United Nations Actions against International Terrorism

Can it become more effective?

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Sammanfattning

Sedan terroristattackerna 2001 mot USA har FN:s säkerhetsråd och generalförsamling blivit mer aktiva för att förebygga internationell terrorism. Ett stort framsteg var tillkomsten av FN:s globala strategi mot terrorism och dess Task Force för bekämpning av terrorism. Under de senaste fem åren har FN utökat sin verksamhet inriktad mot bekämpning av terrorism, ökat samordningen mellan olika internationella organ och förstärkt partnerskapet med många internationella och regionala organisationer. I rapporten granskas det arbete som utförts inom ramen för FN för att bekämpa internationell terrorism. Ett viktigt resultat av FN:s arbete har varit tretton universella konventioner mot specifika former av internationell terrorism. En annan framgång var att FN: s säkerhetsråd kunde enas om resolution 1540 under kapitel VII i Förenta Nationernas stadga för att förhindra spridningen av massförstörelsevapen. Den kräver att stater inför och tillämpar lämpliga och effektiva lagar och åtgärder för att förhindra icke-statliga aktörer från att förvärva och tillverka massförstörelsevapen. Det finns dock tyvärr fortfarande inga tecken på kort sikt att FN kommer att kunna enas om förslaget till övergripande konvention mot terrorism eller en gemensam internationell definition av begreppet terrorism.

Den strategi som FN antagit för att bekämpa terrorisminsatser är bred då de bakomliggande orsakerna till terrorism är komplexa och innehåller många aspekter där ingen enda dominerar. Det finns bara en begränsad eller ingen korrelation mellan fattigdom, ojämlikhet och arbetslöshet och för förekomst av terrorism. Frågor kring radikalisering och extremism som leder till terrorism har också tagits upp. Gemensamma initiativ tillsammans med medlemsstaterna i många regioner - inklusive Sahel, Afrikas horn, Mellanöstern och Syd- och Centralasien - har visat att det finns mycket som kan och behöver göras. Uppbyggnad av kapacitet är ett långsiktigt åtagande i kampen mot terrorism, särskilt i instabila stater. Det finns ett behov av bättre och mer effektivt samordnat tekniskt bistånd till utvecklingsländer. Förenta Nationernas arbete mot terrorism bör nu betona det förebyggande och breda perspektivet i kampen mot terrorism, främja mänskliga rättigheter i detta avseende, och fördjupa partnerskapen med olika intressenter. Hur ska den framtida rollen för Counter

Terrorism Committee utvecklas och kan den bli en oberoende organisation eller ska den bestå som den är idag. Sverige och Europeiska Unionen bör föreslå konkreta initiativ för hur man kan förbättra och öka effektiviteten i FN:s arbete mot internationell terrorism.

Summary

Since the terrorist attacks 2001 on the United States the United Nations Security Council and General Assembly have become more active in preventing international terrorism. One significant achievement has been the establishment of the Global Counter-Terrorism Strategy and the Counter-Terrorism Implementation Task Force. Over the past five years, the United Nations has expanded its counter-terrorism activities, increased inter-agency coordination and enhanced partnerships with a wide range of international and regional organizations. The report reviews the work being done in the framework of the United Nations to combat international terrorism. A major achievement has been the thirteen universal conventions against international terrorism that have been elaborated relating to specific terrorist activities. Another achievement was the United Nations Security Council resolution 1540 under Chapter VII of the United Nations Charter to prevent the proliferation of Weapons of Mass Destruction (WMD). This required states to adopt and enforce appropriate and effective laws and measures to prevent non-state actors from acquiring and manufacturing WMD. There is though unfortunately still no sign in the short term that the United Nations will be able to agree on the Draft Comprehensive Convention on Terrorism or a definition of the term terrorism.

