

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

17–18 March 2008 | Bratislava, Slovakia

## **BACKGROUND PAPER\***

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

## **Introduction**

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

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

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

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

## I. Regional and Subregional Bodies

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

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



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

#### CONDITIONS CONDUCTIVE TO THE SPREAD OF TERRORISM

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

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

#### PREVENTATIVE MEASURES

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

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



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

#### **CAPACITY BUILDING**

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

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

#### **PROMOTING HUMAN RIGHTS AND THE RULE OF LAW WHILE COUNTERING TERRORISM**

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



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

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

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

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

## DEEPENING ENGAGEMENT AND OVERCOMING CAPACITY AND OTHER LIMITATIONS

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

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

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

## THE CURRENT APPROACH TO ENGAGEMENT

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



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

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

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

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

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

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

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





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

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

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

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

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

## II. Functional Bodies

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

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

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

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



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

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

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

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

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

#### THE CURRENT APPROACH TO ENGAGEMENT

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

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



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

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

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



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

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

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

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



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

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

### III. Nongovernmental Organizations and Civil Society

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



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

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

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

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

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

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



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

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

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

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





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

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

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

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



## Endnotes

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



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





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

17–18 March 2008 | Bratislava, Slovakia

## **QUESTIONS TO CONSIDER**

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

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

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



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

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

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

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

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



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

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

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

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

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





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

17–18 March 2008 | Bratislava, Slovakia

## WORKSHOP SUMMARY

### Introduction

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### III. Engaging With Civil Society on Implementing the Strategy

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

## Next Steps

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

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



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

22–23 May 2008 | Antalya, Turkey

## **BACKGROUND PAPER\***

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

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

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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 Ministry of Foreign Affairs of Turkey or any other participating UN member state in the International Process on Global Counter-Terrorism Cooperation.

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

## Introduction

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

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

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

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

## I. Development and Good Governance

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



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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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



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

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

## II. Education and Dialogue

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

### III. Judicial Cooperation and Mutual Legal Assistance

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

## IV. Addressing Radicalization

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

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

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

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



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

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

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

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

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

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

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

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



## Endnotes

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