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REPORT*

ROLE OF THE PARLIAMENTS OF THE BSEC MEMBER STATES IN FIGHTING INTERNATIONAL TERRORISM

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I. INTRODUCTION

Given the growing concern worldwide regarding international terrorism the Legal and Political Affairs Committee at its Thirtieth Meeting in Belgrade on 17-18 October 2007 took the decision to tackle this very important issue.

In this respect, the Thirty First Meeting of the Committee in Yerevan on 16-17 April 2008 is dedicated to “Role of the Parliaments of the BSEC Member States in Fighting International Terrorism” with a view to elaborate the Report and the Recommendation for further submission to the consideration of the Thirty First Plenary Session of the General Assembly in Athens in June 2008.

The present report has benefited from the contribution by the national delegations of Armenia, Azerbaijan, Bulgaria, Greece, Russia and Turkey. The necessary additional reference material has been obtained by the PABSEC International Secretariat through the related internet resources and publications.

The report examines state of affairs regarding the legislative framework in the area of fighting international terrorism in the BSEC member states. It reviews the tools and efforts at international, regional and national levels to promote comprehensive, coordinated and consistent response to international terrorism and highlights the role of parliaments in this process.

II. THE ROLE OF THE PARLIAMENTS OF THE BSEC MEMBER STATES IN FIGHTING INTERNATIONAL TERRORISM

1. Terrorism is not a new phenomenon. Many countries in the BSEC region have suffered and continue to suffer from the terrorist menace although diverse in motive, sophistication and strength. Yet, the current threat of terrorism is different from that of the past. It acquired international dimension and scope involving networks with powerful logistical and financial backing.
2. The 21st century started with the increased acknowledgement of serious threat posed by international terrorism to overall peace and security. Escalation of terrorism in frequency and magnitude in the wake of the worst terrorist attack of modern times on 11 September 2001 brought the phenomenon of international terrorism to the forefront of the global agenda.
3. Modern-day terrorism is directly linked to globalization as people, goods, capital and ideas flow with growing ease across borders. The achievements that empower and facilitate the lives for people turn into destructive enablers in the hands of terrorists quickly adapting to the rapidly changing international environment.
4. The underlying conditions such as poverty, corruption, unresolved local or regional conflicts often create conditions conducive to exploitation by terrorists. The terrorist challenge has changed considerably over the past decade becoming a flexible, transnational network structure enabled by modern technology. Terrorist groups with

objectives in one country or region can draw strength and support from groups in other countries or regions. Terrorists work together in funding, sharing intelligence, training, logistics, planning and executing attacks. The terrorist threat today is a reality in many countries throughout the world.

5. Terrorist organizations operate on three levels. At the lower level are those terrorist organizations that operate primarily within a single country. Their reach is limited, but in modern-day global environment those actions can have international repercussions. At the next level are terrorist organizations that operate regionally transcending national borders. The third category comprises of terrorist organizations with global ambitions and global outreach. These three types of organizations are linked together in two ways - they cooperate directly by sharing intelligence, personnel, expertise, resources, or support each other by promoting the same ideological agenda and reinforce each other's efforts to cultivate a favorable international image.
6. The new global environment with modern tools for communication and interconnectivity has changed the nature of terrorism. Modern technologies enabled terrorists to plan and operate worldwide as never before. By capitalizing on the very technological advances terrorist organizations share information using cyberspace and communicate across the global networks of internet from virtually anywhere in the world. Terrorists employ significantly sophisticated multimedia technologies and are adept at using advanced internet-based communication tools and computer technologies for covert communication.
7. One of the important threats which practically require new thinking on the part of the international community is that of cyber terrorism. Cybercrime is an international challenge that increased dramatically in past years. It is believed by experts that persistent internet and computer security vulnerabilities may gradually attract terrorists to develop alliances with cyber criminal organizations. Several recent studies by global computer security firms estimated that the highest rates for computer attack activity were directed against critical infrastructures, such as government, financial services, manufacturing, energy, water, air traffic control, etc. Today, cyberattacks are increasingly used to steal information silently through invisible presence in the host systems involving hundreds or thousands of compromised computers from all parts of the globe.
8. Another threat also requiring the due attention of the international community is biotechnology. Biotechnology, like computer technology, has been developing rather successfully. The latest advances presuppose promising breakthroughs and become important battlefronts to prevent the abuse of biotechnology for terrorist purposes that require application of innovative solutions.
9. Of all the terrorist threats facing the humanity today, perhaps the gravest is the possibility of nuclear terrorism. The magnitude and ruthlessness of the terrorist acts of past years, as well as the readiness of terrorists to sacrifice themselves to attain

their goals speaks for the willingness of terrorists to incite panic among the population, kill and injure as many people as possible throughout the world. To this end, it is necessary to concert efforts of the states and ensure safety and security of nuclear weapons and material.

