

An
Action Agenda

For Enhancing
the United Nations
Program on Counter-Terrorism

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The Counter-Terrorism Evaluation Project is a joint research program of the Fourth Freedom Forum and the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame.

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Acronyms

APG	Asia/Pacific Group Against Money Laundering
CFATF	Caribbean Financial Action Task Force
CFT	Countering the Financing of Terrorism
CITCE	Inter-American Committee Against Terrorism of the OAS
CT	Counter-Terrorism
CTAG	Counter-Terrorism Action Group
CTC	United Nations Counter-Terrorism Committee
CTED	Counter-Terrorism Executive Directorate
ECOSOC	Economic and Social Council
ESAAMLG	Eastern and Southern African Anti-Money Laundering Group
EU	European Union
FATF	Financial Action Task Force
FSRBs	FATF-Style Regional Bodies
GAFISUD	Financial Action Task Force of South America Against Money Laundering
GIABA	Inter-Governmental Action Group against Money Laundering
IAEA	International Atomic Energy Agency
IMF	International Monetary Fund
MANPADS	Man-Portable Air Defense Systems
MENA	Middle East and North Africa Region
OAS	Organization of American States
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
SAFTI	Secure and Facilitated International Travel Initiative
UNDP	United Nations Development Programme
UNMIK	United Nations Interim Administration Mission in Kosovo
UNODC	United Nations Office on Drugs and Crime
UNODC/TPB	United Nations Office on Drugs and Crime/Terrorism Prevention Branch

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About the Project

The Counter-Terrorism Evaluation Project is a joint research program of the Fourth Freedom Forum and the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame. The project evaluates the activities of the UN Counter-Terrorism Committee (CTC) and develops proposals for how to enhance the capacity of the Committee and the newly created Counter-Terrorism Executive Directorate (CTED).

Scope

The project examines how the CTC and the CTED can more effectively implement the mandates of Security Council Resolutions 1373, 1377, 1456, 1535, and other relevant measures. (See Appendix for a listing of Security Council counter-terrorism resolutions.) The project addresses the following specific research topics: financial asset controls; technical assistance to enhance member state implementation capacity; international, regional, and subregional coordination; linkages between counter-terrorism assistance and development aid; and the need to respect human rights while implementing counter-terrorism mandates.

Methodology and sources

The information in this report is based on interviews with policymakers and experts and data collected from official documents generated by the UN, regional organizations, and national governments. It also draws from unofficial sources, including reports from the media and nongovernmental groups. During the past year the project has conducted more than fifty interviews with governmental and nongovernmental experts. Those interviewed include permanent representatives and officials of Security Council member states and other UN member states with key regional experience; the past and present chairs of the CTC and their staff; CTC expert advisors; members of the UN Secretariat; international academic experts; and relevant analysts from international organizations and regional and subregional organizations such as the International Atomic Energy Agency (IAEA), the World Bank, the International Monetary Fund (IMF), the Financial Action Task Force (FATF), the European Union (EU), the G-8, and the Organization of American States' (OAS) Inter-American Committee Against Terrorism (CITCE).

In April 2004 the project convened a two-day seminar in Copenhagen hosted by the Royal Danish Ministry of Foreign Affairs. The meetings brought together leading counter-terrorism experts from around the world to confer with Danish colleagues in developing specific policy options for enhancing the work of the CTC. The discussions at the Copenhagen meeting and at other informal sessions have helped to inform the findings and recommendations contained in this report.

Acknowledgements

The project gratefully acknowledges the generous financial support of the Royal Danish Ministry for International Affairs and the United States Institute of Peace which supported this work. We benefited from the research assistance of Benjamin Rooney and Oldrich Bures at the Sanctions and Security Project of the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame. Gerard F. Powers, director of policy studies at the Kroc Institute, reviewed the manuscript. We received research and editing contributions from Lynn Erskine and Matt Martin of the Fourth Freedom Forum Washington D.C. office. We thank the student members of the Counter-Terrorism Research Seminar at the University of Notre Dame, spring 2004, for contributing valuable research and writing on UN counter-terrorism issues. Jennifer Glick, Ann Pedler, and Ruth Miller of the Fourth Freedom Forum contributed important administrative and production support for the project.

We are grateful to those who read and commented upon earlier drafts of this report, including Pernille Dahler Kardel of the Danish mission to the UN; Eric Rosand of the U.S. mission to the UN; Richard Barrett of the UN Security Council Analytical Support and Sanctions Monitoring Team; former deputy assistant secretary of state Ted McNamara; Edward Luck of Columbia University; Chantal de Jonge Oudraat of Johns Hopkins University; Thomas Biersteker at the Thomas J. Watson Jr. Institute for International Studies at Brown University; Steven Monblatt of the Organization of American States' Inter-American Committee Against Terrorism; and Curtis Ward, Andras Vámos-Goldman, and Helene Seligman of the Counter-Terrorism Committee staff.

We received encouragement and support for this project from officials of various UN Security Council member states and UN staff officers. We are especially grateful to Jeremy Greenstock, former permanent representative of the UK to the UN and the first chair of the CTC, who initially encouraged this assessment effort. We received invaluable advice and guidance from Greenstock's senior aide, Anna Clunes, in her former position as first secretary of the UK Mission to the UN. We also met with and received encouragement from Inocencio Arias, former permanent representative of Spain to the UN and the second chair of the CTC, and from his senior aide Gonzalo Quintero Saravia.

The project met with and received encouragement from Ambassador Javier Rupérez, Counter-Terrorism Executive Director; Lars Adam Rehof of the Danish Foreign Ministry; Alexander Konuzin and Sergei Karev of the Russian Mission to the UN; Jean-Luc Florent, Counsellor, of the French Mission to the UN; Michael Bliss and Bassim Blazey of the Australian Mission to the UN; Lee Feinstein of the Council on Foreign Relations; Hiroshi Tajima of the Japanese Mission to the UN; Joseph Stephanides and Alec Martinovic of the UN Department of Political Affairs; Joseph Halligan of the World Bank; Barry Johnson of the International Monetary Fund; Jimmy Gurule of the University of Notre Dame Law School, formerly under secretary for enforcement at the U.S. Department of the Treasury; Patricia Holland of the European Commission; Vincent Schmoll of the Financial Action Task Force; and Steven Simon of the RAND Corporation.

We are grateful to the participants in the April 2004 Copenhagen seminar who provided analyses of current UN counter-terrorism efforts and offered policy suggestions that helped to inform the findings and recommendations of this report. We specifically thank: Eugenio Curia of the Ministry of Foreign Affairs, International Trade and Worship, Argentina; Lars Erslev Andersen of the Danish Institute for Humanities; E.J. Flynn of the Office of the High Commissioner for Human Rights; Peter Gastrow of the Institute for Security Studies, South Africa; Walter Gehr of the UN Office on Drugs and Crime; Judge Hesham Fathi Ragab, General Department of Legislation, Egypt; Harjit Sandhu of the Action Against Terrorism Unit, OSCE; Karin von Hippel, King's College London; and Joanna Weschler of Human Rights Watch.

We are also grateful to officials in the Danish Ministry of Foreign Affairs who participated in and helped organize the Copenhagen seminar and who assisted this project in numerous ways, including Peter Tascøe-Jensen, Head of the Department of Public and International Law of the Danish Foreign Ministry; along with Charlotte Laursen, and Anne Ehrenreich.

Executive Summary

This report provides an independent assessment of the United Nations Counter-Terrorism Committee (CTC). It coincides with the “revitalization” process in the CTC following adoption of Security Council Resolution 1535 (2004) that led to the creation of the Counter-Terrorism Executive Directorate (CTED). The following findings and recommendations reflect the project’s intended goal of ensuring that changes to the CTC support structure are undertaken in a manner that strengthens the successful elements of the committee’s work to date, while effectively meeting the challenges ahead.

Summary of Findings

Record of Accomplishment: The CTC has a record of considerable accomplishment in promoting international counter-terrorism cooperation. It has played a role in creating and sustaining international momentum to strengthen counter-terrorism efforts and has established legitimacy and political authority for the global counter-terrorism effort. The CTC has facilitated levels of member state compliance with counter-terrorism reporting requests that are far greater than for any previous Security Council mandate.

Capabilities and Compliance Assessments: The continuous exchange of information between CTC staff and state officials has created a large amount of data on counter-terrorism capacity among states and has facilitated efforts to provide technical assistance. The CTC has developed informal standards for evaluating compliance, but to date no official criteria exist for assessing capabilities and compliance. Creating formal criteria will enable the CTC and assistance providers to prioritize technical assistance and regional coordination efforts and thereby enhance overall counter-terrorism compliance. The task of assessing capabilities and evaluating compliance will be most effective if it is a collaborative process in which member states, regional organizations, and international agencies work together to develop agreed guidelines and compliance standards.

Technical Assistance: Many nations need technical assistance and financial and institutional support to comply fully with the requirements of Security Council Resolution 1373 (2001). This assistance involves the drafting of appropriate legislation, support for the creation of administrative capacity, and help with the purchase and operation of technical monitoring equipment. The CTC has helped to facilitate substantial levels of technical assistance by various international agencies and donor states, but the demand for assistance is outpacing supply. Several donor nations want to provide assistance, but they have not received sufficient information about which nations require it and which nations and agencies are already providing it. Some donor nations have indicated a desire to provide needed assistance but lack the human resources or expertise to assess assistance needs and assure the delivery of requested help. Some officials have discussed the creation of a trust fund to facilitate the efforts of states wishing to provide assistance and to help developing states meet the costs of counter-terrorism compliance.

Cooperation and Coordination: The CTC has helped to facilitate semiannual meetings of regional and subregional organizations and functional international agencies to share information about counter-terrorism activity. Several international agencies and regional organizations have made important progress in working with the CTC to develop capacity-building programs to enhance counter-terrorism compliance. Some of the regions most affected by terrorism, however, are not yet sufficiently served by multilaterally coordinated antiterror instruments. Some agencies and committees within the UN system that perform functions relevant to the work of the CTC have been slow to coordinate their activities and share information with the committee.

Human Rights: Protecting human rights and strengthening democracy are essential to the fight against terrorism and preventing the spread of political extremism. Following passage of Security Council Resolution 1456 (2003), the CTC has included language in letters to states reminding them of the need to implement counter-terrorism measures in accordance with international human rights, refugee, and humanitarian law.

Communication: The CTC has not effectively communicated its mission. It has increased awareness of UN counter-terrorism programs among some government officials and a small number of experts, but many UN member states are not kept up-to-date on developments. The vast majority of the world's informed public remains unaware of the committee's efforts.

Summary of Recommendations

1. Establish Standards and Priorities for Compliance. Create criteria for implementation as a prerequisite of compliance and establish priorities for technical assistance and regional coordination. Utilize the criteria of existing international agencies to create compliance guidelines. Cooperate with states, regional organizations, and international agencies to create the proposed assessment criteria and support states as they move through various stages toward achieving compliance.

2. Facilitate Coordinated Delivery of Technical Assistance. Recommend joint assessment missions, facilitate greater cooperation among assistance providers, encourage recipients to create interministerial committees, promote the integration of technical assistance and development aid programs, and establish a technical assistance trust fund.

3. Improve International Cooperation. Enhance coordination within the UN system, designate CTED staff contacts for liaison with regional organizations and international agencies, and enhance coordination with major international agencies outside the UN.

4. Enhance Public Communications. Publish the CTC matrix as a database. Provide summaries of country reports and best practices. Produce thematic reports that offer concrete examples of success stories. Expand the number of publications available in other UN languages.

5. Uphold Human Rights. Cooperate with the Office of the UN High Commissioner for Human Rights and continue to encourage compliance with Resolution 1456.



Reaffirming its unequivocal condemnation of the terrorist acts that took place on 11 September 2001, the United Nations Security Council unanimously adopted a wide-ranging and unprecedented antiterrorism mandate, resolution, 1373. (UN/DPI photo, UNE 536).

