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

22–23 May 2008 | Antalya, Turkey

QUESTIONS TO CONSIDER

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

I. Overview

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

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

II. Development and Good Governance

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

III. Judicial Cooperation and Mutual Legal Assistance

■ What are some of the current impediments to effective legal counterterrorism cooperation, and what role can the relevant UN entities play in helping states overcome them? For example, is there more room for cooperation among experts from the Office of the UN High Commissioner for Human Rights, UNODC, and the Counter-Terrorism Executive Directorate (CTED) in the development and implementation of programs aimed at clarifying where the difficulties to judicial cooperation and mutual legal assistance lie in practice and how the issues can best be addressed in a manner consistent with human rights law? If so, what form should this cooperation take?

■ Is there a role for the Task Force in this area, for example, through the establishment of a working group that could help ensure that government officials are receiving a consistent message from the different parts of the United Nations in this field?

■ What more could the United Nations do to stimulate the development of regional and subregional networks of criminal justice practitioners to stimulate greater transnational legal cooperation?

■ What steps could be taken to help ensure that UNODC's legislative drafting assistance and training of criminal justice officials, particularly in underresourced countries with limited capacity to absorb technical assistance, is based on an integrated approach to addressing a range of related criminal activities, including those related to terrorism, organized crime, and drug trafficking, to maximize synergies in the delivery of assistance in these related fields?

■ What steps could be taken to ensure that UN capacity-building work in this field is sustainable and ensures the follow-up necessary to maximize its long-term impact?

IV. Education and Dialogue

■ How is the UN Educational, Scientific and Cultural Organization (UNESCO) contributing to the implementation of the Strategy, in particular, through the promotion of quality education, religious and cultural tolerance, interfaith and intrafaith dialogue, the role of the media and the Internet, and dialogue among civilizations? What are some examples of concrete UNESCO activities in this area, including at the regional and national levels? In what areas could UNESCO play an enhanced role?

■ Are there synergies between UNESCO and other parts of the United Nations that could be strengthened to enhance these contributions? For example, is there room for cooperation between the Counter-Terrorism Committee (CTC) and its CTED and UNESCO in the context of Security Council Resolution 1624?

■ To what extent are UNESCO's field offices working with other parts of the UN system on the ground to promote Strategy implementation?

■ What steps could be taken to stimulate the development of programs at the national level that bring together local UNESCO offices, national government

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

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

V. Addressing Radicalization

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

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WORKSHOP SUMMARY

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Development and Good Governance

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

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

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

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

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

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

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

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

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

III. Education and Dialogue

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

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

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

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

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

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

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

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

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

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

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

IV. Judicial Cooperation and Mutual Legal Assistance

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

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

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

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

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

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

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

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

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

V. Addressing Violent Radicalization

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

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

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

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

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

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

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

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

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

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

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

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

Next Steps

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

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

17–18 June 2008 | Tokyo, Japan

BACKGROUND PAPER*

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

Introduction

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

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* 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 Japan or any other participating UN member state in the International Process on Global Counter-Terrorism Cooperation.

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

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

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

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

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

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

Differing threat perceptions, the treasured norms of noninterference, and the perception of terrorism as a domestic security problem have largely limited counterterrorism cooperation in the region to bilateral or trilateral channels[6] with countries in Southeast Asia generally "cooperat[ing] against terrorism in an ad hoc manner and with outside powers."[7] The adoption of a regional, legally binding counterterrorism instrument, the Convention on Counter Terrorism, at the January 2007 Association of Southeast Asian Nations (ASEAN) summit could help enhance the still-lacking legal cooperation between and among countries in the region.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Counter-Terrorism Committee (CTC)/Counter-Terrorism Executive Directorate (CTED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. UN Office on Drugs and Crime (UNODC)

