

PC.DEL/996/04
21 October 2004

ENGLISH only

**Statement of Mr. Javier Ruperez, Executive Director
Counter-Terrorism Committee Executive Directorate
to the Permanent Council of the Organization
for Security and Cooperation in Europe**

Vienna, 21 October 2004

Distinguished Ambassadors,
Mr. Secretary-General,
Ladies and gentlemen,

I should like first to thank you for inviting me to deliver this speech to your Permanent Council and also to say how honoured I am to have an opportunity to address a gathering of your standing, in an institution which played a vital role in overcoming European conflicts and today is continuing to work for stability in a vast area of the world since, as the expression goes, OSCE extends from Vancouver to Vladivostok.

On a more personal note, if you will allow me, I would add that I participated in the conference which established OSCE. I was also one of those who, in Helsinki and in Geneva, negotiated and prepared the Final Act of the Conference. Later, from 1980 to 1982, I headed the Spanish delegation when the Conference was held in Madrid. And it was precisely in that city, on that occasion, that OSCE adopted its first document on terrorism on the basis of a draft that I had proposed on behalf of my delegation.

I cannot separate my recollections as a parliamentarian from my links with CSCE and OSCE since it was as a member of the Spanish parliament, and then President of that parliament from 1986 to 1988, that I had the honour to address your Permanent Council on several occasions. You will understand, therefore, how proud and moved I am to be here among you today.

The reason for my presence, however, arises from one of the most alarming problems of modern times, and I refer of course to the spread of terrorism and its destructive effect on the liberty and life of our fellow citizens, the stability of our societies, and the harmonious course of international relations.

The attacks in recent years, in different parts of the world, have demonstrated the escalation of violence, and especially of terror, and I cannot say this without thinking of New York, Bali and Madrid and of the Beslan tragedy, which is the most recent example of the phenomenon I am describing and symbolizes the unacceptable and sickening nature of terrorism which, in its deadly onslaught, does not hesitate to attack children.

The first reaction to terrorism is moral; people everywhere reject these acts of total destruction, the perpetrators of which have chosen to divorce themselves from the human community.

It is important, however, to go past this first reaction because it is clear today that terrorism is part of a plan, that it represents a strategy for all-out war, showing no mercy, and therefore calls for an intelligent and coordinated response, proportionate but determined.

I should like to review with you some aspects of the policy initiated by the United Nations Security Council in 2001, particularly its most recent developments and results. I should also like to discuss the specific role of OSCE and our current and future collaboration.

I. The counter-terrorism policy of the United Nations

United Nations action in the area of counter-terrorism is longstanding because it goes back to the 1960s, with the negotiation of the first conventions on air piracy. However, it was the attacks of 11 September 2001 that led the Security Council to address the matter more directly and adopt a series of binding measures for States, in particular through the adoption of its resolution 1373, on 28 September 2001.

This very firm reaction by the Security Council was of course prompted by the context of these attacks, since they affected a great Power, but even more by the awareness that a line had been crossed in the escalation of terrorist violence.

It became vitally important not only to prevent a repetition of these attacks in other places but also to break this progression which may lead next to the use of weapons of mass destruction for terrorist purposes.

Any act of terrorism is now regarded as a "threat to international peace and security" and, because of the binding nature of measures adopted under Chapter VII of the Charter, States must criminalize acts of terrorism and their financing, establish institutional mechanisms to combat

terrorist movements and cooperate in the judicial and law enforcement areas.

At the same time, the Security Council established a subsidiary body, the **Counter-Terrorism Committee**, responsible for monitoring the implementation of these measures and therefore for verifying how States fulfil their obligations. Later, by means of other resolutions, the Security Council encouraged cooperation among States in the area of counter-terrorism (resolution 1377) and expanded the scope of counter-terrorism efforts to cover questions of non-proliferation by incorporating strict control of weapons of mass destruction and their components by States (resolution 1540).

The Council also wanted to ensure that it had **means equal to these new challenges** and it provided the Counter-Terrorism Committee with an Executive Directorate (CTED), which I have the honour to head, to apply and develop the Council's policy in the area concerned (resolution 1535). Consisting of professionals in various areas of counter-terrorism, CTED will be able to make on-site visits and suggest to States, and also the Counter-Terrorism Committee, any measure that may enhance efforts to combat terrorism. Review of progress made and assessment of shortcomings, or worse still lack of will, in carrying out these international obligations of States, therefore constitutes the mandate of CTED, which will be fully operational in a few months' time.

II. The results of the counter-terrorism policy of the United Nations

After hearing an outline of this policy, you are entitled to ask, after almost three years, what results the United Nations have achieved.

In terms of the objectives assigned to it, the Committee's action against terrorism is far from negligible, even though, of course, the task to be accomplished remains immense, in view of the complexity of the political and technical issues to be resolved.

I believe I can say that it is in the area of **the promotion of international legal standards** that the most significant progress has been made. The adoption of resolution 1373 created an unprecedented momentum for ratification of the 12 International conventions and protocols against terrorism, so that today a very large number of States have a common language at the legal level and are linked by a network of treaties which should greatly facilitate international cooperation. Of course, these efforts to promote international counter-terrorism legislation are only a first step, but they are an essential preliminary for going further.

At the same time, the United Nations has continued its work of **making the international community aware of the imperatives of counter-terrorism** by engaging in sustained dialogue with States and monitoring the progress made by them to comply with their obligations. The

Counter-Terrorism Committee now has an overview of the world situation both in relation to the development of the threat and in terms of the capacity of States to combat it. On the strength of this analysis, it should now be able to focus its efforts on the main weaknesses found in order to make substantial progress.

Lastly, I should mention the very important work which has been carried out with **international organizations** to encourage them to act as conduits for the policy of the Security Council in their respective areas of competence or their specific geographical areas. We are seeing today the excellent response that followed this appeal since a large number of organizations have developed counter-terrorism programmes, financed technical assistance operations and in general coordinated the efforts of their member States.

III. The special role of OSCE

This reference to the role played by international organizations leads me to the action carried out by OSCE, which has carried out quite remarkable conceptual and practical work in many areas.

I should like to stress how important it is to set out the principles on which action is to be based. Terrorism, through the fear which it generates, always gives rise to coercive reactions on the part of the victims and there is therefore a risk at that time of reneging on the values for which one is fighting. **The Porto Charter (7 December 2002)**, by establishing the principles which will guide all the efforts of OSCE to prevent and combat terrorism, is an example worthy of emulation and I should like to recall briefly how important some of these principles are.

You chose to **place your efforts under the auspices of the United Nations**, in the context of regional arrangements under Chapter VIII of the Charter. This is significant, and it demonstrates how our alliance is not only practical but also institutional. This commitment entails a fundamental choice, which is to combat terrorism in a manner "consistent with the purposes of the Charter", that is to say, with respect for international law and the fundamental principles of the rule of law. It is not a question of abandoning all effectiveness, as some might claim, but on the contrary of fully legitimizing the use of coercive methods when they prove necessary.

Experience shows, moreover, that terrorism does not truly recede until it is combated by legal means, when the State is supported by a population that legitimizes its action and deprives violent movements of all popular support.

Law and democracy are therefore effective factors against terrorism, while irrational reaction and brute force are its natural allies.

With regard to the achievements of OSCE, they also fit in directly with the policy advocated by the Security Council. **The Bucharest Plan of Action and the Bishkek Programme of Action (December 2001)** defined a working framework and a list of priority actions which have been progressively carried out. The establishment of an Action against Terrorism Unit and the association with the United Nations Office on Drugs and Crime (UNODC) are also demonstrations of this desire to act. These new resources have made it possible to develop numerous technical assistance activities and to disseminate the international standards of counter-terrorism, particularly in Central Asia.

The complementary and coordinated action of OSCE and the Counter-Terrorism Committee has therefore started out well, but while this first successful collaboration is to be welcomed, there is also a need for awareness of the distance which remains to be covered.

IV. The prospects for future cooperation

Our continued efforts must, I believe, focus not on taking up new areas of activity, but on a qualitative enhancement of what has already been begun.

Priority must be given to the **fuller implementation of the international standards of counter-terrorism** in the legal and financial fields, border controls, security of sensitive facilities and operation of international cooperation mechanisms. Too many principles remain applicable in theory; too many conventions have not been incorporated into the domestic law of States. Our efforts must therefore focus on the effectiveness of the counter-terrorism system, which must have a framework that is simple but well grounded in reality.

This first objective is linked with another equally essential task which is the **adaptation of counter-terrorism efforts to the local context**. The United Nations has the duty to develop global action and strive for overall progress in the international community and its means of cooperation. However, the achievement of this noble objective requires assistance from many actors to refine the overall framework and make it realistic, that is to say, in tune with the political, economic and cultural situation in each country. Your role in this area is irreplaceable.

A third, very important area of joint action concerns **control of the criminal phenomena underlying terrorism**, which give it expression. Combating terrorism as such, in the abstract, makes no sense. Efforts must focus on the components of terrorism, and on its logistical and financial resources. The imperatives of counter-terrorism make it essential today to improve our effectiveness in the suppression of major trafficking, arms control, the circulation of dirty money and the dismantling of organized groups. Action against organized crime is therefore not a supplementary

aspect of counter-terrorism but its foundation, without which our societies will tomorrow experience organized crime and terrorism.

Lastly, we hope you will give us **direct assistance in the work of evaluation of States**. Your knowledge of local situations is unparalleled and you alone, who have worked with States on a daily basis in strengthening their counter-terrorism mechanisms, are in a position to help us determine exactly the progress made and the difficulties which remain to be overcome. This exchange of information should enable the Counter-Terrorism Committee to coordinate the efforts of the various actors in the counter-terrorism struggle and above all to mobilize existing resources, especially in the area of technical assistance.

These, therefore, are objectives which appear to be simple but are essential for the collective undertaking we are engaged in. This is a "work in progress" which requires professionalism and dedication.

Conclusion

I shall conclude my remarks by recalling that one of the essential advantages of an organization like OSCE is that it can act on all the components of terrorism, that is to say, on the one hand, the political aspects, through conflict resolution, and on the other, the technical aspects, through threat reduction.

OSCE therefore has all the attributes to respond appropriately to the new threat posed by terrorism. OSCE, and before it the Conference on Security and Cooperation in Europe, helped surmount the dramas of totalitarianism in the twentieth century. Terrorism is another form of barbarism which threatens our civilization with regression.

I propose to you that, today as yesterday, we unite our strength and our will to continue to meet together the challenges of our times while respecting our identities and our mandates.