From CTC to CTED

Since the adoption of Resolution 1373 in September 2001, the CTC has played the leading role in promoting international cooperation to combat terrorism. Resolution 1373 imposed sweeping legal obligations on UN member states.¹ It created an unprecedented campaign of nonmilitary, cooperative law enforcement measures to combat global terrorist threats. The resolution required every country to freeze the financial assets of terrorists and their supporters, deny travel or safe haven for terrorists, prevent terrorist recruitment and weapons supply, and cooperate with other countries in information sharing and criminal prosecution.² Member states were directed to afford one another the greatest measure of assistance in tracking terrorists and investigating terrorist acts. They were urged to intensify and facilitate the exchange of information on matters related to travel, communications, and arms trafficking among terrorists. The resolution created the Counter-Terrorism Committee to monitor compliance and aid states requesting technical assistance, and it called upon member states to report to the CTC on their efforts to implement the new counter-terrorism mandates.

The CTC functions as a committee consisting of all fifteen members of the Security Council. It has received priority attention and resources as the “center of global efforts to fight terrorism.”³ The goal of the CTC is to strengthen the counter-terrorism capacity of UN member states and “raise the average level of government performance against

terrorism across the globe.”⁴ The CTC has served as a “switchboard,” matching countries in need of assistance with those capable of providing such support.⁵ The committee has operated with unique openness and transparency. It has developed and is continually improving an extensive website reporting on CTC activities. It also brokers assistance efforts and offers services to member states and regional organizations.⁶ The committee has established working relationships with a range of international, regional, and sub-regional organizations within and beyond the UN system.

To date the CTC has relied mainly on information from reports by individual countries to determine states’ legislative capacity for implementing counter-terrorism mandates, the competence of their courts and administrative systems, their ability to implement financial controls, and their capacity to impose restrictions on the travel and recruitment of terrorists. By the end of 2003 the process of reviewing written reports from member states was widely perceived by the committee and other experts to have reached the limits of its usefulness. A consensus emerged that the committee was nearing the completion of this first phase of activity and that a transition was needed to a second phase. That next phase would concentrate more extensively on assessing the needs of member states and the extent to which they were implementing Resolution 1373 on the ground. It would focus on strengthening coordination among international, regional, and sub-regional organizations. Improvements were also needed in the evaluation of member state capabilities so that the CTC could better facilitate the provision of technical assistance to countries in need of help. These considerations prompted efforts to “revitalize” the staff structure of the CTC. The chair of the CTC recommended steps for enhancing the committee’s organizational capacity.⁷ This led to the adoption of Resolution 1535 in March 2004.

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With the passage of Resolution 1535, the Security Council created the CTED, which expands and reorganizes the committee’s professional staffing and enhances its capacity to support member state implementation. The CTED is allotted a professional staff of twenty people with expertise in all areas within the committee’s competence.⁸ Resolution 1535 mandated that the CTED Executive Director be appointed within forty-five days and that an organizational plan be submitted within thirty days. In June 2004, Spain’s ambassador to the United States Javier Rupérez was appointed to serve as CTED Executive Director. In July 2004, an organizational plan for the CTC Executive Directorate was submitted to the Secretary-General. Endorsed by the CTC in August 2004, the organizational plan covered the CTED’s management structure, staffing, responsibilities, and budget.

The creation of the CTED places greater responsibility on the CTC to meet the higher expectations that come with a larger staff and additional resources. Building a more effective UN counter-terrorism effort requires more than a larger staff, however. It also requires more effective strategies and programs. The new Executive Directorate is tasked with meeting these challenges

by enhancing the capacity of the CTC to facilitate coordination among international, regional, and subregional organizations, and to broker assistance to states needing help to implement Resolution 1373.

This report is intended to facilitate the development of the organizational program and the implementation of a substantive agenda for the CTED as it takes shape in the months ahead. The report provides an independent assessment of the “revitalization” process that led to the creation of the CTED and offers recommendations for ensuring that changes to the CTC support structure are undertaken in a manner that strengthens the successful elements of the committee’s work to date, while effectively meeting the challenges ahead.

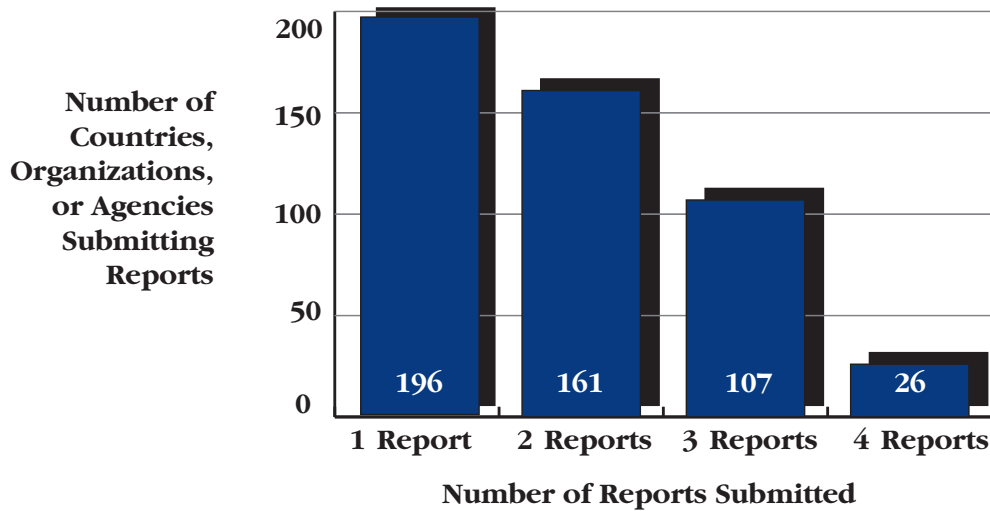
Measuring Progress

After nearly three years of operation, the CTC has a record of considerable accomplishment in promoting international counter-terrorism cooperation. It has raised the international community’s awareness of complex issues surrounding global terrorist networks, and it has promoted the creation of specialized systems for coordinating global efforts to combat terrorist threats. The cooperative approach embodied in the UN counter-terrorism program has helped to develop and strengthen international norms. The CTC has played a role in creating and sustaining international momentum to strengthen counter-terrorism efforts. Acting under Chapter VII of the UN Charter, the CTC has helped to establish political and legal authority for the global counter-terrorism effort. As a committee of the Security Council, the CTC can go to the council, if it so chooses, to suggest collective action. If action becomes necessary, however, such political decisions belong to the Security Council, not the CTC.

The committee’s efforts to collect information from member states on counter-terrorism capacity and implementation have been highly successful. Member state compliance with CTC reporting requests has been far greater than for any previous Security Council mandate. All 191 UN member states submitted first-round reports to the CTC explaining their efforts to comply with Resolution 1373.⁹ The committee’s experts responded to these reports by requesting clarifications and additional information. One hundred and sixty-one states submitted second-round reports as of April 2004. Additional rounds of information requests have also received positive member state attention. In total, the CTC has received more than 550 reports from states, making it the repository of what one observer termed “probably the largest body of information about worldwide counterterrorism capacity.”¹⁰ The high levels of member state response to CTC requests confirm the importance many states attach to compliance with the UN counter-terrorism program. The reports indicate that many states are taking concrete steps to revise their laws and enhance their enforcement capacity for compliance with UN counter-terrorism mandates. (See graph 1).

Despite the vast amount of counter-terrorism activity now under way in the UN system, formal standards for evaluating state capacity and performance do not exist. There are no agreed criteria for evaluating implementation capabilities, or deciding what additional steps a state should take to achieve compliance. Resolution 1373 established legal requirements for compliance with specific mandates (such as blocking terrorist finances), but these requirements, and those in the various UN counter-terrorism conventions, have not been translated into officially accepted operational standards. The lack of

Graph 1: Reports Submitted to the UN Counter-Terrorism Committee¹¹

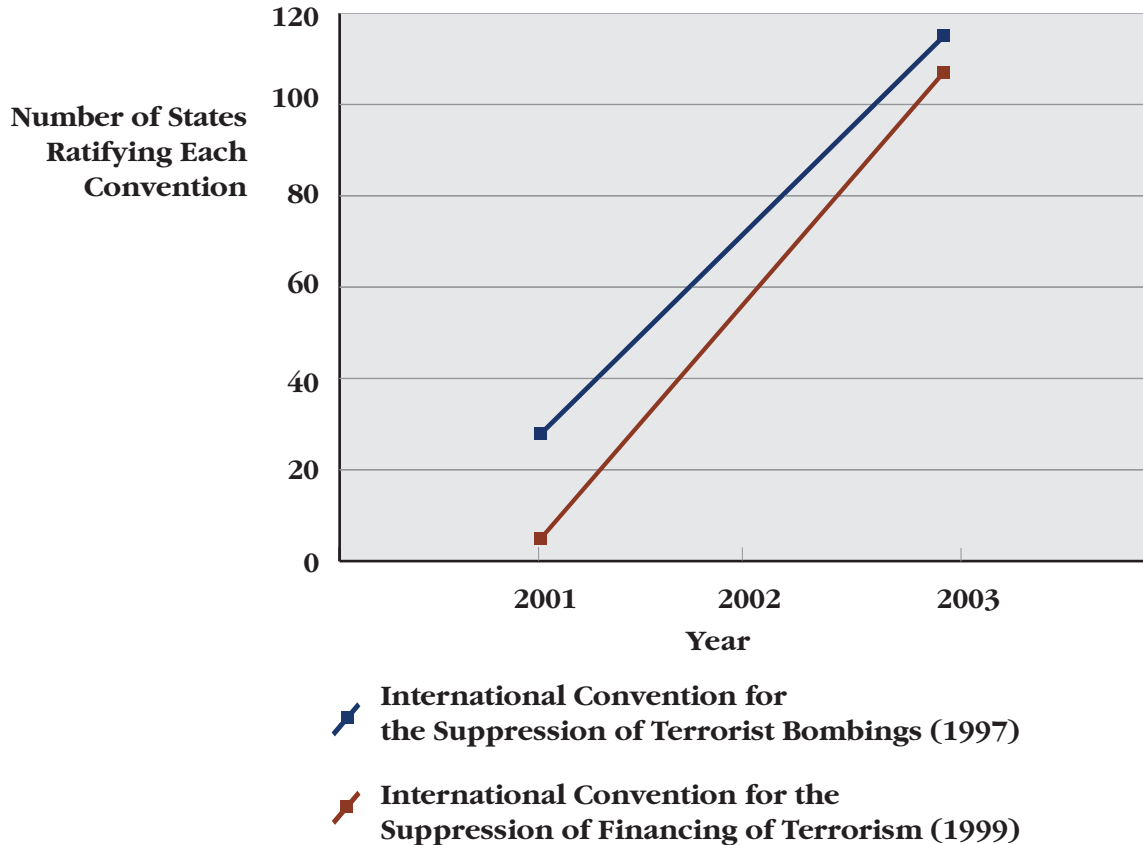


such criteria has made it difficult for the CTC to determine the overall progress of UN counter-terrorism efforts.

Nonetheless, some measures of progress toward counter-terrorism compliance are available. One of the most objective and reliable indicators is the increase in the number of states joining the twelve UN counter-terrorism conventions. These conventions provide a basis for nations to cooperate in preventing terrorist financing and carrying out joint law enforcement and intelligence efforts against terrorist bombings. They also establish the legal foundation for states to harmonize criminal justice standards and negotiate mutual legal assistance agreements. The most important of these legal agreements are the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999). Both have witnessed a sharp rise in the rate of ratification since September 2001. The increase in support for the ten other UN conventions has been less dramatic, in part because several of these agreements, such as the conventions on air safety, already had broad support before September 2001. Conventions that address specific areas of terrorist activity (preventing and punishing crimes against internationally protected persons, measures against taking hostages, protecting nuclear materials, and marking plastic explosives) have had a 20 to 40 percent increase in the rate of ratification since September 2001.

