

International Process on Global Counter-Terrorism Cooperation

A Compilation of Key Documents

September 2008

The International Process on Global Counter-Terrorism Cooperation was an initiative cosponsored by the governments of Costa Rica, Japan, Slovakia, Switzerland, and Turkey, with the support of the Center on Global Counterterrorism Cooperation.



Center on Global
Counterterrorism
Cooperation

Preface

Terrorism remains one of the most serious threats to international peace and security the world faces today. It is a complex global problem that requires a coordinated multilateral and comprehensive response on a global level. Due to its universal membership the United Nations is uniquely placed to be at the center of this response.

As a contribution to the implementation of the UN Global Counter-Terrorism Strategy, Switzerland, together with Costa Rica, Japan, Slovakia, and Turkey, launched in November 2007 the International Process on Global Counter-Terrorism Cooperation. The aim of the International Process was to assess the overall UN contributions to the fight against terrorism over the past seven years, identify ways to make its institutions more relevant to national and regional counterterrorism efforts and better able to support the implementation of the UN Global Counter-Terrorism Strategy.

The cosponsors organized several workshops in Zurich, Bratislava, Antalya, Tokyo, and New York from January until July 2008 which offered an opportunity for representatives from UN Member States, the UN system, functional, regional, and subregional organizations, and civil society to engage in frank and open, off-the-record discussion on a wide range of issues. The core of the discussions centered on the question of how the balanced implementation of the UN Strategy in all its four pillars (conditions conducive to the spread of terrorism; preventing and combating terrorism; build capacity against terrorism; ensure respect for human rights and promote the rule of law in the fight against terrorism) could be strengthened. The Final Document of the International Process reflects the key elements of the discussions that took place during



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these workshops and contains a number of proposals, based on these discussions, for strengthening the implementation of the Strategy.

The publication of the documents generated during the International Process will help further the dialogue among a wide range of stakeholders that was initiated during the workshops. Ultimately we hope that the ideas which have emerged from the International Process will produce more effective coordination of fighting terrorism within the UN and to give UN measures against terrorism a sustained legitimacy.

On behalf of all five cosponsors of the International Process, I would like to express my appreciation for the support provided by the Center on Global Counterterrorism Cooperation throughout the project. I would also like to thank the Center for taking the initiative to produce this report, which we believe will make an important contribution for the way ahead.

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Contents

Acronyms..... v

Acknowledgements..... vii

An Overview..... ix

**FINAL DOCUMENT: The International Process on Global Counter-Terrorism
Cooperation (24 July 2008) 1**

**WORKSHOP 1: Institutional Challenges in Implementing
the UN Global Counter-Terrorism Strategy**

Background Paper.....9

Questions to Consider29

Workshop Summary.....33

**WORKSHOP 2: UN Engagement With Regional, Subregional, and
Functional Bodies and Civil Society in Implementing
the UN Global Counter-Terrorism Strategy**

Background Paper.....43

Questions to Consider.....63

Workshop Summary.....67

WORKSHOP 3: The Role of the United Nations in Promoting and Strengthening the Rule of Law and Good Governance in Implementing the UN Global Counter-Terrorism Strategy	
Background Paper.....	79
Questions to Consider.....	101
Workshop Summary.....	105
WORKSHOP 4: Enhancing Capacity Building for the Implementation of the UN Global Counter-Terrorism Strategy — Focusing Mainly on the Experiences in Southeast Asia	
Background Paper.....	117
Questions to Consider.....	149
Workshop Summary.....	153
FINAL WORKSHOP: Enhancing Implementation of the UN Global Counter-Terrorism Strategy	
Proposals to Consider.....	167
Remarks by the President of the UN General Assembly.....	177
<i>LIST OF PARTICIPANTS</i>	181

Acronyms

ADB	Asian Development Bank
AML/CFT	Anti-Money Laundering/Countering the Financing of Terrorism
AMLU	Anti-Money Laundering Unit (UNODC)
AMMTC	ASEAN Ministers Meeting on Transnational Crime
AoC	Alliance of Civilizations
APEC	Asia-Pacific Economic Cooperation Forum
APG	Asia/Pacific Group on Money Laundering
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Economic Meeting
AU	African Union
BCTP	Bali Counter-Terrorism Process
CARICOM	Caribbean Community
CFT	Countering the Financing of Terrorism
CTAG	Counter-Terrorism Action Group (G8)
CTAP	Counter Terrorism Action Plan (APEC)
CTC	Counter-Terrorism Committee (UN Security Council)
CTED	Counter-Terrorism Executive Directorate (UN Security Council)
CTTF	Counter Terrorism Task Force (APEC)
EC	European Commission
EU	European Union
FATF	Financial Action Task Force
G8	Group of Eight
IAEA	International Atomic Energy Agency

IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
IGAD	Intergovernmental Authority on Development
ILEA	International Law Enforcement Academy
IMO	International Maritime Organization
ISESCO	Islamic Educational, Scientific and Cultural Organization
ISMCTTC	Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ARF)
JCLEC	Jakarta Centre for Law Enforcement Cooperation
JI	Jemaah Islamiya
MDGs	Millennium Development Goals
MERCOSUR	South American Common Market
MLA	Mutual Legal Assistance
NCTC	Kenyan National Counter-Terrorism Centre
NGO	Nongovernmental Organization
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCW	Organization for the Prohibition of Chemical Weapons
OSCE	Organization for Security and Co-operation in Europe
PIA	Preliminary Implementation Assessment
PIF	Pacific Island Forum
ReCAAP ISC	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Center
SEARCCT	Southeast Asia Regional Centre for Counter-Terrorism
SOMTC	Senior Officials Meeting on Transnational Crime (ASEAN)
STAR	Secure Trade in the Asia-Pacific Region
TPB	Terrorism Prevention Branch (UNODC)
UN	United Nations
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review (United Nations Human Rights Council)
U.S.	United States of America
WCO	World Customs Organization



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The Center on Global Counterterrorism Cooperation has had the privilege of serving as the secretariat in the International Process on Global Counter-Terrorism Cooperation since it was launched in November 2007. It gratefully acknowledges the support and cooperation it received from the five cosponsor governments during the process: Costa Rica, Japan, Slovakia, Switzerland, and Turkey. In addition, it wishes to thank the German Federal Foreign Office, which along with some of the cosponsors, provided financial support to cover the travel and accommodation costs of some of the participants in the International Process. The Center is particularly grateful for the collaboration it had with officials, too numerous to list, from each of these governments, both via their missions to the United Nations in New York and in their national capitals. A special debt of gratitude, however, is owed to Ambassador Peter Maurer, Ambassador Christine Schraner-Burgener, and Mr. Daniel Frank, for the encouragement and guidance they provided starting in early 2007, when the idea of launching the International Process was initially discussed.

The Center has prepared this report on its own initiative. The Center is grateful to Brian Allen for editing and Cutting Edge Design for the layout of the report. It was neither reviewed nor approved by any of the cosponsoring governments or the other participants in the International Process. With the exception of the 24 July 2008 Final Document in the process, which was endorsed by all five cosponsors, the documents contained in this report do not necessarily reflect the official views of any of the participants. The Center is responsible for any errors, factual or otherwise, found in this report.

An Overview

The International Process on Global Counter-Terrorism Cooperation

Over the past seven years, the international community's response to the complex and evolving threat of transnational terrorism has expanded to encompass a broad array of nonmilitary actors and measures. There are now more than 70 multilateral institutions involved in this effort, but they are not functioning properly as part of an overarching integrated whole. Ongoing duplication of efforts, overlapping mandates, and lack of information sharing and other coordination at and among the international, regional, and subregional levels have hindered the effectiveness of these efforts.

The September 2006 UN General Assembly's Global Counter-Terrorism Strategy presented a welcome opportunity to correct these shortcomings by offering a framework for a coherent international response to terrorism, with the United Nations at its heart. As stated by the Group of Eight leaders at their 2007 summit in Germany, in offering support for the central role of the United Nations in global counterterrorism efforts, "the UN is the sole organization with the stature and reach to achieve universal agreement on the condemnation of terrorism and to effectively address key aspects of the terrorist threat in a comprehensive manner." The United Nations can play a unique role in managing the threats posed by contemporary terrorism because its global membership offers a unique basis for normative legitimacy and effective action.

The Strategy reminds us that an effective global counterterrorism program must focus on nonmilitary tools and emphasize elements such as capacity building, law enforcement cooperation, and dealing with the underlying societal and political conditions that are conducive to the spread of terrorism. It not only reaffirms that counterterrorism efforts must respect human rights and the rule of law but declares that the promotion of those principles in their own right is a critical element in effectively addressing terrorism.

Implementing the Strategy is a daunting challenge. Although the lion's share of responsibility falls on national governments, different parts of the UN system, other multilateral bodies, and civil society each have important roles to play to promote and ensure implementation. Given the number of different actors that must be engaged and issues that need to be addressed, effective coordination of those efforts is essential. The Strategy highlights the need for a more efficient UN response to terrorism and greater coordination and cooperation among these different stakeholders and offers a modest solution: supporting institutionalization within the UN Secretariat of the Secretary-General's Counter-Terrorism Implementation Task Force.

The Task Force, which includes a representative from each of 24 UN system entities, is doing important work in attempting to turn the Strategy from a declaration into action, but the General Assembly did not provide it with the necessary resources or mandate to oversee implementation effectively over the longterm, stimulate a more effective UN response, and coordinate the activities of the different parts of the UN system and other multilateral bodies. As a result, the necessary institutional structure(s) are not in place to support sustained implementation of the whole-of-system approach to combating terrorism outlined in the Strategy.

The ability of the UN system to maximize its contribution to Strategy implementation depends on developing a more efficient and coordinated UN effort that can work more effectively with states and other stakeholders. With this in mind, the independent International Process on Global Counter-Terrorism Cooperation was launched by Switzerland on 7 November 2007 in New York, in cooperation with Costa Rica, Japan, and Slovakia and later joined by Turkey.

The purpose was to provide an opportunity for frank and open, off-the-record discussion among a broad array of member states from different regions—some 45 in total—and representatives from the United Nations, and functional and regional bodies, as well as civil society. In addition, it provided states with a useful opportunity to brainstorm about how to best address some of the key issues surrounding the review of the Strategy by the UN General Assembly on 4 September 2008.

During the course of five workshops, which were held in Zurich, Bratislava, Antalya, Tokyo, and New York, a diverse group of stakeholders discussed ways in which the balanced implementation of the Strategy in all four pillars (measures to address the conditions conducive to the spread of terrorism, measures to prevent and combat terrorism, measures to build states' capacity to prevent and combat terrorism, and measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism) could be strengthened. The focus was on how to make the UN institutions more relevant to national and regional efforts in addressing terrorist threats and better able to support implementation of the Strategy. Throughout the process, the participants were mindful that UN member states have the primary responsibility for the implementation of the Strategy, which involves action at the national, regional, and global levels.

During the International Process, there was broad recognition that the adoption of the Strategy represents a significant political achievement that not only must be preserved,



but built on during the September review and beyond. Rather than a prescriptive guidance for action, the Strategy offers states a broad policy framework in which to engage on a wide range of issues and with a wide range of stakeholders, including the United Nations, regional bodies, and civil society. Meaningful contributions from each of these stakeholders are needed to ensure sustained implementation of the Strategy. The Strategy offers an opportunity to member states to develop more holistic approaches at the national level to combating terrorism, but also to “show and tell” the General Assembly and other intergovernmental fora in a structured way about their implementation efforts and, in doing so, to exchange best practices and ways to address difficulties.

The importance of identifying the comparative advantage—the specific value-added of the UN system—was highlighted throughout the International Process as was the need to ensure effective coordination and cooperation among the range of actors within the UN system, in headquarters, in the field, and between the two. The International Process highlighted that a broad body of knowledge is available throughout the UN system but that more efforts are needed to ensure better coordination and cooperation across the system.

The initial contributions that the Task Force has made were acknowledged by many of the participants, yet the strongly held view was that more work needs to be done to make the UN system more coherent in this area and more engaged with counterterrorism experts in the field.

During the International Process, the participants put forward a wide range of concrete proposals aimed at addressing these issues and otherwise strengthening the implementation of the Strategy. Many of these ideas were discussed at the final workshop held in New York at the International Peace Institute, at which the cosponsors received useful feedback from a diverse group of states and other stakeholders.

The Final Document in the International Process, which was released on 24 July 2008, reflects those proposals that the cosponsors believe would merit closest consideration by the wider membership. The proposals are directed at states, the United Nations, and regional and subregional bodies and are concrete and action oriented. Some of them could be discussed and perhaps even incorporated in the resolution or decision that will emerge from the September General Assembly review of the Strategy. Some could be acted on by states immediately. Others, which require much further deliberations, could be taken up at a later date when the time is ripe.

The Center on Global Counterterrorism and Cooperation produced numerous documents during the International Process, including background papers for and summaries of nearly every workshop. This report is a compendium of these documents and includes a copy of the Final Document as well. Also included is a list of those individuals who participated in at least one of the five workshops organized during the International Process. It is the Center’s hope that this report can serve as an unofficial record of the International Process and provide government and nongovernmental experts, as well as officials in the United Nations and other intergovernmental bodies,

with a useful reference tool as they continue work to make the UN counterterrorism program more relevant to national and regional ones and better able to promote the implementation of the Strategy.



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Final Document | 24 July 2008

Background

The International Process on Global Counter-Terrorism Cooperation, which was supported by the Center on Global Counterterrorism Cooperation, was launched in New York at the Swiss Mission to the UN in November 2007 and included a series of workshops focusing on discrete aspects of the UN Counter-Terrorism Implementation Strategy. The purpose of the International Process (co-sponsored by Costa Rica, Japan, Slovakia, Switzerland and Turkey) was to provide an opportunity for frank and open, off-the-record discussion among a broad array of States from the Global North and South and representatives from the UN and other intergovernmental bodies and civil society. The discussions focused on assessing the overall UN contributions to the fight against terrorism over the past seven years and identifying ways to make its institutions more relevant to national and regional counter-terrorism efforts and better able to support implementation of the UN Strategy. Throughout this process participants put forward a wide range of concrete proposals aimed at furthering the implementation of the UN Strategy, many of which were discussed at the final workshop on 10-11 July 2008 in New York.

During the Process it was recognized that the adoption of the UN Global Counter-Terrorism Strategy remains a key political achievement that should be built upon during the September 2008 General Assembly review. Member States have the primary responsibility to implement the Strategy and this involves Member State action at national, regional, and international levels. The Strategy provides States with a broad policy framework, offering them a common reference point and an opportunity to present what they are doing to combat terrorism at a national level to the UN and other fora in a structured and holistic way.

The UN nevertheless has a central role to play in reinforcing national and regional efforts, while taking into account local contexts, as part of a global response. Different

parts of the UN system are making important contributions to this effort. There is a need, however, for effective coordination among the range of relevant actors within the UN system, at headquarters level, in the field and between the two. The UN Counter-Terrorism Implementation Task force has taken initial steps in enhancing the coordination within and coherence of the UN system. Further advances in these areas and greater engagement with counter-terrorism experts in the field could lead to increased effectiveness. So too could a greater reflection in the work of the UN concerning differing local and regional threat perceptions, vulnerabilities and needs. The first formal review of the Strategy in September 2008 offers an opportunity for Member States to address some of these issues and more clearly identify the role that the UN and other intergovernmental bodies, civil society, and, most importantly, States can play in furthering implementation of the Strategy.

With this in mind, the attached document reflects the key elements of the discussions that took place during the workshops organized within the framework of the International Process and contains a number of proposals, based on these discussions, for strengthening the implementation of the Strategy. Without endorsing each one, the co-sponsors believe that they merit consideration by the wider UN membership during the September 2008 review and/or beyond. These proposals, which are directed at Member States, the UN system, and regional and sub-regional bodies, are not mutually exclusive. Some require action by the General Assembly or another intergovernmental body, some could be implemented immediately by the relevant actor(s), and some will require further deliberation both within and outside of the UN.

Proposals For Consideration

MEMBER STATES

1. Member States should seek to ensure that the UN's counter-terrorism activities are connected more directly to national counter-terrorism coordinators and focal points and the UN should provide a forum for these coordinators and focal points to engage with each other. Member States should implement the Strategy in an integrated manner and, where appropriate, use it:

- a. To broaden national efforts in view of a more comprehensive response and
- b. To deepen interagency cooperation and coordination, which should not be limited to traditional counter-terrorism actors but include human rights, development, health, and social services.

2. There needs to be a forum within the UN to allow Member States to fulfil their leading role in overseeing UN Strategy implementation efforts and allow them a regular opportunity to review and determine the policy direction of Strategy implementation efforts, including the work of the Task Force. Such a forum should also allow for increased participation of regional and sub-regional bodies and civil society in Strategy implementation efforts and receive briefings from the Task Force on its work. There are a number of possible ways to satisfy this need, including:

- a. The strengthening of the informal briefings already provided by the Task Force;
- b. The use of an existing forum such as the General Assembly Plenary; or



- c. The creation of a new counter-terrorism body or open-ended working group.

3. As an alternative or complement to the options in paragraph 2, the national coordinators/focal points of Member States should meet two-to-three times a year to assess Strategy implementation efforts, exchange best practices, determine policy direction of the Strategy, and/or discuss how the UN might be able to further reinforce national efforts. These meetings, which could include representatives from the Task Force, regional, sub-regional, and functional bodies, could be organized under the auspices of the UN or by Member States in cooperation with the UN, and alternate among different UN headquarters around the world: e.g., New York, Geneva, Vienna, Nairobi, Bangkok. Such efforts should also include “on-line-communications” through information communication technology platforms and portals.

4. Member States should become more proactive in reaching out to the Task Force and its members, for example by organizing themselves around thematic issues of common interest.

5. Member States should encourage UN entities represented in the Task Force, through the respective intergovernmental bodies, to actively participate in the Task Force and support the implementation of the UN Strategy. This support, however, must not interfere with the mandates and the ongoing work of these bodies and should avoid unnecessarily labeling their activities as “counter-terrorism”.

6. Member States should seek to stimulate engagement by civil society groups and non-governmental organizations (NGOs), including professional organizations and organizations representing victims of terrorism, while taking into account the particular national and local contexts. For example, they could

- a. Engage with different ethnic and religious groups on security issues at the national level to stimulate cross-cultural and religious dialogue;
- b. Ensure that the views of civil society groups and NGOs are taken into account in the development of counter-terrorism legislation; and/or
- c. Provide civil society groups and NGOs an opportunity to engage directly with legislators regarding the potential impact of planned or actual impact of existing counter-terrorism measures.

THE UN SYSTEM

7. The UN Counter-Terrorism Implementation Task Force should be appropriately institutionalized and provided with the necessary resources to ensure that it can carry out its coordination and information sharing role more effectively over the longer-term and has the capacity to support the work of its working groups.

- a. This could be done, for example, through voluntary contributions or preferably by passing an appropriate level of resources through the existing regular budget.

- b. The UN Counter-Terrorism Committee's (CTC) Executive Directorate (CTED) could also second to the Task Force experts on a rotating basis to provide support to the Task Force's capacity-building activities.
- c. In the longer term, it was proposed that the CTED's status as a "special political mission" could be revisited and it could be transformed into a UN secretariat office, department, or program. Among other things, this new entity could service both the CTC and the Task Force.

8. The Task Force, its constituent members, and Member States should focus more attention on raising awareness of the Strategy outside of New York and beyond foreign ministries. For example, the Task Force should provide information about its activities and other pertinent Strategy-related updates on its webpage as frequently as possible and could, resources permitting, consider enhancing its efforts in this area, for example by providing a monthly electronic newsletter of relevant Strategy-related activities.

9. The UN should develop a more coherent approach to Strategy implementation by UN actors at the country, sub-regional, and regional levels.

10. The contribution made by the existing Task Force, including its working groups, should be evaluated by the respective internal oversight body (Office of Internal Oversight Services) within a reasonable timeframe. In the light of such evaluation, structures and working modalities should be adapted/reformed, taking into account a comprehensive and balanced implementation of the Strategy and allowing for more Member State input. For example, the Task Force could, if deemed to add value to the existing UN activities, be asked to:

- a. Establish one working group for each pillar of the Strategy in addition to the working group on "Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy" while discontinuing all other existing working groups;
- b. Ensure that each working group meets with interested Member States to help it identify priorities and develop its program of work; and/or
- c. Produce concrete, non-binding recommendations and best practices to support Member State implementation of the UN Strategy.

11. The Secretary-General should consider appointing a full-time Task Force chairperson.

12. Traditional and non-traditional counter-terrorism actors, both within the UN and at the national level, should engage in supporting the implementation of the UN Strategy, while being careful not to unnecessarily place the "counter-terrorism" label on the latter group of actors. With respect to the UN, the Task Force should play a role in more closely engaging UN bodies working in areas relevant to the traditional fields and those working in the non-traditional fields so that the Strategy can be implemented in a balanced way.

13. The UN's efforts to promote a human rights-based approach to counter-terrorism should be enhanced, including by:

- a. Reinforcing the Office of the High Commissioner for Human Rights' (OHCHR) support for the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- b. Including human rights expertise on CTED site visits and the UN Office on Drugs and Crime's (UNODC) Terrorism Prevention Branch (TPB) training courses, which should target criminal justice officials, including defense lawyers, and relevant executive branch officials responsible for drafting and granting extradition requests;
- c. Encouraging short-term exchanges of experts between the human rights and counter-terrorism arms of the UN; and/or
- d. Providing OHCHR with the necessary capacity to participate in all relevant UNODC counter-terrorism training programs.

14. While welcoming CTED's readiness to support the implementation of the Strategy, as recognized with adoption of Security Council Resolution 1805 and the continuing efforts to improve the performance of the CTC/CTED, the CTC/CTED should:

- a. Make its assessments and other analytical work more easily accessible to non-CTC members, UN agencies, regional organizations, and non-governmental experts; and share other information and consult more with non-Council members;
- b. Convene regional meetings and workshops in the field that bring together practitioners from the relevant countries;
- c. Invite interested non-Council members to relevant CTC meetings, which focus on a particular region or theme, and more generally give them an opportunity to provide more input into the work of the Committee; and/or
- d. Promote greater awareness of the problems that impede the implementation of the principle *aut dedere aut judicare* under relevant conventions, by including in its reports information on the application of this principle to perpetrators of acts of terrorism, and work with States and other UN entities to enhance international legal cooperation.

15. While recognizing the important technical assistance it continues to provide to States to help strengthen national criminal justice systems to combat terrorism and related crimes, the UNODC's TPB should:

- a. Provide more unified training to law enforcement and other criminal justice officials in often under-resourced countries on how to implement the various UN terrorism, transnational organized crime, money laundering, and corruption instruments, so as to maximize the synergies among the different thematic areas and better reflect the links between terrorism and other crime; and/or
- b. Expand its efforts to convene regional meetings of ministers of justice to all regions and use these fora to discuss the wider set of criminal justice reform issues in the Strategy (i.e., not limiting them to the universal legal instruments against terrorism).

16. While recognizing the important contributions that the UN Education, Scientific and Cultural Organization (UNESCO) is making in its different programmatic areas to further the implementation of the UN Strategy, additional steps should be taken to maximize UNESCO's contributions to the implementation of the UN Strategy and the Task Force, without compromising its ongoing work. For example, UNESCO should:

- a. Do more to ensure that information concerning the growing number of initiatives at the local, national, sub-regional, regional and global levels aimed at promoting inter-religious and cultural dialogue is shared with other members of the Task Force and Member States in New York;
- b. Encourage its regional offices to communicate and coordinate with other Task Force members in the region to enhance implementation of the Strategy on the ground;
- c. Identify a range of concrete UNESCO-sponsored, -funded, or -facilitated initiatives around the world that relate to the Strategy and place this information on the Task Force's website as UNESCO good practices that contribute to the implementation of the UN Strategy; and/or
- d. Nominate a single focal point within its secretariat to represent the organization at each Task Force meeting, spearhead UNESCO's participation in the relevant working groups, and serve as a repository for UNESCO Strategy-related activities gathered from its various field offices, institutes, and centers.

17. While recognizing the important contributions that the UN Development Programme (UNDP) is making in its different programmatic areas to further the implementation of the UN Strategy, additional steps should be taken to maximize its contributions to the implementation of the UN Strategy and the Task Force, without compromising its ongoing work. For example, UNDP should:

- a. Deepen its engagement with the Task Force, including through active participation in its working group on Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy and its Strategy-related interactions with Task Force entities in the field, and/or
- b. Contribute to CTED's activities, including by participating in its field visits and sharing with CTED on a regular basis relevant information on UNDP's rule of law, crisis prevention, and its other activities relevant to the implementation of Security Council Resolutions 1373 and 1624.

REGIONAL/SUB-REGIONAL BODIES

18. While recognizing that some regional and sub-regional bodies have developed and are implementing counter-terrorism programs, some lack the necessary mandate and/or resources to engage on counter-terrorism issues, and for some there are more pressing threats to address than terrorism, each relevant regional and sub-regional body should, where appropriate:

- a. Formally endorse the Strategy and develop their own plan for implementing it;
- b. Ensure that its secretariat has the mandate and resources to engage with its member states and the UN on Strategy issues;
- c. Approach the Task Force and its representative entities directly to articulate the vulnerabilities, needs, and priorities of its members;



- d. Establish a focal point for engagement with the UN in New York and with relevant UN Task Force members in the region; and/or
- e. Request CTED or UNODC's TPB to assist with the implementation of Pillar II, Para. 8 of the Strategy, which "encourage[s] relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centres," where possible, by placing a CTED or UNODC expert on a temporary basis in the appropriate regional and sub-regional organization or centre secretariat.

19. The Task Force, resources permitting, should seek to deepen its engagement with regional and sub-regional bodies (and other non-state stakeholders). For example, where appropriate, the Task Force should, to the extent possible:

- a. Serve as a strategic interface for regional and sub-regional bodies with the UN on Strategy implementation;
- b. Invite interested bodies to become more involved in the activities of its working groups and consult regularly with them to inform them of its work; and/or
- c. Designate a field-based representative from the appropriate Task Force entity to serve as the Task Force's focal point in each region.

WORKSHOP 1 Institutional Challenges in Implementing the UN Global Counter-Terrorism Strategy

21–22 January 2008 | Kusnacht (Zurich), Switzerland

BACKGROUND PAPER*

This paper provides an overview of issues as background for the first workshop in the International Process on Global Counter-Terrorism Cooperation, which the Government of Switzerland is hosting on 21–22 January 2008 in Zurich. It is intended to highlight some of the key issues for discussion under each of the main agenda items rather than serve as an exhaustive treatment of the topics to be addressed at the workshop.

I. Overview of Problems and Weaknesses

Like the International Process itself, this paper starts from the premise that the United Nations “is the sole organization with the stature and reach to achieve universal agreement on the condemnation of terrorism and to effectively address key aspects of the terrorist threat in a comprehensive manner.”¹ The central question is how to maximize the effectiveness of the United Nations in its efforts to combat terrorism.

The focus of the workshop, and the larger International Process, will be on assessing the overall UN contributions to the fight against terrorism since September 2001 and identifying ways to make its institutions more relevant to national counterterrorism strategies and better able to support implementation of the United Nations Global Counter-Terrorism Strategy. The collaboration and coordination of work with non-UN stakeholders, in particular other multilateral bodies and civil society, will be addressed as well.

The United Nations has made some important contributions to global counterterrorism efforts so far. For example, the Security Council has established a broad counterterrorism legal framework using its Chapter VII authority under the UN Charter and

* This paper was researched and drafted by the Center on Global Counterterrorism Cooperation. The views expressed herein do not necessarily reflect those of the Government of Switzerland or any other participating UN member states in the International Process on Global Counter-Terrorism Cooperation.



has established a number of subsidiary bodies to monitor states' efforts to implement it. The General Assembly and UN specialized agencies have used their norm-setting authority to set legal norms in various counterterrorism-related fields. As a result, some 16 international treaties now criminalize nearly every imaginable terrorist offense and facilitate the law enforcement cooperation that is essential to bring terrorists to justice. In addition, UN functional organizations have developed international standards or best practices in areas such as aviation, maritime and port security, and travel documents. A number of these bodies, working closely with bilateral donors, have technical assistance programs to help states join the legal framework or implement the standards, with a view to creating a seamless global counterterrorism web. Further, through its capacity-building and training programs, the United Nations has not only helped to identify vulnerabilities but to address them as well.

As a result of the growth in counterterrorism activity since September 2001, both within and outside of New York, some of which was spurred on by the United Nations, more than 70 multilateral bodies at all levels both within and outside the United Nations are now involved in this effort, but they are not functioning properly as part of an overarching integrated whole. Continuing duplication of efforts and lack of information sharing and other coordination at and among the international, regional, and subregional levels have hindered the effectiveness of these efforts. Under the current UN institutional arrangement alone, some 24 different organs, bodies, entities, programs, and offices carry out work relating to counterterrorism under distinct and sometimes overlapping mandates.

The central role the Security Council has played in UN efforts since September 2001 has limited the effectiveness of the overall UN response since then. Robust and decisive action in the period after the attacks on September 11, 2001, was needed to help internationalize the response to the global threat and stimulate other multilateral bodies to become engaged in the fight against terrorism. Over time, however, the council's effectiveness, particularly that of its Counter-Terrorism Committee (CTC) in monitoring global counterterrorism obligations imposed by Resolution 1373 and other relevant resolutions, has suffered from a perceived lack of legitimacy due to its limited membership. Many countries, particularly from the global South that were not on the council when it adopted its counterterrorism resolutions, questioned that body's authority to impose general, legal obligations on all states and lacked a sense of ownership in the program. Some states also resent the council's narrow, generally law enforcement-oriented approach, which fails to take into account the underlying socioeconomic conditions that may give rise to terrorism. All of this has had a negative impact on the willingness of some to cooperate fully with the Security Council effort.

Further, the CTC was given responsibility for identifying gaps in states' capacity to fight terrorism and matching donors with states in need in order to fill these gaps. However, it lacks a mandate or funds actually to deliver assistance, has had difficulty producing reliable analysis of capacity gaps around the world on a consistent basis, is hamstrung by its overly bureaucratic and process-oriented approach, and has largely lost the interest of ambassadors in New York. As will be discussed in greater detail in Section V, these reasons are partly responsible for its poor track record in engaging with states and other stakeholders outside of New York, the key constituencies.



The perception remains that the council has yet to fully incorporate a human rights perspective into its counterterrorism work and has yet to develop sustained partnerships both with the Office of the UN High Commissioner for Human Rights (OHCHR) and other parts of the UN human rights system and with those UN entities dealing with the softer side of counterterrorism issues, such as the UN Development Programme (UNDP) and the UN Educational, Scientific and Cultural Organization (UNESCO).

The proliferation of Security Council counterterrorism-related resolutions and subsidiary bodies, often hastily adopted and established in response to specific crises, has produced turf battles between and among committees and expert groups, duplication of work, and multiple and sometimes confusing reporting requirements for states. The council itself has recognized many of these shortcomings since 2004 and has repeatedly called for improvements.² To address the problems created by the proliferation of council counterterrorism-related bodies, UN Secretary-General Kofi Annan even recommended in March 2006 that the council consider consolidating them into a single committee with a single staff body.³

The lack of effective coordination and cooperation has almost come to define the United Nations' post-September 11 response, leading countries such as Costa Rica and Switzerland to call as early as 2004 for the establishment of a UN high commissioner for terrorism to coordinate all of these initiatives. The 14-country Group of Friends of UN Reform echoed these calls in 2005, and the Group of Eight (G8) heads of state called for a more coherent UN counterterrorism program and response to the threat in their July 2006 summit statement.⁴ In addition, a 2005 proposal of the then-Saudi Arabian crown prince advocated the establishment of an international counterterrorism center "under the auspices" of the United Nations to, among other things, "develop a mechanism for exchanging information and expertise between States," encourage the establishment of national and regional centers, and provide assistance to developing countries to deal with crises and terrorist acts.⁵

The adoption of the Strategy in September 2006 presents an opportunity to improve on the fragmented UN and the broader multilateral institutional responses to terrorism and forge a truly global response to the threat. Its unanimous adoption by the General Assembly is an important achievement. Part of the Strategy's significance lies in the fact that it is an "instrument of consensus" on an issue where consensus has been difficult to achieve within the United Nations. Although it does not add anything not already contained in preexisting UN counterterrorism resolutions, norms, and measures, the Strategy pulls them together into a single, coherent, and universally adopted framework. Its inclusion of security-related issues as well as ones related to conditions conducive to the spread of terrorism, such as poverty and lack of good governance, gives it broader appeal than the Security Council counterterrorism program.

One of the keys to whether the Strategy will in fact be implemented is whether the coordination and cooperation within the United Nations and among the numerous other multilateral bodies and mechanisms involved is improved. There must be a rationalization of the respective roles of all the players to bring about the level of cooperation, coordination, and collaboration that is required, a task that has proven difficult to achieve even just within the United Nations.⁶ Unfortunately, the Strategy does not address this

problem adequately. It calls for more cooperation within the United Nations, but its provisions are largely directed to individual parts of the UN system. It does not identify ways in which the UN effort could be made more efficient and better coordinated, for example by streamlining overlapping mandates or eliminating redundant programs.

The main Strategy recommendation regarding organizational architecture focuses on the UN Counter-Terrorism Implementation Task Force. The composition, limitations, and role of the Task Force, however, present challenges. Addressing these challenges, some of which are listed below, will be critical to maximizing the United Nations' long-term contributions to Strategy implementation.

- The Task Force consists of a secretariat representative from each UN body or program involved in counterterrorism, which fosters a tendency to protect existing mandates and resource allocations from encroachment or abolition.
- Almost every Task Force representative takes its instructions from a different UN body and thus has limited room to maneuver without first receiving approval from the relevant body.
- The amount of time and energy each Task Force member is able to devote to the Task Force is limited due to their preexisting, full-time job responsibilities.
- The coordinator of the Task Force's work has no authority over the other Task Force members who are working under the direction of their separate part of the UN system and cannot require different members to contribute information or time to the Task Force or impose a decision on unwilling Task Force members.
- The Task Force coordinator also lacks the authority needed to get the different parts of the system to share information, cooperate, and reduce overlapping mandates.
- The Task Force has not been provided any resources by the General Assembly and is being forced to solicit voluntary contributions for its work. Although it is having success in raising money from the traditional Western donors, such an approach may undercut the global nature of the Strategy.
- The coordinator, while performing an admirable job with the limited resources he has been given to operate, also serves as the Assistant Secretary-General for Policy Coordination and Strategic Planning and has to advise the Secretary-General on a range of other policy matters, limiting his day-to-day involvement in overseeing the Task Force.
- There is no formal mechanism by which member states, who are supposed to be taking ownership of the Strategy, can engage and possibly guide the Task Force.



II. Addressing Conditions Conducive to the Spread of Terrorism

One of the Strategy's achievements is that, for the first time, the United Nations' global membership has agreed that addressing conditions conducive to the spread of terrorism is an essential part of an effective and comprehensive strategy to combat and prevent terrorism. It can be viewed as a response to the growing dissatisfaction within the United Nations with the narrow Security Council-led approach that focuses on law enforcement and other security-related issues and leaves conditions conducive to the spread of terrorism unaddressed. According to the Strategy, among these conditions are "poverty, prolonged unresolved conflicts, dehumanization of victims of terrorism, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance."⁷ The Task Force includes representatives from those parts of the UN system focused on these issues, such as UNDP and UNESCO, both entities not traditionally associated with counterterrorism.⁸

Secretary-General Annan's April 2006 report, "Uniting Against Terrorism," highlights the role that UNESCO can play in areas such as the fight against ethnic/religious exclusion and discrimination, the promotion of quality education and religious and cultural tolerance, interfaith and intrafaith dialogue, and the role of the mass media and codes of conduct for journalists covering terrorism.⁹ As a matter of policy, UNESCO has acknowledged the "link between activities in support of the dialogue among civilizations, cultures and peoples, and efforts to discourage and dissuade extremism and fanaticism."¹⁰ Examples of concrete programs that UNESCO has undertaken in these areas, including through its numerous field offices, include (1) producing "guidelines for promoting peace and intercultural understanding through curricula, textbooks and learning media";¹¹ (2) preparing a code of conduct for scientists to help deter the use of scientific work for terrorist purposes; and (3) launching "Mondialogo," an initiative started with support from DaimlerChrysler, which encourages dialogue between young people from diverse cultural, religious, and linguistic backgrounds and encourages students and future engineers to think about new ways to develop intercultural learning and to achieve sustainable development.¹²

As a member of the Task Force, UNESCO participates in the working groups on "Addressing Radicalization and Recruitment to Terror" and "Countering the Use of the Internet for Terrorist Purposes," both of which concern Pillars I and II¹³ of the Strategy. It also cochairs with the Department of Political Affairs the working group on "Promoting Inter-Cultural and Inter-religious Dialogue," one of only two working groups focused exclusively on Pillar I. Although the radicalization and Internet working groups have been active both in developing action plans and raising funds to enable them to implement them, the latter has been slow to get off the ground.

Although not a member of the Task Force, the Alliance of Civilizations (AoC), with its small secretariat in New York, has a key role to play to promoting intercultural and religious dialogue, in close cooperation with UNESCO. It is charged with promoting the implementation of the recommendations contained in the AoC report of the High-Level Group, which is specifically mentioned in the Strategy.¹⁴ The aim of the AoC Secretariat is "to support, through a network of partnerships, the development of



projects that promote understanding and reconciliation among cultures globally and, in particular, between Muslim and Western societies.” Among the projects that the AoC will promote over the next two years are a media fund to promote productions developed across cultural, religious, and national lines; a Youth Employment Center aimed at increasing work opportunities for young people in the Middle East; and an initiative to expand international student exchange programs.¹⁵

Recognizing the importance of building partnerships with a range of stakeholders in order to promote cross-cultural and religious dialogue, the AoC Secretariat is reaching out to international and regional organizations, civil society, and the private sector to mobilize concerted efforts to promote relations among diverse nations and has established a Group of Friends network of more than 50 states and international organizations aimed at furthering the AoC agenda.¹⁶ This approach might offer some useful lessons to the Task Force as it moves forward with its work in the coming period.

Although mention of UNDP is conspicuously absent from the Strategy, program areas for which it is responsible, such as promoting good governance, the rule of law, and social inclusion and addressing other conditions conducive to the spread of terrorism, form a central component of Pillar I. With an overall budget of just less than \$5 billion, UNDP typically partners with member states to provide guidance and technical assistance for development projects.¹⁷ It also conducts programs on democratic governance, the rule of law, justice and security, conflict prevention and recovery, and marginalized-group empowerment.¹⁸ Its long-term presence in almost all developing countries allows UNDP to play an essential role in facilitating access to development assistance and other forms of support and forming strategic linkages, including, for example, with civil society and the private sector. It is in the best position to highlight the close relationship between security and development, based on a recognition that development can only be obtained and sustained if institutions and mechanisms of governance ensure the security and safety of citizens.

Although reluctant to do so, UNDP could assist in linking the increased international commitment to counterterrorism capacity building reflected in the Strategy to the broader global development agenda. For example, it could encourage assistance providers and development officials to work together in combating terrorism and promoting development. This cooperative relationship is essential if one hopes to make progress in integrating these two issues.

UNDP is not only the best represented UN agency on the ground, but its resident representatives are generally also the UN resident coordinators responsible for promoting coherence among the different parts of the UN system operating in a particular country. Although it has been reluctant to involve itself or associate any of its activities with combating terrorism, UNDP may be the organization best placed to coordinate in-country technical assistance programs and serve as a focal point for in-country implementation efforts. This would be consistent with the recommendation of the High-Level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment to establish “[o]ne United Nations at the country level, with one leader, one programme, one budget, and, where appropriate, one office.”¹⁹



Despite the contributions that UNDP could make to Strategy implementation, it has yet to formulate a policy document on the issue of counterterrorism. The issue has yet to come before the Executive Board, and there is a reluctance among many Group of 77 board members as well as UNDP staff to have UNDP become involved in counterterrorism activity for fear of unduly politicizing its work. Partly as a result, while UNDP is represented on the Task Force, it has not participated actively in Task Force work.

There may be little to gain and, in fact, a great deal lost from applying the rubric of counterterrorism to UNDP efforts, but this risk should not preclude highlighting the important role UNDP plays in helping address conditions conducive to the spread of terrorism and the interrelated capacity gaps in countries around the globe, both core elements of the Strategy. In many cases, its willingness to coordinate its capacity-building efforts with security-related components of the UN system will be key to obtaining local buy-in for the Strategy and furthering its implementation on the ground.

Coordination and cooperation between development and counterterrorism capacity-building efforts within the United Nations will need to be strengthened without compromising or politicizing development work and without diluting counterterrorism efforts. A continuing hurdle to achieving this goal is the central role that the CTC, operating under its Chapter VII mandate with its security focus, continues to play in overall UN counterterrorism capacity-building efforts. This serves only to heighten UNDP concerns that cooperation on counterterrorism will mean politicization of its work. The adoption of the holistic Strategy and the creation of the Task Force, however, could help improve the situation. The challenge still remains, dispelling the notion that, by engaging fully with the Task Force and the traditional UN counterterrorism actors, UNDP and other Pillar I entities will interfere with the work they are doing on their core mandates. The work of the relevant parts of the UN system need not be given a counterterrorism label, as in some cases giving it one might limit its impact, but “we should not forget [their] potential to have huge benefits.”²⁰

For many UN member states, addressing conditions conducive to the spread of terrorism is most relevant to addressing their broader concerns. Given the importance that many attach to this pillar of the Strategy, it will be important for the Task Force to devote significant attention to the range of issues covered by this pillar. Doing this effectively, however, will require strong commitments from the key Pillar I actors.

III. Engaging With Functional and Regional Bodies, Civil Society, and Other Stakeholders

The Strategy recognizes that sustained implementation will require contributions from a wide range of stakeholders other than member states. In addition to the 24 UN system entities represented on the Task Force, dozens of formal and informal, regional, subregional, and functional bodies, as well as civil society organizations and the private sector, have an important role to play in fostering Strategy implementation. One of the keys to effective implementation will be engaging these stakeholders. Building partnerships with regional and subregional organizations and civil society is recognized by the



Task Force as a priority. UN efforts in this area, however, although numerous, have been carried out on an ad hoc basis rather than as part of coherent strategy. As a result, the United Nations has yet to develop the effective partnerships needed to fully tap the potential contributions of such stakeholders.

Under the current approach, a number of different UN bodies, programs, and agencies, some with overlapping mandates, have established or are seeking to establish formal or informal relationships with often underresourced regional and subregional bodies. For example, the three Security Council counterterrorism-related expert groups (the Counter-Terrorism Executive Directorate [CTED], the Al-Qaida/Taliban Analytical Support and Sanctions Monitoring Team, and the 1540 Committee Group of Experts) continue to reach out separately to regional and subregional bodies. This redundancy puts an increased burden on the organizations, many of which have only one person in their secretariat following all security-related issues. Representatives from some organizations may also confuse distinctions among the different mandates, given their somewhat overlapping nature, and ask themselves why they need to have three different council counterterrorism-related points of contact.

Among the main tasks assigned to the CTC early on was outreach to international, regional, and subregional bodies to encourage them to become more involved in the global counterterrorism campaign, for example by developing counterterrorism action plans, best practices, capacity-building programs, and units within their secretariats and urging their members to join the international terrorism-related treaties and to implement Resolution 1373. The CTED has succeeded in interacting with a wide range of intergovernmental bodies, some of which have participated in CTED site visits to member states. Yet, it has had difficulty having sustained interaction with regional and subregional bodies where capacity is often lacking both at the institutional level and among their members and thus where the need for more active CTED involvement is greatest.²¹

In addition to engaging with individual multilateral bodies, the CTC was given the mandate from the Security Council via Resolution 1377 to enhance the coordination and cooperation among these different entities, with a view to enhancing the exchange of information, best practices, and expertise. The cornerstone of its efforts so far has been the five international meetings it has convened since 2003 of representatives from more than 60 international, regional, and subregional bodies. Seeking to correct some of the shortcomings from the first four gatherings, which included trying to address all aspects of Resolution 1373 in a single meeting, the CTC limited the focus of its fifth meeting, which was held in Nairobi in October 2007, to the prevention of terrorist movement and effective border security. The CTED worked closely with the relevant functional organizations (the International Civil Aviation Organization [ICAO], Interpol, the International Maritime Organization [IMO], the Office of the UN High Commissioner for Refugees, and the World Customs Organization [WCO]) in planning the meeting. The agenda was structured to facilitate discussions on a series of practical issues where improved cooperation is essential and to produce concrete, action-oriented recommendations. It remains to be seen, however, whether these formal gatherings of representatives from nearly 80 intergovernmental bodies can produce the sort of dialogue, informal exchange of views, trust building among the organizations,



and pragmatic results that its organizers desire. The one-sided negotiation of the joint statement at the end of the Nairobi meeting that largely excluded nonstate stakeholders is illustrative of part of the problem: the lack of dialogue and reciprocity between the CTC and other organizations, where the former offers little to the latter in return for cooperation.²²

The Al-Qaida/Taliban Sanctions Committee, with the help of its Monitoring Team, has also reached out to different international, regional, and subregional bodies in order to get their technical and political support for member-state implementation of the sanctions regime. For example, with the encouragement from the Security Council, the committee worked with Interpol to create an Interpol–Security Council Special Notice for individuals included on the Al-Qaida/Taliban Sanctions Committee Consolidated List.²³

The 1540 Committee, with the support of its experts, relies heavily on outreach activities to functional, regional, and subregional bodies to promote implementation of Resolution 1540. For example, the Security Council debate on cooperation between the 1540 Committee and international organizations in February 2007 was aimed at deepening the committee’s engagement with organizations such as the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons, and the WCO. In addition, as a result of its interaction with different regional bodies, the members of the Association of Southeast Asian Nations (ASEAN) Regional Forum, the Organization of American States (OAS), and the Organization for Security and Co-operation in Europe (OSCE) have all committed themselves to preparing national action plans for implementing Resolution 1540.

The UN Office on Drugs and Crime’s (UNODC) Terrorism Prevention Branch (TPB) has also promoted cooperation with regional and subregional bodies, developing partnerships with organizations such as the African Union, the Southern Africa Development Community, the Intergovernmental Authority on Development, the Pacific Island Forum, ASEAN, the OAS, the OSCE, and the Organization of the Islamic Conference. This cooperation has included jointly organized and conducted training seminars, workshops, ministerial conferences, and technical assistance missions.²⁴ Through its experts and consultants based in different regions, its training and other workshops in the field, and its ability to draw on the expertise and resources of other UNODC entities involved in antidrug, anticrime, and criminal justice reform work, TPB is able, unlike the CTC/CTED and the other relevant Security Council bodies, to develop sustainable, broad-based, symbiotic relationships with regional and subregional bodies. In return for TPB’s assistance, the partnership organizations provide TPB with the local expertise and experience, which enhances the overall quality and relevance of TPB’s technical assistance programs.

Despite the efforts of UNODC’s TPB and other UN actors, many regional and subregional bodies do not have counterterrorism units within their secretariats or counterterrorism action plans to enable them to make meaningful contributions to Strategy implementation, and cooperation and coordination among them and between them and the United Nations remains uneven. Recognizing this, the Strategy encourages regional and subregional organizations to create or strengthen existing counterterrorism

mechanisms and centers and encourages the CTC/CTED, UNODC, and Interpol to provide them with assistance in doing so if necessary.

Although the Strategy encourages cooperation and coordination and recognizes the contributions that a wide range of nonstate stakeholders can make to its implementation, it makes few concrete proposals in this area. For example, in order to help maximize the contributions that these stakeholders can make to promoting the implementation of the Strategy, the Task Force coordinator's office could be made the focal point for engagement between the United Nations and such actors on Strategy implementation issues. Equally important to streamlined UN engagement, however, is allowing these stakeholders a voice in the design and implementation of UN-related programs relevant to their work. Thus, for example, consideration could be given to expanding the Task Force to include representatives from these non-UN stakeholders and to create a working group dedicated to this activity.

To its credit, the Task Force recognizes the importance of building partnerships with these actors and is seeking funding support to organize a meeting bringing them together and to conduct some awareness raising.²⁵ Although a step in the right direction, more is required to ensure the sustained engagement from the wide range of stakeholders.

IV. Human Rights and Counterterrorism

One of the Strategy's achievements is its prioritization of respect for human rights and the rule of law as essential to all pillars of its implementation. The consensus embodied in the Strategy concerning the interconnectivity of human rights and counterterrorism, however, has yet to be translated into practice in the UN system. The challenge is finding ways to ensure that this human rights-based approach to countering terrorism is mainstreamed throughout the United Nations.

OHCHR and the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism are the leading UN actors on the human rights side of the house. In addition to providing some support for the Special Rapporteur, OHCHR has two experts in its Rule of Law and Democracy Unit assigned to the human rights and counterterrorism portfolio.²⁶ Working closely with its field offices in different regions, OHCHR focuses on encouraging states to develop and maintain effective national human rights institutions and human rights ombudsmen; training judges, lawyers, and law enforcement in counterterrorism and human rights; and developing tools to assist practitioners, such as fact sheets and publications on human rights and counterterrorism, the relationship between international humanitarian law and human rights, and the human rights impact of targeted sanctions.²⁷

The UN human rights treaty bodies have also taken up issues related to terrorism in their examinations of state-party reports and individual complaints. UN special procedures mandate-holders, including the Special Rapporteur, have addressed a broad range of issues related to the impact of terrorism on human rights, within the context



of their mandates, by sending urgent appeal letters, issuing press releases, preparing thematic studies, and conducting country visits.

