

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 Küsnacht (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 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.”¹ The central question is how to maximize the effectiveness of the UN 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 counter-terrorism strategies and better able to support implementation of the UN 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 UN has made some important contributions to global counter-terrorism efforts so far. For example, the Security Council has established a broad counter-terrorism legal framework using its Chapter VII authority under the UN Charter and 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 counter-terrorism-related fields. As a result, there are now some sixteen international treaties that 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 counter-terrorism web. Further, through its capacity building and training programs the UN has not only helped to identify vulnerabilities but address them as well.

As a result of the growth in counter-terrorism activity since September 2001, both within and outside of New York, some of which was spurred on by the UN, there are now more than seventy multilateral bodies at all levels both within and outside the UN involved in this effort, but they are not functioning properly as part of an overarching integrated whole. Ongoing duplication of efforts and lack of information sharing and other coordination at and among the international, regional and sub-regional levels have hindered the effectiveness of these efforts. Under the current UN institutional arrangement alone, some twenty-four different organs, bodies, entities, programs and

offices carry out work relating to counter-terrorism under distinct and sometimes overlapping mandates.

The central role the Security Council has played in UN efforts since September 2001 has, over time, limited the effectiveness of the overall UN response. Robust and decisive action in the period after 9/11 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 counter-terrorism obligations imposed by Resolution 1373 and other relevant Council 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 Security Council when it adopted its counter-terrorism 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 Security Council's narrow, generally law enforcement-oriented, approach, which fails to take into account the underlying socio-economic 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 to actually 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, this is partly responsible for its poor track record in engaging with states and other stakeholders outside of New York, the key constituencies.

As will be discussed elsewhere in this paper, the perception remains that the Council has yet to fully incorporate a human rights perspective into its counter-terrorism work and has yet to develop sustained partnerships with both the UN Office of the High Commissioner for Human Rights (OHCHR) and other parts of the UN human rights system and those UN entities dealing with the softer side of counter-terrorism such as the UN Development Programme (UNDP) and the UN Education, Science and Cultural Organization (UNESCO).

The proliferation of Security Council counter-terrorism-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 Security 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 Security Council counter-terrorism-related bodies, then Secretary-General Annan even recommended in March 2006 that the Security 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 UN's 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 fourteen-country Group of Friends of UN Reform echoed these calls in 2005, and the G8 heads of state called for a more coherent UN counter-terrorism 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 counter-terrorism center "under the auspices of the UN" 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 UN Strategy in September 2006 presents an opportunity to improve upon the fragmented UN and broader multilateral institutional response 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 UN. Although it does not add anything not already contained in pre-existing UN counter-terrorism resolutions, norms, and measures, the Strategy pulls them together into a single, coherent, and universally adopted framework. Its inclusion of not only security-related issues, but also 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 counter-terrorism program.

One of the keys to whether the Strategy will in fact be implemented is whether the coordination and cooperation within the UN 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 which has proven difficult to achieve even just within the UN.⁶ Unfortunately, the Strategy does not address this problem adequately. It calls for more cooperation within the UN, 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 Task Force. The composition, limitations, and role of the Task Force present challenges, however. Addressing these challenges will be critical to maximizing the UN's long-term contributions to UN Strategy implementation. These challenges include:

- The Task Force consists of a secretariat representative from each UN body or program involved in counter-terrorism, 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 pre-existing 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. While it is having success in raising money from the traditional "Western" donors, such an approach may undercut the global nature of the UN 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 UN Strategy, can engage (and possibly guide) the Task Force.

II. ADDRESSING CONDITIONS CONDUCTIVE TO THE SPREAD OF TERRORISM

One of the UN Strategy's achievements is that for the first time the UN's 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 UN 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 counter-terrorism.⁸

Former 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; inter-faith and intra-faith 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 launched with support from DaimlerChrysler, which encourages dialogue between young people from diverse cultural, religious and linguistic background; 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 group 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 UN Strategy. It also co-chairs 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. While 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, with its small secretariat in New York, has a key role to play to promoting inter-cultural and religious dialogue, in close cooperation with UNESCO. It is charged with promoting the implementation of the recommendations contained in the Alliance of Civilizations Report of the High-Level Group which is specifically mentioned in the Strategy.¹⁴ The aim of the Alliance 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 Alliance will promote over the next two years include a media fund to promote productions developed across cultural, religious and/or 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 Alliance 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 fifty states and international organizations aimed at furthering the Alliance 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 UN Strategy, program areas for which it is responsible, such as promoting good governance, the rule of law, 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 under \$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 empowering marginalized groups.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 counter-terrorism capacity building reflected in the UN 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 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.”¹⁹

Despite the contributions that UNDP could make to Strategy implementation, it has yet to formulate a policy document on the issue of counter-terrorism. The issue has yet to come before the Executive Board and there is a reluctance among many G77 board members as well as UNDP staff to have UNDP become involved in “counter-terrorism” 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 its work.