The increased rate of ratification of the two main conventions has been extraordinary. In the first four years after the opening of the convention on terrorist bombings, only twenty-eight states ratified the agreement. After September 2001, an additional eighty-seven states ratified the convention, bringing the total to 115 as of May 2004. In the first two years of the convention on terrorist financing, only five states ratified the agreement, but since September 2001 102 additional nations have ratified. These results show that the United Nations has been successful in mobilizing the international community, in most

Graph 2: Increased Rate of Ratification of Counter-Terrorism Conventions



regions of the world, to create a legal foundation for institutionalizing the battle against terrorism. The ratification totals are summarized in graph 2.

Evaluating whether states are actually implementing these conventions and complying with the requirements of Resolution 1373 is a difficult challenge. The CTC has not yet attempted such an effort, but in 2003 one of its staff experts conducted an informal analysis to gain an overall picture of international compliance. The expert evaluated member states according to four criteria:

1. The existence of legislative authority for freezing terrorist finances and cooperating with international law enforcement efforts;
2. The administrative capacity to enforce various counter-terrorism mandates;
3. The presence of a policy and regulatory framework for prioritizing counter-terrorism across a range of government institutions and programs; and
4. Participation in international counter-terrorism conventions and institutions.

Utilizing these criteria as the standard of measurement, it is possible to develop a preliminary typology of differing levels of member state compliance.¹² As of the fall of 2003 approximately thirty countries were considered to have achieved a considerable degree of

compliance with Resolution 1373. These countries, including most of the industrialized nations, have the legal foundation, administrative capacity, and regulatory basis for counter-terrorist finances, travel, recruitment, and supply. They have joined the major counter-terrorism conventions and participate fully in international programs and institutions. Even within this category, however, inadequacies exist. In the United States, for example, lax gun controls make it too easy for criminals and potential terrorists to acquire firearms. London, Zurich, and other financial centers do not yet have adequate means of preventing some illegal financial transfers.

Approximately sixty states were judged by the expert to be in transition, moving gradually into compliance. These countries lack adequate legal and administrative mechanisms to combat terrorism, but they are in the process of introducing legislation and creating administrative and regulatory capacity. In some of these countries, the proposed legislative changes are highly technical and politically sensitive. It will take additional time and sustained commitment on the part of these governments to reach full compliance.

The largest group of states, about seventy in all, was categorized by the expert as willing but unable. These are countries that generally support CTC efforts but face a range of difficulties that prevent full compliance. Some countries are experiencing civil conflict and must first restore basic security and the rule of law before they can address international counter-terrorism mandates. Others face extreme poverty and social hardship and need assistance to determine and address urgent counter-terrorism concerns in coordination with the provision of basic economic development aid. Several countries lack sufficient legal and administrative systems and are seeking technical assistance to develop minimum implementation capacities.

A final group of approximately twenty states was described as inactive. These are countries that are materially able to comply but that for a variety of reasons have chosen not to do so. They do not have adequate legislation, administrative capacity, or regulatory frameworks. They have not ratified the counter-terrorism conventions and do not assist other states in cooperative law enforcement efforts. Some of these countries are on the front lines of the battle against terrorism, and their inaction weakens the overall UN effort.

The legal expert performing the informal analysis of member state compliance also evaluated the performance of regional organizations. Overall coordination among regional organizations has improved, but some regions continue to lag behind. More economically developed regions have higher levels of counter-terrorism capability than less developed regions. In Europe, the Americas, and the Asia Pacific region, counter-terrorism coverage is extensive, as reflected by ratification of international agreements and the development of a considerable organizational infrastructure. Other regions are less well covered and were described by the expert as a “legal no-man’s land.” These regions, including West Asia and parts of Africa, lack sufficient antiterrorist capability and have lower ratification rates for counter-terrorism conventions. The regional and subregional organizations in these areas also lack sufficient organizational infrastructure to fully address UN counter-terrorism mandates.

Complementing all this activity—the reporting of states, the ratification of conventions, the categorization of responses, improved regional coordination—is a steadily increasing level of international cooperation in the counter-terrorism campaign. A majority of UN member states are now working together to coordinate international law enforcement efforts, and to deny financing, safe haven, and travel for Al-Qaida and Al-Qaida-related terrorist networks.

Complementing all this activity—the reporting of states, the ratification of conventions, the categorization of responses, improved regional coordination—is a steadily increasing level of international cooperation in the counter-terrorism campaign. A majority of UN member states are now working together to coordinate international law enforcement efforts, and to deny financing, safe haven, and travel for Al-Qaida and Al-Qaida-related terrorist networks. As a result of this multilateral effort, the financial resources available to Al-Qaida may be somewhat reduced, and the operations of the terrorist network have been disrupted. Through the actions of individual countries and international agencies, approximately \$200 million in potential terrorist funding have been frozen.¹³ Through unilateral, bilateral, and multilateral law enforcement efforts, more than 4,000 terrorist suspects, including many senior Al-Qaida operatives, have been taken into custody.¹⁴ Although Al-Qaida remains a dangerous and active terrorist network, and it has received an inadvertent boost in recruits due to increased anti-Americanism following the invasion and occupation of Iraq, the international counter-terrorism program has achieved some success.

Assessing Capabilities and Compliance

The creation and application of evaluation criteria and performance standards are crucial for giving strategic direction to the work of the CTC. Assessment criteria are needed for the committee to prioritize technical assistance and regional coordination efforts and thereby enhance overall counter-terrorism compliance. The first step in developing such criteria is creating an assessment methodology. The UN has established methodologies for evaluating humanitarian needs and meeting other program goals. A methodology is needed in evaluating UN counter-terrorism goals as well. The four criteria listed earlier were the recommendation of a single staff expert and were not fully vetted and agreed by the CTC. Nonetheless, they could serve as an initial basis for creating performance standards. Ideally the required methodology would track the specific requirements of Resolution 1373 (such as criminalizing the funding of terrorism) and identify specific indicators to determine compliance (passage of legislative measures, development of legal

and administrative capacity to freeze terrorist funds, etc.). These indicators could then be incorporated into a formal set of compliance standards that would be approved by the committee.

In its initial operations, the CTC developed an approach to assessing state capacity that divided the various compliance requirements into three stages. In stage A, states were expected to: 1) have legislation in place covering all aspects of Resolution 1373, 2) begin the process of becoming party to the twelve UN counter-terrorism conventions, and 3) establish effective executive machinery for preventing and suppressing terrorist financing. In stage B, states were expected to: 1) have executive

machinery in place covering all aspects of the resolution, 2) have an effective government-wide coordinating mechanism for counter-terrorism activity, and 3) cooperate on the bilateral, regional, and international levels, including sharing information. In stage C, states were expected to utilize the legislation and executive machinery to cooperate with other states to bring terrorists and their supporters to justice.¹⁵

The creation of evaluation criteria would benefit member states and regional organizations as they seek to implement counter-terrorism requirements. The creation of formal standards of compliance would end the current situation in which there is a continuous exchange of information between the CTC and state officials but no clear understanding of when or how the process will be completed. Enabling states to see a light at the end of the tunnel could serve as an incentive to encourage further compliance efforts.

Members of the Security Council stand for a moment of silence in honor of all the victims of 11 September 2001. (UN/DPI Photo #UNE 536. Eskinder Debebe).



The CTC has used these stages of compliance to develop criteria for assessing state capacity. In doing so the committee has borrowed some standards developed by functional international agencies, notably the Financial Action Task Force. In its communications with governments, for example, the committee has noted that implementation of paragraph 1 of Resolution 1373 requires states to have a mechanism in place to register, audit, and monitor the collection and use of funds and other financial resources, including by charitable associations, to ensure that such funds are not diverted to terrorist purposes. The CTC has also urged states to regulate all money and value transfer systems, whether formal or informal, which requires states to license or register all persons involved in such transfers. The CTC has also determined that implementation of paragraph 1 requires financial institutions and other intermediaries to be under legal obligation to identify their clients and report suspicious transactions to a financial intelligence unit or other relevant authorities.¹⁶

These assessment criteria and standards for compliance are contained in CTC letters to member states and in committee discussion papers. They indicate that the CTC has already developed initial methodologies for evaluating state capabilities and needs. As the committee revitalizes its work and seeks to strengthen international compliance, it will be necessary to expand upon this assessment process and develop more formalized evaluation criteria and performance standards.

By providing up-to-date information about states' capabilities and needs, the proposed formal evaluation process would enhance technical assistance efforts. Assessments are necessary for matching states that require assistance with potential donors. The lack of capability assessments is a major limitation in providing such assistance. To date many donor nations and organizations have not been able to obtain enough information from the CTC about which states need the most help and in what areas they need it. Providing this kind of analysis will enable the committee to recommend priorities for the coordinated provision of assistance.

The task of assessing capabilities and judging compliance must be a collaborative process in which member states, regional organizations, and international agencies work together to develop agreed guidelines and compliance standards. The CTC can play a role in coordinating this effort and encouraging states and regional organizations to take ownership of the process. A successful effort requires involvement by the states that will be affected, and a perception among countries and regional organizations that the evaluation criteria are reflective of international consensus. The CTC is the logical body for making such a process possible and for conferring legitimacy and credibility on the resulting assessment and performance standards.

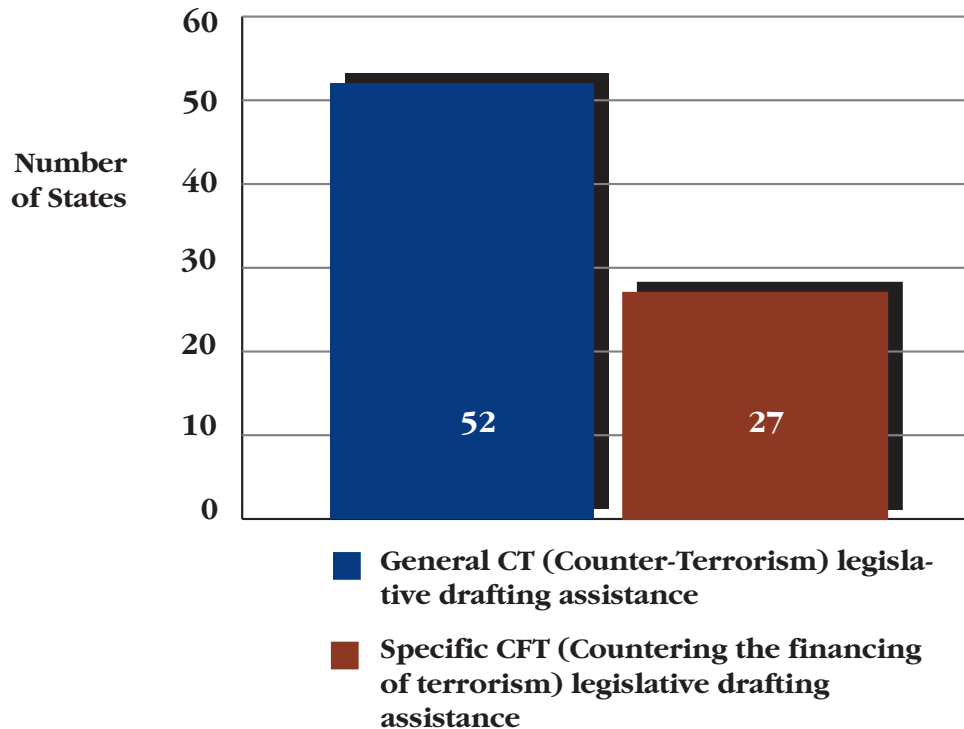
The creation of evaluation criteria would benefit member states and regional organizations as they seek to implement counter-terrorism requirements. The creation of formal standards of compliance would end the current situation in which there is a continuous exchange of information between the CTC and state officials but no clear understanding of when or how the process will be completed. Enabling states to see a light at the end of the tunnel could serve as an incentive to encourage further compliance efforts.