10. Internationalisation of crime and terrorism has generated a clear challenge for a collective approach to bring together in a comprehensive manner the existing instruments within international and national frameworks. Deviation from common approach of the international community regarding the recognized norms of international law may have serious consequences. Disregard for the norms of international law undermines the image of international organizations and established a dangerous precedent that paves the way towards escalation of the problem of separatism. The latest developments on the European continent dividing the international community may serve as an example.
11. The most effective method to fight contemporary challenges is a multilateral effort based on widest possible international participation. The international community has taken a number of important steps to provide a solid legal basis for common actions against the spread of terrorism. Common willingness of the states to fight international terrorism requires greater synergy in elaboration of comprehensive global counter-terrorism strategy.
12. The United Nations has a central role in the fight against international terrorism. The tragic events of the 11 September 2001 prompted the UN to take decisive action to combat and eradicate international terrorism. It has established a comprehensive legal framework in the field of counter-terrorism. The UN Conventions and Protocols relating to various forms of international terrorism remain fundamental tools in the international community's effort to eliminate this terrible phenomenon – among them Convention on Offences and Certain Other Acts Committed on Board Aircraft; Convention for the Suppression of Unlawful Seizure of Aircraft; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; International Convention against the Taking of Hostages; Convention on the Physical Protection of Nuclear Material; Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Convention on the Marking of Plastic Explosives for the Purpose of Detection; International Convention for the Suppression of Terrorist Bombings; International Convention for the Suppression of the Financing of Terrorism; International Convention for the Suppression of Acts of Nuclear Terrorism.
13. A wide array of organizations, agencies, units and groups in the United Nations system are actively involved in building state capacity to prevent terrorism. The Counter-Terrorism Committee, established pursuant to Security Council resolution 1373 (2001) "Threats to international peace and security caused by terrorist acts", is

at the core of the global efforts to improve the coherence and efficiency of technical assistance delivery. The Resolution mandates the Counter-Terrorism Committee not only to monitor compliance but also to facilitate the provision of technical assistance to states that would enhance their capacities to implement their counter-terrorism obligations. The Committee has prepared a global overview of the laws and institutional arrangements in the member states based on the national reports submitted by all the UN states including the BSEC member states.

14. To reinforce the Counter-Terrorism Committee's efforts towards more effective collaboration and state capacity-building, the Committee established the Counter-Terrorism Committee Executive Directorate, which became fully operational in 2005. Through the efforts of the Executive Directorate, the Counter-Terrorism Committee has improved its ability to monitor and assess what actions states are actually taking to combat terrorism. Counter-Terrorism Committee closely cooperates with many international, regional and sub-regional organizations through various counter-terrorism programs with the aim to act effectively in the global fight against terrorism.
15. September 2005 was marked by a momentous event in global counter-terrorism effort. At the UN World Summit in New York, world leaders unequivocally condemned terrorism "in all its forms and manifestations, committed by whomever, wherever and for whatever purposes" as "one of the most serious threats to international peace and security." Participants welcomed the Secretary General's counter-terrorism strategy based on the five "D's" – dissuade, deny, deter, develop and defend – that later developed into a comprehensive counter-terrorism strategy. The World Summit also stated the resolve to conclude the work on the elaboration of the Comprehensive Convention on International Terrorism.
16. The United Nations Global Counter-Terrorism Strategy was adopted in 2006. The strategy – in the form of a Resolution and an annexed Plan of Action – is a unique global instrument that will enhance national, regional and international efforts to counter terrorism. This is the first time that all member states have agreed to a common strategic approach to fight terrorism, not only sending a clear message that terrorism is unacceptable in all its forms and manifestation but also resolving to take practical steps individually and collectively to prevent and combat it. The Strategy underlines that the acts, methods and practices of terrorism are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of states and destabilizing legitimately constituted governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism. The Document also places particular emphasis to the fact that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group. The practical steps referred in the Strategy include a wide array of measures ranging from strengthening state capacity to counter terrorist threats to better coordinating United Nations system's counter-terrorism activities.