The subcommission on the promotion and protection of human rights has addressed issues related to terrorism and human rights,²⁸ and it established a working group with a mandate to continue to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights while combating terrorism.²⁹

One of the hallmarks of the UN response to terrorism since September 2001, however, has been the difficulty it has had in integrating the work being done by the various human rights actors within the system into the program of its various counterterrorism-related bodies, in particular the CTC and its CTED. The CTC/CTED has taken a cautious approach to integrating human rights issues into its work and has been slow to incorporate the findings from the above human rights bodies, mechanisms, and mandates into its work, despite the fact that the General Assembly now has on several occasions encouraged it to do so.³⁰

A considerable body of literature highlights the absence of any mention in Resolution 1373 of the obligation of states to respect human rights in the design and implementation of their counterterrorism measures, except in the context of the granting of refugee status, and the resulting lack of attention paid to rights issues by the CTC as it monitors states' implementation efforts.³¹ In its early days, the CTC's position was that although it does take human rights seriously and has engaged in a dialogue with OHCHR, the task of monitoring adherence to human rights obligations in the fight against terrorism falls outside of the CTC's mandate. The CTC's position has evolved since then, and now its staff body, the CTED, includes a senior human rights expert to advise the CTC on human rights issues. By the end of May 2006, the CTC had adopted its first-ever "conclusions for policy guidance regarding human rights and the CTC,"³² conferring its stamp of approval on more sustained cooperation on human rights.³³ Human rights considerations are now also reflected in its preliminary implementation assessments (PIAs) of each country's efforts to implement Resolutions 1373 and 1624.

In general, however, the CTC has left a lingering impression that it does not pay sufficient attention to human rights concerns. This notion is mainly due to the views of some of the permanent Security Council members on the CTC, which have voiced concern about diluting its security focus.³⁴ For these states, the priority is getting all UN members to take the steps needed to adopt and implement the necessary laws and to strengthen borders in order to comply with the provisions of Resolution 1373. The addition of a human rights dimension to the CTC's dialogue with states may make it more difficult for states to take quick action in this area. The CTED's first executive director largely adopted this approach, believing that "protection of human rights cannot be construed as the priority of the CTC."³⁵

Although silent on the role of the CTC/CTED in promoting a human rights-based approach to countering terrorism, the Strategy explicitly recognizes the contributions that UNODC can make in this area.³⁶ Human rights considerations are the basis of UNODC's "criminal justice approach" to counterterrorism, whereby it assists states to enact the



necessary legislation and offers other technical assistance to help states join the UN conventions and protocols related to terrorism. As evidence of its commitment on this issue, UNODC's TPB has published a technical assistance tool, "Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in the Implementation of Anti-Terrorism Instruments," which is publicly available on its Web site.³⁷

An important part of UNODC's TPB's technical assistance program is the multiday training workshops it conducts in the field at the national, regional, and subregional levels.³⁸ These gatherings generally include national counterterrorism practitioners and often regional experts, which offer specialized national and subregional input and perspectives and facilitate effective follow-up to the activities of TPB.³⁹ Such follow-up is often as important as the initial training. This approach also helps to build up expertise on counterterrorism issues at the subregional and field levels. Partnerships not only with regional and subregional bodies but with local research and other civil society organizations as well are essential to obtaining the buy-in from the local stakeholders to help guard against the perception that UNODC's programs are being designed and imposed from Vienna, with insufficient input from those on the ground. In addition, engaging with civil society groups during the training workshops is particularly important as UNODC seeks to promote a human rights-based approach to developing and implementing a criminal justice system and ensure a tailored, as opposed to one-size-fits-all, approach to delivering technical assistance.

UNDP has traditionally focused on promoting good governance and the rule of law through its country-specific technical assistance programs. These plans often include the training of judges, lawyers, prosecutors, and other law enforcement and security personnel. In addition, through these programs, UNDP seeks to ensure that access to justice is improved, specifically for marginalized groups, and that the implementation of the UN terrorism-related instruments do not infringe on human rights or limit the scope for operation of the civil society.

Given UNDP's work on promoting the rule of law and human rights, its extensive network of field offices, and strong relationships with local civil society actors, more coordination and cooperation between UNDP and UNODC's TPB and the under-resourced OHCHR, not to mention the UN human rights mechanisms and special procedures, might allow the United Nations to engage more effectively and efficiently with states in developing and implementing a rule of law-based criminal justice system, which lies at the heart of on-the-ground efforts to implement the Strategy. Currently, such cooperation and coordination generally takes place on an ad hoc basis in the field in different countries but has not been replicated at the headquarters level.⁴⁰

With the multitude of different actors within the UN system in fields related to protecting and promoting human rights and countering terrorism, meaningful cooperation and coordination among them is essential at UN headquarters in New York, Geneva, and Vienna but perhaps more urgently on the ground due to the need to transport the human rights and counterterrorism discourse that takes place in various UN conference rooms in Geneva and New York into the field so that the national practitioners can be fully engaged in the debate. The Task Force working group on "Protecting Human



Rights While Countering Terrorism,” which is being led by OHCHR, includes a number of different parts of the UN system but appears to be more focused on supporting member states’ efforts to implement a human rights–based approach to countering terrorism than on finding ways to enhance synergies and leverage resources among the different actors themselves.⁴¹

Further, OHCHR, with the limited resources it devotes to the human rights and counterterrorism portfolio, may need additional positions and funds to ensure that the human rights perspective is reflected in all UN efforts to promote implementation of the Strategy.⁴² The working group has requested about \$200,000 in extrabudgetary resources to sustain its work, which “aims to support efforts by Member States to ensure the promotion and protection of human rights in the context of counter-terrorism, including through the development of practical tools.”⁴³ It is unclear, however, whether this small amount of funds will allow the working group to fulfill its mandate effectively over a sustained period of time or help ensure that the human rights perspective is reflected in the other relevant Task Force working groups.

V. The Facilitation and Delivery of Technical Assistance and Other Capacity-Building Issues

Building state capacity to fight terrorism is one of the pillars of the Strategy, which recognizes that many states will require technical and other assistance in order to develop the comprehensive and effective counterterrorism infrastructure envisioned in it. For the past six years, the United Nations has sought to assume a leading role in this area, including through UNODC’s TPB and the CTC/CTED. The Strategy also acknowledges the important role that bodies in the broader UN system, along with other multilateral bodies, donor states, and the private sector, need to play in this regard. Given the enormous capacity gaps in many regions and the limited resources available for addressing them, it is imperative to have a trusted mechanism in place for providing rigorous analysis of existing capacities, identifying priority needs, and matching available assistance with those needs.

The CTC was mandated to be this mechanism, although it was not authorized to deliver assistance. With the adoption of Resolution 1377 in November 2001, the CTC was requested to work with potential donor states and organizations to become more active in the field of counterterrorism technical assistance and to help match the needs of states with available assistance. This labor-intensive activity requires not only rigorous analysis and prioritization of each country’s needs, but regular and proactive engagement with the recipient and donor communities. A major motivation behind the council’s decision to “revitalize” the CTC through the creation of the CTED in 2004, which provided the CTC with a more permanent, professional staff body of some 20 professionals, was the recognition that the CTC needed to “strengthen the facilitation of technical assistance to States as one of [its] priorities.”⁴⁴ The establishment of the CTED and the expanded tool kit, which includes the PIAs and site visits, have improved the CTC’s information-gathering and analytical capabilities. In addition, the CTED has prepared a lengthy directory of international best practices,

standards, and codes aimed at helping states maximize their efforts to implement Resolution 1373.

Although the CTED has shown marked improvement in helping the CTC fulfill its technical assistance facilitation mandate, the CTC's comprehensive review of the CTED at the end of 2006 confirmed that there was much more work to be done. The review listed technical assistance facilitation as an area in which the CTED had not made sufficient progress. The CTED has since taken strides in the right direction. For example, it has fully updated its directory of assistance offered by donor states and organizations and integrated that directory into its technical assistance matrix to provide, on the one hand, a centralized and comprehensive indication of states' assistance needs and, on the other, information about available assistance programs. In addition, it has now identified more than 400 technical assistance areas and referred more than 40 states to potential technical assistance providers. How much these efforts within the CTED will contribute to global counterterrorism capacity-building activities, however, depends on the extent to which states and organizations can access and rely on these tools.

To date, the CTED has struggled in its efforts to deepen engagement with donor and recipient states, an essential component of effective facilitation. The CTED's New York focus has led to difficulties in developing the necessary relationships with counterterrorism practitioners in national capitals and made it more difficult for the CTED to relate its work to national counterterrorism policies. The importance of such engagement was highlighted at a recent Security Council debate on the work of the CTC and the other council counterterrorism-related subsidiary bodies. According to the Canadian Deputy Permanent Representative to the United Nations, "[M]ost of the recipients of technical assistance are not members of the Council, and nor are a number of important donors, such as Canada. [Thus,] every effort should be made to ensure that key tools developed by CTED, such as its technical assistance plan, its database of technical assistance, and its assessments of implementation of relevant resolutions, be made available to donors to ensure they allocate their capacity building resources as usefully as possible."⁴⁵

The CTED also faces a more basic challenge acting as an effective facilitator of the delivery of counterterrorism capacity-building assistance, without being provided the mandate or resources to actually provide assistance itself. With a broad range of bilateral and multilateral donors already active, each often having a clear sense of where it wants to target its limited counterterrorism assistance, the space for a facilitator to operate is not large. The CTED can conduct its own analysis of the capacity gaps, but it must rely on donors both to share updated and accurate information on their capacity-building programs and to seek their help in linking a state in need with available assistance. Donors need in turn to be able to rely on the CTED's analysis of gaps and priorities. Finally, lacking a mandate to provide technical assistance, the CTED needs to find other incentives to offer potential assistance recipients in return for their cooperation. At present, states are being asked to invest considerable time and resources to cooperate with the CTED with limited opportunities of receiving anything tangible in return. Success therefore lies largely outside the CTED's hands.

As a result of the CTC/CTED's uneven performance, there are growing questions whether it is the right body to be entrusted with responsibility for leading efforts to



coordinate and facilitate counterterrorism capacity-building assistance to UN member states.⁴⁶ The controversial nature of Resolution 1373, due partly to the perception that it is too narrow an approach for addressing the threat and the sense that it is part of a Western-imposed agenda, continues to make it difficult for the CTC/CTED to get full cooperation from and engagement by states in different regions. Also, as a Security Council body, the CTC/CTED may lack the necessary legitimacy to build the trust with governments required to engage in sustained counterterrorism capacity-building activities. The legitimacy issue has become more pronounced since the consensus adoption of the Strategy by the General Assembly, as it incorporates the provisions of all the relevant Security Council resolutions and makes capacity building one of its central pillars.

Nevertheless, with an annual budget of some \$7.5 million, all of which comes from the UN regular budget, and a staff that includes some 20 counterterrorism experts having analyzed more than 800 country reports detailing efforts to implement Resolution 1373 and maintaining a database that contains more than 300,000 documents related to global counterterrorism capacity-building activities, the CTED has a wealth of human and financial resources, as well as expertise, to offer UN member states. The challenge involves how to make the maximum use of these resources in the context of implementation of the Strategy.

A number of different parts of the UN system are also relevant to the provision of counterterrorism-related assistance, including the IMO, ICAO, the World Bank, the International Monetary Fund, and IAEA. UNODC in Vienna, however, is perhaps the leading provider of counterterrorism-specific assistance in the UN system.

According to the UNODC Executive Director, it is “the only UN body empowered and equipped to provide capacity building [assistance] on the ground to assist Member States to prevent terrorism.”⁴⁷ Since 2002, through its TPB, UNODC has delivered various forms of counterterrorism-related assistance aimed at helping countries join and implement the universal instruments against terrorism. This assistance has included legislative drafting aid and the training of criminal justice professionals. Drawing on its Vienna-based staff and its network of consultants and UNODC regional representatives around the world,⁴⁸ TPB has delivered country-specific assistance to more than 60 countries, conducted regional and subregional workshops for scores more, and trained more than 600 lawmakers and other criminal justice officials on ratification and implementation requirements of the universal instruments against terrorism.⁴⁹

UNODC’s expertise extends beyond terrorism into the fields of fighting money laundering, organized crime, and drug trafficking and supporting criminal justice reform. Thus, it can also help states adopt a coherent, synergetic approach to addressing issues related to those fields as part of a holistic counterterrorism strategy. Given UNODC’s ability to adopt a more comprehensive response to terrorism than the CTC/CTED and its capacity to deliver rather than simply facilitate the delivery of assistance, it should come as little surprise that its work in this area has been widely praised by countries in the global North and South. For these same reasons, the Strategy makes extensive reference to the work of UNODC, particularly its TPB, and calls on UNODC to enhance its long-standing work to cover these issues in a holistic manner.⁵⁰



In carrying forward its General Assembly–mandated activities, UNODC is confronted with a series of challenges, however, that can limit the impact of its technical assistance activities. First, some countries lack political support for international counterterrorism efforts. Thus, although UNODC may succeed in reaching out to countries at the technical level, the necessary support may be lacking within the parliament to adopt the necessary legislation or within the government to provide the practitioners with the tools and other resources necessary to allow them to put their new skills to work. Thus, it would be helpful to have a system in place within the United Nations that identifies where technical assistance efforts have run their course and alerts the relevant UN political bodies of the situation so that appropriate action can be taken. The current arrangement within the United Nations whereby the main technical assistance arm (UNODC) and the most active policymaking arm of the UN counterterrorism program (CTC) are separated and operate under distinct mandates unnecessarily complicates the situation.

Second, lack of information exchange and proper coordination and collaboration among the various technical assistance providers has sometimes led to duplicative training courses or workshops. Given the limited budgets of the providers and the significant training needs, ensuring that technical assistance efforts are streamlined and reinforcing and improving coordination among providers becomes essential. The lack of an effective mechanism within the United Nations to coordinate the range of Strategy-related technical assistance activity serves to exacerbate this problem.

Third, there is the need to ensure that the capacity-building program in a particular country is part of a broader, strategic UN approach that “provides in-depth and substantive training to the right officials, practitioners, and policy makers” and includes a “steady dissemination of useful and accessible training tools and handbooks, backstopped by effective follow-up and reinforced by ongoing support services.”⁵¹ Like all other Strategy-related technical assistance, that provided by UNODC should be part a broad-based, long-term capacity-building program in each recipient country that includes the necessary follow-up to maximize the impact of the assistance. However, the fact that UNODC’s TPB must continue to rely heavily on voluntary contributions from member states—only \$1 million of TPB’s \$7.7 million budget for 2007 came from the UN regular budget—makes long-term planning of assistance projects hazardous.

UNODC is able to ensure that its terrorism-, crime-, and drug-related assistance activities are properly coordinated and integrated in its engagement in individual states. Yet, no adequate mechanism within the United Nations currently ensures that the range of Strategy-related capacity-building initiatives are undertaken in a coherent manner and integrated into the wider UN activities in the relevant country or region.

The creation of a Task Force working group on “Facilitating Implementation of the UN Global Counter-Terrorism Strategy,” which includes representatives from a number of UN entities involved in Strategy-related capacity building, is a step in the right direction. Working with individual countries, the working group is seeking to (1) promote increased information exchange and enhanced consultation among the UN entities engaged or planning to engage in Strategy-related assistance programs, (2) bring together the relevant needs assessments prepared by these entities, and (3) identify



possible synergies in assistance delivery.⁵² Yet, it remains unclear whether this working group, which suffers from the same weaknesses as the Task Force as a whole, can stimulate the necessary information sharing and coordination among assistance providers. In addition, the absence of UNDP limits the range of programs that can be addressed by this working group and its ability to interact with the United Nations in the field.

Endnotes

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- 2 See, e.g., UN Security Council, S/RES/1735, 22 December 2006; UN Security Council, S/PRST/2006/56, 20 December 2006; UN Security Council, S/RES/1617, 29 July 2005; UN Security Council, S/RES/1566, 8 October 2005; UN Security Council, S/PRST/2005/3, 18 January 2005; UN Security Council, S/RES/1535, 26 March 2004.
- 3 UN General Assembly, *Mandating and Delivering: Analysis and Recommendations to Facilitate the Review of Mandates; Report of the Secretary-General*, A/60/733, 30 March 2006, paras. 122–123. These recommendations, which were included in a report to the General Assembly, were never considered by the Security Council.
- 4 The Group of Friends consists of Algeria, Australia, Canada, Chile, Colombia, Germany, Japan, Kenya, the Netherlands, New Zealand, Pakistan, Singapore, Spain, and Sweden. See Group of Friends for the U.N. Reform, “The Role of the United Nations in the Fight Against Terrorism,” 2005, <http://www.un.int/mexico/2005/Terrorism.pdf>.
- 5 See “Final Report of the Counter-Terrorism International Conference,” Counter-Terrorism International Conference, Riyadh, 5–8 February 2005, <http://www.ctic.org.sa>.
- 6 Curtis A. Ward, “Capacity-Building in the Asia-Pacific: The Role of the UN” (paper delivered at Workshop on Implementing the UNGA Global Counter-Terrorism Strategy in the Asia-Pacific, New York, 25 January 2007), p. 2 (on file with the Center on Global Counterterrorism Cooperation).
- 7 UN General Assembly, A/RES/60/288, 8 September 2006 (hereinafter UN General Assembly Resolution 60/288).
- 8 Other UN Counter-Terrorism Implementation Task Force (Task Force) members involved in implementing Pillar I include the Department of Political Affairs, the Department of Peacekeeping Operations, and the World Bank. The focus of this paper does not permit addressing the role of these entities in promoting Strategy implementation.
- 9 UN General Assembly, *Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy; Report of the Secretary-General*, A/60/825, 27 April 2006.
- 10 Bureau of Strategic Planning, UN Educational, Scientific and Cultural Organization (UNESCO), “UNESCO’s Contribution to Counter-Terrorism,” June 2007 (on file with the Center on Global Counterterrorism Cooperation).
- 11 “Experts Discuss Textbooks as Instrument for Peace,” n.d., http://portal.unesco.org/education/en/ev.php-URL_ID=53469&URL_DO=DO_TOPIC&URL_SECTION=201.html.
- 12 For information on Mondialogo, see <http://www.mondialogo.org/1.html?&L=0>.
- 13 Pillar II concerns “measures to prevent and combat terrorism.”
- 14 UN Alliance of Civilizations (AoC), *Report of the High-Level Group*, 13 November 2006, http://www.unaoc.org/repository/HLG_Report.pdf.
- 15 In addition, according to its implementation plan, the AoC “is establishing a rapid response media-based mechanism to provide platforms for constructive debate during times of increased tensions around cross-cultural issues. It is also developing an online clearinghouse of best practices, materials and resources on cross-cultural dialogue and cooperation projects.” Secretariat of the AoC, “Alliance of Civilizations Implementation Plan Launched,” 14 June 2007, http://www.unaoc.org/repository/IP_press_release.pdf (press release).
- 16 Ibid.



- 17 UN Development Programme (UNDP), “Status of Regular Funding Commitments to UNDP and Its Associated Funds and Programmes,” <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/364/03/pdf/N0736403.pdf?OpenElement>.
- 18 For example, UNDP has partnered with regional organizations in sub-Saharan Africa on programs to curb the spread of small arms and light weapons and on such projects as training prosecutors in Mauritius, assisting with elections in the Democratic Republic of the Congo, and improving the effectiveness and quality of the police force in Mozambique.
- 19 UN General Assembly, *Report of the High-Level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment*, A/61/583, 20 November 2006, p. 11.
- 20 Emyr Jones Parry, speech to the Centre for Defense Studies at Kings College, London, 10 November 2006 (Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations).
- 21 For example, it has not had any significant interaction with either the Association of Southeast Asian Nations (ASEAN) or the ASEAN Regional Forum, which has impeded the CTCED’s ability to engage effectively with states in Southeast Asia.
- 22 In Nairobi, the CTC members engaged in a lengthy negotiation of the document, many of the provisions of which relate directly to the work of regional and subregional bodies and other stakeholders, without including them in the discussions. In the end, some of the regional and subregional bodies felt they were not provided with sufficient time to consider the document and failed to endorse it. “The Fifth Special Meeting of the Counter-Terrorism Committee With International, Regional and Subregional Organizations on ‘Prevention of Terrorist Movement and Effective Border Monitoring’: Joint Statement,” Nairobi, 29–31 October, fn. 1, http://www.un.org/sc/ctc/pdf/Nairobi_joint_statement.pdf.
- 23 As of 30 September 2006, Interpol has issued 263 Special Notices. Al-Qaida/Taliban Sanctions Committee Chairman, “Written Assessment Pursuant to Paragraph 17 of Security Council Resolution 1617 (2005),” S/2006/1046, 28 December 2006, para. 45.
- 24 UN Economic and Social Council, *Assistance in Implementing the Universal Conventions and Protocols Related to Terrorism: Report of the Secretary-General*, E/CN.15/2007/9, 30 January 2007, paras. 52–60.
- 25 “Funding Proposal: Central Support to the Counter-Terrorism Implementation Task Force,” August 2007 (on file with the Center on Global Counterterrorism Cooperation).
- 26 The Special Rapporteur’s work is supported by one OHCHR official in Geneva, as well as a research assistant at Abo University in Finland where the current Special Rapporteur is a professor. Funds for this research position come from the university as well as European donors.
- 27 Lisa Oldring, “Statement,” *Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy* (New York: UNODC, 2007), p. 172, http://www.unodc.org/pdf/07-85692_Ebook.pdf (Human Rights Officer, Representative of the Office of the High Commissioner for Human Rights in the Task Force).
- 28 The subcommission on the promotion and protection of human rights has addressed issues related to terrorism and human rights and has conducted thematic studies on issues such as the administration of justice through military tribunals, the relationship between international humanitarian law and human rights law, and the protection of human rights while countering terrorism. UN Commission on Human Rights, *Specific Human Rights Issues: New Priorities, in Particular Terrorism and Counter-Terrorism: Report of the Sessional Working Group to Elaborate Detailed Principles and Guidelines, With Relevant Commentary, Concerning the Promotion and Protection of Human Rights When Combating Terrorism*, E/CN.4/Sub.2/2005/43, 9 August 2005.
- 29 *Protecting Human Rights and Fundamental Freedoms While Countering Terrorism: Report of the Secretary General*, A/61/353, 11 September 2006.
- 30 See, e.g., UN General Assembly, A/RES/60/158, 16 December 2005, para. 10.
- 31 See, e.g., Jessica Almqvist, “Rethinking Security and Human Rights in the Struggle Against Terrorism” (paper presented in “Human Rights Under Threat” workshop at the European Society of International Law Forum, 27 May 2005), <http://www.esil-sedi.org/english/pdf/Almqvist09-05.PDF#search=%22human%20rights%20and%20terrorism%20CTC%22>; Human Rights Watch, “Hear No Evil, See No Evil: The U.N. Security Council’s Approach to Human Rights Violations in the Global Counter-Terrorism Effort,” *Human Rights Watch Briefing Paper*, 10 April 2004, <http://www.hrw.org/backgroundunder/un/2004/un0804/un0804.pdf>.
- 32 UN Security Council Counter-Terrorism Committee (CTC), “Conclusions for Policy Guidance Regarding Human Rights and the CTC,” S/AC.40/2006/PG.2, 25 May 2006, <http://www.un.org/sc/ctc/pg25may06.html>.



- 33 For a fuller discussion of the evolution of the CTC's handling of human rights issues, see E. J. Flynn, "The Security Council's Counter-Terrorism Committee and Human Rights," *Human Rights Law Review* 7, no. 2 (Spring 2007): 371–384.
- 34 Rosemary Foot, "The United Nations, Counter Terrorism and Human Rights: Institutional Adaptation and Embedded Ideas," *Human Rights Quarterly* 29, no. 2 (2007): 489–514.
- 35 C. S. R. Murthy, "The U.N. Counter-Terrorism Committee: An Institutional Analysis," *FES Briefing Paper*, no. 15 (September 2007), p. 10, <http://library.fes.de/pdf-files/iez/04876.pdf> (citing 30 May 2007 interview with CTED Executive Director Javier Ruperez).
- 36 The Strategy acknowledges UNODC's role in helping states in developing and maintaining "effective and rule of law–based criminal justice systems that can ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of such acts is brought to justice, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations." UN General Assembly Resolution 60/288, sec. IV, para. 4.
- 37 UNODC Terrorism Prevention Branch (TPB), "Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in Implementation of United Nations Anti-Terrorism Instruments," *Technical Assistance Working Paper*, 2006, p. 46, <http://www.unodc.org/pdf/terrorism/TATs/en/3IRoLen.pdf>. This handbook is an important element of UNODC's work with countries around the globe and offers concrete guidance to national practitioners to incorporate international human rights norms into domestic counterterrorism legislation. As its preamble states, "In order to provide credible legal advisory services, UNODC's Terrorism Prevention Branch must be prepared ... to discuss how anti-terrorism conventions and protocols can be integrated and harmonized with domestic law and other international standards. At the same time, it is TPB's institutional responsibility to recognize the implications of all of these inextricably linked measures in the overall context of the rule of law." *Ibid.*, p. iii.
- 38 Between January 2003 and December 2006, UNODC's TPB provided assistance to 123 states, of which some 100 received direct assistance through country missions and consultations and the others received indirect assistance through more than 30 regional and subregional workshops and similar activities. In total, it has trained more than 4,600 national officials. UNODC TPB, "Delivering Counter-Terrorism Assistance," March 2007, p. 9, <http://www.unodc.org/pdf/brochuremarch2007.pdf>.
- 39 Such experts are currently assigned to Southeast Asia and the Pacific, Central Asia, the Commonwealth of Independent States, eastern Europe, Northern Africa and the Middle East, West and Central Africa, and Latin America and the Caribbean, with UNODC planning on retaining ones for Southern Africa, East Africa, and the Pacific Island countries. *Ibid.*, p. 8.
- 40 See Section II for a discussion of UNDP's general reluctance to cooperate and coordinate its work with the counterterrorism actors in the UN system.
- 41 The working group is being supported by OHCHR, the Special Rapporteur, UNODC, the CTED, the UN Office of Legal Affairs, the UN Interregional Crime and Justice Research Institute, the World Bank, and the IMO.
- 42 OHCHR not only chairs the Task Force working group on protecting human rights while countering terrorism, but also is a member of a number of other working groups.
- 43 Task Force, "Funding Proposal: Protecting Human Rights While Countering Terrorism," August 2007 (on file with Center on Global Counterterrorism Cooperation).
- 44 Inocencio F. Arias, "Proposal for the Revitalisation of the Counter-Terrorism Committee," S/2004/124, 19 February 2004, para. III.7.C (Annex).
- 45 "Statement by Ambassador Normandin to the Security Council on the Counter-Terrorism Committee," New York, 14 November 2007, http://geo.international.gc.ca/canada_un/new_york/whats_new/default-en.asp?id=11420&content_type=2.
- 46 Security Council Report, "February 2007 Review of the Counter-Terrorism Executive Directorate," http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.2461281/k.1E4/February_2007brReview_of_the_CounterTerrorism_Executive_Directorate.htm. For example, speaking before the Security Council, South Africa's Permanent Representative to the United Nations said that it was "important to assess whether the subsidiary bodies of the Security Council were the most appropriate bodies within the United Nations system to be handling technical assistance issues." UN Department of Public Information, "Universal Cooperation in Fight Against Terrorism, Still Major Threat to Peace and Security, Needed More Than Ever, Security Council Told," SC/9170, 14 November 2007, <http://www.un.org/News/Press/docs//2007/sc9170.doc.htm>.
- 47 Antonio Maria Costa, "Strengthening Capacity to Prevent Terrorism," *Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy* (New York: UNODC, 2007), http://www.unodc.org/pdf/07-85692_Ebook.pdf (opening address).



- 48 At \$7.7 million, TPB's 2007 budget exceeds that of the CTED, although all but \$1 million comes from voluntary contributions. Further, with a total of 36 experts, including 18 full-time experts in Vienna and 11 full-time experts in the field, TPB now boasts almost twice as many experts as the CTED.
- 49 See UNODC TPB, "Delivering Counter-Terrorism Assistance."
- 50 UN General Assembly Resolution 60/288, sec. II, para. 8; sec. III, paras. 7–8; sec. IV, para. 4.
- 51 Anton du Plessis, "The Role of the United Nations Office on Drugs and Crime in Building Counter-Terrorism Capacity in Africa," in *Understanding Terrorism in Africa: In Search for an African Voice*, ed. Wafila Okumu and Anneli Botha (Pretoria: Institute for Security Studies, 2007), p. 89, http://www.issafrica.org/dynamic/administration/file_manager/file_links/AFRITERRO071106.PDF?link_id=32&slink_id=4459&link_type=12&slink_type=13&tmpl_id=3.
- 52 Task Force, "Funding Proposal: Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy," August 2007 (on file with Center on Global Counterterrorism Cooperation).



WORKSHOP 1 Institutional Challenges in Implementing the UN Global Counter-Terrorism Strategy

21–22 January 2008 | Kusnacht (Zurich), Switzerland

QUESTIONS TO CONSIDER

The questions below have been prepared with a view to focusing each of the thematic sessions during the workshop. They are illustrative of the types of issues the organizers would like to see addressed during each session.

I. Overview of Problems and Weaknesses

- What have been the shortcomings in the United Nations' response to terrorism since September 2001?
- To what extent will the adoption of the United Nations Global Counter-Terrorism Strategy and the creation of the UN Counter-Terrorism Implementation Task Force be able to address those shortcomings? For example, does the Task Force have the necessary resources and mandate to allow it to improve coordination and cooperation among its participating entities?
- To what extent has the adoption of the Strategy eased the tensions between the Security Council and General Assembly on issues related to counterterrorism? What more could be done in this area?
- What steps should be taken to ensure that the necessary UN institutional structures are in place to support implementation of the Strategy's whole-of-system approach to combating terrorism over the long term?
- Can Strategy implementation succeed in the absence of a mechanism by which the member states, who agreed to take ownership of the Strategy, can engage and possibly guide the Task Force?
- Can Strategy implementation succeed in the absence of a forum in which member states can engage in a comprehensive discussion of the range of issues addressed in the Strategy?

II. Human Rights and Counterterrorism

- What additional steps should be taken to ensure that the human rights–based approach enshrined in the Strategy is reflected in all UN counterterrorism-related program activities?
- Is human rights “mainstreaming” the best approach, or might it lead to further marginalization of the human rights perspective, as counterterrorism experts in these entities might pay lip service to human rights issues without taking concrete steps to integrate them in their everyday work? What guidance can stakeholders, including advocates from the human rights community, give to ensure that deeds accompany words in this area?
- How could cooperation and coordination between the human rights and counterterrorism actors within the UN system be strengthened?
- Does the Office of the UN High Commissioner for Human Rights have the necessary resources to fulfill its counterterrorism-related mandates, including serving as chair of the Task Force working group in this area?
- To what extent is cooperation between the Counter-Terrorism Committee (CTC) and the UN human rights actors impeded as a result of the former’s Chapter VII mandate?
- What steps could be taken to ensure that efforts to promote and monitor implementation of the international human rights and counterterrorism legal instruments are undertaken in a complementary and coherent fashion?

III. The Facilitation and Delivery of Technical Assistance and Other Capacity-Building Issues

- What are the advantages and disadvantages of making the distinction between the facilitation and delivery of Strategy-related capacity-building assistance within the United Nations and maintaining the separation between the principal policymaking (CTC) and technical assistance (the UN Office on Drugs and Crime [UNODC]) arms of the UN system?
- What steps could be taken to improve the United Nations’ ability to coordinate the delivery of Strategy-related capacity-building assistance?
- What steps could be taken to deepen the engagement between the United Nations and counterterrorism experts in national capitals?
- Does the CTC have the necessary political legitimacy to be the leading UN entity in coordinating and facilitating the delivery of counterterrorism capacity-building assistance?
- What steps can be taken to improve the United Nations’ ability to analyze Strategy-related capacity gaps and prioritize needs?
- Does the Task Force have the necessary resources and mandate to improve the cooperation and coordination within the UN system on Strategy-related issues?



IV. Engaging With Functional, Regional, and Subregional Bodies and Other Stakeholders

- What are the advantages and disadvantages of the current approach of allowing each relevant Task Force entity to engage separately with functional, regional, and subregional bodies on Strategy issues?
- What steps could be taken to develop a more coherent approach to engaging with these and other nongovernmental stakeholders on Strategy implementation?
- Should there be a single UN focal point for such engagement? If so, should it be UNODC, the Task Force, or some other entity? Does the Task Force have the resources and mandate necessary to do so? If not, should it be provided with them?
- What steps should be taken by the United Nations to deepen its engagement with civil society organizations on counterterrorism issues, including those representing victims of terrorism, as well as the private sector, with a view to enhancing the contributions that these stakeholders can make to Strategy implementation?

V. Addressing Conditions Conducive to the Spread of Terrorism

- What steps can be taken to deepen the commitment of those UN entities that can contribute to addressing conditions conducive to the spread of terrorism to the Task Force and, more broadly, to Strategy-implementation efforts?
- To what extent does having the Security Council continue to assume a central role in UN counterterrorism capacity-building activities impede efforts to improve the coordination and cooperation among all relevant UN entities, including the UN Development Programme and the UN Educational, Scientific and Cultural Organization?
- How can coordination and cooperation between development and counterterrorism capacity-building efforts be improved within the UN system without compromising or politicizing development work and without diluting counterterrorism efforts?
- What can various UN bodies do to implement the development and good governance elements of the Strategy? Which entities should take the lead in representing and promoting this objective on the Task Force?
- In what ways can the Alliance of Civilizations (AoC) Secretariat, which is not part of the Task Force but is mentioned explicitly in the Strategy, contribute to the implementation of the Strategy? Are there practical forms of cooperation between the AoC Secretariat and the Task Force and its members that could be pursued to realize common objectives?

WORKSHOP 1 Institutional Challenges in Implementing the UN Global Counter-Terrorism Strategy

21–22 January 2008 | Kusnacht (Zurich), Switzerland

WORKSHOP SUMMARY

Introduction

1. On 21 and 22 January 2008 the Government of Switzerland hosted the first workshop in the International Process on Global Counter-Terrorism Cooperation, which is being cosponsored by Switzerland, Costa Rica, Japan, and Slovakia, with the support of the Center on Global Counterterrorism Cooperation.

2. The aim of the first workshop was to allow the participants an opportunity to touch on the breadth of issues that will be addressed during the International Process and set the stage for more in-depth discussion of some of the discrete themes at subsequent workshops. Although not intended to reach any conclusions, the two-day event allowed a wide range of stakeholders to engage in a frank discussion of the role of the United Nations in combating terrorism and some of the challenges the institution is confronting as it proceeds with promoting the implementation of the United Nations Global Counter-Terrorism Strategy.

3. The participants emphasized the central role both of the Strategy and the UN Counter-Terrorism Implementation Task Force in the UN counterterrorism program and the desire to maximize the effectiveness of the overall UN response to terrorism. In addition, they supported the need for a careful analysis and assessment of the effectiveness of the current UN effort before deciding what steps, if any, should be taken to improve the overall UN response. They recognized that one of the goals of the International Process is in fact to undertake such an analysis and assessment of both the strengths and weakness but to do so outside of the more politicized atmosphere of New York.

4. The workshop was conducted under the Chatham House Rule, i.e., all discussion was off the record and not for attribution. The following summary of the highlights

and themes identified during the meeting is not an official or complete record of the proceedings and does not necessarily reflect the views of all the participants.

I. Overview of Problems and Weaknesses

5. There was broad agreement that the United Nations has a central role to play in the fight against terrorism but that a lack of coherence and coordination in the overall UN effort has hindered its effectiveness. There was a sense that there exists a multiplicity of actors and mandates within the United Nations. Thus, there is a need to rationalize these efforts so as to avoid duplication and minimize the rivalry on this matter that has existed between the General Assembly and the Security Council.

6. It was also agreed that there needs to be a careful assessment of the strengths and weaknesses of the overall UN counterterrorism program and that the International Process provides an opportunity to do this and identify concrete ways to improve the wider UN response.

7. There was widespread recognition that adoption of the Strategy by consensus and its institutionalization of the Task Force represent a significant step forward for the United Nations and its member states in the fight against terrorism.

8. The Strategy also offers an excellent framework for improving the coordination and cooperation among the different UN actors and between the United Nations and the regional and subregional bodies and civil society.

9. With respect to the Task Force, there was broad appreciation for its work in connecting the different parts of the UN system and reaching out to member states, despite its limited resources and mandate. It was recognized, however, that the Task Force lacks the resources to fulfill its present tasks. Thus, support was given to enhancing its resources and strengthening its mandate.

10. Emphasis was placed on the need to provide member states a forum in which to engage regularly with the Task Force and oversee Strategy implementation. It was suggested that a means should be found to allow member states to guide the process, review Strategy implementation efforts, provide recommendations to the UN intergovernmental bodies engaged in Strategy implementation activities, and allow for increased participation of regional and subregional bodies and civil society in Strategy implementation efforts.

11. In this regard, some participants called for the creation of a new UN intergovernmental body to help coordinate the work of the different UN actors with a role to play in supporting Strategy implementation and allow the UN system to engage more effectively with regional and subregional bodies, civil society, and the private sector on counterterrorism issues.

12. Others questioned whether an institutional response is the most appropriate way in which to address the existing problems. Instead, they suggested looking at improving



the effectiveness of the existing structures, although acknowledging that the frustration many member states feel as a result of not being allowed to participate in regular discussions of counterterrorism within the United Nations needs to be addressed.

13. The role of the Security Council, in particular its Counter-Terrorism Committee (CTC) and Counter-Terrorism Executive Directorate (CTED) received much attention. Some questioned whether the CTC/CTED has the necessary political legitimacy to allow it to play an effective role in facilitating the delivery of technical assistance and working with regional and subregional bodies. The point was made that if the United Nations performed this technical facilitation function more effectively, the technical assistance providers, both within and outside the United Nations, would benefit.

14. Others argued that rather than a question of the legitimacy of the Security Council's activities in this area, it was one of effectiveness, namely, how effective has the council been in implementing its counterterrorism mandates. The council, it was asserted, suffers from the way in which its counterterrorism-related subsidiary bodies have chosen to conduct their work, including by having limited engagement with states and other stakeholders and its tendency to apply a one-size-fits-all approach to its interactions with these stakeholders, often failing to take into account the local context.

15. Finally, it was agreed that the finalization of the draft Comprehensive Convention against International Terrorism must remain a priority, although there were differences of views as to the practical impact that the inability of the General Assembly to reach agreement on this issue had on UN efforts to support Strategy implementation.

II: Addressing the “Conditions Conducive to the Spread of Terrorism”

16. Participants recognized the significance of the inclusion of the conditions conducive to the spread of terrorism as one of the four pillars of the Strategy as it is necessary to address the long-term structural conditions that may give rise to terrorism.

17. By encompassing a holistic approach that includes causes in addition to what are generally more reactive security-focused measures, such as those mandated by the Security Council after 11 September 2001, the Strategy offers a wider and more inclusive approach to address the threat than has previously existed within the UN framework.

18. The challenge is to figure out what role those UN entities involved in Pillar I issues can play both in the Task Force and more broadly in contributing to Strategy implementation. It was pointed out that the United Nations has been working since well before the adoption of the Strategy in areas such as development, conflict resolution, good governance, and education but there was now a need for the relevant parts of the United Nations to keep the Strategy in mind as they continue with their work.

19. Some concerns were raised about the unintended consequences of now putting a “counterterrorism” label on these activities. Care should also be taken to ensure that the principal of “do no harm” is integral to all efforts in this area. This approach could help to reassure the parts of the UN system that are playing vital roles on the



implementation of Pillar I, such as the UN Development Programme (UNDP), but have to date been reluctant to do so openly in the context of the Task Force and the Strategy.

20. The need for the Task Force to focus more attention on Pillar I issues was highlighted. Participants recognized that there is no single cause of terrorism and that more empirical research is needed in this area. It was noted, however, that issues such as conflict resolution and mediation require greater attention in the context of the Strategy, with a suggestion made that the Task Force establish a conflict prevention/resolution working group.

21. It was noted that Pillar I issues are important but complex issues that require patience over the medium and long term to implement. There are no quick fixes here. Thus, care needs to be taken to offer sustained attention and support on these issues, despite what can be competing and understandable desires for a more rapid course of action to address security-related matters in the near term.

22. The need for increased awareness and support for victims of terrorism was also addressed, by pointing to the importance of work that is required in order to give victims a voice that can help to humanize them and provide an important counterpoint to a narrative of hate and violence that is presented by terrorists. It was suggested that the General Assembly and the Task Force do more to raise the profile of these issues.

23. Emphasis was placed on the need to raise awareness of the issues addressed in this section of the Strategy, including by deepening the interaction with local stakeholders on the ground outside New York and outside foreign ministries in capitals. This approach would include developing partnerships for dialogue, perhaps through the establishment of Task Force field offices or by taking other measures to ensure that there is more coordinated interaction between the United Nations and local stakeholders on Strategy implementation. It was also argued, however, that any efforts to devolve Task Force activities down to the local level should be demand driven and respond to local needs.

24. The point was made that most of those UN actors in the field with a role to play in Strategy implementation efforts do work on Pillar I issues (e.g., UNDP; the UN High Commissioner for Refugees; the UN Educational, Scientific and Cultural Organization [UNESCO]; the UN Children's Fund; the UN Development Fund for Women; and the UN Population Fund). However, these UN actors have shown the least interest in associating themselves with the Strategy and the UN counterterrorism program. In addition, few of these entities are actually members of the Task Force. It was therefore suggested that finding ways for these actors to engage with the Task Force may be a prerequisite to devolving Task Force activities down to the ground.



III. Engaging With Functional, Regional, and Subregional Bodies; Civil Society; and Other Stakeholders

25. There was broad agreement that functional, regional, and subregional bodies; civil society; and other stakeholders have essential roles to play in furthering the implementation of the Strategy but that their potential in this area has yet to be realized.

26. Given the large number of multilateral bodies with a role to play, participants emphasized the importance of ensuring more effective coordination of these efforts. Some called for a single UN entry point to facilitate the interactions between these bodies and the United Nations on counterterrorism issues.

27. There was broad support for the need for UN counterterrorism actors to better understand the local conditions in which they operate and recognition of the important role that regional and subregional bodies and civil society can play in providing the United Nations with this context. To this end, the Task Force was encouraged to establish regional task forces and find other vehicles for allowing it to interact more regularly with these actors.

28. The point was made that many of these stakeholders have been carrying out Strategy-related programs since before its adoption, recognizing that the Strategy simply incorporates preexisting resolutions and commitments. The challenges are to determine how these actors can make the best practical use of the Strategy and what role the Task Force can play in stimulating deeper and wider engagement with them.

29. It was noted that regional and subregional bodies have important roles to play in a number of areas related to the implementation of the Strategy, including (1) providing political reinforcement to the Strategy; (2) facilitating the Strategy-related capacity-building work of the functional organizations with the regional body's member states; (3) delivering Strategy-related technical assistance; (4) identifying Strategy-related capacity gaps of its member states; (5) serving as a transmission belt that links the global framework with the efforts of its member states; and (6) stimulating an exchange of Strategy-related information and best practices with other regional and subregional bodies. The work of a number of regional and subregional bodies was highlighted, including that of the Asia-Pacific Economic Cooperation forum, the Association of Southeast Asian Nations, the Intergovernmental Authority on Development's Capacity Building Programme against Terrorism, the Organization for Security and Co-operation in Europe, and the Organization of American States.

30. With respect to civil society, there was recognition that it can contribute to Strategy implementation in a number of ways, by promoting good governance and human rights; helping to formulate and implement national legislation; conducting research; disseminating information, public education, and other awareness raising; documenting best practices; monitoring government legislation and action; contributing more broadly to building inclusive societies; combating violent ideologies and other extremist messages and otherwise contributing to the "counter narrative"; and, perhaps most importantly, being the local "drivers" for Strategy implementation and more broadly for the fight against extremism.

IV. Human Rights and Counterterrorism

31. Participants agreed that one of the Strategy's achievements is that it prioritizes respect for human rights and the rule of law as essential to all pillars of its implementation. The challenge for the UN system and member states is to ensure that this human rights-based approach is reflected in all Strategy implementation efforts and is not simply of rhetorical value. Although the United Nations has a role to play here, participants emphasized that member states have the primary responsibility in this area.

32. There was recognition that the United Nations has made progress since 2002 in its efforts to ensure respect for human rights in the fight against terrorism but that more work remains to be done.

33. The contributions of the Office of the UN High Commissioner for Human Rights (OHCHR) in this area received attention, with the protection of human rights while countering terrorism being addressed in all aspects of its work. It was pointed out that the High Commissioner for Human Rights continues to speak out against human rights abuses committed in the name of fighting terrorism. OHCHR has developed a number of tools in this field and, it was reported, is working with the UN Office on Drugs and Crime (UNODC), UNDP, and the CTC/CTED to operationalize them in the field.

34. A number of suggestions were made as to how to enhance UN efforts and impact in this area, including (1) reinforcement of OHCHR's support for the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; (2) inclusion of human rights expertise on all CTED site visits and all UNODC Terrorism Prevention Branch (TPB) training courses; (3) short-term staff exchanges between the human rights and counterterrorism arms of the United Nations; (4) use of the Human Rights Council Universal Periodic Review (UPR) as an opportunity for states to assess each others human rights compliance while countering terrorism, although the potential limitations of the UPR were also noted; and (5) an increase in the CTC/CTED's human rights focus, including by enumeration of those rights that are nonderogable in the fight against terrorism.

35. Although there was broad support for having the CTC/CTED increase its human rights focus, some cautioned against using the CTC/CTED to raise broad human rights concerns in its dialogues with member states regarding the implementation of Resolution 1373, as doing so may send mixed messages and risk blunting both the counterterrorism and human rights messages.

36. The point was made that although taking the above-mentioned steps might improve the situation within the United Nations, member states have an essential role to play, including, for example, by increasing their political support within the relevant UN intergovernmental bodies for implementing mandates related to the protection of human rights while countering terrorism. Donor countries, it was noted, should ensure that capacity-building projects they fund have a concrete human rights element and that human rights issues are not marginalized.



37. A number of participants stressed the importance of improving the Security Council's Al-Qaida/Taliban Sanctions Committee's procedures for listing and delisting. It was noted that the deficiencies in this system continue to hurt the credibility of the overall UN counterterrorism effort and that the United Nations needs to ensure its counterterrorism institutions are complying with basic standards of human rights.

38. There was broad recognition that not only is the respect for human rights an essential element of an effective counterterrorism strategy but that disrespect for human rights actually undermines counterterrorism efforts. To this end, a number of participants, while recognizing OHCHR's ongoing work in this area, stressed the need for the United Nations to become more involved in the training of security practitioners to raise their awareness of the relevant human rights obligations. It was also noted, however, that, on topics such as torture, the issue is not a lack of training but rather a lack of political will.

39. The point was made that human rights violations can be a condition conducive to the spread of terrorism as it can play into the narrative of extremists and thus facilitate recruitment.

40. It was noted that the Task Force working group on human rights has received the necessary voluntary contributions to begin its work. This working group was encouraged to focus attention on ensuring that there is close communication between the human rights and counterterrorism communities within the United Nations and beyond. Participants encouraged this and other working groups to brief member states in the near future on their ongoing activities.

V. The Facilitation and Delivery of Technical Assistance and Other Capacity Building

41. The participants agreed that the adoption of the Strategy and the existence of the Task Force provide an opportunity to improve the United Nations' ability to identify assistance needs and donor capacity and interests, match recipients with donors, and work more effectively with the broad range of actors involved in the field of counterterrorism capacity building.

42. It was acknowledged by many that the CTC/CTED, which has a mandate to serve as a broker between donors and recipients and to help coordinate the capacity-building programs of the 70 or so multilateral bodies involved in this field, has underperformed. Participants also agreed that a more effective UN broker would enhance the work of UNODC's TPB and other UN entities delivering technical assistance.

43. A number of suggestions were made as to how to make the CTC/CTED more effective, including (1) revising the mandate, working methods, and priorities of the CTC/CTED, including by giving it a more central role in overseeing and coordinating Strategy implementation activities with regional organizations; (2) developing a more comprehensive and efficient strategy for CTC/CTED engagement with donors;

(3) inviting key donor and recipient countries that are not on the Security Council to relevant CTC meetings and more generally giving them an opportunity as potential donors and recipients to provide more input and identify gaps that are not currently being identified or filled; (4) building member-state trust in the CTC/CTED, including by being more responsive to criticism of its working methods and performance; (5) focusing on those geographic and thematic areas currently not benefiting from bilateral assistance; (6) providing a comprehensive and regularly updated survey of capacity-building programs, available to recipients and donors, which would go a long way to increasing efficiency and avoiding duplication; (7) broadening its concept of relevant capacity-building programs that should be shared with states (e.g., to include those related to counter-radicalization); and (8) revising the preliminary implementation assessment tool to ensure that it asks the right questions and thus gathers the right information to allow the CTC/CTED to identify gaps and needs more effectively.

44. It was acknowledged that there is currently no tested mechanism within the United Nations to ensure that the range of Strategy-related capacity-building initiatives are undertaken in a coherent manner and to allow states to approach one UN office, rather than multiple offices, to request Strategy-related capacity needs. Participants expressed hope that the Task Force's working group on integrated implementation of the Strategy, which includes representatives from a number of the different UN entities involved in Strategy-related capacity building, would simplify things by offering states "one-stop shopping" and thus be able to fill this gap. Effort will be needed to ensure that this working group does not simply become a third entry point for states interested in engaging the United Nations on counterterrorism capacity-building issues, with the other two being UNODC and the CTC/CTED.

