



Inter-Parliamentary Union
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IPU-UN Regional Conference for the Middle East and North Africa

“The role of parliamentarians in addressing the threat of foreign terrorist fighters and associated challenges”

Luxor, Egypt, 26-28 February 2019

Organized jointly by the Inter-Parliamentary Union, the House of Representatives of Egypt, the United Nations Office on Drugs and Crime and the United Nations Office of Counter-Terrorism, as part of the activities of the IPU High-Level Advisory Group on Countering Terrorism and Violent Extremism

General Information Note

Background

1. Introduction

In January 2017 in Aswan, the first regional conference for parliamentarians of the Middle East and North Africa countries (MENA) on counter-terrorism and extremism leading to terrorism was held. This event laid the foundation for international cooperation between the IPU and the United Nations on issues related to counter-terrorism and extremism. The recommendations made during this first conference helped establish the IPU High-Level Advisory Group on Countering Terrorism and Violent Extremism (HLAG). This Group has since elected its Chairperson, Ms. Amal Abdulla Al Qubaisi, Speaker of the Federal National Council of the United Arab Emirates, and Vice-Chairperson Ms. Margret Kiener Nellen, Swiss Member of Parliament. At the 139th IPU Assembly in Geneva, the IPU governing bodies unanimously approved the IPU-UN Joint Programme with its activities and enlarged the composition of the Group.

The HLAG is composed of 21 members of national parliaments, with due geographic and gender balance and of two ex-officio members, namely the President of the Bureau of Women Parliamentarians and the President of the Forum of Young Parliamentarians.

This conference is the first in a series of capacity-building activities of the IPU-UN Joint Programme guided by the HLAG. It will be followed by a workshop in Niger in March 2019 for the Sahel countries and one in St. Petersburg in April 2019, for the Eurasia Group.

2. State of terrorism in the MENA region according to the Global Terrorism Index 2018¹

Every region in the world recorded a higher average impact of terrorism in 2017 compared to that in 2002. Based on the latest report of the Global Terrorism Index 2018, the increase in the impact of terrorism was the greatest in the Middle East and North Africa, followed by sub-Saharan Africa.

The report states that:

The last five years in the [MENA] region have been dominated by ISIL activity. Despite heavy territorial and logistical losses, ISIL was still the most active terror group in 2017. Al-Qa'ida and its affiliates have been the second most active terror group since 2002; however, in recent years their presence has greatly reduced and shifted towards sub-Saharan Africa. Excluding ISIL and its affiliates, the second deadliest terror group in the region was Hay'at Tehrir al-Sham, formerly Al-Nusra, in the Syrian province of Idlib.

¹ Global Terrorism Index 2018: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>.

The region has also seen a decline in terrorist activity in the past year, as a result of the fall in the level of conflict in Iraq and Syria. MENA experienced the largest total drop in deaths from terrorism in 2017, falling by 6,714 deaths. The majority of the improvements were in Iraq and Syria, with the two countries having 5,512 and 1,014 fewer deaths respectively. Since 2002, Iraq has accounted for 72 per cent of all terror-related deaths in MENA. (pg. 36)

In the Maghreb and Sahel regions in Northern Africa, there has been a resurgence of terrorist activity in the past two years, most notably of Al-Qa'ida. As of March 2018, there were more than 9,000 members of terrorist groups active in the region, mostly concentrated in Libya and Algeria. (PG. 5)

The report further indicates that Al-Qa'ida has continuously been a top threat in the MENA region and that:

Although the number of deaths from terrorism is now at its lowest level since 2013, it is still a major global threat. Deaths remain substantially higher than a decade ago, and are still nearly three times as high as the number recorded in 2001. (pg. 12)

Despite severe territorial and financial losses, the Islamic State remained the deadliest terrorist group in 2017, even though deaths attributed to the group fell by 52 per cent from the prior year. This is the third consecutive year that [the] number of deaths from terrorism has decreased. Deaths are now 44 per cent below their peak in 2014. (pg. 4)

3. Institutional references

For the past 20 years, the global parliamentary community has been paying special attention to terrorism. Since 1996, the IPU has adopted 12 resolutions² related to terrorism, which have all highlighted the need for cooperation with relevant UN organizations³ in order to support the implementation of UN strategies, including the UN Global Counter-Terrorism Strategy. IPU Member Parliaments also adopted unanimously a resolution promoting this Strategy and committing to provide the legislative support required for the implementation of relevant UN resolutions.⁴

UN resolutions related to counter-terrorism underscore the important role parliaments,⁵ as the only legislative body, can play in ensuring that States comply with their obligations to prevent and counter terrorism in compliance with international law. Likewise, the resolutions also underline the importance of exchanging information, knowledge, and best practices.