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

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

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

C. UN COUNTER-TERRORISM IMPLEMENTATION TASK FORCE

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

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

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

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

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

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

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

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

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

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

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

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

A. ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM[29]

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

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

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

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

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

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

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

B. Association of Southeast Asian Nations (ASEAN)[31]

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

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

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

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

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

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

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

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

C. ASEAN Regional Forum (ARF)[36]

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

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

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

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

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

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

D. Asian Development Bank (ADB)[41]

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

E. Bali Counter-Terrorism Process (BCTP)[43]

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

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

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

F. Asia-Europe Economic Meeting (ASEM)

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

G. Regional Training and Information Centers

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

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

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

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

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

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

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

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

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

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

A. Ratification and Implementation of the Relevant Conventions

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

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

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

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

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

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

B. Judicial Cooperation and Mutual Legal Assistance (MLA)

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

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

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

C. Measures to Address Terrorist Financing

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

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

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

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

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

D. Deradicalization

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

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

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

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

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

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

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

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

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

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

E. Protection of Human Rights

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

G. Good Governance and the Rule of Law

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

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

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

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

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

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

Endnotes

1   UN General Assembly, A/RES/60/288, 8 September 2006, Annex (Plan of Action, Section III) (hereinafter UN General Assembly Resolution 60/288).

2   Ibid., sec. I, para. 7.

3   Some argue that there is a strong linkage, seeing close connections between local and regional groups and al-Qaida and its associates. See, e.g., Zachary Abuza, "Funding Terrorism in Southeast Asia: The Financial Network of Al Qaeda and Jemaah Islamiyah," *NBR Analysis*, December 2003, pp. 11–12. Others caution against presuming too strong an al-Qaida connection with the local insurgencies. Labeling such insurgencies as "al-Qaida–related" may magnify the profile of smaller, unrelated groups or stifle attempts to address the local grievances that are motivating the insurgencies. See, e.g., Amitav Acharya and Arabinda Acharya, "The Myth of the Second Front: Localizing the 'Global War on Terror' in Southeast Asia," *Washington Quarterly* 30, no. 4 (Autumn 2007): 75–90; Bruce Vaughn et al., "Terrorism in Southeast Asia," *CRS Report for Congress*, RL34194, 11 September 2007, p. 11, http://www.fas.org/sgp/crs/terror/RL34194.pdf.

4   "Terrorism in Southeast Asia: The Threat and Response," 12–13 April 2006 (Report of an International Conference Organized by the Institute for Defense and Strategic Studies and the Office of the Counterterrorism Coordinator).

5   International Commission of Jurists, "International Panel Ends Hearing in Southeast Asia," 6 December 2006, http://ejp.icj.org/hearing2.php3?id_article=94&lang=en (press release).

6   See, e.g., Ralf Emmers, "Security Relations and Institutionalization in Southeast Asia," *BASIC Working Paper Series*, 9 November 2005, p. 26.

7   Acharya and Acharya, "Myth of the Second Front," p. 84.

8   AusAID in Indonesia, "Counter-terrorism Capacity Building Initiative," 22 May 2007, http://www.indo.ausaid.gov.au/projects/counterterrorism.html.

9   Canadian Department of Foreign Affairs and International Trade, "CTCB Program: List of Approved Unclassified Projects as of April 2008" (on file with the Center on Global Counterterrorism Cooperation).

10 Ministry of Foreign Affairs of Japan, "Japan's International Counter-Terrorism Cooperation," February 2008, http://www.mofa.go.jp/policy/terrorism/coop0208.pdf.

