Briefing Note

The Senate General Secretariat

Terrorism: the need to enhance global cooperation against the threat to democracy and individual rights

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Introduction

Terrorism has been on the international agenda since 1934, when the League of Nations took the first major step in discussing a draft convention for the prevention and punishment of terrorism.[1] After the terrorist attacks in the United States on September 11 2001, terrorism has become a significant concern for the international community.[2] Its spread has been seen over the last few years in such countries as Syria, Iraq, Libya, Mali, Nigeria, Somalia, Yemen, and recently in France and Denmark.[3] Terrorism is a global issue that requires each nation to strengthen its regional and international cooperation to counter its spread.[4] Without regional and global cooperation, countering terrorism might not be addressed effectively and successfully. Therefore, it is vitally important for all countries to cooperate.

This briefing note will provide a brief study on the contribution made by Cambodia to countering terrorism at national, regional and international levels. In addition, it will provide a brief description of global cooperation in countering terrorism.

Global and regional cooperation to counter terrorism

To counter international terrorism, the United Nations initiated the UN Global Counter-Terrorism Strategy (UN-GCTS), which was adopted by 192 member states in September 2006.[5] This appears to indicate that there is a concensus among the international community to fight the threat of terrorism. The UN-GCTS laid out an action plan for member states to implement the strategy, and emphasized the need for a collective effort for regional and global cooperation.[6] This UN-GCTS sets out four key measures to combat terrorism including: *(i) addressing the conditions conducive to the spread of terrorism; (ii) preventing and combating terrorism; (iii) building States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard; and (iv) ensuring respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.*[7]

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[1] UNACT. "International Legal Instruments." Accessed on 2 September 2015. URL: http://www.un.org/en/terrorism/instruments.shtml

[2] Chheang Vannarith and Chap Sotharith. "The Fight against International Terrorism: Cambodian Perspective." CICP Working Paper No. 23, Phnom Penh, 2008.

[3] Marcel Furstenau. "Intelligence director warns of global spread of terrorism." *DW*, 25 February 2015. Accessed on 26 August, 2015. URL: http://www.dw.com/en/intelligence-director-warns-of-global-spread-of-terrorism/a-18281998

[4] NATO. "Countering terrorism." 1 September 2015. Accessed on 9 September 2015. URL: http://www.nato.int/cps/en/natohq/topics_77646.htm

[5] Xiaohui, WU. "A Regional-Global Paradigm for Implementing the United Nations Global Counter-Terrorism Strategy." Defence Against Terrorism Review 2, no. 2 (2009): 83-98.

[6] Ibid. p. 86; United Nations. "The United Nations Global Counter-Terrorism Strategy." 2006. Accessed on 26 August 2015. URL: http://www.un.org/en/terrorism/strategy-counter-terrorism.shtml

[7] United Nations. "The United Nations Global Counter-Terrorism Strategy." 2006. Accessed on 26 August2015. URL: http://www.un.org/en/terrorism/strategy-counter-terrorism.shtml

In addition, in 2005 the UN Secretary-General formed the Counter-Terrorism Implementation Task Force (CTITF), endorsed by the General Assembly through the UN-GCTS, to ensure coordination and consistency of counter-terrorism actions within the UN system. The CTITF also provides policy and technical support including the sharing of in-depth knowledge about the UN-GCTS to member States. This Task Force comprises 31 international entities (e.g. International Criminal Police Organization "INTERPOL", United Nations Office on Drugs and Crime "UNODC", Organization for the Prohibition of Chemical Weapons "OPCW" and so on)[8], which contribute to the counter terrorism efforts of the United Nations based on their mandates.[9]

In January 2007, the ASEAN Convention on Counter-Terrorism (ACCT) was established and has now been ratified by all ten ASEAN Member States.[10] The ACCT is a significant achievement for ASEAN's counter-terrorism efforts because it serves as a framework for regional cooperation to counter, prevent and suppress terrorism and deepen counter-terrorism cooperation.[11] The ACCT enhances the region's strategic role in the global strategy on counter-terrorism. This Convention also includes areas of cooperation for ASEAN member states to fight terrorism. (E.g. [a] enhanced intelligence exchange and sharing of information, [b] prevention of the movement of terrorists or terrorist groups by effective border control through measures for preventing fraudulent use of identity papers and travel documents, and so on.)[12]