Building on these resolutions adopted by the IPU Assemblies and based on the Members' demand to see enhanced cooperation with the United Nations on counter-terrorism,⁶ the IPU built a Member-driven plan of action for parliaments to address terrorism and extremism. This plan of action also aims at bridging the significant gaps in the implementation of relevant IPU and UN resolutions at the national level.

It is with this in mind and in order to support the implementation of the Member-driven plan of action (IPU-UN Joint Programme) that the High-Level Advisory Group on Countering Terrorism and Violent Extremism was created. This advisory body serves as the global parliamentary focal point for counter-terrorism related parliamentary activities.

² IPU resolutions 1996/95; 2001/106; 2001/105; 2002/107; 2003/108; 2005/113; 2005/112; 2006/115; 2007/116; 2010/122; 2015/132; 2016/134.

³ IPU resolutions 2001/05, para.4; 2002/107 paras 6 and 8; 2003/108, paras 24 and 34; 2005/112, para.13; 2006/115, para. 9; 2006/115, paras 10 and 12; 2006/132, paras 2, 5 and 11; 2016/134, para.26.

⁴ IPU resolution 2006/115.

⁵ For example: Criminalize the participation, financing and supporting of terrorism (UNSCR 1373: para. 1; UNSCR 2170: para. 12; UNSCR 2178: paras 5-6); Consider placing recruiters on sanctions lists for these misdemeanours (UNSCR 2170: para. 7; UNSCR 2178: para. 20); Exchange information between parliaments: capacity building, best practices, etc. (UNSCR 1373: paras 2(b) and 3(c); UNSCR 1624: para. 6; UNSCR 2178: Paras 3, 11, 12, and 14); Ratify international conventions relating to terrorism into law (UNSCR 1373: paras 3(d) and 3(e); UNSCR 2178: para. 10); Increase efforts to secure borders and control the issuance of identity papers and documents (UNSCR 1373: para. 2(g); UNSCR 2178: para. 15); Forbid the transit of terrorists through their territory (UNSCR 2178: paras 8 and 9); Suppress the flow of FTFs (UNSCR 2170: para. 8; UNSCR 2178: para. 2); Ensure no trade involving terrorist groups takes place (UNSCR 2170: para. 14), particularly in terms of arms or war-waging materiel (UNSCR 2170: para. 10); Engage with communities at risk of being recruited to violent radicalization (UNSCR 2170: para. 9; UNSCR 1624: para. 3; UNSCR 2178: paras 16 and 19); Establish rehabilitation programmes for former terrorists (UNSCR 2178: para. 4).

⁶ IPU resolutions 2001/05, para.4; 2002/107, paras 6 and 8; 2003/108, paras 24 and 34; 2005/112, para.13; 2006/115, para. 9; 2006/115, paras 10 and 12; 2006/132, paras 2, 5 and 11; 2016/134, para.26.

At the 137th IPU Assembly in St. Petersburg, the members endorsed the establishment of the parliamentary High-Level Advisory Group (HLAG) on Countering Terrorism and Violent Extremism as the global parliamentary focal point, and during the 139th IPU Assembly in Geneva, the Members overwhelmingly supported the Joint Programme and decided to expand the political advisory body that oversees this programme to 21 Members selected by the six IPU Geopolitical Groups and two ex-officio members, namely the Presidents of the Forum of Young Parliamentarians and of the Forum of Women Parliamentarians. This Group represents more than 64,000 parliamentarians from 178 different countries.