The approach of the United Nations to counter terrorism efforts is that they must be comprehensive as the root causes of terrorism are complex involving many aspects where no single one dominates. There also seems to be limited or no correlation between poverty, inequality and unemployment and the incidence of terrorism. The question of radicalisation and extremism leading to terrorism is also being addressed. Joint initiatives with Member States in many regions - including the Sahel, the Horn of Africa, the Middle East and South and Central Asia - have shown that there is much that can and should be done. Capacity-building is a long-term undertaking towards the fight against terrorism, especially in weak states. There is a need for better and more efficiently coordinated technical assistance to developing states. The United Nations counter-terrorism should now emphasize the preventive and broad aspects of the

counter-terrorism vision, promote human rights in this regard, and deepen partnerships with stakeholders. How should the future role of the Counter Terrorism Committee evolve and perhaps become an independent organisation or should it stay as it is now taking into account the composition of the Counter-Terrorism Implementation Task Force. Sweden and the European Union should propose concrete initiatives for how to improve and increase the effectiveness of United Nations counter-terrorism work.

Keywords: United Nations, Security Council, General Assembly, Terrorism, Counter-terrorism, Global Counter-Terrorism Strategy, Counter-Terrorism Committee CTC, Counter-Terrorism Executive Directorate CTED, Counter-Terrorism Implementation Task Force CTITF, 1540 Committee, Sanctions committee, UNICRI, UNODC, WMD.

Abreviations

ADNS	Animal Disease Notification System
AQIM	Al-Qaeda in the Islamic Maghreb
ASEA	Association of South East Asian Nations
AU	African Union
BTWC	Biological and Toxin Weapons Convention
CATS	Article 36 Committee
CBRN	Chemical, Biological, Radiological, Nuclear
CCM	Civilian Crisis Management
CCWG	Customs Cooperation Working Group
CFSP	Common Foreign & Security Policy
CIA	Central Intelligence Agency
CIP	Critical Infrastructure Protection
CTAG	Counter Terrorism Action Group, G8
CTC	Counter Terrorism Committee
CTED	Counter-terrorism Committee Executive Directorate
CTITF	Counter-Terrorism Implementation Task Force
CWC	Chemical Weapons Convention
ECOSOC	United Nations Economic and Social Council
ESS	European Security Strategy
EU	European Union
EUROPOL	European Police Office
FATF	Financial Action Task Force
GICNT	Global Initiative to Combat Nuclear Terrorism
GOARN	Global Outbreak Alert and Response Network (WHO).
GPHIN	Global Public Health Intelligence Network
GSPC	Salafist Group for Preaching and Combat
IACRNE	Inter-Agency Committee on Radiological and Nuclear Emergencies
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organisation
ICC	International Criminal Court
IMF	International Monetary Fund
IMO	International Maritime Organisation
IEC	Incident and Emergency Centre (IAEA)
INSServ	International Nuclear Security Advisory Service (IAEA)
INTERPOL	International Criminal Police Organization
IPPAS	International Physical Protection Advisory Service (IAEA)
ITDB	Illicit Trafficking Database
JPLAN	Joint Radiation Emergency Management Plan of the International Organisations
KMS	Knowledge Management System
MS	Member States

NCTC   National Counterterrorism Center (US)
NGO   Non Governmental Organisation
NPT   Non Proliferation Treaty, Nuclear
DDA   Office for Disarmament Affairs
OHCHR   Office of the UN High Commissioner for Human Rights
OIC   Organisation of Islamic Conference
OPCW   Organisation for the Prohibition of Chemical Weapons
PIA   Preliminary Implementation Assessments
PPPs   Public-Private Partnerships
REPLIE   Response Plan for Incidents and Emergencies (IAEA)
UN   United Nations
UNCTC   United Nations Counter-Terrorism Committee
UNDP   United Nations Development Program
UNESCO   United Nations Educational, Scientific and Cultural Organization
UNICRI   United Nations Interregional Crime and Justice Research Institute
UNGA   United Nations General Assembly
UNOCHA   United Nations Office for the Coordination of Humanitarian Aid
UNODC   United Nations Office on Drugs & Crime
UNSC   United Nations Security Council
WHO   World Health Organisation
WMD   Weapons of Mass Destruction