There may be little to gain (and in fact a great deal lost) from applying the rubric of counter-terrorism to UNDP’s efforts, but this should not preclude highlighting the important role UNDP plays in helping address conditions conducive to the spread of terrorism and interrelated capacity gaps in countries around the globe—both core elements of the UN 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 UN Strategy and furthering its implementation on the ground.

Coordination and cooperation between development and counter-terrorism capacity building efforts within the UN will need to be strengthened without compromising or politicizing development work and without diluting counter-terrorism efforts. A continuing hurdle to achieving this is the central role that the CTC, operating under its Chapter VII mandate with its security focus, continues to play in overall UN counter-terrorism capacity building efforts. This serves only to heighten UNDP concerns that cooperation on counter-terrorism will mean politicization of its work. The adoption of the holistic UN 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 counter-terrorism 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 counter-terrorism 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 UN 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 UN Strategy recognizes that sustained implementation will require contributions from a wide range of stakeholders in addition to member states. In addition to the twenty-four UN system entities represented on the Task Force, there are dozens of formal and informal, regional, sub-regional, and functional bodies, as well as civil society organizations and the private sector that 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 sub-regional organizations and civil society is recognized by the Task Force as a priority. However, UN efforts in this area, while numerous, have been carried out on an *ad hoc* basis rather than as part of coherent strategy. As a result, the UN 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 under-resourced regional and sub-regional bodies. For example, the three Council counter-terrorism-related expert groups (the CTED, the Al-Qaida/Taliban Sanctions Committee Monitoring Team, and the 1540 Committee Group of Experts) continue to reach out separately to regional and sub-regional bodies. This redundancy puts an increased burden on the organizations, many of

which have only one person in their secretariats 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 counter-terrorism-related points of contact.

Among the main tasks assigned to the CTC early on was to reach out to international, regional, and sub-regional bodies to encourage them to become more involved in the global counter-terrorism campaign—for example, by developing counter-terrorism action plans, best practices, capacity-building programs, 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 the CTED site visits to member states. Yet it has had difficulty having sustained interaction with regional and sub-regional 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 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 sixty international, regional, and sub-regional 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) in planning the meeting. The agenda was structured to facilitate discussions on a series of practical issues where improved cooperation is essential, and produce concrete, action-oriented recommendations. It remains to be seen, however, whether these formal gatherings of representatives from nearly eighty intergovernmental bodies can produce the sort of dialogue, informal exchange of views, building of trust 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 non-state 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 sub-regional bodies, in order to get their technical and/or political support for member state implementation of the sanctions regime. For example, with the encouragement from the 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 sub-regional 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 on the Prohibition of Chemical Weapons, and WCO. In addition, as a result of its interaction with different regional bodies, the members of the ASEAN Regional Forum, the Organization of American States (OAS) and the Organization for Security Co-operation in Europe (OSCE) have all committed themselves to preparing national action plans for implementing Resolution 1540.

The UN Office of Drugs and Crime's (UNODC) Terrorism Prevention Branch (TPB) has also promoted cooperation with regional and sub-regional bodies, developing partnerships with organizations such as the African Union, the Southern Africa Development Community, the Intergovernmental Authority for Development (IGAD), the Pacific Island Forum, Association of Southeast Asian Nations (ASEAN), the Organization for Security Cooperation in Europe, the Organization of American States 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 anti-drugs, anti-crime and criminal justice reform work, the TPB is able to, unlike the CTC/CTED and the other relevant Council bodies, develop sustainable, broad-based, symbiotic relationships with regional and sub-regional 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 the TPB's technical assistance programs.

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

While the UN Strategy encourages cooperation and coordination and recognizes the contributions that a wide range of non-state 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 CTITF coordinator's office could be made the focal point for engagement between the UN and such actors on UN 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 While a step in the right direction, more is required to ensure the sustained engagement from the wide range of stakeholders.