Facilitating Technical Assistance

In November 2001, meeting at the ministerial level, the Security Council adopted Resolution 1377, which encouraged the CTC to work with international, regional, and subregional organizations to explore ways in which states can receive technical, financial, regulatory, legislative, and other assistance to improve implementation of Resolution 1373.¹⁷ The CTC is not an assistance provider, but it has played a role in attempting to facilitate the provision of technical assistance to states that are in need of or request such help. In 2002 the CTC created a “technical assistance team” comprised of two experts to: 1) facilitate the sharing of information on standards, best practices, and sources of technical assistance, 2) encourage donors to respond to assistance requests, 3) address regional and sectoral shortcomings, and 4) encourage capacity building by regional organizations. The task of the CTC assistance program has been to analyze the needs of states and regional organizations in light of the availability of assistance, and to link the two in ways that enhance the ability of all states to implement CTC mandates.¹⁸ The appointed experts have worked with the CTC to assess the needs of states and encourage the provision of assistance. As of 31 March 2004 the assistance team participated in numerous international gatherings and held ninety-nine bilateral meetings with states needing or requesting information.¹⁹ UN counter-terrorism experts have received high marks for the depth of their knowledge of national legislation. One official said “in some cases the CTC experts knew more about our legislation than our own staff did.” The UN Office on Drugs and Crime/Terrorism Prevention Branch (UNODC/TPB) in Vienna has provided valuable assistance in these efforts and has successfully promoted the twelve conventions and national legislative modernization.²⁰

The analysis of the CTC experts confirms that relatively few countries have the extensive legal, administrative, and regulatory capacities needed to freeze financial assets, prevent the travel of designated individuals, deny safe haven to terrorists and their supporters, and suppress the recruitment and military supply of terrorist groups. Many states face deficiencies in their operational and administrative capacity for counter-terrorism compliance. They need improvements in legislation and legal authority, and better administrative machinery and equipment to implement legislative mandates. Many

Graph 3: Counter-Terrorism Legislative Assistance Requests by Category²¹



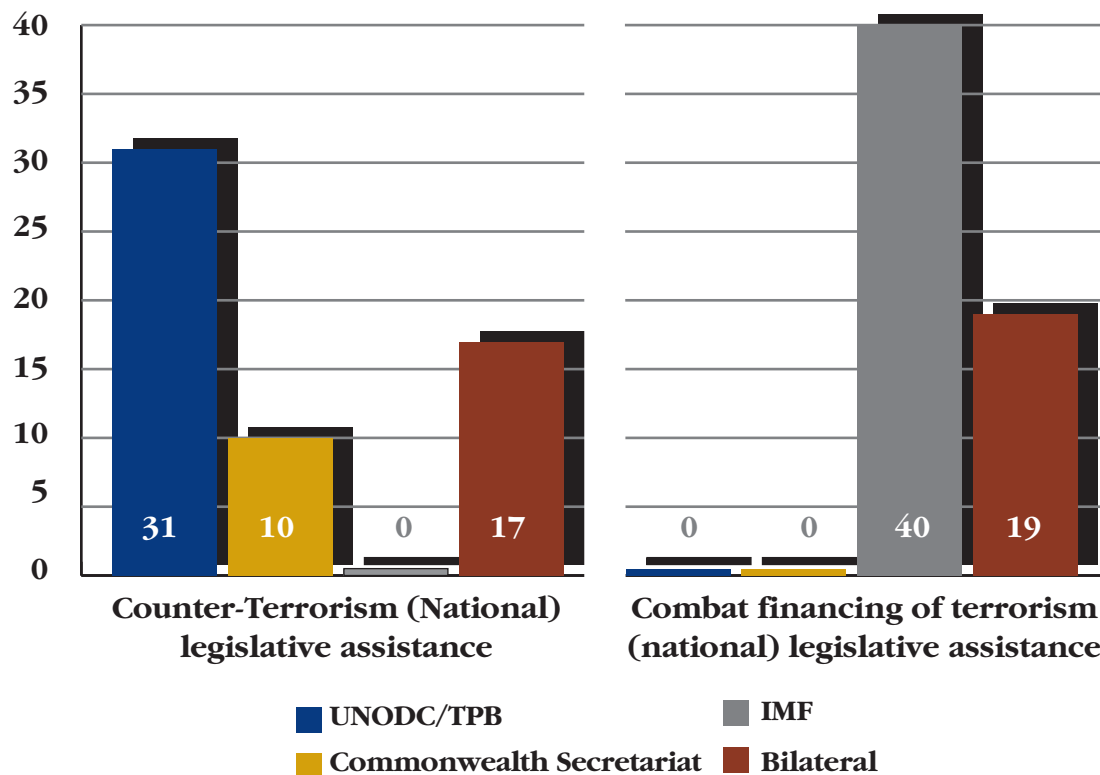
states lack expertise even to determine their deficiencies in implementation capacity, which impedes the motivation to comply.

The CTC has established a database of needed and available assistance. It has asked states needing help to submit requests, and it has asked donor states and agencies to indicate the availability of assistance. There is a directory of assistance and guidance on the CTC website. The CTC's technical assistance team has also produced a matrix, which offers a centralized, comprehensive indication of states' assistance needs, as well as information on any assistance programs being delivered of which the CTC has been made aware.²² The matrix provides a comprehensive inventory of assistance needs from states, along with information on assistance providers. The matrix now extends to eighty-six pages and has become unmanageable as a paper document.²³ In 2003 the CTC technical assistance team discussed the option of establishing an electronic database version of the matrix. This would allow information to be displayed in a more user-friendly format, compartmentalized by country, region, type of assistance, or any other chosen category.

The reports of the CTC technical assistance team suggest that the demand for assistance is outpacing supply. One reason for this is that states have begun to realize the extent of their obligations under Resolution 1373 and have recognized the need for assistance in meeting these obligations. Nearly one hundred countries have expressed an interest in technical assistance from the CTC,²⁴ although the actual number of states needing and receiving assistance is greater than this.

The CTC has collected information on the provision of legislative drafting assistance to states whose legal systems lack sufficient authority for compliance with Resolution 1373.

**Graph 4: Providers of CT and CFT Legislative Drafting Assistance
(as of 31 March 2004)**



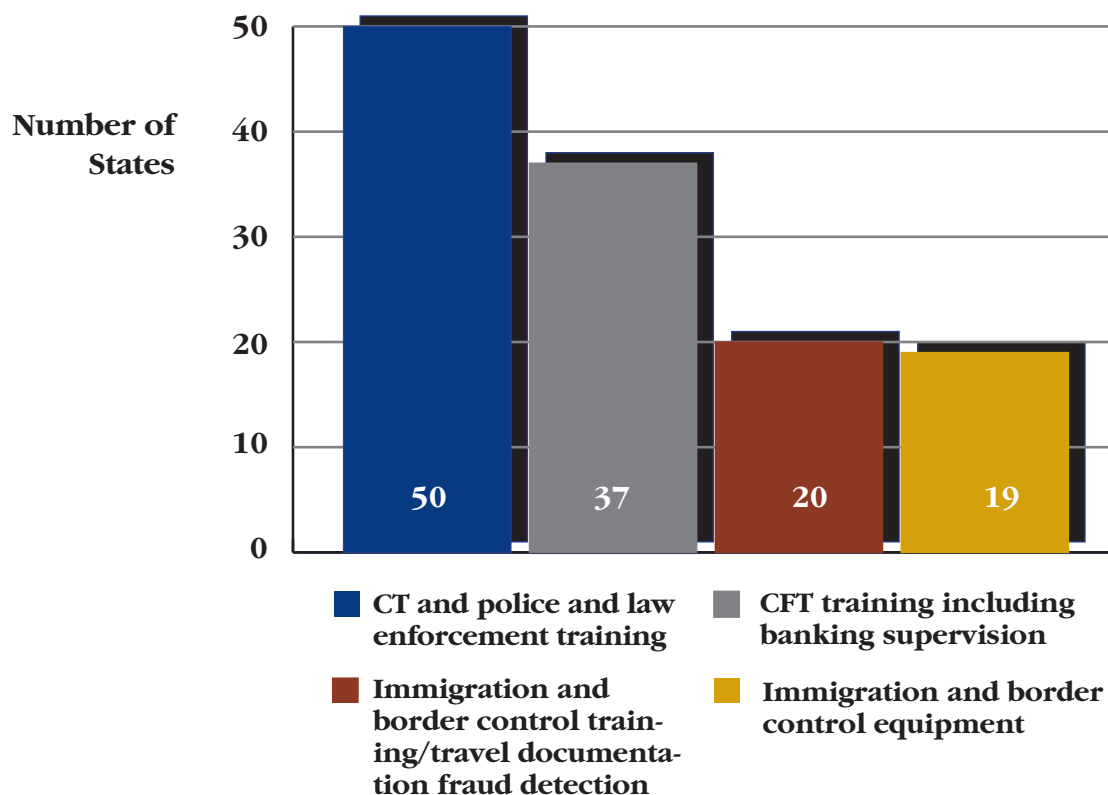
Many states have identified legislative drafting assistance as a priority need. Most of the requests in this area have been for general assistance in crafting counter-terrorism legislation, but many states have also requested special assistance in drafting specific legislation to counter the financing of terrorism. Graph 3 indicates the types of legislative drafting assistance being requested.

The primary international organizations providing legislative drafting assistance have been the UNODC/TPB, the Commonwealth Secretariat, and the IMF. FATF members and a number of donor countries have also provided legislative drafting assistance on a bilateral basis. The UNODC/TPB has been the principal provider of general legislative drafting assistance, while the IMF has been the main source of assistance for drafting legislation to counter the financing of terrorism. The Commonwealth Secretariat designed draft model laws for Common Law countries. The UNODC/TPB has adapted these model laws for use by all UN members, including Civil Law countries and other legal systems.²⁵ (See graph 4).

The CTC has played a role in brokering requests for legislative drafting assistance to the appropriate agencies, and in facilitating agency efforts to provide the requested assistance. The IMF is prohibited from making an offer of assistance through third parties, so the CTC encourages states to approach the IMF directly for help with crafting financial legislation and creating financial intelligence units.

The requirements for implementing Resolution 1373 often involve substantial levels of training, the development of new administrative systems, and the purchase and installation of technically sophisticated equipment. Many states need help to improve policing and law

**Graph 5: Counter-Terrorism Training and Equipment Requests
(as of 31 March 2004)**



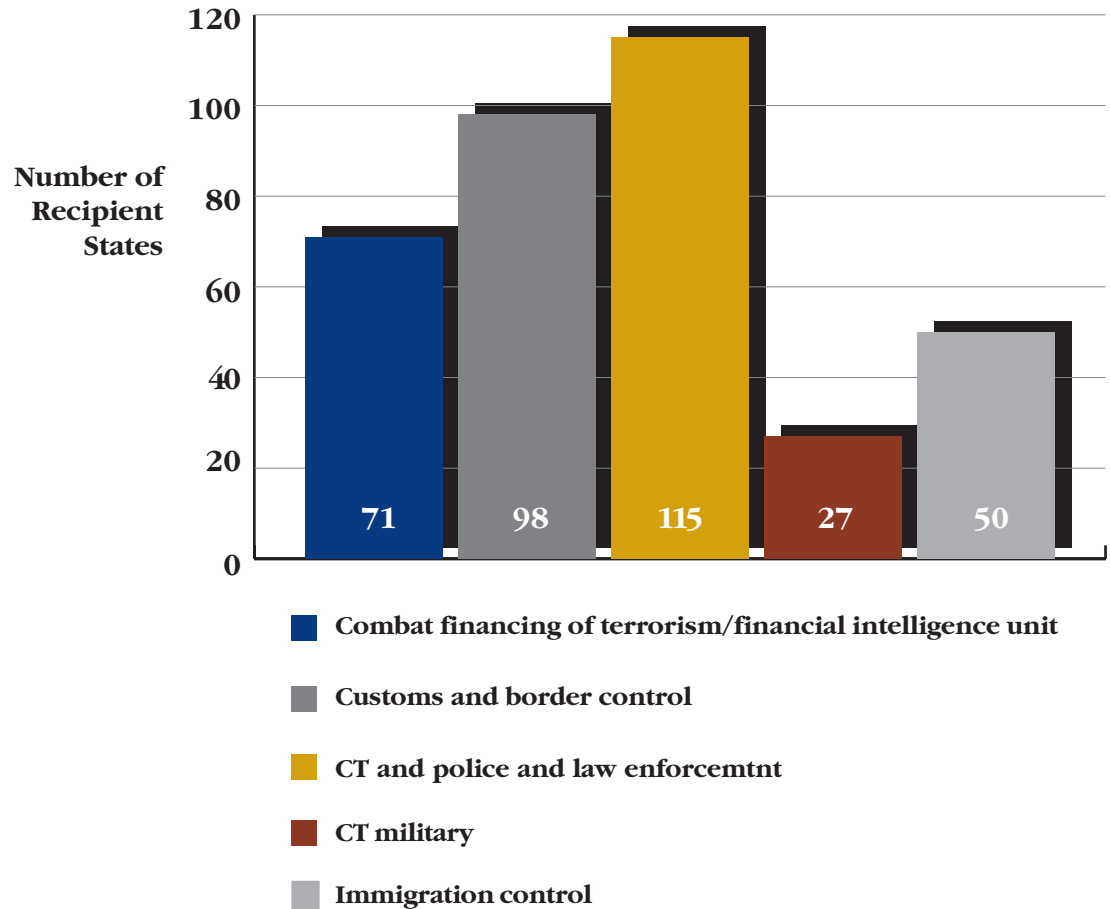
enforcement systems, and to create financial regulatory mechanisms and financial intelligence units. Assistance may also be needed for the development of computerized links among security-related units, improved systems for identifying fraudulent travel documents, better mechanisms for controlling customs and immigration, and computerized equipment to screen passengers and cargo at border entry points. The CTC has received numerous requests for assistance in these areas, as indicated in graph 5.