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1   Introduction

The Global Counter-Terrorism Strategy and the Counter-Terrorism Implementation Task Force as well as a number of anti-terrorism conventions are major and positive achievements by the UN. The aim of the report is to analyse the progress being made so far by the UN on counter terrorism. How effective has the work and coordination been? The report aims to give an overview of and analyse the work that has been done in the framework of the UN-system to fight international terrorism. There are around 70 international and regional organisations that are involved and how do these interact and how well coordinated are their actions? The UN became more active since the terrorist attacks against the U.S. 2001. Can this momentum be kept up for the future? The report is based solely on open source documentation of the work carried by the United Nations. There are so far very few studies that have attempted to evaluate the work done by the UN in this area.

Another reason for this report is that the European Union is a strong supporter of the work in the UN framework and that Member States have been urged to include the risk of chemical, biological, radiological and nuclear (CBRN) weapons attacks, in particular by terrorists, in their emergency response planning as an outcome from an EU Justice and Home Affairs Ministers meeting in November 2010.

The report has been prepared in the framework of a European Union Framework Seven project SECURENV Assessment of Environmental Accidents from a Security Perspective.[1] It also provides backgroumd information for a project for the Swedish Ministry of Defence dealing with CBRN and terrorism preparedness. This includes a part on how national work on CBRN preparedness connects to the work carried out in international organisations.

1.1   The Threat of Global Terrorism

Terrorism is not a new phenomenon but has always existed and erupts in different places and times due to many factors why it must always be analysed in its specific context.[2] The terrorism threat is becoming more global and network based why active and enhanced international cooperation at all levels is a necessity for prevention and to enhance preparedness. What is needed is an effective multilateral response to the complex global terrorism threat but so far the results of the work of some seventy international organisations including the United Nation (UN) system have been mixed even if progress is being made.

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[1] www.securenv.eu
[2] Hoffman, B. (1992) 'Current Research on Terrorism and Low-Intensity Conflict', *Studies in Conflict and Terrorism*, Vol. 15, p. 26.

Much work has been done in the framework of regional organisations like the Euopean Union (EU) but coordination between different actors has to improve. There is a need for enhanced cooperation, increased efforts to enhance synergies, to focus more on technical assistance and also on preventive measures.

It can be discussed if it is at all possible to define the term terrorism as its interpretation has changed over time since the 19th century and different types of terrorism have occurred since the Second World War. A definition should not just be a product of how we today view terrorism if it should have a long life span.[3] Schmid has compiled 109 definitions of the term terrorism.[4] A limitation for many definitions is that they do not cover actions of and/or directed against armed forces.[5] There is though no international agreed definition of terrorism but one could for example be: Terrorism is the instrumental use or threatened use of violence by an organisation or individual against innocent civilian targets in furtherance of a political, religious or ideological objective.[6] One step towards an international accepted definition was the one used in 1994 United Nation General Assembly (UNGA) Resolution:

> 'Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them'.[7]

This definition is based on criminal actions against civilian why acts carried out by non-civilians are also covered. A common EU definition of terrorism was reached in December 2001[8] that consists of three parts, the context of an action, the aim of the action and the specific acts being committed. Terrorism includes actions which might seriously damage a country or an international organisation that aims to seriously intimidate a population, unduly compelling a government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation. A

terrorist group is defined as a structural group of more than two persons, established over a period of time and acting in concert to commit terrorist offences.[9] Other examples of definitions are the one used in a United Nation Security Council (UNSC) resolution 1566[10] and one found in a UNGA resolution 1994, in the Declaration on International Terrorism.[11] In the Financing of Terrorism Convention the UN defined terrorism:

> 'Any….act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimate a population, or to compel a government or an international organisation to do so or to abstain from doing any act'.[12]

It could be discussed that the International Criminal Court (ICC) should be given a mandate for covering terrorism but this of course means that the UN must first resolve the question of a common definition for terrorism through consensus.[13] It is also important that the definition is not so broad that it can jeopardise the progress that has been made on human rights.[14] Former United Nation Secretary General (UNSG) Kofi Annan:

> 'The reality is that, like war, terrorism is an immensely complicated phenomenon with multiple objectives and causes, a multitude of weapons and agents, and virtually limitless manifestations'. 'There is no trade-off between effective action against terrorism and the protection of human rights'.