IV. HUMAN RIGHTS AND COUNTER-TERRORISM

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 consensus embodied in the Strategy concerning the inter-connectivity of human rights and counter-terrorism has yet to be translated into practice in the UN system, however. The challenge therefore is finding ways to ensure that this human rights-based approach to countering terrorism is mainstreamed throughout the UN.

OHCHR and the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism (Special Rapporteur) 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 counter-terrorism 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 counter-terrorism 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 sub-commission on the promotion and protection of human rights has addressed issues related to terrorism and human rights²⁸ 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's 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 counter-terrorism-related bodies, in particular the Security Council's CTC and its Counter-Terrorism Executive Directorate (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. This, despite the fact that the General Assembly now has on several occasions encouraged it to do so.³⁰

There is a considerable body of literature highlighting the absence of any mention in Resolution 1373 of the obligation of states to respect human rights in the design and implementation of their counter-terrorism measures, except in the context of the granting of refugee states, 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 while it does take human rights seriously and has engaged in a dialogue with the 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 is mainly due to the views of some of the permanent 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 and adding 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 counter-terrorism 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 website.³⁷

An important part of UNODC's TPB's technical assistance program is the multi-day training workshops it conducts in the field at the national, regional and sub-regional

levels.³⁸ These gatherings generally include national counter-terrorism practitioners and often regional experts, which offer specialized national and sub-regional input and perspectives and facilitate effective follow-up to the activities of the Branch.³⁹ Such follow-up is often as important as the initial training. This approach also helps to build up expertise on counter-terrorism issues at the sub-regional and field levels. Partnerships not only with regional and sub-regional 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 often include the training of judges, lawyers, prosecutors, and other law enforcement and security personnel. In addition, through these programs, UNDP seeks to ensure there is improved access to justice – 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 UN 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 UN 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, both 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 counter-terrorism 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 counter-terrorism portfolio, may need additional positions and funds to ensure that the

human rights perspective is reflected in all of the UN's efforts to promote implementation of the UN Strategy.⁴² The working group has requested about \$200,000 in extra-budgetary 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 UN Strategy, which recognizes that many states will require technical and other assistance in order to develop the comprehensive and effective counter-terrorism infrastructure envisioned in it. For the past six years, the UN has sought to assume a leading role in this area, including through the UNODC's TPB and the CTC/CTED. The UN 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 Security Council's 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 counter-terrorism technical assistance and in helping 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 both 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 twenty 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.

While the CTED has shown marked improvement in helping the CTC fulfill its technical assistance facilitation mandate, the CTC's comprehensive review of 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 a centralized and comprehensive indication of states' assistance needs, on the one hand, and information about available assistance programs on the other. In addition, it has now identified more than 400 technical assistance areas and referred more than forty states to potential technical assistance providers. How much these efforts within the CTED will contribute to global counter-terrorism 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 counter-terrorism practitioners in national capitals and made it more difficult for the CTED to relate its work to national counter-terrorism policies. The importance of such engagement was highlighted at a recent Security Council debate on the work of the CTC and the other Council counter-terrorism-related subsidiary bodies. According to the Canadian Deputy Permanent Representative to the UN, "most 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 counter-terrorism 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 counter-terrorism assistance, the space for a facilitator to operate is not large. While the CTED can conduct its own analysis of the capacity gaps, it must rely on donors both to share updated and accurate information on their capacity building programs and seek its help in linking a state in need with available assistance. Donors in turn need 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 as whether it is the right body to be entrusted with responsibility for leading efforts to coordinate and facilitate counter-terrorism 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 to 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 counter-terrorism 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, a staff that includes some 20 counter-terrorism 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 counter-terrorism capacity building activities, the CTED has a wealth 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 counter-terrorism-related assistance, including the International Maritime Organization, ICAO, the World Bank, the International Monetary Fund (IMF), and the International Atomic Energy Agency (IAEA). The UNODC in Vienna, however, is perhaps the leading provider of counter-terrorism specific assistance in the UN system.