The Programme consists of various products and activities starting with the institutionalization of the cooperation between the IPU, UNODC and UNOCT through a trilateral agreement. It also covers Global Parliamentary Summits, a Global Parliamentary Network, the Legislative Database (<https://sherloc.unodc.org/cld/v3/sherloc/>), annual reports, a web-based platform, a mobile application, toolkits, and national and regional capacity-building workshops. They are a key element of the initiative as they strengthen the capacity of national parliaments to prevent and counter terrorism and address conditions conducive to terrorism. The workshops will be constructed with the IPU's long experience in parliamentary capacity building, UNODC's in-depth technical assistance and expertise on a full range of legal and criminal justice aspects of preventing and countering terrorism, and UNOCT's leadership in a balanced implementation of the UN Global Counter-Terrorism Strategy, especially in addressing violent extremism and conditions conducive to terrorism.

4. Objectives and expected outcomes of the regional conference

The objective of the regional conference is to generate discussions and exchanges about the opportunities available to and the challenges parliaments face in countering terrorism and preventing extremism leading to terrorism.

The conference will aim to:

- Enhance regional parliamentary cooperation and exchange of relevant experiences and good practices on specialized areas pertaining to countering and preventing terrorism, including the regional mobilization of foreign terrorist fighters, and establish efficient coordination between the countries of the region through an exchange of knowledge, experience, and good practices.
- Gather recommendations or suggestions from parliamentarians to UN agencies regarding the challenges and needs they face in order to turn UN resolutions into legislations.
- Promote the work of the IPU-UN Joint Programme and demonstrate all the advantages and benefits it offers to parliamentarians.
- Contribute to the establishment of the Global Parliamentary Network on Countering Terrorism and Violent Extremism.
- Increase the awareness of parliamentarians on recent developments pertaining to foreign terrorist fighters.

Lastly, the conference will also be an opportunity to hold initial discussions and brainstorming sessions ahead of the first Global Parliamentary Summit in order to collect recommendations from the participants.

5. Partners

The Egyptian House of Representatives chaired by its Speaker, Mr. Ali Abdel Aal Sayed Ahmed, who is also a member of the HLAG and the President of the Arab Inter-Parliamentary Union hosted the first meeting of this kind in 2017 in Aswan. The Egyptian Parliament has a long experience in counter-terrorism related legislation. They have indeed initiated and supported many regional parliamentary activities regarding counter-terrorism and have also established a legal unit in charge of the legislative research envisaged in the IPU-UN Joint Programme. This unit is headed by expert judges.

The Inter-Parliamentary Union recognizes that terrorism and violent extremism generate complex and multidimensional, national, and global challenges which require global coordination and solutions. Through its 2017-2021 Strategy for a strong democratic parliament in the service of the people, the

IPU reaffirmed its commitment to promote democratic governance that reflects the collective will of the world parliamentary community, through its core values, equality, inclusiveness, respect, integrity and solidarity. More specifically, objective 4 of the IPU Strategy contributes to peace building, conflict prevention and security, and focuses on the role of parliaments in building peace and helping to prevent conflict by ensuring political reconciliation through dialogue, inclusiveness, fostering parliamentary diplomacy, and taking action on counter-terrorism and disarmament.

UNOCT is the lead United Nations counter-terrorism policy entity and works to coordinate the United Nations efforts to support the implementation of the United Nations Global Counter-Terrorism Strategy by the Member States. Its main functions include: to provide leadership on the General Assembly counter-terrorism mandates across the United Nations system; to enhance coordination and coherence to ensure the balanced implementation of the four pillars of the United Nations Global CT Strategy; to strengthen the delivery of UN counter-terrorism capacity building assistance to Member States; to improve visibility, advocacy and resource mobilization for UN counter-terrorism efforts; and to ensure that due priority is given to counter terrorism across the United Nations system and that the important work on preventing violent extremism is firmly rooted in the Strategy.

UNODC, specifically its Terrorism Prevention Branch, is mandated by the General Assembly to provide legal and capacity building assistance to Member States for the ratification, legislative incorporation and implementation of the international legal instruments against terrorism. Further, one of UNODC's key priorities is to promote regional and international cooperation in criminal matters related to terrorism. UNODC's mandate, technical expertise, field level operational capacity and professional networks concerning serious crime, place it in a unique position to address the increasingly complex and multidimensional nature of terrorism in a coherent, comprehensive manner. UNODC possesses a network of field experts in both terrorism and other types of crime, who provide unique local, regional and global expertise and operational capacity for delivering technical assistance on the ground and is the largest global implementer of parliamentary strengthening programming.

