Counter-Terrorism — A New Approach

The International Convention for the Suppression of the Financing of Terrorism

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On 10 January 2000 at United Nations Headquarters in New York the International Convention for the Suppression of the Financing of Terrorism² was opened for signature. It had been negotiated in two two-week sessions in New York in 1999. This was particularly remarkable since, unlike the previous nine counter-terrorism conventions³ the new

¹ Author of Modern Treaty Law and Practice, 2000 and “Lockerbie: the other case”, JCLQ 49 (2000), 278 et seq. about how the two accused of the Lockerbie crime were brought to trial before a Scottish court sitting in the Netherlands. The views expressed are personal, not those of the United Kingdom Government.


285
one is quite different in nature in that it is not concerned with terrorist crimes, like planting a bomb on board a civil aircraft, but with the financing of such crimes. Although financing aids the commission of terrorist crimes, because it is not itself a terrorist act the drafters of the new convention encountered some unusual problems. The two main ones were, first, the precise scope of the new offence, in particular how to define the terrorist acts the financing of which would be criminalised; and, secondly, how to deal with corporate bodies involved in terrorist financing. There were other problems of a lesser order which will also be discussed.

I. The Negotiations

The new convention was a French initiative. The initial draft was first considered at meetings in Brussels of European Union Member States and at meetings in London and Paris of the G8. Most of the work was done by government legal experts. The draft went through several versions before it was tabled at the United Nations. It was then considered at a meeting of an ad hoc Committee from 15 to 26 March 1999. The work was continued by a Working Group of the Sixth Committee


Negotiations for an International Convention for the Suppression of Acts of Nuclear Terrorism (originally proposed by Russia to fill lacunae in the 1980 Convention), were concluded in 1998, except for, in particular, the question whether to exclude from the scope of the convention the activities of armed forces. At the time of writing (December 2000) the negotiations on that question have still not been concluded (see Doc. A/55/37). For the 55th Sess. of the General Assembly in 2000 India tabled a draft Comprehensive Convention on Terrorism: see Docs A/C.6/55/1(draft) and A/C.6/55/L.2 (Working Group Report).

4 The Group of Seven, plus the Russian Federation.
6 The Committee was established by A/RES/51/210 of 17 December 1996 as an inter-sessional committee, originally to consider the draft convention on terrorist bombings and, subsequently the drafts on nuclear terrorism and terrorist financing. For its report on the latter, see Doc. A/54/37.