

IPU-UN Regional Conference

"The role of parliamentarians in preventing and countering terrorism and addressing conditions conducive to terrorism in the Asia-Pacific region"

Kuala Lumpur, Malaysia, 30 September to 3 October 2019

Organized jointly by the House of Representative of Malaysia, the Inter-Parliamentary Union (IPU), the United Nations Office of Counter-Terrorism (UNOCT) and the United Nations Office on Drugs and Crime (UNODC), in the framework of the trilateral agreement between IPU, UNODC and UNOCT, and as part of the activities of the IPU High-Level Advisory Group on Countering Terrorism and Violent Extremism

CONCEPT NOTE

1. Reference

For the past 20 years, the global parliamentary community has paid special attention to terrorism. Since 1996, the Inter-Parliamentary Union (IPU) has adopted 12 resolutions¹ related to terrorism, which have all highlighted the need for cooperation with relevant UN organizations² in order to support the implementation of UN strategies, including the UN Global Counter-Terrorism Strategy. IPU Member Parliaments also unanimously adopted a resolution promoting this Strategy and committing to provide the legislative support required for the implementation of relevant UN resolutions.³

At the 137th IPU Assembly in St. Petersburg, Russian Federation, in October 2017, the members endorsed the establishment of the parliamentary High-Level Advisory Group on Countering Terrorism and Violent Extremism (HLAG). During the 140th Assembly in Doha in April 2019, the 21 Members selected by the six IPU Geopolitical Groups were elected along the two ex-officio members, namely the Presidents of the Forum of Young Parliamentarians and of the Forum of Women Parliamentarians.

The regional conference for the Asia-Pacific countries is the third in a series of capacity-building activities carried out in the framework of the IPU-UNODC-UNOCT Joint Programme. The first was held in Luxor, Egypt in February 2019, for the MENA countries and the second one in Niamey, Niger in June 2019 for the Sahel region.

The Joint Programme includes the institutionalization of the cooperation between the IPU, UNODC and UNOCT through the conclusion of a trilateral agreement that serves as a basis for achieving several high-impact tangible outcomes. It also envisages the organization of two Global Parliamentary Summits in 2020 and 2022, the establishment of a Global Parliamentary Network, the development of the Legal Databases, the production of annual world parliamentary reports, and the design of a web-based platform, mobile application and toolkits. One of the key elements of the Joint Programme is the delivery of parliamentary capacity building.

The Databases with counter-terrorism legislation, case law, bibliography, strategies and treaties are already available on SHERLOC at: <https://sherloc.unodc.org>.

On 8 May 2019 at the IPU Headquarters in Geneva, the IPU Secretary General, the Executive Director of the United Nations Office on Drugs and Crime (UNODC) and the Under-Secretary-General of the United Nations Office on Counter-Terrorism (UNOCT) signed the trilateral agreement. The MoU between the IPU, UNODC and UNOCT responds to the aforementioned IPU resolutions adopted by IPU Member Parliaments over the past two decades. This MoU aims at turning those words into action and promoting the parliamentary dimension to prevention and countering terrorism and addressing conditions conducive to terrorism and the role of IPU to support United Nations efforts towards peace

¹ 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.

² 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.

³ IPU resolution 2006/115.

and security. The trilateral MoU represents an acknowledgment from the United Nations of the important role of parliamentarians and parliaments in global counter-terrorism efforts.

2. Terrorism threat in the Asia-Pacific region⁴

Terrorism remains one of the most serious global security challenges, presenting a major concern to parliaments and governments worldwide.

Despite its military setbacks in Syria and Iraq, the Islamic State in Iraq and the Levant (ISIL) and its affiliates continue to present the most well-resourced international terrorist threat, while Al-Qaida (AQ) remains resilient and active in multiple regions and retains the ambition to project itself more internationally. Although the level of inspired terrorist activity remains high, the number of successful attacks associated with ISIL fell in the second half of 2018. Additionally, a shift in the nature of ISIL was reported, with the organisation transforming from a territorial entity back into a covert cell-based network. Due to the loose character of this network, the ISIL core currently lacks the significant capability to direct international attacks.

However, it is reasonable to expect that as soon as circumstances allow, ISIL will seek to revive its external operational capability, either in the core area or in the areas where its affiliates are active. The latter tend to be localized conflict zones that include both Afghanistan (where external attack planning ambitions exist, and a capability for such may follow) and South-East Asia.

While the foreign terrorist fighter (FTF) challenge remains acute, its dynamics have diverted from the initial forecasts: the flow of returnees and relocators from the ISIL core has been slower than expected, as many of them are still fighting, while others are in various stages of detention, processing, transit, relocation and return. Conversely, it was reported that most FTFs in other conflict zones come from within those regions, rather than being returnees from the ISIL core.

FTF movement remains a major concern for many States. This includes both the challenges related to the ongoing monitoring or detention of returned foreign terrorist fighters and the questions related to the repatriation of the fighters currently in detention in Iraq and the Syrian Arab Republic, as well as family members of detained or deceased FTFs. Additionally, the region is now witnessing the rise of the complex issues related to the radicalization and movement of the “frustrated travellers” – fighters who were unable to reach Iraq or the Syrian Arab Republic and returned home intending to commit acts of violence and to reinforce messaging of the ISIL core that the group remains viable and has a global presence.

In Southern Asia, Afghanistan and bordering areas of Pakistan present a critical point, with Taliban, Al-Qaida, ISIL and its affiliates all displaying varying degrees of involvement in the subregion. ISIL forces are represented in the region by the Islamic State of Iraq and the Levant – Khorasan Province (ISIL-KP), a group that maintains close contact with the core of ISIL in the Syrian Arab Republic and Iraq. Al-Qaida continues to see Afghanistan as a safe haven for its leadership, based on its long-standing, strong ties with the Taliban, with AQ’s members acting as instructors and religious teachers for Taliban personnel and their family members. Many smaller groups, such as the Islamic Movement of Uzbekistan, the Eastern Turkistan Islamic Movement or the Haqqani Network continue to exhibit close ties with AQ and the Taliban. Many of these organisations have FTFs in their ranks, with the foreign fighters mostly coming from Central Asian countries and concentrating in the border areas of Afghanistan such as the Badakhshan province.

In South-East Asia, although the current reporting period saw relatively few successful attacks, Member States assess the ongoing terrorist threat to be high, in particular from ISIL and Al-Qaida-affiliated groups. FTF-related challenges remain a primary concern, with Indonesia and Philippines

⁴ Based on the 21st (S/2018/14/Rev.1), 22nd (S/2018/705) and 23rd (S/2019/50) reports of the United Nations Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da’esh), Al-Qaida and the Taliban and associated individuals and entities, as well as on the 9th (S/2019/612) report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat.

both having suffered in 2018 from attacks either perpetrated by foreign terrorist fighters or in some way linked to FTFs or “frustrated travellers”.

As South-East Asia boasts some of the world’s largest numbers of Internet users, online self-radicalization of individuals presents another significant challenge in the region. Major efforts at the national level are currently invested in countering the content promoting violent extremism and perfecting the tactics of identifying and removing such data. Finally, the role of teens and women in attacks or attempted attacks in the region appears to be evolving, with ISIL having resorted to inviting their direct participation in the attacks. The May 2018 attacks in Indonesia highlighted this alarming trend, as two suicide bombings were carried out by families with children.

Both in Southern and in South-East Asia, similar trends are visible in the funding patterns of terrorist organisations. Firstly, many organisations have resorted to criminal activities to fund their operations, including kidnapping for ransom, extortion, smuggling of gems, passport forgery, automobile and motorcycle theft and other crimes. Secondly, small-amount donations from sympathizers (often collected through the Internet), as well as abuse of charitable organisations was reported. Finally, the core organisations of ISIL and Al-Qaida have been playing a key role in financing regional offshoots and affiliates in both regions.

As evidenced by the recent reports of the United Nations Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da’esh), Al-Qaida and the Taliban and associated individuals and entities (S/2018/14/Rev.1, S/2018/705 and S/2019/50), the Asia-Pacific region is affected by activities of a plethora of terrorist organisations, with most of them concentrated in Afghanistan/bordering areas of Pakistan and South-East Asian countries. The most significant of these include:

- **Al-Qaida, Taliban** and their affiliated entities, which include such organisations as Tehrik-i-Taliban Pakistan (TTP), Lashkar-e-Tayyiba (LeT), Lashkar i Jhangvi (LJ), Lashkar-e-Islam (LeI), Jundullah, the Eastern Turkistan Islamic Movement (ETIM), the Islamic Movement of Uzbekistan (IMU) and the Haqqani Network.
- **Islamic State in Iraq and the Levant - Khorasan Province** – a regional offshoot of ISIL that is currently estimated to have between 2,500 and 4,000 militants in Afghanistan concentrated in a network of cells (including in the Afghan cities) and training camps. The main strongholds of ISIL-KP are the eastern provinces of Nangarhar, Kunar, Nuristan and Laghman. Formerly also present in northern Afghanistan, in 2018 ISIL-KP suffered a severe setback in the area after clashes with Taliban in the Jowzjan province. In 2018, ISIL is assessed to have carried out 38 terrorist attacks in Afghanistan.
- **Al-Qaida in the Indian Subcontinent (AQIS)** – a recently formed group that is relatively isolated from other AQ affiliates. The group is ideologically inclined to carry out attacks inside India, recruiting personnel from remote areas of India and Bangladesh – however, its current capability is believed to be low. Nevertheless, AQIS is reported to have a contingent in Afghanistan mostly located in Laghman, Paktika, Kandahar, Ghazni and Zabul provinces. According to estimates, several hundred AQIS fighters are present in Afghanistan; some of them were reported to operate as advisers and trainers of the Taliban.
- **Jamaah Ansharut Daulah (JAD)** and **Jamaah Ansarul Khilafah (JAK)** – two most significant ISIL-linked terrorist networks in Indonesia, each with a presence in several provinces. To date, JAD has been the more active group in terms of attacks (having perpetrated multiple bombings in several regions of Indonesia, including the aforementioned family suicide bombings), while JAK is seen as a growing threat.
- **ISIL-Philippines / Daulah Islamiyah** – Philippines-based affiliate of ISIS comprising several groups, including the remnants of the Maute Group, the Maguid Group, the Turaifie Group and parts of the Basilan branch of the Abu Sayyaf Group (ASG).
- **Abu Sayyaf Group (ASG)** – a terrorist organisation that is characteristic for extensively using kidnappings for ransom to sustain its operations. A recent trend of the ASG’s operations shows that the group is increasingly operating in the grey point of the terrorism-crime continuum, with its Basilan offshoot focused more on criminal activities to raise funds rather than on ideology, and the main group fluctuating between “express kidnappings” and

situational alliances with other militant groups, as was the case with its co-operation with the Maute Group in Marawi.

- **Jemaah Islamiyah (JI)** – a terrorist organisation affiliated with Al-Qaida and formerly highly active in South-East Asia. While its power was decreasing over the recent years – culminating in the arrest of its leader Para Wijayanto by the Indonesian police in 2019 – regional states report that there is a possibility for its resurgence.

3. Objectives, thematic focus and methodology

The overall objective of the conference is to support national parliaments to enhance understanding of their role in preventing and countering terrorism and addressing conditions to terrorism with a focus on priority areas specific to the regional context.

The regional conference will seek to:

- Strengthen the role of parliamentarians in addressing terrorism and conditions conducive to terrorism;
- Bring the experience and the concerns of parliamentarians and the world of legislators closer to the UN system, and the IPU secretariat;
- Share knowledge about the different existing regional counter-terrorism initiatives and programmes;
- Enhance cooperation between relevant parliamentary committees with the IPU-UN Joint Programme;
- Strengthen the exchange of good practices and laws on addressing terrorism and conditions conducive to terrorism taking into account the regional context;
- Identify priorities for further support and guidance which parliaments might require from the IPU- UN Joint Programme at the national or regional level;
- Present the IPU-UNODC-UNOCT Joint Programme, demonstrating the advantages and benefits it offers to parliamentarians;
- Contribute to the establishment of the Global Parliamentary Network on Countering Terrorism and Violent Extremism;
- During the presentation of the IPU-UN Joint Programme on Countering Terrorism and Violent Extremism, the Parliamentarians will have the opportunity to hold initial discussions and brainstorming about the first Global Parliamentary Summit to be held in 2020 in order to collect recommendations from the participants.

The programme will be structured as follows:

Each session will be one hour and a half and will start with the presentation by experts on the topic. It will be followed by interactive dialogues in which the Parliamentarians will have the opportunity to bring their ideas, views and share their experiences, and good practices and recommendations for follow-up actions.

The recommendations of each session will be presented at the end of the conference to be adopted for all the participants and will be published as an outcome document on the IPU website.

The topics of discussion will be as follows:

Session 1: Terrorism Threat in the Asia-Pacific Region;

Session 2: Recent developments in the international counter-terrorism legal framework, the need for national updates, and existing regional strategy and mechanism;

Session 3: Presentation of the IPU-UNODC-UNOCT Joint Programme;

Session 4: Border security and management, and detection of terrorist movements, including through the implementation of the API/NPR system;

Session 5: Foreign Terrorist Fighters (FTF): Prosecution, radicalization in prisons settings, rehabilitation, and reintegration;

Session 6: Support to victims of terrorism;

Session 7: Empower women and youth to build resilient, cohesive and peaceful communities

Session 8: Terrorist radicalization and recruitment: The role of culture and media in prevention and awareness measures;

Session 9: Presentation of the conclusions and recommendations.;

Pre-conference preparations:

- In order for the sessions to be interactive and informative, the participants are asked to bring copies of their national legislation, strategies, plans of action, policies and any other relevant documents related to the aforementioned themes.
- Furthermore, it would be appreciated if delegations specify to the organizers concrete priorities for support and guidance which they would expect to receive from the UN and IPU at the national and regional level.
- Delegations are welcome to send documents by email to Ms. Carmen Elena Castillo at counter-terrorism@ipu.org and Ms. Clarita Montant peace@ipu.org.

4. Partners

The Malaysian Parliament is a bicameral legislature comprising Dewan Rakyat (House of Representatives) and the Dewan Negara, (Senate). The Parliament is headed by The King, known as the Yang di-Pertuan Agong as the Head of the State. The Senate is headed by His Excellency Tan Sri Dato' Sri SA. Vigneswaran and consists of 70 elected members, for a term of three years. A member can run for a maximum of two terms. His Excellency Dato' Mohamad Ariff bin Md Yusof is the Speaker of the House of Representatives and was elected on 16 June 2018 after the 14th General Elections. The House of Representatives has 222 members of parliament who are elected every five (5) years through general elections on the basis of first-past-the-post. The 14th General Election was a pivotal turning point as it witnessed a progressive parliamentary reform inspired by the Speaker for a more effective functioning parliament that oversees the implementation of the government policies against the executive.

In the fight against terrorism, Malaysia has taken necessary preventive measures continuously, including laws to combat terrorism and violent extremism effectively. Among legislations related in countering terrorism and violent extremism that Parliament of Malaysia has already passed are the amendments to Penal Code, Preventive Terrorism Act 2015 (POTA 2015), Special Measures against Terrorism in Foreign Countries Act 2015 (SMATA) which complement the implementation of POTA, Security Offence (Special Measures) Act 2012 (SOSMA), The Prevention of Crime (Amendment and Extension) Act 2014(POCA); Extradition and Mutual Assistance in Criminal Matter. With regards to the financing of terrorism, the Anti-Money Laundering, Anti-Terrorism Financing, Proceeds of Unlawful Activities (AMLATFPUAA) Act 2011 have provided a relevant provision to counter terrorism and violent extremism.

Besides passing the national legal framework and oversight functions on the government policies, Parliament of Malaysia also plays an active role in combating terrorism and violent extremism at the international parliamentary level. We have numbers of resolutions on terrorism and extremism that have been approved at Asia Pacific Parliamentarian Forum (APPF) and ASEAN Inter-Parliamentary Assembly (AIPA). In addition, as part of the Malaysia Parliamentary Reforms initiatives, Special Select Committee on Defence and Home Affairs has been set up. At the IPU level, Honorable Senator Asmak binti Husin is elected to represent the Asia Pacific region for the High-Level Advisory Group on Countering Terrorism and Violent Extremism.

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 body 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. UNODC Regional Office for Southeast Asia and the Pacific is based in Bangkok, Thailand.

5. Participants

- Invited Parliaments: Chairpersons and members of relevant counter-terrorism and security parliamentary committees including from; Afghanistan, Australia, Bangladesh, Bhutan, Cambodia, Canada, China, Democratic People's Republic of Korea, Fiji, India, Indonesia, Iran (Islamic Republic of), Japan, Lao People's Democratic Republic, Malaysia, Maldives, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Sri Lanka, Thailand, Timor-Leste, Tonga, Tuvalu, Vanuatu, Vietnam.
- Members of the IPU High-Level Advisory on Countering Terrorism and Violent Extremism (HLAG): Austria, Burundi, China, Dominican Republic, El Salvador, Egypt, France, Italy, Iran (Islamic Republic of), Kenya, Malaysia, Namibia, Niger, Pakistan, Switzerland, UAE, Uruguay, Bureau of Women Parliamentarians, Forum of Young Parliamentarians)
- Regional organizations: ASEAN Inter-Parliamentary Assembly (AIPA), ASIAN Parliamentary Assembly (APA), Parliamentary Assembly of the Economic Cooperation Organization (PAECO), Association of Southeast Asian Nations (ASEAN), Council for Security Cooperation in the Asia-Pacific (CSCAP), etc.
- International organizations: relevant United Nations and other international organizations, including IPU (co-organizer), UNODC (co-organizer), UNOCT (co-organizer), the Counter-Terrorism Committee Executive Directorate, UN-Women, etc.