



The UN Office on Drugs and Crime's Terrorism Prevention Branch: Strengths and Challenges Ahead

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Since the launch of the Global Project on Strengthening the Legal Regime against Terrorism in January 2003, the UN Office on Drugs and Crime (UNODC), through its Terrorism Prevention Branch (TPB), has delivered various forms of counterterrorism-related assistance aimed at helping countries join and implement the various UN treaties dealing with different types of terrorism, currently numbering 16.¹ This assistance includes regional, subregional, and national workshops for criminal justice practitioners, often organized with relevant regional or subregional organizations, and the production of a number of technical assistance tools to assist national counterterrorism practitioners with the implementation of the UN treaties in their daily practice.²

As a result of increased demand for its services and to ensure the planning, delivery, coordination, and management of legal assistance to several dozen countries annually, TPB relies on the services of 45 staff members in Vienna (25) and in the field (20, covering West and Central Africa, East Africa, Southern Africa, North Africa and the Middle East, Southeast Asia, the Pacific, the Commonwealth of Independent States and Central Asia, and Latin America and the Caribbean).³ Since 2003, TPB's annual budget has increased from around \$1.5 million to more than \$9 million, with the vast majority of it (some 90 percent) coming from annual voluntary contributions from 21 countries,⁴ including the United States.⁵ As such, TPB is the largest UN counterterrorism program, both in terms of human and financial resources.

TPB has succeeded in developing and building support from donor and recipient countries for a practical counterterrorism assistance program that has helped contribute to an increase in ratifications of the universal instruments against terrorism and the adoption of new or the strengthening of existing national counterterrorism legislation. This increase and the number of TPB-organized workshops and trained criminal justice officials are impressive, but the numbers do not tell the full story. For example, although some progress has been made in the past year, overall, insufficient attention has been given to ensuring that this TPB assistance is integrated into a long-term strategy within UNODC and the wider UN system for building the institutional capacities of countries to prevent and combat terrorism and related crimes. Partly as a result, despite TPB's efforts, implementation of the universal instruments continues to lag.

This policy brief looks at the strengths of the TPB program, which is now in its seventh year of existence, and identifies some the key challenges that TPB must address in order to maximize the practical impact of its work in the years ahead.

Strengths

Providing multilateral counterterrorism-specific technical assistance: TPB is among the few multilateral actors providing counterterrorism-specific training and other forms of assistance. Largely through

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its different workshops, including 63 subregional and regional ones between 2003 and 2008, TPB directly or indirectly supported more than 160 countries in ratifying and implementing the universal instruments and in strengthening the capacity of national criminal justice systems to implement their provisions. In total, TPB has provided some 7,700 national criminal justice officials with “specialized training on the legal regime against terrorism, especially the legal aspects and obligations arising from the universal legal instruments against terrorism and related Security Council resolutions and the mechanisms of international cooperation in criminal matters (extradition and mutual legal assistance).”⁶

With its global remit, TPB provides technical assistance across a range of legal traditions, allowing it to reach more countries than most bilateral counterterrorism legal assistance programs. For example, such assistance delivered by the United States, including by its embassy resident legal advisers and the Department of Justice's Office of Prosecutorial Development Assistance and Training, focuses largely on countries with a common law tradition.

Strengthening regional and subregional counterterrorism cooperation: By bringing together criminal justice officials from countries within a particular region or subregion, TPB's regional and subregional workshops have also helped allow for the cross-border networking, exchange of information, and trust building that is essential to combat terrorism effectively but which is currently lacking in many parts of the world. For example, TPB has played instrumental roles in the development and drafting of legal instruments (e.g., extradition and mutual legal assistance treaties) to facilitate cooperation in countering terrorism in Southeast Asia, East Africa, and in Francophone Africa.

Promoting counterterrorism partnerships: TPB has developed partnerships with a wide range of regional and subregional bodies in different parts of the world, which offer tailored, regional expertise to complement the more

general legislative drafting assistance and training TPB provides.⁷ This cooperation has included jointly organized and conducted training seminars, workshops, ministerial conferences, and technical assistance missions.

Building field-based networks to enhance sustainability of assistance activities: By placing its experts in different UNODC field offices around the world and through its roster of local consultants in various regions, TPB has been able to develop a network of regional and subregional experts and contacts, which enhances its ability to ensure sustained follow-up with local practitioners who participate in various TPB training sessions.

In addition, TPB has recently developed an online training course and now regularly conducts video conference training for national criminal justice officials as part of TPB's effort to promote cheaper and most sustainable training methods.

