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*The global framework against maritime terrorism
in the international legal context*

Workshop for ASEAN Member States
Singapore, 9 June 2009



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Structure of Presentation

- UN Global Counter-Terrorism Strategy
- Security Council resolutions
- Universal counter-terrorism treaties
- SUA treaties 1988 & 2005
- SUA treaties and piracy
- UNCLOS
- SUA treaties and non-proliferation
- NPT, BWC, CWC
- SUA treaties and environmental protection
- UN convention against transnational organized crime
- UNODC Technical Assistance



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UN Global Counter-Terrorism Strategy

Plan of Action – 4 pillars ensuring an integrated approach

I. Measures to address the conditions conducive to the spread of terrorism

II. Measures to prevent and combat terrorism

III. Measures to build States' Capacity to prevent and combat Terrorism and to strengthen the Role of the UN system in this regard

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism



“Member States to take full ownership of the Strategy and its implementation”

*Ban Ki-moon
16 Feb. 2007*

United Nations to assist Member States



Co-ordination by CTITF



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Security Council
resolutions 1373

Security Council
resolutions 1540
(weapons of mass
destruction)

Security Council
resolution 1822
(Al Qaida/
Taliban sanctions
regime)

1988 Convention on the safety of
maritime navigation

1988 Fixed Platforms Protocol

2005 IMO Protocols on safety of
maritime navigation
& fixed platforms



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The universal counter-terrorism treaties



United Nations Conventions



Instruments related to civil aviation



Maritime agreements



IAEA Conventions



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Instruments related to civil aviation

1963 Convention on offences and Certain other Acts committed on Board Aircraft	184 States Parties
1970 Convention for the Suppression of the Unlawful Seizure of Aircrafts	184 States Parties
1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation	187 States Parties
1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	168 States Parties
1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection	140 States Parties



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United Nations Conventions

1973 Convention on prevention and punishment of crimes against internationally protected persons	171 States Parties
1979 International convention against the Taking of Hostages	166 States Parties
1997 International convention for the Suppression of Terrorist Bombing	161 States Parties
1999 Convention against Terrorist Financing	167 States Parties
2005 International convention for the Suppression of acts of Nuclear Terrorism	52 States Parties



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Convention on the physical protection of nuclear material

1980 Convention on the Physical
Protection of Nuclear Material

+ 2005 Amendment to the Convention
on the Physical Protection of Nuclear
Material

139 States Parties

Not yet in force,
25 States Parties



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Maritime agreements

<p>1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation</p> <p>+ 2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation</p>	<p>152 States Parties</p> <p>8 States Parties <i>Cook Islands, Estonia, Fiji, Marshall Islands, Saint-Kitts-et-Nevis, Spain, Switzerland, Vanuatu</i></p> <p>Not yet in force</p>
<p>1988 Protocol for the Suppression of Unlawful Acts against Fixed Platforms Located on the Continental Shelf</p> <p>+ 2005 Protocol of 2005 to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf</p>	<p>140 States Parties</p> <p>6 States Parties <i>Estonia, Fiji, Marshall Islands, Spain, Switzerland, Vanuatu</i></p> <p>Not yet in force</p>



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Conventions' common elements

- Criminalize specific offences
- Establish the principle *aut dedere aut judicare*
- Provide for extradition and mutual legal assistance mechanisms
- Compatibility with existing instruments dealing with WMD (ex. Chemical Weapons Convention, NPT treaty, etc.)



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The universal counter-terrorism treaties – ratification status ASEAN

Brunei Darussalam	10 treaties
Cambodia	11 treaties
Indonesia	6 treaties (no SUA treaties)
Lao PDR	8 treaties (no SUA treaties)
Malaysia	9 treaties (no SUA treaties)
Myanmar	11 treaties
Philippines	12 treaties
Singapore	9 treaties (1 SUA treaty)
Thailand	9 treaties (no SUA treaties)
Vietnam	8 treaties



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The SUA treaties 1988 & 2005 an international response against:

- Terrorism aboard and & against ships and fixed platforms
- Armed robbery at sea
- The proliferation of biological, chemical and nuclear weapons



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The SUA treaties 1988 & 2005 an international response against:

- Terrorism aboard and & against ships and fixed platforms
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Offences concerning vessels and fixed platforms
SUA 1988

- To **seize or exercise control** over a vessel or a fixed platform by force or threat thereof or any other form of intimidation
- **Perform an act of violence** against a person on board a vessel or a fixed platform if that act is likely to endanger its safety ;
- To **destroy or seriously damaging** a ship, its cargo or a fixed platform ...