17. The Leaders of the G8 states meeting in St. Petersburg on 16 July 2006 adopted the Statement on UN's Counter-Terrorism Programme, which stresses the role of the UN as the only truly world body, the sole organization with the stature and reach to achieve universal agreement on the condemnation of terrorism. The G8 Leaders called for the UN General Assembly "to conclude swiftly the draft Comprehensive Convention on International Terrorism, which will complement the broad legal framework set out in Security Council resolutions and the other international conventions and protocols related to terrorism".
18. The international community has shown its strong commitment to tackling the issue of international terrorism. In its turn, the EU adopted in 2003 the EU Security Strategy (ESS) identifying terrorism as a key threat to the European Union and a prime field for action. The "Headline Goal 2010" endorsed by the European Council in 2004 underlines the decisive importance of coherent approach to the whole spectrum of new security threats. The EU deals with the issue through its three institutional pillars – European Community (EC), Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA). It has two working groups of national experts dealing with terrorism - The Terrorism Working Group (TWG) dealing with security issues under the first and third pillars and the Counter-Terrorism Working Group (COTER) dealing with external security in the framework of CFSP.
19. A legal framework applicable in all EU Member States has ensured proper and timely implementation of all the relevant UN Security Council resolutions in counter-terrorism field. The effectiveness of this framework has been amplified by the alignment to it by all acceding countries to the EU. A wide range of legal instruments has been adopted and is constantly reviewed with the aim of strengthening the measures to effectively combat the international terrorism. Moreover, with the aim of providing substantive and effective support to third countries in implementing their commitments under UN Security Council Resolution 1373 (2001), the EU has adopted a strategy directed at offering technical assistance to those countries in the accomplishment of their obligations.
20. One of the key components of the successful implementation of global counter-terrorism effort is a parliamentary support. Adequate political backing on behalf of national and international parliamentary institutions is crucial for the joint and effective action against international terrorism. The national parliaments have to make all possible efforts to contribute to the international fight against terrorism in full accord with international obligations.
21. The national parliaments play a key role in ratification of the relevant international instruments. The parliamentarians also have considerable responsibility to ensure that the fight against terrorism goes hand in hand with due respect to the values shared by the overwhelming majority of the international community: human rights, fundamental freedoms and the rule of law.

22. Parliaments and parliamentary assemblies contribute to preventing international terrorism through their efforts to strengthen democratic institutions, social and economic infrastructure, good governance and civil society. They also secure closer relations and intensified exchange of information between the national parliaments of the member states and the inter-parliamentary structures through structured and regular dialogue between parliamentarians on topical issues related to the international terrorism.
23. Many international organisations and parliamentary assemblies have adopted the relevant counter-terrorism instruments which contribute to a deeper international consensus on the normative framework for the fight against international terrorism. Council of Europe Convention on the Prevention of Terrorism of 2005; Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005; The Declaration of Saint Petersburg Interparliamentary Forum on Combating Terrorism of 2002; The Berlin Declaration of the OSCE Parliamentary Assembly “Confronting terrorism: Global Challenge in the 21st Century” of 2002; Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism of 1999; are worth mentioning.
24. Inter-Parliamentary Assembly of Commonwealth of Independent States is importantly contributing to establishment of international legal framework for fighting terrorism. The basic instrument in this sphere is Model Law “On combating terrorism”, which not only the general provisions and basic aspects of combating terrorism, but also envisages informational support of counter-terrorism activities, measures for protecting sites from possible terrorist attacks, regulations for conducting counter-terrorism operations, and fight against financing terrorist activities, social rehabilitation of victims of terrorism, legal and social protection of individuals taking part in the fight against terrorism. The Law specifies the issues regarding responsibilities for taking part in terrorist activities, international cooperation and control over the rule of law in the process of implementing counter-terrorism activities.
25. The international efforts towards combating terrorism are substantially fortified by the efforts undertaken at regional scope. The threat of international terrorism acquires particular dimension for the countries in the BSEC region. The Black Sea region with its cross-road location and the patchwork of the unresolved conflicts generate a potential risk to serve as a fertile environment for organized crime and international terrorism. It is very important for the countries in the region to join efforts to efficiently prevent illicit activities through the effective measures in the sphere of customs, immigration and border control.
26. The leaders of the 12 BSEC member states on the occasion of the Fifteenth Anniversary Summit of the Organisation of the Black Sea Economic Cooperation in 2007 have stated their firm resolve to fight against terrorism as a major threat to national and regional security and stability in compliance with relevant resolutions

and decisions of the UN Security Council and international obligations. At the same time, the BSEC Economic Agenda - the basic BSEC strategy towards attaining the proclaimed BSEC goals – attributes particular attention to the international terrorism with special emphasis on necessity for establishment of the effective regional counter-terrorism mechanisms.