Cambodia's contribution to global and regional cooperation in countering terrorism and its key activities in countering terrorism in Cambodia

Cambodia's contribution to global and regional cooperation

Global and regional cooperation has played an important role in combatting terrorism. With regard to global cooperation, Cambodia has ratified the relevant Conventions and Protocols of the United Nations on Counter-Terrorism.[13] Cambodia also hosted a large-scale multinational peacekeeping exercise in July 2010, which was a part of the US-UN 2010 Global Peace Operations Initiative.[14] The military exercise was carried out with the

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[8] INTERPOL is also a member of this Task Force. For more information on these entities, please see this link: http://www.un.org/en/terrorism/ctitf/entities.shtml
[9] CTITF. Counter-Terrorism Implementation Task Force. Accessed on 1 September 2015. URL: http://www.un.org/en/terrorism/ctitf/index.shtml
[10] http://www.asean.org/news/asean-secretariat-news/item/asean-convention-on-counter-terrorism-completes-ratification-process (Accessed on 11 September 2015)
[11] ASEAN. "ASEAN Convention on Counter Terrorism." 2014. Accessed on 7 September 2015. URL: http://www.asean.org/news/item/asean-convention-on-counter-terrorism
[12] Ibid. Article 6.
[13] Sea Kosal. Measures to Eliminate International Terrorism. 2012. Accessed on 7 September 2015. URL: http://papersmart.unmeetings.org/media/643762/Cambodia_Sea%20Kosal_statement.pdf;
Some of the relevant conventions include: (i) International Convention for the Suppression of Terrorist Bombings, in 1997, (ii) International Convention for the Suppression of the Financing of Terrorism, in 1999. See this link for further information:
https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml&menu=MTDSG
[14] Ibid; Global Peace Operations Initiative (GPIO) is a UN-US peacekeeping training programme for strengthening peace and security. See also this link for more information on GPIO: http://www.embassyofcambodia.org.nz/July302010/July302010.htm.

participation of more than 700 military personnel from 24 countries.[15] Hosting such an exercise indicated Cambodia's commitment to strengthening global cooperation for peace and security, and combating international terrorism. Furthermore, the statement on 8 October 2012 by H.E. Dr. Sea Kosal, Ambassador and Permanent Representative of the Kingdom of Cambodia to the United Nations, indicated Cambodia's full support for the Resolution adopted on 12 July 2012 by the General Assembly on the United Nations Global Counter-Terrorism Strategy Review.[16] This resolution reaffirmed the need to address the conditions conducive to the spread of terrorism. It also called upon member states and the entities of the United Nations, which support counter-terrorism efforts, to continue facilitating the protection of human rights, fundamental freedoms, and the rule of law, while fighting terrorism.[17]

To contribute to regional cooperation in counterring terrorism, in June 2010, Cambodia was the fourth ASEAN member state to ratify the ASEAN Convention on Counter Terrorism.[18] In addition, in September 2010, the Cambodian National Counter Terrorism Committee (NCTC) hosted the Pacific Area Security Sector Working Group with participation from the representatives of ASEAN countries. This event served as a forum for strengthening regional cooperation on countering terrorism.[19]

Key activities to counter terrorism in Cambodia

In 2007, Cambodia passed two important laws related to combatting terrorism: (i) the Law on Counter Terrorism and (ii) the Law on Anti-Money Laundering and Combating the Financing of Terrorism.[20] Furthermore, the government has established various institutions to fight terrorism in Cambodia including: *(i) the National Counter Terrorism Committee (NCTC); (ii) the National Authority for Preventing Chemical, Nuclear, Biological and Radioactive Explosives; (iii) the National Committee for Reform on Arms Control; and (iv) the National Committee for Maritime Security.*[21]

In addition to these actions, in 2013, the Cambodia Counter Terrorism Police with support from UNODC organized a two-week training workshop, which consisted of three phases[22]. These included strengthening the capacity of investigators, and training local police

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[15] Those countries include: Australia, Bangladesh, Brunei, Cambodia, China, England, France, Germany, India, Indonesia, Japan, Laos, Malaysia, Mongolia, Nepal, New Zealand, Philippines, Russia, Singapore, South Korea, Thailand, Tonga, the United States and Vietnam. See this link: http://www.embassyofcambodia.org.nz/July302010/July302010.htm

[16] Sea Kosal. Measures to Eliminate International Terrorism. 2012.