The provision of nonlegislative technical assistance and training has come primarily from individual donor states. Arrangements have been made bilaterally between donors and countries in need. In some instances the CTC has facilitated these arrangements, but most have developed independently.²⁶ Graph 6 summarizes what is known about the provision of nonlegislative technical training and assistance. Since some states do not report their technical assistance activities to the CTC, the information presented in graph 6 is not complete.

Improving Assistance Efforts

The challenge of providing assistance to states poses a range of organizational and procedural issues. The coordination of technical assistance has been hindered by inadequate information sharing among nations, functional agencies, and regional organizations. The CTC has interacted regularly with UNODC/TPB, the Commonwealth Secretariat, the Organization for Security and Co-operation in Europe (OSCE), and the OAS/CITCE, but communication with other bodies, including the Counter-Terrorism Action Group (CTAG) of the G-8, has been limited.²⁷

Graph 6: Provision of Nonlegislative CT-related Technical Assistance and Training²⁸
(as of 31 March 2004)



Unfortunately, some individual nations engage in bilateral assistance efforts without sharing information with the committee. A lack of actionable information gives the appearance of a wider gap between demand and supply than actually exists. It also makes it difficult for the committee to determine if the diverse assistance efforts are serving the objectives of Resolution 1373. Several donor nations want to provide assistance, but they have not received sufficient information about which nations require it and which nations and agencies are already providing it. Greater coordination and information sharing among all parties is needed to ensure that required assistance is delivered to the countries and regions with the greatest need.

The G-8 Summit in June 2003 established the CTAG to provide and coordinate technical assistance from its member states and a few partner states to countries seeking help in combating terrorism. CTAG was charged with providing help in the critical areas of interdicting terrorist finances, improving customs and immigration controls, restricting illegal arms trafficking, and enhancing police and law enforcement cooperation. Its program on Man-Portable Air Defense Systems (MANPADS) and its Secure and Facilitated International Travel Initiative (SAFTI) are important steps, but the SAFTI does not specify a role for the CTC. Greater coordination would help to ensure that CTAG initiatives have an impact on the UN counter-terrorism program.²⁹ The G-8's "Action Plan to Fight Global Terrorism" focuses to a considerable extent on building capacity and pledges to support the CTC by requesting regional and functional organizations to


become more active in encouraging their states to implement Resolution 1373. The CTAG has been charged with analyzing and prioritizing needs for capacity-building assistance.³⁰ While the CTC technical assistance team has been kept apprised of CTAG capacity-building efforts, overall coordination with regard to technical assistance matters has been inadequate.³¹ The CTAG (like its parent the G-8) is an ad hoc mechanism with no permanent managerial staff. Therefore its efforts will be most effective if they are coordinated with the CTC and the new CTED.

The CTC practice of attempting to link states offering assistance with those making requests has been helpful in the past, but more proactive arrangements are needed in the future to meet the wide-ranging requests of dozens of countries. The CTC has been largely reactive to date, relying primarily on the written reports of states to assess capacity and needs. With the adoption of Resolution 1535, the Security Council has recognized the need for site visits, with the prior approval of states in question, to supplement the information provided in reports and to monitor implementation.

Site visits should be coordinated through the CTC and with other engaged regional and functional organizations to avoid “assessment fatigue.” In some instances individual donors and international agencies have conducted separate assessment missions on similar matters to the same countries and regions. These have placed undue burdens on less developed recipient countries, wasting time and effort. Conducting joint assessment missions would rationalize the process. It would also facilitate greater coordination in the actual delivery of assistance. Joint assessment missions should involve donor nations and competent international, regional, and subregional organizations with actual capacity to deliver assistance. The CTC should receive the resulting data and observations and join the visits when possible.

It is important to recognize the differences and relative strengths and limitations of individual donor nations and regional and international organizations. Donor nations often link their technical assistance efforts to ongoing political and economic relationships with recipient countries. Regional organizations represent states’ interests and have specific needs, while international organizations often provide technical assistance to build capacity for particular functions. The CTC should clarify the interests and capabilities of the different assistance providers so that relationships among the players can be built on strengths and be constructive rather than duplicative. To become an informed facilitator and broker, the CTC must address these issues.

Experience has shown that the effectiveness of technical assistance is improved if the recipient nation creates a high-level committee representing its most important relevant agencies and political constituencies. This assures coordination and information sharing within the recipient nation regarding assistance priorities. It also increases the likelihood of greater commitment and receptivity to capacity-building efforts. The governmental transformations that may be necessary to fulfill counter-terrorism mandates can be substantial and controversial. Evidence suggests that greater information sharing and involvement by the recipient



Many of the measures required to comply with the counter-terrorism mandates of Resolution 1373 . . . parallel the steps needed to strengthen governance. These steps are increasingly recognized as essential to economic development and the expansion of social and economic opportunity. Trade and investment depend on stable government and the rule of law. Technical assistance measures that build governance capacity thus also advance the prospects for economic development.

country in the assessment process can help to assure greater commitment to actual implementation efforts.

The costs of upgrading administrative systems and acquiring and maintaining technical equipment can be substantial.³² Many states, particularly in the developing world, need help in acquiring these capabilities. As an African ambassador noted to the Security Council in July 2003, many states that have enacted counter-terrorism legislation do not have the necessary financial, technical, and human resources to implement the new laws.³³ This has prompted discussion of a possible trust fund to assist such efforts. Some donor nations have indicated a desire to provide the needed assistance but lack the human resources or expertise to assess assistance needs and assure the delivery of requested help. These states prefer to coordinate their efforts through the CTC and other multilateral bodies.³⁴ Recognizing that the World Bank and the IMF are unable to provide assistance for equipment, the UK has encouraged the CTC and the Al-Qaida and Taliban Sanctions Committee to develop the concept of a trust fund to facilitate the efforts of states wishing to contribute to specialized technical assistance efforts. A trust fund could be of help to developing nations that need financial support to implement counter-terrorism mandates. Some donor nations support the trust fund idea, while others are skeptical. In 2002 Secretary-General Kofi Annan suggested that the UN Development Programme (UNDP) might play a role in facilitating a technical assistance fund, but no action was taken. In 2003 the CTC assistance team held informal discussions on the trust fund idea with representatives of the World Bank, who indicated that the Bank might be able to facilitate such a fund.

Many of the measures required to comply with the counter-terrorism mandates of Resolution 1373—creating more effective law enforcement capabilities; improving border, immigration, and customs controls; regulating banks and financial institutions; strengthening security at ports and border crossings—parallel the steps needed to strengthen governance. These steps are increasingly recognized as essential to economic development and the expansion of social and economic opportunity. Trade and investment depend on stable government and the rule of law. Technical assistance measures that build governance capacity thus also advance the prospects for economic development. This linkage between technical assistance and development suggests the need for integrated development aid strategies that take account of the UN counter-terrorism program. The UNDP may have a role to play in this regard. Linking the increased international commitment to counter-terrorism capacity building to the broader UN development agenda would enable assistance providers and development officials to work together in jointly combating terrorism and promoting development.

Enhancing International Cooperation

The CTC has facilitated outreach and coordination among a wide array of specialized international agencies and regional and subregional organizations. Attempting to enhance international cooperation is always a formidable challenge, but the mission of the CTC in this regard is truly herculean. The range of regional and international organizations with actual or potential involvement in the UN counter-terrorism mission is vast. Every region of the world is involved, and counter-terrorism programs have emerged in many regional and subregional organizations. The mandates of Resolution 1373 touch on a wide range of public activities—financing, commerce, customs, law enforcement, intelligence sharing, military recruitment, and supply—and they affect the mission of



Hong Kong Chief Secretary Donald Tsang (second from right) speaks at the start of a plenary meeting held by the Financial Action Task Force in January 2002. Over 300 delegates from over fifty-five jurisdictions took part in the three-day meeting to review how much governments and banks have done to stop terrorist funds since the 11 September attacks. (Reuters).

dozens of specialized agencies, from the FATF to the Organization for the Prohibition of Chemical Weapons.

Committee experts have worked with several functional international agencies to develop capacity-building programs to enhance counter-terrorism compliance. As noted, the CTC has cooperated extensively with UNODC/TPB, the Commonwealth Secretariat, and the IMF. Other organizations that have shared information with the CTC include the G-8 and its Counter Terrorism Action Group, the International Civil Aviation Organization, the International Maritime Organization, the International Organization for Migration, the Organization for the Prohibition of Chemical Weapons, and the World Customs Organization.

One of the most important international agencies is the Financial Action Task Force of the Organization for Economic Co-operation and Development (OECD). FATF was founded in 1989 to counter money laundering and financial crime.³⁵ FATF is one of the most effective bodies in the contemporary international system to combat money laundering and the financing of terrorism. FATF is a multidisciplinary body composed of thirty-three member states and two multilateral organizations (the European Commission and the Gulf Cooperation Council) that coordinates legal, financial, and law enforcement techniques against financial crime. Its main tasks are to set standards to combat money laundering, to promote the adoption of the FATF standards globally, and to monitor members' progress in implementing anti-money laundering trends, techniques, and countermeasures. As an instrument of international cooperation, the FATF has achieved marked success. By the U.S. government's calculations, approximately 130 jurisdictions representing 85 percent of the world's population and 90 to 95 percent of economic output have made political commitments to implement FATF recommendations.³⁶

FATF has created regional organizations to encourage non-OECD countries to participate in financial control efforts. More than 100 countries throughout the world are members of FATF-Style Regional Bodies (FSRBs). These FSRBs participate as observers in all FATF meetings, assess their members' compliance with FATF standards, create regionally specific standards, and participate in IMF/World Bank assessment programs. Currently, there are six FSRBs:

- Asia/Pacific Group Against Money Laundering (APG)
- Caribbean Financial Action Task Force (CFATF)
- Eastern and Southern African Anti-Money Laundering Group (ESAAMLG)
- Financial Action Task Force of South America Against Money Laundering (GAFISUD)
- Inter-Governmental Action Group against Money Laundering (GIABA) (covering West Africa)
- Moneyval (covering Central and Eastern Europe)



Audience at the Organization of American States meeting of the Inter-American Committee Against Terrorism, Fourth Regular Session Meeting, in Montevideo, Uruguay, January 2004. (U.S. Embassy).

In addition, Middle Eastern and North African (MENA) countries are working with the FATF to establish a MENA-FSRB.