27. The Parliamentary Assembly of the BSEC has been promoting cooperation in combating organized crime and terrorism. In its Recommendations 15/1996 on Cooperation among the PABSEC Member Countries in Combating Organised Crime and 17/1996 on Basic Principles of the Black Sea Convention on Combating Organised Crime and Terrorism the Assembly called the national parliaments to draft the necessary counter strategies into the national legislations and to ensure proper oversight over the implementation of law-enforcement and anti-terrorism policies and mechanisms.
28. Conscious of the serious threat that terrorism constitutes to international peace and security, to political, economic and social stability, to the development of bilateral and multilateral cooperation, the BSEC adopted in 1998 the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its organized forms. The Agreement was subsequently complemented by the Additional Protocols in 2002 and 2004 and by the Plan of Action (2007 – 2009). The Agreement has established the practice of meeting of the Ministers of Interior/Public Order of the BSEC Member States, as well as launched the Meeting of the BSEC Network of Liaison Officers on Combating Crime as a valuable tool in cooperation in the areas of law enforcement, customs control and intelligence activities as an essential pillar of anti-terrorism policy.
29. The BSEC countries, as their counterparts throughout the world has developed counter-terrorism strategies and set up programmes and plans to strengthen counter-terrorism efforts giving added weight to the strategies evolved over many years of dealing with terrorism. The Governments have put in place a comprehensive programme of action addressing the issues of an effective counter-terrorism policy against the global threat of international terrorism. They have employed a range of measures from diplomacy, international cooperation and constructive engagement to protective measures through securing borders, enhancing support and resources available to law enforcement and intelligence.
30. *Armenia*, as an example, is party to all universal and some regional counter-terrorism instruments. It also had concluded bilateral agreements concerning cooperation in the prevention and suppression of terrorism. It enacted the Law “On Fight against Terrorism” (2005) establishing the principles of the fight against terrorism, the several articles were included in the Criminal Code that directly deals with the definition and punishment of acts of terrorism. At the same time, new laws in the sphere of fighting terrorism, prevention of funding for terrorism and the circulation of criminally obtained funds, strengthening of law enforcement also regulate

institutional framework for counter terrorism measures. *Azerbaijan* has adopted “Plan of Action for implementing of the UN Security Council Resolutions 1368, 1371 and 1377 (2001)” implying measures for combating terrorism and financing terrorist activities. The Law “On National Security” identifies international terrorism as basic threat to national security and subsequently, international cooperation in fighting international terrorism is determined as one of the prime measures for ensuring national security of the Republic. The Law “On the Fight against Terrorism” establishes basic counter terrorism principles. It is also the party to all UN counter-terrorism instruments. It leads active cooperation within the framework of NATO, Council of Europe, CIS, BSEC and GUAM. *Bulgaria* actively contributes to international cooperation aimed at suppressing terrorism. It adopted the Integrated Counter-Terrorism Strategy in 1998 and in implementation of Resolution 1373 of the UN Security Council, a National Plan of Detection and Prevention of Terrorist Activities has been urgently developed and adopted. It has been adopting the necessary legislative and practical measures guaranteeing, on the one hand, that each person who is involved in the financing, planning, preparation or commission of terrorist acts or supports terrorist acts shall be liable to the judicial bodies, and also guaranteeing, on the other hand, that, in addition to all other measures against them, such terrorist acts shall be treated as severe criminal offences under the domestic legislation and regulations and that punishments shall reflect the gravity of such terrorist acts. *Russia* is actively involved in the global efforts in the sphere of combating international terrorism and is party to the international conventions for fight against various manifestations of terrorism. The legislative counter-terrorism system includes: Federal Laws “On Fight against Terrorism”, “On Countering Money Laundering and the Financing of Terrorism”, “On Counteraction of Extremist Activities”, “On Counteraction of Terrorism”. Speaking on the existing regulatory framework serving as a basis for the counter-terrorism activities it is important to mention the Decrees of the President of the Russian Federation “On measures to fight terrorism in North Caucasus region of the Russian Federation”, “On urgent measures for enhancing efficiency of the fight against terrorism” and the Resolutions of the Government of the Russian Federation “On introducing the changes to certain legal acts of the Government of the Russian Federation regarding the counter-terrorism activities”. *Turkey* is party to the 12 UN counter-terrorism Conventions and Protocols and many regional counter-terrorism instruments. It had also concluded 56 bilateral agreements concerning cooperation in the fight against terrorism, drug trafficking and organized crime. It has duly amended its Anti-Terror Law No 3713 and the Criminal Law No 5237. In conformity with the UN Security Council Resolutions 1267/1999, 1333/2000, 1373/2001, 1390/2002, 1455/2003 and 1526/2004 have adopted 9 Decisions of the Council of Ministers. It ensures security of its citizens from the growing threat of terrorism through the continuously updating counter-terrorism policies and measures.