Wilkinson has identified a set of criteria to identify terrorism from other types of violence and conflicts.[15] Terrorism is characterized by its political nature carried out by non-state actors using surprising violence against innocent people.[16] Terrorist groups can according to Cronin be divided into left-wing and right-wing inspired groups, ethnic separatist or religious based groups.[17] To this can be

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[3] Roberts, A. (2002) 'Can we define terrorism?' *Oxford Today*, Vol. 14, No. 2.

[4] Schmid, A. (1983) *Political Terrorism: A research guide to the concepts, theories, databases and literature, With a bibliography by the author and a world directory of "terrorist" organizations,* by A. J. Jongman. Amsterdam, North Holland.

[5] Kennedy, Graham (2005) 'The Security Council and Counterterrorism: Global and Regional Approaches to an Elusive Public Good', *Terrorism and Political Violence*, Vol. 17, pp. 37-65.

[6] Tucker, J. B. (2000) *Toxic terror, assessing terrorist use of chemical and biological weapons*, Monterey Institute of International Studies, MIT Press, London, England, 2000.

[7] United Nations General Assembly, Resolution 49/60, 9 December, 1994; and repeated in General Assembly, Resolution 51/210, 17 December, 1996.

[8] Council of the European Union, 'Proposal for a Council Framework Decision on Combating Terrorism, Outcome of Proceedings of the Council', Doc. 14845/1/01, Brussels, 7 December, 2001.

[9] O'Neill, M. (2008) 'A Critical Analysis of the EU Legal Provisions on Terrorism', *Terrorism and Political Violence*, Vol. 20, pp. 26-48.

[10] United Nations Security Council Resolution 1566, S/RES/1566 (2004), 8 October, 2004.

[11] Kennedy, Graham (2005) 'The Security Council and Counterterrorism: Global and Regional Approaches to an Elusive Public Good', *Terrorism and Political Violence*, Vol. 17, pp. 37-65.

[12] Ibid.

[13] Roberts, A. (2002) 'Can we define terrorism?' *Oxford Today*, Vol. 14, No. 2.

[14] Hoffman, P. (2004) 'Human Rights and Terrorism', *Human Rights Quarterly*, Vol. 26, p. 937.

[15] Wilkinson, P. (2001) Chapter 1, 'Terrorism, insurgency and asymmetrical conflict', in *Terrorism versus Democracy, The Liberal State Response*, 2nd edition, Routledge, London, p 1.

[16] Cronin, A. K. (2002/03) 'Behind the Curve, Globalization and International Terrorism', *International Security*, Vol. 27, No. 3, p. 33.

[17] Cronin, A. K. (2002/03) 'Behind the Curve, Globalization and International Terrorism', *International Security*, Vol. 27, No. 3, p. 39.

added single issue groups.[18] Terrorism is meant to create an atmosphere of fear, generally for a political or ideological (whether secular or religious) purpose. Terrorism is a criminal act, but it is more than mere criminality. It is the type of uncommon violence that produces the terror effect and the symbolic value is far greater than the potential damages that might be caused due to the action.[19] It can in some instances be difficult to draw a distinct line between terrorists on the one hand and guerrilla or freedom fighters on the other hand. The term terrorist is also used politically to discredit an opponent why account has to be taken also who uses it.