45. The success of the Task Force, it was stressed, lies in the hands of the member states and needs their full backing. This support could include ensuring that the Task Force receives funding from the regular UN budget for its core capacity needs, which are not currently being met, and instructing their delegations to the intergovernmental bodies represented on the Task Force to push those bodies to provide stronger support for and otherwise deepen their engagement with the Task Force.

46. Participants discussed the advantages of separating UN counterterrorism technical assistance work, based in Vienna, from work that is by nature more political, based in New York. The point was also made, however, that the current division of labor within the UN counterterrorism program, which distinguishes between technical assistance facilitation (New York) and technical assistance delivery (Vienna), unnecessarily confuses countries that are in need of capacity-building assistance.

47. It was noted that the different UN mandates in these areas could be strengthened and clarified with active coordination, perhaps through the Task Force, if provided the necessary resources, or eventually under another arrangement that can bring about complementarity of the work of all actors while not duplicating any ongoing activities.

48. Some participants highlighted the need to connect UN counterterrorism activities more directly to national counterterrorism coordinators and focal points and to provide a forum for these coordinators and focal points to engage with each other.

Although some opposed the idea of creating any new institutions, it was suggested that a mechanism be created to allow these coordinators to meet two or three times a year to discuss Strategy-related implementation efforts, capacity needs, and available assistance programs.

49. In addition, it was pointed out that a number of donors are interested in becoming more involved in Strategy-related capacity-building activities. They are not permanent members of the Security Council, however, and thus do not sit on the only UN inter-governmental body with a counterterrorism capacity-building mandate. It was therefore suggested that consideration be given to finding ways to involve these countries more directly in UN counterterrorism capacity-building policymaking, for example, thinking creatively about how to expand the composition of the CTC beyond the 15 members of the Security Council to include key donor states.

Next Steps

50. At the end of the workshop, it was announced that the Government of Slovakia will be hosting the next workshop in the International Process on 17–18 March 2008 in Bratislava. The workshop will address one of the recurring themes in this first workshop: the engagement between the United Nations and regional, subregional, and functional bodies and civil society in the context of Strategy implementation. The Bratislava workshop will consider both how these non-UN actors can contribute to implementation of the Strategy and how effectively the relevant UN bodies have engaged with them on the UN counterterrorism agenda.

51. In addition to the Bratislava event, two additional workshops might take place prior to the wrap-up event in July in New York. More details regarding these workshops will follow once they become available. The process will result in the preparation of a final report and recommendations prior to the General Assembly's first formal review of Strategy implementation efforts, which is scheduled for September 2008.



WORKSHOP 2 **UN Engagement With Regional, Subregional, and Functional Bodies and Civil Society in Implementing the UN Global Counter-Terrorism Strategy**

17–18 March 2008 | Bratislava, Slovakia

BACKGROUND PAPER*

This paper provides an overview of the issues as background for the second workshop in the International Process on Global Counter-Terrorism Cooperation, which the Ministry of Foreign Affairs of the Slovak Republic is hosting on 17–18 March 2008 in Bratislava. The workshop is titled “UN Engagement With Regional, Subregional, and Functional Bodies and Civil Society in Implementing the UN Global Counter-Terrorism Strategy.” This paper is intended to highlight the role that each of these stakeholders can and in some cases already do play in furthering Strategy implementation, as well as to provide a brief overview of some of their interactions with UN counterterrorism actors prior to and following the adoption of the Strategy. It is not intended to serve as an exhaustive treatment of the subject.

Introduction

The United Nations Global Counter-Terrorism Strategy recognizes that sustained implementation will require contributions from a wide range of stakeholders apart from member states. In addition to the 24 UN system entities represented on the UN Counter-Terrorism Implementation Task Force, dozens of formal and informal regional, subregional, and functional bodies and mechanisms, as well as civil society organizations, have an important role to play in fostering Strategy implementation. Two keys to effective implementation will be finding ways for the United Nations, in particular through its Task Force, to raise awareness among and engage these stakeholders on a range of Strategy-related activities and ensuring that the coordination and cooperation among the numerous multilateral bodies and mechanisms is improved. Although the

* This paper was researched and drafted by the Center on Global Counterterrorism Cooperation. The views expressed herein do not necessarily reflect those of the Government of Slovakia or any other participating UN member states in the International Process on Global Counter-Terrorism Cooperation.



Task Force includes representatives from a number of functional bodies, including the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW), and the World Customs Organization (WCO), it does not allow for participation by regional and subregional bodies and civil society groups. To its credit, however, the Task Force understands the importance of building partnerships with these stakeholders. So far, however, few inroads have been made in this important area due to a number of factors, including the Task Force's limited human and financial resources and mandate and the priority treatment that it and member states ascribe to thematic aspects of the Strategy.

Although not operating within the Task Force framework and often carried out prior to the adoption of the Strategy, a number of UN bodies have sought to engage with a range of multilateral bodies and, to a much lesser extent, civil society actors on counterterrorism-related issues. These efforts, however, have been designed and implemented on an ad hoc basis rather than as part of a coherent strategy. Partly as a result, the United Nations has yet to develop the effective partnerships needed to fully tap the potential contributions of such stakeholders.

As the first formal review of the Strategy approaches in September, careful consideration will need to be given as to how to deepen and broaden the engagement between the Task Force and these stakeholders, with a view to stimulating more Strategy-related contributions going forward.

I. Regional and Subregional Bodies

Although the Strategy's provisions are largely directed toward UN member states and different parts of the UN system, a few explicitly involve regional and subregional bodies. For example, the Strategy encourages them to create or strengthen existing counterterrorism mechanisms and centers and calls for deepening the cooperation between regional and subregional bodies and the Security Council's Counter-Terrorism Committee (CTC) and its Counter-Terrorism Executive Directorate (CTED). In addition, it encourages greater sharing of counterterrorism capacity-building information among states, the United Nations, and relevant multilateral bodies.¹

Regional and subregional bodies have a central role to play in devising tailor-made approaches for implementing each of the Strategy's four pillars among their respective members. They are well suited to develop approaches that take into account cultural and other contextual issues and undertake region- or subregion-specific initiatives or other actions that complement and build on global counterterrorism objectives. They often have knowledge and expertise of such conditions at their disposal and can thus play an important role in transporting and explaining the global framework to regional, subregional, and local actors, increasing their sense of ownership of the Strategy. If provided with the necessary resources and mandate, they can assist in raising awareness of the importance and supporting the implementation of the Strategy. They can facilitate the sharing of good national practices and lessons learned from national implementation between the countries of the region or subregion and can develop frameworks of



regional or subregional cooperation among relevant experts and institutions dealing with different aspects of the Strategy.

CONDITIONS CONDUCTIVE TO THE SPREAD OF TERRORISM

Although the Strategy enumerates a series of possible conditions conducive to the spread of terrorism—prolonged unresolved conflicts; dehumanization of victims of terrorism; lack of the rule of law and violations of human rights; ethnic, national, and religious discrimination; political exclusion; socioeconomic marginalization; and lack of good governance—not all are equally relevant to each region or subregion, and few are more aware of the conditions conducive to the spread of terrorism in the particular area than are regional and subregional bodies. Moreover, achieving consensus at the global level on how best to address these conditions and deciding which ones deserve priority treatment have proven elusive. Thus, tackling these questions in regional and subregional contexts may bear more fruit.

In addition, these bodies may be well situated to garner a deeper understanding of and connections to the local academic and religious communities and can play a leading role in promoting intercultural and interreligious dialogues and developing culturally sensitive projects aimed at empowerment of moderates, religious scholars, and civil society. They can provide fora for sharing experiences and best practices in national efforts to reach out to religious moderates across different faiths and in building or reforming schools, prisons, and other institutions as part of an effort to tackle radicalization. Finally, they offer platforms for sharing experiences in growing efforts to deradicalize former violent extremists.

PREVENTATIVE MEASURES

Regional bodies can also play key roles in working with their members to monitor and foster implementation of the preventative counterterrorism measures that make up the Strategy's second pillar. For example, they can promote the development of a uniform regional or subregional counterterrorism regime to allow for the necessary judicial and law enforcement cooperation between and among countries to help ensure that suspected terrorists are prosecuted or extradited. In some instances, regional or subregional extradition or mutual legal assistance treaties in criminal matters such as terrorism have already been adopted. Due to what is often a shared perception of the threat posed by transnational crime at regional and subregional levels, these bodies may have a comparative advantage in motivating their member states to strengthen their coordination and cooperation in combating crimes that might be associated with terrorism. Although Security Council Resolution 1373 and other UN resolutions recognize the "close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potential deadly materials," the United Nations has been slow to address these issues in a coherent manner.²

Regional and subregional bodies, which tend to have more homogenous memberships and more clearly defined common interests than the broader membership of the United



Nations, may also be able to contribute to efforts to counter terrorism on the Internet and respond to the Strategy's call for greater international and regional coordination in this area, which has proven difficult to achieve at the international level. Additionally, as a result of the relationships they have often forged with local and transnational companies in their regions and their understanding of the business practices and culture of these companies, some regional bodies can play a leading role in stimulating the development of public-private sector partnerships between their members and multinational companies.

CAPACITY BUILDING

Regional and subregional bodies can help identify the capacity gaps in the region or subregion and disseminate among their members information regarding relevant bilateral and multilateral capacity-building programs. In addition, these bodies could help ensure that the regional or subregional Strategy-related capacity needs are presented to the relevant UN bodies (or perhaps the Task Force's working group focusing on integrated implementation of the Strategy) in a coherent manner, for example by developing a unified set of regional or subregional priorities and technical assistance requests that cut across a range of Strategy-related areas. This approach would help ensure that the United Nations better understands the needs and priorities of countries in the region or subregion and enhance the communication between the United Nations and the relevant region or subregion.

These bodies also offer platforms for training seminars conducted by bilateral or multilateral donors, the provision of assistance, and, more broadly, support for the development of regional, subregional, and national capacity. For example, they can endorse the counterterrorism-related standards and best practices developed by international functional bodies in different fields, including aviation, port, and border security, and organize workshops with technical experts from relevant functional bodies to ensure that local officials are provided with the training and skills needed to implement these standards and best practices. In addition, due to the varying types of legal regimes around the globe, regional and subregional bodies have an important role to play in offering tailored, regional expertise to complement the more general legislative drafting assistance the UN Office on Drugs and Crime (UNODC) is providing states to enable them to join and implement the international counterterrorism-related conventions and protocols, now numbering 16. Finally, if given a sufficient mandate and adequate resources, regional and subregional bodies can provide the institutional infrastructure that can maintain the necessary focus on Strategy-related issues long after assistance providers have departed to help ensure the long-term sustainability of these capacity-building programs and the actual implementation of the assistance by the recipient states.

PROMOTING HUMAN RIGHTS AND THE RULE OF LAW WHILE COUNTERING TERRORISM

Grounding itself and all global counterterrorism efforts firmly in the context of human rights and the rule of law is one of the Strategy's significant achievements. Regional



and subregional bodies can contribute in a number of ways to furthering this cross-cutting theme.

They can encourage their members to “accept the competence of the international and relevant human rights monitoring bodies,” support and cooperate with the Office of the UN High Commissioner for Human Rights (OHCHR), and support and liaise with the Special Rapporteur as well as other relevant UN special procedures mandate holders.³ For example, they could invite the Special Rapporteur to conduct regional or subregional visits and could cohost workshops with the Special Rapporteur and OHCHR, focusing on the human rights framework in the Strategy. In addition, they could work together where possible to ensure that the human rights–based approach to combating terrorism that underpins the Strategy is reflected in all counterterrorism-related declarations, statements, or other documents issued by each regional and subregional body.⁴

A number of regions have adopted their own regional human rights conventions or charters, thereby placing the universal human rights obligations within the relevant regional context and helping to ensure a shared regional interpretation of those obligations. Human rights bodies have been established in some regions to oversee implementation of these conventions or charters by their members. Such bodies can offer members guidance on and a forum for the sharing of best practices among countries that may face many of the same challenges. They can work to improve the capacity of their members by propagating standards of conduct and providing training for security, law enforcement, and judicial officials engaged in combating terrorism. In particular, regional human rights commissions and courts can play an important role in interpreting human rights obligations for states and investigating and shedding light on abuses, providing for recourse above the national level. Regional and subregional bodies can serve as fora for conducting peer reviews and other monitoring mechanisms to ensure that national counterterrorism efforts comply with international and regional human rights standards, and the bodies can apply political pressure on local states in cases where they do not.

Finally, regional and subregional bodies can contribute to the development and maintenance of effective, rule of law–based criminal justice systems within their member states, which the Strategy highlights as being critical to implementing a human rights–based approach to countering terrorism. The Strategy recognizes that many states will require assistance in developing and maintaining such a system. Different parts of the United Nations, including UNODC, the UN Development Programme, the Department of Peacekeeping Operations, and OHCHR will likely assume leading roles in providing this assistance. As in other capacity-building areas relevant to the Strategy, however, regional and subregional bodies have a key role to play in offering the necessary expertise and other resources, providing a forum for interaction with civil society to ensure that the assistance being offered is tailored to the particular needs in the region and ensuring its sustainability.

DEEPENING ENGAGEMENT AND OVERCOMING CAPACITY AND OTHER LIMITATIONS

As the above brief survey indicates, given the Strategy's breadth, there is a wide range of ways in which regional and subregional bodies can contribute to its implementation. Given that a few such bodies have already developed robust programs aimed at promoting the implementation of UN counterterrorism mandates and because the Strategy is largely a compilation of existing mandates, many of the existing programs and initiatives are already furthering Strategy implementation. In addition to developing new programs in areas of the Strategy not currently being addressed by existing programs, these bodies could seek to use the Strategy as the vehicle through which all UN counterterrorism initiatives are promoted.

Although regional and subregional bodies have much to offer in theory, the practical realities, which often include limited resources and higher priorities than dealing with terrorism, have resulted in uneven contributions from different regional and subregional bodies, both in terms of breadth and depth. Many bodies are underfunded, providing few if any dedicated resources for counterterrorism. For some, the proliferation of counterterrorism initiatives at the global level has resulted in overload, with a resulting need to prioritize, given the limited available resources. Coordination among bodies within and between regions and subregions has been spotty, and few have developed the necessary linkages with the various parts of the UN system involved in counterterrorism necessary to promote the implementation of the Strategy. Moreover, few have developed holistic counterterrorism strategies and programs that include not only security-related and capacity-building measures, but also those related to promoting human rights and some of the broader political, social, and cultural issues that may give rise to terrorism. A number of the regional and subregional bodies that are the weakest in this regard are in areas where the threat may be the greatest and where member states are often the most lacking in their capacity (and strategy) to confront the threat.

The importance of working with regional and subregional bodies to help them establish priorities and develop programs and projects is reflected in the Strategy but has not been adequately addressed so far. An effective UN mechanism, which seeks to reflect different regional and subregional perspectives, may be needed to coordinate priorities, maximize the comparative advantages of different regional and subregional bodies, and ensure that the lessons learned in one region or subregion are shared with others.

THE CURRENT APPROACH TO ENGAGEMENT

Under the current approach, a number of different UN bodies, programs, and agencies, some with overlapping mandates, have established or are seeking to establish formal or informal relationships with often underresourced regional and subregional bodies. For example, the three Security Council counterterrorism-related expert groups (the CTED, the Al-Qaida/Taliban Analytical Support and Sanctions Monitoring Team, and the 1540 Committee Group of Experts) continue to reach out separately to regional and subregional bodies. This redundancy puts an increased burden on the organizations, many of which have only one person in their secretariat following all security-related issues. Representatives from some may also confuse distinctions among the different Security Council mandates, given their somewhat overlapping nature, and



ask themselves why they need to have three different council counterterrorism-related points of contact. Finally the Chapter VII nature of these council expert groups and their parent committees may create obstacles to obtaining the necessary political support from bodies in some regions and subregions, where countries may continue to question whether the council is the appropriate UN body to be taking the lead on these issues. This lingering resentment, compounded by the fact that most countries are excluded from the council and its subsidiary bodies and therefore not party to their decision-making processes, may make them reluctant to support deepening institutional cooperation with these council bodies.

Among the main tasks assigned to the CTC early on was outreach to international, regional, and subregional bodies to encourage them to become more involved in the global counterterrorism campaign, for example by developing counterterrorism action plans, best practices, capacity-building programs, and units within their secretariats and urging their members to join the international terrorism-related treaties and to implement Resolution 1373. The CTED has succeeded in interacting with a wide range of regional and subregional bodies, a few of which have participated in CTED site visits to member states. Yet, it has had difficulty having sustained interaction with those bodies where capacity is often lacking both at the institutional level and among their members and thus where the need for more active CTED involvement is greatest.⁵ In many instances, the extent of CTED interaction has been one-off participation in meetings or workshops hosted by a particular regional or subregional body, using them as a platform to reach out to the relevant member states, rather than as part of a long-term strategy to develop the capacity and expertise within these bodies to contribute to furthering the implementation of UN counterterrorism mandates. Perhaps most significantly, however, the CTED has generally had the least engagement with bodies in regions and subregions where the threat might be the greatest, including North Africa, the Middle East, South Asia, and Southeast Asia.

In addition to engaging with individual multilateral bodies, the CTC was given the mandate from the Security Council via Resolutions 1377 and 1535 to enhance the coordination and cooperation among these different entities, with a view to enhancing the exchange of information, best practices, and expertise. The cornerstone of its efforts so far has been the five international meetings it has convened since 2003 of representatives from more than 60 international, regional, and subregional bodies. Seeking to correct some of the shortcomings from the first four gatherings, which included trying to address all aspects of Resolution 1373 in a single meeting, the CTC limited the focus of its fifth meeting, which was held in Nairobi in October 2007, to the “prevention of terrorist movement and effective border security.” The CTED worked closely with the relevant organizations in planning the meeting. The agenda was structured to facilitate discussions on a series of practical issues where improved cooperation is essential and to produce concrete, action-oriented recommendations. It remains to be seen, however, whether these formal gatherings of representatives from nearly 80 intergovernmental bodies, including a number of regional and subregional ones, can produce the sort of dialogue, informal exchange of views, trust building among the organizations, and pragmatic results that its organizers desire. The one-sided negotiation of the joint statement at the end of the Nairobi meeting that largely excluded nonstate

stakeholders is illustrative of part of the problem: the lack of dialogue and reciprocity between the CTC/CTED and other organizations, where the former offers little to the latter in return for cooperation. In Nairobi, CTC members engaged in a lengthy negotiation of the document, many of the provisions of which relate directly to the work of regional and subregional bodies and other stakeholders, without including them in the discussions. In addition, these stakeholders were given little time to consider and approve the CTC-agreed text. In the end, some of the regional and subregional bodies felt they were not provided with sufficient time to consider the document and failed to endorse it.⁶

Like the CTC/CTED, the Al-Qaida/Taliban Sanctions Committee, with the help of its Monitoring Team, has reached out to different regional and subregional bodies, in order to get their technical and political support for member-state implementation of the sanctions regime, including by convincing these bodies to distribute updates to the committee's Consolidated List to their members and to urge their members to submit reports and other information to the committee. The list of regional and subregional bodies to which the Monitoring Team has reached out includes the African Union (AU), the Association of Southeast Asian Nations (ASEAN), the Caribbean Community (CARICOM), the Commonwealth of Independent States, the European Union, the Organization of American States (OAS), the Organization for Security and Co-operation in Europe (OSCE), the Pacific Island Forum (PIF), and the Shanghai Cooperation Organization, which are nearly all of the same ones that the CTC/CTED has sought to engage over the years.⁷

The 1540 Committee, with the support of its experts and in close cooperation with the UN Office for Disarmament Affairs (UNODA), also relies heavily on outreach activities to regional and subregional bodies to promote implementation of Resolution 1540, including by building more widespread political commitment to the resolution. As a result of its interaction with different regional bodies, the members of the ASEAN Regional Forum, the OAS, and the OSCE have all committed themselves to preparing national action plans for implementing Resolution 1540. In addition to engaging directly with these and other regional and subregional bodies such as the AU, the League of Arab States, CARICOM, and the South American Common Market (MERCOSUR), the 1540 Committee, again in cooperation with UNODA, has organized a series of outreach workshops in different regions, including Central Asia, South America, the Middle East, and West and Southern Africa, to generate a greater awareness about the resolution, the process for moving toward full implementation, the need for reporting to the committee, and the available assistance. These in-region workshops have also fostered the sharing of relevant national experiences among technical experts from capitals in the relevant region.⁸

Although the three Security Council counterterrorism-related expert groups have made few attempts to engage with the myriad of regional and subregional bodies in a more coherent manner, the three council expert groups have developed a common strategy to address the problems faced by states that are yet to submit reports required by the three committees. In doing so, they have sought to address a problem identified by heads of state in the 2005 World Summit Outcome Document and in the Strategy itself. Working with UNODC's Terrorism Prevention Branch (TPB), the three groups



have organized a number of subregional workshops for national officials involved in the implementation of the relevant Security Council resolutions or responsible for writing reports to the three committees. Rather than one-off workshops, these seminars should become part of a broader and longer-term coordinated effort not only to work more closely with states in particular regions and subregions, but to develop the capacities of the relevant regional and subregional bodies so that they may continue working with the relevant states after the council experts have departed.

Perhaps uniquely among UN counterterrorism actors, UNODC's TPB has sought to build these capacities, developing partnerships with organizations such as the AU, the Southern Africa Development Community, the Intergovernmental Authority on Development (IGAD), the PIF, ASEAN, the OSCE, the OAS, and the Organization of the Islamic Conference. This cooperation has included jointly organized and conducted training seminars, workshops, ministerial conferences, and technical assistance missions.⁹ Through its experts and consultants based in different regions, its training and other workshops in the field, and its ability to draw on the expertise and resources of other UNODC entities involved in antidrug, anticrime, and criminal justice reform work, TPB, unlike the CTC/CTED and the other relevant council bodies, is able to develop sustainable, broad-based, symbiotic relationships with regional and subregional bodies. In return for TPB's assistance, the partnership organizations provide TPB with local expertise and experience, which enhances the overall quality and relevance of TPB's technical assistance programs.

Despite the efforts of UNODC's TPB and other UN actors, many regional and subregional bodies do not have counterterrorism units within their secretariats or counterterrorism action plans to enable them to make meaningful contributions to Strategy implementation, and cooperation and coordination among them and between them and the United Nations remains uneven. Recognizing this, the Strategy encourages regional and subregional organizations to create or strengthen existing counterterrorism mechanisms and centers and encourages the CTC/CTED, UNODC, and Interpol to provide them with assistance in doing so if necessary.

Although the Strategy encourages cooperation and coordination and recognizes the contributions that regional and subregional bodies can make to its implementation, it makes few concrete proposals in this area. For example, in order to help maximize the contributions that these stakeholders can make to promoting the implementation of the Strategy, the Task Force's office could be made the focal point for engagement between the United Nations and such actors on Strategy implementation issues. Equally important to streamlined UN engagement, however, is allowing regional and subregional bodies a voice in the design and implementation of UN-related programs relevant to their work. Thus, for example, consideration could be given to expanding the Task Force to include representatives from relevant regional and subregional bodies.

To its credit, the Task Force recognizes the importance of building partnerships with these actors and is seeking funding support to organize a meeting to bring them together and conduct some awareness raising.¹⁰



II. Functional Bodies

The Strategy includes specific mention of a number of functional bodies, including the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), the OPCW, and the WCO. The Task Force includes representatives from different functional bodies that are part of the UN family, as well as Interpol, which lies outside the UN system. A number of these functional bodies have developed, adopted, and disseminated counterterrorism-related standards and best practices.¹¹ They have often also identified the capacity needs of their members in counterterrorism-related and other areas. In addition, many have provided training and other forms of assistance and have sought to provide states with a road map for steps they should take to implement global counterterrorism standards. The Strategy recognizes the importance of universal implementation of them and encourages each of these bodies to strengthen their cooperation with states, to identify shortfalls in states' capacities, and to ratchet up their technical assistance programs to help states close the gaps.¹² Standards are often set at a global level and do not account for local context. To tailor implementation assistance being provided to states, a number of the functional bodies have established training programs, offices, and centers at the regional level. In addition, a number have worked to get interested regional and subregional bodies to endorse their work, which has helped give a boost to implementation efforts among their members.

In addition to the above-mentioned entities that are part of the Task Force, all of which are treaty-based organizations, a number of informal bodies and mechanisms that are not Task Force members have important contributions to make to Strategy implementation. These include the Financial Action Task Force (FATF) and FATF-style regional bodies (FSRBs), the Egmont Group, and various export control regimes. These often have limited membership and little or no secretariat staff to support them and tend to adopt less bureaucratic and process-oriented approaches to addressing particular issues. They also have often been very effective in spurring collective action by groups of like-minded states to address particular issues.

For example, FATF, which was created by the Group of Seven in 1989, has developed a set of recommendations in the fields of money laundering and terrorist financing that are widely accepted as the global standards in these areas and are given explicit mention in the Strategy. Although FATF consists of only 33 members and has strict membership criteria, to broaden its appeal and the legitimacy of its work, it has helped establish FSRBs in all regions, including Africa and the Middle East. Each of the more than 150 states or territories that are now members of one of the FSRBs are politically committed to implementing FATF's standard-setting work.¹³

The Egmont Group is the coordinating body for the international group of financial intelligence units (FIUs) formed in 1995 to promote and enhance international cooperation in anti-money laundering and counterterrorist financing. FIUs are national centers that collect information on suspicious or unusual financial activity from the financial industry and other entities or professions required to report transactions suspected of being related to money laundering or terrorism financing. The establishment of a well-functioning FIU is seen by FATF, the CTC/CTED, and the Security



Council's Al-Qaida/Taliban Sanctions Committee Monitoring Team as an essential element of an effective national strategy to combat the financing of terrorism. The group, with a membership that has grown to 100 FIUs, has recently taken an important step in establishing a permanent secretariat, based in Toronto, to support its work.

A number of export control regimes, such as the Nuclear Suppliers Group, the Australia Group, and the Zangger Committee, have focused increasingly on preventing the spread of dangerous weapons and materials to nonstate actors.¹⁴ These mechanisms, where membership generally ranges from 30 to 40 states, have helped promote cooperation and develop standards among like-minded states in discrete technical fields and have succeeded in establishing various export control guidelines and standards.

The Group of Eight's (G8) Lyon-Roma Anti-Crime and Terrorism Group, which consists of a series of subgroups staffed by experts from each of the G8 capitals meeting several times annually, has developed counterterrorism standards and best practices on a wide variety of topics, including in the areas of radicalization and recruitment. Because participation in this group and its subgroups is informal and flexible enough to allow the participation of a wide assortment of experts according to different subjects, the G8 has been able to produce concrete results (e.g., counterterrorism standards or best practices) more quickly than more formal multilateral bodies. Its rotating presidency and lack of a secretariat, however, often impede the necessary follow-up to make such initiatives sustainable. In addition, because of the G8's limited membership, it lacks broad legitimacy among members of the global South.¹⁵

To complement its standard-setting work, in 2003 the G8 created the Counter-Terrorism Action Group (CTAG) to coordinate the delivery of counterterrorism capacity-building assistance by G8 participants and others. However, the CTAG, like the G8 itself, is an ad hoc political mechanism with the above-mentioned shortcomings. Partly as a result, it has yet to deliver the results for which G8 leaders had hoped when it was established at the G8 summit in Evian, France, in 2003.

To maximize the contributions of these and other informal functional bodies to implementation of the Strategy, the Task Force will need to find ways to integrate them into its work while remaining aware of the possible political sensitivities that might arise given the limited membership of some of these bodies.

THE CURRENT APPROACH TO ENGAGEMENT

Much like with regional and subregional bodies, the main UN counterterrorism actors, in particular the different Security Council bodies, have each generally engaged separately with the different functional bodies around the globe. In doing so, they have paid little attention to the overlaps among the different council counterterrorism-related mandates and the synergies that could be developed as a result of more coherent and coordinated interaction between the council and functional bodies.

The CTC/CTED was supposed to be assuming a leading role in reaching out to and helping to coordinate the counterterrorism-related activities of the different functional



bodies. The CTED has succeeded in establishing contacts with a wide range of functional bodies, incorporating the relevant best practices and standards from these bodies in the “CTC Directory of International Best Practices, Codes and Standards for the Implementation of Resolution 1373 (2001)” and applying these best practices and standards in its preliminary implementation assessments (PIAs) of each state’s efforts to implement Resolution 1373. In addition, representatives of ICAO, Interpol, the IMO, and the WCO, among others, have participated in CTC/CTED site visits, allowing the CTC/CTED to benefit from the technical expertise within these different bodies. In the second half of 2007, experts from these four organizations conducted in-house training for CTED staff on the implementation of international standards on border control and on aviation, maritime, and cargo security. Further, representatives from a number of different functional bodies have participated in the five international meetings the CTC has convened since 2003. Although these meetings have succeeded in bringing together the broad range of relevant actors on the multilateral counterterrorism stage, they have yet to produce the level of sustained information sharing and other forms of cooperation and coordination envisaged when the concept was conceived in late 2002. Among the reasons for limited progress on information sharing are confidentiality rules within the different organizations that limit the scope for information sharing, the heightened sensitivities surrounding the sharing of information with a Security Council body with a Chapter VII mandate and thus the authority to assess and enforce noncompliance, and the cumbersome process of getting the approval of the CTC to share CTED analyses outside of the CTC.

The functional area in which the CTC/CTED has probably had its most sustained interactions over the years is terrorist financing. The CTED has been a regular participant in the meetings of the FATF Working Group and Plenary and has worked closely with the FATF Secretariat, various FATF-style regional bodies, the International Monetary Fund, the World Bank, and the Offshore Group of Banking Supervisors. The depth and breadth of this engagement should be commended, but it raises questions as to CTC/CTED priorities: Should the CTC/CTED be focusing so much attention on the financing of terrorism given the number of competent, technical multilateral actors already engaged on the subject? Where is the CTC/CTED value added in such a situation? Should the CTC/CTED instead be identifying those functional issues that are not getting the necessary attention from existing multilateral bodies (e.g., public transport)?

The Al-Qaida/Taliban Sanctions Committee, with the help of its Monitoring Team, has also reached out to different functional bodies in order to get their technical and political support for member-state implementation of the sanctions regime, including via the dissemination of the Consolidated List and all updates to their respective members. For example, with the encouragement from the Security Council, the committee worked with Interpol to create an Interpol–Security Council Special Notice for individuals included on the Al-Qaida/Taliban Sanctions Committee Consolidated List. All notices are available to national authorities through the Interpol National Central Bureau.¹⁶ The committee has reached out to ICAO to solicit its help in raising the awareness among national aviation security, safety, and facilitation officials of the Al-Qaida/Taliban sanctions regime, and ICAO has begun to highlight the work of the



committee and the regime at its seven regional centers and 16 training schools. The Monitoring Team has also discussed the sanctions regime with the International Air Transport Association (IATA), in order to ensure that IATA receives all updates to the committee's Consolidated List and that all 260 IATA member airlines receive information about the sanctions measures. In addition, the committee will soon seek to deepen its cooperation with the WCO and IMO to obtain their assistance with implementation of the three sanctions measures: the assets freeze (by examining controls on illegal currency movements), the travel ban (by monitoring border movement) and the arms embargo (by examining controls on illicit arms trafficking).

Like the CTC, lacking the resources or mandate to provide assistance, the 1540 Committee must rely on outside entities, including functional bodies, to fill the significant capacity gaps existing in different regions. Recognizing this fact, in April 2006 the Security Council extended the committee's mandate for an additional two years, emphasizing the importance of having it continue to reach out to functional and regional and subregional bodies, promote regional cooperation, and facilitate the delivery of technical assistance in monitoring the implementation of Resolution 1540. Notably, however, the CTC is performing almost the same tasks in regard to Resolution 1373, which includes provisions related to weapons of mass destruction.

To this end, the Security Council's 23 February 2007 open debate on cooperation between the 1540 Committee and functional bodies such as the IAEA, OPCW, and WCO was an important development. That meeting "explored modalities for cooperation [with the 1540 Committee], which resulted in arrangements for practical cooperation."¹⁷ Since the conclusion of this meeting, the 1540 Committee's group of experts has been interacting with the IAEA, OPCW, and WCO in a number of areas, including coordination of efforts to respond to specific requests from states for assistance in implementing Resolution 1540 and the sharing of 1540 Committee-related best practices. In July 2007, at the initiative of the 1540 Committee chairman, UNODA organized a meeting in New York of assistance providers regarding the implementation of Resolution 1540 at which the participants included representatives from these three functional bodies and bilateral donors. Among the challenges highlighted during the one-day meeting were the significant limits that the participating functional bodies face in their capacity to provide assistance related to Resolution 1540 and the limited cooperation and coordination among assistance providers in this area.¹⁸ Somewhat ironically, a meeting aimed partly at improving the coordination and cooperation among those involved in issues related to furthering the implementation of Resolution 1540 does not appear to have included representatives from the other two Security Council counterterrorism-related bodies, despite their somewhat overlapping mandates and existing or planned initiatives with the functional bodies concerned.

Given the 1540 Committee's limited resources and mandate and the need for it to interact regularly with the above-mentioned functional bodies and regional and subregional ones, as well as the limitations of the committee's current ad hoc approach, Stanford University's Center for International Security and Cooperation has called for the creation of a "UNSCR 1540 Coordination Committee" under the leadership of the 1540 Committee.¹⁹ In such a coordination group, formal and informal functional,

regional, and subregional bodies “can exchange ideas about new approaches and possibly offer one another technical assistance for training and learning purposes. The existence of such a coordinating group would also provide a more effective means for the 1540 Committee to prioritize its own outreach activities than the current ad hoc approaches.”²⁰ Although the 1540 Committee has yet to consider this idea, the need to create a mechanism that allows for broader stakeholder involvement exists not only in the context of the implementation of Security Council counterterrorism-related mandates, but the implementation of the Strategy as well.

Unlike regional and subregional organizations, a few functional bodies are represented on the Task Force and are participating in some of the thematic Task Force working groups, for example the one on the protection of vulnerable targets. The informal bodies, however, have so far not been included in the work of the Task Force but could be, either formally or by including them in the work of the relevant working groups. In addition, the level of commitment of those functional bodies on the Task Force to the Strategy and the Task Force itself has tended to vary. Sustained implementation of the Strategy depends in part on ensuring that all Task Force entities are fully committed to its success. Member states should thus seek to ensure that each relevant member-state body, agency, or program in the UN system formally endorses the Strategy and is provided the necessary political and financial support to allow it to succeed. States have a unique responsibility for enabling these entities to maximize their impact and need to ensure that their representatives in each forum are delivering a consistent message regarding the Strategy’s importance.

III. Nongovernmental Organizations and Civil Society

The Strategy encourages “non-governmental organizations [NGOs] and civil society to engage, *as appropriate*, on how to enhance efforts to implement the Strategy.”²¹ The inclusion of “as appropriate” leaves it to states to determine the role, if any, to be given to civil society organizations. Nonetheless, NGOs and other civil society organizations can play important roles in promoting implementation of a number of discrete elements of the Strategy. For example, the Strategy resolves “to promote international solidarity in support of victims and foster the involvement of civil society in the global campaign against terrorism and for its condemnation.”²² Victims groups can help to highlight the cost of terrorism by putting a human face on the issue and can contribute to the popular condemnation of terrorism as a tactic. Religious, cultural, and educational institutions can promote interfaith and intrafaith dialogue and dialogue among civilizations in ways and with a level of credibility states cannot. NGOs and civil society groups are critical to promoting the good governance elements of the Strategy, as a vibrant civil society and engaged NGOs are critical elements for responsive and democratic governments. Thus, they can help draw attention to underlying grievances that can contribute to terrorism and can provide a constructive outlet for the expression and redress of those grievances. Impartial NGOs can play a critical role in raising awareness; ensuring that counterterrorism measures respect human rights and the rule of law; monitoring the actions of the military, law enforcement, and other security services; laying down guidelines; conducting investigations into alleged abuses; scrutinizing counterterrorism legislation; and generating awareness of unlawful practices and other human rights and Strategy-related



issues. More broadly, they can contribute to building inclusive societies and, perhaps most importantly, can act as on-the-ground drivers for local action.

Partnerships with NGOs can also help augment the capacities of governments and multilateral bodies to act against terrorism, and in some cases, NGOs can even assume an operational role. The partnership among the Institute for Security Studies, donors, and IGAD in the creation and administration of the IGAD Capacity Building Programme Against Terrorism in East Africa is an excellent example of governmental, intergovernmental, and nongovernmental entities working together to secure funding and increase operational efficiency at a subregional level.

Numerous other civil society organizations are working on Strategy-related issues, such as peacekeeping, postconflict reconstruction, and human rights monitoring, whose work relates generally to Strategy implementation. However, much of the work of civil society groups and NGOs is not and should not be labeled counterterrorism as such but nevertheless contributes to implementing elements of the Strategy. In other cases, for example with regard to promoting good governance and human rights monitoring, the Strategy may provide these groups with a compelling overarching framework and a powerful tool to remind states of their international commitments.

Implementation of the Strategy will require popular support, which can only be built and sustained with the support and cooperation of civil society. There are a series of challenges, however, to increased civil society engagement on these issues in different parts of the world. For example, the operating space given to civil society organizations often varies from country to country, with the ability for such organizations to act in some countries heavily circumscribed by governments. The capacity of civil society to engage is largely tied to the availability and freedom of information and the freedom of association. To promote deeper civil society engagement, the United Nations and the Task Force in particular might play a role in accessing and promoting best practices related to these key principles. In addition, focusing on terrorism and government responses may open up local civil society groups to retaliation by some governments, while focusing on “counterterrorism” potentially undermines the support for and credibility of groups among local populations. It may be more fruitful, therefore, to encourage engagement by civil society on related issues, such as crime prevention, good governance, or peace and security more generally.

The antagonistic relationship between civil society and less democratic regimes has also stifled civil society engagement. For this reason, engagement by international NGOs, which can continue to work on an issue even if they are shuttered in a particular country, is particularly important. Finally, the areas in the world that may be most in need are unfortunately the least accessible and secure. Ongoing conflicts and security issues bar at times the operations of organizations engaged even in the most basic humanitarian assistance.

Given these challenges, one cannot expect civil society to engage on Strategy implementation absent a push from the United Nations, in particular its Task Force, which needs to reach out to civil society and encourage its engagement on these issues. Given the Strategy’s breadth, it is already likely being implemented by many actors, but they



are often not conscious that their efforts are contributing in the long term to combating terrorism. As the Task Force moves forward in trying to engage with more NGOs and other civil society actors, it should be mindful that it is not necessary to corral all of these groups together, but simply to recognize that a diversity of activity is moving us toward the goal of combating terrorism and thus implementing the Strategy. Labeling the activities of, for example, groups working to empower young people as “counterterrorism” is unnecessary and potentially counterproductive. As there are few dedicated counterterrorism NGOs around the globe, the challenge is for the United Nations and other multilateral bodies, as well as states, to engage with a wide range of NGOs in order to persuade them to take into account Strategy-related issues in their areas of work.

Despite all of the contributions that NGOs and civil society groups can make to implementing the Strategy, engagement between the United Nations and these groups on issues related to the implementation of the UN counterterrorism framework has historically been limited. Neither the Security Council’s CTC/CTED or its Al-Qaida/Taliban Sanctions Committee and Monitoring Team have engaged with local NGOs and other civil society groups, in part because of the general reluctance of some council members to involve nonstate actors in what they perceive as state-focused activities and the difficulties in choosing with which nonstate actors to engage in a particular country or region. Apart from international human rights NGOs such as Amnesty International and Human Rights Watch, which have successfully lobbied the council to help ensure that its counterterrorism measures are consistent with and implemented in conformity with international human rights norms, civil society groups have generally not sought to lobby or otherwise engage with these council mechanisms. In addition, these council bodies have generally been reluctant to rely on relevant reports and other information provided by NGOs related to the implementation of the council counterterrorism-related mandates.

The UN counterterrorism actors, however, should consider information provided by respected NGOs as they develop strategies for furthering implementation of their respective UN mandates and should include consultations with local civil society groups as an integral part of their efforts to understand the environment in which they are assessing compliance with UN norms or providing assistance to implement them. For example, these groups can often provide useful information on why national counterterrorism legislation might be stalled in parliament or on abuses being committed by the police and other government officials while implementing counterterrorism measures.

In contrast to the general reluctance of the CTC/CTED and the Al-Qaida/Taliban Sanctions Committee and its Monitoring Team to engage with NGOs and other civil society groups, however, the 1540 Committee and its group of experts have succeeded in reaching out to some NGOs. Avoiding what would likely have been protracted debates among the 15 members of the 1540 Committee over with which NGOs to engage and on what issues, the 1540 Committee Chairman asked UNODA to convene a meeting in July 2007 with the participation of several NGOs and in cooperation with the committee. The NGOs invited to participate in the meeting included only those with well-established programs that directly foster the implementation of



Resolution 1540 by states, such as through training programs, expertise sharing, funding, or education and awareness-raising activities. The purpose of the meeting was to examine and receive feedback on how NGOs can contribute to the implementation of the resolution.²³ On the ground, the Monterrey Institute's Center for Nonproliferation Studies convened a workshop in Central Asia to raise awareness among states in the region of the technical requirements for implementing Resolution 1540.

The 1540 Committee's successful efforts to engage with NGOs could serve as a model for other parts of the UN system, but this situation is somewhat unique. In the end, given the technical focus of both the resolution at issue and the NGOs involved, as well as the long-standing involvement and contributions of NGOs in the nonproliferation field, which predate the adoption of Resolution 1540, it may prove difficult to transfer some of the lessons learned here to other Strategy-related fields.

Nevertheless, the United Nations must find ways to engage with respected NGOs and other civil society groups on a broad range of Strategy issues, as two of the keys to the Strategy's success will be exporting it from New York to different regions around the world down to the local level and drawing on the creativity, energy, and expertise of civil society groups and NGOs to develop innovative and effective implementation plans and programs. Among other things, the Task Force should establish an informal mechanism for engaging with NGOs and civil society groups from different regions to help raise awareness of the Strategy and encourage them to play leading roles in their respective communities and regions in promoting the virtues of the Strategy.

There are precedents from which the Task Force could draw as it considers how best to tackle this important although politically sensitive issue. For example, in the field of small arms and light weapons, the United Nations has worked closely with the International Action Network on Small Arms, whose members have been invited to participate in UN Open-Ended Working Group meetings on tracing illicit small arms and light weapons. This partnership has helped to sustain awareness and action on the issue. In addition, both international and local NGOs and civil society groups played pivotal roles in lobbying the United Nations and its member states on issues surrounding the negotiation of the Mine Ban Treaty and the Rome Statute of the International Criminal Court. These groups continue to play active roles on monitoring the implementation of these agreements. For example, the International Campaign to Ban Land Mines is a network of more than 1,400 NGOs in 90 countries working locally, nationally, and internationally to eradicate antipersonnel mines. With a diverse membership that includes human rights, humanitarian, children, peace, disability, veterans, medical, humanitarian, mine action, development, arms control, religious, environmental, and women's groups, it offers an example of the broad-based, multidisciplinary coalition that those interested in promoting a more holistic, coordinated response to the global terrorist threat—one that safeguards human rights and the rights of victims—could seek to replicate.²⁴



Endnotes

- 1 UN General Assembly, A/RES/60/288, 8 September 2006.
- 2 For example, the CTC and its CTED have had difficulty highlighting this connection in their dialogue with states. As a result, the analyses of states' capacities and the threat too often fail to take these broader terrorism-related issues into account. Reasons for this shortcoming include a lack of expertise among the small number of CTED experts and the fact that other bodies within the UN system have the mandate to deal with them (e.g., the UN Office on Drugs and Crime, the International Atomic Energy Agency, and the UN General Assembly), and the difficulties in getting different parts of the UN system to cooperate with each other.
- 3 UN General Assembly, *The United Nations Global Counter-Terrorism Strategy*, A/RES/60/288, September 20, 2006 (hereinafter Strategy).
- 4 For example, the Office for Democratic Institutions and Human Rights and the Office of the High Commissioner for Human Rights worked hard to ensure that the joint communiqué adopted at the 14 February 2007 annual meeting included appropriate references to the human rights approach enshrined in the Strategy. See "Annual High-Level Meeting Between the Council of Europe, the Organization for Security and Co-operation in Europe, the United Nations and Partner Organizations in the 'Tripartite-Plus' Format: Joint Communiqué," 14 February 2007, para. 5, http://www.osce.org/documents/atu/2007/02/23303_en.pdf ("Participants underlined also the utmost importance of promoting and protecting human rights for all and the rule of law while combating terrorism and welcomed the strong focus of the Strategy on this issue.").
- 5 For example, it has not had any significant interaction with either the Association of Southeast Asian Nations (ASEAN) or the ASEAN Regional Forum, which has impeded the CTED's ability to engage effectively with states in Southeast Asia.
- 6 "The Fifth Special Meeting of the Counter-Terrorism Committee With International, Regional and Subregional Organizations on 'Prevention of Terrorist Movement and Effective Border Security': Joint Statement," Nairobi, 29–31 October 2007, fn. 1, http://www.un.org/sc/ctc/pdf/Nairobi_joint_statement.pdf.
- 7 For example, the Organization for Security and Co-operation in Europe's (OSCE) Action against Terrorism Unit agreed to engage the Monitoring Team in the OSCE assistance and capacity-building programs, and the OSCE's Office of the Coordinator on Economic and Environmental Activities agreed to share with the committee challenges related to the Security Council's al-Qaida/Taliban assets freeze raised at its workshops. In addition, the Monitoring Team has reached out in some cases to regional bodies, such as ASEAN, to obtain a threat analysis and assessment of the impact of al-Qaida ideology in the relevant region.
- 8 UN Security Council, "Briefings by Chairman of Subsidiary Bodies of the Security Council," S/PV.5806, 17 December 2007, p. 5.
- 9 UN Economic and Social Council, *Assistance in Implementing the Universal Conventions and Protocols Related to Terrorism: Report of the Secretary-General*, E/CN.15/2007/9, 30 January 2007, paras. 52–60.
- 10 UN Counter-Terrorism Implementation Task Force, "Funding Proposal: Central Support to the Counter-Terrorism Implementation Task Force," August 2007 (on file with the Center on Global Counterterrorism Cooperation).
- 11 For example, the WCO has adopted the SAFE Framework of Standards to secure and facilitate global trade, the IMO has adopted the International Ship and Port Facility Security Code to enhance ship and port security, and ICAO has adopted a number of aviation security standards, including standards for Machine Readable Travel Documents.
- 12 Strategy, sec. III, para. 12.
- 13 For a detailed description of the Financial Action Task Force's (FATF) current mandate, see <http://www.fatf-gafi.org/dataoecd/14/60/36309648.pdf>.
- 14 Gabriel H. Oosthuizen and Elizabeth Wilmshurst, "Terrorism and Weapons of Mass Destruction: United Nations Security Council Resolution 1540," *Chatham House Briefing Paper*, BP 04/01, September 2004, http://www.chathamhouse.org.uk/files/9266_bp0904unsc1540.pdf.
- 15 Although the G8 has had some success exporting its work for adoption or endorsement by some of the functional organizations, such as ICAO and certain regional bodies where there is a G8 member present, it has generally had much less success in convincing regional bodies where there is no such presence to do so (e.g., Africa, the Middle East, and South Asia) but where the need is great.
- 16 UN Security Council, *Report of the Security Council Committee Established Pursuant to Resolution 1267 (1999) Concerning Al-Qaida and the Taliban and Associated Individuals and Entities*, 17 January 2008, S/2008/25, para. 22.



- 17 UN Security Council, *Briefings by Chairman of Subsidiary Bodies of the Security Council*, S/PV.5806, 17 December 2007, p. 6.
- 18 *Report From the Meeting of the 1540 Committee With Assistance Providers*, 11 July 2007 (copy on file with the Center on Global Counterterrorism Cooperation).
- 19 Allen S. Weiner et al., “Enhancing Implementation of U.N. Security Council Resolution 1540,” Center for International Security and Cooperation, Freeman Spogli Institute for International Studies, Stanford University, September 2007, p. 29, http://iis-db.stanford.edu/pubs/22070/1540_Final_Report_w_cvr.pdf.
- 20 Ibid.
- 21 Strategy (emphasis added).
- 22 Strategy, sec. I, para. 8.
- 23 *Report From the Meeting of the 1540 Committee on the Role of NGOs*, 12 July 2007 (on file with the Center on Global Counterterrorism Cooperation).
- 24 See http://www.icbl.org/tools/faq/campaign/what_is_icbl.



WORKSHOP 2 **UN Engagement With Regional, Subregional, and Functional Bodies and Civil Society in Implementing the UN Global Counter-Terrorism Strategy**

17–18 March 2008 | Bratislava, Slovakia

QUESTIONS TO CONSIDER

These questions have been prepared by the organizers to help focus the workshop discussions. To this end, the moderator and panelists for each session are strongly encouraged to focus their remarks on addressing the relevant questions below, with a view to identifying concrete and practical steps that can be taken to deepen the engagement between the United Nations and regional, subregional, and functional bodies and civil society in promoting the implementation of the United Nations Global Counter-Terrorism Strategy.