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Piracy (Article 101 UNCLOS)

Article 101

Definition of piracy



The SUA treaties are a contribution to the criminalization of piracy





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UNCLOS – ratification status ASEAN

Brunei Darussalam

Indonesia

Lao PDR

Malaysia

Myanmar

Philippines

Singapore

Vietnam

Total: 158 States parties

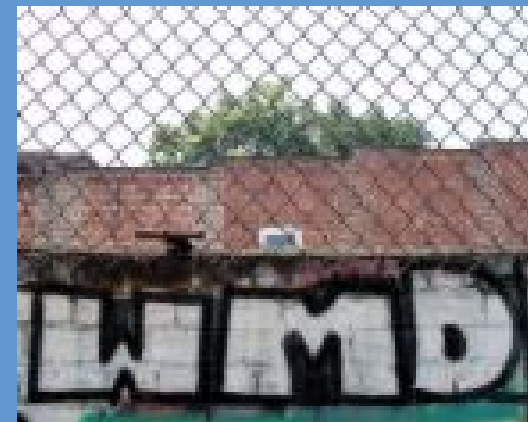


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The SUA treaties 1988 & 2005 an international response against:

- Terrorism aboard and & against ships and fixed platforms
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Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

The response of international criminal law to the certain illicit use of:

- **Biological, Chemical & Nuclear weapons**
- **Nuclear Material**
- **Explosive & Radioactive Material**
- **Oil, liquefied gas, or other hazardous or noxious substances**



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WMD -related offences in the 2005 SUA treaties

- Amend existing maritime legal regime
- Definitions of chemical and biological weapons in line with existing conventions
- New offences
 - ✓ Using a WMD against or on a ship (or fixed platform)
 - ✓ Discharging a WMD from a ship (or fixed platform)
 - ✓ Transporting nuclear weapons on board ships



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Non-Proliferation Treaty Biological Weapons Convention Chemical Weapons Convention – ratification status ASEAN

Brunei Darussalam
Cambodia
Indonesia
Lao PDR
Malaysia
Myanmar (not BWC & CWC)
Philippines
Singapore
Thailand
Vietnam

Total States parties: NPT 190; BWC 163; CWC 188



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Protection of the environment through criminal law - the 2005 SUA treaties



Criminalization of the use or discharge of

- Explosives, radioactive material, nuclear, biological or chemical weapons or
- Oil, liquefied natural gas or other hazardous or noxious substance

in a manner that causes or is likely to cause death or serious injury or damage (including “substantial damage to the **environment**, including air, soil, water, fauna, or flora”)

If the purpose is

- to intimidate a population or
- compel a government or an international organization



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International Cooperation through the UN Convention against Transnational Organized Crime

**In the absence of a required treaty basis, the
“Palermo Convention” applies (subsidiary application):**

1. Confiscation and Seizure (Art. 13.6)

The Convention shall be considered the necessary and sufficient basis

2. Mutual Legal Assistance (Art. 18.7)

The relevant provisions of the Convention shall apply

3. Extradition (Art. 16.4 and 5)

**States Parties may consider the Convention the legal basis (notification to the
United Nations Secretary General)**

4. Mutual Law Enforcement Cooperation (Art. 27.2)

States Parties may consider the Convention the legal basis



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Palermo Convention – ratification status ASEAN

Brunei Darussalam

Cambodia

Indonesia

Lao PDR

Malaysia

Myanmar

Philippines

Singapore

Total: 148 States parties



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Technical assistance



UNODC's instruments



UNODC's technical assistance



Partnerships



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UNODC's instruments



Legislative guides

Legislative database

Manuals on international cooperation



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Legislative guide

Legislative overview of the conventions

Advice for the incorporation of international provisions into domestic law

Examples of implementing laws

Legislative models



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Tips on accessing convention-related information

TPB Electronic Resources on International Terrorism

- ❖ Password-restricted access
- ❖ Text of conventions in all UN official languages
- ❖ Ratification Status Database
- ❖ www.unodc.org/tldb



United Nations Treaty Collection

<http://untreaty.un.org/English/Terrorism.asp>

Free-access site

United Nations Treaty Collection

Conventions on Terrorism



Contact the Depositaries directly

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Organisation des Nations Unies
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Online Training

Global norms against terrorism at work

Getting International Law in Motion

Call for applications: July 2009

Who can apply:

Criminal justice officers, practicing diplomats, civil servants, and others who work in the legal areas of international cooperation in criminal matters, or are involved in legislative drafting of criminal law texts:

www.unodc.org/unodc/en/terrorism/online-training-course.html



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TPB Accomplishments: Highlights January 2003 – August 2008