In late October 2001 FATF issued eight “Special Recommendations on Terrorist Financing” to help governments and financial institutions interdict the flow of money to Al-Qaida and other terrorist networks.³⁷ The FATF special recommendations address the mandates of Resolution 1373. They include making the act of terrorist financing a crime, adopting measures to freeze terrorist assets, and taking measures to regulate alternative remittance systems and wire transfers.

The CTC has made important strides in encouraging regional organizations to strengthen their counter-terrorism capacity. Many regional organizations have created their own counter-terrorism units, which share information with the CTC and attend semi-annual regional coordination meetings. The OAS has played a leading role and has established a counter-terrorism secretariat within the CICTE. During 2002, the secretariat designed and deployed the CICTE online antiterrorism database. CICTE also participated in the drafting of model regulations for the prevention of terrorist financing and in meetings

Regional Coordination Meetings

Date	Location	Number of Organizations	Issues Addressed
6 March 2003	New York UN Headquarters	Over 60	Information sharing, coordination to prevent duplication, and sustaining political momentum
7 October 2003	Washington, D.C. (OAS/CICTE)	110	Self-assessments, best practices and assistance coordination
11-12 March 2004	Vienna (OSCE and UNODC/TPB)	40	MANPADS, nonbanking conduits and narco-terrorism

of the CFATF. The OAS Convention against Terrorism entered into effect in July 2003 and as of February 2004 was signed by thirty-three of thirty-four member states.

After the Madrid bombings of March 2004, the European Council adopted the *Declaration on Combating Terrorism*, and created the position of European Co-ordinator for Counter Terrorism.³⁸ The Asia-Pacific Economic Cooperation forum established a Counter-Terrorism Task Force in February 2003. Similar regional bodies exist within the Commonwealth of Independent States and the Association of Southeast Asian Nations. The CTC has worked with these and other regional bodies to enhance overall international coordination in the campaign against terrorism.

Some regions are lagging behind. The MENA region, for example, has not developed an adequate regional coordination mechanism to address the full range of counter-terrorism priorities. The creation of a MENA-FSRB will contribute to regional capabilities but is not yet fully developed. Broader regional coverage is also needed in South Asia and in Eastern and Southern Africa.³⁹

Coordination among international and regional organizations is improving. A call for special meetings among regional, subregional, and international organizations was presented at the ministerial meeting of the Security Council on 20 January 2003. This led to the convening of the first special regional coordination meeting in New York in March 2003, with follow-up meetings in Washington, D.C. in October 2003 and Vienna in March 2004. The CTC has thus established a constructive pattern of regular gatherings among regional organizations and international agencies (See table above).

More than sixty organizations participated in the first regional coordination meeting in March 2003.⁴⁰ The participating organizations received guidance from the CTC and agreed to coordinate their information sharing and compliance activities and assist one another in fulfilling implementation obligations.⁴¹ Most importantly, the organizations committed to assisting the CTC to implement Resolution 1373, although the resolution did not require them to do so. The meeting was judged a success in advancing information sharing and coordination efforts and in sustaining political momentum. The CTC agreed at the meeting to develop and maintain a list of contacts in international, regional, and subregional organizations and member states. It also pledged to develop its website and improve liaison and information sharing activities.⁴²

The first follow-up meeting was hosted by the OAS's Inter-American Committee against Terrorism in Washington, D.C. in October 2003. Two hundred participants representing more than 110 organizations and countries attended.⁴³ The program included presentations by the European Commission, UNODC/TPB, the Offshore Group of Banking Supervisors, the Asia-Pacific Economic Cooperation forum, NATO, the UN Interregional Crime and Justice Research Institute, the World Customs Organization, and the Office of the UN High Commissioner for Human Rights.⁴⁴

The second follow-up meeting was hosted by the OSCE, in cooperation with the UNODC/TPB, in Vienna in March 2004.⁴⁵ Subjects addressed included MANPADS, nonbanking financial conduits, and narco-terrorism. The "Vienna Declaration" of that meeting reaffirmed earlier counter-terrorism goals, but offered few new ideas or initiatives for regional coordination.⁴⁶

The enlarged staff of the CTED should enable the CTC to build upon and enhance its coordination efforts. The Executive Directorate can institutionalize this function by maintaining and improving regular liaison with particular regional and international organizations. The CTED should also continue the pattern of convening regular regional coordination conferences that bring together the world's leading counter-terrorism practitioners and experts.



Counter-Terrorism Committee Chair Inocencio Arias of Spain addresses the media during a news conference at Vienna's UN Headquarters in March 2004. OSCE Secretary-General Jan Kubis and UNODC Executive Director Antonio Maria Costa look on. (Herwig Prammer, Reuters).

Improving cooperation among organizations within the UN system is also necessary to enhance the effectiveness of the global counter-terrorism effort. The chair of the CTC has recently indicated that special attention will be paid to strengthening cooperation between the CTC and the Al-Qaida and Taliban Sanctions Committee and with the new committee created by Resolution 1540 to prevent the proliferation of nuclear, chemical, and biological weapons to nonstate actors.

Previously CTC staff experts were slow to coordinate with the expert group monitoring implementation of the sanctions against Al-Qaida and the Taliban. The experts of these two committees did not begin to exchange information until two years after the CTC was formed, although their offices were located on the same floor in the UN annex office in New York. New opportunities for closer cooperation exist

with creation of the Analytic Support and Sanctions Monitoring Team for the Al-Qaida and Taliban Committee, which was authorized by Resolution 1526 in March 2004. The new monitoring team has been tasked with sharing information with the CTC, which places responsibilities on the CTED to assure regular communication and cooperation.

Addressing the Security Council one year after it established the CTC, Secretary-General Kofi Annan outlined the UN strategy for combating terrorism. (UN photo, UNE I 034, Mark Garten).



Concerns about the links between terrorism and weapons of mass destruction prompted the Security Council to adopt Resolution 1540 in April 2004. The new resolution prohibited support for nonstate actors seeking to develop weapons of mass destruction. It established a special committee of the Security Council to monitor implementation of the resolution. The G-8 has also agreed to take further actions to prevent the spread of chemical, nuclear, and biological weapons and has pledged to strengthen implementation of the UN Convention on the Physical Protection of Nuclear Material.⁴⁷ Addressing weapons proliferation issues and cooperating with these new initiatives will raise additional challenges for the CTC and CTED.

Communicating

The CTC has not effectively communicated its mission. It has increased awareness of UN counter-terrorism programs among some government officials and a small number of experts, but the vast majority of the informed public remains unaware of the committee's efforts. The value of the work of the CTC is still relatively unknown in many capitals and regions around the world. This is a significant liability that limits political support for the committee's mission. Creating awareness through effective communications is widely recognized as an essential element in building political support for public policy. More specialized and focused communications are also necessary to assure that the officials tasked with implementing counter-terrorism mandates are fully aware of their responsibilities. By addressing specific issues in thematic reports, the CTC could aid officials tasked with implementing counter-terrorism measures. For instance, the CTC could explain procedures and relay examples of how some governments and international agencies are attempting to prevent terrorist groups from acquiring funds raised for charitable purposes.

To build wider public knowledge and support for its work, the CTC should significantly enhance its communications efforts. This involves closer collaboration with the UN Office of Public Information and effective message development and communications delivery strategies. Regular press releases and media briefings for journalists covering the UN in New York would help to build public awareness. News features that

focus on particular successes of the counter-terrorism program—for example, regional coordination meetings, legislative drafting assistance, human rights liaison—could be produced and disseminated to specific audiences. The regular briefings for UN member states instituted by the first chair of the CTC in October 2001 should be resumed. These briefings can be useful for maintaining political momentum and support for the committee’s work. They allow non-Security Council members to interact with the committee and receive up-to-date information. The committee should also encourage and foster information-sharing partnerships with public and private institutions around the world, including academic institutions and relevant think tanks.

Protecting Human Rights

Concerns have been raised about the need to protect human rights while enforcing counter-terrorism measures. Some perceive a tension between the two. Others see a necessary connection and emphasize the importance of strengthening human rights to prevent terrorism. Controversy has emerged over cases in which individuals have been detained or subjected to financial restrictions without due process. At times government officials have used the fight against terrorism as a justification for suppressing democracy and human rights among their citizens. Many worry that counter-terrorism measures—greater government surveillance, increased law enforcement, tighter border controls, stricter regulation of finances—will encroach upon individual and social rights and threaten basic liberties. UN declarations and resolutions have been unequivocal in urging strict adherence to human rights standards in the global fight against terrorism. Secretary-General Kofi Annan stated in September 2003:

There is no trade-off to be made between human rights and terrorism. Upholding human rights is not at odds with battling terrorism: on the contrary, the moral vision of human rights—the deep respect for the dignity of each person—is among our most powerful weapons against it. To compromise on the protection of human rights would hand terrorists a victory they cannot achieve on their own. The promotion and protection of human rights . . . should therefore be at the centre of anti-terrorism strategies.⁴⁸

At its ministerial meeting in January 2003 the Security Council adopted Resolution 1456 urging greater international compliance with UN counter-terrorism mandates but also reminding states of their duty to comply with international legal obligations, “in particular international human rights, refugee and humanitarian law.”⁴⁹


A strong case can be made that protecting human rights and strengthening democracy are essential to the fight against terrorism. Terrorist movements often arise in societies where civil and human rights are denied and opportunities for political expression are lacking.⁵⁰ Protecting human rights and guaranteeing the freedom to voice dissenting views without government interference can help to prevent the resort to political extremism and terrorism.⁵¹ The strongest tools in the fight against terrorism are the rule of law and the promotion of political opportunity, free expression, and tolerance. Upholding human rights principles is also essential for sustaining political support for counter-terrorism in democratic societies. Nothing will erode support for counter-terrorism measures more quickly than a perception among ordinary law-abiding citizens that such programs are eroding basic freedoms.

The CTC can support the objectives of protecting human rights and due process through regular liaison and cooperation with the UN High Commissioner for Human Rights and other UN bodies charged with implementing human rights mandates. Since May 2003 the CTC has included language in its letters to states reminding them they must “ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law.”⁵² This is in compliance with Resolution 1456.

Strengthening Organizational Capacity

A long-term consideration for the future of the UN counter-terrorism program is the prospect of creating a new international agency to combat terrorism. It may be premature to consider future structural options as the CTED is just being established, but these issues should remain on the table. It is conceivable that the CTED might create a precedent for and eventually evolve into a larger counter-terrorism agency. The Council on Foreign Relations Task Force on Enhancing U.S. Leadership at the United Nations recommended in a November 2002 report that consideration be given to “the need for an independent body to carry out the CTC’s functions over the long term.” A number of officials from UN Security Council member states have concluded that greatly expanded organizational efforts will be necessary if the goals of the UN counter-terrorism program are to be realized. Some have discussed the option of a “permanent international counter-terrorism organization, similar to the International Atomic Energy Agency.”⁵³ Others have suggested an agency with more of an information-sharing role, along the lines of the UN Environmental Programme, which provides leadership and encourages partnerships among nations to address environmental issues.

Whether other UN member states will support an expansion of CTC capacity or the creation of a new international organization remains uncertain. The debate on these issues has yet to be joined. A great deal of preliminary research and analysis will be necessary before the Security Council can consider such an option. The track record of the CTED after a few years will be decisive in determining future organizational considerations. If a new agency is eventually created, what exact powers and authority would it have? How would an expanded counter-terrorism organization be structured and funded, and to whom would it report? These are but a few of the critical questions that need to be addressed as the Security Council considers future options for creating greater organizational capacity in the fight against international terrorism.



A strong case can be made that protecting human rights and strengthening democracy are essential to the fight against terrorism. . . . The strongest tools in the fight against terrorism are the rule of law and the promotion of political opportunity, free expression, and tolerance.

