



The Big Picture - International Convention on Terrorism

The date 26/11 has gone down in the history as a day that saw the most heinous attack carried on the Indian soil. The attack claimed 164 lives; leftover 300 injured and sent shock waves around the world. Terrorism has reared its ugly head every now and then and has devastated the world like nothing else. It is an issue which has affected millions of lives from Asia to the Americas but till date, there is no consensus on an international convention on terrorism. Several efforts have been made to address the problem but negotiations have not borne out results to address the issue.

DRISHTI INPUT

Origin and Status of Comprehensive Convention on International Terrorism (CCIT)

- New Delhi has pushed for an intergovernmental convention to enhance prosecution and extradition of terrorists since 1996. In 2018, even after two decades, there is still a lack of consensus.
- Although consensus eludes towards the adoption of the terrorism convention, discussions have yielded three separate protocols that aim to tackle terrorism:
 - International Convention for the Suppression of Terrorist Bombings, adopted on 15 December 1997;
 - International Convention for the Suppression of the Financing of Terrorism, adopted on 9 December 1999;
 - International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on 13 April 2005.

Why the Lack of Consensus?

- The Sixth Committee, the primary forum for the consideration of legal questions in the General Assembly had created an ad hoc group which is still debating the draft for Comprehensive Convention for Countering International Terrorism. There are several issues but the most important of them is “defining the terms related to terrorism”. Multiple groups have contentious claims over what should and what should not be regarded as terrorism.
- For instance, Organisation of Islamic Conference (OIC) has denied inclusion of liberation movement activities as terrorism, keeping in mind the Israel- Palestine conflict.
- On the other hand, the US and the allied countries who are involved in many counter-terrorism activities in various countries wanted the draft to exclude acts committed by military forces of states during peacetime. The Latin American countries want exactly the opposite.
- Hence, for the committee prescribing an overarching definition that satisfies all the parties is a bone of contention.

Geopolitics and the Act of terror

- Geopolitics is one of the most important determinants that has played the invisible hand in protecting the agents of terror. Masood Azhar is a case in point.

- Time and again China has been reluctant in declaring Azhar a terrorist. China, being a veto-wielding permanent member of the UN Security Council, has repeatedly blocked India's move to do so. The US, Britain and France all back India to designate Masood Azhar a terrorist under the Al-Qaida Sanctions Committee of the UN Security Council.
- China, in its statement, said that since Pakistan didn't agree with India on this issue, there is no "consensus" between the two directly affected parties. Beijing made it clear that China will support the issue only if Pakistan agrees with India.
- Pakistan government has been proven toothless when it comes to curbing nefarious activities emanating from her soil. There are scores of terrorist camps along the border, aided and funded either by the army (clandestinely) or terrorist groups like Jaish e Mohammad.
- The motive of the Pakistani administration has always been to support the fringe elements tacitly, in order to fulfill its policy to "bleed India with thousand cuts".
- Adoption of the convention would not only force Pakistan to withdraw any tacit state support to the terrorist groups but would also enable India to extradite culprits who are responsible for designing terrorist acts from foreign soil.

Comprehensive Convention on International Terrorism (CCIT)

- The CCIT will provide legal framework which will make it binding on all signatories to deny funds and safe havens to terrorist groups. The original draft that was tabled in 1996 and discussed until April 2013 included the following major objectives:
 - To have a universal definition of terrorism that all 193-members of the UNGA will adopt into their own criminal law.
 - To ban all terror groups and shut down terror camps.
 - Deny safe haven to those who finance, plan, support, or commit terrorist acts.
- To prosecute all terrorists under a special law.
- Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts.
- To make cross-border terrorism an extraditable offence worldwide.

Measures to Tackle Terrorism

- India should play a proactive role to neutralize any threat of terrorism.
- Addressing UN High-Level conference on Heads of Counter Terrorism, Indian Special Secretary, Internal Security) extended a five-point formula –
 - Exchange of timely and actionable intelligence.
 - Prevention of misuse of modern communication through collaboration with the private sector.
 - Building capacities for improved border controls.
 - Sharing of info related to the movement of passengers.
 - Designation of Counter-Terror focal points to fight global terror.
- In addition, there should be a concerted effort from the countries affected by the scourge of terrorism to pressurize countries who engage in state-sponsored terrorism.
- It is believed that the Indian intelligence agencies did have actionable intelligence from its Israeli and the US counterpart regarding 26/11. So, intelligence gathering and sharing are not enough, timely & appropriate action is required on the intelligence received. Consequently, the Indian intelligence agencies have to be empowered both monetarily and through modern infrastructure to be able to respond in time.