The European Union has developed a holistic counter-terrorism response through the EU Counter-Terrorism Strategy adopted in 2005. The strategy commits the EU to combating terrorism globally, while respecting human rights and allowing its citizens to live in an area of freedom, security and justice. The EU is one of the largest contributors, including to the United Nations, to international efforts aimed at preventing and countering terrorism and violent extremism. Additionally, the European Union generously funded a Phase II conference conducted by UNODC under its Global Initiative on Strengthening the Legal Regime against Foreign Terrorist Fighters in the Middle East, North Africa and South-East Europe (implementation period: 2015-2020). The main objectives of the initiative are to strengthen national legal frameworks against FTFs in compliance with relevant UNSC resolutions including 2178 (2014) and 2396 (2017), as well as to train criminal justice and law enforcement officials to deal with specific legal aspects related to countering FTFs at the national and regional levels and enhance international, regional and sub-regional cooperation in this respect.

6. Themes of the conference

Madrid Guiding Principles:

On 28 July 2015, the United Nations Security Council Counter-Terrorism Committee held a special meeting on stemming the flow of foreign terrorist fighters (FTFs). Hosted by the Government of Spain in Madrid, the special meeting, and a series of related technical sessions organized by the Counter-Terrorism Committee Executive Directorate (CTED), were attended by Member States from every region of the world, including those most affected by the FTF threat. Representatives of international and regional organizations, the academia, and civil society also attended. In accordance with Security Council resolution 2178 (2014), participants discussed principal gaps in the capacities of Member States to implement resolutions 1373 (2001) and 1624 (2005) that may hinder States' abilities to stem the flow of FTFs. Pursuant to their discussions, participants identified a set of guiding principles for stemming the FTF flow. The 35 Guiding Principles were subsequently adopted by the Security Council (S/2015/939). This document includes Conclusions, as well as the Declaration of the meeting of the Ministers for Foreign Affairs and of the Interior held within the framework of the special meeting. The

Guiding Principles are intended as a practical tool for use by Member States in their efforts to combat terrorism and, in particular, to stem the flow of foreign terrorist fighters in accordance with resolution 2178 (2014).

At a further special meeting of the Committee, held at United Nations Headquarters, New York, on 13 December 2018, participants reaffirmed the relevance of the *Madrid Guiding Principles* and contributed to the development of *Addenda*, which include 17 additional good practices to assist Member States in their efforts to respond to the evolving FTF phenomenon.

Foreign Terrorist Fighters

The security threat posed by foreign terrorist fighters (FTFs) has been examined and flagged by the international community as a strategic issue for a number of years. In its resolution 72/284 on the 2018 Review of the UN Global Counter-Terrorism Strategy, the General Assembly called upon Member States to address the evolving threat posed by FTFs by enhancing international cooperation, developing criminal justice responses, and developing measures, including information-sharing and border management systems, to detect travel. Furthermore, in its resolution 2178 (2014), the Security Council called upon all Member States, in accordance with their obligations under international law, to cooperate in efforts to address the threat posed by foreign terrorist fighters. This includes by preventing and suppressing, through the establishment of serious criminal offences, the recruitment, organizing, transportation or equipping of individuals who travel to a State other than their State of residency or nationality for the purpose of perpetrating, planning or preparing terrorist acts, providing or receiving of terrorist training, or the financing of their travel or activities.

Since 2015, the global flow of FTFs to conflict zones has slowed considerably. However, FTFs returning or relocating to their countries of origin or nationality or to third countries continue to present an acute and growing threat. In its resolution 2396 (2017), adopted pursuant to Chapter VII of the Charter of the United Nations, the Security Council expresses grave concern that FTFs who have joined entities such as ISIL, Al-Nusrah Front (ANF), Al-Qaida or other terrorist groups may be seeking to return to their countries of origin or nationality, or to relocate to third countries, and recognizes that the threats posed by returning or relocating FTFs include, among others, the threat that such individuals may further support acts or activities of ISIL, Al-Qaida and their cells, affiliates, splinter groups, and derivative entities, including by recruiting for, or otherwise providing, continued support for such entities, and stresses the urgent need to address this particular threat.