According to its 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 counter-terrorism-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 the TPB has delivered country-specific assistance to more than 140 countries, conducted regional and sub-regional workshops for scores more, and trained more than six thousand 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, drug trafficking, and supporting criminal justice reform. Thus it can also help states to adopt a coherent, synergetic approach to addressing issues related to those fields as part of a holistic counter-terrorism strategy. Given UNODC’s ability both 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 both the global north and south. For these same reasons, the UN Strategy makes extensive reference to the work of UNODC, particularly its TPB, and calls upon 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, in some countries there is a lack of political support for international counter-terrorism efforts. Thus, while UNODC may succeed in reaching out to countries at the technical level, there may not be the necessary support 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 UN 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 UN whereby the main technical assistance arm (UNODC) and the most active policy-making arm of the UN counter-terrorism 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 UN to coordinate the range of UN 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 maker” 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 UN Strategy-related technical assistance, UNODC’s 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 (for example only \$1 million of the 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 drugs-related assistance activities are properly coordinated and integrated in its engagement in individual states. However, there is currently no adequate mechanism within the UN to ensure that the range of UN 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 of 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 UN in the field.

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

¹ *G8 Summit Statement on Counter-Terrorism – Security in the Era of Globalization*, Heiligendamm, Germany, 8 June 2007. Available online at: <http://www.g-8.de/nsc_true/Content/EN/Artikel/_g8-summit/anlagen/ct-statement-final,templateId=raw,property=publicationFile.pdf/ct-statement-final> (accessed 10 December 2007).

² See, e.g., United Nations Security Council, *Security Council Resolution 1735*, S/RES/1735, New York, 22 December 2006; *Security Council Presidential Statement*, S/PRST/2006/56, New York, 20 December 2006; *Security Council Resolution 1617*, S/RES/1617, New York, 29 July 2005; *Security Council Resolution 1566*, S/RES/1566, 8 October 2005; *Security Council Presidential Statement*, S/PRST/2005/3, New York, 18 January 2005; *Security Council Resolution 1535*, New York, 26 March 2004.

³ “Mandating and Delivering: Analysis and Recommendations to Facilitate the Review of Mandates,” A/60/733, Report of the Secretary-General of the United Nations, New York, 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, New Zealand, Netherlands, Pakistan, Spain, Singapore and Sweden. See Group of Friends Non-Paper, “The Role of the United Nations in the Fight Against Terrorism,” 2005. Available online at: <www.un.int/mexico/2005/Terrorism.pdf> (accessed 10 December 2007).

⁵ See *Final Report of the Counter-Terrorism International Conference*, Counter-Terrorism International Conference, Riyadh, 5-8 February 2005, <www.ctic.org.sa> (accessed 10 December 2007).

⁶ Curtis A. Ward, “Capacity-Building in the Asia-Pacific: The Role of the UN,” 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 Center on Global Counterterrorism Cooperation]

⁷ United Nations General Assembly, *United Nations General Assembly Resolution 60/288*, A/RES/60/288, New York, 8 September 2006.

⁸ Other Task Force members involved in implementing Pillar I include the Department of Political Affairs, the Department of Peacekeeping Operations, and the World Bank. Space does not permit addressing the role of these entities in promoting UN Strategy implementation.

⁹ United Nations General Assembly, *Report of the Secretary-General: Uniting against terrorism: recommendations for a global counter-terrorism strategy*, A/60/825, New York, 27 April 2006.

¹⁰ “UNESCO’s Contribution to Counter-Terrorism,” Bureau of Strategic Planning, UNESCO Headquarters, Paris, June 2007. [On file with Center on Global Counterterrorism Cooperation]

¹¹ “Experts Discuss Textbooks as Instrument for Peace,” Available online at:

<http://portal.unesco.org/education/en/ev.php-URL_ID=53469&URL_DO=DO_TOPIC&URL_SECTION=201.html> (accessed 10 December 2007).

¹² For information on “Mondialogo” see <<http://www.mondialogo.org/1.html?&L=0>> (accessed 10 December 2007).

¹³ Pillar II concerns “measures to prevent and combat terrorism.”

¹⁴ United Nations, *Alliance of Civilizations: An Action Plan to Improve Cross-Cultural Relations – The Report of the High-Level Group*. Available online at: <<http://www.unaoc.org/repository/report.htm>> (accessed 10 December 2007).

¹⁵ In addition, according to its implementation plan, the Alliance “will aim to establish a rapid response media-based mechanism to provide platforms for constructive debate during times of increased tensions around cross-cultural issues. It will also develop an online clearinghouse of best practices, materials and resources on cross-cultural dialogue and cooperation projects.” Ibid.

¹⁶ Ibid.

¹⁷ United Nations Development Programme. *Status of Regular Funding Commitments to UNDP and its Associated Funds and Programmes*. Available online at <<http://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/364/03/pdf/N0736403.pdf?OpenElement>> (accessed 10 December 2007).

