

# The UN Is Helping Win the War Against Terrorism

## Creating the Counter-Terrorism Committee

To monitor compliance with these new counterterrorism mandates, Resolution 1373 created the Counter-Terrorism Committee (CTC), which has been described by [former] UN Secretary-General Kofi Annan as the "center of global efforts to fight terrorism." The primary function of the CTC is to strengthen the counterterrorism capacity of UN member states. Its mission, wrote one observer, is to "raise the average level of government performance against terrorism across the globe." The committee serves as a "switchboard," helping to facilitate the provision of technical assistance to those needing help to implement counterterrorism mandates.

[The Counter-Terrorism Committee] has promoted the creation of specialized systems for coordinating global efforts to combat terrorist threats.

The CTC has received high levels of cooperation, but it likewise has faced significant challenges. The committee relies exclusively on reports from member states and has lacked independent means of determining whether countries actually are implementing mandates. Moreover, the committee has been handicapped in its efforts to coordinate the activities of international, regional, and subregional organizations. By early 2004, a consensus emerged in the Security Council on the need to "revitalize" the CTC through the provision of additional resources and authority. These considerations led the Security Council to adopt Resolution 1535 in March, 2004, which created a new Counter-Terrorism Executive Directorate (CTED), thus significantly expanding the committee's professional staffing and enhancing its capacity to support implementation.

In April, 2004, the Security Council further strengthened the UN counterterrorism program by adopting Resolution 1540, prohibiting nations from providing any form of support to nonstate actors that attempt to acquire nuclear, chemical, or biological weapons. It mandated a series of enforcement measures that states must execute to prevent such proliferation and established a committee to report on implementation. In October, 2004, the Security Council approved Resolution 1566, in response to the school massacre by Chechen separatists at Beslan in North Ossetia, Russia, urging greater cooperation in the fight against terrorism and establishing a working group to consider additional measures. These resolutions demonstrated the council's resolve, but they also created potential overlap with the mission of the CTC and generated uncertainty about how the new bodies will work together.

After nearly three years of operation, the CTC has a record of considerable accomplishment. Most notably, it has promoted the creation of specialized systems for coordinating global efforts to combat terrorist threats. This cooperative approach has helped develop and strengthen international norms.

## Concerned Nations Are Cooperating

The committee's attempt to collect information from member states has been highly successful. All 191 submitted first-round reports explaining their efforts to comply with Resolution 1373. The committee's experts responded to these reports by requesting clarifications and more information, which led to

additional correspondence and communication. In total, the CTC has received more than 550 reports, making it the repository of what one observer termed "probably the largest body of information about worldwide counterterrorism capacity." The high levels of response confirm the importance most nations attach to compliance. The reports indicate that a number of countries are taking concrete steps to revise their laws and enhance their enforcement capacity.

One of the most objective and reliable indicators of compliance is the increase in the number of countries joining the 12 UN counterterrorism conventions. These provide a basis for nations to cooperate in preventing terrorist financing and carrying out joint law enforcement and intelligence efforts against bombings. In addition, they establish the legal foundation for states to harmonize criminal justice standards and negotiate mutual legal assistance agreements.

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The most important of these are the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. Both have witnessed a sharp rise in the rate of ratification since September, 2001. The increase in support for the 10 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 9/11 [September 11, 2001]. Conventions that address specific areas of terrorist activity (preventing and punishing crimes against internationally protected persons, measures against taking hostages, safeguarding nuclear materials, and marking plastic explosives) have enjoyed a 20-40% increase in the rate of ratification.

In the first four years after the opening of the convention on terrorist bombings, a mere 28 states ratified the agreement. Following Sept. 11, an additional 87 came on-board. In the two years of the convention on terrorist financing, five nations ratified the agreement. Since 9/11, 102 more have signed on.

A majority of UN member states now are working together to coordinate international law enforcement efforts, and deny financing, safe haven, and travel for Al Qaeda and its related terrorist networks. As a result, approximately \$200,000,000 in potential terrorist funding has been frozen. Through unilateral, bilateral, and multilateral law enforcement efforts in dozens of countries, more than 4,000 terrorist suspects, including many senior Al Qaeda operatives, have been taken into custody. Although Al Qaeda remains a dangerous and active network and received an inadvertent recruitment boost due to increased anti-American sentiment following the invasion and occupation of Iraq [in 2003], the international counterterrorism program has achieved some success. ...