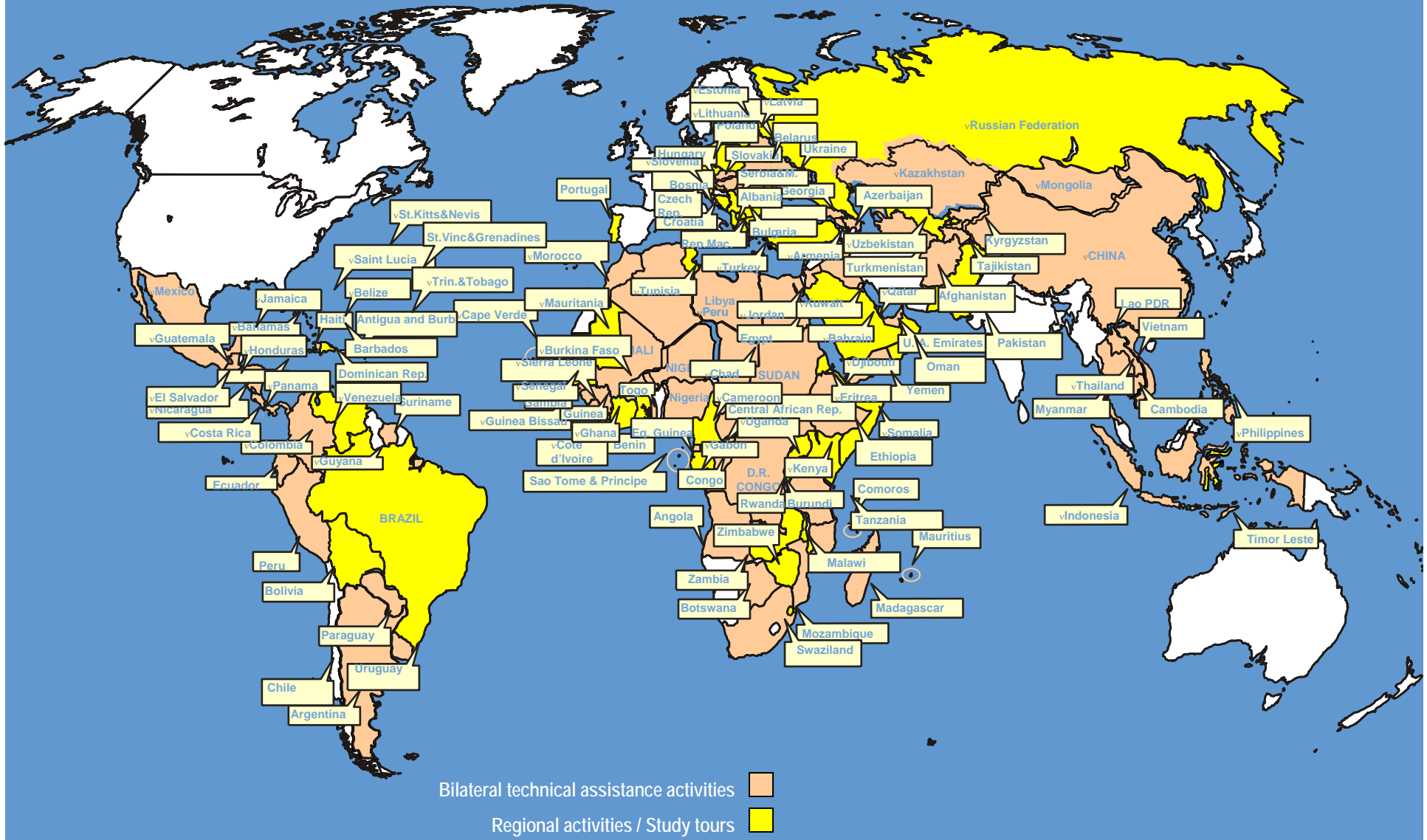
<i>Overall assistance provided</i>	<i>158 countries</i>
<i>Direct assistance provided</i>	<i>114 countries</i>
<i>Legislative drafting assistance/advise provided</i>	<i>85 countries</i>
<i>Criminal justice officers provided with specialised briefings on counter-terrorism legal regime</i>	<i>7,350</i>
<i>Regional and sub-regional workshops held</i>	<i>58</i>



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TPB Technical Assistance Activities





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The partners

Partnerships with :

The Counter-Terrorism
Committee (CTC) and its
Executive Directorate

Other international and
regional organizations





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Working in complementarity with Partners a few examples

- ✓ ASEAN Bali, 13-15 November, 2006
- ✓ African Union Karthoum, 13-20 January 2004
- ✓ Commonwealth Secretariat Kingston, 13-17 March 2006
- ✓ Commonwealth of Independent States Moscow, 28-30 November 2005
- ✓ Francophonie Sharm El-Sheik, 7-9 February 2006
- ✓ League of Arab States Cairo, 16-17 February 2005
- ✓ OAS Cartagena, 8-12 May 2006
- ✓ OSCE Vienna, 22-23 March 2007





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