11 In 2007, for example, law enforcement and security agencies in Indonesia and the Philippines trained under the Anti-Terrorism Assistance (ATA) program, and personnel from Thailand succeeded in thwarting planned terrorist and other criminal attacks. The U.S. Department of State's Bureau of Diplomatic Security overseas the ATA program. See Bureau of Diplomatic Security, U.S. Department of State, "Diplomatic Security: 2007 Year in Review," 2008, http://www.state.gov/documents/organization/102991.pdf. More specifically, in Indonesia, the United States provided funding to the newly formed Attorney General's Task Force on Terrorism and Transnational Crime, which has taken a leading role in the prosecution of terrorists in that country. U.S. prosecutors and FBI agents provided training to 34 representatives of the Philippine Anti-Terrorism Council aimed at assisting the Philippines in implementing the 2007 Human Security Act (HSA) and focused on ways to use electronic surveillance authority and procedures to obtain judicial designation of organizations as terrorist under the HSA. In addition, the United States helped the Philippines establish interagency intelligence fusion centers to support maritime interdictions against transnational criminal/terrorist organizations and a "Coast Watch" system in Mindanao and provided $120,000 for a bomb data center in Mindanao. For further information regarding recent U.S. capacity-building and other counterterrorism activity in Southeast Asia, see Office of the Coordinator for Counterterrorism, U.S. Department of State, "Country Reports on Terrorism," 30 April 2008, ch. 2, http://www.state.gov/s/ct/rls/crt/2007/103706.htm ("Country Reports: East Asia and Pacific Overview").

12 Ministry of Foreign Affairs of Japan, "Bali Counter-Terrorism Process: Report of the Australian and Indonesian Co-Chairs," August 2006, para. 34, http://www.mofa.go.jp/policy/terrorism/report0608.html.

13 Mike Smith, presentation/informal briefing of the CTC to UN member states, 29 April 2008 (CTED Executive Director).

14 Mike Smith, statement to the UN Security Council, S/PV.5855, 19 March 2008, p. 4, http://www.un.org/sc/ctc/pdf/SCM_19mar_08.pdf.

15 Each CTAP documents the counterterrorism measures undertaken by an Asia-Pacific Economic Cooperation (APEC) member economy to achieve the key elements of the Secure Trade in the APEC Region initiative. These include securing cargo, protecting people in transit, protecting ships engaged in international voyages and international aviation, combating threats to security, originating measures to halt the financing of terrorism, and promoting cybersecurity. Among other things, the CTAPs are intended to be used to highlight capacity-building needs to implement the commitments their leaders

and ministers have made. APEC, "Counter-Terrorism Action Plans," http://www.apec.org/apec/apec_groups/som_committee_on_economic/som_special_task_groups/counter_terrorism/counter_terrorism_action_plans.html.

16 See, e.g., Carolina G. Hernandez, "The Campaign Against Terrorism: A Non-Specialist Perspective" (presentation prepared for Plenary Session Four: The Campaign Against Terrorism: Major Obstacles and How to Overcome Them, 21st Asia Pacific Roundtable, Kuala Lumpur, 4–8 June 2007), http://www.isis.org.my/files/apr/Carolina_G_Hernandez.doc; See Seng Tan and Kumar Ramakishna, "Interstate Dynamics in Southeast Asia's War on Terror," in *After Bali: The Threat of Terrorism in Southeast Asia*, ed. Kumar Ramakrishna and See Seng Tan (Singapore: Institute of Defence and Strategic Studies, 2003), p. 92.

17 "Co-Chairs' Summary Report of the Fifth ASEAN Regional Forum Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime," Singapore, 2–4 May 2007, http://www.aseanregionalforum.org/PublicLibrary/ARFChairmansStatementsandReports/tabid/66/Default.aspx (hereinafter fifth ARF ISM summary report).

18 Department of Foreign Affairs and Trade, Australian Government, "Sub-Regional Ministerial Conference on Counter-Terrorism: Co-Chairs' Statement," 5–6 March 2007, paras. 12 and 21, http://www.dfat.gov.au/globalissues/terrorism/Co_Chairs_Statement.htm (hereinafter March 2007 Counter-Terrorism Conference Co-Chairs' Statement).

19 For a discussion of Indonesia's deradicalization program, see Joshua Kurlantzick, "Fighting Terrorism With Terrorists: Using Former Radicals to Turn Around Militants in the Making Is Showing Remarkable Success," *Los Angeles Times*, 6 January 2008, http://www.latimes.com/news/printedition/opinion/la-op-kurlantzick6jan06,1,3891230.story?coll=la-news-comment&ctrack=1&cset=true.

