

Agenda Item 108
“Measures to Eliminate International Terrorism”

04 October 2016

INDIA STATEMENT

Counsellor [LA] Mr. M.K. Rao,
At the Sixth Committee of the
71st Session of the United Nations General Assembly

Mr. Chairman,

We recall that the Sixth Committee last met on Friday, 20th November in 2015 during the substantive session of the 70th UNGA. At that meeting, we mourned for the victims of terrorist attacks in Paris and Mali.

Since then terrorist attacks have increased and terrorist organisations proliferated. The world is not any safer than what it then was; within a span of less than eleven months the world has witnessed over 1,300 terrorist attacks killing of over 11,000 people.

The terrorist incidents have occurred almost all over the world; there is hardly any country or territory which remains unaffected by terrorism or terrorist threats.

The situation remain as volatile, rather worse than what it was 11 months ago. The international community however could not move in the direction of strengthening the legal regime to contain the menace of terrorism.

Mr. Chairman:

Terrorism is the scourge of our times and the world has been battling it for a long time. Terrorism has emerged not only as a major destabilising force but also threatening the very existence of the States and undermining the very foundations of the democratic, political and social order.

Further, terrorism, as stated by the External Affairs Minister of India, in her speech during the General debate, is “the biggest violation of human rights”. As it targets innocent people and kills indiscriminately, “it is a crime against humanity itself”.

The international community therefore needs to adopt a policy of zero-tolerance towards terrorism. Our collective condemnation of terrorism must be loud, clear and without any ambiguity. It is our firm conviction that no belief, justification, political cause or argument can be

used to justify the acts of terrorism, which should not be associated terrorism with any religion, nationality, civilisation or ethnic group.

The perpetrators of terrorist attacks must be brought to justice. The States that support and sponsor or provide safe havens to terrorists or terrorist groups should be held responsible for their wrongful acts.

Mr. Chairman

The General Assembly has played an important norm setting role in the fight against international terrorism. It has adopted three important instruments against international terrorism, namely, the 1997 International Convention for the Suppression of Terrorist Bombings; the 1999 International Convention for the Suppression of Financing of Terrorism; and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism.

These instruments were formulated by the Ad hoc Committee established by the UN General Assembly. We appreciate the good work done by the Committee.

However, the Ad hoc Committee's efforts to develop the draft of the Comprehensive Convention on International Terrorism (CCIT) have not yet been fruitful. It is entangled in the issues of who and under what situations get exempted from the coverage of the convention. In dealing with this issue Mr. Chairman, we need to remind ourselves that there can be no distinction between acceptable and unacceptable or good and bad terrorism.

Yesterday we heard a delegate cloak territorial aggrandisement in an integral part of my country, i.e., Jammu and Kashmir, in an unacceptable manner. The delegate said that persistent violation of human rights could justify terrorism or violent extremism. Terrorist acts, Mr. Chairman, are criminal acts; no matter whenever, wherever and by whomsoever these are committed. "Cause" does not justify terrorist acts. In fact, terrorism is undoubtedly the biggest violation of human rights.

India brought the proposal of a comprehensive convention against terrorism before the General Assembly in 1996 with the belief that such a convention would go a long way in strengthening the international legal framework and fill the gaps in the sectoral instruments against terrorism. We also recall that the Heads of State and Government at the World Summit in 2005 mandated us "to make every effort to reach an agreement on and conclude" the CCIT during the sixtieth session of the GA. We failed to fulfil that mandate. We failed not once or twice, but ten successive years. This is 11th year and we are in 71st session. As stated by a delegate last year, the Member States of this Committee should acknowledge that we are unable to fulfil the task; we are unable to measure up the expectations of the World leaders. As we are not up to it, we must be ready to accept other bodies or fora to carry forward this.

However, we heard yesterday a few delegations, like EU, Switzerland, etc., saying that this Committee should not discuss this agenda item as it overlaps with the debate on GCTS, which we had in June/ July this year. We would like to know from them as to how we complete the CCIT project. Should be abandon it? As many delegates pointed out yesterday and today, the CCIT would be a key component in the counter-terrorism legal architecture. Our view is that we should act on it now. No more delay on this score

We take this opportunity to reiterate our support to the draft text of the convention as proposed by the Coordinator of the Ad Hoc Committee in 2007.

Mr. Chairman:

We thank the Secretary-General for his report (A/71/182 of 29 July 2015 and Add.1 & 2) entitled: "Measures to eliminate international terrorism". These reports contain the information provided by as many as 18 States and 8 intergovernmental organisations, regarding the legal, administrative as well as the international cooperative measures taken by them to prevent and suppress terrorism and punish its perpetrators.

We attach particular importance to counter-terrorism cooperation and exchange of information at the international, regional and sub-regional level. India is party to 14 of 19 universal instruments on international terrorism identified by the Secretary-General in his report. We have also signed the 2010 Beijing Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (10 September 2010); and the 2014 Montreal Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (4 April 2014).

At the regional level, within the framework of the South Asian Association for Regional Cooperation (SAARC), we are party to the SAARC Regional Convention on Suppression of Terrorism of 1987, and its Additional Protocol of 2004 on the financing of terrorism, as well as the SAARC Convention on Mutual Assistance in Criminal Matters of 2008. India continues to work with fellow SAARC nations to strengthen counter-terrorism cooperation.

At the national level, India has enacted legislations to deal with all aspects of terrorism. Among them, the Unlawful Activities (Prevention) Act 1967 which incorporates provisions dealing with all aspects of terrorism including conspiracy and incitement to terrorism. The Act criminalizes the raising of funds for terrorist activities, holding of proceeds of terrorism, harbouring of terrorists, unauthorized possession or use of any bomb, dynamite or hazardous explosive substance or other lethal weapons.

The Weapons of Mass Destruction (Prevention) Act, 2005 provides detailed measures preventing the falling of weapons of mass destruction or dual use materials in the hands of terrorists and non-state actors.

The Foreign Contribution (Regulation) Act, 2010 seeks to further streamline monitoring of all foreign contributions received by non-governmental organizations and religious, educational and charitable organizations.

India has concluded more than forty bilateral treaties, each in the field of extradition and mutual legal assistance in criminal matters.

Mr. Chairman,

India remains deeply concerned about the issue of financing terrorism and FTFs (foreign terrorist fighters).

We consider that the Security Council resolutions, esp., Resolutions 1267 (1999), 1373 (2001), 1988 (2011), 1989 (2011) 2170 (2014), 2178 (2014); 2199 (2015) and 2253 (Dec 2015) mandate States to take action to prevent and suppress terrorist acts and refrain from providing any form of support, active or passive, to the entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

While Resolution 2199 obliges States to ensure that any person who participates or has participated in the financing, planning, or perpetration of terrorist acts or in supporting terrorist acts should be brought to justice, Resolution 2178 defines FTFs and prohibits from training or financing them and requires the States to put in place laws or regulations to stop the suspected FTF from travelling for terrorist purposes.

We strongly condemn direct or indirect financial assistance given to terrorist groups or individual members thereof by States or its machineries, to pursue their activities, including in defending the criminal cases involving terrorist acts against them. We have been in the forefront of global counter-terrorism efforts and are part of all major global initiatives, including the Financial Action Task Force (FATF).

As to the FTFs, we have taken measures to prevent them from travelling or transiting through our country. We have in place the Advanced Passenger Information system and the Passenger Name Records to identify the suspected FTF. We call upon those who have not yet done so, to take measures to prevent and suppress the activities of FTFs and acts in support of them.

Mr. Chairman,

The fight against terrorism has to be unrelenting and fought across all fronts. The international community cannot afford selective approaches in dealing with terrorist groups or in dismantling

the infrastructure of terrorism. We must step up our collective efforts with real time cooperation among member States to confront the scourge of terrorism squarely and decisively. The resort to the use of terrorism as an instrument of state policy cannot be tolerated.

Thank you