary-General of the South Asian Association for Regional Cooperation)*
- ◆ **European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977.** *(Deposited with the Secretary-General of the Council of Europe)*
- ◆ **OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C. on 2 February 1971.** *(Deposited with the Secretary-General of the Organization of American States)*



“NO GREATER AFFRONT TO SPIRIT OF UNITED NATIONS THAN 11 SEPTEMBER TERRORIST ATTACKS”



Following are the remarks of Secretary-General Kofi Annan to the commemoration of the 11 September 2001 terrorist attacks on the United States at Headquarters on 11 September:

A year has passed since the terrorist attacks on the United States. A year has passed — and yet time cannot separate us from the horror of that day, from our shock, our grief, our compassion for the children, the spouses, and the friends and families of those who perished. We still feel the shock.

On September 11th, grief enveloped the world — not only out of solidarity with the people of the United States, but out of shared loss. More than 90 nations lost sons and daughters of their own -- murdered that day, for no other reason than they had chosen to live in this country. Today, we come together as a world community because we were attacked as a world community.

There have been and will be other occasions to explore the causes of the attacks -- and explored they must be. There will be other occasions to debate our response to

the attacks -- and debated it must be. There will be other occasions to consider how best to maintain the global unity of that day -- and considered it must be.

But today is a day of remembrance, remembrance and respect, a day for respect. A day to recall the loss of those who died trying to escape the fire, and the sacrifice of those who died rushing in to save lives. A day to recall the lives of citizens from every part of the world who met danger and death without warning, without cause, and without a chance. A day to recall the spirit of unity that seized the world that day -- from New York to Tehran to Berlin to Beijing -- in the face of unimaginable horror.

United Nations Headquarters is often perceived as an enclave in New York City, somehow isolated from the rest. Let our presence here today demonstrate beyond doubt that this perception is false. We at the United Nations are, in the deepest sense of the word, a part of this community. We are neighbours to all New Yorkers, both as individuals and as an institution.

There could be no greater affront to the spirit and purpose of the United Nations than the terrorist attacks of 11 September. Everything that we work for -- peace, development, health, freedom -- is damaged by this horror. Everything that we believe in -- respect for human life, justice, tolerance, pluralism and democracy -- is threatened by it. It must be defeated -- and it must be defeated by a world acting as one.

May the memory of those who perished on September 11th serve to inspire a better, more just, more peaceful world for all of us.





WORKING FOR AN END TO GLOBAL TERROR