The high number of FTFs, including relocators and returnees, poses numerous significant and specific challenges at the national regional and international levels, across the entire criminal justice and law enforcement spectrum. The challenges can be direct and indirect and range from early detection and prevention of departures, to the identification, preservation and generation of admissible evidence to support the prosecution and adjudication of FTF-related cases. UN Member States need to implement effective measures, human rights compliant measures, laws, and regulations, and the rule of law that provide first line professionals with the tools that they need to effectively prevent and respond to terrorism threats while fulfilling Member States obligations under international law. Indeed, the complex threat posed by FTFs makes it increasingly difficult for certain UN Member States to detect FTF returnees also because of their use of counterfeit IDs, abuse of migration and refugee flows, and use of encrypted communication applications.

Moreover the lack or inadmissibility of evidence collected in conflict zones and inadequate legislative frameworks often limit the ability of UN Member States to prosecute relocating and returning FTFs. Furthermore, those who are prosecuted are often placed in conditions or institutions and prisons which have limited capacities to adequately categorize them and manage such offenders in order to rehabilitate and reintegrate them into society. This would also reduce the risk of radicalization of the general prison populations. The above are only some of the challenges UN Member States are facing when addressing the evolving threat posed by relocating and returning FTFs.

Prevention

The United Nations Global Counter-Terrorism Strategy, adopted unanimously by the General Assembly in its resolution 60/288, and its revision in resolution A/RES/70/291, explicitly addresses prevention and foresees balanced implementation across all four of the Strategy's pillars. The United Nations General Assembly and Security Council have recognized that the threat of violent extremism leading to terrorism requires concerted action beyond military or security measures and law enforcement. The UN Secretary-General highlighted that prevention should permeate everything. It should cut across all pillars of the United Nations' work and unite for more effective delivery.⁷

Parliaments have a crucial role in strengthening the rule of law, repealing discriminatory legislation and implementing policies and laws that combat discrimination, marginalization, and exclusion in law and in practice, which are essential components of any response to the threat posed by extremism and terrorism.

The role of parliaments and parliamentarians is crucial in identifying and countering conditions conducive to violent extremism as they have the ability to intervene at every radicalization stage. Factors such as the marginalization and discrimination of a given ethnic, religious or geographical group, corruption, perception of injustice and human rights violations, can be avoided through the establishment of strong parliaments representing every sector of their respective societies.

Through their legislative powers and their key oversight role in regard to implementation, parliaments are the appropriate vehicle for transmitting knowledge on extremism leading to terrorism; they are at the forefront of its prevention and understand the conditions that lead to threats at the national and global levels.

IPU-UN Joint Programme

The IPU-UN Joint Programme supports parliamentary actions and legislative work necessary to implement existing IPU and United Nations resolutions and strategies with regard to terrorism and extremism leading to terrorism. It seeks to support parliaments in implementing international counter-terrorism instruments and obligations, addressing conditions conducive to terrorism, filling the gaps in the implementation of international legal and other instruments against terrorism, and providing parliaments with necessary tools and capacity.⁸ It promotes cooperation among relevant parliamentary committees and facilitates the exchange of good practices, lessons learned and experiences.

This regional conference will be an opportunity to discuss and prepare the Global Parliamentary Summit on Countering Terrorism and Violent Extremism. The Summit will discuss, inter alia, the preventive approach of parliaments to terrorism and extremism; the implementation of relevant UN and IPU resolutions; parliamentary response to the spread of terrorist propaganda and recruitment, especially among youth; building partnerships with civil society; mainstreaming human rights, and empowering youth and women. The Summit seeks to conclude with the adoption of a Global Parliamentary Declaration on countering terrorism and violent extremism. On the other hand, the conference will contribute to the establishment of the Global Parliamentary Network, which will be a platform for relevant national parliamentary committees to establish contacts, foster cooperation, and exchange expertise and good practices on counter-terrorism legal frameworks, and strategies, policies, and action plans.

⁷ United Nations-World Bank Group, *Pathways for peace, inclusive approaches to preventing violent conflict*, 2018, Foreword

⁸ IPU resolutions 1996/95, para. 7; 2001/105, para. 5; 2002/107, para. 7; 2005/112, para. 13; 2006/115, para. 22; 2010/122, para. 30; 2015/132, para. 4; 2016/134, paras 4, 9, 19.