To overcome the problem of terrorism it is necessary to understand its political nature as well as its basic criminality and psychology. Most terrorist acts have been carried out by specific groups with limited agendas, using small weapons, and within the boundaries of individual states. Trans-national networks of the type that carried out the 11 September attacks are a relatively new phenomenon. Over time, groups based in one country may take on a trans-national character, carrying out attacks across one border, receiving funding from private parties or a government across another and procuring arms from multiple sources. Terrorism in a single country can readily become a threat to regional peace and security owing to spill-over effects and there is no sharp distinction between domestic and international terrorism.[20]

Terrorist acts can be specific aimed at a sector of society, symbolic aimed at objects, people or infrastructure due to their representative value and of an *ad hoc* nature, targets that happen to be convenient. Another trend is the increasing growth of cross-national links between different terrorist organisations, which may involve combinations of military training, funding, technology transfer, or political advice.[21] Transnational terrorism emerged in the 1970's which resulted in a need for interstate cooperation in response to aircraft hijackings and hostage taking. It is first with the emergence of al-Qaeda that this transnational and global threat became a serious matter in international politics. We are now experiencing the fourth wave of global terrorism according to Rapoport's theory. These four waves: the anarchist wave of the 1890's, the anti-colonial wave from 1945, the leftist wave of the 1970's and the religious wave of today, will then

also have four global causes of terrorism.[22] There are a large number of terrorist groups and for an example see Newman.[23]

The CIA director has claimed that al-Qaeda has in principle been defeated in Iraq and Saudi Arabia. On the other hand there seems to be increased activity in North Africa for example Algeria. The Salafist Group for Preaching and Combat (GSPC) has adopted al-Qaeda modus operandi and changed name to al-Qaeda in the Islamic Maghreb (AQIM).[24] Countries like Algeria, Mali, Mauritania and Niger have been deemed of concern due to potential terrorism activities not least for the EU. The latest dramatic uprisings taking place 2011 in North Africa can result in regime changes and new political directions in Tunisia, Egypt, Libya and potentially Yemen which are difficult to predict.

It can also be noted that the lethality per terrorist attack went up since 1990. The number of terrorism incidents and the toll in victims increased sharply in 2003 according to US State Department.[25] In 2004 there were 3192 terror attacks worldwide with 28 433 people wounded, killed or kidnapped according to the US Counterterrorism Center's calculations.[26] According to the U.S: National Counterterrorism Center (NCTC), there were 10 999 terrorist attacks in 83 countries during 2009, resulting in 14 971 deaths. That compares with 11 725 attacks in 2008 and 14 435 attacks in 2007. In 2008, the number of deaths stood at 15 727 down from the 22 736 in 2007. These were caused by around 130 terroirst groups.[27]

According to US intelligence over the next 15 years al-Qaeda will be replaced by even more decentralized Muslim militants who will depend on globalization to find recruits and stage attacks. The present Iraq conflict could provide recruitment for a new class of militants, who would disperse and gradually replace the previous al-Qaeda members. It is stated in the report 'our greatest concern is that these groups might acquire biological agents or less likely, a

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[18] Victoroff, J. (2005) 'The Mind of the Terrorist', *Journal of Conflict Resolution*, Vol. 49, No. 1, p. 5.

[19] Neumann, P. R. and M. L. R. Smith (2005) 'Strategic Terrorism: The Framework and its Fallacies', *Journal of Strategic Studies*, Vol. 28, No. 4, p. 575.

[20] United Nations (2002) *Report of the Policy Working Group on the United Nations and Terrorism*, Doc A/57/273, S/2002/875, at http://disarmament.un.org:8080/docs/pwg-exrpts.htm 2008-12-10.

[21] Pearl, R. (2004) 'Terrorism and national security: issues and trends', *CRS Issue Brief for Congress*, The US Congressional Research Service, Library of Congress, IB 10119, July.

[22] Rapoport D. C. (2004) 'The Four Wave Theory of Modern Terrorism', in *Attacking Terrorism Elements of a Global Strategy*, A. Cronin and J. Ludes Eds., Georgetown University Press, pp. 56-71.

[23] Newman E. (2007) 'Weak States, State Failure, and Terrorism', *Terrorism and Political Violence*, Vol. 19, pp. 463-488.