I. Overview of the Role of Regional, Subregional, and Functional Organizations and Civil Society in Implementing the Strategy

- What are the comparative advantages of each of these stakeholders with respect to contributing to Strategy implementation efforts?
- To what extent are these stakeholders already contributing to Strategy implementation efforts?
- What are the advantages and disadvantages of the current approach of allowing each relevant UN Counter-Terrorism Implementation Task Force entity to engage separately with functional, regional, and subregional bodies and civil society on Strategy issues?
- What steps could be taken to develop a more coherent approach to engaging with these and other nongovernmental stakeholders on Strategy implementation? For example, should the Task Force develop a comprehensive strategy for engaging with these stakeholders? Should there be a single UN focal point for such engagement? If so, should it be the UN Office on Drugs and Crime, the



Task Force, or some other entity? Does the Task Force have the resources and mandate necessary to do so? If not, should it be provided to them?

II. Engagement Between Security Council Counterterrorism-Related Bodies and Regional, Subregional, and Functional Organizations and Civil Society

- How effective have the different Security Council counterterrorism-related bodies been in reaching out to these stakeholders?
 - To what extent have they coordinated their outreach efforts with each other?
 - How has the Chapter VII mandate of the council bodies affected their ability to engage with these nonstate stakeholders?
 - Are there particular regions and functional areas in which the council bodies have had better success? If so, what are some of the reasons for this success?
 - In those regions and/or functional areas where the council bodies have had more difficulty engaging, what are some of the reasons behind these difficulties? What steps could be taken to overcome these difficulties?
 - What are some best practices in this area? To what extent have these best practices been shared across the different council bodies and expert groups?
- How effective has the Counter-Terrorism Committee been in helping to stimulate and coordinate the counterterrorism programs of the relevant regional, subregional, and functional bodies?
- To what extent have the council bodies sought to strengthen the capacities of regional and subregional bodies to work with their respective member states on implementing UN, regional, and subregional counterterrorism mandates?
- What contributions have these stakeholders made to implementing the various council counterterrorism-related mandates?
- How can regional, subregional, and functional bodies and civil society best contribute to the country visits conducted by the council counterterrorism-related bodies? For example, are there roles for these non-UN bodies and civil society groups to play in providing contextual information throughout the visit implementation process from the planning to follow-up stages?
- If provided with the necessary resources and mandate, should the Task Force become the focal point for all UN counterterrorism engagement with these stakeholders?

III. Engagement Between the United Nations and Regional and Subregional Bodies on Implementing the Strategy

- What has been the extent of the engagement between the United Nations and regional and subregional bodies on implementing the Strategy? Have any best practices emerged? If so, is there a mechanism through which they can be shared?



- To what extent are these bodies currently contributing or willing to contribute, if provided with the necessary resources and mandate, to implementing the Strategy?
- Can these bodies contribute to increasing awareness of the Strategy on the ground and to serving as a conduit for regular contact between the Task Force and stakeholders in the region?
- How can the Strategy be used as a vehicle to develop the capacities of these bodies to contribute to enhanced counterterrorism cooperation among their respective member states and to improve the sharing of information and other forms of cooperation among the relevant bodies?
- What steps could be taken, including by the United Nations and the relevant member states, to enhance the ability of these bodies to contribute to Strategy-implementation efforts? For example:
 - Is there a role for regional and subregional organizations on the Task Force or in the Task Force working groups? If so, would that relationship be implemented and sustained through full membership on, or perhaps via less formal modes of interaction with, the Task Force?
 - Should the Task Force promote the establishment of regional task forces on Strategy implementation, with the appropriate regional body serving as the Strategy focal point in the particular region?

IV. Engagement Between the United Nations and Civil Society on Implementing the Strategy

- To what extent is civil society aware of the Strategy or engaged in efforts to further its implementation? If there is a lack of awareness, what are the reasons for it, and how can this be overcome?
- Is there a role for civil society to increase awareness of the Strategy on the ground and to serve as a conduit for regular contact between the Task Force and stakeholders in the region?
- What obstacles exist to deepening the engagement between the United Nations and civil society on implementing the Strategy? How can they be overcome?
- What steps could be taken, including by the United Nations and the relevant member states, to enhance the ability of civil society to contribute to Strategy implementation efforts? For example:
 - What steps could be taken to allow civil society to interact with the Task Force on a regular basis?
 - Should the Task Force seek to promote the establishment of a global civil society network, which would include a broad range of civil society organizations, modeled on the networks established to promote other global causes? If so, how would the Task Force accomplish this? Could civil society organizations, for example, help by developing networks representing each geographic region and/or major thematic Strategy-relevant issue area and then appointing focal points for each to interact with the Task Force?

V. Engagement Between the United Nations and Functional Organizations on Implementing the Strategy

- What has been the extent of the engagement between the United Nations and functional bodies represented on the Task Force on implementing the Strategy?
 - To what extent are these functional bodies actively participating in the work of its working groups?
 - Have any best practices emerged? If so, is there a mechanism through which they can be shared?
 - Have the adoption of the Strategy and the institutionalization of the Task Force sufficiently improved the coordination and cooperation between and among the functional bodies and the UN counterterrorism bodies, such as those of the Security Council, or is additional work needed in this area? If so, what steps should be taken?
 - Will the Task Force’s working group on integrated implementation of the Strategy allow “one-stop shopping” for states needing technical assistance from a range of UN entities, including functional bodies?
 - What steps could be taken to deepen the level of commitment of these functional bodies to the Task Force and, more broadly, to the Strategy? For example, should each relevant member-state governing board explicitly endorse both the Strategy and the work of the Task Force and seek to ensure that each representative on the Task Force is provided with the necessary political support and financial resources to maximize his or her participation on the Task Force?
- What has been the extent of the engagement between the United Nations and functional bodies not represented on the Task Force on implementing the Strategy? What steps could be taken to deepen this engagement? For example, is there a role for them on the Task Force or in its working groups? If so, would that relationship be implemented and sustained through full membership on the Task Force or perhaps via less formal modes of interaction with it?
- Many functional bodies already play an important role in helping subsidiary bodies of the Security Council monitor implementation of counterterrorism-relevant resolutions and/or providing technical assistance on measures to combat terrorism, mainly focusing on Pillars II and III of the Strategy. What can experts from other functional bodies do to improve implementation of the other pillars of the Strategy? How can they improve coordination, share best practices, and assist other stakeholders by lending their expertise on issues including development, confidence building, conflict mediation, and human rights in the context of the Strategy?



WORKSHOP 2 UN Engagement With Regional, Subregional, and Functional Bodies and Civil Society in Implementing the UN Global Counter-Terrorism Strategy

17–18 March 2008 | Bratislava, Slovakia

WORKSHOP SUMMARY

Introduction

1. On 17 and 18 March 2008 the Government of Slovakia, with funding support from the Government of Germany's Ministry of Foreign Affairs, hosted the second workshop in the International Process on Global Counter-Terrorism Cooperation, which is being cosponsored by Slovakia, Costa Rica, Japan, Switzerland, and Turkey, with the support of the Center on Global Counterterrorism Cooperation.
2. The aim of the second workshop was to allow the participants an opportunity to focus sustained attention on one of the core topics addressed in the first workshop: UN engagement with regional, subregional, and functional bodies and civil society on implementing the United Nations Global Counter-Terrorism Strategy. Although not intended to reach any definitive conclusions, the two-day event allowed some 60 experts representing states, multilateral bodies, and civil society from around the world to engage in a frank discussion of the role that these stakeholders can play in furthering the implementation of the Strategy and what steps the United Nations, in particular its Counter-Terrorism Implementation Task Force, might take to stimulate this engagement.
3. There was broad agreement that functional, regional, and subregional bodies; civil society; and other stakeholders have essential roles to play in furthering the implementation of the Strategy but that their potential in this area has yet to be realized. It was emphasized that global counterterrorism efforts can only be effective if all relevant stakeholders are involved and if the different needs and realities of each region are reflected in efforts to promote the implementation of the Strategy. To this end, participants agreed on the importance of identifying the comparative advantages of each relevant stakeholder and how each can play to their different strengths, as well as to

deepen the engagement between the United Nations and regional and local actors in the context of Strategy implementation.

4. Participants discussed issues surrounding the work of the Task Force and its limited engagement thus far with many of these stakeholders, which could be improved with their proactive engagement but is largely due to the Task Force's resource and mandate limitations. The work of the Task Force should become more transparent, many agreed, including by finding ways to communicate more directly and regularly with member states and other stakeholders. In addition, however, these stakeholders should become more proactive and approach the Task Force and its representative entities directly.

5. Throughout the course of the workshop, a number of concrete proposals were offered, aimed at deepening Task Force engagement. Some participants called for the Task Force to develop a comprehensive strategy for engagement with these stakeholders that could incorporate some of these proposals. This action could and should be done, many felt, if the Task Force is given additional staff and other resources, which, as many agreed, it merits.

6. Workshop participants were reminded not to lose sight of the progress the establishment of the Task Force represents, as it marks the first time that the United Nations has a mechanism in place that could help avoid duplication and promote a more coherent approach within the United Nations.

7. The workshop was conducted under the Chatham House Rule, i.e., all discussion was off the record and not for attribution. The following summary of the highlights and themes identified during the meeting is not an official or complete record of the proceedings and does not necessarily reflect the views of all the participants.

I. UN Engagement With Regional and Subregional Bodies in the Implementation of the Strategy

8. It was stressed that regional bodies have many comparative advantages, including the ability to focus work on specific contextual issues most pressing to the region rather than on the broader, global agenda. They can contribute to capacity-building efforts in the region, including by identifying the needs and priorities of their members, helping to bring together states with a common set of interests and objectives, facilitating technical assistance delivery, and serving both as implementation partners of the actual providers of assistance and as the focal point for capacity-building programs in the region so as to help minimize the likelihood of duplication of efforts. They can lend political support for Strategy implementation efforts, including by adding calls in regional ministerial statements for states in the region to implement the Strategy. Such a high-level approach at the regional level may often resonate more than at the UN level. In addition, they can help ensure that the regional priorities reinforce those reflected in the Strategy's global framework.



9. It was suggested that, to take full advantage of these comparative advantages, regional bodies should approach the Task Force and indicate what their needs and priorities are and jointly identify which Task Force entities should be pulled in to engage the relevant countries on Strategy implementation issues. It was generally agreed that the specificities and needs of regions and subregions, and bodies within these regions and subregions, have to be taken into account in the implementation of the Strategy.

10. The point was made that many regional bodies have been involved in work that is related to Strategy implementation, in areas such as capacity building, the adoption of their own counterterrorism conventions and action plans, and promotion of the respect for human rights, since well before the adoption of the Strategy. As a result, many have expertise and experiences to share with the Task Force that could benefit it and its working groups. The Task Force recognizes the important role that regional and subregional bodies can play in furthering Strategy implementation and has engaged with these stakeholders in a number of ways, including through the interactions of its different entities. However, there was a broad recognition both that more engagement is needed and a lack of resources was making this difficult to achieve.

11. Each entity on the Task Force needs to do more to reach out to different regional bodies. Yet, it was stressed that it is mostly the responsibility of the member states in each relevant intergovernmental body to instruct its representatives to push for a more coordinated and integrated vertical and horizontal approach to Strategy implementation issues.

12. As the Task Force Secretariat seeks to deepen its engagement with regional and subregional bodies, careful attention must be paid to rationalize this outreach with the ongoing efforts of the most active UN counterterrorism actors, such as the UN Office on Drugs and Crime (UNODC) and the Security Council's Counter-Terrorism Committee (CTC) and its Counter-Terrorism Executive Directorate (CTED).

13. Some cautioned against having the Task Force become the single day-to-day focal point for UN engagement with regional and subregional stakeholders on Strategy issues, as individual Task Force entities should continue to carry on with their operational activities in this area. However, it was suggested that the Task Force could establish the strategic framework for this engagement and use its convening authority to bring regional and subregional bodies together to share best practices and assess implementation within each region and subregion. This could take place, for example, after the September 2008 review if the Task Force is provided with the necessary resources and mandate.

14. The point was made that the Task Force could be provided additional resources while still staying within the "within existing resources" language of the Strategy. This goal could be accomplished through a reallocation of existing resources to the Task Force, which, it was asserted, would require making counterterrorism more of a priority within the United Nations. A recommendation was made for a group of UN ambassadors in New York from different regions to approach the Secretary-General and ask him to reallocate a few positions within his office to help service the Task Force.



15. A number of concrete proposals were offered, aimed at allowing the Task Force to engage more directly and regularly with regional and subregional bodies and otherwise increase the flow of information from the Task Force to these and other stakeholders. These suggestions included (1) establishing a point of contact within each Task Force working group to reach out to regional and subregional bodies; (2) providing these stakeholders with regular updates on the Task Force and working group meetings, including by placing more information on the Task Force Web site; (3) establishing a mechanism to allow for the sharing of information among the Task Force, states, regional and subregional bodies, and civil society; (4) having the Task Force prepare and disseminate a regular newsletter, modeled on the ones produced by the counterterrorism organs of the Organization of American States (OAS) and the Organization for Security and Co-operation in Europe (OSCE), that could include information about the various Task Force working groups and other pertinent Strategy-related updates; (5) establishing a mechanism at the regional level where the United Nations meets with the relevant regional body and member states to develop a Strategy implementation plan, with a follow-up meeting each year on what has been done and what more is needed. (It was suggested that the existing UNODC mechanism, where it discusses criminal justice issues with regional bodies and governments, could be used for this purpose.) (6) revisiting the Task Force working group structure to focus more attention on regions rather than exclusively on thematic issues, allowing for more interaction between the United Nations and different regions; (7) having each Task Force working group chair brief states, organizations, and other stakeholders on the work of the relevant working group well in advance of September's formal strategy review; and (8) convening annual or semiannual Task Force meetings involving a broad range of state, intergovernmental, and civil society stakeholders. Some called for regional bodies to become more involved in the work of the Task Force and its working groups, including possibly by having regular consultations to inform other stakeholders of their work and making some regional bodies full members of the Task Force. Others cautioned against expanding the Task Force's membership, preferring instead to consolidate the existing structure for fear of making it too unwieldy and going beyond its original purpose, which was to enhance coordination within the United Nations

16. In general, it was highlighted that the Task Force would require a full-time staff person and other resources to undertake the sort of sustained engagement with regional and subregional bodies and other stakeholders that many of the participants seemed to advocate. Such resources, it was noted, were unlikely to materialize in the near term, so participants were cautioned against placing too many expectations on the Task Force.

17. One way to improve Task Force outreach without overstressing its limited resources is to encourage it to leverage existing networks established by regional bodies, such as the OSCE Action against Terrorism Unit and the OAS Inter-American Committee against Terrorism. This interaction could take place on a limited basis at first and built up over time if more resources were forthcoming.

18. It was also suggested that member states should consider becoming more proactive in reaching out to the Task Force. For example, they might organize themselves around



a thematic issue of common interest and seek to engage with the relevant Task Force working group. In this regard, particular emphasis could be placed on developing a cross-regional coalition of states on surrounding certain issues.

19. Attention also focused on what regional and subregional bodies could do to stimulate engagement with the Task Force and promote Strategy implementation more broadly, as the needs and perspectives of these bodies need to be taken into account in its implementation.

20. Thus, for example, it was suggested that they could identify areas of common interest in the region, develop regional standards and best practices, evaluate members' implementation through peer evaluations or mutual assessment, and translate the Strategy into the local languages and disseminate it within the region. In addition, regional bodies could identify the needs and priorities for its members and approach the Task Force to present this information, as well as a threat assessment, with a view to identifying which Task Force entities should join together to work to address these needs.

21. It was further recommended that regional Strategy implementation task forces be established, with the relevant regional body serving as the focal point for the task force's engagement with the UN system.

22. In addition, it was suggested that the Task Force create a wider range of working groups, including one on conflict resolution, to establish a more balanced approach to implementation and begin to develop concrete, nonbinding recommendations in a number of working group activities to promote counterterrorism "solutions." These recommendations could be modeled on those issued by the Financial Action Task Force (FATF).

23. Throughout the workshop, it was emphasized that the Task Force has an open door policy to meet with member states and encourages states to take full advantage of this opportunity. In addition, the Task Force continues to urge states to join together across regions to seek to engage with the Task Force or its working groups.

24. Although more states need to avail themselves of these informal opportunities to interact with the Task Force, the view was expressed that a more formal way for states to engage with the Task Force might be needed to ensure that member-state ownership over the Strategy is sustained.

II. Engaging With Functional Organizations in the Implementation of the Strategy

25. The participants identified some of the ways in which functional bodies can contribute to implementation of the Strategy. For example, they are well placed to develop and disseminate best practices (some referred to them as "preferred practices") and encourage adoption of global standards in areas relevant to the Strategy. They not only provide technical expertise but also generate and share best practices.



26. Some functional bodies within the UN family are represented on the Task Force (e.g., the World Bank, the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons [OPCW], and the World Customs Organization). Informal bodies and mechanisms with limited membership and no affiliation with the United Nations, such as the Egmont Group, the FATF, and various export control regimes, however, are not, although they work on issues that are directly relevant to effective implementation of the Strategy.

27. There was broad agreement on the need to ensure effective engagement with functional bodies on issues related to the Strategy, including with those bodies not represented on the Task Force. Participants emphasized, however, that this interaction should not come at the expense of the core work of these bodies.

28. Further, some urged caution with respect to the extent to which the Task Force should try to coordinate the work of these bodies. Many functional bodies are already performing their own respective jobs well, within their existing, often treaty-based mandates that predate the Strategy, without being “coordinated” or “micromanaged” by the Task Force. Nevertheless, it was argued that there should still be a mechanism in place to allow for closer cooperation by providing Strategy-relevant information to these bodies on timely basis.

29. It was also noted that, without necessarily using the “counterterrorism” label, functional organizations such as the OPCW are able to encourage and push members to fulfill obligations that are understood to contribute to the implementation of discrete parts of the Strategy and, more broadly, to the fight against terrorism. This model could be applied for persuading stakeholders that may be wary of being viewed as a “counterterrorism” actor per se to engage more deeply in Strategy implementation activities and with the Task Force.

30. Some raised the possibility of having the Task Force engage with or even take on board as new members informal functional bodies or mechanisms, such as the Proliferation Security Initiative, the Global Initiative to Combat Nuclear Terrorism, the FATF, or the Egmont Group. Concerns were voiced about the lack of universal membership of many of these entities and the fact that including these non-UN bodies on the Task Force would be inconsistent with its current mandate.

31. Nevertheless, it was noted that the need for more effective outreach with functional bodies outside of the Task Force remains. Experts within these functional bodies generally lack sufficient information concerning how the Task Force works and how their body might be able to contribute to the implementation of the Strategy. As mentioned throughout the workshop, more “arenas” and “mechanisms” to allow non-UN functional bodies as well as states and other stakeholders to interact with the Task Force should be considered.

III. Engaging With Civil Society on Implementing the Strategy

32. Although acknowledging the different approaches to defining civil society that exist, the participants recognized not only the important role that these groups can play in furthering implementation of the holistic Strategy but that civil society needs to be part of any comprehensive counterterrorism strategy for it to be effective.

33. A number of reasons were given as to why more involvement for these groups is so important, including that (1) conditions conducive to the spread of terrorism can only be addressed by engaging with all levels of society, (2) effective engagement with these groups can help soften the antagonism between the state and the public that can exist in the context of specific counterterrorism actions and more generally, and (3) many potential solutions for the challenges of countering terrorism (e.g., the financing of terrorism, terrorist misuse of the Internet, incitement to terrorism) will be enhanced by bottom-up approaches, rather than top-down strategies undertaken alone.

34. Participants highlighted some of the wide-ranging roles that civil society and non-governmental organizations (NGOs) can play and are playing in areas related to the Strategy, much of it being ongoing work that predates its adoption and is not labeled as “counterterrorism.” Many of these roles are identified in the background paper prepared for the workshop and available at http://www.globalct.org/images/content/pdf/discussion/bratislava_process_paper.pdf. For example, they can develop a solid understanding of the threats and vulnerabilities in and gaps and priorities for their region. This information and knowledge could then help to inform international efforts and increase ownership at the regional level for these efforts. Civil society groups and NGOs can help raise awareness about the importance of a holistic approach to combating terrorism and the need to address both “hard” and “soft” issues in a balanced manner. This effort can help to show that local concerns are being addressed and to enhance legitimacy of counterterrorism efforts at the national, regional, and subregional levels. NGOs with the relevant expertise can support UN capacity-building efforts where the United Nations is not able for resource or political reasons to deliver and can help ensure that these efforts receive the necessary follow-up attention and are sustainable. Civil society can promote discussion of issues that cannot be addressed properly at the United Nations but that are crucial to the Strategy, for example, those related to alienation, marginalization, and radicalization. In this vein, grassroots organizations have an essential role to play in stimulating and participating in discussions surrounding inter- and intracultural and religious dialogues. Finally, civil society groups can and do play an important role in highlighting the plight of the victims of terrorism.

35. Participants noted that states need to play an important role in stimulating the engagement of civil society and NGOs. Steps might include (1) engaging with different ethnic and religious groups on security issues at a national level to stimulate cross-cultural and religious debate and dialogue, (2) ensuring that the views of civil society and NGOs are taken into account in the development of counterterrorism legislation, and (3) providing civil society groups and NGOs an opportunity to engage directly with legislators regarding the potential impact of planned or actual impact of existing counterterrorism measures.

36. The discussion identified some steps that could be taken to enhance the ability of civil society groups to contribute to Strategy implementation, including making the relevant work of the United Nations more transparent and creating local civil society networks and focal points on Strategy implementation. There was some debate over whether this approach was best in regions where there may be network fatigue, in which case efforts could be made to find the appropriate existing network into which to bring the Strategy.

37. It was suggested that counterterrorism coordinators include civil society groups in their outreach activities at the national level. The challenge many states may face as they seek to generate commitment from civil society on this issue is to avoid instrumentalizing these groups. Careful attention should be paid to explaining how engaging on counterterrorism issues benefits both the state and civil society group concerned. In the context of the Strategy, more thought needs to be given as to how the Task Force can more clearly articulate the ways in which civil society and NGOs can help and how these actors stand to benefit from such involvement.

38. Although engagement between the Security Council's counterterrorism bodies and its expert groups and civil society has generally been limited, some of the ways in which the Office of the UN High Commissioner for Human Rights involves and engages with civil society groups in its work in different areas related to the Strategy received attention.

39. The discussion addressed the challenges faced in trying to get civil society groups to become more engaged in helping to promote and implement the Strategy. For example, the lack of a common definition of terrorism leaves civil society groups without a common understanding of the problem. Second, the lack of transparency and information sharing by the United Nations leaves civil society unsure of what they are signing up to support and without a sense of how it is in their interest to do so. Third, the continuing problem of serious human rights violations being perpetrated by some states in the name of counterterrorism is contaminating the larger effort and making some groups reluctant to align themselves with the UN effort. Fourth, civil society does not speak with one voice, but rather reflects a range of concerns and interests, which makes targeting civil society in a framework as broad as the Strategy a particular challenge. Related to this, it was noted that most groups are not working under a "counterterrorism" label and may see little benefit to being connected with such a label. Thus, more work is needed to articulate what is meant by "counterterrorism" and how the Strategy provides an international framework to push existing advocacy work (e.g., on human rights, etc.).

40. It was recognized that the Task Force and its relevant entities may need to do more to raise awareness of the Strategy among and develop a channel for engagement with civil society groups. The point was also made, however, that given the diversity of interests, perspectives, and even definitions of "civil society" and the challenges this presents the United Nations, it was also important for interested civil society groups to reach out to the United Nations on this issues.



41. As the Task Force seeks to engage more with civil society and NGOs, it should seek to ensure that it learns from, builds on, and does not duplicate the work that a number of regional bodies have undertaken or are currently undertaking to engage these stakeholders in the context of the fight against terrorism.

IV. Engagement Between Security Council Counterterrorism-Related Bodies and Regional, Subregional, and Functional Bodies and Civil Society

42. Regional bodies have important roles to play in helping states implement their Security Council counterterrorism-related obligations and in helping the council bodies carry out their work. For example, they provide valuable input on CTED site visits and offer specific technical or region-specific perspectives that help the council committees and their experts to tailor their interaction with states by including local contextual issues that are otherwise likely to be overlooked with the originally adopted one-size-fits-all approach. They can also contribute in areas such as monitoring implementation, assessing capacity gaps, encouraging implementation, setting standards, offering or sharing best practices, providing expertise, and maintaining interest in the region or subregion. As a result of the council's outreach to these bodies, a much wider range of actors are now involved in the global campaign against terrorism than ever before.

43. Pointing to the example of the committee established pursuant to Resolution 1540, it was noted that its mandate requires it to engage with regional and functional organizations to pursue common objectives and share lessons learned. The committee has focused on raising awareness, including through regional meetings organized by the UN Office for Disarmament Affairs, often in close cooperation with a regional organization. Recognizing the differing perceptions of security threats from region to region, the committee's group of experts has been careful to frame the requirements of the resolution in the context of the region's particular security interests. For example, in the Caribbean region it has highlighted how strengthened border and export controls (required under the resolution) will enhance the ability to address the more pressing threats posed by small arms and light weapons and drug trafficking.

44. Much like the 1540 Committee group of experts, the CTED recognizes that effective engagement with regional and subregional, as well as functional, bodies and civil society is one of the keys to ensuring its long-term success. The February 2008 CTED revised organizational plan, prepared by its new Executive Director, enumerates a number of steps that the CTED will be taking to engage with these stakeholders more proactively and regularly outside of New York. For example, it includes a more sophisticated outreach strategy than previously adopted by the expert group, consisting of a broader array of options for how to conduct visits and seeking to understand the realities on the ground better. To this end, the expert group will be seeking to place its work in more of a regional context and adopt a more tailored approach to its interactions with countries and regional bodies, including by conducting shorter, more targeted visits in the field and to a wider group of actors. In addition, the CTED will be visiting not only countries in need of assistance, but those that are either currently assistance providers or might otherwise have expertise and best practices to share with

countries in their region, as part of an effort to enhance the CTED's ability to deliver on its mandate to facilitate the delivery of technical assistance.

45. It was noted that this new CTED organizational plan is intended to address some limitations and challenges that it and its parent body, the CTC, have faced since the CTED was established in 2004. Some of these were identified during the workshop, including (1) the need for the CTC/CTED to pay more attention to trying to capture the regional context in its reports; (2) the fact that counterterrorism is not viewed as a top priority in all regions and the sense in many countries that the council bodies may be pushing an "outsider's agenda" (To alleviate such suspicion, it was suggested that more transparency and consultation with non-Security Council members are needed.); (3) the general lack of transparency in the work of the CTC/CTED, which, it was pointed out, has led to lagging cooperation with the Group of Eight's (G8) Counter-Terrorism Action Group (CTAG) as a result of the CTC/CTED's difficulty in sharing its analyses and other information with CTAG countries, although the CTED is working on improving its Web site and has posted some of its documents; (4) the CTC/CTED's traditional one-size-fits-all approach to dealing with states, which had not been tailored to allow for a better appreciation of the local and regional context in which it is operating; (5) the sense, particularly in developing regions, that filling out reports or participating in site visits is reaching a point of saturation and thus having diminishing returns, as many states do not even have the capacity to assess their own needs, let alone devote resources to demands from others; (6) the false distinction between "donor" and "recipient" states and regional bodies that some participants felt the CTC/CTED drew, which tends to be unhelpful and to add another layer of exclusivity; and (7) the fact that some states in the global South may resent having a political body from New York determine what their capacity needs are, viewing this as a sovereign decision.

46. Although it is too early to come to any conclusion about whether the new CTED approach will improve its ability to assess the needs and help determine on-the-ground priorities, it was noted that the CTED is committed to strengthening its cooperation and on-the-ground engagement with states and other stakeholders, with a view to establishing more productive dialogues with them.

47. Participants offered a number of suggestions to enhance the effectiveness of the CTC/CTED and the Security Council's wider counterterrorism program, including by having the three different relevant council bodies and their respective expert groups engage with regional bodies and their members in a single channel on technical assistance issues, expanding activity that is currently limited to providing assistance to include the submission of reports to the council. In addition, it was suggested that more outreach is needed not only to build wider support for the council's efforts, but for the other relevant initiatives such as the G8's CTAG, given its limited membership. To address the latter point, it was suggested that the G8 find ways to make the work of its Roma-Lyon expert group and/or CTAG more transparent and to place more emphasis on outreach to help enhance the awareness of this work. To this end, it was suggested that both groups invite nonmembers, including representatives from regional bodies and civil society, to participate in a special session at the conclusion of



the regular Roma-Lyon/CTAG meeting. This practice could begin during the 2009 Italian G8 presidency.

48. Participants welcomed the suggestions aimed at making the work of the CTC/CTED and G8 more inclusive and transparent and appreciated the CTED's efforts to do so moving forward. In particular, they welcomed the revised CTED organizational plan and expressed hope that it would make the CTED more effective and broaden the support for its work. It was questioned whether the new approach memorialized in the CTED's new organizational plan will allow the CTC/CTED to overcome the political obstacles it faces as a Security Council body operating under Chapter VII of the UN Charter and the resentment this situation continues to breed in some parts of the world. More generally, it was suggested that the council cannot continue to monopolize the UN process for engaging with states and regional bodies on counterterrorism. Some asserted that the review of the Strategy in September offers an opportunity to chart a new approach.

49. Pointing to the example of the 1540 Committee, it was noted that its mandate requires it to engage with regional and functional organizations to pursue common objectives and share lessons learned. In keeping with its mandate, the committee has focused on raising awareness and is now turning to capacity building in conjunction with these organizations. Given the differing perceptions of security threats from region to region, the committee highlights transferability of controls to areas of greater concern to some countries, such as preventing illegal proliferation of small arms and light weapons.

50. Discussions touched briefly on Security Council engagement with civil society and NGOs on counterterrorism-related issues. It was acknowledged that the council has not traditionally sought to engage with civil society on these issues, although the outreach of the 1540 Committee to a small group of NGOs is a significant exception. It was pointed out that civil society and NGOs have an essential role to play in building consensus and understanding through methods such as sharing information and convening stakeholders. Their role in providing recommendations and streamlining other areas of council activities, such as implementing targeted sanctions, is a case in point.

Next Steps

51. At the end of the workshop, it was announced that the Government of Turkey will be hosting the next workshop in the International Process on 22–23 May 2008 in Antalya. The topic of the workshop will be “The Role of the United Nations in Promoting and Strengthening the Rule of Law and Good Governance in the Context of the Implementation of the UN Global Counter-Terrorism Strategy.” Following the Antalya workshop, the Japan Institute on International Affairs, with support from the Government of Japan, will host the fourth workshop in the International Process on 17–18 June 2008. The focus of that workshop will be on the capacity-building and technical assistance in the Asia-Pacific region. In early July 2008, there will be a wrap-up meeting in New York. More details regarding these events will follow once they become available. The process will result in the preparation of a final report and

recommendations prior to the General Assembly's first formal review of Strategy implementation efforts, which is scheduled for September 2008.



WORKSHOP 3 **The Role of the United Nations in Promoting and Strengthening the Rule of Law and Good Governance in Implementing the UN Global Counter-Terrorism Strategy**

22–23 May 2008 | Antalya, Turkey

BACKGROUND PAPER*

This paper provides an overview of the issues as background for the third workshop in the International Process on Global Counter-Terrorism Cooperation, which the Ministry of Foreign Affairs of Turkey is hosting on 22–23 May 2008 in Antalya. The workshop is titled “The Role of the United Nations in Promoting and Strengthening the Rule of Law and Good Governance in Implementing the UN Global Counter-Terrorism Strategy.” This paper is intended to highlight the contributions that different parts of the United Nations and the UN system as a whole can make in four concrete thematic areas related to efforts to promote good governance and the rule of law as the fundamental basis for the fight against terrorism, as recognized in the United Nations Global Counter-Terrorism Strategy. It is meant to stimulate discussion and debate among the participants at the workshop and is not intended to serve as an exhaustive treatment of the subject.

Given the breadth of issues that could usefully have been addressed under the rubric of “good governance and the rule of law” and the limited time available for discussion at the workshop, the organizers decided to focus on four topics: (1) development and good governance, (2) education and dialogue, (3) judicial cooperation and mutual legal assistance, and (4) addressing radicalization. The first three topics were chosen partly because they raise questions about the proper role of a number of key UN entities in this area, including some that have yet to engage on a sustained basis on the Strategy or with the UN Counter-Terrorism Implementation Task Force (e.g., the UN Educational, Scientific, and Cultural Organization [UNESCO] and the UN Development Programme [UNDP]). The last was chosen because it is a field in which

* This paper was researched and drafted by the Center on Global Counterterrorism Cooperation. The views expressed herein do not necessarily reflect those of the Ministry of Foreign Affairs of Turkey or any other participating UN member state in the International Process on Global Counter-Terrorism Cooperation.



the UN system has yet to identify where its comparative advantage lies and what its proper role should be going forward in addressing what lies at the heart of effective efforts to address the terrorist threat over the long term.

Introduction

The Strategy recognizes the strong link between strengthening good governance and the rule of law and effectively addressing the terrorist threat, acknowledging that the lack of either can contribute to the spread of terrorism. It reinforces both the notion that “good governance and the rule of law constrain capricious behavior and the arbitrary exercise of power by rulers, mediate citizen-state relations and absorb the strains and stresses of political contestation”¹ and the growing body of research that shows that terrorists are most likely to come from countries with poor governance and that lack basic civil liberties.² According to the European Union’s (EU) Counter-Terrorism Coordinator, “[T]he structural factors contributing to radicalization and recruitment include perceived or real injustices, bad governance, political repression and a lack of education and economic or political opportunities.”³

These views are in line with those expressed by the late UN High Commissioner for Human Rights Sergio Vieira de Mello, when he addressed the Security Council’s Counter-Terrorism Committee (CTC) on 21 October 2002:

I am convinced that the best—the only—strategy to isolate and defeat terrorism is by respecting human rights, fostering social justice, enhancing democracy and upholding the primacy of the rule of law. We need to invest more vigorously in promoting the sanctity and worth of every human life; we need to show that we care about the security of all and not just a few; we need to ensure that those who govern and those who are governed understand and appreciate that they must act within the law.⁴

Few would dispute the notion that a rule of law–based criminal justice system, with properly trained law enforcement officials and an independent judiciary; increased tolerance, including through enhanced inter- and intrareligious and cultural dialogue; quality education; and enhanced political participation and economic development help to undermine conditions conducive to the spread of terrorism. The critical issue for the UN system and other key stakeholders at the international, regional, national, and local levels is how best to translate these principles into action in the context of supporting the implementation of the Strategy.

I. Development and Good Governance

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing, the Strategy lists lack of good governance and socioeconomic marginalization as two conditions conducive to the spread of terrorism. More specifically, with the unanimous adoption of the Strategy by the General Assembly, all UN member states reiterated their commitment to the Millennium Development Goals (MDGs) and their determination



to pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists; [and] to encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development.⁵

The recognition that conditions exist that are conducive to the spread of terrorism and that working to address those conditions is important both in its own right but also as part of an effective counterterrorism strategy is significant, as this is the first time that the General Assembly or any other UN intergovernmental body has endorsed such a connection.

A number of different parts of the UN system, although they are not “counterterrorism” actors as such, have important roles to play in implementing these “softer” elements of the Strategy. These include the World Bank, which contributes generally through its poverty reduction and development efforts but also by helping to ensure stability of the financial sector; the UN Office on Drugs and Crime (UNODC), which provides, *inter alia*, legislative drafting aid and training for criminal justice professionals in the fields of terrorism, drugs, organized crime, and corruption and has programs aimed at addressing violence against women and juvenile justice reform;⁶ and, although not specifically mentioned in the Strategy, UNDP.

UNDP typically partners with member states to provide guidance and technical assistance for development projects.⁷ It also conducts programs on democratic governance, the rule of law, justice and security, conflict prevention and recovery, and empowering marginalized groups. UNDP recognizes good governance as a concept that “transcends” the state to include civil society, which is critical to promoting good governance elements of the Strategy: a vibrant civil society forms the fundamental basis for successful and responsive democratic governments. Good governance is widely understood in the United Nations and among the wider field of development experts to include essential elements such as improvement and promotion of the effectiveness and efficiency of government, participation, rule of law, equal opportunities, transparency, accountability, and the responsiveness of institutions to serve all stakeholders.⁸

UNDP’s long-term presence in almost all developing countries through its field offices allows it to play a critical role in facilitating access to development assistance and other forms of support and in forming strategic linkages, including, for example, with civil society and the private sector. It is in the best position and is the most obvious UN actor to highlight the close relationship between security and development, based on a recognition that development can only be achieved and sustained if institutions and mechanisms of governance ensure the security and safety of citizens.

UNDP is not only the best represented UN agency on the ground, but its resident representatives are generally also the UN resident coordinators responsible for promoting coherence among the different parts of the UN system operating in a particular country. Although it has been reluctant to involve itself or associate any of its activities with combating terrorism, UNDP may be the organization best placed to coordinate in-

country technical assistance programs and serve as a focal point for in-country Strategy implementation efforts. This role would be consistent with the recommendation of the High-Level Panel on UN System-wide Coherence in the Area of Development, Humanitarian Assistance and the Environment to establish “one United Nations at the country level, with one leader, one programme, one budget, and, where appropriate, one office.”⁹

Furthermore, UNDP’s efforts to assess the extent to which governance is improving in countries is also valuable in bringing some clarity to how implementation of governance-related elements of the Strategy can be measured and adjusted in a practical way. These efforts include gathering data from a range of indicators to evaluate the quality and delivery of service from donors to recipients and determining whether investments in improved governance are making a positive difference to people on the ground.¹⁰

Although there may be little to gain and, in fact, a great deal lost from applying the rubric of counterterrorism to UNDP’s efforts, this risk should not preclude highlighting the important role UNDP plays in promoting development, good governance, and other issues aimed at addressing conditions conducive to the spread of terrorism. UNDP’s willingness to coordinate its capacity-building efforts with security-related components of the UN system, in particular the CTC and its Counter-Terrorism Executive Directorate (CTED), and to actively contribute to the work of the Task Force, in particular its working group on integrated implementation of the Strategy, will be a key to obtaining local buy-in for the Strategy and furthering its implementation on the ground. Coordination and cooperation between development and counterterrorism capacity-building efforts within the United Nations will need to be strengthened without compromising or politicizing development work and without diluting counterterrorism efforts.

Although some mention the need to “mainstream” counterterrorism work across the UN system, including in UNDP, a lack of specificity regarding “mainstreaming” fuels skepticism among development actors in New York and members of the Group of 77 for increased UNDP involvement in counterterrorism. For example, placing the counterterrorism label on existing development programs or modifying them under the rubric of counterterrorism capacity-building programs can adversely affect local participation. In fact, such a label is not necessary in most cases, as development and good governance programs aimed at, for example, stopping corruption and increasing local institutional capacities to govern and deliver services will also help states better to implement and enforce security-related measures anyway.

Another concern is that, as the Office of the UN High Commissioner for Human Rights (OHCHR) points out in its 2008 fact sheet on counterterrorism and human rights, in pursuit of counterterrorism objectives, “[r]esources normally allocated to social programmes and development assistance have been diverted to the security sector, affecting the economic, social and cultural rights of many.”¹¹ As that report states, such reallocations of development assistance may have serious repercussions that run counter not only to long-term development, but also counterterrorism goals.¹² In light of these facts, development experts are understandably reluctant to embrace greater coordination with security and counterterrorism actors.



Partly because of this skepticism, which is shared by many UNDP staff and development-focused nongovernmental organizations, UNDP has yet to formulate a policy on the issue of counterterrorism, despite the widely accepted linkages between security and development and the contributions that UNDP could make to Strategy implementation.

Thus, although UNDP is a member of the Task Force, it has so far had limited involvement with the group—for example, it did not participate in the Task Force’s December 2007 meeting—and it is only in the early stages of an internal discussion on how to deepen its engagement on counterterrorism and Strategy-related issues. By incorporating much of the development agenda, in particular achieving the MDGs, however, the Strategy should make it easier for UNDP to engage systematically on counterterrorism issues. The challenge is dispelling the notion that engaging fully with the Task Force and the traditional UN counterterrorism actors will interfere with the work that UNDP and other Pillar I entities are doing within their core mandates.

The one exception to UNDP’s general reluctance to engage on counterterrorism is a Danish-funded UNDP project in Kenya, which UNDP has been carrying out in cooperation with UNODC and the Kenyan National Counter-Terrorism Centre (NCTC) under the Kenyan Office of the President. The project has worked since 2006 to assist with the finalization of Kenya’s antiterrorism and anti-money laundering bills,¹³ convene sensitization and awareness-raising workshops, organize training workshops for officers from the judiciary and the security sectors, assist in the establishment of a Financial Investigation Unit, and produce and disseminate informational materials.¹⁴ The continuing political sensitivities surrounding this issue, however, have not allowed UNDP to bring together officials from the NCTC and civil society to discuss the difficult issues surrounding Kenya’s counterterrorism legislation as was planned. Despite the problems caused by tying the program’s mandate to the passage of a specific piece of legislation, UNDP Kenya can play an important role in promoting Strategy implementation there because of its strong relationship both with Kenyan counterterrorism officials and civil society.

The close working relationship between UNDP and the counterterrorism elements of the UN system occurring in Kenya as well as government actors, civil society, and faith-based groups may be the exception that proves the rule, although it demonstrates the logical synergies possible on the ground. Despite the challenges it has faced as a result of the political situation in Kenya, that program shows that UNDP’s slow-moving efforts to devise a policy on counterterrorism in New York need not preclude cooperation in the field and provides a model of cooperation among a wide array of stakeholders on the ground that could be reproduced elsewhere with regard to Strategy implementation.

Political challenges to getting UNDP headquarters in New York to associate itself more closely with the Strategy and counterterrorism efforts more broadly are indeed formidable. Yet, rather than waiting for UNDP to develop a corporate policy, as was done in the case of the Kenya program, interested capitals should consider approaching local UNDP offices and relevant donors with a view to forming similar partnerships.



At the same time, however, member states on UNDP's Executive Board could encourage the program to become more active and engaged on the Task Force. This step could help to improve coordination and action across the UN system and with other stakeholders and would be a step toward implementing the essential development and good governance components of the Strategy.

In addition, efforts should be made in the short term to include counterterrorism within the mandate of the United Nations' rule of law and security coordination resource group, in which UNDP but apparently no representative from a traditional UN counterterrorism body is involved. It should also be noted that UNDP is not the only part of the UN system with a role to play in Pillar I activities that needs to be encouraged to become involved in Strategy-implementation efforts. Others include the UN Children's Fund, the UN Development Fund for Women, the Office of the UN High Commissioner for Refugees (UNHCR), and the UN Population Fund (UNFPA).

II. Education and Dialogue

Among the Strategy's achievements are its emphasis on the need to build bridges between diverse cultures and deepen understanding across different communities and religions and its recognition of the role that education can play in promoting empathy and understanding about religious and cultural diversity. As stated during the 17–18 May 2007 Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy in Vienna,

given the increasing polarization between different cultures and religions, we need to exert more effort in promoting inter-cultural and inter-religious dialogue. The primary objective here is to encourage and improve mutual understanding among societies ... [which] is very important because, extremist groups build their campaign on stereotypes, misconceptions and misrepresentations about the so-called "others."¹⁵

In the Strategy, member states pledged, *inter alia*, (1) to continue to arrange under the auspices of the United Nations initiatives and programs to promote dialogue, tolerance, and understanding among civilizations, cultures, peoples, and religions and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs, and cultures and (2) to promote a culture of peace, justice, and human development; ethnic, national, and religious tolerance; and respect for all religions, religious values, beliefs, or cultures by establishing and encouraging, as appropriate, education and public awareness programs involving all sectors of society.¹⁶

The Strategy identifies UNESCO and the Alliance of Civilizations (AoC) as central actors in furthering implementation of these elements of the Strategy, including through the promotion of interfaith and intrafaith dialogue and dialogue among civilizations.

UN Secretary-General Kofi Annan's April 2006 report, "Uniting Against Terrorism," highlights the role that UNESCO can play in areas such as the fight against ethnic and religious exclusion and discrimination, the promotion of quality education and religious and cultural tolerance, interfaith and intrafaith dialogue, and the role of the mass media and codes of conduct for journalists covering terrorism.¹⁷ For UNESCO, quality,



intercultural education “is the first and most pivotal component for any long-term action to counter terrorist proclivities.”¹⁸ Thus, an essential element of UNESCO’s long-term approach to contributing to global counterterrorism efforts is “seeking to scale up existing programmes for strengthening the capacities of educational systems worldwide to integrate human rights education, internationally shared values, conflict prevention and critical thinking into every aspect of [these systems], including the development of curriculum standards, the training of teachers and the approval of school textbooks.”¹⁹ UNESCO, including through its capacity building and training institutes and centers around the globe,²⁰ is working with its member states (1) to update and revise education and cultural policies to reflect a human rights–based approach, cultural diversity, intercultural dialogue, and sustainable development; (2) to ensure quality education to foster a climate of tolerance and security; (3) to facilitate teacher training and the revision of textbooks and curricula to help ensure the removal of hate messages, distortions, prejudice, and negative bias from textbooks and other educational media; and (4) to ensure basic knowledge and understanding of the world’s main cultures, civilizations, and religions.

Examples of concrete programs that UNESCO has undertaken or facilitated in these areas, including through its numerous field offices, are (1) producing “guidelines for promoting peace and intercultural understanding through curricula, textbooks, and learning media”;²¹ (2) preparing a code of conduct for scientists to help deter the use of scientific work for terrorist purposes; (3) launching “Mondialogo,” an initiative supported by DaimlerChrysler, which encourages dialogue between young people from diverse cultural, religious, and linguistic backgrounds and encourages students and future engineers to think about new ways to develop intercultural learning and to achieve sustainable development;²² and (4) facilitating the establishment of the Greater Horn Horizon Forum, an independent research forum coordinated in close collaboration with the Intergovernmental Authority on Development (IGAD) and the Djiboutian government and designed to “foster dialogue on the future of the Horn of Africa in order to facilitate the formulation and implementation of policies conducive to mutual understanding, regional integration and peace in the region.”²³ This initiative grew out of “the need to reconcile the discourses of the different elites with the aspirations of the region’s populations towards peaceful coexistence” and “the necessity to challenge the predominance of external analysis on the Horn of Africa and build local capacities.”²⁴

As a member of the Task Force, UNESCO is part of the working groups on “Addressing Radicalization and Recruitment to Terror” and “Countering the Use of the Internet for Terrorist Purposes,” both of which concern Pillars I and II of the Strategy, although it appears that it has yet to engage actively in the work of either group.²⁵ It also cochairs the working group on “Promoting Inter-Cultural and Inter-Religious Dialogue” with the Department of Political Affairs, one of only two working groups focused exclusively on Pillar I. Although the radicalization and Internet working groups have been active both in developing action plans and raising funds to enable them to carry out their work, the latter has been slow to get off the ground. Part of the difficulty UNESCO faces in trying to contribute to the work of the Task Force includes the facts that it has yet to identify a single Task Force and Strategy focal point within its secretariat to engage on these issues in a sustained manner and its decentralized silo structure, which



makes it difficult to gain accurate and updated information as to the various Strategy-related programs in which UNESCO is engaged, particularly through its regional and field offices.

Going forward, UNESCO should identify a range of concrete UNESCO-sponsored, -funded, or -facilitated initiatives around the world that relate to the Strategy and place this information on the Task Force's Web site as UNESCO good practices that contribute to the implementation of the Strategy. In addition, UNESCO should nominate a single focal point within its secretariat to represent the organization at each Task Force meeting, spearhead UNESCO's participation in the relevant working groups, and serve as a repository for UNESCO Strategy-related activities gathered from its various field offices, institutes, and centers.

UNESCO should also seek to devise concrete programs with the encouragement and input of local stakeholders, including donor governments and civil society organizations that seek to promote the goals of the Strategy but are not necessarily labeled "counterterrorism" as such. The balancing act for UNESCO and other nontraditional counterterrorism actors is walking a fine line between engaging on Strategy implementation while avoiding being implicated as counterterrorism actors and thus potentially risking compromising its important ongoing work in the fields of education as well as culture and science. In this context, UNESCO should seek to ensure that some of its education programs are targeting those who are most susceptible to radicalization. Given that UNESCO programs are carried out in close cooperation with national governments, they may not necessarily be targeting the right audience in the counterterrorism context, as many youth and other vulnerable populations are unlikely to trust the government.

Although neither a member of the Task Force nor a UN entity, the AoC, with its small secretariat in New York,²⁶ has a key role to play in close cooperation with UNESCO to "build bridges among diverse cultures and facilitate understanding and cooperation across world communities and religions."²⁷ It is charged with promoting implementation of the recommendations contained in the AoC report of the High-Level Group, which includes a number of recommendations aimed at promoting respect and advancing understanding among peoples, cultures, and religions and identifies areas where regional and subregional bodies can help promote implementation of the report's recommendations among their members, including in cooperation with UNESCO and UNDP.²⁸ As UN Secretary-General Ban Ki-moon stated at the opening of the first AoC Forum, in Madrid in January 2008, the AoC is an "important way to counter extremism and heal the divisions that threaten our world" and a "unique platform to talk frankly about cross-cultural concerns and to advance new partnership initiatives." He also noted how the AoC's work would complement that of the United Nations to implement the Strategy.²⁹

The aim of the AoC Secretariat is "to support, through a network of partnerships, the development of projects that promote understanding and reconciliation among cultures globally and, in particular, between Muslim and Western societies." Over the next two years, the AoC will seek to become a repository of best practices, materials, and resources on cross-cultural dialogue and cooperation projects related to each



of the four thematic areas highlighted in the AoC High-Level Group report (youth, education, media, and migration).

