

**INTERNATIONAL CO-OPERATION TO
COMBAT CRIME**

THE COMMONWEALTH LEGAL RESPONSE TO TERRORISM:
**Progress report on action taken on the recommendations of the Commonwealth Ministerial
Committee on Terrorism**

BACKGROUND

1. On 25 October 2001, Commonwealth Heads of Government issued a statement in which they reiterated their condemnation of all forms and manifestations of terrorism. They affirmed their resolve to individually and collectively take concerted and resolute action against terrorism. Leaders undertook to assist each other with implementation of the United Nations Security Council Resolution 1373 (Resolution 1373), universal implementation of the existing counter terrorism conventions, improving international cooperation and increased efforts to prevent the use and abuse of the financial services sector by terrorists and their organizations.

2. In furtherance of the leaders statement, a Commonwealth Committee on Terrorism was established to ensure that the commitments of Heads of Government would be translated into concrete action against terrorism and that the measures and initiatives called for would be implemented.

3. The Committee, comprised of Ministers from Australia, the Bahamas, Canada, India, Malaysia, South Africa, Sri Lanka, the United Republic of Tanzania, Tonga and the United Kingdom, held its first meeting in London on 29 January 2002. At that time, a Commonwealth Plan of Action on Terrorism was agreed and referred to Heads of Government for their consideration.

INTRODUCTION

4. At their meeting in Coolum in March, leaders welcomed the Report of the Commonwealth Committee on Terrorism and the Plan of Action. They requested the Secretary-General to implement the measures identified by the Committee and urged all member countries to take the steps outlined in the Plan of Action and to assist small and less developed members to implement the obligations under Resolution 1373.

5. Senior Officials of Law Ministries had also discussed possible legal responses to terrorism at their meeting in London in November. They were of the view that the Commonwealth Secretariat was well placed to assist member countries with the development of technical legal measures to combat terrorism. There was general support for the proposal that the Secretariat provide assistance to member countries with implementation of Resolution 1373 and the various existing United Nations conventions on terrorism, through the development of guidelines, model laws and implementation kits. Senior Officials also noted that this work should take into account the special recommendations on terrorist financing issued by the Financial Action Task Force on Money Laundering (FATF). The FATF recommendations, like the Security Council Resolution, have a tight and challenging timetable for legislative and practical implementation.

IMPLEMENTATION OF THE PLAN OF ACTION

6. In accordance with the Commonwealth Action Plan, the Legal and Constitutional Affairs Division has undertaken various projects to assist member countries with the implementation of Resolution 1373.

7. In January 2002 a small legal expert group meeting was convened in London to analyse the requirements of the resolution and provide guidance on the legislative and administrative measures required for implementation. The report of the Expert Working Group has been distributed to all member countries and made available generally through the United Nations Counter Terrorism Committee.

8. On the basis of the drafting instructions contained within that report, draft model legislative provisions were prepared and circulated to Law Ministers for their comments. Taking into account the responses received, a final version was prepared and the Model Legislative Provisions on Measures to Combat Terrorism have been circulated to all Law Ministers and made generally available through the United Nations Counter Terrorism Committee.

9. In addition, "implementation kits" for the twelve existing counter terrorism conventions have been prepared. These kits provide detailed explanations of the relevant conventions and model legislative provisions that can be used as a guide for domestic implementation. These are now being distributed. The development of the model legislation and the implementation kits was made possible through the donation of extra budgetary funds by the Government of Canada.

10. The Criminal Law Section is running an extensive project of assistance on legislative implementation of Resolution 1373, involving regional workshops and on-site assistance by consultants. The original program has been expanded in scope due to extra budgetary contributions from, (as at the time of writing this note) the Governments of the United Kingdom and Canada. It now covers several regions and will provide assistance with reporting obligations, legislative enactment and, subsequently, follow-up of implementation.

11. In conjunction with the Government of the United Kingdom, the Criminal Law Section will also be administering a parallel project on law enforcement training focusing in particular on terrorist financing.

12. The topic of measures to combat terrorism was also the subject of a panel discussion at the Secretariat's recent 2002 Oxford Conference on International Co-operation in Criminal Matters. Delegates from many member countries were represented at the conference and had the benefit of hearing from experts in the subject area and from a general discussion of relevant issues.

13. The implementation work on legal measures is being carried out in close consultation with the United Nations Security Council Counter Terrorism Committee and with other international organizations, to maximize the use of resources and avoid duplication.