20 The Australian Agency for International Development's (AusAID) program in the Philippines, which is heavily focused on building peace in Mindinao, seeks to promote economic growth, basic education, and national stability and human security. It is working closely with local institutions and faith-based and other nongovernmental organizations (NGOs) to increase the level of participation by men, women, and youth in peace processes and the capacity of institutions in areas affected by the conflict to serve their citizens better by providing basic services. AusAID, "Australia-Philippines Development Assistant Strategy 2007–11," May 2007, http://www.ausaid.gov.au/publications/pdf/philippines_strategy.pdf.

21 For example, the Canadian International Development Agency (CIDA) is working in Indonesia to improve the delivery of basic social services of local government institutions, strengthen the capacity of civil society organizations to voice concerns and hold governments to account, and engage with the Islamic education system in Indonesia to support inclusiveness and improve social cohesion. For additional information on CIDA programs in southeast Asia, see http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/NIC-55151556-QLT.

22 The Japan International Cooperation Agency (JICA) has been supporting legal reform efforts in Vietnam, providing legislative drafting assistance and training to officials in the judicial sector, and building local development mechanisms in Cebu (The Philippines) with strengthened local government administration in partnership with local communities and NGOs for sustainable and effective use of development resources. For additional information on JICA programs in southeast Asia, see http://www.jica.go.jp/english/countries/sea/index.html.

23 For example, U.S. Agency for International Development (USAID) programs in Indonesia seek to mitigate social violence and enhance peace-building efforts in conflict-affected areas, including Nanggroe Aceh Darussalam, Papua, the Malukus, and Central Sulawesi. It supports conflict-sensitive approaches to development, technical capacity building, livelihoods development, civil society and academic input in legislative drafting, and transition assistance to conflict-affected persons. In addition, USAID provides technical assistance and training to judges, prosecutors, and staff members at the Constitutional Court and Attorney General's Office with the aim of developing a more effective, professional, transparent, accountable, and independent judicial branch. "USAID/Indonesia: Democracy and Governance," 27 June 2008, http://indonesia.usaid.gov/en/Program.3a.aspx.

24 Among bilateral donors active in southeast Asia, Japan's fiscal year 2007 budget for "Grant Aid for Cooperation on Counter-Terrorism and Security Enforcement" was approximately $66 million. Australia's counterterrorism assistance budget is estimated to be around AU$100 million per annum, with most funds targeted to Southeast Asia. The United States allocated roughly $175 million in 2007 for the Department of State's ATA program, which is only a small slice of U.S. counterterrorism assistance activity. For U.S. figures, see U.S. Government Accountability Office, "Combating Terrorism: State Department's Antiterrorism Program Needs Improved Guidance and More Systematic Assessments of Outcomes," GAO-08-336, February 2008, p. 8, http://www.gao.gov/new.items/d08336.pdf.

25 "Semi-annual Report of the Work of the Counter-Terrorism Executive Directorate (CTED) 1 July–31 December 2007," annex 2 ("Progress and Outcomes of the Facilitation of Technical Assistance by the Counter-Terrorism Committee Executive Directorate [Member States and Subregions] for the Period 2005–2007") (on file with the Center on Global Counterterrorism Cooperation).

26 UN Security Council, *Organizational Plan for the Counter-Terrorism Committee Executive Directorate*, 8 February 2008, S/2008/80, http://www.un.org/Docs/journal/asp/ws.asp?m=S/2008/80.

27 Anton du Plessis, "The Role of the United Nations Office on Drugs and Crime in Building Counter-Terrorism Capacity in Africa," in *Understanding Terrorism in Africa: In Search for an African Voice*, ed. Wafula Okumu and Anneli Botha (Pretoria: Institute for Security Studies, 2007), p. 89.