Producing measurable results: Partly due to the nature of its work, TPB is able to show measurable results, which has helped build and maintain support for its activities from donors and recipients alike. For example, 62 countries that have received TPB assistance have finalized their drafting of or already adopted counterterrorism legislation or amendments, and there have been 469 additional ratifications of the universal instruments by countries that have worked with TPB.⁸

Relying on voluntary funding: Although the heavy dependence on voluntary funding is also one of TPB's weaknesses, as discussed below, it has helped ensure the demand-driven nature of TPB's programs and a higher level of financial and political accountability to the donors than would otherwise exist for programs funded out of the UN regular budget.

Separating the technical from the political: Finally, TPB benefits significantly from

being a technical program based outside of New York which has helped protect it from the often heavily politicized discourse on terrorism and counterterrorism that takes place in the UN General Assembly and, to a lesser extent, the Security Council. Thus, TPB is able to deliver concrete results in the field on an issue where the wider United Nations has tended to struggle.

Challenges

Lagging implementation and insufficient political will: Despite TPB's continued engagement around the world, many countries have not made sufficient progress in joining, let alone implementing, the universal instruments.⁹ 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, they are almost never used in practice to facilitate international legal cooperation in terrorism cases. This is 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. Instead, it often comes down not only to politics, but trust and reciprocity among the relevant criminal justice officials in different countries. Regional and subregional networking, joint training, and confidence-building initiatives thus merit greater attention from donors and assistance providers such as TPB. In addition, because international legal cooperation is an executive and judicial activity, in most cases TPB should include executive and judicial officials in awareness-raising and training initiatives regarding the universal instruments. It should also develop a strategy for engaging with and influencing executive branch decision-makers and parliamentarians, whose support may be needed to adopt the necessary legislation or to provide the practitioners with the tools and other resources to allow the TPB-trained criminal justice officials to put their new skills to work.

Tailoring the global program to local needs:

One of the challenges that TPB faces is ensuring that its Global Project takes into account specific national, regional, and subregional circumstances, which can vary significantly from one part of the world to another. TPB has sought to overcome this challenge by placing experts in UNODC field offices, who often have a richer understanding of the unique on-the-ground situation than TPB officials in Vienna and work closely with the local officials in helping to design training. In addition, TPB regularly relies on consultants from the relevant region or subregion to deliver some of the training alongside Vienna-based officials. Despite these efforts, in its evaluation of the TPB program, UNODC's Independent Evaluation Unit found that "[f]actors such as level of development ... political will, leadership to counter terrorism, perception of the threat and underlying causes need to be better taken into account when designing interventions for a specific country, region, or sub-region."¹⁰ Thus, more attention to this issue is needed. Furthermore, too few of TPB's regional experts have courtroom experience, have conducted a terrorism-related investigation or prosecution, or participated in an extradition proceeding. Prosecutors in the states on the receiving end of TPB's assistance have picked up on this and this shortcoming can diminish the credibility of TPB's programs over the long term.

Sustaining TPB's assistance over the long term:

TPB has proven capable of organizing dozens of training workshops around the world each year. Despite placing experts in UNODC field offices and calling on local consultants on an ad hoc basis, TPB needs to focus more attention on ensuring the necessary follow-up to maximize the impact of this assistance and avoid these efforts being viewed as "flash in the pan" capacity development initiatives. According to UNODC's Independent Evaluation Unit,

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“[a]pproaches that can be used to that end are those that involve training trainers and those that take advantage of and strengthen the expertise of national, regional and subregional training institutions by integrating counter-terrorism modules in their curricula.”¹¹

Planning for the long term while relying largely on year-to-year voluntary contributions: As noted above, in order to be effective, TPB’s efforts should be part of a broad-based, long-term capacity-building program in each recipient country that includes the necessary follow-up to maximize the impact of TPB assistance. This requires an ability to maintain the necessary staffing levels at headquarters and in the field. Unfortunately, TPB must continue to rely heavily on voluntary contributions from UN member states. Only \$1 million of TPB’s \$9.2 million budget for 2008 came from the UN regular budget which makes long-term planning of TPB assistance projects, including maintenance of the necessary technical expertise, challenging. This challenge is heightened by the fact that donor countries have been so far largely reluctant “to make available significantly increased, predictable and multi-year funding for the delivery of counter-terrorism technical assistance.”¹² A change in approach by the donors or a significant increase in the more predictable UN regular budget funding is needed.

Enhancing synergies among the range of UNODC counterterrorism-related activities: Finally, UNODC’s expertise extends to other terrorist-related crimes, such as organized crime, terrorist financing, money laundering, and drugs and human trafficking. Although

officials dealing with these different international crimes in many countries and the themes raised in many training sessions are often the same, UNODC too often provides training to criminal justice officials in under-resourced countries on these issues separately rather than offering a unified program that better reflects the obvious links.