Among the projects launched at the first AoC Forum were (1) a Global Youth Employment Initiative, called Silatech, with an investment of \$100 million from the Qatar Foundation and in partnership with the World Bank and the private sector, to begin with five pilot-country programs in the Middle East and then spread to other regions; (2) a multimillion-dollar AoC media fund to promote productions developed across cultural, religious, and national lines to promote “normalized” images of stereotyped communities and minorities in mass media; (3) an AoC clearinghouse to catalogue media literacy programs and related government policies in different parts of the world; (4) a Rapid Response Media Mechanism, which will begin with an online resource listing global experts in cross-cultural issues to provide voices of reason and moderation to reporters and producers around the world during times of cross-cultural crisis; and (5) a Youth Solidarity Fund aimed at providing grants to support youth-led programs in areas of intercultural and interfaith dialogue.³⁰

Recognizing the importance of building partnerships with a range of stakeholders to promote cross-cultural and religious dialogue, the AoC Secretariat is reaching out to international and regional organizations, civil society, and the private sector to mobilize concerted efforts to promote cross-cultural relations among diverse nations and has established a “Group of Friends” network of more than 50 states and international organizations aimed at furthering the AoC agenda.³¹ In addition, there is an AoC network of “good will ambassadors made up of prominent, high-profile, internationally-recognized figures drawn from worlds of politics, culture, sport, business and entertainment to help in promoting the work of the AoC, highlighting priority issues and drawing attention to its activities.”³² This multi-stakeholder approach, which places great emphasis on outreach, might offer some useful lessons to the Task Force as it moves forward with its work in the coming period.

In addition to the work of UNESCO and the AoC—and although not mentioned in the Strategy—the Security Council’s CTC and its CTED currently have a role to play in promoting education and dialogue in the context of efforts to combat terrorism. Among other things, Resolution 1624 called on “all States to continue international efforts to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and churches.” Thus, states have included information on a range of UN and other international initiatives and national measures undertaken in this area in their reports to the CTC on efforts to implement the resolution.³³ So far, the CTC/CTED has done little more than list some of these initiatives in two CTC reports to the Security Council. More could be done with this information, including by compiling a global survey of efforts in this area, with a view to highlighting best practices that have emerged for addressing the often politically sensitive issues of education and dialogue across different regions. Such a survey would also help provide interested stakeholders with a better understanding of which initiatives have already been undertaken to identify more clearly where additional projects might be needed. In the end, to help ensure broader political support for its work, the CTC/CTED might undertake this task as part of the relevant Task Force working group rather than on its own.

III. Judicial Cooperation and Mutual Legal Assistance

The Strategy, particularly in Pillar II, underscores the importance of international cooperation in the fight against terrorism. Perhaps nowhere is the need to strengthen international cooperation more important than in the field of judicial, law enforcement, and other legal cooperation. Due to the transnational nature of international terrorism, effective and efficient international legal cooperation is essential to the gathering of evidence, mutual legal assistance (MLA), the conduct of investigations, and the extradition of alleged terrorists to stand trial. In addition to these forms of formal legal cooperation, effective informal cooperation among police, border control, and other law enforcement agencies is imperative, particularly when dealing with noncoercive intelligence and evidence.

Much like nearly all parts of the document, the Strategy's provisions on the subject of international legal cooperation draw almost entirely on language previously adopted by the General Assembly in its annual resolution on "measures to eliminate international terrorism" and by the Security Council, most notably in Resolutions 1373 and 1566. The Strategy also reinforces the principle of extradite or prosecute (*aut dedere aut judicare*) enshrined in most of the international conventions and protocols against terrorism, now numbering 16, and mentioned explicitly in Resolution 1373, which is binding on the entire UN membership. In addition, the Strategy further underscores the commitment of all states to ensure that their efforts to apprehend and prosecute or extradite suspected terrorists are carried out "in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law."³⁴ This responsibility would seem to be in line with the point made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, namely that while upholding the principle of extradition or prosecution for international crimes including terrorism and ensuring that perpetrators of crimes should be brought to justice, states also have an obligation to safeguard the rights to fair trial and freedom from torture and inhuman treatment of suspects and detainees.³⁵

As with other parts of the Strategy, its adoption provides an opportunity to take stock of efforts and capacities of the relevant UN actors to promote implementation and identify both the challenges to more widespread and sustained implementation and ways to tackle them.

Any discussion of the role of the United Nations in promoting international legal cooperation in the fight against terrorism should begin with perhaps its most significant contribution to global counterterrorism efforts: the 16 international conventions and protocols relating to terrorism adopted over a span of 43 years, which have laid important normative foundations in a number of counterterrorism-related fields. With these sectoral instruments, the UN system has created a broad although not yet comprehensive framework of international criminal law. They limit the freedom of movement of terrorists who are subject to being prosecuted or extradited by states-parties that find them on their territory. They provide essential tools for extradition and MLA for national authorities to assist requesting state-parties by conducting investigations on their behalf and passing the information and evidence and possibly even the accused



over to that country and help ensure that there are no safe havens from prosecution and extradition.

Although the MLA provisions in the international instruments are very broad and their vagueness can limit their practical utility somewhat, they do provide a state-party with a legal basis for communication to another state-party of information or evidence that it deems important in combating terrorism. In the absence of an extradition or MLA treaty for criminal matters at the global level, the international conventions and protocols are in fact the only instruments providing a universal legal basis for cooperation on terrorism matters, which highlights the importance of working toward universal participation.

Since the attacks of 11 September 2001, the increase in the number of countries joining and implementing these instruments has been dramatic. This rise is attributable to a number of factors, including the call by the Security Council in Resolution 1373 and subsequent terrorism resolutions for all states to join these instruments and the priority that the council's CTC and CTED have placed on this issue in their dialogue with states.

In addition to questions about the status of efforts to ratify the international instruments against terrorism and enact and implement the necessary domestic legislation in this area, the CTED's preliminary implementation assessments (PIAs) include a number of other questions aimed at allowing the CTC/CTED to monitor states' efforts to implement the provisions of Resolution 1373 related to international legal cooperation and identify capacity gaps and facilitate technical assistance in this field. For example, each PIA asks each state how it applies the principle of *aut dedere aut iudicare*. It requests information concerning domestic provisions for cooperation with other countries, such as domestic provisions for extradition and MLA including transfer of criminal proceedings and procedures to ensure that *refoulement* does not take place. Further, a number of the fields included in the CTC/CTED's technical assistance matrix, which lists the states that have requested technical assistance in different counterterrorism fields, relate to strengthening the capacity of states to effectively engage in international legal cooperation in terrorism cases.³⁶ Moreover, the CTC/CTED's Directory of Best Practices, Codes and Standards related to the implementation of Resolution 1373 includes links both to the UN model treaty and model law on extradition, as well as a number of other guidance documents for states in the field of international legal cooperation.

The CTC/CTED has helped reinforce the importance of ensuring that all states have the tools and expertise necessary to engage in effective judicial cooperation and MLA and other forms of international legal counterterrorism cooperation. Given the technical and complex nature of the topic, however, there would not have been such a dramatic increase in the number of states ratifying and implementing the international instruments without the robust technical assistance efforts of UNODC's Terrorism Prevention Branch (TPB).

Through its regional, subregional, and national workshops, TPB has directly or indirectly supported more than 150 countries in ratifying and implementing the international instruments and in strengthening the capacity of national criminal justice systems

to implement effectively their provisions in conformity with the rule of law. It has also produced a number of technical assistance tools to assist national counterterrorism practitioners, including judges, prosecutors, and other law enforcement officials, with the implementation of those instruments in their daily practice. These tools include a legislative guide to the international instruments and model legislative provisions against terrorism. TPB is finalizing or updating a number of other tools, such as analytical studies on counterterrorism legislative developments in various subregions, which review the status of laws and practices for the implementation of international instruments; a training manual on international cooperation in the fight against terrorism for criminal justice officials; and a handbook on the criminal justice response to counterterrorism.³⁷ To help ensure that TPB tools reflect an operational rather than an academic approach, practitioners from different regions are involved in the drafting process.

In addition to these TPB activities, other parts of UNODC have developed a number of technical assistance programs aimed at facilitating overall international cooperation in criminal matters, particularly in the field of extradition and MLA. Carried out by the Treaty and Legal Affairs Branch, they include the elaboration of model treaties, the provision of legal advisory services to requesting countries, and the design of software tools such as the practical “Mutual Legal Assistance Request Writer Tool,” and a similar software tool for writing extradition requests expected to be finalized this year.

Despite the efforts of the United Nations and other stakeholders to promote the adoption and implementation of the international counterterrorism instruments and, more specifically, to promote judicial cooperation and MLA in terrorism matters, significant implementation and training gaps remain, particularly in some areas where the threat may in fact be the greatest.³⁸ The absence of relevant bilateral agreements and insufficient implementation of existing multilateral instruments, which could provide the necessary legal basis for judicial cooperation, for example, has contributed to the use of extrajudicial measures, which undermines due process and robs the accused of several judicial avenues that provide checks and balances and enhance human rights protections.

Overcoming these gaps in the framework represents just one of the many obstacles to effective legal cooperation against terrorism. As the head of the Organization for Security and Co-operation in Europe’s Action against Terrorism Unit recently stated, “[T]errorists and other criminals take advantage of these obstacles to escape justice, and unfortunately authorities may at times be tempted to resort to extrajudicial methods to settle the score with them.”³⁹

Other obstacles to effective international legal cooperation in this area include, first, the limited knowledge that some national authorities often have of the very existence of bilateral and multilateral agreements in this field. This shortcoming highlights the importance of UNODC’s training of judges, prosecutors, and other law enforcement officers to explain what legal instruments are available and how to use them.

Second, one of the major problems in MLA worldwide is the slow reply speed of the requested state, resulting in suspects that must be freed owing to lack of evidence. Some of the reasons for slowness include shortage of trained staff, linguistic difficulties, and



the complexities of the procedures for responding to formal MLA requests. There is thus a need to encourage informal information sharing to expedite investigations, especially in the collection and securing of relevant evidence, which would prevent jeopardizing investigations and allow the development of cases, while giving time to meet the formal legal assistance requirements necessary for prosecution. In addition, states should establish a central authority in the government to receive and respond to MLA requests.

Third, the political will in some regions can be a problem where trust among countries is lacking. In general, although the universal instruments provide a theoretical basis for cooperation, in practice it often comes down not only to politics, but trust and reciprocity among the relevant criminal justice officials in different countries. The importance of regional and subregional networking, joint training, and confidence-building initiatives should therefore never be underestimated and merit greater attention from donors and assistance providers. In addition, because international legal cooperation is an executive and judicial decision in most cases, including both executive and judicial officials in awareness-raising and training initiatives regarding the universal instruments is important.

Fourth, because of the lack of global agreement on the scope of a definition of terrorist offenses, not all countries have chosen to define terrorist offenses under their respective national laws in the same way. As a result, not all national definitions satisfy the principle of legality for them to conform with international human rights law. The Special Rapporteur has provided guidance to states to ensure that terrorism legislation conforms with international human rights law, although much more work in this area is needed.⁴⁰ In addition, the lack of a global definition of terrorism and the resulting discrepancies in domestic law can complicate efforts to satisfy the principle of “dual criminality,” which is a prerequisite for international cooperation, especially extradition. In general, to facilitate judicial cooperation, national definitions of terrorist activity should be as close to one another as possible.⁴¹ Alternatively, states should try wherever possible to use the existing UN instruments as a basis for pursuing international legal cooperation.

Fifth, concerns regarding the compliance with international human rights and refugee law by law enforcement authorities in countries requesting extradition or MLA have also hindered international legal cooperation efforts in certain instances, with some states refusing to extradite where allegations of torture and degrading treatment of suspected terrorists are credible. In other instances, the requested state has relied on “diplomatic assurances” as a form of guaranteeing that a person will not be ill treated following surrender to a state. This practice has been repudiated by human rights experts around the globe, including UN High Commissioner for Human Rights Louise Arbour, as not providing an effective safeguard against torture and ill treatment.⁴² The European Court of Human Rights in *Saadi v. Italy* recently reaffirmed that the ban on deporting people to countries where they are at risk of torture or ill treatment is absolute and unconditional.⁴³ Eleven international human rights groups hailed the judgment as a major reassertion of the importance of the rule of law.⁴⁴

Finally, there is recognition that international terrorism is often linked with a broad range of other criminal activity, and therefore

criminal justice systems and practitioners need to be legally equipped and capacitated to deal not only with terrorist crimes themselves, but with a range of crimes potentially linked to terrorism, such as drug trafficking and smuggling of drugs, firearms and persons, money-laundering and corruption.... [Thus,] holistic efforts to strengthen domestic criminal justice capacity to address these crosscutting and related crimes will enhance global counter-terrorism action.”⁴⁵

Although officials dealing with the different international crimes in many countries and the themes are often the same, too often the United Nations, principally through UNODC, provides separate training to criminal justice officials in often under-resourced countries on how to implement the various UN terrorism, transnational organized crime, money laundering, and corruption instruments rather than offering a unified program that maximizes the synergies among the different thematic areas and reflects the above-mentioned links.

Given that efficient judicial cooperation and MLA are essential elements of an effective criminal justice response to terrorism, which runs through the entire Strategy, the Task Force and its relevant participating entities should focus more attention on how to address these issues. UNODC, OHCHR, and the CTC/CTED, among others, have critical roles to play in continuing to identify the challenges to effective international legal cooperation in the fight against terrorism and how the UN system can help states overcome them.

For example, although OHCHR currently provides training to judges, lawyers, and law enforcement in counterterrorism and human rights, together with experts from the CTED and UNODC it could focus more attention on the issue of international legal cooperation. Problems typically arise at a practical level and are often caused by the different procedures and processes found in the different legal systems of various states. OHCHR could organize consultations with the police and legal practitioners to help clarify where difficulties in judicial cooperation and MLA lie in practice and how the issues can be best addressed in a manner consistent with national legal traditions and human rights law.

The Task Force’s working group on “Protecting Human Rights while Countering Terrorism” could provide guidance, including via a fact sheet to states on ways in which judicial cooperation and MLA can be strengthened while safeguarding human rights and the rule of law. The CTED, in close cooperation with UNODC and OHCHR, could offer advice to countries on the drafting of domestic legislation to ensure that all definitions of terrorist acts and procedures applied in terrorism cases comply with international human rights standards, building on the generic guidance offered by the Special Rapporteur. The CTED, together with UNODC, could also highlight concrete examples of and roadblocks to effective judicial cooperation and MLA from different regions, with a view to developing best practices and lessons learned, which could be shared with counterterrorism practitioners around the globe.



Furthermore, despite the important work done to date by UNODC in this area, additional efforts are needed to train prosecutors, judges, judicial officials, and intelligence and other law enforcement officers on issues of international legal cooperation on terrorism and other criminal matters. In addition to training more law enforcement officials, the training should be carried out in the holistic manner suggested above so that criminal justice practitioners and the systems in which they work are legally equipped to address not only terrorist offenses themselves but also the wide range of potentially linked crimes.⁴⁶ In addition, these practitioners should receive advice on the drafting and implementation of bilateral and multilateral extradition agreements and MLA to ensure international human rights law is observed in practice. This training should not just be limited to law enforcement and other criminal justice practitioners, but should include those policymaking officials generally responsible for the drafting of the extradition and MLA agreements (e.g., the legal advisers in the justice ministries or in the department of the public prosecutor).

Moreover, to maximize the impact of UNODC legislative drafting workshops and training courses for criminal justice officials, there is a need “to ensure sustained services and adequate follow-up to initial assistance efforts undertaken and thus achieve long-term impact.”⁴⁷

UNODC should continue to play the leading role in these training and related technical assistance activities, but careful attention should be paid in assuring that all relevant UN entities are speaking with the same voice on these issues so that government officials are receiving a consistent message from the different parts of the United Nations in these areas.

In addition, because building trust among criminal justice officials in different countries may be the most important ingredient to effective international legal cooperation, the United Nations needs to place greater emphasis on convening regional and subregional workshops and creating judicial cooperation fora at the regional and subregional levels. UNODC’s TPB, often in close cooperation with the relevant regional and subregional body, has done some important work in this area, for example in the Horn of Africa with the IGAD Capacity Building Programme Against Terrorism and in Latin America with the Inter-American Committee against Terrorism. These efforts should not only be expanded to other parts of the world, including where there is no effective mechanism for facilitating cross-border counterterrorism cooperation, but should involve a wider range of relevant UN entities such as the CTED and OHCHR.

The establishment of a Task Force working group on judicial cooperation and MLA might be one way to stimulate more collaborative thinking among the key UN entities in these areas, with a view to designing and implementing programs aimed at helping UN member states overcome the existing obstacles to more effective international legal cooperation in the fight against terrorism. In addition, it could be used as a forum for identifying how the United Nations can further promote legal cooperation to fight terrorism at the regional and subregional levels, including through the adoption of conventions and protocols on judicial cooperation and MLA.

IV. Addressing Radicalization

Although the Strategy does not make explicit reference to “radicalization,” it does recognize the need to address conditions conducive to the spread of terrorism through the successful pursuit and reinforcement of development and social inclusion agendas at every level. Promoting these agendas is an essential ingredient for reducing the socioeconomic and political marginalization and subsequent sense of victimization that can propel terrorist recruits and “transform ordinary people into fanatics who use violence for political ends.”⁴⁸ No one factor will automatically lead to violence, and the factors that do cause a person to cross the line to being prepared to commit a terrorist act are complex, multifaceted, and in many cases distinctly personal. Few countries, if any, are immune to radicalization; and radical groups can flourish under very different political, social, and economic circumstances. Further, only a small portion of those who connect with radical groups or organizations actually become involved in terrorist activities.⁴⁹ Nevertheless, it remains essential to try to understand the reasons that drive people into the arms of terrorist groups, recognizing that, as stated by EU Counter-Terrorism Coordinator Gijs de Vries in 2006, “if we do not prevent the next generation of terrorists from emerging we will not solve the problem in the long run.”⁵⁰

Although the causes of radicalization are mostly local, addressing them is the key to the long-term prevention of global terrorism. Unlike in the fields of counterterrorism norm creation and promotion and capacity building, which began well before the events of 11 September 2001, the UN system has only recently begun to try to understand the issue of radicalization, where its comparative advantage in addressing this process lies, and where UN entities should assume the leading role.

Among the challenges that the UN system and other interested stakeholders face in trying to address the issue are (1) the lack of capacity of some states to address the social, economic, and political conditions that can lead to alienation and marginalization; (2) the limited knowledge on the part of some actors of the vulnerable communities susceptible to extremist ideologies and a poor understanding of the radical ideologies themselves; and (3) a complexity and diversity of factors, including unemployment, social exclusion, generational conflicts, identity crises, distrust in the government, the Internet, and negative media coverage, that make youth particularly vulnerable to extremist recruitment.⁵¹ Given the number of different factors that can lead to radicalization, a wide range of UN entities have a potential role to play in a UN effort to contribute to addressing the issue, including UNESCO, UNODC, the UN Children’s Fund, the UNFPA, the UNHCR, OHCHR, the UN Economic Commissions, the World Bank, the UN Relief Works Agency, the Security Council’s CTC/CTED and its Al-Qaida/Taliban Sanctions Committee and its Analytical Support and Sanctions Monitoring Team, and a number of departments in the UN Secretariat.

The Task Force has established two working groups to specifically address radicalization and a number of other working groups relevant to the issue, such as ones that deal with the misuse of the Internet for terrorist purposes and the promotion of intercultural and interreligious dialogue.



The working group on “Addressing Radicalization and Extremism that Lead to Terrorism” is being led by the Executive Office of the Secretary-General, the UN Interregional Crime and Justice Research Institute, and the Al-Qaida/Taliban Sanctions Committee Monitoring Team. It is focusing on wide-ranging research and analysis of radicalization and extremism that lead to terrorism, including by reviewing member states’ responses to the working group’s 18 February 2008 letter asking for information on national efforts to address radicalization and to promote deradicalization and any evaluations of these efforts. The group plans to map policies implemented and actions taken by states, as well as activities undertaken by regional organizations, civil society, academics, and other individuals in this area. As part of the mapping, the group is hoping to provide a central database of initiatives that attempt to understand and deal with radicalization and recruitment to terrorism. It will also seek to elaborate a set of examples, general principles, and best practices for states to help them address radicalization and extremism that lead to terrorism.⁵²

As a complement to this working group, the Task Force launched another working group to develop a counter-radicalization documentary project to help undermine the appeal of terrorism and the al-Qaida message by providing a platform for ex-terrorists and their victims to speak out against terrorism. In the initial phase, two documentaries are envisioned, featuring an ex-terrorist and a victim from target communities at which the documentaries are aimed.⁵³

Reflecting the keen interest that many donors have in the issue, these two radicalization working groups have raised some \$550,000, mainly from the United States and European states, to cover the initial phases of their work.⁵⁴ With respect to the latter group, although the German government has agreed to contribute much of the \$150,000 needed for the project, the money has yet to be transferred due to UN administrative red tape. As a result, work on the project has yet to begin.

Apart from the sometimes lengthy administrative delays that can arise either on the donor or the UN end when voluntary contributions are involved, continuing to rely on project-based, voluntary funding and short-term consultants to undertake the work of the Task Force and its working groups may limit their impact over the longer term. Once the initial mapping phase of its work is completed, the radicalization and extremism working group may have difficulty developing a program over the longer term and sustaining the necessary political support from the wider membership, which is unlikely to have a sense of ownership over an activity funded by one or two donor countries. To help build this ownership, the United Nations could offer member states, regional bodies, and experts from different regions a regular forum to share experiences on this rapidly evolving issue and more broadly to discuss the diverse causes of radicalism existing at the regional, national, and local levels.

In general, more attention, including through these working groups, should be given to what role the different parts of the UN system can play in helping states address the structural factors contributing to radicalization, while taking into account the need to reflect the appropriate regional and local contexts and recognizing that counterterrorism may only be a tangential focus of any such activities.



For example, prisons are now recognized as significant centers of radicalization, particularly among young people. Might there be a role for UNESCO to play in developing or promoting prisoner education programs, dispelling misconceptions about religious interpretation, and preparing inmates to become productive members of society? Could UNESCO or another appropriate UN intergovernmental body provide an opportunity for countries to share experiences, including by bringing together representatives of national prison authorities, and identify best practices in this area?

In addition, socioeconomic measures targeting marginalized and excluded segments of society, as well as measures to otherwise engage with and broaden political participation of vulnerable communities, have long been an integral part of sustainable development strategies. Thus, a variety of development interventions could be relevant when considering programs to counter radicalization.⁵⁵ Should UNDP and other UN development actors and technical assistance providers target vulnerable populations and marginalized groups with projects aimed at addressing their particular real or perceived grievances, including through development projects, road construction, the provision of basic public services, and education? If so, could the Strategy be used as a vehicle for identifying and then engaging at the country and local levels with these groups to help address some of the different forms of discrimination and marginalization that can radicalize?

Further, should counter-radicalization become a regular part of the CTC/CTED's work, given the mandate the Security Council provided to it in the related area of incitement via Resolution 1624? This could include, for example, identifying counter-radicalization as an area in which the CTED seeks to identify capacity gaps and technical assistance providers, facilitate the delivery of assistance, and identify best practices for dissemination on its Web site and beyond. According to the CTC's January 2008 report to the council on the implementation of this resolution, the committee "will initiate a discussion to explore the needs of States for technical assistance on all aspects of the resolution, and it will aim to facilitate the provision of such assistance as appropriate."⁵⁶ The current CTC work program (1 January to 30 June 2008) indicates that the committee will "initiate a discussion to explore the needs of States for technical assistance in implementing resolution 1624 ... and facilitate the provision of such assistance, as appropriate."⁵⁷ It is not clear, however, whether this discussion will in fact take place before 30 June 2008 and whether it will culminate with the CTC providing the CTED with the broad and flexible mandate that is likely required to effectively address the complex issues surrounding radicalization. In addition, it remains uncertain whether the wider UN membership would support engaging and sharing information on the often-sensitive socioeconomic, political, cultural, and religious factors that relate to radicalization with experts from the CTED, a council body established under Chapter VII. Reflecting this apprehension, a number of countries in the global South have already voiced their concern over the fact that the coordinator of the council's Al-Qaida/Taliban Sanctions Monitoring Team is coleading the Task Force's working group on "Addressing Radicalization and Extremism that Lead to Terrorism," which is linked to the implementation of the General Assembly's Strategy. Thus, it may not make practical sense to entrust the CTC/CTED or any other council body with a key role in this field going forward.



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WORKSHOP 3 The Role of the United Nations in Promoting and Strengthening the Rule of Law and Good Governance in Implementing the UN Global Counter-Terrorism Strategy

22–23 May 2008 | Antalya, Turkey

QUESTIONS TO CONSIDER

These questions have been prepared by the organizers to help focus the workshop discussions. To this end, the moderator and panelists for each session are strongly encouraged to focus their remarks on addressing the relevant questions below, with a view to identifying concrete and practical steps that can be taken to enhance the role of the relevant UN entities and create greater synergies among them in promoting and strengthening good governance and the rule of law in the context of implementation of the United Nations Global Counter-Terrorism Strategy.

I. Overview

- What are the comparative advantages of the United Nations in promoting and strengthening good governance and the rule of law in the context of implementation of the Strategy?
- Which UN system entities are or should be contributing to efforts in this area?
- Is sufficient emphasis being placed by the UN Counter-Terrorism Implementation Task Force and by UN member states on promoting and strengthening good governance and the rule of law in the context of Strategy implementation? If not, what can be done to remedy that situation?
- To what extent are existing UN efforts to promote good governance and the rule of law being linked, explicitly or implicitly, with efforts to implement the Strategy?
- To what extent is the work of the traditional UN counterterrorism actors, such as the Security Council's counterterrorism-related bodies and the UN Office on Drugs and Crime's (UNODC) Terrorism Prevention Branch, relevant to and integrated with the United Nations' Rule of Law Coordination and Resource Group and Rule of Law Assistance Unit?



- Are there aspects of good governance and the rule of law, particularly in those areas where the United Nations has developed programs not included on the agenda of this workshop, that merit discussion? If so, what are they?

II. Development and Good Governance

- What can various UN bodies do to implement the development and good governance elements of the Strategy? Which UN entities should take the lead in representing and promoting these objectives on the Task Force?
- What are some concrete examples of programs aimed at promoting development and good governance that also strengthen state capacity to combat terrorism?
- How can coordination and cooperation between development and counterterrorism capacity-building efforts within the United Nations be improved without compromising or politicizing development work and without diluting counterterrorism efforts?
- Should the UN Development Programme (UNDP) be encouraged to play a more active role on the Task Force? If so, what steps could be taken in this regard?
- What steps could be taken to stimulate the development of programs at the national level that bring together local UNDP offices, national government officials, civil society actors, and interested donors to raise awareness of the need and build public support for adopting and implementing comprehensive counterterrorism legislation and other relevant measures?
- How can UNDP and other relevant UN entities interact with other stakeholders within the United Nations and outside the Task Force, including civil society, to ensure that other elements of the Strategy, such as counterterrorism capacity building, complement and strengthen efforts to implement the Millennium Development Goals?
- Are there examples of how the development-security nexus is being operationalized more effectively within the UN system (e.g., on issues such as security sector reform or peace building) that might serve as useful models to adapt to counterterrorism? Are there models that have been developed at the regional, subregional, or national level (e.g., between development agencies and foreign, defense, and justice ministries) that may also serve as best practices in the context of the Strategy?
- To avoid what may be an inappropriate use of the counterterrorism label, at the international level, how can the United Nations and the Task Force in particular ensure that information regarding measures that are being taken on development, education, and governance issues are understood by counterterrorism practitioners as measures that are furthering their work without necessarily being referred to as counterterrorism per se? Is this being done at the national level among development and other agencies? If so, how?



III. Judicial Cooperation and Mutual Legal Assistance

- What are some of the current impediments to effective legal counterterrorism cooperation, and what role can the relevant UN entities play in helping states overcome them? For example, is there more room for cooperation among experts from the Office of the UN High Commissioner for Human Rights, UNODC, and the Counter-Terrorism Executive Directorate (CTED) in the development and implementation of programs aimed at clarifying where the difficulties to judicial cooperation and mutual legal assistance lie in practice and how the issues can best be addressed in a manner consistent with human rights law? If so, what form should this cooperation take?
- Is there a role for the Task Force in this area, for example, through the establishment of a working group that could help ensure that government officials are receiving a consistent message from the different parts of the United Nations in this field?
- What more could the United Nations do to stimulate the development of regional and subregional networks of criminal justice practitioners to stimulate greater transnational legal cooperation?
- What steps could be taken to help ensure that UNODC's legislative drafting assistance and training of criminal justice officials, particularly in underresourced countries with limited capacity to absorb technical assistance, is based on an integrated approach to addressing a range of related criminal activities, including those related to terrorism, organized crime, and drug trafficking, to maximize synergies in the delivery of assistance in these related fields?
- What steps could be taken to ensure that UN capacity-building work in this field is sustainable and ensures the follow-up necessary to maximize its long-term impact?

IV. Education and Dialogue

- How is the UN Educational, Scientific and Cultural Organization (UNESCO) contributing to the implementation of the Strategy, in particular, through the promotion of quality education, religious and cultural tolerance, interfaith and intrafaith dialogue, the role of the media and the Internet, and dialogue among civilizations? What are some examples of concrete UNESCO activities in this area, including at the regional and national levels? In what areas could UNESCO play an enhanced role?
- Are there synergies between UNESCO and other parts of the United Nations that could be strengthened to enhance these contributions? For example, is there room for cooperation between the Counter-Terrorism Committee (CTC) and its CTED and UNESCO in the context of Security Council Resolution 1624?
- To what extent are UNESCO's field offices working with other parts of the UN system on the ground to promote Strategy implementation?
- What steps could be taken to stimulate the development of programs at the national level that bring together local UNESCO offices, national government



officials, civil society actors, and interested donors that would further Strategy implementation efforts?

- To what extent are UNESCO's programs targeting the most vulnerable parts of the population, i.e., those most susceptible to radicalization?
- What are the obstacles to more active UNESCO participation in the work of the Task Force, and how might these be overcome?
- How can the synergies between the Alliance of Civilizations (AoC) Secretariat, which is not part of the Task Force, and the Task Force be maximized? Should the AoC Secretariat be invited to join the Task Force? If not, are there practical forms of cooperation between the AoC Secretariat and the Task Force and its members that could be pursued to realize common objectives?
- What lessons can the Task Force learn from the AoC's multi-stakeholder approach, which places great emphasis on outreach? How might the Task Force's approach be modified to take these lessons into account?

V. Addressing Radicalization

- Where does the United Nations' comparative advantage lie in this area?
- Which are the most relevant UN actors in this field, and what role can they play in helping states address the structural factors contributing to radicalization?
For example:
 - Should UNDP and other UN development actors and technical assistance providers target vulnerable populations and marginalized groups with projects aimed at addressing their particular real or perceived grievances? If so, could the Strategy be used as a vehicle for identifying and then engaging at the country and local level in this field?
 - Should counter-radicalization receive more attention from the CTC/CTED, given the mandate the Security Council provided to it in the related area of incitement via Resolution 1624? If so, should the CTC/CTED seek to identify, develop, and disseminate counter-radicalization best practices and facilitate the delivery of technical assistance in this field?
 - Should UNESCO or another UN entity play a role in developing or promoting prisoner education and job training programs and/or providing an opportunity for countries to share experiences and identify best practices in effectively addressing the radicalization threat posed by many prison environments?
- Is there an existing intergovernmental forum, formal or informal, that could be used for experts, both government and nongovernmental, from different regions to share national and regional experiences in countering radicalization? If so, which one? If not, should one be created?



WORKSHOP 3 **The Role of the United Nations in Promoting and Strengthening the Rule of Law and Good Governance in Implementing the UN Global Counter-Terrorism Strategy**

22–23 May 2008 | Antalya, Turkey

WORKSHOP SUMMARY

Introduction

1. On 22 and 23 May 2008 the Republic of Turkey hosted the third workshop in the International Process on Global Counter-Terrorism Cooperation, which is being co-sponsored by Turkey, Costa Rica, Japan, Slovakia, and Switzerland and supported by the Center on Global Counterterrorism Cooperation. The workshop was conducted under the Chatham House Rule, i.e., all discussion was off the record and not for attribution. The following summary reflects some of the highlights, themes, challenges, and recommendations identified during the meeting but is not an official or complete record of the proceedings and does not necessarily reflect the views of all the participants.

2. The aim of the third workshop was to allow the participants an opportunity to focus sustained attention on two topics that cut across all four pillars of the United Nations Global Counter-Terrorism Strategy: the rule of law and good governance. Although not intended to reach any definitive conclusions, the two-day event allowed some 55 experts representing states, multilateral bodies, and civil society from around the world to engage in a frank discussion of the linkages among development, good governance, education, dialogue, rule of law, judicial cooperation and mutual legal assistance (MLA), violent radicalization, and counterterrorism in the context of the Strategy and the efforts of the United Nations and its member states to implement it.

3. In particular, the participants sought to identify the practical steps the UN Counter-Terrorism Implementation Task Force and its constituent entities and UN member



states might take to better address these linkages in their policies and programs. For example, a number of suggestions were made for deepening the cooperation between the UN Development Programme (UNDP) and other UN development actors and UN counterterrorism entities, including by convincing UNDP to participate in the work of the Task Force without labeling UNDP as a “counterterrorism” actor and by stimulating a dialogue between the UN development and rule of law and counterterrorism communities. In addition, reflecting widespread dissatisfaction with the current level of coordination on a range of thematic areas addressed in the Strategy, the participants highlighted the need for greater coordination (e.g., information sharing, division of labor, and integration of programs) among the relevant entities involved in Strategy-related work in fields such as development and good governance, education and dialogue, and deradicalization.

4. Although not specific to the thematic issues on the workshop’s agenda, the need for Strategy implementation to be driven by member states and for member states to become more involved in the work of the Task Force and its working groups on an ongoing basis and in guiding Strategy implementation efforts was emphasized throughout the meeting. Participants put forward a number of concrete suggestions on how this goal might be achieved. For their part, the point was made that member states need to show more interest in the Strategy in capitals and donate more of their resources and devote more attention to Strategy implementation-related activities.

I. Overview of the Role of the United Nations in Strengthening Good Governance and the Rule of Law in the Context of the Strategy

5. It was widely accepted that the rule of law and good governance are essential for the protection of human rights and for sustainable development and in eroding support for terrorism. Thus, although recognizing that terrorism takes place in developed as well as developing countries and in countries with different rule of law traditions, technical assistance in these areas can help address conditions conducive to the spread of terrorism. Such assistance, however, must target the appropriate audience to be effective. It was asserted that more work is needed to help identify both the most vulnerable segments of society and specific factors in each country that are most conducive to the spread of terrorism. In this regard, it was suggested that there was a role for UNDP and the World Bank to play, working at the country level, in providing these analyses and assessments.

6. The importance of a packaged, multi-stakeholder approach to development assistance that includes the counterterrorism agenda and incorporates it as a separate element in the national development plans of individual countries was emphasized. Obtaining political support and local ownership in recipient countries was identified as one of the keys to achieving results in this area. It was suggested that the United Nations could assume a more active role in securing the necessary political support in countries concerned and that there should be a lead entity within the United Nations to promote this packaged, multi-stakeholder approach that includes “hard” and “soft” measures and short- and long-term deliverables.



7. The drawbacks of labeling ongoing UN good governance and rule of law work as “counterterrorism” and mainstreaming counterterrorism across the United Nations were discussed, with the prevailing view being that neither should take place. The point was made that mainstreaming would dilute the ongoing counterterrorism work and unnecessarily politicize the work of the good governance and rule of law actors. In fact, the starting point of discussions regarding the relationship between counterterrorism work and promoting good governance and the rule of law should focus on how counterterrorism work can integrate with ongoing good governance and rule of law activities rather than the reverse. Countering terrorism should merely be one of the outcomes of these activities rather than the goal.

8. The importance of identifying the comparative advantages of the UN system in this area was discussed. For example, the United Nations is the only institution that can obtain broad-based local and regional buy-in and offer a comprehensive approach to addressing global issues such as terrorism. Realizing this comparative advantage requires obtaining support from the wider UN community, not just the Security Council. Questions were raised whether there is a need to realign the United Nations’ structure and resource allocation in order to maximize its comparative advantages.

9. Participants highlighted the challenge of improving coordination between those in the UN system working on rule of law and good governance issues and those working on counterterrorism issues. Coordination among the relevant entities in the United Nations should take place at three levels: information sharing, division of labor, and integration of programs. The dichotomy in the UN system that isolates human rights and rule of law issues from counterterrorism issues makes this organization difficult to achieve. For example, counterterrorism actors were apparently not invited to participate in the UN rule of law and security coordination resource group, and although the Task Force includes both UN entities working on each set of issues, there has not been an appreciable increase in the coordination among these actors.

10. Participants remained hopeful, however, that the Task Force could play a role in generating more effective coordination. Although this activity would require additional resources, the view was expressed that any funding out of the regular UN budget for the Task Force would need to be from “within existing resources,” as provided for in the Strategy, i.e., not result in an increase in the size of the overall budget. In addition, more active engagement from those UN entities involved in promoting good governance and the rule of law would be needed to achieve greater coordination. These entities should be encouraged to become more active, not as “counterterrorism” actors, but as ones that are contributing to effective counterterrorism as a result of their ongoing work.

11. Rule of law, due process, and respect for human rights, it was stressed, need to permeate all Security Council counterterrorism resolutions and the work of its counterterrorism bodies. It was argued that if UN entities, particularly the council, do not remember what the rule of law means when it drafts, negotiates, adopts, and monitors the implementation of its resolutions, the United Nations could have an unbalanced program resulting in the erosion of freedoms and rights, which could lead to an upsurge in violence.



II. Development and Good Governance

12. The holistic approach of the Strategy, which includes both repressive measures and measures (e.g., promoting development and good governance) to address conditions conducive to the spread of terrorism, sets it apart from other UN counterterrorism initiatives. It was pointed out that the inclusion of these two elements in a single document was the key compromise that allowed the General Assembly to adopt the Strategy by consensus. The General Assembly's intention, it was asserted, was that the development and good governance goals are not a means to combating terrorism but rather that combating terrorism is a means to promoting development and good governance. There was broad agreement among workshop participants, in fact, that the United Nations should be seeking to further development and good governance for their own sake and not because of any counterterrorism benefits that might accrue from this work. Nevertheless, other stakeholders who are working to implement the Strategy should be better and more regularly informed about the contributions that are being made in those areas.

13. The point was also made that there is a need for more evaluation work to be done at the national, regional, and UN levels to better understand the linkages between development and good governance work and countering terrorism, the effects of development and good governance programs on counterterrorism, and any lessons that can be learned from these experiences. It was recognized that there is no contradiction between the conditions that create the environment where development can take place and those where counter-radicalization or, more broadly, counterterrorism can take place. These conditions include absence of the rule of law, political and social marginalization, exclusion, lack of social and economic progress, and unresolved local and regional conflicts.

14. Although some called for UNDP to engage with the Task Force and on the Strategy, the view was expressed that UNDP and other development actors in the UN system have serious and valid concerns about being too closely linked with the fight against terrorism and with the Strategy. Some of the existing obstacles, which must be overcome in order to allow for more engagement between the people working in the development field and those in the counterterrorism field, were identified, including different policy frameworks and vocabularies, competition for resources, and mistrust between the two communities. This last obstacle, it was pointed out, was based on the reluctance of development actors to associate themselves with the repressive aspects of counterterrorism.

15. The participants identified a number of ways in which the United Nations can help to overcome these obstacles. These possibilities include actively encouraging actors from the two fields to sit together and engage in a dialogue, identifying concrete examples at the local level where cooperation is in fact occurring, and promoting and ensuring that counterterrorism elements are integrated into country-specific development strategies. Efforts to overcome these obstacles could benefit from discussions away from formal intergovernmental fora. This discussion, it was suggested, could take place in the Task Force or in the field, with the latter providing more scope for information sharing and



more local knowledge but less opportunity to involve UN counterterrorism actors, who are generally not in the field.

16. Possible ways in which to improve the coordination of these actors were highlighted. These options include creating an Office for the Coordination of Humanitarian Affairs–type coordinating mechanism for counterterrorism issues and having the relevant UN agencies share concrete projects that align with the Strategy in a common database managed by the Task Force, with a view to devising project collaborations among the different actors without necessarily identifying a project as counterterrorism per se. Some cautioned against creating a new coordinating mechanism within the United Nations, arguing that it would exacerbate rather than solve the problem by adding another layer of bureaucracy.

17. There was broad agreement that more impetus should be given to good governance and development issues in the context of the Task Force and the Strategy, including possibly by creating a working group on these issues. Further, more thought should be given to how best to get UNDP to come to the table. A start would be to solicit the views of UNDP regarding what it believes it can contribute to the Strategy and the Task Force, while not labeling its activities as counterterrorism. It was suggested that states should also use the September 2008 review of the Strategy as an opportunity to reaffirm the significance of these issues and offer specific proposals on how to move forward on this agenda, including by making a recommendation to donor governments to increase contributions to UNDP good governance and development programs.

18. The importance of developing holistic national counterterrorism strategies that include a wide range of government departments and agencies, including those related to law enforcement and security matters and social, health, and labor issues, was highlighted. The UN system should play a leading role in helping states develop such strategies, although it was pointed out that the current fragmented UN approach makes it difficult to engage with states in a holistic manner. Although the Task Force working group on integrated implementation of the Strategy might be able to assume this role in theory, some participants questioned whether it would be able to do so in practice given the larger Task Force limitations.

19. It was highlighted that the Strategy offers donor states an opportunity to develop more integrated, multidimensional technical assistance projects aimed at reaching out to various actors in recipient states, such as criminal justice officials, law enforcement agencies, transport companies, the financial sector, and civil society in a more coordinated and integrated manner. It remains unclear the extent to which states are taking advantage of this opportunity.

III. Education and Dialogue

20. Education and dialogue are essential elements of the Strategy. The UN Educational, Scientific and Cultural Organization (UNESCO), along with its regional partners such as the Islamic Educational, Scientific and Cultural Organization (ISESCO), and the Alliance of Civilizations (AoC) are playing important roles in these areas. However, no



one should expect quick fixes. States that have been affected by terrorism long before the September 11 attacks noted from experience that results from work in these fields come little by little over the long term.

21. Ongoing efforts by UNESCO and its partners need to be strengthened, but they should not be renamed or altered to fit a counterterrorism framework. For example, it was pointed out that promoting peace education and a culture of peace, including by empowering individuals to recognize and accept diversity positively and by making informed choices based on unbiased information, will benefit counterterrorism efforts. However, much like in the good governance and development context, it would be counterproductive to apply the “counterterrorism” label to this work. Regardless of how one chooses to label it, the view was expressed that, in the context of curriculum development and teacher training programs, more attention should be given to how terrorism-related issues are addressed in the classroom.

22. The activities of ISESCO in this area were highlighted, including its work with the Council of Europe on an intercultural youth program, its linguistic training programs for students in Morocco and Tunisia and elsewhere in North Africa, its efforts to identify prominent personalities in the Muslim world to promote quality education and intercultural and interfaith dialogue, and its initiative aimed at ensuring that images of the “other” are properly reflected in European textbooks.

23. It was noted that many of the projects launched at the January 2008 AoC Forum in Madrid will contribute to efforts to implement the Strategy, without specifically applying the “counterterrorism” label. Examples were given in areas such as promoting youth employment through education, providing resources to the media to limit possible overreactions to potentially inflammatory incidents, and serving as a clearinghouse for media literacy programs. These projects, it was suggested, could serve as best practices for how to promote further progress in promoting education and dialogue in the context of the Strategy. Although the Task Force has so far focused little attention on issues of education and dialogue partly because of UNESCO’s limited engagement in its work, there was support for finding ways for the Task Force to interact with the New York-based AoC Secretariat, including by having it join the Task Force.

24. The participants highlighted the growing number of initiatives at the local, national, subregional, regional, and global levels aimed at promoting interreligious and cultural dialogue. At present it was pointed out that information is not being shared regularly and effectively about these and relevant educational activities. The United Nations, it was suggested, should fill this gap. UNESCO is the logical UN entity to assume the leading role in this area, either on its own or as part of the Task Force.

25. UNESCO is doing important work related to the Strategy, but it is often difficult to discern exactly what relevant programs it is implementing. It was suggested that UNESCO should provide the Task Force and other interested parties with regularly updated information about the Strategy-related activities of it and its partners. It was reported that UNESCO has apparently just produced a fact sheet providing concrete examples of its activities in different regions, which are contributing to Strategy implementation efforts. Participants welcomed this news.

26. The point was made that coordination at the international level is necessary but not yet adequate among relevant stakeholders on education and dialogue in the context of the Strategy. In addition, it was highlighted that more emphasis should be placed on reaching down to regional and local levels to develop and apply tailored approaches when developing programs to promote dialogue or update school curricula to ensure that they target the right audiences. It was suggested that UNESCO should therefore assume a more active role in engaging with regional organizations, civil society organizations, and member states to develop a division of labor among them to do so.

27. It was noted that there is often resistance to change among educators and learning institutions at the international, regional, and, not least, local levels. Branding and outreach has been established in the area of peace education, for example, over four decades, so caution should be taken not to alter that brand to fit nearer-term security agendas.

28. Another significant challenge highlighted was how to reach the millions of children who are outside the reach of the state, for example, those who do not have access to formal schooling, particularly in poorer communities. They are often the most vulnerable to misinformation and are disconnected from mainstream society, factors that can lead to the sense of alienation so instrumental in the process of violent radicalization. To help address this challenge, it was suggested that UNESCO should engage more with civil society organizations and youth groups, which are more likely to have contact with and influence over these vulnerable groups.

29. Some participants observed that many existing dialogue programs are too limited in scope and appeal. Compared to terrorists who are becoming increasingly adept at communicating with vast audiences using the Internet and other mass media, it was noted that many interfaith and intercultural dialogue activities are often confined to small groups in conferences or other limited settings involving a few moderates but not reaching broader audiences.

IV. Judicial Cooperation and Mutual Legal Assistance

30. Due to the transnational nature of international terrorism, effective and efficient international legal cooperation is essential to the gathering of evidence, MLA, the conduct of investigations, and the extradition of alleged terrorists to stand trial.

31. Despite the efforts of the United Nations and bilateral donors to promote the adoption and implementation of the international counterterrorism instruments and, more specifically, to promote judicial cooperation and MLA in terrorism matters, significant implementation problems exist. The point was made that there is a lack of a common standard in the grants of political asylum and responses to extradition requests in terrorism cases. In addition, partly as a result of the lack of a common definition of terrorism, not all national definitions are the same, which has also complicated efforts to satisfy requests for extradition or MLA. There is also an absence of relevant bilateral agreements and insufficient implementation of existing multilateral instruments, which could provide the necessary legal basis for judicial cooperation. The different procedures in

different countries for making extradition or MLA requests and the lack of trust among law enforcement officials in some regions also interfere with effective and efficient judicial cooperation and MLA. Participants pointed out that the principle of “extradite or prosecute,” although known, is rarely applied. Terrorists and other criminals, it was stressed, take advantage of these and other loopholes to escape justice.

32. The adoption of the Comprehensive Convention against International Terrorism, it was noted, would help address some of these lacunae. Because international legal cooperation in this area is largely carried out based on bilateral agreements, however, it was argued that additional steps need to be taken. For example, it was suggested that there is a need for a comprehensive judicial cooperation convention under the auspices of the United Nations, which would fill the gaps where bilateral agreements do not exist.

33. The point was also made that effective extradition and MLA can best be assured if the requesting state fulfills its international human rights obligations and provides on a domestic level for a cooperation-friendly environment.

34. With respect to the universal instruments against terrorism, the practical impact on international legal cooperation has been limited, even as ratification efforts continue to go forward, because, among other reasons, of too many states still failing to incorporate the offenses in the conventions in their domestic law and of the often-poor drafting of extradition and MLA requests, which make them easier to reject. In fact, none of the participants could offer an example where an extradition or MLA request was made or granted on the basis of one of the universal instruments. This failure was partly due to a lack of awareness of the universal instruments on the part of judges, as well as a tendency of the judiciary in many states to refer to regional and bilateral agreements in their analysis and rulings.

35. The participants offered a number of suggestions on ways the United Nations could contribute to addressing the various challenges that were identified during the session. For example, the Security Council’s Counter-Terrorism Committee (CTC) and its Counter-Terrorism Executive Directorate (CTED) could do more to promote a greater awareness of the problems states are facing in this field, work with the help of donors to address any capacity gaps, and report instances of political unwillingness to engage in judicial cooperation or provide MLA, including failures to apply the “extradite or prosecute” principle, to the Security Council. The United Nations could further develop and maintain communication channels and provide suitable meeting opportunities for law enforcement officials in different countries as well as for counterterrorism coordinators mandated to facilitate interstate cooperation. In addition to expanding the UN Office on Drugs and Crime’s (UNODC) ongoing work at the regional level in this area to cover more regions and the broad range of criminal justice reform issues contained in the Strategy, a proposal was made for the creation of a new mechanism to allow the United Nations to undertake this activity. Such a mechanism would allow national counterterrorism coordinators to meet two or three times a year to discuss Strategy implementation efforts, capacity needs, and available assistance programs. This mechanism could be a vehicle for connecting actors on a regional, subregional, and interregional level. UNODC could offer direct assistance to states, upon request, in concrete terrorism cases. Donors should ensure that the Office of the UN High



Commissioner for Human Rights (OHCHR) has the necessary capacity to participate in all relevant UNODC counterterrorism training programs, which should target not just criminal justice officials, but defense lawyers and relevant executive branch officials responsible for drafting and granting extradition requests. OHCHR and other UN human rights actors could assist countries in improving their human rights compliance in cases where concerns regarding a particular country's human rights record may have impeded effective international legal cooperation.