31. The national parliaments have important role to legislate in order to support the efforts by the national governments in the fight against international terrorism to mobilise effective and necessary response. Parliamentarians, as representatives of citizens provide necessary legitimacy for the actions on of the executive bodies.

32. The national parliaments have to strengthen the respective legal systems in accordance with the international counter-terrorism instruments and to ensure that the foregoing standards and processes are duly adhered to.
33. Parliamentarians have to make use of the advantages of parliamentary diplomacy to step up strong political support internally and internationally to the common cause against international terrorism. Parliamentary diplomacy may enhance, enrich and supplement where necessary the efforts to consolidate democracy and human rights as the most effective weapon against the scourge of terrorism.
34. Parliamentary diplomacy offers greater opportunity in terms of promoting mutual respect and dialogue, tolerance and understanding among different cultures, peoples and religions. The credibility of elected representatives and their presence on the world stage can mobilise national and global public opinion to further the ultimate objective of the global community of eliminating terrorist menace.
35. The fight against international terrorism requires wide framework of measures combining diplomatic, economic, information, law enforcement, military, financial, intelligence and other instruments. The international community has set forth the vision, will and resources to make a significant change for better, peaceful, stable and prosperous globalised world. The role of the parliaments and international parliamentary structures is crucial in this important and ambitious endeavour.

III. CONCLUDING REMARKS

36. Terrorism constitutes a multifaceted threat to international, regional and national peace, security and stability and remains unequivocally unacceptable irrespective of its motivations, objectives, origin or forms and manifestations.
37. International terrorism is one of the major challenges posed to the international community that cannot be resolved by any one country alone. Every state in every region, large and small, strong and weak, is vulnerable to the consequences of the international terrorism. The countries worldwide need to come together and join efforts for strengthening international cooperation against terrorism and upholding the democratic principles of humanity.
38. It is important to enhance synergies among international, regional and sub-regional organizations and to step up more vigorous parliamentary cooperation to strengthen where appropriate the national and international legal architecture necessary to combat international terrorism.
39. It is also important to develop joint activities and efforts for combating and preventing terrorism, making best use of parliamentary and public diplomacy further encouraging cooperation between the parliaments and non-governmental organizations and civil society with the aim to promote a culture of peace, justice, ethnic, national and religious tolerance.

40. High priority is to be attributed to the root causes of terrorism. Henceforth, due regard has to be attributed to the topical social issues like poverty eradication, underdevelopment, unemployment, discrimination and marginalization. It is important to consolidate democratic institutions and civil society and also to achieve observance of the rule of law.
41. There is no doubt that prevailing unstable political climate, unresolved and protracted conflicts, declining living standards, big number of refugees, continuous border disputes and acute security concerns provide potential risk to be exploited by the terrorists. With this in mind, conflict resolution is a priority for the region. It is important to make best possible use of national and international capacities to reach peaceful resolution of protracted unresolved conflicts.
42. The counter terrorism activities will reach greater success through the consolidation of democratic institutions, the respect and implementation of international law and eradication of fanaticism which takes advantage of poverty and misery of people living in underdeveloped world. Yet, it is important to reinforce social inclusion, reduce marginalization, escape double standards and political selectiveness.
43. In global campaign against international terrorism parliaments and governments have to join efforts to integrate nations and peoples into the mutually beneficial democratic relationships that protect against the forces of violence and promote a freer, more prosperous and more secure world.
44. To this end, the parliaments and governments have to take advantage of the frameworks provided by relevant international, regional and sub-regional organizations to share best practices in counter-terrorism capacity-building and to facilitate their contributions to the international community's efforts in this area.
45. The world has been united against the threat of international terrorism into a single space of solidarity and political will with clear cut aim to secure better future within the global society.