¹⁸ UNDP has, for example, partnered with regional organizations in sub-Saharan Africa on programs to curb the spread of small arms and light weapons and other projects such as the training of 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 United Nations General Assembly, Report of the High-Level Panel on United Nations Systemwide Coherence in the Areas of Development, “Humanitarian Assistance and the Environment,” A/61/583, New York, 20 November 2006, p. 11.

²⁰ Remarks by Sir Emyr Jones Parry, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Speech to the Centre for Defense Studies at Kings College, London, 10 November 2006. Available online at: <http://www.ukun.org/articles_show.asp?SarticleType=17&Article_ID=1372> (accessed 10 December 2007).

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 CTED’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 sub-regional bodies and other stakeholders, without including them in the discussions. In the end, these stakeholders were given little time to consider and approve the CTC-agreed text. In the end, some of the regional and sub-regional bodies felt they were not provided with sufficient time to consider the document and failed to endorse it. “Joint Statement: The Fifth Special Meeting of the Counter-Terrorism Committee with international, regional and subregional organizations on ‘Prevention of Terrorist Movement and Effective Border Monitoring,’” Nairobi, Kenya, 29-31 October, footnote 1. Available online at: <http://www.un.org/sc/ctc/pdf/Nairobi_joint_statement.pdf> (accessed 10 December 2007).

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, New York, 28 December 2006, at paragraph 45.

²⁴ *Report of the Secretary-General: Assistance in implementing the universal conventions and protocols related to terrorism*, UN Economic and Social Council, UN Doc. E/CN.15/2007/9, 30 January 2007, at 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 Statement by Lisa Oldring, Human Rights Officer, Representative of the Office of the High Commissioner for Human Rights in the Counter-Terrorism Implementation Task Force, *Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy*, Vienna International Centre, 17-18 May (United Nations Office of Drugs and Crime; 2007) p. 172. Available online at: <http://www.unodc.org/pdf/07-85692_Ebook.pdf> (accessed 10 December 2007).

²⁸ The sub-commission on the promotion and protection of human rights has addressed issues related to terrorism and human rights 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. “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,” Chairperson-Rapporteur: Mrs. Kalliopi K. Koufa, 9 August 2005, UN Doc. E/CN.4/Sub.2/2005/43.

²⁹ Report by the Secretary General, “Protecting human rights and fundamental freedoms while countering terrorism,” UN Doc. A/61/353, 11 September 2006.

³⁰ See, e.g., United Nations 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 at the European Society of International Law Forum in the workshop “Human Rights Under Threat,” 27 May 2005. Available online at: <<http://www.esil-sedi.org/english/pdf/Almqvist09-05.PDF#search=%22human%20rights%20and%20terrorism%20CTC%22>> (accessed 10 December 2007); “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. Available online at: <<http://www.hrw.org/English/docs/2004/08/04/global9185>> (accessed 10 December 2007).

³² United Nations Security Council Counter-Terrorism Committee, *Conclusions for Policy Guidance regarding Human Rights and the CTC S/AC.40/2006*, 25 May 2006. Available online at: <<http://www.un.org/sc/ctc/pg25may06.html>> (accessed 10 December 2007).

³³ For a fuller discussion of the evolution of the CTC’s handling of human rights issues see, EJ Flynn, “The Security Council’s Counter-Terrorism Committee and Human Rights,” *Human Rights Law Review*, (Spring, 2007), pp. 371-384.

³⁴ Rosemary Foot, “The United Nations, Counter-Terrorism and Human Rights: Institutional Adaptation and Embedded Ideas,” *Human Rights Quarterly*, vol. 29 (2007), pp. 489-514.

³⁵ C.S.R. Murthy, “The U.N. Counter-Terrorism Committee: An Institutional Analysis,” *Friedrich Ebert Stiftung*, Dialogue on Globalization Briefing Paper, No. 15, at 10, citing 30 May 2007 interview with CTED Executive Director, Javier Ruperez. Available online at: <<http://library.fes.de/pdf-files/iez/04876.pdf>> (accessed 10 December 2007).

³⁶ The UN 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.” United Nations General Assembly, *United Nations General Assembly Resolution 60/288*, A/RES/60/288, New York, 8 September 2006, Section IV, para. 4.