28 See, e.g., Cabinet Office of the United Kingdom, "The National Security Strategy of the United Kingdom: Security in an Interdependent World," March 2008, http://interactive.cabinetoffice.gov.uk/documents/security/national_security_strategy.pdf.

29 The APEC forum's 21 member economies are Australia; Brunei Darussalam; Canada; Chile; People's Republic of China; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; The Republic of the Philippines; The Russian Federation; Singapore; Chinese Taipei; Thailand; United States of America; and Viet Nam.

30 "Statement of the Chair" (meeting of APEC Ministers Responsible for Trade, Ho Chi Minh City, 1–2 June 2006), http://www.apec.org/content/apec/ministerial_statements/sectoral_ministerial/trade/2006_trade.html.

31 ASEAN member states are Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

32 These "Partnerships with Dialogue Partners" have led to capacity-building initiatives including support for law enforcement training and assistance for transport security from Japan, Australia, and other donors.

33 "Expansion of ASEAN-Japan Counterterrorism and Maritime Security Cooperation Vital Contributions to Regional Security—Romulo," 2007 ASEAN-Japan Ministerial Meeting, Philippine Press Release No. 011, 11 January 2007, http://www.dfa.gov.ph/asean/philpr/philpr11.pdf.

34 "Plan of Action to Implement the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership," http://www.aseansec.org/21122.pdf.

35 ASEAN, "ASEAN Convention on Counter Terrorism," art. VI.1.e, http://www.aseansec.org/19250.htm.

36 ASEAN Regional Forum (ARF) participants include the 10 ASEAN members and Australia, Bangladesh, Canada, the People's Republic of China, East Timor, the European Union, India, Japan, Mongolia, New Zealand, North Korea, Pakistan, Papua New Guinea, Russia, South Korea, and the United States.

37 Dominik Heller, "The Relevance of the ASEAN Regional Forum (ARF) for Regional Security in the Asia-Pacific," *Contemporary Southeast Asia* 27, no. 1 (April 2005): 126–127.

38 See, e.g., fifth ARF ISM summary report.

39 Ibid.

40 "ASEAN Regional Forum Statement on Promotion of Inter-Civilization Dialogue," Manila, 2 August 2007, http://www.aseanregionalforum.org/PublicLibrary/ARFChairmansStatementsandReports/tabid/66/Default.aspx.

41 The ADB now includes 67 members, of which 48 are from the Asia-Pacific region.

42 Established in June 2004 in cooperation with the APEC forum and with initial contributions from Australia, Japan, and the United States, the Cooperation Fund for Regional Trade and Financial Security Initiative focused on regional AML/CFT capacity-building activities and support for border security enhancements, including airports, cargo ports, and containers, and customs modernization efforts of its developing member countries. The ADB also undertakes technical assistance covering anti–money laundering separately and as part of its general governance and capacity building for the financial sectors of its developing member countries.

43 The following countries and organizations were represented at the initial meeting and have participated in the process: Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, Fiji, France, Germany, India, Indonesia, Italy, Japan, Laos, Malaysia, Myanmar, the Netherlands, New Zealand, Papua New Guinea, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Thailand, Timor-Leste, the United Kingdom, the United States of America, Vietnam, the European Union, the United Nations, ASEAN, the Pacific Islands Forum Secretariat, the APEC Secretariat, the APG Secretariat, and Interpol. Department of Foreign Affairs and Trade, Australian Government, "Bali Counter-Terrorism Process," http://www.dfat.gov.au/icat/2004_conference/index.html.

44 Ministry of Foreign Affairs of Japan, "Bali Counter-Terrorism Process."

45 Ibid.

46 March 2007 Counter-Terrorism Conference Co-Chairs' Statement.

47 The "+3" participants are China, Japan, and the Republic of Korea.

48 European Commission personnel, e-mail communication with authors, 30 April 2008.

49 Participants in ReCAAP include the ASEAN countries and Bangladesh, People's Republic of China, India, Japan, the Republic of Korea, and Sri Lanka.

