



STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON  
AGENDA ITEM 118 – THE UNITED NATIONS GLOBAL COUNTER TERRORISM  
STRATEGY AT THE 62<sup>ND</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY  
ON SEPTEMBER 05, 2008

Terrorism continues to be a pervasive and insidious threat to global security and to the core values of the United Nations. The recent attack on the Indian Embassy in Kabul and the serial blasts in Bangalore and Ahmedabad are gruesome reminders of the violence that we continue to face. Investigations are continuing and important arrests have been made. India therefore has an overriding interest in greater and more meaningful international cooperation to counter terrorism. It also underscores the rationale behind our conviction that no political cause, no argument, no belief can or should be used to justify acts of terrorism.

The future of the international campaign against terrorism hinges on success to root out terrorist networks and deter regimes from encouraging or harboring armed extremists. The General Assembly's inability to reach an agreement on concluding the Comprehensive Convention against International Terrorism (CCIT) limits the impact of its counterterrorism efforts. We urge Member States to seriously consider the package presented by the Coordinator that bridges the divergent views and facilitate the successful closure of the protracted negotiating process of concluding the CCIT. The adoption of a CCIT, through exercising the law-making powers of the General Assembly, is in the interests of all member States and would reinvigorate the multi-lateral and collective dimensions of counter-terrorism efforts. We continue to call upon the world to act as one in denying terrorists, their ideologues and financiers access to arms, funds, means of transportation of their deadly goods, as well as safe havens.

The significance of the UN Global counter terrorism Strategy, adopted two years ago, lies in the fact that it established a global counter-terrorism framework and presented a template that would be pivotal in guiding counter terrorism efforts of Member States as well the United Nations system.

We thank the Secretary General for his Report on activities of the United Nations system in implementing the Strategy, highlighting the efforts of the United Nations system to support implementation of the Strategy, both through its individual departments, specialized agencies, funds and programs and through the Counter-Terrorism Implementation Task Force. We hope that the institutionalization of the Task Force would significantly strengthen its efforts to enable the different United Nations entities to effectively cooperate, coordinate and streamline the work of the United Nations system in the field of counter terrorism. In this regard we welcome the proposed "integrated implementation initiative" that will help the United Nations to deliver as 'one' and avoid duplication.

Mr. President, the primary responsibility of implementing the Strategy rests with the Member States; therefore we foresee the practical engagement of the Task Force with the Member States essentially to be at the bilateral level that would be guided by individual needs of each Member State. Nevertheless, we also encourage Member States' interaction with the Task Force that will provide them an opportunity to receive briefings from the Task Force on its work.

At the national level, as an unfortunate but inevitable result of our tragic history of dealing with terrorism, India has accumulated the expertise and experience for doing so. Our own efforts utilize all available tools within the arsenal of a democratic nation, governed by the rule of law. They run the gamut of efforts from surveillance methods governed by law, monitoring of financial flows and effective legislation regarding dual use items, to old fashioned police investigation work. Some of these measures are listed below:

### **I. Measures Conducive to the Spread of Terrorism**

We are convinced that terrorism, in all its forms and manifestations, irrespective of its motivations, is a criminal and unjustifiable act and therefore reiterate that "no cause, no matter how just, can excuse terrorism".

The 13 major UN instruments relating to specific terrorist activities remain fundamental tools in the fight against terrorism. India is a Party to all the 13 major legal instruments. We also attach utmost importance to the fulfillment of obligations under the relevant counter terrorism resolutions of the United Nations. We have filed five National Reports to the Counter Terrorism Committee, giving a comprehensive picture of steps taken by India to counter terrorism. A 14 member composite delegation of UN counter-terrorism experts had visited India in 2006. A detailed presentation of India's counter-terrorism strategy was made to the Committee.

India is a nation inhabited by diverse cultural, religious and linguistic groups and has a long history of peaceful and harmonious existence in a multi-ethnic, multi-religious, multi-lingual and multi-cultural milieu. This has been possible only through a long heritage of dialogue and assimilation among people and myriad influences through the centuries. India believes that the process of encouraging the dialogue should also involve formulation of common approaches towards targeting eradication of poverty and fostering national and international co-operation to reduce economic and social inequalities. The Government of India through its National Common Minimum Programme addresses issues such as elimination of disparities in access, empowerment of women and securing a rightful place for the disadvantaged and the minorities. Several measures have been taken including positive discrimination to bring up their socio-economic and educational levels.

We have been following a growth process that is much more inclusive, endeavouring to raise incomes of the poor to bring about a much faster reduction in poverty, generate expansion in good quality employment, and ensure access to essential services such as health and education for all sections of the population. [Employment growth in India accelerated to 2.6% during 1999-2005 outpacing population growth. Employment generation, on a sustainable basis, has been one of the important objectives of India's planned economic development]. A notable initiative namely, National Rural Employment Guarantee programme was launched in 2006 which extends to the entire country and is one of the largest social security measures in history. It makes the right to work a fundamental right by providing 100 days of assured wage employment annually to one adult member in every rural household.

## **II. Measures to Prevent and Combat Terrorism**

India's avowed policy is to deny safe havens and any support to terrorists. We have in place an extensive legal framework for tackling terrorism. The Unlawful Activities (Prevention) Act incorporates provisions that deal with all aspects of terrorism including incitement. The Act also criminalizes raising of funds for terrorist activities, holding of proceeds of terrorism, harboring of terrorists, unauthorized possession of any bomb, dynamite or hazardous explosive substance or other lethal weapon or substance capable of mass destruction or biological or chemical substance of warfare.

The necessary legal, regulatory and administrative framework for combating money laundering and financing of terrorism is also in place. The specific legislations to prevent financing of terrorism include: (a) Foreign Exchange Management Act, 1999, (b) Narcotic Drugs and Psychotropic

Substances Act, 2003; and (c) Prevention of Money Laundering Act, 2003 of 1967 as amended in 2004,

A Financial Intelligence Unit-India is already in operation and is the nodal agency responsible for receiving, processing, analyzing and disseminating information relating to suspect financial transactions to intelligence and enforcement agencies.

The linkages between organized crime and terrorism also need to be more effectively addressed. The threat from nuclear, chemical and biological weapons proliferation and their use by non state actors has been always been a matter of great concern for India. To address these concerns we introduce annual Resolutions in the UNGA entitled "Reducing Nuclear Danger" and "Measures to prevent terrorists from acquiring weapons of mass destruction." India has not only adhered to the existing regulatory framework governing controls over weapons of mass destruction and their means of delivery but has proceeded to strengthen these obligations by enacting an overarching and integrated legislation prohibiting unlawful activities in relation to weapons of mass destruction and their delivery systems (The Weapons of Mass Destruction and their Delivery System (Prohibition of Unlawful Activities) Act, in 2005).

The indiscriminate and irresponsible use, including by non-State actors, of conventional weapons is also an issue which is of great concern to us as it continues to pose a grave danger to the security of States. Through appropriate legislative, procedural and administrative measures, an effective and comprehensive system has been instituted to regulate strategic exports from India to ensure that these weapons do not fall into wrong hands - whether state or non-state actors. Laws such as The Explosive Substances Act, 1908; The Narcotic Drugs and Psychotropic Substances Act, 1985; The Environment Protection Act, 1986; The Atomic Energy Act, 1962; The Foreign Trade (Development and Regulation) Act, 1992; The Customs Act, 1962 form the legal basis of India's system of export Controls. Various agencies of the Government are empowered to enforce the provisions of these laws.

The enforcement of effective customs, immigration and border controls are also necessary to prevent the movement of terrorists and the establishment of safe havens. We have appropriate controls in place. India is Party to the International Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention), aimed at enhancing cooperation among Customs Administration of various countries to ensure supply chain security; and the International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention) and has in place legislation and procedures to cover these Standards.

## **International Cooperation**

The intricate linkages and networks that unite terror groups can only be challenged through concerted international cooperation and efforts by way of extradition, prosecution and information flows. India is engaged in these efforts at the regional as well as bilateral level.

India is a Party to the SAARC Regional Convention on Suppression of Terrorism. It provides for extradition of persons accused of terrorist activities within the SAARC member countries. To facilitate extradition in the absence of a bilateral agreement, the Indian Extradition Act, 1962 has provisions for treating an international convention as an extradition treaty to which India and a foreign State concerned are parties in respect of the offences dealt under that convention. In addition India has entered into bilateral extradition agreements with several countries.

India has a well developed law on mutual assistance in criminal matters which enables it to seek from and extend cooperation to foreign States in respect of mutual legal assistance in criminal matters. India has concluded Mutual Legal Assistance Treaties with 26 countries and 5 more Treaties are under negotiation. To ensure a greater sense of security within the South Asian region, recently at the Fifteenth Summit of the SAARC, a Convention on Mutual Legal Assistance in Criminal Matters was adopted which allows Member States to provide each other the greatest measure of mutual assistance in criminal matters.

India has been working with its international partners and regional organizations to prevent and combat international terrorism. We have constituted Joint Working Groups with 25 States, and regional organizations like the EU and BIMSTEC, for coordinating and cooperating in counter-terrorism efforts. These Groups meet regularly, and have proved useful in providing a forum for exchange of information and experiences.

### **III. Developing State Capacity to counter terrorism**

We believe that capacity-building is one of the essential elements in combating terrorism. The Strategy in its entirety recommends an expanded role for the existing counter-terrorist legal and institutional framework within the U.N, to enhance capabilities of Member States to combat terrorism. The various UN and other specialized agencies therefore have not only to coordinate their efforts but have to ensure that counter terrorism approaches and measures, cater to regional, national as well as contextual and functional specificities to facilitate multidimensional technical assistance needs. In this regard we appreciate the efforts of the Task Force which is engaged in ensuring coordinated and coherent efforts across the UN system to counter terrorism.

India remains willing to provide all assistance in the larger effort to counter the threat of terrorism. We are willing to share information with relevant UN entities and provide assistance bilaterally or multilaterally, especially to countries that are themselves not directly threatened by terrorism, but whose participation is vital to the success of the larger international effort.

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

Terrorism is an attack on the values that define the international community and seriously impairs the enjoyment of human rights. It intimidates the population and undermines the stability and prosperity of our societies. Nevertheless, States must ensure that all measures to combat terrorism comply with obligations under international law, in particular international human rights, refugee, and humanitarian law.

India has strong democratic institutions, an active civil society, free media and a legal community, firmly committed to the rule of law and the preservation of human rights. The security forces have strict directions to adhere to human rights standards while combating terrorism. We are committed to upholding human rights and ensuring that there is no impunity.

We appreciate the convening of the symposium on victims of terrorism that will help to put a human face on the scourge of terrorism and provide a forum for victims' voices. The best tribute we can pay to the victims of terrorism is to ensure no one else in the world suffers their fate.

It will be remiss of me not to thank Ambassador Rosenthal, the Permanent Representative of Guatemala, who has very ably facilitated the informal consultations to finalize the draft resolution to be adopted by the General Assembly.

[BACK TO TABLE OF CONTENTS](#)