### **Strengthening Regional Security**

The CTC has facilitated outreach and coordination among a wide array of specialized agencies and organizations. Attempting to enhance international cooperation always is a formidable task, but the mission of the CTC in this regard truly is herculean. The range of organizations with actual or potential involvement in the UN counterterrorism mission is vast. Every region of the world has a stake in this.

Moreover, the resolution mandates touch on a wide range of public activities and affect dozens of specialized agencies.

The CTC has made important strides in encouraging regional organizations to strengthen their capacity. Many have created their own counterterrorism units, especially in Europe, the Asia-Pacific bloc, and Latin America. Some regions are lagging behind, however. The Middle East/North Africa area, for example, has not developed an adequate coordination mechanism to address the full range of counterterrorism priorities. Broader regional coverage is needed in South Asia and in Eastern and Southern Africa as well.

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Improved cooperation is necessary among organizations within the UN system. The CTC has been slow to coordinate with the expert group monitoring implementation of the sanctions against Al Qaeda and the Taliban [the former ruling regime in Afghanistan]. Concerns have been raised about the need for cooperation between the CTC and the committees established pursuant to Resolutions 1540 and 1566. The problem of coordination among these various bodies has not received sufficient attention. There now are four special Security Council bodies working on counterterrorism issues: CTC, the Al Qaeda and Taliban monitoring team, the 1540 committee, and the 1566 working group. While the mandates of these bodies are separate, they do have overlapping duties and responsibilities. The potential for the duplication of efforts under these circumstances is considerable.

### **Respecting Human Rights**

While many of the challenges are procedural, others are more political in nature. Among the most sensitive concerns are those related to the protection of human rights. Controversy has emerged over cases in which individuals have been detained or subjected to financial restrictions without appeal or other due process. In some cases, government officials have used the fight against terrorism as a justification for suppressing longstanding dissident or minority groups, some of which have been advocates of greater democracy and human rights in their nation. More broadly, a number of analysts worry that counterterrorism measures invariably 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. As 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 center of anti-terrorism strategies."

At its ministerial meeting in January, 2003, the Security Council adopted Resolution 1456, urging greater international compliance with UN counterterrorism mandates, but also reminding states of their duty to

respect international legal obligations, "in particular international human rights, refugee and humanitarian law."

A strong case can be made that protecting human rights and strengthening democracy are essential over the long haul in the fight against terrorism. Terrorist movements often arise in societies where civil and human rights are denied and opportunities for political expression are lacking. Protecting human rights and guaranteeing the freedom to voice dissenting views without government interference can help to prevent the rise of political extremism. Nothing will erode support for counterterrorism mechanisms like the CTC more quickly than a perception among ordinary law-abiding citizens that such programs inevitably will compromise basic freedoms.

### **Challenges Facing the UN Counterterrorism Efforts**

The most longstanding and intractable of political challenges facing the CTC is the lack of an agreed definition of terrorism within the United Nations. This 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 counterterrorism initiatives that might prejudice Palestinian resistance to the Israeli occupation. It is no accident that ratification of counterterrorism conventions and participation in CTC initiatives are lowest in the Middle East.

Thus far, the CTC has steered clear of these dilemmas by focusing primarily on procedural issues and generic counterterrorism capabilities. It wisely has transcended the differences over competing definitions of terrorism by appealing to the consensus among UN member states that greater efforts are needed to counter the global terrorist threat posed by Al Qaeda. How long the CTC will be able to maintain this balance is subject to much debate.

Another political challenge concerns enforcement. The CTC has decided not to sit in judgment of UN members or to report to the Security Council on those it has determined to be noncompliant. This limits the committee's effectiveness by allowing certain countries to avoid responsibility for taking specific action. If the CTC is to accomplish its mission, this restrained practice will need to be reconsidered. In the present "revitalized" period of UN counterterrorism efforts, the question of what the Security Council should do about states that refuse to implement mandates has become more pressing. Will the council be willing to consider the imposition of sanctions against nations that have received technical assistance, yet still refuse to comply with Resolution 1373? These and other challenges comprise the tasks ahead for UN counterterrorism efforts.