36. Although not directly related to the issues of judicial cooperation or MLA, the need for the Security Council to uphold the rule of law and human rights was stressed, with particular attention being paid to the council's 1267 Committee's sanctions listing and delisting procedures. To this end, participants were reminded of the proposal that has been put forward to the 1267 Committee for the establishment of an independent review mechanism under the authority of the council to review delisting requests.

V. Addressing Violent Radicalization

37. The threat of violent radicalization was acknowledged as serious and deserving of urgent attention. The radicalization process is complex, however, and there are no simple explanations. Participants discussed the structural and motivational issues and the triggers that can lead to this transformation, noting that it can be spurred by a broad array of factors, including real or perceived political grievances in reaction to local and international issues, such as the ongoing conflicts in Afghanistan and Iraq as well as the Israeli-Palestinian conflict.

38. Projects and programs are being undertaken by an increasing number of actors, including states such as Indonesia, Malaysia, Norway, Saudi Arabia, Singapore, and the United Kingdom, which are gathering valuable interview data acquired while rehabilitating or deradicalizing former terrorists. It was noted that although some patterns and profiles have emerged—some point to similarities in data points such as age and gender—it is not yet clear how those points differ from the characteristics that are associated with less dangerous criminals with very similar profiles. The point was made that one should bear human rights (e.g., freedom of expression, freedom of association, and the right to be free from arbitrary detention) in mind when designing and assessing the effectiveness of these different programs.

39. In many cases, strategies are being developed at the national and regional level to address this threat by paying more attention to prevention and “softer” measures, such as in the fields of education and development, as well as law enforcement and more traditional counterterrorism measures. This evolution is leading to an alignment with the Strategy's holistic approach, which is suited to addressing the multifaceted problem of radicalization and could serve as a guide and provide political legitimacy for more states to adopt similar, more comprehensive “whole of government” approaches in their own countries and regions.

40. The point was made that radicalization itself is not illegal. The difficulty exists in identifying where the tipping point toward support for and participation in terrorist



activity lies and thus when it is legally and otherwise appropriate for the state to take action to apprehend vulnerable individuals before they support or commit terrorist acts, while being careful to avoid harming innocent people in the process. It was noted that the key is to isolate the leadership if possible and drive a wedge between them and more moderate but potential followers. The need for caution was also emphasized in that attention to the rule of law and human rights norms are essential in this radicalization countering to ensure that lack of process and overreaction toward innocents does not occur so as to drive more individuals toward violence.

41. It was noted that violent radicalization cannot be addressed unilaterally. Recruitment and training often requires travel outside national borders, and the Internet is an effective recruiting tool that is global in its reach. Therefore, it was agreed that international cooperation is an essential component of addressing this issue and that the United Nations can offer certain obvious comparative advantages in this regard while complementing and reinforcing national efforts.

42. Participants noted that a wide range of UN entities have a role to play in addressing violent radicalization, with the Task Force and UNDP likely the most relevant actors. The United Nations can help in gaining a better understanding of the structural and motivational factors behind and triggers leading to violent radicalization in different countries and regions. It could help identify vulnerable groups and useful entry points for stemming the violent radicalization process in different parts of the world. Further, it could suggest projects and joint efforts in a single country to address radicalization and, as the Task Force's working group on "Addressing Radicalization and Extremism that Lead to Terrorism" is hoping to do, act as a clearinghouse for information regarding the growing number of national deradicalization and rehabilitation projects.

43. Participants discussed the ongoing activities of this Task Force working group. It was noted that the group is focusing on wide-ranging research and analysis and has received 21 responses to the letter the working group sent to all member states asking for information on national efforts to address radicalization and to promote deradicalization and any evaluations of these efforts. As part of the group's mapping of implemented policies and actions taken by states, the group is hoping to provide a central database of initiatives that attempt to understand and deal with radicalization and recruitment to terrorism. It will also aim to elaborate a set of best practices for states in this area. It was emphasized that this working group, like all others, needs member-state input and participation to succeed. The point was also made that there needs to be a coordination mechanism at the UN level that can facilitate information sharing among relevant UN entities and the wide range of non-UN stakeholders with a role to play in addressing violent radicalization. It remains to be seen whether the Task Force as currently mandated and resourced could assume this function.

44. It was recognized that it was difficult to distinguish between development assistance and the assistance states need to enhance their capacity to address violent radicalization, as many of the underlying issues are the same. The point was also made, however, that one should be careful not to use the "deradicalization" label for similar reasons that were discussed in the context of the "counterterrorism" labeling of development and good governance work that also benefits counterterrorism. It was suggested that one



way to address the political sensitivities surrounding issues of deradicalization in the context of capacity building is to incorporate any such technical assistance programs into efforts to promote broader criminal justice development and reform in a particular country, as there are many similarities between the programs aimed at rehabilitating terrorists and other criminals.

45. A broad overview was provided of the progress made so far by the Task Force working groups. The point was made that each has identified contact points, which are willing to respond to requests for information from member states. Although progress has been made in receiving funding for working groups, bureaucratic red tape at the United Nations has delayed the implementation of many proposed activities to date. It was emphasized that the Task Force is interested in hearing ideas from member states for how it might be able to deepen engagement with them and other stakeholders and would welcome the establishment of parallel member-state working groups. The point was made that although the Task Force continually calls for member-state input, member states often express frustration about a lack of involvement in the work of the Task Force and a desire to be more involved in guiding the Strategy. It was suggested that rather than addressing the Task Force with its concerns and criticisms, member states must first discuss and reach agreement among themselves on how best to ensure appropriate member-state engagement with the Task Force and possibly oversight of not just the Task Force but wider Strategy implementation efforts.

46. The view was expressed that a governing board or a mechanism of the General Assembly be established to allow states to guide the Strategy implementation process, review Strategy implementation efforts, provide recommendations to the relevant UN intergovernmental bodies involved in Strategy implementation, and allow for increased participation of regional and subregional bodies and civil society in this area. One of the benefits of such an approach, it was argued, would be connecting UN counterterrorism activities more directly to national counterterrorism practitioners. The view was also expressed, however, that the establishment of any such new mechanism would need to be done within the existing UN budget so as not to contradict the “within the existing resources” language in the Strategy.

Next Steps

47. The next workshop in the International Process will take place on 17–18 June 2008 in Tokyo. The topic will be “Enhancing Capacity Building for the Implementation of the UN Global Counter-Terrorism Strategy—Focusing Mainly on the Experiences in Southeast Asia.” In early July 2008, there will be a wrap-up meeting in New York to discuss the draft recommendations for the International Process, which will be circulated to all participants by the end of June. The cosponsors of the process will then aim to present the final recommendations on the occasion of the General Assembly’s first formal review of Strategy implementation efforts, which is scheduled for early September 2008.



WORKSHOP 4 Enhancing Capacity Building for the Implementation of the UN Global Counter-Terrorism Strategy—Focusing Mainly on the Experiences in Southeast Asia

17–18 June 2008 | Tokyo, Japan

BACKGROUND PAPER*

This paper provides an overview of issues as background for the fourth workshop in the International Process on Global Counter-Terrorism Cooperation, which the Ministry of Foreign Affairs of Japan and the Japan Institute of International Affairs are co-hosting on 17–18 June 2008 in Tokyo. The workshop is titled “Enhancing Capacity Building for the Implementation of the UN Global Counter-Terrorism Strategy Focusing Mainly on the Experiences of Southeast Asia.” This paper is intended to highlight the contributions that member states within and outside the region, regional bodies and mechanisms, and the United Nations are making in the delivery, facilitation, and coordination of capacity-building assistance to further the implementation of the United Nations Global Counter-Terrorism Strategy in the region. It is meant to stimulate discussion and debate among the participants at the workshop and is not intended to serve as an exhaustive treatment of the subject.

Introduction

Building state capacity to fight terrorism lies at the heart of the Strategy, which recognizes that “capacity building in all States is a core element of the global counterterrorism effort”¹ and that many states will require technical and other assistance to develop the comprehensive and effective counterterrorism program it envisions. With the adoption of the Strategy, all states have pledged to explore increasing voluntary funding for the capacity-building programs of the various relevant UN agencies and programs, explore additional sources of funding, and improve and rationalize mechanisms for coordinating that assistance. The broad-based Strategy further recognizes

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that this assistance will be needed not only to draft, adopt, and implement the necessary legislation; train customs and law enforcement and other criminal justice officials; properly secure air, land, and other border crossings; and take other preventative measures, but also “in the fields of the rule of law, human rights and good governance to support sustained economic and social development.”² Capacity building with respect to strengthening public institutions, broadening citizen participation in governmental processes, and implementing more effective ways to deliver services, especially to underprivileged and marginalized groups, is central to improving governance and linked to the Strategy’s holistic approach to counterterrorism.

Strategy-related capacity gaps exist in nearly every state and region, but resources available for addressing them are limited. Moreover, regardless of the region, effective capacity-building efforts require having trusted mechanisms in place for providing rigorous analysis of existing capacities, identifying priority needs, and matching available assistance with those needs. Thus, although this discussion paper aims to stimulate input from participants at the Tokyo workshop, which is focused on capacity building in Southeast Asia, the issues raised herein are relevant to other parts of the world as well.

I. Assessment of Strategy-Related Vulnerabilities and Necessary Capacity-Building Assistance and the Role of the United Nations: Successes and Areas for Improvement

Essential elements of an effective counterterrorism capacity-building program, be it bilateral, trilateral, or carried out by a multilateral body, include the identification of vulnerabilities and needs and the prioritization of those needs.

In terms of vulnerabilities, Southeast Asia faces threats to its security and economies from terrorist groups with both local and global ties, most notably the Moro Islamic Liberation Front and Abu Sayef in the Philippines and Jemaah Islamiya (JI) in Indonesia and elsewhere. The region has been victimized by numerous terrorist attacks in recent years, including in Bali, Jakarta, southern Thailand, and the Philippines. Further, insurgencies, for example in southern Thailand and Mindanao, the Philippines, and terrorism sometimes overlap, and global terrorists often exploit local grievances and local resentments in the region to spread an ideology of hate and violence. Groups such as JI have established links with al-Qaida and other international terrorist groups, but the nature of these links and the extent to which many of the other terrorist groups in the region have established them is a matter of some debate.³

Although much of the threat emanates from a few countries in the region, terrorists have demonstrated an ability to exploit the region’s geographical vulnerabilities and institutional weaknesses, large areas of land and coastal waters insufficiently controlled by national governments, high-volume cash economies, intra- and interstate rivalries, festering local insurgencies, and a relative lack of formal multilateral security or other cooperation.⁴ Some experts have also asserted that the poor human rights performance by countries in the region while combating terrorism has eroded the public trust and alienated certain communities, thus creating an obstacle to effective counterterrorism measures.⁵



Differing threat perceptions, the treasured norms of noninterference, and the perception of terrorism as a domestic security problem have largely limited counterterrorism cooperation in the region to bilateral or trilateral channels⁶ with countries in Southeast Asia generally “cooperat[ing] against terrorism in an ad hoc manner and with outside powers.”⁷ The adoption of a regional, legally binding counterterrorism instrument, the Convention on Counter Terrorism, at the January 2007 Association of Southeast Asian Nations (ASEAN) summit could help enhance the still-lacking legal cooperation between and among countries in the region.

Some states in the region have sought to address the terrorist threat through various legislative, judicial, security, educational, and governance initiatives, often with the technical and financial support of a number of large bilateral donors with security and other interests in the region, such as Australia, Canada, Japan, and the United States. For example, Australia’s four-year Counter Terrorism Capacity Building Initiative (2004–2008) with Indonesia has focused on restricting terrorist financing; enhancing airport, immigration, and customs control capabilities; and building the counterterrorism capacity of the Indonesian police force.⁸ These two countries joined together in 2004 to establish the Jakarta Centre for Law Enforcement Cooperation (JCLEC), which focuses mainly on training law enforcement officers from within the region, conducting research and analysis, and providing operational support in the event of terrorist threats or attacks.

Australia and Indonesia also cooperated in 2004 to create the Bali Counter-Terrorism Process (BCTP), which brings together an ad hoc group of states and relevant multilateral bodies from within and outside the region to look at ways to improve cooperation in law enforcement and information sharing and strengthen legal frameworks.

Canada’s Counter-Terrorism Capacity Building Program has funded a number of projects in the region aimed at enhancing regional and national capacities in areas such as maritime, aviation, border, and transportation security; criminal justice institution building; human rights; legislative drafting; counterterrorist financing; and responses to chemical, biological, radiological, or nuclear attacks.⁹

Japan has provided law enforcement and other security-related counterterrorism assistance to a number of different countries in Southeast Asia, including Cambodia, Indonesia, Malaysia, and the Philippines, and established the Japan-ASEAN Fund in March 2006 to implement specific projects as part of the ASEAN-Japan Counter-Terrorism Dialogue.¹⁰

The United States helps support two of the region’s law enforcement capacity-building centers, the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Kuala Lumpur and the International Law Enforcement Academy (ILEA) in Bangkok. In addition, the United States has provided military and law enforcement training and other security-related counterterrorism assistance to a number of countries in the region, including through its Anti-Terrorism Assistance program, which trains foreign law enforcement and security agencies.¹¹



Moreover, the United States has joined with Australia, Canada, and Japan to fund the Asian Development Bank's (ADB) Regional Trade and Financial Security Initiative, which has sought to help countries in the Asia-Pacific region, including in Southeast Asia, to enhance port security and combat money laundering and terrorist financing. These countries have financed and otherwise contributed to a number of Asia-Pacific Economic Cooperation (APEC) forum counterterrorism capacity-building programs focusing on enhancing maritime, port, and other security-related capacities.

In addition to the above examples of bilateral counterterrorism support, the UN Office on Drugs and Crime's (UNODC) Terrorism Prevention Branch (TPB) and UN technical agencies such as the International Civil Aviation Organization (ICAO), the World Customs Organization (WCO), and the International Maritime Organization (IMO) have provided capacity-building training and other forms of Strategy-related assistance to countries in the region. Some of these programs, which are generally funded by voluntary contributions from bilateral donors, will be discussed below.

As the above overview reveals, efforts to address the region's vulnerabilities have focused to a great extent on law enforcement and other security-related counterterrorism measures, i.e., Pillar II of the Strategy. In addition, assessment efforts in the region have largely been carried out in an ad hoc manner so far, limited to these same law enforcement and security-related aspects of counterterrorism.

Thus, for example, the more than two dozen participants in the BCTP identified the following areas in which counterterrorism capacity-building assistance is required:

legislative drafting and advice on creating the necessary offenses and jurisdiction, as well as regimes for extradition and mutual legal assistance [MLA]; assistance with establishing financial intelligence units; training of personnel to analyse financial data and implementation of counter-terrorism laws by operational agencies; the preparation and management of MLA and extradition requests; training for prosecutors and judges involved in complex transnational crime cases; and anti-terrorist financing. Exchanges, visits and other measures to build cross-border institutional linkages between legal agencies and prosecutorial services are valuable in underpinning operation and capacity-building activities. Measures to enhance cooperation and coordination between prosecutors and investigators are also desirable.¹²

Many of these same needs have been identified by the Counter-Terrorism Committee (CTC) and its Counter-Terrorism Executive Directorate (CTED) in the course of their review of efforts by countries in the region to implement Security Council Resolution 1373. This result should not come as much of a surprise given that the CTC/CTED's "areas of assessment" are (1) legislation, (2) counter-financing of terrorism, (3) border control, (4) domestic security and law enforcement agencies, and (5) international cooperation.¹³ With these areas of assessment in mind, the CTC/CTED is in the process of finalizing its "Survey of the implementation of Security Council resolution 1373 (2001)," which will look at "how countries in all regions and subregions across the globe are proceeding in their counter-terrorism efforts generally, where they are encountering difficulties, and what gaps and vulnerabilities remain to be addressed in particular regions."¹⁴



Similarly, APEC's Counter Terrorism Action Plans (CTAPs), although not focused on law enforcement issues, are nevertheless security focused. They incorporate relevant security-related elements of the annual leaders' and ministers' statements.¹⁵

The above-mentioned needs assessments appear to overlap, and it is unclear the extent to which there was or is information sharing and other forms of cooperation among the CTC/CTED, APEC member economies, and BCTP participants in preparing them. It is also unclear the extent to which bilateral and multilateral donors are relying on CTC/CTED assessments and identification of needs in determining where to target their capacity-building assistance, particularly in a region where so much bilateral donor engagement is already ongoing. Given the sometimes sensitive political issues involved in deciding where to focus security-related assistance, many such donors prefer to conduct and thus rely on their own needs assessments before deciding where to allocate their capacity-building funds or training.

Since terrorism and counterterrorism became a heightened priority for many in Southeast Asia following the October 2002 Bali bombings, much of the focus has been placed on strengthening law enforcement and other preventative counterterrorism capacities in the region. This fortification has occurred despite the fact that most experts from and on the region now believe that efforts to combat terrorism will only be effective over the long term if due attention is given to addressing conditions conducive to the spread of terrorism, such as poor governance; underdevelopment; long-standing political conflicts; political, social, and economic marginalization; and lack of respect for human rights and the rule of law, i.e., issues raised in Pillar I of the Strategy.¹⁶

Efforts are being made by governments in Southeast Asia, including with the support of bilateral and multilateral donors and assistance providers, to address some of these underlying conditions. For example, a number of countries have launched interfaith and intercultural dialogue programs at the national level aimed at fostering understanding and trust among different communities. Highlighting the importance of this issue in the context of combating terrorism in the region, the Fifth ASEAN Regional Forum (ARF) Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ISMCTTC) in May 2007 focused attention on the role of community dialogue and engagement in countering terrorism, which allowed the participants to share their national experiences in promoting such dialogue and to discuss how this has contributed or could contribute to the fight against terrorism.¹⁷ Along similar lines, at the March 2007 subregional ministerial conference on counterterrorism, senior officials from a number of countries in Southeast Asia “noted that more individual and collective efforts are needed to address violent radicalism, terrorist propaganda and other factors that could contribute to terrorism” and agreed to sponsor Track II “meetings of religious leaders, academics, and media practitioners to explore the role of community, informal leaders and the media in discouraging people from participating in or supporting terrorist activities.”¹⁸ Further, a number of national programs in the region seek to combat radical ideologies that attempt to legitimize violence under the veneer of religion, and rehabilitation and community engagement programs aim at deradicalizing those who have joined terrorist groups or otherwise turned to terrorism.¹⁹



Yet, despite the increased attention that addressing conditions conducive to terrorism is starting to receive, the vulnerability and needs assessments that have been undertaken so far and the whole notion of counterterrorism capacity building in the region have been largely limited to the narrower military, law enforcement, border, and other security-related issues. The adoption of the Strategy may offer the opportunity to address this shortcoming. It includes both measures to address socioeconomic and political conditions that may be conducive to the spread of terrorism and preventative measures in a single holistic document and highlights the importance of enhancing capacity-building efforts at the international, regional, subregional, and national levels. Thus, it could be used as a vehicle to broaden the notion of counterterrorism capacity building beyond its current narrow focus and stimulate interested stakeholders to conduct comprehensive assessments of the counterterrorism vulnerabilities and needs in the region.

If the political commitment from countries in the region and the donor community exists, there are a number of fora for pursuing this approach. They include the UN Counter-Terrorism Implementation Task Force through its integrated implementation working group, the BCTP, the ARF, and the Group of Eight's (G8) Counter-Terrorism Action Group (CTAG).

II. The Provision and Facilitation of Technical Assistance on Strategy-Related Issues and the Role of the United Nations: Successes and Areas for Improvement

As noted above, Southeast Asia has attracted significant attention from a range of countries outside of the region, with bilateral donors and the European Commission (EC) giving the lion's share of the counterterrorism resources to Indonesia, Malaysia, the Philippines, and Thailand. In addition, although generally not labeled as "counterterrorism" assistance, a number of national aid agencies, including the Australian Agency for International Development,²⁰ the Canadian International Development Agency,²¹ the Japan International Cooperation Agency,²² the United Kingdom's Department for International Development, and the U.S. Agency for International Development,²³ support programs in Southeast Asia at the national and regional levels that help alleviate conditions conducive to the spread of terrorism. Many of these initiatives, some of which are carried out in partnership with UN development actors, are aimed at helping countries in the region realize the Millennium Development Goals (MDGs), to which the Strategy specifically refers.

With respect to the law enforcement, border monitoring, and other traditional counterterrorism assistance, donors have generally preferred to provide security-related assistance, which is often viewed as sensitive in nature, on a bilateral basis rather than through multilateral bodies. This tendency is exacerbated in Southeast Asia, partly as a result of its relatively weak multilateral institutions and poor track record of multilateral cooperation both within the region and between the region and the UN system. Although multilateral institutions in the region are considered weak, however, with underresourced if any secretariats, a number of dialogue processes and other informal fora allow ASEAN countries and countries from outside the region, including



a number of donors and UN entities, to participate. These less formal venues, such as the BCTP and the annual Asia-Europe Economic Meeting (ASEM) Conference on Counter-Terrorism, offer opportunities to discuss a broad range of counterterrorism technical assistance needs and to identify ways to strengthen the counterterrorism capabilities of each participating country. In addition, because each operates under a more flexible mandate than relevant UN entities and other multilateral institutions, they are better able to ensure that their discussions are targeted to the evolving nature of the threat and the priority needs of the participants.

The region is also host to a number of centers—the JCLEC, SEARCCT, and ILEA—that receive funding and other support from bilateral donors outside the region and provide training and other technical assistance to law enforcement and other security practitioners in the region.

Although UN member states have the primary responsibility for implementing the Strategy, both in terms of taking action within their borders and in helping to plug the capacity gaps that exist in different parts of the world, the Strategy highlights the important role that the UN system can play in providing and facilitating the delivery of capacity-building assistance. Given the significant amount of capacity-building activity underway, the counterterrorism training centers operating in the region, the practical law enforcement and intelligence cooperation taking place, and the number of somewhat overlapping regional bodies and mechanisms engaged in counterterrorism issues, careful attention should be paid to ensure that UN engagement in the region serves to reinforce and enhance rather than duplicate all of these efforts.

In addition, when determining the appropriate role for the United Nations in this context, one needs to be mindful of the limited resources it has at its disposal in this field, particularly when compared with bilateral donors. For example, the two largest UN counterterrorism actors engaged in capacity-building work, the CTC/CTED and UNODC's TPB, each of which has a global mandate, have annual budgets of around \$8 million each, much of which goes to staff salaries, with most of the latter's funding coming from voluntary contributions. This amount is a small fraction of the funds that each bilateral donor has at its disposal.²⁴

Further, when discussing the role of the United Nations in this field, a notably wide range of UN entities can contribute to Strategy-related capacity-building activities (e.g., both the traditional UN counterterrorism actors such as the CTC/CTED and UNODC's TPB and those ordinarily not associated with counterterrorism, such as the Office of the High Commissioner for Human Rights [OHCHR], the UN Educational, Scientific and Cultural Organization [UNESCO], and the UN Development Programme [UNDP] and technical bodies such as ICAO, the IMO, and the WCO).

A. COUNTER-TERRORISM COMMITTEE (CTC)/COUNTER-TERRORISM EXECUTIVE DIRECTORATE (CTED)

Although a number of UN actors are involved in delivering counterterrorism capacity-building assistance the CTC/CTED was given responsibility for facilitating the delivery of such assistance related to Resolution 1373, i.e., law enforcement and other security-



related counterterrorism assistance, by matching interested donors and recipients. To date, despite its efforts to deepen engagement with these two stakeholder groups, which is an essential component of effective facilitation, the CTED has experienced limited success. The CTED's New York, diplomatic focus has led to difficulties in developing the necessary relationships with counterterrorism practitioners in capitals and made it more difficult for it to relate its work to national counterterrorism policies.

The CTED also faces a more basic challenge: acting as an effective facilitator of counterterrorism capacity-building assistance without being provided the mandate or resources actually to provide assistance itself. With a broad range of bilateral and multilateral donors already active, particularly in Southeast Asia, each often having a clear sense of where it wants to target its own finite counterterrorism assistance, the role for a facilitator may be rather limited. The CTED can and does conduct its own analysis of capacity gaps, but it must rely on donors both to share updated and accurate information on their capacity-building programs and to seek its help in linking a state in need with available assistance. Donors need in turn to be able to rely on CTED analysis of gaps and priorities. Finally, lacking a mandate to provide technical assistance, the CTED must find other incentives to offer potential assistance recipients in return for their cooperation. At present, states are being asked to invest considerable time and resources to cooperate with the CTED with limited opportunities of receiving anything tangible in return.

The CTED is often not fully informed as to the range of capacity-building and other counterterrorism technical assistance being provided by bilateral donors. This disconnect stems in part from insufficient coordination among national counterterrorism actors to ensure that the CTED is receiving comprehensive information of individual countries' capacity-building programs and from inadequate communication and information sharing between capitals and the CTED. The latter problem is partially due to the fact that a number of capitals have yet to be convinced of the CTED's ability to produce concrete results in carrying out its facilitation mandate.

The CTC/CTED's record in Southeast Asia is mixed. It has conducted site visits to Cambodia, Indonesia, Laos, Malaysia, the Philippines, and Vietnam to provide comprehensive assessments of each country's efforts to implement Resolutions 1373 and 1624 and has otherwise been engaged in a dialogue with each state in the region over the past few years, largely on the basis of written reports submitted by states. As of the end of 2007, however, the CTC/CTED could point to only two cases (Thailand and Vietnam) where it had facilitated the delivery of technical assistance to meet a need it had identified, although it is difficult to determine just how instrumental the CTC/CTED was in brokering this assistance.²⁵ Further, with few exceptions, those states that have been visited have shown little interest in working with the CTC/CTED to address the priority needs identified by the CTC/CTED as a result of those visits.

Partly in recognition of the need to strengthen the CTC's brokering capacity, the G8 established the CTAG at its 2003 Evian summit. The CTAG, which is composed of the G8 countries as well as a few other bilateral and UN system counterterrorism assistance providers and the CTC, was to offer the CTC a donor forum in which to share information regarding priority assistance needs related to the implementation of Resolution



1373, with a view to identifying the appropriate donors to address each identified need. The hoped-for synergies between the CTAG and CTC have been slow to develop due to the limitations on each side. The lack of rigorous analysis from the CTC/CTED and its rather rigid information-sharing rules often left CTAG members without any reliable needs assessments on which to determine how to allocate assistance. On the CTAG side, the lack of continuity from year to year due to the rotating presidency, which is compounded by the lack of a secretariat, and the fact that it has generally been an afterthought to the G8's Roma-Lyon Group (crime and terrorism working group) meetings have made sustaining any momentum difficult.

To its credit, Japan is currently seeking to revitalize the CTAG, including by reinvigorating the CTAG-CTC relationship. The CTAG is working with the CTED to identify a handful of countries in advance of each CTAG meeting on which to focus. The CTED is then to present CTAG representatives in New York with detailed analyses as to the priority needs in those countries, giving delegations sufficient time to consult with their capitals about their ability and interest in addressing CTED-identified priorities. The ultimate goal is to transform CTAG meetings into a forum where individual CTAG delegations are prepared to discuss concrete capacity needs in a preselected number of countries and possibly agree to address those needs.

In April 2008, the capacity-building needs of five countries and one region were discussed at the CTAG meeting, with the CTED presenting CTAG representatives with a list of rather general priority recommendations for capacity-building assistance. It is premature to know whether this effort will in fact strengthen the CTC-CTAG relationship or the CTC/CTED's ability to match donors with countries in need. For this to happen, the CTED will need to continue to improve its analytical capacities and make specific, tailored recommendations as to assistance priorities. For their part, CTAG members will need to share more information in a user-friendly format as to their respective capacity-building programs with the CTED so that the CTED has a fuller picture of the existing capacity-building work and to come to the table prepared to respond positively to at least a few of the CTED recommendations. In addition, more careful attention should be given to which countries are chosen for this exercise, with a view to choosing those countries and regions where CTED facilitation of technical assistance is most needed.

For the most part, states in Southeast Asia have shown little interest in working through the CTC/CTED to get assistance, preferring to work through bilateral channels or the informal mechanisms mentioned above. In addition to its distance from the region and lack of a regional presence, one obstacle to effective CTC/CTED engagement in Southeast Asia has been the limited cooperation it has had with the ASEAN Secretariat. For example, ASEAN, unlike regional organizations in most other parts of the world, has not joined any CTED site visits in Southeast Asia and has been reluctant to otherwise assist the CTC/CTED in encouraging the implementation of the Security Council counterterrorism obligations among its membership. This hesitance is due, among other things, to ASEAN's restrictive mandate, the small size of its secretariat, and the continued misgivings in the region about the involvement of a Security Council body in issues that touch on core domestic security issues. Nevertheless, ASEAN has



recently sought the CTED's assistance in developing a comprehensive plan of action for the implementation of the 2007 ASEAN Convention on Counter Terrorism. The CTED presented the ASEAN Secretariat with a draft plan in March 2008, which will be discussed among senior officials from the region at an early June 2008 ASEAN workshop in Jakarta.

This ASEAN request, which could signal the start of a more cooperative relationship between the regional body and the CTC/CTED, is just one of the indications that the situation is starting to improve for the CTC/CTED in Southeast Asia and beyond. Others include the appointment of an experienced new CTED Executive Director, who previously worked as a national counterterrorism coordinator with experience in the region overseeing a range of capacity-building activity and has a solid appreciation of how the CTC/CTED and the broader United Nations can add value to ongoing bilateral and regional counterterrorism capacity-building efforts without duplicating them. The revised organizational plan for the CTED, which the CTC endorsed in early February 2008, contemplates tailor-made country and regional visits encompassing several countries at a time, each focusing on specific aspects of Resolution 1373 rather than the resolution as a whole.²⁶ Such visits, which will include visits to capitals of donor states to learn more about their relevant capacity-building programs, should enable the CTC/CTED to work with states more effectively, particularly as the CTC/CTED moves away from relying on written country reports and seeks to engage more directly and informally with experts in capitals as opposed to diplomats in New York.

The CTC has also approved preliminary implementation assessments (PIAs) drafted by the CTED of some 170 countries, which provide a comprehensive overview of national efforts to implement Resolution 1373. These PIAs, which are in the process of being shared and discussed with the states concerned, are meant to serve as the basis of the CTC/CTED's intensified and tailored dialogue with individual states. The CTED has also put together a directory of best practices related to the different provisions of Resolution 1373; incorporated the needs of countries in Southeast Asia into its Technical Assistance Matrix, which provides information on states' needs; and updated the Directory of Assistance, which contains information on available technical assistance.

Further, recognizing the political sensitivities that continue to surround its work in Southeast Asia, the CTED is seeking to become more proactive in identifying opportunities in which to work with regional and subregional bodies and mechanisms, which have broader political support among their members than does the CTC. These efforts, if they lead to concrete practical cooperation between the CTED and regional and subregional actors, might enhance the legitimacy and credibility of the CTED in the region and lead to more engagement with national counterterrorism officials on the ground. The CTED still needs to identify ways in which it can engage at the political level with states in the region as part of an effort to prod them to move more rapidly to implement their obligations under Resolution 1373. To make progress in this area, the CTED should consistently seek to place its work in the broader context of the Strategy.



Going forward, among the continuing challenges that the CTC/CTED will confront as it tries to facilitate the delivery of capacity-building assistance are the CTC's limited membership and lack of transparency, which, *inter alia*, make it difficult for donors that are not members of the committee to contribute to its work.

The new CTED Executive Director's proactive outreach efforts, which include trying to establish a "friends of capacity building" group, should help address this first challenge. Such a group would include non-CTC members, as well as other relevant UN entities and international and regional bodies, and could serve as a vehicle for seeking sustained engagement with countries and other stakeholders outside of the CTC. To maximize the practical impact of this group, it should not simply be limited to engaging diplomats in New York but should bring together those in national capitals responsible for the counterterrorism capacity-building portfolio who are able to engage in a more substantive exchange with CTED experts on a range of technical issues.

Despite the CTC/CTED's mixed results overall, it is working hard to improve on its performance in facilitating the delivery of technical assistance largely in the law enforcement and security-related aspects of counterterrorism. This arrangement still leaves a number of parts of the Strategy, in particular those related to addressing conditions conducive to the spread of terrorism and ensuring a human rights-based approach to counterterrorism, without a designated entity to match assistance providers with the many states in need of such assistance in these areas. Thus, serious consideration should be given as to how to address this lacuna.

Further, efforts such as those underway by Japan to reinvigorate the CTAG should be encouraged. Yet, these should not stop with strengthening the CTAG-CTC/CTED relationship but should include expanding the CTAG's mandate beyond the narrow law enforcement and other security-related issues being addressed by the CTC/CTED and covered under Resolution 1373. The CTAG was established prior to the adoption of the Strategy, but its mandate should now reflect the broader set of counterterrorism issues covered by the Strategy where enhanced and coordinated capacity building is needed. In addition, the CTAG membership should be expanded to include all of the major counterterrorism donor countries (e.g., Denmark, the Netherlands, New Zealand, Norway, and Sweden) and countries from the developing world to ensure that the perspectives of those on the receiving end of capacity-building assistance are taken into account.

B. UN OFFICE ON DRUGS AND CRIME (UNODC)

In carrying forward its General Assembly-mandated technical assistance activities in the fields of terrorism and terrorism-related crime, UNODC is confronted with some challenges that, if not addressed, can limit the impact of its technical assistance activities. Lack of information exchange and proper coordination and collaboration among the various technical assistance providers has sometimes led to duplicative training courses or workshops. Given the limited budgets of the providers and the significant training needs, ensuring that technical assistance efforts are streamlined and reinforcing and improving coordination among providers becomes essential. The lack of an effective

mechanism within the United Nations to help coordinate the range of Strategy-related technical assistance activity serves to exacerbate this problem.

In addition, there is the need to ensure that capacity-building efforts in a particular country are part of a broader, strategic UN approach that “provides in-depth and substantive training to the right officials, practitioners, and policy makers” and includes a “steady dissemination of useful and accessible training tools and handbooks, backstopped by effective follow-up and reinforced by ongoing support services.”²⁷ Like all other Strategy-related technical assistance, UNODC’s support should be part a broad-based, long-term capacity-building program in each recipient country that includes the necessary follow-up to maximize the impact of the assistance.

C. UN COUNTER-TERRORISM IMPLEMENTATION TASK FORCE

The creation of a Task Force working group on “Facilitating Implementation of the UN Global Counter-Terrorism Strategy,” which includes representatives from a number of UN entities involved in Strategy-related capacity building, is a step in the right direction. The working group is currently planning to develop and test a methodology for integrated implementation of the Strategy in two states, including a system of sharing real-time information among Task Force participants. It is also considering ways to improve interaction with assistance providers outside of the Task Force, compiling information regarding needs assessments and assistance efforts to identify possible synergies, and providing requesting states with a mapping of assistance activities and gaps in assistance delivery, as well as an action plan for integrated implementation.

Despite its sound plans, it remains unclear whether this working group, which suffers from the same resource and mandate limitations of the Task Force as a whole, can stimulate the necessary information sharing and coordination among assistance providers. In addition, the absence of UNDP and UNESCO, the limited participation of other nontraditional UN counterterrorism actors, and the exclusion of member states limits the range of programs that can be addressed by this working group and its ability to interact with the United Nations in the field and with bilateral donors.

A number of efforts ensure effective cooperation and coordination among Strategy-related capacity-building donors and programs both in Southeast Asia and beyond, but they are generally focused on security-related issues, often in a narrow regional or thematic context. There have been few efforts to share information and otherwise coordinate capacity-building activities related to Pillars I and IV of the Strategy. For example, UNDP is working through its country offices in Southeast Asia and elsewhere to help coordinate the delivery of development projects aimed at realizing the MDGs, an integral part of the Strategy. Nonetheless, the lack of interaction by UNDP with the CTC/CTED, UNODC, and other members of the Task Force limits the flow of knowledge that is required to inform other Strategy-relevant stakeholders that this capacity-building work on the MDGs is underway and making a contribution to Strategy implementation. Going forward, the challenge will be to enhance coordination and cooperation between development and counterterrorism capacity-building efforts within



the United Nations and elsewhere without compromising or politicizing development work and without diluting counterterrorism efforts.

Lessons may be learned from efforts to address this issue at the national level. Some states, including the United Kingdom and Australia, have developed integrated counterterrorism strategies, which specifically include capacity-building programs to address poverty and other conditions conducive to the spread of terrorism as well as issues such as law enforcement and border security.²⁸ Adopting a “whole of government” or “joined up” approach to counterterrorism that operates across development, defense, justice, and other ministries and departments in a coordinated fashion enables each sector to inform the other about their activities as they play their part in implementing national strategies. A more integrated approach is also needed at the regional and international levels to ensure that a holistic approach is being implemented as efficiently as possible.

The adoption of the Strategy and the institutionalization of the Task Force, which includes representatives from 24 UN system entities covering different aspects of the Strategy, presents an opportunity not only to improve on the fragmented UN and broader multilateral institutional response to terrorism, but also to give a boost to efforts to coordinate the wide range of counterterrorism capacity-building activities more effectively. One of the keys to whether the Strategy will be implemented is whether the coordination and cooperation within the United Nations and among the numerous other multilateral bodies and mechanisms involved, including in Southeast Asia, is improved.

To this end, the Task Force and UN member states may wish to consider establishing two mechanisms: one to allow for the sharing of capacity-building and other relevant information among the Task Force, states, regional and subregional bodies, and civil society and one at the regional level where the United Nations could meet with the relevant regional bodies and member states to develop a Strategy implementation plan, each year following up with a meeting on what has been done and what more is needed. In addition, regional bodies should be encouraged to become more involved in the work of the Task Force and its working groups, including possibly by having regular consultations to inform other stakeholders of their work.

To be able to fulfill its coordination role effectively over the long term and to stimulate Strategy-related capacity-building efforts, the Task Force may need to be supported by a staff of experts that can service the relevant working groups and work with countries from New York and in the field to promote Strategy-related capacity-building and other implementation efforts. These experts could also assume the burden of trying to coordinate Strategy-related capacity-building activities. Given the reluctance of some member states to increase the UN regular budget or reallocate to counterterrorism, the overlap between the General Assembly Strategy and the Security Council’s counterterrorism program, the desire of most states to see greater synergies between the counterterrorism efforts of these two principal UN organs, and the obstacles the CTED faces in trying to build cooperative relationships with states and other stakeholders, it might make sense to adjust the CTED’s mandate to allow it to service both the CTC and the



Task Force. As a result, the CTED could become the body within the United Nations responsible for coordinating and facilitating the delivery of Strategy-related assistance. This change could be accomplished, for example, by making the CTED a department or office in the UN Secretariat, i.e., no longer a special political mission, with its Executive Director becoming the head of the Task Force. Were this change to be made, one might see a greater willingness on the part of the nontraditional counterterrorism players in the United Nations to share information and otherwise cooperate with the CTED. In addition, one might also see increased contributions by UN field offices to Strategy-related capacity-building activities.

III. The Role of Regional Bodies and Mechanisms in Providing and Facilitating the Delivery of Capacity-Building Assistance on Strategy-Related Issues: Successes and Areas for Improvement

As practical realities vary from region to region and even country to country, regional and subregional bodies and mechanisms, which often have at their disposal knowledge and expertise of local, regional, and subregional conditions, can play a critical role in increasing a sense of local ownership of capacity-building efforts on the ground and are essential to ensuring the long-term sustainability of such efforts. More specifically, if properly resourced and mandated, they can focus work on specific contextual issues most pressing to the region rather than on the broader, global agenda and identify the needs and priorities of their members, helping to bring together states with a common set of interests and objectives, facilitating technical assistance delivery, and serving both as implementation partners of the actual providers of assistance and as the focal point for capacity-building programs in the region so as to help minimize the likelihood of duplication of efforts.

Countries in Southeast Asia have elected to participate in a series of overlapping formal and informal fora and arrangements, many of which include countries from outside the region. The primary ones in Southeast Asia or involving countries from the region engaged to varying degrees in Strategy-relevant capacity-building efforts include the ADB, APEC, ASEAN, the ARF, the BCTP, ASEM, and the regional training centers. Due to the region's relatively weak multilateral bodies and poor track record of cooperation among states and bodies, many of their efforts are carried out with insufficient coordination with other relevant actors either within the region or at the global level. In addition, they have largely focused on preventative aspects of addressing the terrorist threat, such as improving maritime security, training law enforcement officials, drafting legislation, protecting critical infrastructure, cybersecurity, and preventing the spread of weapons of mass destruction. With its holistic, multi-stakeholder approach, the Strategy may offer these bodies the opportunity not only to develop capacity-building programs that target more fundamental capacity issues associated with conditions conducive to the spread of terrorism, but also to improve coordination and cooperation with each other as well as the broader UN system.



A. ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM²⁹

The APEC forum, which is devoted to encouraging free trade and investment, has been perhaps the most active regional body in terms of counterterrorism capacity building. Although its foray into counterterrorism has not been without controversy, particularly among its Southeast Asian members, the APEC forum has approached the issue of terrorism apolitically as a threat to its goals of free trade and investment in the region and succeeded in developing meaningful, pragmatic counterterrorism capacity-building programs.

The APEC forum's Counter Terrorism Task Force (CTTF), its main intergovernmental body responsible for counterterrorism capacity building, was established in February 2003. Its mandate runs through 2008 and includes coordinating and implementing Leaders' Statements and commitments on fighting terrorism and enhancing human security, assisting members to identify and assess counterterrorism needs, coordinating capacity-building and technical assistance programs, and cooperating with relevant international and regional organizations. The CTTF, which meets several times a year, is supplemented by a small unit within the APEC Secretariat that coordinates the APEC counterterrorism program.

The CTTF's capacity-building function includes monitoring implementation of member-state action plans, which describe past, current, and future efforts to implement APEC counterterrorism commitments and identify areas in which they may lack capacity. It periodically reviews the progress of individual member economies and facilitates the exchange of best practices. In 2005 the CTTF did a cross-analysis of the action plans of APEC member economies, which identified capacity-building needs and developed a list of potential donor assistance items for future capacity-building efforts to share with international donor organizations.³⁰

The capacity-building efforts of the CTTF and the APEC forum itself, not surprisingly given its core mission, have focused primarily on securing international trade. The focal point for those efforts has been the Secure Trade in the Asia-Pacific Region (STAR) initiative, which includes many different measures designed to protect commerce and travel in the Asia-Pacific region by improving ship, cargo, port, aviation, and immigration/border security.

The APEC forum's counterterrorism capacity-building efforts also include initiatives aimed at (1) implementing the Financial Action Task Force's (FATF) anti-money laundering/countering the financing of terrorism (AML/CFT) standards; (2) combating misuse of the Internet by terrorists; (3) protecting infrastructure and other vulnerable targets, including cyberspace; (4) implementing terrorist travel-related obligations and identifying relevant best practices; (5) strengthening export control systems; and (6) preventing the illicit transportation and possession of weapons of mass destruction. The CTTF endorsed a number of capacity-building initiatives for implementation in 2007 and 2008, including the protection of critical energy infrastructure, the development of APEC best practices in post-blast scene management, the development of public-private partnerships in counterterrorism, a seminar in Jakarta in 2008 on securing remittance and cross-border payments from terrorist use, the sixth STAR conference to



be held in Lima in 2008, the development and implementation of effective civil aviation security quality controls in compliance with international standards, cybersecurity training, and the protection of domestic land transportation.

Although the APEC forum is an attractive opportunity for counterterrorism capacity building because it includes large donor states among its members, its narrow mandate to promote trade and investment in the region and the resistance of many of its Southeast Asian members to expanding that mandate hinder its ability to assume a much wider role in counterterrorism capacity building. In addition, Taiwan's participation in the APEC forum might make it politically difficult to get support for involving the group in promoting the Strategy as such.

B. ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)³¹

ASEAN has made important contributions to reinforcing international counterterrorism norms at the regional level in the form of its 2001 Declaration on Joint Action to Counter Terrorism, the ASEAN Plan of Action to Combat Transnational Crime, and the Convention on Counter Terrorism from January 2007, but its members have a mixed record in incorporating these principles into their respective national legislation or practice. In addition, ASEAN as an organization has yet to make a significant impact in terms of delivering or facilitating the delivery of assistance to its members to implement either the international or regional framework.

The ASEAN Secretariat is limited in its own institutional capacity and mandate for autonomous action. It includes only three personnel who share responsibility for the counterterrorism portfolio and have limited time and resources to devote to the issue. For example, as noted above, the secretariat has even³¹ requested assistance from the CTED in the drafting of a plan of action for implementing its own counterterrorism convention.

Partly as a result of these limitations as well as its traditionally weak institutional ties with the UN system and lack of a major donor country among its membership, ASEAN as an organization has done little to facilitate the delivery of capacity-building assistance. Instead, ASEAN encourages its members “to seek technical assistance from ASEAN Dialogue Partners and relevant specialized agencies of the United Nations and other international organizations.”³² One significant exception, however, is the Japan-ASEAN Integration Fund, which was established in March 2006 and is being used to implement specific cooperation and capacity-building projects in the ASEAN-Japan Counter Terrorism Dialogue, including in the field of maritime security through the provision of training and modern equipment.³³

In keeping with its members' traditional preference for a loosely structured organization, the two primary counterterrorism mechanisms in ASEAN are not permanent organs: the ASEAN Ministers Meeting on Transnational Crime (AMMTC) and the Senior Officials Meeting on Transnational Crime (SOMTC). These meetings serve as fora where an exchange of ideas and information among national officials on best practices in combating terrorism-related crimes takes place. The AMMTC is comprised



of ministers of the interior and meets once annually while the SOMTC convenes a few times per year. Counterterrorism responsibilities primarily fall on the individual interior ministers and senior officials who convene at the AMMTC and SOMTC to assess progress and efforts to combat transnational crime and terrorism.

At the ASEAN summit in 2007, member states endorsed several new initiatives for implementation in 2008, including a plan of action to implement the “Nuremberg Declaration on EU-ASEAN enhanced partnership.” The plan encouraged the implementation of the Strategy and called for increased linkages between law enforcement agencies in ASEAN and the European Union (EU) in order to share best practices in combating transnational crime and terrorism.³⁴

The 2007 ASEAN Convention on Counter Terrorism and the signing of the ASEAN Charter in November 2007, which seeks to establish ASEAN as a legal entity and formally move the region toward an EU-style economic community, may significantly enhance ASEAN’s institutional capacity and ability for autonomous action, including in the field of counterterrorism, and may ultimately enable it to play a larger role in serving as a platform for facilitating the delivery of Strategy-related technical assistance. The convention actually includes language promoting capacity building, “including trainings and technical cooperation and the holding of regional meetings.”³⁵

In addition, the convention, although mainly an instrument to promote enhanced legal cooperation between states in the region in terrorism matters, goes well beyond the traditional law enforcement approach of other regional or international counterterrorism legal instruments and is nearly as broad in scope as the Strategy. It includes references to the need for greater cooperation among states “to address the root causes of terrorism and conditions conducive to the spread of terrorism” and for sharing best practices related to rehabilitative and social reintegration programs. With this new regional framework in place, it may be worthwhile to explore the possibility of getting ASEAN involved in capacity-building programs, including by offering itself as a platform to allow for the exchange of national experiences in these different areas.

C. ASEAN REGIONAL FORUM (ARF)³⁶

The ARF has managed to make some more concrete contributions to regional counterterrorism capacity building, particularly in the realm of sharing best practices and encouraging implementation of international counterterrorism security-related standards, many of which are reflected in the Strategy.³⁷ The ARF is better suited in many ways to capacity building than ASEAN because its membership includes the core ASEAN member states as well as key counterterrorism assistance providers from within and outside the region (e.g., Australia, Canada, Japan, and the United States).

The majority of the ARF’s regular capacity-building and other counterterrorism work takes place under the auspices of the ISMCTTC and the Inter-Sessional Group on Confidence Building Measures. Topic-specific seminars and workshops have also been held where ARF participants meet, share best practices, discuss cooperative counterterrorism efforts, and provide recommendations for the meetings of senior officials and



foreign ministers. Reflecting concern over threats to shipping in the region, many have dealt with maritime security; but such expert meetings have also included seminars on nonproliferation, export licensing, small arms and light weapons, cyberterrorism, and best practices for the protection of large public events. In some cases, these meetings have also included the establishment of registries of contact persons and desktop exercises.

More recently, the ARF has broadened its counterterrorism focus and, during the 2007 ISMCTTC, focused on addressing “conditions conducive to the spread of terrorism,” which involves a “sustainable strategy to win the hearts and minds of the people.”³⁸ ARF participants reiterated the importance of “nation-building measures such as the provision of basic economic and social services, the importance of good governance and institution-building, the necessity of achieving national political consensus through reconciliation and negotiation, and the importance of national will.”³⁹ The participants officially endorsed the Alliance of Civilizations initiative, convened a “Special Informal Session on Inter-Civilisational Dialogue,” and have actively promoted initiatives aimed at facilitating intercivilization dialogue in the region, such as the Asia-Pacific Inter-Faith Regional Dialogue.⁴⁰

On the future direction of the ISMCTTC, the participants in the 2007 meeting suggested that ARF efforts to counter terrorism and combat transnational crime continue to encompass concrete cooperation, such as information sharing among civilian and military agencies, capacity building, and practical cooperation in areas such as anti-money laundering and maritime security.