Addressing Political Challenges

While many of the challenges facing the CTC are procedural, others are more political in nature. The largest and most intractable of these is the lack of an agreed

definition of terrorism. The definitional conundrum has entangled the UN for four decades. Some countries condemn as terrorism all acts that endanger or take innocent life, while others seek to differentiate what they consider legitimate acts of resistance against oppression. Middle Eastern states in particular have refused to support counter-terrorism initiatives that might prejudice Palestinian resistance to Israeli occupation. It is no accident that ratification of counter-terrorism conventions and participation in CTC initiatives are lowest in the Middle East. The CTC has steered clear of these dilemmas by focusing primarily on procedural issues and generic counter-terrorism capabilities. It has wisely transcended the differences over defining terrorism by appealing to the consensus among UN member states that greater efforts are needed to counter the global terrorist threat posed by Al-Qaida.

Another political challenge concerns the question of enforcement. The CTC has been careful to avoid being perceived as a sanctions committee. Its mandate overlaps with that of the Al-Qaida and Taliban Sanctions Committee, but its mission and purpose are very different. The CTC seeks to build general counter-terrorism capacity and focuses on the overall means and methods for achieving that end. The committee has decided not to sit in judgment of other states or to report to the Security Council on states it has determined to be noncompliant. Over time this may limit the committee's effectiveness, however, if it allows certain countries to avoid responsibility for taking specific action.⁵⁴ While not a sanctions committee, the CTC has within its powers the ability to "name and shame" those that are recalcitrant or obstructionist. Thus far it has not used this tool, nor has it gone to the council to get backing for such a tactic. As some near-term point this will need to be reconsidered, if the CTC is to accomplish its mandate.

It may also become necessary in the future to consider other enforcement measures. The current process of requesting reports from countries, coordinating regional cooperation, and providing technical assistance works well with the many states that are supportive of the UN counter-terrorism agenda. How should the UN respond, however, to the twenty or more countries that are unwilling to comply fully, or that merely pretend to comply?⁵⁵ The Security Council intentionally avoided such issues when establishing the CTC, in order not to alienate member states in the early stages of counter-terrorism efforts. Sir Jeremy Greenstock, the first chair of the CTC, hoped that an initial process of reviewing reports and offering assistance would establish a momentum of cooperation that would carry over into the more difficult phase of addressing compliance. The problem is that the initial tasks have taken on a life of their own, while little attention has been given to addressing problems of lax enforcement. What should the Security Council do about states that are "inactive"? Will the council be willing to consider the imposition of sanctions against states that have received assistance yet refuse to comply? These and other challenges have not yet been addressed.

Recommendations

1. Establish Standards and Priorities for Compliance

Develop methods for assessing capabilities, evaluating progress toward compliance, and identifying priorities for technical assistance.

Create Compliance Criteria. Work with member states, regional organizations, and specialized international agencies to develop agreed criteria for assessing implementation and compliance. Utilize the existing guidelines of international agencies to assess implementation and create a general set of compliance guidelines. Develop a transparent, easily understandable methodology for assessing capabilities and measuring the progress of states in completing the specified implementation steps. Circulate the proposed criteria to the CTC for review and approval by the Security Council. Utilize the approved criteria to work with states in moving through various stages toward achieving compliance, and to identify specific areas where technical assistance may be needed.

Establish priorities for technical assistance and regional coordination.

Evaluate where counter-terrorism implementation capacity is most urgently needed, and where technical assistance and improved regional coordination could be of the greatest value in enhancing global compliance. Create mechanisms among UN bodies and international agencies for sharing information and existing need assessments. Assist states, regional organizations, and international agencies in prioritizing assistance and coordination efforts. Seek broad international consensus for proposed priorities in providing assistance and strengthening coordination.

2. Facilitate Coordinated Delivery of Technical Assistance

Encourage donors and assistance providers to coordinate the provision of assistance to priority countries and regions.

Recommend joint assessment missions. Encourage donor nations and assistance providers to reduce duplication and administrative overhead by conducting joint assessment missions. Link the coordinated evaluation efforts with the site visits mentioned in Resolution 1535. Provide opportunities for recipients to work with assistance providers in identifying capabilities and needs of specific regions and countries.

Facilitate greater cooperation among assistance providers. Promote greater information sharing and coordinated delivery of services among donor nations, regional organizations, and international agencies involved in providing technical assistance. Provide regular updates evaluating the status of capacity-building and assistance efforts among all parties, with options for improved coordination. Enhance the role of the CTC in brokering between states needing assistance and those providing it.

Encourage recipients to create interministerial committees. Advise recipient nations to create high-level coordinating committees representing all relevant agencies and political constituencies, to assure cooperation and information sharing within the recipient nation regarding assistance priorities. Develop guidelines for interministerial committees to coordinate interactions with assistance providers and facilitate full information sharing within recipient countries.

Promote the integration of technical assistance and development aid programs. Encourage assistance providers and donors to link counter-terrorism capacity building and technical assistance with longer-range development aid strategies that seek to enhance good governance and prevent conflict. Facilitate dialogue among officials responsible for the provision of counter-terrorism technical assistance and those engaged in broader development aid efforts. Emphasize the value of expanding technical assistance and development aid to foster conditions that make terrorist networks less likely to emerge or operate effectively.

Establish a technical assistance trust fund. Facilitate further discussion of proposals for the creation of a trust fund that would make it easier for donor states to provide technical assistance, and that would help recipient nations meet the costs of upgrading administrative systems and acquiring advanced monitoring and scanning equipment. Work with UNDP, the World Bank and other relevant agencies to develop plans for the proposed trust fund.

3. Improve International Cooperation

Enhance information sharing and coordination among organizations within and outside the UN system. Continue regular regional coordination meetings with broad international participation.

Enhance coordination within the UN system. Establish procedures for better coordination and division of labor among UN agencies addressing terrorism issues, including the CTED, the Analytic Support and Sanctions Monitoring Team for the Committee on Al-Qaida and the Taliban, the UNODC/TPB, and the new committee to monitor the prohibition against supporting the development of weapons of mass destruction among nonstate actors created by Resolution 1540. Establish regular liaison among the senior directors of these bodies. Arrange periodic joint training and coordination conferences among professional staff of all UN agencies working to counter terrorism.

Improve staff liaison with regional organizations and international agencies. Assign the CTED the responsibility for maintaining regular contact with organizations and agencies, reporting regularly on all relevant activities of the assigned organizations and agencies, and promoting greater information sharing and coordination among the various organizations and agencies.

Enhance coordination with major international agencies outside the UN. Develop special liaison and coordination initiatives with the CTAG of the G-8, the World Bank, the IMF, and the FATF. Establish functional coordination and a division of labor between the CTC and these agencies. Arrange periodic joint training and coordination conferences among counter-terrorism staff in these agencies.

4. Enhance Public Communications

Improve efforts to communicate with member states and regional/international organizations, and with the general public and the media.

Publish the CTC matrix as a database. Continue efforts to make the matrix of technical assistance needs more user-friendly and understandable. Proceed with options to

produce the matrix as a database, with information retrievable by county, region, type of assistance, or any other chosen category. Re-orient the matrix to include upcoming events and opportunities so that it is a guide to future work and forward-looking coordination.

Provide summaries of country reports and best practices. Inform the press and the public about the most effective implementation measures taken by various countries, as reflected in the reports to the CTC. Address specific issues in thematic reports for member states with concrete examples of success stories. Cooperate with member states, regional organizations, and other international bodies to communicate examples of best practices.

Expand the number of publications available in other UN languages. Produce more CTC website materials and other publications in Arabic, Chinese, and other languages. Develop expanded programs for print and broadcast communications in major languages in all regions of the world.

5. Uphold Human Rights

Support efforts to assure compliance with human rights standards.

Cooperate with UN High Commissioner. Work closely with the Office of the UN High Commissioner for Human Rights to ensure that the human rights dimensions of counter-terrorism are considered. Assure regular meetings between the CTED Executive Director and the High Commissioner, as part of the human rights liaison function identified in the Annex to Resolution 1535. Remind member states of their responsibility to implement counter-terrorism measures in conformity with international human rights and humanitarian law, consistent with Resolution 1456. Emphasize the value of respecting human rights and upholding the rule of law as central means of preventing and counter-acting terrorism.

Notes

1. Nicholas Rostow, *Before and After: The Changed UN Response to Terrorism Since September 11*, 35 CORNELL I.L.J., no. 3, 482, 475-490 (Winter 2002).
2. United Nations Security Council, *Security Council Resolution 1373 (2001)*, S/RES/1373, New York, 28 September 2001.
3. United Nations Secretary-General Kofi Annan, "Statement at Ministerial Level Meeting of the UN Security Council." See United Nations Security Council, *High-level Meeting of the Security Council: Combating Terrorism*, S/PV.4688, New York, 20 January 2003.
4. Eric Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee: the Cornerstone of the United Nations Contribution to the Fight Against Terrorism*, in LEGAL INSTRUMENTS IN THE FIGHT AGAINST INTERNATIONAL TERRORISM 603, 606 (Cyrille Fijnaut, Jan Wouters, and Frederik Naert eds., Brill Academic Publishers 2004).
5. Rostow, *Before and After*, 485.
6. The CTC website is available online at the *United Nations* <<http://www.un.org/Docs/sc/committees/1373/>> (accessed 14 June 2004).
7. United Nations Security Council, *Proposal for the Revitalisation of the Counter-Terrorism Committee*, S/2004/124, New York, 19 February 2004.
8. United Nations Security Council, *Proposal for the Revitalisation of the Counter-Terrorism Committee*, S/2004/124, New York, 19 February 2004, para. 8.
9. Eric Rosand, *Current Developments: Security Council Resolution 1373, the Counter-Terrorism Committee, and the Fight Against Terrorism*, 97 AMERICAN J.I.L., no. 2, 337, 332-341 (April 2003).
10. Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee*, 616.
11. Reports have been submitted by 196 bodies—191 member states, three organizations (OSCE, the United Nations Interim Administration Mission in Kosovo [UNMIK], and the EU), and the Cook Islands and Niue. The twenty-six member states submitting four reports as of April 2004 are: Algeria, Australia, Austria, Belarus, Brazil, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Italy, Jamaica, Japan, Liechtenstein, Mauritius, Pakistan, South Korea, Singapore, South Africa, and the United Kingdom. Information available online at the *UN Counter-Terrorism Committee*, <http://www.un.org/Docs/sc/committees/1373/submitted_reports.html>. This website is updated regularly and the data provided in the table was current as of 11 June 2004.
12. This categorization is drawn from an unpublished paper by a CTC legal expert from October 2003.
13. White House, "Progress Report on the Global War on Terrorism," U.S. Department of State, September 2003. Available online at the *U.S. Department of State* <<http://www.state.gov/documents/organization/24268.pdf>> (accessed 2 February 2004).
14. United Nations Security Council, *Second Report of the Monitoring Group Established Pursuant to Security Council Resolution 1363 (2001) and Extended by Resolution 1390 (2002) and 1455 (2003) on Sanctions Against Al-Qaida, the Taliban and Individuals and Entities Associated with them*, S/2003/1070, New York, 2 December 2003.