³⁷ “Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in Implementation of United Nations Anti-Terrorism Instruments,” *UNODC Terrorism Prevention Branch, Technical Assistance Working Paper* (United Nations; 2006), p. 46. Available online at: <http://www.unodc.org/images/Strategy%20Paper%20Mike%2006-52890_ebook.pdf> (accessed 10 December 2007). This handbook is an important element of UNODC’s work with countries around globe and offers states concrete guidance to national practitioners on to incorporate international human rights norms into domestic counter-terrorism legislation. As its preamble states, “[i]n 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.*, at iii.

³⁸ Between January 2003 and December 2006, UNODC’s Terrorism Prevention Branch 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 sub-regional workshops and similar activities. In total, it has trained more than 4,600 national officials. “Delivering Counter-Terrorism Assistance,” UNODC Terrorism Prevention Branch, March 2007, p.9. Available online at: <<http://www.unodc.org/pdf/brochuremarch2007.pdf>> (accessed 10 December 2007).

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, Western and Central Africa, and Latin America and the Caribbean, with UNODC planning on retaining ones for Southern Africa, Eastern 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 counter-terrorism actors in the UN system.

⁴¹ The Working Group is being supported by the Office of the High Commissioner for Human Rights and supported by the Special Rapporteur, UNODC, CTED), the UN Office of Legal Affairs, the UN Interregional Crime and Justice Research Institute, the World Bank, and the International Maritime Organization.

⁴² OHCHR not only chairs the Task Force working group on “protecting human rights while countering terrorism,” but is a member of a number of other working groups as well.

⁴³ “Funding Proposal: ‘Protecting Human Rights While Countering Terrorism,’” *UN Counter-Terrorism Implementation Task Force*, August 2007. [On file with Center on Global Counterterrorism Cooperation]

⁴⁴ “Report of the Counter-Terrorism Committee on its Revitalization,” UN Doc. S/2004/124, 19 February 2004, para. III.7.C.

⁴⁵ Statement by Ambassador Henri-Paul Normandin Deputy Permanent Representative of Canada to the United Nations to the United Nations Security Council debate on the counter-terrorism committee, the 1267 committee and the 1540 committee, New York, 14 November 2007. Available online at:

<http://geo.international.gc.ca/canada_un/new_york/whats_new/default-en.asp?id=11420&content_type=2> (accessed 10 December 2007).

⁴⁶ Security Council Report “Monthly February 2007 Review of the Counter-Terrorism Executive Directorate.” Available online at:

<www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2461281/k.1E4/February_2007brReview_of_the_CounterTerrorism_Executive_Directorate.htm> (accessed 10 December 2007). For example, speaking

before the Council, South Africa’s Permanent Representative to the UN 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.” “Universal Cooperation in Fight against Terrorism, Still Major Threat to Peace and Security, Needed More than Ever Security Council Told,” UN Department of Public Information, SC/9170, 14 November 2007. Available online at

<<http://www.un.org/News/Press/docs//2007/sc9170.doc.htm>> (accessed 10 December 2007).

⁴⁷ “Strengthening Capacity to Prevent Terrorism,” Antonio Maria Costa, *Opening Address to Symposium on “Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy*, Vienna, 17 May 2007.

⁴⁸ At US \$7.7 million, the TPB’s 2007 budget exceeds that of CTED, although all but US \$1 million comes from voluntary contributions. Further, with a total of thirty-six experts, including eighteen full-time experts in Vienna and eleven full-time experts in the field, the TPB now boast almost twice as many experts as the CTED.

⁴⁹ See “Delivering Counter-Terrorism Assistance,” United Nations Office on Drugs and Crime, Terrorism Prevention Branch, March 2007. Available online at:

<www.unodc.org/pdf/brochure%20march%202007.pdf> (accessed 10 December 2007).

⁵⁰ United Nations General Assembly, *United Nations General Assembly Resolution 60/288*, A/RES/60/288, New York, 8 September 2006, Section II, para. 8; Section III, paras. 7 and 8; and Section IV, para. 4.

⁵¹ Anton du Plessis, “The Role of the United Nations in Providing Technical Assistance in Africa,” in Wafula Okumu and Anneli Botha (eds.), *Understanding Terrorism In Africa: In Search for an African Voice*, Institute for Security Studies, Seminar Report, 6 and 7 November 2006, p. 89.

⁵² “Funding Proposal: Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy,” August 2007. [On file with Center on Global Counterterrorism Cooperation]