Given its membership and primary responsibility for peace and security issues in the region, the ARF may be well suited to coordinate capacity-building efforts, but careful attention should be paid to avoid duplication with the other relevant regional actors or mechanisms. In addition, since the conception of ASEAN was that of a process rather than an institution, as such, ASEAN has a limited permanent presence beyond a small staff unit within the ASEAN Secretariat, and its institutional capacity may need to be strengthened if it is to be expected to assume a more active role in this area.

D. ASIAN DEVELOPMENT BANK (ADB)⁴¹

The ADB provides low-interest loans, grants, advice, and knowledge to its developing member states on inclusive social development and good governance projects that relate generally to the Strategy. However, its more strictly defined counterterrorism capacity-building and technical assistance efforts are focused primarily on AML/CTF and port, maritime, and aviation security. For example, it has developed a tool kit that provides relevant and up-to-date reference information on AML/CFT for ADB staff and others. Over the last several years, the ADB has played an important role in regional counterterrorism capacity-building efforts through its Cooperation Fund for Regional Trade and Financial Security Initiative, which it developed and implemented in close cooperation with functional organizations and bilateral donors.⁴²



E. BALI COUNTER-TERRORISM PROCESS (BCTP)⁴³

An Australian-Indonesian initiative, the BCTP was started in February 2004 and brings together an ad hoc group of states and relevant organizations from within and outside the region to look at ways to improve cooperation in law enforcement, information sharing, and strengthening legal frameworks.⁴⁴ It consists of two practitioners' working groups: the Legal Issues Working Group, which focuses on international cooperation and criminalization, and the Law Enforcement Working Group, which focuses on enabling law enforcement agencies to share operational experiences, formulating best practice models for fighting terrorism, developing a more effective information base, and improving the flow of criminal intelligence among countries in Southeast Asia.⁴⁵

In its last Sub-Regional Ministerial Conference on Counter-Terrorism in March 2007, the ministers agreed on a series of initiatives related to counterterrorism capacity building, including supporting and strengthening the various regional training centers, in particular on their training to counter terrorist abuse of the Internet and implement relevant counterterrorism conventions; providing trainings for practitioners in mutual legal assistance and extradition; sponsoring regional and subregional second-track meetings of religious leaders, academics, and media practitioners; and conducting a workshop of experts on small arms, light weapons, dual-use materials, and explosives.⁴⁶

With its pragmatic approach to improving counterterrorism capacities in the region and its membership, which cuts across those of the formal regional bodies in the Asia-Pacific region and includes a number of key countries from outside the region, this informal process may provide an ideal forum for identifying capacity gaps and priority needs in a broad range of Strategy-related issues. In the end, however, the absence of a permanent secretariat may limit it from doing more than serving as a forum where experts from different countries can gather; share information, best practices, and other experiences; and build trust, which is important nevertheless to developing the effective cooperation needed to implement the Strategy.

F. ASIA-EUROPE ECONOMIC MEETING (ASEM)

As an informal dialogue process among the EU, the EC, and the ASEAN+3 participants,⁴⁷ ASEM provides a forum for discussions on a broad array of policy issues, including those related to counterterrorism. In addition to its ongoing efforts devoted to interfaith and intercultural dialogue, its annual conferences on counterterrorism provide the opportunity for ASEAN countries and European donors to discuss concrete capacity-building needs in a range of counterterrorism fields. Partly as a result of these annual dialogues, the EC is delivering counterterrorism capacity-building assistance to a number of countries in Southeast Asia. For example, it is providing AML/CFT technical assistance and supporting anticorruption efforts in Indonesia, providing AML/CFT and border security capacity building to the Philippines, and working regionally in Southeast Asia to provide awareness training for border control units and improve travel document security.⁴⁸



G. REGIONAL TRAINING AND INFORMATION CENTERS

As noted above, Southeast Asia is host to a number of regional training and information centers, including the JCLEC, which engage in Strategy-related capacity-building activity. For its part, in 2007 the JCLEC conducted more than 100 training courses; and Australia, Japan, and the United States have proposed that it be expanded to serve as a platform for more diverse training.

The SEARCCT, established by the Malaysian government in 2003 in Kuala Lumpur, cooperates with regional institutes and multilateral and bilateral partners to provide training for Malaysian and other regional authorities in law enforcement; criminal, financial, and other investigative techniques; and counterterrorism issues more generally.

The ILEA in Bangkok was established in 1999 at the initiative of the United States and Thailand as part of a broader U.S. effort to establish a network of regional law enforcement academies to improve international cooperation in combating transnational crime and terrorism. It provides training for police, immigration, customs, and other law enforcement officials in Southeast Asia on issues including combating terrorism, financial investigations, leadership development, and crime scene investigation.

Further, Singapore is home to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Center (ISC), an antipiracy arrangement established to enhance multilateral cooperation, information sharing, and capacity building in South and Southeast Asia on combating piracy and other crimes against ships at sea.⁴⁹ The ReCAAP ISC works with the IMO and other partners to provide capacity-building assistance to its participants to help them respond to incidents of piracy and armed robbery, including exercises, training workshops, and technical assistance programs that share best practices.

The information and training provided by these centers has not only helped improve the capacities of law enforcement and other officials to conduct effective counterterrorism, criminal, and financial investigations but also helped to improve regional and international law enforcement cooperation through the contacts they forge. As in most cases, these centers are partnerships between donors and countries in the region. They provide important regional loci of expertise on counterterrorism-related issues and offer more sustainable and effective models of assistance than one-off capacity-building efforts. Coordination and cooperation, particularly among the SEARCCT, ILEA, and JCLEC has improved as their donors and participants are the same in many cases, but greater efforts are needed to ensure a deeper relationship and more regular exchange of information between the training centers and the UN system. In addition, consideration should be given to whether these centers can move beyond their focus on traditional law enforcement and other security-related capacity building to include a broader range of Strategy-related capacity-building courses.

In particular, whereas Asia-Pacific regional bodies have proven reluctant to deal explicitly with human rights issues, the regional training centers could play a role in ensuring “respect for human rights for all and the rule of law as the fundamental basis of



the fight against terrorism” and in “raising awareness of international human rights law among national law enforcement agencies,” as recommended in the Strategy.⁵⁰ Not only should international human rights law underlie all aspects of the centers’ curricula, the centers could also serve as mechanisms for the sharing of regional best practices for protecting human rights while combating terrorism. Consideration might be given to courses dedicated specifically to the subject, in cooperation with OHCHR and UNODC. All regional centers could further improve their contributions in this regard by improving coordination with UNODC and reaching out to OHCHR and their regional offices when designing their curricula to ensure respect for human rights and the rule of law.

IV. The Provision and Coordination of Capacity-Building Assistance in the Key Areas of the Strategy and the Role of the United Nations: Successes and Areas for Improvement

Given the breadth of issues addressed in the Strategy; the range of capacity-building assistance many states, including those in Southeast Asia need; and the number of different bilateral and multilateral capacity-building providers and programs that exist, effective coordination presents a challenge but is essential. Effective coordination is needed both horizontally, i.e., across the range of donors and Strategy-related capacity-building fields, and vertically, i.e., within each relevant field. With the efforts of the CTC/CTED and CTAG in attempting to coordinate horizontally discussed above, this discussion will highlight the varying degrees (generally minimal) of coordination within some of the different Strategy-related capacity-building fields in Southeast Asia.

Generally speaking, some coordination is taking place where a forum in the region promotes it. For example, the annual ASEM on counterterrorism, the BCTP, and the ARF ISMCTTC offer forums in which both donors and assistance providers can engage with countries in Southeast Asia on a range of law enforcement–related capacity-building issues relevant to the Strategy. Coordination among these three processes is limited, which increases the likelihood of overlapping activities. In addition, each lacks the resources or mandate to undertake the information-gathering and dissemination tasks critical for effective coordination among a range of donors and recipients. The counterterrorism-related training centers in Indonesia, Malaysia, and Thailand, which receive technical and financial support from a number of different donors, can help ensure coordination in this area as they design their curricula to minimize the overlap among them. In addition, the annual trilateral counterterrorism meetings among Australia, Japan, and the United States offer a forum where the three largest counterterrorism donors in Southeast Asia can coordinate their capacity-building priorities.

A. RATIFICATION AND IMPLEMENTATION OF THE RELEVANT CONVENTIONS

As the Strategy acknowledges, UNODC can also help states develop and maintain an effective, rule of law–based criminal justice system that can ensure that terrorists are brought to justice and that terrorist acts are established as serious criminal offenses



in domestic law. More specifically, every state committed in the Strategy to implement both the universal instruments against terrorism and the UN Convention against Transnational Organized Crime and its three protocols, fields in which UNODC is a major provider of capacity-building assistance.

Since 2002, through its TPB, UNODC has delivered various forms of counterterrorism-related assistance aimed at helping countries join and implement the universal instruments against terrorism, currently numbering 16. This assistance has included legislative drafting aid and the training of criminal justice professionals. Drawing on its Vienna-based staff and its network of consultants and UNODC regional representatives around the world,⁵¹ TPB delivered assistance to more than 71 countries in 2007 alone, conducted regional and subregional workshops for scores more, and has trained more than 6,000 lawmakers and criminal justice officials on ratification and implementation requirements of the universal instruments against terrorism.⁵² Through its field offices in Vietnam and Thailand, UNODC has been able to develop a broad regional network of experts and contacts, which enhances its ability to ensure sustained follow-up with local practitioners who participate in the training sessions. Although UNODC's TPB has provided various forms of technical assistance to a number of countries in the region, many have not made sufficient progress in joining, let alone implementing, the instruments.⁵³

In addition, UNODC's TPB played a pivotal role in the drafting of the ASEAN Convention on Counter Terrorism in the fall of 2006, thus ensuring that the convention adopted in January 2007 not only incorporates nearly all of the universal instruments against terrorism but includes a number of other links to the broader UN counterterrorism framework enshrined in the Strategy. The inclusion of these references to the UN instruments in the regional framework may give an added boost to efforts to enhance regional participation in these UN instruments.

UNODC's expertise extends to AML/CFT and other terrorist-related crimes, such as organized crime and drug trafficking. Thus, for example, UNODC convened a workshop in Kuala Lumpur during 14–16 November 2007 bringing together criminal justice authorities from countries throughout Asia “to discuss issues and obstacles in carrying out international legal cooperation” in the context of implementation of the UN organized crime instruments.⁵⁴

Although officials dealing with these different international crimes in many countries and the themes raised in any training sessions are often the same, too often UNODC provides training to criminal justice officials in frequently underresourced countries on how to implement the various UN terrorism, transnational organized crime, money laundering, and corruption instruments separately rather than offering a unified program that better reflects the obvious links. Greater efforts may be needed to maximize synergies and reduce overlap among the various UNODC programs aimed at building national criminal justice systems.



B. JUDICIAL COOPERATION AND MUTUAL LEGAL ASSISTANCE (MLA)

Due to the transnational nature of international terrorism, effective and efficient international legal cooperation is essential to evidence gathering, MLA, the conduct of investigations, and the extradition of alleged terrorists to stand trial. A number of obstacles exist to effective legal cooperation between states in Southeast Asia, although the adoption of the ASEAN Treaty on Mutual Legal Assistance in 2004 and the ASEAN Convention on Counter Terrorism in 2007 may help. These impediments include the different legal systems and procedures for making extradition and MLA requests in the different countries in the region; the lack of a regional law enforcement network, which results from the historic lack of trust among states in the region; the limited knowledge that some national authorities often have of the very existence of multilateral agreements in this field; and the need for an improved understanding of how to draft extradition and MLA requests in the context of terrorism and related criminal cases. With the possible exception of work being carried out by the regional training centers and some bilateral training efforts, the United Nations is the primary technical assistance provider in this field.

In addition to the above-mentioned UNODC TPB training workshops for prosecutors, judges, and other criminal justice officials, which often bring together criminal justice officials from different countries in the region, UNODC has produced a number of technical assistance tools to help national counterterrorism practitioners overcome these obstacles. They include the elaboration of model extradition treaties, the provision of legal advisory services to requesting countries, and the design of software tools such as the practical “Mutual Legal Assistance Request Writer Tool” and a similar software tool for writing extradition requests, expected to be finalized this year.⁵⁵

Despite the efforts of the United Nations, including the Tokyo-based UN Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and other stakeholders, to promote the adoption and implementation of the international counterterrorism instruments and, more specifically, to promote judicial cooperation and MLA in terrorism matters, significant implementation and training gaps remain.

C. MEASURES TO ADDRESS TERRORIST FINANCING

The Asia/Pacific Group on Money Laundering (APG),⁵⁶ an FATF-style regional body whose membership includes bilateral and multilateral assistance providers as well as countries in Southeast Asia, has worked closely with technical assistance providers, including the International Monetary Fund, Commonwealth Secretariat, and UNODC in providing its members with legislative drafting assistance and training to assist them with implementing the FATF AML/CFT standards, which receive specific mention in the Strategy.

The APG’s role includes assisting its jurisdictions to enact relevant laws on MLA, confiscation, forfeiture, and extradition; undertaking region-specific studies of the methods and trends in money laundering and the financing of terrorism; providing guidance in setting up systems for reporting and investigating suspicious transactions; and helping in the establishment of financial intelligence units. The APG also provides for peer review by means of voluntary mutual evaluations, setting for itself a goal of conducting



at least five on-site mutual evaluation visits per year to different jurisdictions in the region. Finally, it works closely with many other organizations operating in the region and has improved the coordination of AML/CFT technical assistance and training between the APG Secretariat and relevant regional organizations.

The APG's annual meeting offers the opportunity to evaluate the progress of the member jurisdictions and to provide technical assistance and training. In addition, a Typologies Working Group was established to conduct "in-depth studies of particular typology topics." The Typologies Working Group holds an annual meeting that brings together law enforcement experts and regulatory officials from the different member jurisdictions and is committed to sharing practical experience from specific cases related to money laundering and the financing of terrorism. In 2005 an Implementation Issues Working Group was established to assist members in overcoming obstacles to implementation of the FATF standards.

At the UN level, UNODC's Anti-Money Laundering Unit (AMLU), which has observer status within the APG, has a mandate to assist states in ratifying and implementing the international standards related to money laundering and terrorist financing. During 2007, it delivered AML/CFT-related technical assistance to most regions of the world, with specific initiatives built around awareness raising, training, and institution and capacity building, in particular the establishment of financial intelligence units. The AMLU has deployed experts in the field via its mentoring program "to train people and build institutions, deliver direct technical assistance and to strengthen AML/CFT capacity."⁵⁷ Its adviser in Southeast Asia helps cover relevant meetings of the APG and has been actively involved in the Technical Assistance and Training Working Group of the APG Secretariat.

D. DERADICALIZATION

Although the Strategy does not make explicit reference to the term "radicalization," it does recognize the need to address conditions conducive to the spread of terrorism through the successful pursuit and reinforcement of development and social inclusion agendas at every level. Promoting these agendas is an essential ingredient for reducing the socioeconomic and political marginalization and subsequent sense of victimization that can propel terrorist recruits and "transform ordinary people into fanatics who use violence for political ends."⁵⁸ No one factor will automatically lead to violence, and the factors that do cause a person to cross the line to being prepared to commit a terrorist act are complex, multifaceted, and in many cases distinctly personal.

In general, socioeconomic measures targeting marginalized and excluded segments of society, as well as measures to otherwise engage with and broaden political participation of vulnerable communities, have long been an integral part of sustainable development strategies. Thus, a variety of development interventions could be relevant when considering capacity-building programs to counter radicalization.⁵⁹

In addition to the work being carried out by UNDP, discussed below, UNESCO is among the most relevant entities in the UN system in terms of providing capacity-



building assistance in areas that will contribute to addressing the structural and motivational factors that can help turn angry young men and women into terrorists.

An essential element of UNESCO's long-term approach to contributing to global counterterrorism efforts is "seeking to scale up existing programmes for strengthening the capacities of educational systems worldwide to integrate human rights education, internationally shared values, conflict prevention and critical thinking into every aspect of [these systems], including the development of curriculum standards, the training of teachers and the approval of school textbooks."⁶⁰ UNESCO, including through its capacity-building and training institutes and centers around the globe,⁶¹ is working with its member states to (1) update and revise education and cultural policies to reflect a human rights-based approach, cultural diversity, intercultural dialogue, and sustainable development; (2) ensure quality education to foster a climate of tolerance and security; (3) facilitate teacher training and the revision of textbooks and curricula to help ensure the removal of hate messages, distortions, prejudice, and negative bias from textbooks and other educational media; and (4) ensure basic knowledge and understanding of the world's main cultures, civilizations, and religions.

Through its field office in Jakarta, UNESCO has provided Indonesia with a range of technical and other capacity-building assistance aimed at supporting the government's effort to meet the Education for All benchmarks by 2015. For example, in cooperation with the Ministry of Religious Affairs, UNESCO has supported efforts to improve the quality of education being offered in madrasahs in three provinces across the country. More broadly, UNESCO provides teaching and learning materials to improve classroom practices and the overall quality of education across Indonesia.⁶²

In the Philippines, UNESCO launched the "Palihan" Street Children Education Programme in Manila in 1997 in response to the plight of 100,000 or more unemployed, homeless children on the streets of Manila. The program provides education and a continuing supportive, social, and emotional environment, with a view to providing employment for these youth after their initial training period through partnerships with a number of private companies and a range of nongovernmental organizations (NGOs) and government agencies.⁶³

UNESCO and UNDP have a number of programs in the region that, although not designed as such, will contribute over the longer term to deradicalization. The United Nations has no mechanism, however, for sharing this information or information regarding the national deradicalization programs in the region (e.g., Indonesia, Malaysia, and Singapore) within the UN system and with member states. The lack of information sharing and, more broadly, coordination in this field of Strategy-related capacity building is partly due to the fact that neither UNESCO nor UNDP have shown sustained interest in participating in or sharing information of ongoing programs relevant to deradicalization with the Task Force.

The Task Force's working group on "Addressing Radicalization and Extremism that Lead to Terrorism" is hoping to act as a clearinghouse for information regarding the growing number of national deradicalization and rehabilitation projects. Yet, it remains to be seen whether this working group, as well as the wider Task Force, as current-



ly mandated and resourced and with limited participation from member states could assume this function.

E. PROTECTION OF HUMAN RIGHTS

OHCHR has a particularly important role to play in Southeast Asia in promoting the human rights-based approach to combating terrorism that underlies the Strategy. The region faces a range of human rights challenges. It is one of the only regions without a human rights mechanism, and only four countries (Indonesia, Malaysia, the Philippines, and Thailand) have established national human rights commissions. To date, OHCHR has yet to focus attention in the region on the Strategy per se, although much of its capacity-building work (e.g., building capacity of NGOs in the region to monitor, report on, and analyze the human rights situation in the region) will further its implementation. For the 2008–2009 biennium, the regional office will focus on a number of activities that will also benefit Strategy implementation, for example (1) helping countries implement recommendations of international treaty body mechanisms and special procedures, including those of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other inhumane and degrading treatment or punishment; (2) launching capacity-building programs in the administration of justice, legislative reporting, and human rights education; and (3) preparing for the Universal Periodic Review in the region.⁶⁴ Going forward, however, OHCHR could complement these programs with more counterterrorism-focused activities in the region, including providing training to judges, lawyers, and law enforcement in counterterrorism and human rights and, as it has already done in other regions, convening regional meetings on “Human Rights and Counter Terrorism” in order to initiate a dialogue on human rights obligations and commitments of states in matters related to counterterrorism.

G. GOOD GOVERNANCE AND THE RULE OF LAW

UNDP is by far the largest UN provider of Strategy-related capacity-building assistance in the context of Pillar I of the Strategy, both in Southeast Asia and beyond. In 2007 alone, for example, it spent more than \$300 million on projects aimed at strengthening democratic governance (only one of UNDP’s project areas) in its Asia and Pacific region, with includes all ASEAN countries.⁶⁵

UNDP typically partners with member states to provide guidance and technical assistance for development projects in a range of areas related to addressing conditions conducive to the spread of terrorism, including good governance, conflict prevention, and poverty reduction. In general, it “works with national partners to improve government capacity to deliver public services, to expand community participation in decision making processes and to promote accountable and transparent institutions and policies.”⁶⁶ In short, building national institutions and other capacities to allow governments to realize the MDGs lies at the heart of UNDP’s mission.



UNDP's long-term presence in almost all developing countries through its field offices, including a number in Southeast Asia, allows it to play a critical role in facilitating access to development assistance and other forms of support and to form strategic linkages, including with civil society and the private sector. It is in the best position and is the most obvious UN actor to highlight the close relationship between security and development, based on a recognition that development can only be achieved and sustained if institutions and mechanisms of governance ensure the security and safety of citizens.

Examples of UNDP capacity-building projects in Southeast Asia relevant to Strategy implementation include (1) its work in Cambodia in the fields of governance reforms, political processes (supporting the National Election Commission and Parliament), gender equity, demining, and private-sector development; (2) its work in Vietnam aimed at strengthening elected bodies at the national and local levels, establishing a legal framework, and improving the management of public finances; and (3) its work in Indonesia strengthening its electoral and court systems and reforming its parliamentary system.⁶⁷

Although applying the rubric of counterterrorism to UNDP's efforts may gain little and may in fact lose a great deal, this risk should not preclude highlighting the important contribution UNDP is making in building state capacity to implement the Strategy. UNDP's willingness to coordinate its capacity-building efforts with security-related components of the UN system, in particular the CTC/CTED, and in actively contributing to the work of the Task Force, in particular its working group on integrated implementation of the Strategy, will be key to obtaining local buy-in for the Strategy and furthering its implementation on the ground. Coordination and cooperation between development and counterterrorism capacity-building efforts within the United Nations will need to be strengthened without compromising or politicizing development work and without diluting counterterrorism efforts. In strengthening this coordination and cooperation, careful attention will need to be paid to ensure that resources normally allocated to social programs and development assistance are not diverted to the security sector because such reallocations of development assistance may have serious repercussions that contravene not only long-term development, but also counterterrorism goals.⁶⁸ In light of these facts, development experts are understandably reluctant to embrace greater coordination with security and counterterrorism actors.

As this brief survey has shown, to the extent that there is at least some coordination on Strategy-related capacity building in Southeast Asia, it is taking place in law enforcement and other security-related fields (e.g., counterterrorist financing, law enforcement training). This revelation should come as little surprise given that it is in these fields that coordination mechanisms or fora, albeit informal, exist. Nevertheless, more attention should be given to developing a mechanism or forum, formal or informal, at the regional level to further information sharing and other coordination on capacity-building efforts to alleviate the conditions conducive to the spread of terrorism and on the other "soft" elements of the Strategy. For example, the regional mechanism proposed above could serve this function.



Endnotes

- 1 UN General Assembly, A/RES/60/288, 8 September 2006, Annex (Plan of Action, Section III) (hereinafter UN General Assembly Resolution 60/288).
- 2 Ibid., sec. I, para. 7.
- 3 Some argue that there is a strong linkage, seeing close connections between local and regional groups and al-Qaida and its associates. See, e.g., Zachary Abuza, “Funding Terrorism in Southeast Asia: The Financial Network of Al Qaeda and Jemaah Islamiyah,” *NBR Analysis*, December 2003, pp. 11–12. Others caution against presuming too strong an al-Qaida connection with the local insurgencies. Labeling such insurgencies as “al-Qaida-related” may magnify the profile of smaller, unrelated groups or stifle attempts to address the local grievances that are motivating the insurgencies. See, e.g., Amitav Acharya and Arabinda Acharya, “The Myth of the Second Front: Localizing the ‘Global War on Terror’ in Southeast Asia,” *Washington Quarterly* 30, no. 4 (Autumn 2007): 75–90; Bruce Vaughn et al., “Terrorism in Southeast Asia,” *CRS Report for Congress*, RL34194, 11 September 2007, p. 11, <http://www.fas.org/sgp/crs/terror/RL34194.pdf>.
- 4 “Terrorism in Southeast Asia: The Threat and Response,” 12–13 April 2006 (Report of an International Conference Organized by the Institute for Defense and Strategic Studies and the Office of the Counterterrorism Coordinator).
- 5 International Commission of Jurists, “International Panel Ends Hearing in Southeast Asia,” 6 December 2006, http://ejp.icj.org/hearing2.php3?id_article=94&lang=en (press release).
- 6 See, e.g., Ralf Emmers, “Security Relations and Institutionalization in Southeast Asia,” *BASIC Working Paper Series*, 9 November 2005, p. 26.
- 7 Acharya and Acharya, “Myth of the Second Front,” p. 84.
- 8 AusAID in Indonesia, “Counter-terrorism Capacity Building Initiative,” 22 May 2007, <http://www.indo.usaid.gov.au/projects/counterterrorism.html>.
- 9 Canadian Department of Foreign Affairs and International Trade, “CTCB Program: List of Approved Unclassified Projects as of April 2008” (on file with the Center on Global Counterterrorism Cooperation).
- 10 Ministry of Foreign Affairs of Japan, “Japan’s International Counter-Terrorism Cooperation,” February 2008, <http://www.mofa.go.jp/policy/terrorism/coop0208.pdf>.
- 11 In 2007, for example, law enforcement and security agencies in Indonesia and the Philippines trained under the Anti-Terrorism Assistance (ATA) program, and personnel from Thailand succeeded in thwarting planned terrorist and other criminal attacks. The U.S. Department of State’s Bureau of Diplomatic Security oversees the ATA program. See Bureau of Diplomatic Security, U.S. Department of State, “Diplomatic Security: 2007 Year in Review,” 2008, <http://www.state.gov/documents/organization/102991.pdf>. More specifically, in Indonesia, the United States provided funding to the newly formed Attorney General’s Task Force on Terrorism and Transnational Crime, which has taken a leading role in the prosecution of terrorists in that country. U.S. prosecutors and FBI agents provided training to 34 representatives of the Philippine Anti-Terrorism Council aimed at assisting the Philippines in implementing the 2007 Human Security Act (HSA) and focused on ways to use electronic surveillance authority and procedures to obtain judicial designation of organizations as terrorist under the HSA. In addition, the United States helped the Philippines establish interagency intelligence fusion centers to support maritime interdictions against transnational criminal/terrorist organizations and a “Coast Watch” system in Mindanao and provided \$120,000 for a bomb data center in Mindanao. For further information regarding recent U.S. capacity-building and other counterterrorism activity in Southeast Asia, see Office of the Coordinator for Counterterrorism, U.S. Department of State, “Country Reports on Terrorism,” 30 April 2008, ch. 2, <http://www.state.gov/s/ct/rls/crt/2007/103706.htm> (“Country Reports: East Asia and Pacific Overview”).
- 12 Ministry of Foreign Affairs of Japan, “Bali Counter-Terrorism Process: Report of the Australian and Indonesian Co-Chairs,” August 2006, para. 34, <http://www.mofa.go.jp/policy/terrorism/report0608.html>.
- 13 Mike Smith, presentation/informal briefing of the CTC to UN member states, 29 April 2008 (CTED Executive Director).
- 14 Mike Smith, statement to the UN Security Council, S/PV.5855, 19 March 2008, p. 4, http://www.un.org/sc/ctc/pdf/SCM_19mar_08.pdf.
- 15 Each CTAP documents the counterterrorism measures undertaken by an Asia-Pacific Economic Cooperation (APEC) member economy to achieve the key elements of the Secure Trade in the APEC Region initiative. These include securing cargo, protecting people in transit, protecting ships engaged in international voyages and international aviation, combating threats to security, originating measures to halt the financing of terrorism, and promoting cybersecurity. Among other things, the CTAPs are intended to be used to highlight capacity-building needs to implement the commitments their leaders



- and ministers have made. APEC, “Counter-Terrorism Action Plans,” http://www.apec.org/apec/apec_groups/som_committee_on_economic/som_special_task_groups/counter_terrorism/counter_terrorism_action_plans.html.
- 16 See, e.g., Carolina G. Hernandez, “The Campaign Against Terrorism: A Non-Specialist Perspective” (presentation prepared for Plenary Session Four: The Campaign Against Terrorism: Major Obstacles and How to Overcome Them, 21st Asia Pacific Roundtable, Kuala Lumpur, 4–8 June 2007), http://www.isis.org.my/files/apr/Carolina_G_Hernandez.doc; See Seng Tan and Kumar Ramakishna, “Interstate Dynamics in Southeast Asia’s War on Terror,” in *After Bali: The Threat of Terrorism in Southeast Asia*, ed. Kumar Ramakrishna and See Seng Tan (Singapore: Institute of Defence and Strategic Studies, 2003), p. 92.
 - 17 “Co-Chairs’ Summary Report of the Fifth ASEAN Regional Forum Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime,” Singapore, 2–4 May 2007, <http://www.aseanregionalforum.org/PublicLibrary/ARFChairmansStatementsandReports/tabid/66/Default.aspx> (hereinafter fifth ARF ISM summary report).
 - 18 Department of Foreign Affairs and Trade, Australian Government, “Sub-Regional Ministerial Conference on Counter-Terrorism: Co-Chairs’ Statement,” 5–6 March 2007, paras. 12 and 21, http://www.dfat.gov.au/globalissues/terrorism/Co_Chairs_Statement.htm (hereinafter March 2007 Counter-Terrorism Conference Co-Chairs’ Statement).
 - 19 For a discussion of Indonesia’s deradicalization program, see Joshua Kurlantzick, “Fighting Terrorism With Terrorists: Using Former Radicals to Turn Around Militants in the Making Is Showing Remarkable Success,” *Los Angeles Times*, 6 January 2008, <http://www.latimes.com/news/printedition/opinion/la-op-kurlantzick6jan06.1,3891230.story?coll=la-news-comment&ctrack=1&cset=true>.
 - 20 The Australian Agency for International Development’s (AusAID) program in the Philippines, which is heavily focused on building peace in Mindanao, seeks to promote economic growth, basic education, and national stability and human security. It is working closely with local institutions and faith-based and other nongovernmental organizations (NGOs) to increase the level of participation by men, women, and youth in peace processes and the capacity of institutions in areas affected by the conflict to serve their citizens better by providing basic services. AusAID, “Australia-Philippines Development Assistant Strategy 2007–11,” May 2007, http://www.usaid.gov.au/publications/pdf/philippines_strategy.pdf.
 - 21 For example, the Canadian International Development Agency (CIDA) is working in Indonesia to improve the delivery of basic social services of local government institutions, strengthen the capacity of civil society organizations to voice concerns and hold governments to account, and engage with the Islamic education system in Indonesia to support inclusiveness and improve social cohesion. For additional information on CIDA programs in southeast Asia, see <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/NIC-55151556-QLT>.
 - 22 The Japan International Cooperation Agency (JICA) has been supporting legal reform efforts in Vietnam, providing legislative drafting assistance and training to officials in the judicial sector, and building local development mechanisms in Cebu (The Philippines) with strengthened local government administration in partnership with local communities and NGOs for sustainable and effective use of development resources. For additional information on JICA programs in southeast Asia, see <http://www.jica.go.jp/english/countries/sea/index.html>.
 - 23 For example, U.S. Agency for International Development (USAID) programs in Indonesia seek to mitigate social violence and enhance peace-building efforts in conflict-affected areas, including Nanggroe Aceh Darussalam, Papua, the Malukus, and Central Sulawesi. It supports conflict-sensitive approaches to development, technical capacity building, livelihoods development, civil society and academic input in legislative drafting, and transition assistance to conflict-affected persons. In addition, USAID provides technical assistance and training to judges, prosecutors, and staff members at the Constitutional Court and Attorney General’s Office with the aim of developing a more effective, professional, transparent, accountable, and independent judicial branch. “USAID/Indonesia: Democracy and Governance,” 27 June 2008, <http://indonesia.usaid.gov/en/Program.3a.aspx>.
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 - 25 “Semi-annual Report of the Work of the Counter-Terrorism Executive Directorate (CTED) 1 July–31 December 2007,” annex 2 (“Progress and Outcomes of the Facilitation of Technical Assistance by the Counter-Terrorism Committee Executive Directorate [Member States and Subregions] for the Period 2005–2007”) (on file with the Center on Global Counterterrorism Cooperation).



- 26 UN Security Council, *Organizational Plan for the Counter-Terrorism Committee Executive Directorate*, 8 February 2008, S/2008/80, <http://www.un.org/Docs/journal/asp/ws.asp?m=S/2008/80>.
- 27 Anton du Plessis, "The Role of the United Nations Office on Drugs and Crime in Building Counter-Terrorism Capacity in Africa," in *Understanding Terrorism in Africa: In Search for an African Voice*, ed. Wafala Okumu and Anneli Botha (Pretoria: Institute for Security Studies, 2007), p. 89.
- 28 See, e.g., Cabinet Office of the United Kingdom, "The National Security Strategy of the United Kingdom: Security in an Interdependent World," March 2008, http://interactive.cabinetoffice.gov.uk/documents/security/national_security_strategy.pdf.
- 29 The APEC forum's 21 member economies are Australia; Brunei Darussalam; Canada; Chile; People's Republic of China; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; The Republic of the Philippines; The Russian Federation; Singapore; Chinese Taipei; Thailand; United States of America; and Viet Nam.
- 30 "Statement of the Chair" (meeting of APEC Ministers Responsible for Trade, Ho Chi Minh City, 1–2 June 2006), http://www.apec.org/content/apec/ministerial_statements/sectoral_ministerial/trade/2006_trade.html.
- 31 ASEAN member states are Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.
- 32 These "Partnerships with Dialogue Partners" have led to capacity-building initiatives including support for law enforcement training and assistance for transport security from Japan, Australia, and other donors.
- 33 "Expansion of ASEAN-Japan Counterterrorism and Maritime Security Cooperation Vital Contributions to Regional Security—Romulo," 2007 ASEAN-Japan Ministerial Meeting, Philippine Press Release No. 011, 11 January 2007, <http://www.dfa.gov.ph/asean/philpr/philpr11.pdf>.
- 34 "Plan of Action to Implement the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership," <http://www.aseansec.org/21122.pdf>.
- 35 ASEAN, "ASEAN Convention on Counter Terrorism," art. VI.1.e, <http://www.aseansec.org/19250.htm>.
- 36 ASEAN Regional Forum (ARF) participants include the 10 ASEAN members and Australia, Bangladesh, Canada, the People's Republic of China, East Timor, the European Union, India, Japan, Mongolia, New Zealand, North Korea, Pakistan, Papua New Guinea, Russia, South Korea, and the United States.
- 37 Dominik Heller, "The Relevance of the ASEAN Regional Forum (ARF) for Regional Security in the Asia-Pacific," *Contemporary Southeast Asia* 27, no. 1 (April 2005): 126–127.
- 38 See, e.g., fifth ARF ISM summary report.
- 39 Ibid.
- 40 "ASEAN Regional Forum Statement on Promotion of Inter-Civilization Dialogue," Manila, 2 August 2007, <http://www.aseanregionalforum.org/PublicLibrary/ARFChairmansStatementsandReports/tabid/66/Default.aspx>.
- 41 The ADB now includes 67 members, of which 48 are from the Asia-Pacific region.
- 42 Established in June 2004 in cooperation with the APEC forum and with initial contributions from Australia, Japan, and the United States, the Cooperation Fund for Regional Trade and Financial Security Initiative focused on regional AML/CFT capacity-building activities and support for border security enhancements, including airports, cargo ports, and containers, and customs modernization efforts of its developing member countries. The ADB also undertakes technical assistance covering anti-money laundering separately and as part of its general governance and capacity building for the financial sectors of its developing member countries.
- 43 The following countries and organizations were represented at the initial meeting and have participated in the process: Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, Fiji, France, Germany, India, Indonesia, Italy, Japan, Laos, Malaysia, Myanmar, the Netherlands, New Zealand, Papua New Guinea, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Thailand, Timor-Leste, the United Kingdom, the United States of America, Vietnam, the European Union, the United Nations, ASEAN, the Pacific Islands Forum Secretariat, the APEC Secretariat, the APG Secretariat, and Interpol. Department of Foreign Affairs and Trade, Australian Government, "Bali Counter-Terrorism Process," http://www.dfat.gov.au/icat/2004_conference/index.html.
- 44 Ministry of Foreign Affairs of Japan, "Bali Counter-Terrorism Process."
- 45 Ibid.
- 46 March 2007 Counter-Terrorism Conference Co-Chairs' Statement.
- 47 The "+3" participants are China, Japan, and the Republic of Korea.
- 48 European Commission personnel, e-mail communication with authors, 30 April 2008.
- 49 Participants in ReCAAP include the ASEAN countries and Bangladesh, People's Republic of China, India, Japan, the Republic of Korea, and Sri Lanka.



- 50 UN General Assembly Resolution 60/288.
- 51 At \$7.7 million, TPB's 2007 budget exceeds that of the CTED, although all but \$1 million comes from voluntary contributions.
- 52 See UN Office on Drugs and Crime (UNODC) Terrorism Prevention Branch (TPB), "Delivering Counter-Terrorism Assistance," March 2008 (on file with the Center on Global Counterterrorism Cooperation).
- 53 The current ratification status of ASEAN countries is Brunei Darussalam (10), Cambodia (11), Indonesia (6), Laos People's Democratic Republic (7), Malaysia (9), Myanmar (11), the Philippines (12), Singapore (7), Thailand (9), and Vietnam (8). "Background Paper Prepared by UNODC/TPB for the Fourth Workshop in the International Process on 17–18 June 2008" (on file with the Center on Global Counterterrorism Cooperation).
- 54 UN Economic and Social Council (ECOSOC), *International Cooperation in Combating International Organized Crime and Corruption: Report of the Secretary-General*, E/CN.15/2008/4, 22 February 2008, para. 7.
- 55 ECOSOC, *Assistance in Implementing the Universal Conventions and Protocols Related to Terrorism: Report of the Secretary-General*, E/CN.15/2008/5, 2008.
- 56 The member jurisdictions of the APG are Afghanistan; Australia; Bangladesh; Brunei Darussalam; Cambodia; Canada; Chinese Taipei; Cook Islands; Fiji Islands; Hong Kong, China; India; Indonesia; Japan; Lao People's Democratic Republic; Macao; Malaysia; Marshall Islands; Mongolia; Myanmar; Nauru; Nepal; New Zealand; Niue; Pakistan; Palau; the Philippines; the Republic of Korea; Samoa; Singapore; Solomon Islands; Sri Lanka; Thailand; Tonga; United States of America; Vanuatu; and Vietnam. In addition, there are six observer jurisdictions (France, Kiribati, Maldives, Papua New Guinea, Timor-Leste, and the United Kingdom) and a number of observer organizations, including the other FATF-style regional bodies, Interpol, UNODC, the Commonwealth Secretariat, ASEAN, the APEC forum, and the ADB.
- 57 ECOSOC, *Assistance in Implementing the Universal Conventions and Protocols Related to Terrorism*, para. 28.
- 58 Marc Sageman, "The Next Generation of Terror," *Foreign Policy*, March/April 2008.
- 59 Ministry of Foreign Affairs of Denmark, "Countering Radicalisation Through Development Assistance: A Country Assessment Tool," March 2007, <http://www.um.dk/NR/rdonlyres/2E032131-AC5A-43A6-B238-3F8328DF3859/0/CountryAssessmentTool.pdf>.
- 60 Ibid.
- 61 For information on UNESCO's Institutes and Centres for Education, see http://portal.unesco.org/education/en/ev.php-URL_ID=23148&URL_DO=DO_TOPIC&URL_SECTION=201.html.
- 62 "Indonesia-UNESCO Country Programming Document 2008–2011," JAK/2007/PI/H/3, <http://unesdoc.unesco.org/images/0015/001547/154799E.pdf>.
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- 66 Ibid.
- 67 For more information on UNDP's programs in Southeast Asia, see <http://www.undp.org/asia/>.
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WORKSHOP 4 Enhancing Capacity Building for the Implementation of the UN Global Counter-Terrorism Strategy—Focusing Mainly on the Experiences in Southeast Asia

17–18 June 2008 | Tokyo, Japan

QUESTIONS TO CONSIDER

These questions have been prepared by the organizers to help focus the workshop discussions. To this end, the moderator and panelists for each session are strongly encouraged to focus their remarks on addressing the relevant questions below, with a view to identifying concrete and practical steps that can be taken at the global, regional, and national levels to enhance the facilitation, delivery, and coordination of capacity-building activities related to the United Nations Global Counter-Terrorism Strategy.

I. Assessment of Strategy-Related Vulnerabilities and Capacity-Building Needs and the Role of the United Nations: Successes and Areas for Improvement

- What difficulties do the countries in Southeast Asia face in trying to assess their own vulnerabilities and needs?
- Are there effective mechanisms at the UN, regional, or national level for assessing these vulnerabilities and needs? Do they cover all pillars of the Strategy? Is there effective coordination and information sharing among these mechanisms to minimize overlap and maximize use of limited resources and expertise?
- What steps should be taken at the global, regional, and national levels to enhance assessment capabilities and mechanisms of matching needs and available assistance?
- What entity is best placed to assume a leading role in this area: the UN Counter-Terrorism Implementation Task Force, the Counter-Terrorism Committee (CTC) and its Executive Directorate (CTED), or a regional body or mechanism? What should be the role of the Task Force in this area? Where does the comparative advantage of the United Nations lie in this area? Is there a division



of labor among the aforementioned actors to ensure that capacity-building needs are identified and prioritized across all pillars of the Strategy and that the needs are matched with appropriate assistance?

II. The Facilitation and Delivery of Capacity-Building Assistance on Strategy-Related Issues and the Role of the United Nations: Successes and Areas for Improvement

- What are some of the successes and areas for improvement in multilateral and bilateral efforts to facilitate and deliver Strategy-related capacity-building assistance?
- Are the capacity-building needs well matched with assistance from outside the region? What are some successful examples in this area and some reasons for success? What are some difficulties or problems in finding the appropriate assistance to meet the identified needs?
- Is this assistance being facilitated and delivered across all pillars of the Strategy? If not, which entities, either at the global, regional, or national level, could assume a leading role in filling this lacuna?
- For partner countries, what are the difficulties faced in the facilitation and delivery of capacity-building assistance? Is there any room for improvement in this area?
- For the United Nations and its relevant bodies, what are the difficulties faced in the facilitation and delivery of capacity-building assistance? Is there any room for improvement in this area?
- What steps should be taken at the global, regional, and national levels to enhance facilitation and delivery efforts?
- How can information concerning bilateral and regional efforts be better shared and coordinated with the United Nations to reduce duplication and increase efficiency among relevant stakeholders at all levels?
 - What is the appropriate role for the Task Force and its constituent entities?
 - What role could the Counter-Terrorism Action Group (CTAG) play in helping to coordinate Strategy-related capacity-building efforts? Would enlarging the CTAG to include a broader range of bilateral and multilateral donors make it more effective?
- What steps could be taken to enhance the ability of the CTC/CTED to carry out its assistance facilitation role?
- Can the CTED play a more important role in supporting Strategy implementation efforts? For example, should the CTED be given the mandate for facilitating and coordinating the delivery of Strategy-related capacity-building activities?
- How can the United Nations improve on its efforts to reinforce ongoing bilateral and regional capacity-building efforts? What additional value does or can the United Nations bring to enhance such efforts?
- What should be the role of the Task Force in this area?
- Where does the comparative advantage of the CTC/CTED lie in a region where there is so much regional and bilateral capacity-building activity?



- Would UN effectiveness in this area be enhanced if it had a field presence to help coordinate the Strategy-related efforts in those regions or states requesting attention or if a forum existed at the regional level where the United Nations could meet with the relevant regional stakeholders and member states to develop a Strategy implementation plan and have annual follow-up meetings on what has been done and what more is needed?

III. The Role of Regional Bodies and Mechanisms in Providing and Facilitating the Delivery of Capacity-Building Assistance on Strategy-Related Issues: Successes and Areas for Improvement

- How can regional bodies and mechanisms contribute to providing and facilitating the delivery of capacity-building assistance on Strategy-related issues?
- What role have regional bodies and mechanisms played in this area so far? What are some of the successes and areas for improvement?
- What role could they play in providing and facilitating the delivery of assistance in areas related to Pillar I and/or Pillar IV of the Strategy?
- From the viewpoint of regional bodies and mechanisms, what are the difficulties faced in the facilitation and delivery of capacity-building assistance (e.g., the difficulties with regard to the relationship with donor and recipient countries and the relevant UN bodies)?
- What steps should be taken at the global, regional, and national level to enhance the capacity of regional bodies and mechanisms to contribute to Strategy-related capacity-building efforts?
- How can coordination and information sharing among these bodies and mechanisms be improved to minimize duplication of effort?
- Which regional mechanism(s) should assume a leading role in Southeast Asia?
- What good practices can be shared from other regions?

IV. The Provision and Coordination of Capacity-Building Assistance in the Key Areas of the Strategy and the Role of the United Nations: Successes and Areas for Improvement

- What efforts have been made at the global, regional, and national levels to coordinate capacity-building activities in each of the key areas of the Strategy (e.g., the ratification and implementation of the relevant UN conventions, judicial cooperation and mutual legal assistance, counterterrorist financing, deradicalization, the protection of human rights, and assistance related to promoting good governance and strengthening the rule of law)?
- What have been the successes and what opportunities exist for improvement in each of these areas? What steps should be taken at the global, regional, and national levels to enhance coordination in these areas? What is the appropriate role for the Task Force and its constituent entities?



- What efforts have been made at the global, regional, and national levels to ensure effective coordination of capacity-building activities across the different key areas of the Strategy? What have been the successes and what are the areas for improvement in this area?
- What steps should be taken at the global, regional, and national levels to enhance capacity-building coordination across the different pillars of the Strategy?
- How can coordination and cooperation between development and traditional counterterrorism capacity-building efforts be improved without compromising or politicizing development work and without diluting counterterrorism efforts?



WORKSHOP 4 Enhancing Capacity Building for the Implementation of the UN Global Counter-Terrorism Strategy—Focusing Mainly on the Experiences in Southeast Asia

17–18 June 2008 | Tokyo, Japan

WORKSHOP SUMMARY

1. On 17 and 18 June 2008 the Ministry of Foreign Affairs of Japan and the Japan Institute of International Affairs hosted the fourth workshop in the International Process on Global Counter-Terrorism Cooperation, which is being cosponsored by Turkey, Costa Rica, Japan, Slovakia, and Switzerland and supported by the Center on Global Counterterrorism Cooperation. The workshop was conducted under the Chatham House Rule, i.e., all discussion was off the record and not for attribution. The following summary reflects some of the highlights, themes, challenges, and recommendations identified during the meeting but is not an official or complete record of the proceedings and does not necessarily reflect the views of all the participants.

2. The aim of the fourth workshop was to allow for reflections on the earlier workshops and an opportunity to focus sustained attention on capacity building, which the United Nations Global Counter-Terrorism Strategy recognizes as a “core element of the global counter-terrorism effort.” Although not intended to reach any definitive conclusions, the two-day event allowed some 40 experts representing states, multilateral bodies, and civil society to engage in a frank discussion of the role of states, regional bodies and mechanisms, and the United Nations in enhancing Strategy-related capacity building, with a particular focus on Southeast Asia. The workshop provided an excellent opportunity not only to reflect on the performance of these actors in assessing vulnerabilities and delivering and facilitating Strategy-related capacity-building assistance in the traditional and nontraditional counterterrorism areas, but to consider ways in which the overall effort could be strengthened.

3. Although the workshop focused on Southeast Asia, many of the issues raised were relevant to wider Strategy-related capacity-building efforts. Among the key themes highlighted were (1) the need to enhance horizontal and vertical coordination and cooperation and identify a clear division of labor among the wide range of multilateral



and bilateral donors engaged in capacity-building activities in Southeast Asia and elsewhere both in the traditional (e.g., law enforcement and other security-related issues) and nontraditional (e.g., education, good governance, and development) counterterrorism fields, in particular the role of the Counter-Terrorism Executive Directorate (CTED), which is trying to strengthen its role in assessment of assistance needs and facilitation of assistance, and the UN Counter-Terrorism Implementation Task Force, which is aiming to enhance coordination among all the related bodies, including non-traditional actors, in counterterrorism assistance; (2) the need to ensure that the Task Force is provided with the resources and mandate necessary for playing the role it can usefully play, adding value to the works of other related bodies; (3) the importance of deepening engagement between the United Nations and local and regional actors on Strategy-related capacity-building issues; (4) the need for the Association of Southeast Asian Nations (ASEAN) as an organization to be given the mandate and resources to allow it to play a leading role in promoting Strategy implementation in the region and in facilitating engagement between the United Nations and countries in the region; (5) the importance of having the United Nations reinforce but not duplicate regional and bilateral capacity-building activities; and (6) the need to ensure that local and regional perspectives are adequately reflected in the work of UN entities engaged in Strategy-related activities.

Introduction: Summary and Reflections of Zurich, Bratislava, and Antalya Workshops

4. A number of ideas originally put forward at the three prior workshops in the International Process were enumerated as among those that would be considered at the final workshop in New York on 10–11 July. These ideas focused on (1) improving the coordination within the United Nations on a range of thematic areas addressed in the Strategy among entities involved in capacity building; (2) providing the Task Force with the necessary mandate and resources to ensure it has the capacity to carry out its coordination and information-sharing role more effectively; (3) finding ways to deepen the engagement between the Task Force and regional, subregional, and functional bodies and civil society, including by finding a forum at the regional level where the United Nations could meet with relevant regional stakeholders to develop a Strategy implementation plan; (4) finding more ways for states to engage with the Task Force; (5) connecting UN counterterrorism activities more directly to national counterterrorism coordinators and focal points; and (6) using the Strategy to further national efforts to develop holistic national counterterrorism strategies and deepen interagency cooperation.

