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.

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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

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

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

Acknowledgements

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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15 August 2008

International Process on Global Counter-Terrorism Cooperation

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

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[*]   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 "Mondodialogo," 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 II[13] 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

1   "G8 Summit Statement on Counter-Terrorism – Security in the Era of Globalization," Heiligendamm, Germany, 8 June 2007, http://www.g-8.de/nsc_true/Content/EN/Artikel/__g8-summit/anlagen/ct-statement-final,templateId=raw,property=publicationFile.pdf/ct-statement-final.

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 007, 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 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 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/backgrounder/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.glKWLeMTIsG/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. Wafula 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.