15. Analysis of stages drawn from Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee*, 611-12.
16. See Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee*, 618-19.
17. United Nations Security Council, *Security Council Resolution 1377 (2001)*, S/RES/1377, New York, 12 November 2001.
18. See "Functions of the Technical Assistance Team." Available online at the *United Nations* <<http://www.un.org/Docs/sc/committees/1373/tat.html>> (accessed 3 November 2003).
19. Curtis A. Ward has provided valuable insight and has written one of the few sources available on CTC assistance facilitation at the United Nations. See "Purposes and Scope: Technical Assistance Activities in the Counter-Terrorism Committee" (unpublished paper, 2004), 6. Numerous sources from interviews and written comments have confirmed and corroborated many of the findings articulated by Ward and the authors of this report.
20. The UN Office on Drugs and Crime (UNODC) was mandated to address terrorism prevention issues in 1999 by General Assembly Resolution 52/220. After September 2001, the UNODC's role in providing technical assistance and advisory services in the counter-terrorism area was further confirmed by the General Assembly and the UN's Economic and Social Council (ECOSOC). In 2002, the CTC requested UNODC to provide guidance to states in drafting legislation. The UNODC's Terrorism Prevention Branch focuses on the provision of substantive input for the work of the CTC and technical assistance to requesting countries for the ratification and implementation of terrorism conventions and protocols, in line with relevant council resolutions. The main work elements include facilitation and/or provision of capacity-building assistance and identification and dissemination of best practices. Related technical assistance activities are carried out under the framework of the Global Programme against Terrorism, which was launched in October 2002. It works through two technical assistance projects on strengthening the legal regime against terrorism, with a total budget of over \$2.8 million. As part of the Global Programme, UNODC/TPB drafted the *UN Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols* to serve as guidance for legislating and implementing the international instruments pertaining to terrorism. It also compiled the *Note on the Methodology for Technical Assistance on the Ratification and Implementation of the International Anti-terrorism Instruments*. See the *United Nations Office on Drugs and Crime* <<http://www.unodc.org/unodc/index.html>> (accessed 20 August 2004).
21. Fifty-eight states in total requested legislative drafting assistance. Some states requested assistance in both categories. Data for this and the three subsequent tables provided by Curtis A. Ward, assistance expert, UN Counter-Terrorism Committee; see "Purposes and Scope: Technical Assistance Activities in the Counter-Terrorism Committee" (unpublished paper, 2004).
22. Information about the assistance matrix is available online at the *United Nations* <www.un.org/Docs/sc/committees/1373/ctc_da/matrix.html> (accessed 11 June 2004).
23. Ward, "Purposes and Scope," 9.
24. Curtis Ward, e-mail communication with authors, 16 June 2004.
25. Ward, "Purposes and Scope," 16.
26. Ward, "Purposes and Scope," 21.
27. Ward, "Purposes and Scope," 8.

28. Totals only include reported incidents of technical assistance and training. Most assistance was provided bilaterally between states and was not always reported to the CTC.
29. The G-8 makes no mention of a role for the CTC in its international travel initiative. See “G8 Secure and Facilitated International Travel Initiative,” available online at the *G-8* <http://www.g8usa.gov/d_060904f.htm> (accessed 15 June 2004).
30. “G-8 Leaders Announce Action Plan to Fight Global Terrorism,” 2 June 2003, available online at the *U.S. Department of State*, <<http://usinfo.state.gov/ei/Archive/2004/Jan/06-218309.html>> (accessed 12 August 2004).
31. Ward, “Purposes and Scope,” 8.
32. Ward, “Purposes and Scope,” 14.
33. Cited in Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee*, 623.
34. Ward, “Purposes and Scope,” 20.
35. Financial Action Task Force on Money Laundering (FATF), “More About the FATF and Its Work,” October 2003. Available online at the *Financial Action Task Force* <http://www1.oecd.org/fatf/AboutFATF_en.htm#History> (accessed 6 November 2003).
36. “Money Laundering and Financial Crimes,” U.S. Department of State, International Narcotics Control Strategy Report. Available online at the *U.S. Department of State* <<http://www.state.gov/documents/organization/18171.pdf>> (accessed 23 August 2004).
37. Financial Action Task Force on Money Laundering (FATF), “Special Recommendations on Terrorist Financing,” October 2001. Available online at the *Financial Action Task Force* <http://www.uic.it/en/antiriciclaggio-en/altro_en/Racc_GAFI_terrorismo-en.htm> (accessed 3 November 2003).
38. The text of the declaration is available online at the *European Union* <http://www.eu2004.ie/templates/document_file.asp?id=10707> (accessed 20 August 2004).
39. Reports received by the CTC show deficiencies in regions with less developed regional organizational capacity to assist states in implementing Resolution 1373. More information on the Eastern and Southern African Anti-Money Laundering Group is available online at the *Organisation for Economic Co-operation and Development* <http://www1.oecd.org/fatf/Ctry-orgpages/org-esaamlg_en.htm> (accessed 15 June 2004).
40. See “The CTC Special Meeting and Follow-up.” Available online at the *United Nations* <http://www.un.org/Docs/sc/committees/1373/ctc_meeting.html> (accessed 3 November 2003).
41. See “Guidance To International, Regional And Sub-Regional Organisations On The Preparation Of Summaries Of Their Activities.” Available online at the *United Nations* <http://www.un.org/Docs/sc/committees/1373/guidance_note.html> (accessed 3 November 2003).
42. United Nations Security Council, *Outcome Document of the Special Meeting of the Counter-Terrorism Committee with International, Regional and Subregional Organizations*, S/AC.40/2003/SM.1/4, New York, 31 March 2003.
43. Organization of American States, “Other Agencies and Entities,” *Annual Report of the Secretary General 2003-2004*. Available online at the *Organization of American States* <<http://www.oas.org/SInfAnnual/2004/English/Cap05.DOC>> (accessed 23 August 2004).
44. Links to the prepared remarks made by each of these organizations are available online at the

- Organization of American States* <<http://www.cicte.oas.org/UNCTCmtg.htm>> (accessed 14 June 2004).
45. OSCE/UNODC, "Draft Conference Report: Day 1," available online at the *Organization for Security and Co-operation in Europe* <http://www.osce.org/documents/sg/2004/03/2901_en.pdf> (accessed 14 June 2004).
 46. United Nations Security Council, *Vienna Declaration*, S/2004/276, New York, 1 April 2004.
 47. The text of the convention is available online at the *United Nations* <<http://untreaty.un.org/English/Terrorism/Conv6.pdf>> (accessed 3 November 2003).
 48. Kofi Annan, "Conference Report" (keynote address, Conference on "Fighting Terrorism for Humanity," International Peace Academy, New York, 22 September 2003), 10.
 49. United Nations Security Council, *Security Council Resolution 1456 (2003)*, S/RES/1456, New York, 20 January 2003, para. 6.
 50. Analysts have found a significant statistical correlation between measures of political repression and the rise of terrorist movements. Terrorists are most likely to come from countries that lack basic civil liberties. See Alan B. Krueger and Jitka Malesckova, "Education, Poverty and Terrorism: Is There a Causal Connection?," *Journal of Economic Perspectives* 17, no. 4 (Fall 2003): 142.
 51. Alan Krueger, "Economic Scene," *New York Times*, 29 May 2002.
 52. Cited by Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee*, 628.
 53. Rosand, *Current Developments*, 341.
 54. Rosand, *Security Council Resolution 1373 and the Counter-Terrorism Committee*, 612-13.
 55. Edward C. Luck, "Trouble Behind, Trouble Ahead?: The UN Security Council Tackles Terrorism," in David M. Malone, ed., *The United Nations Security Council* (Boulder, Colo.: Lynne Rienner Publishers, 2004).

Appendix

Relevant Security Council Resolutions

Resolution	Key Measures
S/RES/1267 15 October 1999	<p>Requires the Taliban in Afghanistan to stop providing sanctuary for terrorist organizations and cooperate with efforts to bring terrorists to justice</p> <p>Demands that the Taliban turn over Osama bin Laden to appropriate authorities</p> <p>Imposes aviation sanctions on the Taliban (with exceptions for humanitarian purposes or religious obligations)</p> <p>Imposes financial sanctions on the Taliban</p> <p>Establishes Security Council Committee (the “1267 Committee”)</p>
S/RES/1269 19 October 1999	<p>Condemns all acts of terrorism</p> <p>Calls on all states to ratify and fully implement international antiterrorist conventions, cooperate with each other to prevent and suppress terrorist acts, deny terrorists safe havens, take appropriate measures to conform with national and international law (including international standards of human rights), and exchange information</p>
S/RES/1368 12 September 2001	<p>Condemns terrorist attacks of 11 September 2001</p> <p>Calls on all states to work together to bring to justice the perpetrators of the attacks</p> <p>Calls on international community to redouble efforts to prevent terrorism</p>
S/RES/1373 28 September 2001	<p>Requires all states to prevent and suppress terrorist financing through various measures</p> <p>Requires all states to deny all support to terrorists through various measures</p> <p>Requires states to establish domestic laws and regulations to criminalize acts of terrorism or the support of terrorism</p> <p>Promotes cooperation and assistance between states in combating terrorism</p> <p>Calls on all states to become parties to international antiterrorism conventions and protocols</p> <p>Calls on all states to conform to international and national law, including international standards of human rights</p> <p>Establishes Security Council Committee (the “Counter-Terrorism Committee or CTC”)</p>
S/RES/1377 12 November 2001	<p>Calls on all member states to become parties to international conventions and protocols relating to terrorism</p> <p>Calls on all member states to implement Resolution 1373 and provide other states with assistance in doing so; underlines obligation to deny support and safe haven to terrorists</p>

Welcomes progress of the CTC to monitor implementation of Resolution 1373

Invites member states to inform the CTC of areas in which they require implementation support

Invites the CTC to explore ways in which states can be assisted, in cooperation with international, regional, and subregional organizations

S/RES/1456
20 January 2003

Calls on CTC to intensify efforts to promote states' implementation of Resolution 1373 through reviewing reports, facilitating international assistance, and operating in a transparent manner

Calls on states to promptly respond to information requests from the CTC; instructs CTC to notify council of progress and difficulties

Requests CTC to consider international standards and best practices when implementing Resolution 1373

Calls on CTC to facilitate technical and other assistance to states

S/RES/1526
30 January 2004

Strengthens sanctions imposed in Resolutions 1267, 1333, and 1390 on Osama bin Laden, the Taliban, and associated entities or individuals

Calls on states to cut flows of funds and other financial assets and resources to above-listed entities and individuals associated with terrorism and establish internal reporting requirements on the trans-border movement of currency

Establishes Analytical Support and Sanctions Monitoring Team (the "Monitoring Team") to help fulfill the mandate of the committee; requests the appointment of a coordinator and seven members of the Monitoring Team by the Secretary-General; requests three reports by the Monitoring Team

Calls for improved procedures when adding names to the committee's list, with improved reporting procedures by the committee

Requests updated reports from states as called for in Resolution 1455, calls for the committee to circulate a list of states not in compliance by 31 March 2004

Urges states and relevant regional and international organizations to become more involved in capacity-building efforts of the CTC

S/RES/1535
26 March 2004

Endorses CTC report on revitalization (S/2004/124)

New committee will consist of Plenary (council member states), Bureau (Chair and Vice-Chairs), and assisted by CTED to be established as special political mission

CTED to be headed by Executive Director, to be appointed by Secretary-General

Executive Director to submit organizational plan for CTED within 30 days of appointment

S/RES/1540
28 April 2004

Decides that all states should not provide support to nonstate actors seeking to develop or otherwise use nuclear, chemical, and biological weapons and/or their means of delivery; requires all states to develop the appropriate legislation to prohibit such activities; prohibits states from engaging in such activities

Requires all states to establish domestic controls over the proliferation of nuclear, chemical, or biological weapons and their means of delivery (including adopting measures to secure and account for said items, establishing effective physical protection measures, and developing effective border control and law enforcement measures, and maintaining appropriate national export and transshipment controls)

Establishes a committee to report to the council on implementation of the resolution

Calls on member states to develop effective national control lists

Invites member states to offer assistance to states requiring assistance in implementation of the resolution

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An Action Agenda for Enhancing the United Nations Program on Counter-Terrorism contains an in-depth assessment of multilateral counter-terrorism efforts coordinated through the United Nations Security Council, and offers proposals for strengthening the global campaign against terrorists and those who support them.

The Fourth Freedom Forum is a not-for-profit, nonpartisan, nonsectarian, private operating foundation with offices in Goshen, Indiana and Washington, D.C. Founded in 1982, the Forum stimulates informed public discussion of international security issues, emphasizing the use of economic power instead of military force. Its goal is to achieve “freedom from fear” through the large-scale reduction of armaments and the establishment of enforceable international law.

The Joan B. Kroc Institute for International Peace Studies was established at the University of Notre Dame in 1986. The Institute conducts educational, research, and outreach programs on international peace. The Institute’s programs emphasize international norms and institutions: religious, philosophical, and cultural dimensions of peace; conflict transformation; and social, economic, and environmental justice.

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