5. Participants reiterated the importance of finding ways to get those UN actors that are involved in Pillar I issues more engaged in the work of the Task Force while remaining sensitive to the concerns of those that do not wish to be too closely associated with or have their ongoing work labeled as “counterterrorism.” In this regard, the goal should be trying to identify complementarities and synergies between the traditional and nontraditional counterterrorism actors and to encourage better coordination, including regular information sharing, among them.



6. It was argued that the Task Force should be at the center of the international effort to combat terrorism. It was also highlighted that providing it with the necessary resources to carry out its mandate should be at the top of the agenda going into the September 2008 review of the Strategy by the General Assembly, while another opinion offered that institutionalization of the Task Force should be considered within existing resources as stipulated in the Strategy. In addition, some called for finding or creating a forum to allow for more regular interaction between member states and the Task Force. The point was also made that there should be a mechanism to allow for proper coordination among UN bodies, programs, and funds to allow the United Nations to engage with regional, subregional, and functional bodies and member states on Strategy implementation issues. Absent such a mechanism, it was noted, the Strategy lacks the necessary grounding to become operationalized. Rather than such a permanent mechanism, it was suggested that a more flexible oversight mechanism is needed to guide the Task Force.

7. It was further mentioned that the September 2008 review is an opportunity for member states to provide the Task Force with direction regarding its future activities, something that is currently lacking.

8. Alternatively, the view was also expressed that the Task Force should remain a Secretary-General-run body and that states should not have a role in providing it with direction or oversight. Allowing member states to assume such a role, it was argued, risks placing the Task Force in a straitjacket and limiting the innovative work of which it is capable under its current loose structure.

I. Assessment of Strategy-Related Vulnerabilities and Capacity-Building Needs and the Role of the United Nations: Successes and Areas for Improvement

9. It was widely accepted that capacity building is a key element of the Strategy and that a holistic approach is needed to ensure that vulnerabilities are identified and addressed in the region before those gaps are further exploited by terrorists.

10. A number of examples of national and regional efforts in Southeast Asia to assess needs were provided. Discussions highlighted the following challenges and efforts and suggestions to overcome them:

- At the national level, effective coordination across government departments and agencies on a broad array of issues is required to ensure that vulnerabilities and needs are identified effectively. To this end, a number of Southeast Asian nations have established national coordination mechanisms and are beginning to address this issue. Examples were cited of instances where the CTED and bilateral partners, such as Australia, are working to improve interdepartmental coordination.
- Some countries in the region are among the least developed economies in the world. It was noted that only with the generous help of donors are some of these



countries even able to attend the relevant ASEAN meetings related to counterterrorism and other issues.

- The point was made that threat or vulnerability assessments by states in Southeast Asia are often undertaken purely from the perspective of the government. This approach can create tensions between the state and the public at large, suggesting the need to involve grassroots perspectives in developing national and regional assessments, including community-based ones to bridge that gap and garner greater buy-in from the public by showing an understanding of the practical needs of all stakeholders at the local level. There is a need for more independent local assessments that can present clear and actionable recommendations that can stimulate informed interaction with donors to meet priority needs on the ground.
- Academic studies that have been conducted on threats and vulnerabilities are not reaching or being absorbed by policymakers but should be.

11. It was also pointed out that the sharing of national assessments that identify and acknowledge vulnerabilities of individual states at the regional level remains difficult, largely due to the continuing relevance of the cherished norm of noninterference among ASEAN countries. Yet, it was also noted that individual ASEAN countries have partnered with donor countries outside the region to develop and implement counterterrorism capacity-building programs.

12. It was noted that it often takes too much time for discussion within ASEAN to translate into action when identifying needs and building capacity. It was pointed out that binding standard operating procedures are sometimes necessary to strengthen bilateral judicial cooperation and information sharing in the field of counterterrorism but they are difficult to achieve while sensitivity to issues of sovereignty and noninterference remains an overarching concern among member states. It was also pointed out that this dynamic is slowing down the fulfilment of the creation of an ASEAN Security Community.

13. It was suggested that a UN focal point in the region was needed to work with existing regional partners, such as ASEAN or the ASEAN Regional Forum, and help transport Strategy implementation into a local context and make it more in tune with priorities on the ground. It was pointed out, however, that before identifying such a focal point, more attention should be focused on improving the cooperation and coordination among the three Security Council counterterrorism-related bodies and their expert groups, which still lag considerably.

14. It was also suggested that, in order for the United Nations to be able to engage more effectively in the region, the ASEAN Secretariat will need to be provided the mandate and resources to become a reliable partner.

15. The need to develop an inventory of the myriad Strategy-related capacity-building activities in ASEAN was highlighted as a priority. This development would help to reduce duplication and allow countries in the region and donors to more clearly identify the priority gaps.

16. The importance of building trust and confidence among experts in the region was also highlighted as a priority, which would lead to the sort of informal exchanges of information needed to overcome the reluctance to share at the official level. Regional capacity-building workshops were cited as excellent vehicles for doing this.

17. The United Nations needs to have a better understanding of local conflicts and other contextual issues in the region if it wants to be able to work effectively and enhance its credibility on Strategy-related issues with ASEAN countries. For their part, ASEAN countries need to share information and otherwise communicate more regularly with the CTED and other relevant members of the Task Force in New York.

18. It was noted that, at the end of the day, the key to implementation of the Strategy is national action. The Task Force can contribute most effectively to national implementation when it has a good understanding of what each country perceives to be its priority needs, where there is local ownership of capacity-building efforts, and where a regional organization is working to reinforce national efforts.

19. It was also noted that UN bodies such as the CTED, which have limited resources and expertise on the region, should focus more on linking up with the regional actors in Southeast Asia to avoid duplication and maximize use of these resources.

20. More broadly, there is need for the United Nations to more clearly identify its comparative advantages in a region that already receives so much bilateral donor attention and where the CTED is starting to work on assessment and matching. It was pointed out that the Task Force should play a complementary role and identify how it can best contribute to building Strategy-related capacity without being too idealistic. It was also suggested that given the political sensitivities surrounding counterterrorism cooperation within ASEAN, it might be easier for the UN Development Programme and the UN Educational, Scientific and Cultural Organization (UNESCO), two bodies not clearly identified with counterterrorism, to develop Strategy-related projects with the ASEAN Secretariat.

II. The Facilitation and Delivery of Capacity-Building Assistance on Strategy-Related Issues and the Role of the United Nations: Successes and Areas for Improvement

21. With respect to the CTED, it was noted that although it has the necessary tools to conduct needs and vulnerability assessments in Southeast Asia and elsewhere, it has been struggling with facilitating the delivery of technical assistance. It was pointed out that the new technical assistance strategy it will soon present to the Counter-Terrorism Committee (CTC) for its approval will aim to address some of its shortcomings to date and structural limitations.

22. Rather than trying to be everything to everyone, the CTED should seek to get involved in a few targeted areas but to do the job right. It should limit itself to countries where it has the necessary information to provide needs assessments with the required



specificity so as to make them useful to donors. Further, the CTED needs to develop closer links with UN actors on the ground as well as gain a better understanding of the different donor interests and expand its donor engagement.

23. The importance of identifying the CTED's comparative advantage was also stressed, with a view to minimizing the overlap with other UN activities and regional and bilateral programs. Three such advantages identified were engaging on remedial capacity-building activities, where existing donor engagement is limited; providing the UN stamp of approval; and offering a macroscopic overview of capacity gaps.

24. It was also pointed out that some countries in Southeast Asia have been reluctant to work with the CTED on an ongoing basis and to use CTED assessments to inform their counterterrorism policy development. Ideally, the states and ASEAN and other regional bodies and mechanisms could rely on these assessments more.

25. Participants discussed the pros and cons of providing the CTED with a mandate to support wider Strategy implementation efforts and the work of the Task Force. It was suggested that there is a need to transform the CTED into a mechanism that member states can more widely accept. Some cautioned against giving it a broader role, noting that, as a Security Council body, it is probably not well placed to assume one. Attention, it was argued, should instead be placed on further improving the effectiveness of the CTED and other existing mechanisms. Resources of the CTED and the UN Office on Drugs and Crime (UNODC) could be harnessed to support the work of the Task Force, for example, in particular the activities of its integrated implementation working group, which is due to conduct pilot projects in two countries.

26. Nevertheless, it was asserted that existing mechanisms need to be adapted to the new situation that now exists following the adoption of the Strategy, in a manner that appeals to all member states.

27. Participants also reflected on some of the lessons learned as a result of UNODC's Terrorism Prevention Branch's (TPB) criminal justice-related delivery of technical assistance, the effectiveness of which depends on the ability to generate local ownership. This effort requires in-depth knowledge and experience in the local legal and criminal justice system, striking the right balance between applying global standards and respecting the local legal system and adopting a comprehensive approach in terms of criminal justice reform, respecting human rights, and promoting the rule of law.

28. The participants recognized the importance of deepening engagement between the United Nations and local and regional actors on Strategy-related capacity-building issues.

- Rather than establishing a local presence for the CTED or the Task Force, however, it was suggested that efforts be made to identify an existing UN actor in a particular country or region to serve as a focal point for discussing these issues.
- Another way to deepen such engagement, as well as to promote the whole government approach to counterterrorism that is embodied in the Strategy, is for each country to appoint a national focal point for Strategy implementation. Such focal points would have an overview of national counterterrorism efforts,



broadly speaking. The Task Force or one of its entities, such as UNODC, could provide a platform where focal points could meet to share information and experiences on Strategy-related issues.

- Further, it was recommended that both member states and regional bodies become more involved in the work of the Task Force, including via invitations to participate in its work.

29. There was also discussion of the ASEAN-Japan Counter Terrorism Dialogue, which was mentioned as an example of an effective regional framework for discussing and embarking on concrete capacity-building projects, which enhance regional counterterrorism capabilities.

30. It was stressed that one of the keys to effective counterterrorism capacity building is the existence of the necessary political will on the part of the recipient country. In some cases, building this will requires raising awareness of the threat and vulnerabilities in the particular country or region.

31. Finally, participants noted that most of the Strategy-related capacity-building activities in Southeast Asia have so far focused on the traditional counterterrorism areas, i.e., law enforcement and other security-related issues, where bilateral donors and the CTED have been most active. In addition to finding ways to engage with a range of UN and other actors involved in capacity building in the nontraditional areas, more attention should be given to enhancing the coordination between traditional and non-traditional counterterrorism actors. It was noted that, in nontraditional areas, identification of assistance needs is more difficult. The suggestion was made for the United Nations to stimulate information and experience sharing among these actors at the country or regional level.

III. The Role of Regional Bodies and Mechanisms in Providing and Facilitating the Delivery of Capacity-Building Assistance on Strategy-Related Issues: Successes and Areas for Improvement

32. Examples of successful capacity-building programs in Southeast Asia were noted, including the Jakarta Centre for Law Enforcement Cooperation, which, through funding from the Australian government and others, has conducted more than 100 courses for more than 3,000 participants from 17 countries, and the Counter-Terrorism Task Force of the Asia-Pacific Economic Cooperation (APEC) forum, which has focused on common concerns about threats to member economies, including cyberterrorism and potential threats to the food supply. Further, it was pointed out that the APEC forum plays an important role by offering an opportunity for leaders at the highest level from around the Pacific Rim to engage on counterterrorism issues.

33. It was noted that ASEAN has strengths through the diversity of its membership and its desire to look outward in order to cultivate trade partnerships for its exports and it often acknowledges that it needs help from others to build its capacity. This characteristic could be built on to further capacity building on an array of Strategy-related issues



34. It was pointed out that, in the context of promoting the Strategy, ASEAN has recognized the relevant UN counterterrorism resolutions and is putting pressure, albeit nonbinding, on its members to make headway on ratifying the relevant UN conventions. ASEAN could be doing more to address Pillars I and IV of the Strategy. Moreover, the establishment of a “People’s ASEAN” offers an opportunity for wider stakeholder participation from civil society that could help to further Strategy implementation at the community level.

35. The important work by the CTED in the region, including providing valuable input to the development of an ASEAN plan of action to implement its Convention on Counter Terrorism, was cited. It was suggested, however, that the Task Force could help ASEAN develop its own framework for addressing regional Strategy-related needs across all four pillars.

36. The point was made that, in order for the Task Force to be able to engage more effectively with ASEAN, the ASEAN Secretariat must be given the mandate and resources to work with the Task Force. It was suggested that donor countries could provide these resources, just as they support the counterterrorism activities of some regional bodies in Africa.

37. During the time it will take for the ASEAN Secretariat to build its capacity, it was suggested that a more informal step could be taken to build more support for Strategy implementation efforts in the region and to ensure effective coordination and cooperation among the wide range of relevant UN and regional stakeholders. Specifically, an individual state in the region would convene a regional Strategy implementation meeting, with donor support and under the auspices of ASEAN, to which all of the key stakeholders, including the Task Force, would be invited, and where a regional Strategy implementation plan, along with a division of labor, could be developed.

38. The need for more transparent and efficient information sharing was highlighted. It was noted that terrorists have often communicated and cooperated efficiently to coordinate attacks. At the same time, factors such as the preference for a national approach among ASEAN members, the reluctance to communicate among peers across the region, and the confidentiality of CTED country reports are hindering the pace of crucial counterterrorism data-exchange efforts within and between countries in the region.

39. Finally, working with nongovernmental research centers and networks, such as the Council for Asian Terrorism Research, which regularly convenes leading experts with access to data on vulnerabilities and capacity gaps, was cited as an example where policy-relevant information is available to Strategy-related stakeholders in the region. In order to enhance their ability to produce more-credible needs assessments, it was suggested that the relevant Task Force entities not only be provided with this information but engage more directly with nongovernmental organizations on the ground.

IV. The Provision and Coordination of Capacity-Building Assistance in the Key Areas of the Strategy and the Role of the United Nations: Successes and Areas for Improvement

40. The importance of enhanced coordination and cooperation within the UN system to operationalize the linkages among development, peace, security, and human rights that are reflected in the Strategy was stressed. It was also noted that the United Nations has a role to play in serving not only as a clearinghouse for the exchange of information but as a platform for member states to overcome challenges faced in capacity building.

41. The role of the CTED as a facilitator of capacity-building assistance received attention. It was noted that the CTED is seeking to move from playing a more passive role in this area, where it has traditionally relied on cataloging donors' profiles and recipients' needs on its Web site, to a more proactive one. Examples cited of the new approach include:

- The October 2007 fifth special meeting of the CTC with international, regional, and subregional organizations where the CTED focused on a specific thematic issue: the strengthening of border controls. Workshop participants highlighted the importance of ensuring that the CTED and relevant organizations take the necessary action to follow up on what is contained in the action plan adopted at the conclusion of that meeting. The July 2007 informal meeting convened by the CTED in New York brought together relevant donor states to discuss the needs of a particular region: West Africa. The point was made that although such a meeting is a step in the right direction, the New York discussions need to be translated into action in the field. To this end, the importance of convening relevant stakeholders in the region itself was emphasized.
- Development of a more productive relationship with the Group of Eight's Counter-Terrorism Action Group (CTAG). These efforts are focused on providing the CTAG with more timely and relevant analysis of county or regional needs and priorities to allow the donor group to focus on particular countries, regions, or themes. The CTAG, particularly if its practice of convening local CTAG meetings is reinvigorated, offers an opportunity for enhanced donor coordination on the ground and stronger synergies with the CTED. Participants welcomed the efforts to reinvigorate the CTAG.
- However, in order to make the CTAG's work more relevant, it was suggested that consideration be given to expanding its mandate beyond the narrow law enforcement and other security-related issues being addressed by the CTED and covered under Resolution 1373 to include the broader set of issues covered by the Strategy where enhanced coordination and cooperation among donors is needed. The view was expressed that although in theory this idea made sense, in practice it might be difficult to implement because the current CTAG representatives may not have the expertise in the broader set of issues covered by the Strategy.
- In addition, it was suggested that the CTAG membership be expanded to include all of the major counterterrorism donor countries.

42. The CTED's work in the field of countering the financing of terrorism (CFT) was discussed. It was reported that the CTED is mindful not to duplicate the work that the



Financial Action Task Force (FATF), the leader in this field, is undertaking. In terms of Southeast Asia, it was noted that the CTED is working with the Asian Development Bank to encourage it to become a more active donor on issues related to Resolution 1373 and is trying to devise an understanding with the CTC on how to share information and experiences with the The Asia/Pacific Group on Money Laundering (APG), the relevant FATF regional-style body. Despite these efforts, the point was made that there remains a need for improved coordination among the different entities undertaking assessments of national CFT efforts. For example, it was noted that one country in Southeast Asia received separate and, in some instances, incompatible assessments from the CTED and APG, which created confusion among experts in the capital.

43. Participants discussed the role of UNODC's TPB in delivering technical assistance related to the ratification and implementation of the universal instruments against terrorism, now numbering 16. It was reported that TPB has carried out 30 national training workshops already this year and plans to hold 30 more before the end of the year. The concrete results from all of TPB's national and regional workshops and regional meetings of ministers of justice are considerable. For example, there have been more than 400 new ratifications of the relevant instruments, and 48 of the 80 countries to which TPB provided bilateral assistance now have counterterrorism legislation in place. With respect to the useful regional meetings of ministers of justice that TPB convenes to discuss the ratification and implementation of the universal instruments, it was suggested that these fora be used to discuss the wider set of criminal justice reform issues contained in the Strategy.

44. Despite TPB's successes so far, challenges remain. For example, it was noted that no country has yet to ratify all 16 universal instruments, although Switzerland is expected to do so soon. In addition, only 98 countries have ratified all 12 of the original instruments. Thus, more legislative drafting assistance is needed. Further, additional specialized training of criminal justice officials to implement the conventions is required. To this end, TPB is interested in launching a systematic and more comprehensive training program in 10 pilot countries. In addition, the point was made that TPB and the CTED should be mindful not always to equate the ratification of the universal instruments with the ability to effectively investigate and prosecute terrorists and engage in international legal cooperation in terrorism cases. In some cases, it noted, governments have the necessary legal tools in place despite not having joined a number of the universal instruments.

45. Participants discussed the planned activities of the Task Force working group on integrated implementation of the Strategy, which is intended to offer "one-stop shopping" for countries interested in receiving assistance from the United Nations in implementing the Strategy. It is intended to complement the work of individual Task Force entities and take into account the needs assessments already undertaken by them. The group has received requests from two countries and will undertake a mapping of ongoing and planned capacity-building activities in each one. The working group has developed an automated information-exchange system that will compile all of the information submitted by Task Force members regarding their previous and ongoing work with the country at issue. Although this system was welcomed, a question was raised about ensuring not only the accuracy of the information provided, but that the infor-



mation is obtained across all four pillars of the Strategy to ensure a truly integrated UN response to the country concerned.

46. With regard to the Task Force working groups as a whole, the importance of minimizing the overlap between these activities and the work of the CTED and its new thematic working groups was stressed. (For example, each has one on terrorist financing.) The point was made that increased CTED participation in the Task Force, which has been endorsed by the Security Council in Resolution 1805, will help maximize the synergies between the Task Force and CTED. It was also suggested, however, that the most effective way to minimize the overlap would be to provide the CTED with the mandate to service both the Task Force and its working groups and the CTC. Thus, there would no longer be any need for separate CTED and Task Force working groups. This task could be accomplished, for example, by making the CTED an office or department in the secretariat.

47. Participants recognized that the Task Force will be needed after the September 2008 General Assembly review, as there remains a need for some entity to coordinate the Strategy-related work of the UN system. It is up to member states to come up with ideas for ensuring the Task Force has the necessary resources and mandate to allow it to play this coordinating role most effectively. States should be open-minded, it was argued, about how to do this. Finding ways in which CTED resources could be used to support the Task Force would be a good start.

48. It was also suggested that the General Assembly mandate the Task Force to serve as a centralized registry via a password-protected Web site for all UN counterterrorism programs. In such a role, the Task Force could challenge all of its members to register their ongoing individual and joint programs, specifying in what particular countries these programs are ongoing. The countries could then verify the accuracy of this information and inform that Task Force of the name of their chosen national Strategy-related focal point.

49. The work of the UN Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) received attention. UNAFEI, it was reported, offers training courses and seminars on crime prevention and criminal justice for experts and officials, including from Southeast Asia. As a result of its work, it has identified a number of challenges to more effective legal cooperation between states in Southeast Asia, including the refusal of a request for international legal cooperation because of the nonexistence of a treaty, the lack of dual criminality in relevant national laws, the continued use of the political offense exception, and the failure to make the criminal activity in question an extraditable offense. A number of suggestions were made for overcoming these obstacles, including revising national laws, adopting more bilateral treaties, and ratifying the universal legal instruments, which have clauses that would address these shortcomings. In addition, the importance of building a network of legal and other law enforcement experts among countries in Southeast Asia as a means to building trust was cited as essential to improving the information sharing and other practical cooperation that is needed.



50. Participants discussed the activities of the Task Force working group on radicalization, emphasizing that the process of radicalization is a complex interaction of factors that do not necessarily lead to violence and that not every radical becomes a terrorist. The working group is setting out to map the measures being taken in various countries and regions to prevent radicalization and recruitment to terrorism. The process, which has been ongoing since January 2008, will culminate in a report that will be submitted to the Secretary-General by the end of July 2008 and made available to states upon their request at the end of August.

51. It was pointed out that a number of states in Southeast Asia have developed effective “deradicalization” programs and activities, from which countries from outside the region could learn. The United Nations, it was asserted, can help facilitate and encourage not only the development of regional capacity, but the cross-regional sharing of information and experiences as well, which it is attempting to do through the Task Force’s radicalization working group.

52. It was suggested that after September, assuming member states decide that the Task Force and its working groups should continue to operate, this working group could carry out joint activities with states, regional organizations, and civil society with a view to undertaking two case studies on radicalization and good practices on deradicalization in two countries or regions. At a minimum, such an approach will foster greater consideration of radicalization and deradicalization issues with a more regional perspective, as well as encourage the development of regional work programs that address these issues based on local knowledge of the complex politico-socioeconomic issues germane to the region. The point was also made that because addressing violent radicalization requires a wide range of measures that cut across all four pillars of the Strategy, these studies could offer a clear sense of how the implementation of the Strategy can be operationalized at the national level across these pillars.

53. The participants agreed that quality education is a crucial component of any effective long-term strategy to counterterrorism. In this regard, it was noted that UNESCO is seeking to increase existing programs for strengthening the capacities of educational systems worldwide to integrate human rights education, internationally shared values, conflict prevention, and critical thinking into every aspect of these systems, including the development of curriculum standards, the training of teachers, and the approval of school textbooks. To this end, UNESCO is working with its member states to (1) update and revise education and cultural policies to reflect a human rights–based approach, cultural diversity, intercultural dialogue, and sustainable development; (2) ensure quality education to foster a climate of tolerance and security; (3) facilitate teacher training and the revision of textbooks and curricula to help ensure the removal of hate messages, distortions, prejudice, and negative bias from textbooks and other educational media; and (4) ensure basic knowledge and understanding of the world’s main cultures, civilizations, and religions.

54. Participants recognized that many ongoing UNESCO activities are furthering the implementation of the Strategy and encouraged UNESCO to become more actively involved in the work of the Task Force without necessarily giving these activities a “counterterrorism” label. In addition, participants recognized the importance of more field-



based engagement among the relevant Task Force members, with a view to developing region- or country-specific projects relevant to the implementation of the Strategy. The point was also made that it might be more effective in some cases to provide UNESCO with the funds to implement a counterterrorism-related capacity-building project in the field of education rather than implementing it through a national development agency. It was also suggested that UNESCO and other nontraditional actors be further encouraged to participate in CTED visits so that Task Force members can enhance coordination at the local level.

Next Steps

55. At the end of the workshop, it was announced that the Government of Switzerland will be hosting the final workshop in the International Process on 10–11 July 2008 in New York, which will provide an opportunity for the participants to consider the range of proposals for strengthening the implementation of the Strategy that have been put forward during the International Process. It was announced that these proposals will be included in a paper to be circulated to the participants in the July workshop by 30 June 2008. This paper will then form the basis for discussion in July. The paper will be revised following the workshop and submitted to the cosponsors of the International Process for their consideration, with a view to presenting it at or around the time of the September 2008 General Assembly review of the Strategy.



FINAL WORKSHOP **Enhancing Implementation of the UN Global Counter-Terrorism Strategy**

10–11 July 2008 | New York

PROPOSALS TO CONSIDER

Although member states have the primary responsibility to take measures to prevent and respond to terrorism, the United Nations nevertheless has a central role to play in what must be a global effort. The adoption of the United Nations Global Counter-Terrorism Strategy and the creation of the UN Counter-Terrorism Implementation Task Force are significant achievements in that regard. Further advances in coordination and coherence in the overall UN effort and greater engagement with counterterrorism experts in the field could lead to increased effectiveness. So too could a greater reflection in the work of the United Nations of differing local and regional threat perceptions, vulnerabilities, and needs. The first formal review of the Strategy in September 2008 offers an opportunity for member states to address some of these issues and more clearly identify the role that the United Nations and other intergovernmental bodies, civil society, and, most importantly, states can play in furthering implementation of the Strategy.

The purpose of the International Process on Global Counter-Terrorism Cooperation, which is being cosponsored by Switzerland, Costa Rica, Japan, Slovakia, and Turkey, was to provide an opportunity for frank and open, off-the-record discussion among a broad array of states from the global North and South and other relevant Strategy stakeholders focused on assessing the overall UN contributions to the fight against terrorism over the past seven years and identifying ways to make its institutions more relevant to national and regional counterterrorism efforts and better able to support implementation of the Strategy. Throughout this process, participants put forward a wide range of concrete proposals aimed at advancing implementation of the Strategy, many of which will be further considered at the final workshop in the International Process on 10–11 July 2008.

This paper reflects recommendations identified during the workshops held in the International Process. As the workshops were conducted under the Chatham House Rule, the contents of this paper do not necessarily reflect the views of countries and organizations to which the participants of the workshops belong.



This paper, which will serve as the basis for discussion at the final workshop, identifies a number of these proposals for consideration under each of the agenda items on the first day of the workshop. These proposals are not mutually exclusive. Some could be implemented in the short, medium, or long term. Some require a decision to be taken or resolution to be adopted by an intergovernmental body; others only require action to be taken at the national level.

This paper will be revised to take into account the discussions at the final workshop and then submitted to the cosponsors by the middle of July for their consideration. The final form and content of the paper will, in the end, be for the cosponsors of the International Process to decide.

I. The Role of the UN Counter-Terrorism Implementation Task Force and Its Constituent Entities in Supporting Implementation of the Strategy: Coordination, Cooperation, and Capacity Building

1. There remains a need to improve the coordination (e.g., information sharing, division of labor, and integration of programs) and cooperation on a range of thematic areas addressed in the Strategy among relevant entities involved in Strategy-related capacity-building work in the traditional (e.g., law enforcement and other security-related) and nontraditional (e.g., education and dialogue and deradicalization) counterterrorism fields. In the traditional fields, the Counter-Terrorism Executive Directorate (CTED) has been playing a central role, and the UN Office on Drugs and Crime (UNODC) has also been providing assistance in legal areas. On the other hand, the Task Force should play a role in more closely engaging wider UN bodies working in areas relevant to the traditional fields and those working in the nontraditional fields so that the Strategy can be implemented in a balanced way.

2. With respect to the Task Force, its role should be continuously examined on the basis of the value it can usefully add. The options for enhancing its effectiveness might include:

- Providing it with the necessary resources to ensure that it can carry out its coordination and information-sharing role more effectively over the longer term and that it has the capacity to support the work of its various working groups.
- This task could be accomplished, for example, through voluntary contributions or through reallocation of resources within the existing UN regular budget. One could also ask the CTED to second to the Task Force one or two experts on a rotating basis to provide support to the Task Force's capacity-building activities.
- More significantly, the CTED mandate could be adjusted to allow it to service both the Counter-Terrorism Committee (CTC) and the Task Force, with the CTED becoming the body within the United Nations responsible for coordinating and facilitating the delivery of Strategy-related assistance. A more far-reaching step could involve transforming the CTED into a UN secretariat office or department and combining the CTED thematic working groups with those of the Task Force.



- Recommending that all of the individual members of the Task Force, in particular those that have as yet proven reluctant to engage on the Strategy, such as the United Nations Development Programme (UNDP), take policy decisions at the headquarters level to actively support its implementation.
- Recommending that the Task Force focus more attention on raising awareness of the Strategy outside of New York and beyond member states' foreign ministries and providing it with the resources to do so, for example, by providing information about the various Task Force working groups and other pertinent Strategy-related updates on its Web site.
- Ensuring member states provide the Task Force with clear direction as to the issues on which it should focus its attention. For example, the Task Force could be asked to:
 - Focus increased attention on its working group on “Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy”; and
 - Establish a working group on good governance and development to ensure more attention is paid to Pillar I issues and another working group on international legal cooperation to focus more attention on helping states overcome the legal and other obstacles to more effective judicial cooperation and mutual legal assistance in this field.
- Having the Task Force develop concrete, nonbinding recommendations in a number of working group activities to promote counterterrorism “solutions.” These recommendations could be modeled on those issued by the Financial Action Task Force.
- Identifying a lead entity within the United Nations to promote a packaged multi-stakeholder approach to needs assessments and other essential elements of capacity-building assistance and mandate it to create a centralized online registry (password protected if need be) for all Strategy-relevant programs in each region and country. A similar effort appears to be under way via the working group on “Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy,” which is being led by the Executive Office of the United Nations Secretary-General, UNODC, and the CTED.
- Appointing a full-time Task Force chairperson.

3. There must be more active engagement from those UN entities involved in promoting good governance and the rule of law to achieve greater coordination in this area. Relevant UN agencies should share concrete projects that align with the Strategy in a common, user-friendly database managed by the Task Force, with a view to devising project collaborations among the different actors without necessarily identifying the project as counterterrorism per se.

4. UN efforts to promote a human rights–based approach to counterterrorism should be enhanced, including by:

- Reinforcing the support of the Office of the UN High Commissioner for Human Rights (OHCHR) for the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;



- Including human rights expertise on CTED site visits and UNODC's Terrorism Prevention Branch (TPB) training courses;
- Encouraging short-term exchanges of experts between the human rights and counterterrorism arms of the United Nations; and
- Increasing the CTC/CTED's human rights focus, including by enumerating those rights that are nonderogable in the fight against terrorism.

5. It is recommended that the CTC/CTED should:

- Explain its work in the context of the Strategy, particularly by indicating to states why better coordination across agencies and departments is important not only for implementing Resolution 1373 but also for implementing the Strategy in a holistic manner across all four of its pillars;
- Continue to strengthen its cooperation and on-the-ground engagement with states, other parts of the UN system regional bodies, and other stakeholders, including by moving some of its New York-based staff into the field where appropriate and institutionally possible;
- Make its assessments and other analytical work more easily accessible to non-CTC members, regional organizations, and nongovernmental experts;
- Convene regional meetings and workshops in the field that bring together practitioners from the relevant countries and, where appropriate, current and potential donors;
- Gain a better understanding of the different donor interests and expand its donor engagement;
- Share information and consult more with non-Security Council members;
- Invite key donor and recipient countries that are not on the council to relevant CTC meetings and more generally give them an opportunity as potential donors and recipients to provide more input and identify gaps that are not currently being identified or filled;
- Provide a comprehensive and regularly updated survey of capacity-building programs, which would help increase efficiency and avoid duplication; and
- Broaden its concept of relevant capacity-building programs that could be shared with states (e.g., to include those related to deradicalization).

6. It is recommended that UNODC's TPB should:

- Provide unified training to law enforcement and other criminal justice officials in often underresourced countries on how to implement the various UN terrorism, transnational organized crime, money laundering, and corruption instruments, rather than offering separate programs, so as to maximize the synergies among the different thematic areas and better reflect the links between terrorism and other crime;
- Develop and implement a comprehensive program to train law enforcement and other criminal justice officials in all interested countries on the implementation of the universal legal instruments against terrorism at the national level;
- Increase its field presence, and
- Expand its efforts to convene regional meetings of ministers of justice to all regions and use these fora to discuss the wider set of criminal justice reform issues



in the Strategy, i.e., not limiting them to the universal legal instruments against terrorism.

7. It is recommended that the UN Educational, Scientific and Cultural Organization (UNESCO) should:

- Do more to ensure that information concerning the growing number of initiatives at the local, national, subregional, regional, and global levels aimed at promoting interreligious and cultural dialogue is shared;
- Encourage its regional offices to communicate and coordinate with other Task Force members in the region to enhance implementation of the Strategy on the ground;
- Identify a range of concrete UNESCO-sponsored, -funded, or -facilitated initiatives around the world that relate to the Strategy and place this information on the Task Force’s Web site as UNESCO good practices that contribute to the implementation of the Strategy; and
- Nominate a single focal point within its secretariat to represent the organization at each Task Force meeting, spearhead UNESCO’s participation in the relevant working groups, and serve as a repository for UNESCO Strategy-related activities gathered from its various field offices, institutes, and centers.

8. It is recommended that UNDP should:

- Deepen its engagement with the Task Force, including through active participation in its working group on “Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy” and its Strategy-related interactions with Task Force entities in the field;
- Contribute to CTED activities, including by participating in its field visits and sharing with the CTED on a regular basis relevant information on UNDP’s rule of law, crisis prevention, and other activities relevant to the implementation of Resolutions 1373 and 1624; and
- Seek to ensure that counterterrorism elements are integrated into national development strategies.

II. The Role of Regional and Functional Bodies and Civil Society in Implementing the Strategy and Engagement With the United Nations

9. States should be encouraged to instruct their representatives in each relevant inter-governmental body to push for a more coordinated and integrated vertical and horizontal approach to Strategy implementation.

10. It is recommended that each relevant regional and subregional body should:

- Formally endorse the Strategy and develop its own plan for implementing it;
- Ensure that its secretariat has the mandate and resources to engage with its member states and the United Nations on Strategy issues; donor countries could provide the necessary resources;
- Approach the Task Force and its representative entities directly to articulate the vulnerabilities, needs, and priorities of their members;



- Identify which Task Force entities should be pulled in to engage the relevant countries on Strategy implementation issues; and
- Establish regional and subregional Strategy implementation task forces, with the relevant regional or subregional body serving as the focal point for engagement with the United Nations in New York and with relevant Task Force members in the region.

11. The United Nations could meet with the relevant regional body and member states, preferably in the relevant region, to develop a Strategy implementation action plan and could have a follow-up meeting each year on what has been done and what more is needed. The existing UNODC mechanism, where it discusses criminal justice issues with regional bodies and governments, could be used for this purpose.

12. The outreach efforts of the Task Force and its constituent entities should be carefully coordinated to avoid overlap and duplication. To this end, consideration should be given to centralizing outreach efforts within the Task Force.

13. With respect to the Security Council counterterrorism-related bodies:

- The CTED should be encouraged to promote its work, including its interaction with states in the context of the Strategy.
- The CTED should continue to become more proactive in identifying opportunities in which to work with regional and subregional bodies and mechanisms. These efforts might enhance the legitimacy and credibility of the CTED in the region and lead to more engagement with national counterterrorism officials on the ground.
- The council counterterrorism-related bodies should engage with regional bodies in a single channel on technical assistance issues where appropriate.

14. The Task Force should be mandated to assist and otherwise engage with regional and subregional bodies and other nonstate stakeholders. For example, it is recommended that the Task Force:

- Invite these bodies to become more involved in the activities of its working groups and consult regularly with them to inform them of its work and invite some regional bodies to become full members of the Task Force. Thus, the original purpose of the Task Force, which was limited to coordination within the United Nations, should be revisited.
- Establish region-focused working groups to engage with interested regions on implementation of the Strategy. Such working groups could (1) develop or stimulate the development of country- or region-specific projects aimed at promoting Strategy implementation, which donors could then fund; (2) promote partnerships between the relevant Task Force working groups and regional and subregional bodies and civil society; and (3) articulate clearly what roles the different stakeholders in each region might play in contributing to implementation, outlining a division of labor in the “hard” and “soft” areas of the Strategy.
- Appoint one of its members to serve as the Task Force focal point in each region with a view to working with existing regional partners and helping transport Strategy implementation into a local context and attune it with priorities on the ground.



15. Member states and the Task Force should clearly articulate the ways in which civil society groups can help further Strategy implementation and how these actors can benefit from such involvement and should provide more opportunities for civil society groups to engage with the member states, regional and subregional bodies, and the Task Force and its constituent entities on Strategy implementation issues.

16. Ensure effective engagement with functional issues related to the Strategy, including with those bodies not represented on the Task Force; engagement should not be at the expense of the core work of those bodies. Achieving this goal will require ensuring that experts within these functional bodies have sufficient information concerning how the Task Force operates and how their body might be able to contribute to the implementation of the Strategy.

III. Engagement Between the United Nations and States in Implementing the Strategy

17. There is a need for more formal and informal ways for member states to engage with the Task Force.

18. Member states should become more proactive in reaching out to the Task Force, for example, by organizing themselves around a thematic issue of common interest and seeking to engage with the relevant Task Force working group. Emphasis should be placed on developing a cross-regional coalition of states on certain issues.

19. UN counterterrorism activities need to be connected more directly to national counterterrorism coordinators and focal points. The United Nations should provide a forum for these coordinators and focal points to engage with each other. For example, coordinators/focal points could meet two to three times a year to discuss Strategy-related implementation efforts, capacity needs, and available assistance programs. These meetings, which could include representatives from regional, subregional, and functional bodies, could be organized by members states and the Task Force and alternate among different UN headquarters around the world (e.g., New York, Geneva, Vienna, Nairobi, and Bangkok).

20. Efforts should be made to devolve much of the United Nations' counterterrorism work down to the regional and local level, including by placing UN counterterrorism experts in UN regional and country offices, with the consent of the relevant state(s), or in regional or subregional body secretariats.

21. The United Nations needs to develop a more integrated approach to Strategy implementation by UN actors at the country, subregional, and regional levels.

22. Opportunities for donor participation in Strategy-related capacity-building activities and policymaking should be expanded. Suggestions might include the idea that the CTC could hold region- and thematic-focused meetings and invite relevant non-Security Council members.



23. The Task Force and its relevant entities should focus more attention on trying to address the various obstacles to more effective interstate legal cooperation in terrorism matters.

- The CTC/CTED could do more to promote greater awareness of the problems states are facing in this field, work with the help of donors to address any capacity gaps, and report instances of political unwillingness to engage in judicial cooperation or provide mutual legal assistance, including failures to apply the “extradite or prosecute” principle, to the Security Council.
- The United Nations could further develop and maintain communication channels and provide suitable meeting opportunities for law enforcement officials in different countries as well as for counterterrorism coordinators mandated to facilitate interstate cooperation.
- UNODC could offer direct assistance to states at their request in concrete terrorism cases.
- OHCHR should be provided with the necessary capacity to participate in all relevant UNODC counterterrorism training programs, which should target not just criminal justice officials but defense lawyers and relevant executive branch officials responsible for drafting and granting extradition requests.

IV. The Role of States in Implementing and Guiding Implementation of the Strategy

24. Strategy implementation should be led by member states. In this regard, first and foremost, member states themselves should be undertaking Strategy implementation efforts, at national and regional levels, and should encourage increased participation of regional and subregional bodies and civil society in Strategy implementation efforts. In addition, states should become more involved in the work of the Task Force and its working groups on an ongoing basis, providing recommendations to the UN intergovernmental bodies engaged in Strategy implementation activities, and should allow for increased participation of regional and subregional bodies and civil society in Strategy implementation efforts. There are several ways in which this could be accomplished:

- The use of an existing forum (e.g., the General Assembly Plenary or Sixth Committee) or the strengthening of the informal briefings already offered by the Task Force, which would enable all member states to hear information updates from the Task Force and provide it with guidance and direction on its work, formally or informally;
- The creation of a new counterterrorism body (for example, modeled on the Peacebuilding Commission or Human Rights Council) or governing board (modeled on UNDP or the Office of the UN High Commissioner for Refugees), which allows for a limited number of states to participate; or
- The formation of an informal “friends of the Strategy” group.

25. It is recommended that states appoint a focal point for Strategy implementation. Such focal points, which could be the state’s national counterterrorism coordinator, would have an overview of national counterterrorism efforts, broadly speaking, i.e., including both traditional and nontraditional efforts related to all four pillars of the



Strategy. Member states, the Task Force, or a Task Force entity such as UNODC could provide a platform where national focal points could meet to share information and best practices and other experiences on Strategy-related issues.

26. It is recommended that states implement the Strategy in an integrated manner and use the Strategy to:

- Further national efforts to develop holistic counterterrorism strategies that include a wide range of government departments and agencies, including those related to law enforcement and security matters and social, health, and labor issues;
- Deepen interagency cooperation and coordination at the national level, which should not just be limited to traditional counterterrorism actors, as nontraditional ones, such as the development, health, and social services ministries, should be invited to the table as well; and
- Develop more integrated, multidimensional technical assistance projects aimed at reaching out to various actors in recipient states, such as criminal justice officials, law enforcement agencies, transport companies, the financial sector, and civil society in a more coordinated and integrated manner.

27. It is recommended that states convene regional Strategy implementation meetings, with donor support where necessary and under the auspices of a regional organization where appropriate, to which all of the key stakeholders, including the Task Force, would be invited and where a regional Strategy implementation plan, along with a division of labor, could be developed.

28. It is recommended that states use the opportunity of the September review to reaffirm the significance of all pillars of the Strategy, including Pillar I issues in the context of integrated Strategy implementation, and urge UN entities such as UNDP and UNESCO to become more involved without labeling their work as “counterterrorism.” Sharing information about Strategy-relevant activities would make a valuable contribution and could garner more resources for those efforts, without altering their original aims.

29. It is recommended that states do more to stimulate engagement by civil society and nongovernmental organizations (NGOs). For example, they should:

- Engage with different ethnic and religious groups on security issues at the national level to stimulate cross-cultural and religious dialogue;
- Ensure that the views of civil society and NGOs are taken into account in the development of counterterrorism legislation;
- Provide civil society groups and NGOs an opportunity to engage directly with legislators regarding the potential impact of planned or actual impact of existing counterterrorism measures; and
- Have national counterterrorism coordinators include and, where appropriate, delegate to civil society groups in their outreach activities, without jeopardizing the independence of civil society.



30. States should instruct their delegations to the intergovernmental bodies represented on the Task Force to push those bodies to provide stronger support for and otherwise deepen their engagement with the Task Force and on the Strategy.

31. The Group of Eight's Counter-Terrorism Action Group (CTAG) should be encouraged to assume a leading role in coordinating the capacity-building activities related to the implementation of the Strategy. To this end, the CTAG should consider the possibility of:

- Expanding its law enforcement and security-focused mandate to include the broader set of issues covered by the Strategy, where enhanced coordination and cooperation among donors is needed; and
- Expanding its membership to include appropriate counterterrorism donor countries.



Remarks by the President of the UN General Assembly at the Final Workshop of the International Process on Global Counter-terrorism Cooperation

10 July 2008 | New York

Excellencies, Ladies and Gentlemen

It is my pleasure to welcome you today to the final workshop of the International Process on Global Counter-Terrorism Cooperation.

The International Process that is cosponsored by Switzerland, Costa Rica, Japan, Slovakia and Turkey and was launched last November has been a welcomed opportunity for Member States from all regions to evaluate the contributions of the United Nations in the fight against terrorism and to bring closer relevant UN actors with the ones at national and regional levels and from civil society.

The International Process has rightly recognized that while the primary responsibility for implementing the Strategy continues to rest with member states, the UN system can and must do more to assist states in operationalizing the vision embodied in the Strategy. Through workshops in Europe and Asia and here in New York, numerous ideas have been put forward that certainly merit discussion with the wider membership.

Excellencies,

The Global Counter-Terrorism Strategy was adopted unanimously by the General Assembly almost two years ago. We also pledged to review the progress made in implementation in two years time.

The General Assembly will meet for this purpose on 4 September 2008. Therefore, the final wrap-up workshop today is indeed very timely.

Several institutional issues that were discussed at these workshops have been also at the core of the General Assembly's meetings and consultations during this session. The Facilitator, Ambassador Gert Rosenthal has swiftly started his consultations with



Member States on the outcome of the General Assembly plenary meeting in September and I would like to use this opportunity to thank him and delegations for their constructive engagement.

Questions such as resources for the Counter-Terrorism Implementation Task Force, as well as the nature of its relationship and engagement with the Member States have been recurrent and need to be resolved. Member States have voiced their desire to share responsibilities and to enhance the interaction with the UN system. Hopefully some of the proposals generated by the Independent Process will give a new impetus in finding solutions for those issues during upcoming consultations.

One of the essentials of the Strategy has been its integrated approach. In this regard, the workshops on the rule of law, good governance, education and dialogue, and capacity building have been well received. The International Process has also sought to clarify the role of and encourage different UN entities that traditionally have not had a role in countering terrorism to engage with the Task Force framework by putting forward ideas how these entities could contribute more without prejudicing their core mandates.

Many of the other proposals that have been and will be discussed here today are practical and could be implemented swiftly. For instance, I would like to highlight the proposal to raise awareness on the Global Counter-Terrorism Strategy at the national and regional level and involve these actors more closely with the work of the UN organs. There is a clear need to work closely with regional organizations that have the special knowledge about the vulnerabilities and priorities of their regions. The UN should work with States to bolster those regional bodies that do not yet have sufficient counter-terrorism capacity.

The International Process has focused mainly on institutional and organizational aspects of strengthening the United Nations ability to implement the Global Strategy. But in addition to that, concrete ideas have emerged how Member States could improve their own efforts in the implementation process, such as appointing a national focal point for Strategy implementation or deepening internal interagency coordination and cooperation.

For its part, the UN could seek to convene these focal points, including at the regional or subregional levels. This would not only allow them to share Strategy-related best practices and other Strategy-related experiences and information, but to build the trust and relationships among the focal points that is needed to strengthen cross-border cooperation.

These suggestions are important in order to accentuate the role of States who are in the forefront of the implementation of the Global Strategy. While discussing the institutional arrangements of the UN, we should not forget that it is Member States that have the ultimate responsibility to ensure proper education and economic opportunities, secure borders, to curtail terrorist financing, make sure their territories are not used as safe havens for terrorists, or, that terrorists do not get hold on weapons of mass destruc-

tion, and to take these actions within the framework of relevant international norms such as human rights and the rule of law.

Excellencies,

I would also take this opportunity to emphasize some of the aspects of the upcoming General Assembly plenary meeting on the occasion of the review of the Strategy. Since the Strategy does not foresee any formal reporting mechanism, I have invited the membership to use the opportunity during the meeting to share best practices they have identified and programmes undertaken that could be beneficial for all Member States.

In September, Member States may wish to discuss ways the Strategy can be used to attune the global, regional, sub-regional and national efforts to counter terrorism. The Strategy reflects the consensus and unity of all Member States and could be used as a tool to build further collaborative projects. The commitments undertaken by Member States are numerous and comprehensive, giving abundant opportunities to work together, which is so essential in countering international terrorism.

As to the outcome of the meeting of the General Assembly, I would like to reiterate my call on Member States to send a strong and unified message against terrorism, to re-dedicate to the commitments undertaken in the Global Strategy and to strengthen the co-operation between Member States and the United Nations. We must also decide on the appropriate follow-up to ensure the continuation of the Strategy's implementation after the current session.

Excellencies,

I am glad to say that the way the International process has unfolded is a good example of the joint endeavors called for in the Strategy. A lot of work has been done since its launch in November 2007. It is important to ensure it will be brought to the attention of the United Nations as a whole and that the recommendations that emerge from the Process are given due consideration. I invite the cosponsors to use the General Assembly review meeting to highlight some of the key findings of the International Process.

We have a limited amount of time from now till the September General Assembly meeting, but the cosponsors and others may wish to find ways how to go beyond the first review meeting and I certainly look forward to the outcome of your discussions. I thank you for your attention.



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* The names on this list reflect those individuals who participated in at least one of the workshops organized during the International Process on Global Counter-Terrorism Cooperation. It is neither an official nor necessarily a complete list. The names were drawn from the lists provided by the organizers of the workshops and the titles of the individuals listed reflect those at the time of their participation in the relevant workshop(s).



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The International Process on Global Counter-Terrorism Cooperation was launched in November 2007 and included a series of workshops focusing on discrete aspects of the UN Global Counter-Terrorism Strategy. The International Process involved government and nongovernmental experts from different regions and disciplines and officials from the UN system and relevant regional and sub-regional bodies. It consisted of a series of workshops taking place between late January and mid-July 2008 culminating with the release by the cosponsors of the Final Document of the International Process on 24 July 2008, ahead of the General Assembly's first formal review of Strategy implementation in September 2008. The International Process focused on assessing the overall UN contributions to the fight against terrorism over the past seven years and identifying ways to make its institutions more relevant to national and regional counterterrorism efforts and better able to support implementation of the UN Strategy.

The Center on Global Counterterrorism Cooperation is an independent, nonpartisan research and policy organization that works to improve internationally coordinated responses to terrorism by providing governments, international and regional bodies, and civil society timely, policy-relevant research and analysis. Building on its years of research on regional and international counterterrorism initiatives, the Center continues to identify ways to strengthen nonmilitary counterterrorism cooperation. To learn more, visit www.globalct.org.

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