50   UN General Assembly Resolution 60/288.

51   At $7.7 million, TPB's 2007 budget exceeds that of the CTED, although all but $1 million comes from voluntary contributions.

52   See UN Office on Drugs and Crime (UNODC) Terrorism Prevention Branch (TPB), "Delivering Counter-Terrorism Assistance," March 2008 (on file with the Center on Global Counterterrorism Cooperation).

53   The current ratification status of ASEAN countries is Brunei Darussalam (10), Cambodia (11), Indonesia (6), Laos People's Democratic Republic (7), Malaysia (9), Myanmar (11), the Philippines (12), Singapore (7), Thailand (9), and Vietnam (8). "Background Paper Prepared by UNODC/TPB for the Fourth Workshop in the International Process on 17–18 June 2008" (on file with the Center on Global Counterterrorism Cooperation).

54   UN Economic and Social Council (ECOSOC), *International Cooperation in Combating International Organized Crime and Corruption: Report of the Secretary-General*, E/CN.15/2008/4, 22 February 2008, para. 7.

55   ECOSOC, *Assistance in Implementing the Universal Conventions and Protocols Related to Terrorism: Report of the Secretary-General*, E/CN.15/2008/5, 2008.

56   The member jurisdictions of the APG are Afghanistan; Australia; Bangladesh; Brunei Darussalam; Cambodia; Canada; Chinese Taipei; Cook Islands; Fiji Islands; Hong Kong, China; India; Indonesia; Japan; Lao People's Democratic Republic; Macao; Malaysia; Marshall Islands; Mongolia; Myanmar; Nauru; Nepal; New Zealand; Niue; Pakistan; Palau; the Philippines; the Republic of Korea; Samoa; Singapore; Solomon Islands; Sri Lanka; Thailand; Tonga; United States of America; Vanuatu; and Vietnam. In addition, there are six observer jurisdictions (France, Kiribati, Maldives, Papua New Guinea, Timor-Leste, and the United Kingdom) and a number of observer organizations, including the other FATF-style regional bodies, Interpol, UNODC, the Commonwealth Secretariat, ASEAN, the APEC forum, and the ADB.

57   ECOSOC, *Assistance in Implementing the Universal Conventions and Protocols Related to Terrorism*, para. 28.

58   Marc Sageman, "The Next Generation of Terror," *Foreign Policy*, March/April 2008.

59   Ministry of Foreign Affairs of Denmark, "Countering Radicalisation Through Development Assistance: A Country Assessment Tool," March 2007, http://www.um.dk/NR/rdonlyres/2E032131-AC5A-43A6-B238-3F8328DF3859/0/CountryAssessmentTool.pdf.

60   Ibid.

61   For information on UNESCO's Institutes and Centres for Education, see http://portal.unesco.org/education/en/ev.php-URL_ID=23148&URL_DO=DO_TOPIC&URL_SECTION=201.html.

62   "Indonesia-UNESCO Country Programming Document 2008–2011," JAK/2007/PI/H/3, http://unesdoc.unesco.org/images/0015/001547/154799E.pdf.

63   See information regarding UNESCO's work in the Philippines, see http://portal.unesco.org/geography/en/ev.php-URL_ID=2421&URL_DO=DO_TOPIC&URL_SECTION=201.html.

64   Office of the UN High Commissioner for Human Rights (OHCHR), "OHCHR – Southeast Asia Regional Office (2008–2009): Human Rights Context," http://www.ohchr.org/EN/countries/AsiaRegion/Pages/SouthEastAsiaSummary0809.aspx.

65   UN Development Programme (UNDP), "Democratic Governance Group – Annual Report 2007," p. 5, http://content.undp.org/go/cms-service/stream/asset/?asset_id=1547890.

66   Ibid.

67   For more information on UNDP's programs in Southeast Asia, see http://www.undp.org/asia/.

68   OHCHR, "Human Rights, Terrorism and Counter-Terrorism," *Fact Sheet* no. 32 (2008), pp. 1, 31–32, http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf.