Statement by H.E. Ambassador Aizaz Ahmad Chaudhry, Acting Permanent Representative of Pakistan, on the Draft Resolution prepared by the Co-Chairs of the Informal Consultations on “The UN Global Counter-Terrorism Strategy” (28 June 2006)

Mr. Co-Chairman,

I thank the Co-Chairs for their sincere efforts to find a common ground in the development of a United Nations Global Counter-Terrorism Strategy.

2. At the outset I would also like to point out that the pace of developing the Counter-Terrorism Strategy is too fast. In a short span of about a month the Co-Chairs have presented two documents of “strategic nature” on an important and sensitive issue of lasting implications for the Member States. This could lead to mistakes; and “strategic mistakes” have substantial consequences.

3. An overview of the latest paper reveals we are in a “one step forward two steps back” situation. We find that against the suggestions of a number of countries the second formulation of the Co-Chairs is more aligned with the Secretary General’s five Ds as compared to the first one, while proposals of a number of states about other important issues of the strategy have either been ignored or partially accommodated.

4. The September Outcome document was a good starting point. However, it got selected attention in the Co-Chairs’ papers. In paragraph 82 of the document three parameters were identified for a Global Counter-Terrorism Strategy. Those parameters are: One, development of the elements proposed by the Secretary Generals; Two, promotion of comprehensive, coordinated and consistent responses; and Three, “taking into account” conditions conducive to the spread of terrorism. We find the Co-Chairs’ papers have persistently focused on the first parameter and have avoided the other two.

5. In this backdrop we find the proposed strategy is neither comprehensive and nor it “takes into account” some very important conditions conducive to the spread of terrorism, including, foreign occupation, state terrorism and denial of self determination to the people in the situation of occupation. These conditions are major concerns of our times. The strategy has also failed to distinguish between terrorism and the right of people to struggle against foreign occupation. A few scattered references to some of these issues have been made which lack commitment and implementation guidelines. These issues should be clearly identified and addressed in the Resolution as well as in the Plan of Action. A strategy which ignores the major concerns of our time and does not subscribe to the parameters set out for its development could never become a comprehensive and effective strategy. Therefore we ask for addition of “state terrorism”; “foreign occupation”; and “the denial of right of self determination” in the preamble paragraph of the First Section as conditions conducive to spread of terrorism.

6. In our earlier statements and bilateral consultations with the Co-Chairs we had suggested that a possibly useful structure of the strategy document could be to group its provisions into three timeframes for realization: short, medium and long term. We appreciate addition of a partial reference to the time-structured approach in the new
draft. We continue to believe a fully time-structured approach could better capture all the elements of a comprehensive strategy and could also enable us to reach agreements on ways to address some of the difficult and the problem issues we have earlier mentioned.

7. We find that an attempt has been made to push a definition in pp8. In spite of recommendations from a number of countries, this paragraph has not been deleted. We do not want to open the Pandora’s Box and ask for deletion of the paragraph.

8. In pp18, after the seventh word of the first line initiatives, we propose addition of, including Alliance of Civilizations and Enlightened Moderation. The sentence would read as “Commending, in this context, the various initiatives, including Alliance of Civilizations and Enlightened Moderation, to promote dialogue, tolerance and understanding among civilizations.

9. In reference to paragraph 1 of the draft resolution we do not recognize mandate of the Secretary General to present a report to the General Assembly. Presumably, this mandate has emanated from paragraphs 82 and 88 of the 2005 World Summit Outcome. It may be noted that Para 82 of the outcome document welcomes “…identification of the elements of counter terrorism strategy…” by the Secretary General, while Para 88 of the same document asks the Secretary General to summit proposals to the General Assembly and the Security Council “….to strengthen capacity of the United Nations system to assist States in combating terrorism and to enhance the coordination of the United Nation activities in this regard”. The two references do not ask the Secretary General to present a report to the General Assembly.

10. Therefore, we recommend deletion of a part of the first sentence starting after the first comma (,) in the second line, which reads as submitted by the Secretary General to the General Assembly following the invitation contained in the 2005 World Summit Outcome.

11. Paragraph 8 of the Second Section deals with the United Nations sanctions regimes; therefore, it does not belong to this place. It should be placed in the Forth Section which deals with the human rights and the Rule of Law.

12. Additionally, there are concerns related to this paragraph and the subject discussed in it. The Security Council in its open sessions on 30 May and 22 June 2006 discussed the problems related to listing and de-listing procedures of the 1267 Sanctions Committee. A number of delegations called for early revision of the procedures on the basis of concerns that the procedures were not consistent with the jus cogens of human rights. Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, in his statement on 22 June in the Security Council quoted four points identified by the Secretary General about the sanctions procedures: First, a person against whom the measures have been taken has the right to be informed about the measures; Secondly, such a person has the right to be heard, via submission in writing; Thirdly, such a person has right to review by an effective review mechanism; Fourthly, the Security Council should, possibly through its committees, periodically review on its own initiative targeted individual sanctions. This in a way is gist of the deficiencies in the procedures.
13. Therefore, in this scenario of legal complications the Co-chairs papers should not ask for the endorsement of the concerned resolutions until the related legal problems are resolved and on the basis of this we also recommend deletion of Paragraph 25 in the Second Section.

14. In reference to paragraph 20 of the Third Section it is highlighted that states are in better position to identify particularly vulnerable targets in their jurisdictions. An investigative collaboration between the Secretariat and the Interpol is uncalled for. More emphasis could be placed on the mutual exchange of information between the Member States. It would also be apt to point out that states have no legal limitations to request such information from the Interpol. Therefore, it is recommended that paragraph 20 of the Third Section may be deleted.

15. The Security Council Resolution 1540 has national implementation mechanism. The fact has been appropriately addressed in paragraph 15 and 17 of the Second Section of the Plan of Action. Therefore, a reference to it in line three of paragraph 3 of the Third Section may be dropped. On the basis of the same argument we ask for deletion of the last part of the first sentence in paragraph 13 of the Third Section, after the words materials.

16. Freedom of press is an important element for the development of societies and spread of information. Everybody has the right to make informed decisions. Any direct or indirect censorship could also create legal complications. Hence, we propose deletion of Paragraph 7 of the First Section of the Plan of Action.

17. After the first two words in line five of paragraph 9 of the First Section we request addition of and conflict resolution. The part of the sentence would come as: the creation of a mediation support and conflict resolution unit.

18. Paragraph 4 and 5 of the First Section and paragraph 9 of the Second Section of the Plan of Action deal with concerns related to the “victims of terrorism”. This is a very important subject. To further strengthen it, we ask for replacement of the term “victims of terrorism and their families” used in line three of paragraph 4, lines two and four of paragraph 5 of the First Section and line 5 of paragraph 9 of the Second Section or else where in the Plan of Action with the term “victims of terrorism, their families and affectees of collateral damage”.

19. These are some of our initial remarks and proposals on the Draft Strategy proposed by the Co-Chairs. We will come back with additional comments and suggestions after a fuller examination of the document.

20. We would be providing these comments and suggestions for amendments to the Co-chairs in writing.

I thank you Mr. Co-Chairman.