[17] United Nations. "The United Nations Global Counter-Terrorism Strategy Review." 2012. Accessed on 2 September 2015. URL: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/66/282

[18] US Department of State. "Country Reports: East Asia and Pacific Overview." 2010. Accessed on 2 September 2015. URL: http://www.state.gov/j/ct/rls/crt/2010/170255.htm

[19] U.S. Department of State. "Country Reports: East Asia and Pacific Overview." 2010.

[20] Ibid.

[21] Sea Kosal. Measures to Eliminate International Terrorism. 2012.

[22] The topics of the three-phase workshops included: (i) basic international counter financing of terrorism investigative techniques, including developing financial intelligence from open sources, conducting searches and seizing financial documents, and currency smuggling to finance terrorism, (ii) advanced investigation techniques, developing financial intelligence from open sources, and Internet investigation techniques, and (iii) Train the trainers. See this link: http://www.unodc.org/southeastasiaandpacific/en/cambodia/2013/09/ct/story.html

trainers in combatting the financing of terrorism.[23] As a result, 60 Cambodian Counter Terrorism Police Officers were trained in basic and advanced investigation techniques concerning anti-money laundering, and combatting the financing of terrorism.[24] Moreover, Cambodia has used the Personal Identification Secure Comparison and Evaluation System (PISCES)[25] ,provided by the USA, to process travellers on entry and departure at the international airports, and at some land border crossings .[26] These actions contribute to enhancing security within the country.

Conclusion

Through the introduction of various legal instruments and institutional arrangements, the Royal Government of Cambodia has shown strong commitment to global and regional collaboration in fighting terrorism. In addition, it appears that the international community has a common position and proactively cooperates to counter terrorism through adopting and implementing the UN Global Counter-Terrorism Strategy.

To strengthen the regional and global cooperation on counter terrorism, a number of policy options may be taken into consideration and brought for discussion by the Cambodian Parliament in the expert hearing on terrorism of the 133rd IPU Assembly with the Standing Committee on Peace and International Security. These include:

1. At the regional level, Cambodia could maintain and enhance its support for the implementation of the ASEAN Convention on Counter Terrorism. Strengthening its support for anti-terrorism within the ASEAN framework would contribute to the enhancement of security and safety at the regional level.

2. Encouraging the government to actively share intelligence information regarding terrorists or terrorist groups with ASEAN member states as part of the ASEAN Convention on Counter-Terrorism.

3. Support the fourth measure/pillar of the UN Strategy on Counter Terrorism relating to "ensuring respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism". With regard to individual freedom and human rights, there is a need when countering terrorism to ensure balance between privacy and the degree of access the State enjoys to the amount of data collected by public and private organizations in the fast-moving technological age. This is due to the fact that the privacy of the individual might easily be violated in the event of counter-terrorism. Thus, balancing individual freedom with access to information

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[23] UNODC. "Cambodian law enforcement officers become trainers to fight money laundering and the financing of terrorism." 2013. Accessed on 8 September 2015. URL: http://www.unodc.org/southeastasiaandpacific/en/cambodia/2013/09/ct/story.html

[24] Ibid.

[25] PISCES is a border management tool, which is installed to help the fight against terrorism. It is used for improving the watch listing capabilities by providing a mainframe computer system to facilitate the immigration process. See this link: http://definitions.uslegal.com/p/personal-identification-secure-comparison-and-evaluation-system-pisces/

[26] US Department of State. "Country Reports: East Asia and Pacific Overview." 2010.

collected by the State and commercial entities is equally important to ensure that human rights are fully respected.

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