Greater efforts are needed to maximize synergies and reduce overlap among the various UNODC programs aimed at building national criminal justice systems that can help address a range of transnational security threats.¹³ Efforts in this area should not only come from UNODC, but from the donors themselves, who should condition future funding on the development of more holistic UNODC training programs that “create synergies and increase the complementarities of the [UNODC] services provided to Member States.”¹⁴

Although there has been some progress on the policy development side, e.g., the 2009-2011 UNODC regional program on “Promoting the Rule of Law and Human Security in Eastern Africa,”¹⁵ which envisages an integrated approach to UNODC’s work in this region involving issues such as: i) illicit trafficking/organized crime; ii) terrorism prevention; and iii) justice and integrity, it remains to be seen the extent to which what have generally been distinct UNODC programs can be implemented in an integrated manner.

Notes

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¹ For a complete list of these instruments, see <http://www.un.org/terrorism/instruments.shtml>.

² These tools include a legislative guide to the international instruments, model legislative provisions against terrorism, a six-week online training course entitled “Global Norms Against Terrorism at Work: Getting International law in Motion,” and a handbook on the criminal justice response to counterterrorism. According to the United Nations, the handbook “contains a review of the many challenges encountered by the various components of the criminal justice

system in the prevention, investigation, prosecution and detention of alleged or convicted perpetrators of terrorist and terrorist-related crimes and provides guidance based on international standards and generally accepted good practices.” UN Economic and Social Council, Assistance in Implementing the International Conventions and Protocols Related to Terrorism: Report of the Secretary-General, E/CN.15/2009/5, 16 January 2009 (hereinafter 2008 UNODC progress report).

³ This is a significant increase from when TPB started its technical assistance delivery in 2003, when it had five regular budget posts supplemented by a few additional experts provided through voluntary, as opposed to UN regular budget, funding.

⁴ Austria, Belgium, Canada, Colombia, Denmark, France, Germany, Greece, Italy, Japan, Liechtenstein, Monaco, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

⁵ The United States ranks 12th among these 21 countries in terms of the total amount donated to TPB's programs since 2003, with the United States having given its lowest amount in 2008 (\$148,375) since the program was initiated. 2008 UNODC progress report.

⁶ UNODC TPB, “Note of Accomplishments: Technical Assistance Provided to African Countries for Strengthening the Legal Regime Against Terrorism,” 31 December 2008 (copy on file with author).

⁷ These organizations include the African Union, League of Arab States, Southern Africa Development Community, Intergovernmental Authority on Development, Pacific Island Forum, Association of Southeast Asian Nations, Organization for Security and Co-operation in Europe, Organization of American States, and Organization of the Islamic Conference.

⁸ Of these, nine have adopted counterterrorism legislation: Burundi, Gambia, Mali, Mauritania, Mauritius, Morocco, Niger, Senegal, and Tunisia. UNODC TPD, “Note on Programme Implementation: Delivering Technical Assistance for Strengthening the Legal Regime Against Terrorism, January 2003–December 2008,” 8 December 2008 (copy on file with author).

⁹ Although the number of countries that are parties to all of the international conventions and protocols related to terrorism has risen sharply from two in September 2001 to more than 100 as of 31 December 2008, almost one-half of the UN membership has not signed on to the complete international legal framework against terrorism. Participation in the instruments remains relatively low in Africa, Southeast Asia, South Asia, and the Caribbean.

¹⁰ UNODC Independent Evaluation Unit, “Thematic Evaluation of the Global Project on Strengthening the Legal Regime Against Terrorism,” GLO/R35, 2 February 2008.

¹¹ Ibid.

¹² 2008 UNODC progress report.

¹³ UNODC appears to be growing increasingly aware of and responsive to this need. For example, in April 2008 it convened an informal ministerial session in Vienna with a number of West African ministers to discuss the security situation in the subregion, with a special focus on the Sahel, where among the needs identified for technical assistance were counternarcotics, criminal justice reform, anticorruption, border management, intelligence sharing, terrorism prevention, and the illicit trade in small arms. UNODC expects to ratchet up its cooperation with these countries through its regional office in Dakar and in close cooperation with the Economic Community of West African States.

¹⁴ UNODC Independent Evaluation Unit, “Thematic Evaluation of the Global Project on Strengthening the Legal Regime Against Terrorism.”

¹⁵ Copy on file with author.

The Center on Global Counterterrorism Cooperation is a nonpartisan research and policy organization that works to improve internationally-coordinated responses to the continually evolving threat of terrorism by providing governments and international organizations with 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 non-military counterterrorism efforts.

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