[24] Europol (2008) *EU Terrorism Situation and Trend Report*, TE-SAT; and Europol (2010) EU Terrorism Situation and Trend Report, TE-SAT, at http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/Tesat2010.pdf 2011-02-28.

[25] 'Powell blames terror error on new system', *The Associated Press*, 13 June, 2004.

[26] 'Attacks near 3200 in 2004 count', *The Associated Press*, 6 July, 2005.

[27] Williams, Cindy and Gordon Adams (2008) 'Strengthening Statecraft and Security: Reforming U.S. Planning and Resource Allocation', *MIT Security Studies Program*, June, p. 28; 'Last year, 10,999 terrorist attacks worldwide – a decline from 2008', *The Christian Science Monitor*, 5 August, 2010; and Terrorist Attacks, Fatalities from Attacks Declined in 2009', America.gov, 5 August 2010.

nuclear device, either of which could cause mass casualties'. The assessment was that the key factors behind terrorism show no signs of changing over the next 15 years.[28] Europol has warned that al-Qaeda is considering civilian targets in some EU Member States but the group has been 'significantly degraded' since 11 September 2001.[29] The new threats are dynamic. Left alone, terrorist networks will become even more dangerous. The EU should have tackled al-Qaeda much earlier. This implies that the EU should be ready early to prevent terrorism and to act before a crisis occurs.[30] From the U.S. it is claimed that since 9/11 2001 much of al-Qaeda leadership has been killed or captured.

Fox studying state failures means that modernity has caused a resurgence of religion and that there is a consistent rise in Islamic participation in conflicts.[31] There is no direct link between failed states and terrorism instead Newman suggests that it is contested states not necessary the weakest that generates or attracts terrorists. Even if some of the most destructive terrorist groups are found in weak or failed states, most of them do not have significant terrorist activity. This is contrary to the general popular view of the weak states role for promoting terrorism.[32]

There are a number of factors that commonly are said to be parts of the 'root causes' of terrorism like poverty, inequality, pour education, modernization (rapid change of society), lack of democracy, and failed states but for example Crenshaw argues that the term is misleading.[33] It probably is true as some argue that terrorists are rather rational actors who use specific strategies, including promoting media attention to achieve political objectives. Terrorists will motivate their actions and exploit social, economic and political grievances. Instead of trying to find one ultimate 'root cause' more efforts should be focused on which measures have successfully been used to counter terrorism and diminish support for terrorism. There are examples where terrorism groups and activities have ended and this may present valuable information on useful strategies. This does not mean that addressing and analysing what factors are conductive in a specific case and for a specific terrorist group is important but they will probably be different in each case.[34]

It is misleading to see the threat of terrorism as one global threat but rather many different threats. What one perhaps can talk about is more general indirect risk factors that seem to be of some importance. As pointed out by Roy 'Explanations based on poverty, exclusion, racism, acculturation, and so forth may contain kernels of truth, but they are not specific enough to be of much practical help in stopping terrorism from acting'.[35] According to Björgo there might be a link between regime type and terrorism in the form of a U-curve where authoritarian regimes and full democracies have the lowest likelihood for terrorism but that the risk is in states in transition where major changes are taking place.[36]

The increasing threat of globalized terrorism must be met with flexible, multifaceted responses that deliberately and effectively exploit avenues of globalization in return, this, however is not happening. But the driving forces of the 21 century terrorists are power and frustration, not pursuit of religious principles.[37]

Effective counter-terrorism measures and the protection of human rights are not according to the EU conflicting goals, but complementary and mutually reinforcing. The fight against terrorism must be placed within a rule-of-law framework and conducted in full conformity with international law, in particular human rights law, refugee law and international humanitarian law. In order to fight radicalization and extremism, the UNSC resolution 1624 (2005) provides a basis. A cornerstone of the global counterterrorism strategy is to develop states capacity to prevent terrorism, like work done by United Nations Office on Drugs & Crime (UNODC), including its Terrorism Prevention Branch, United Nations Development Program (UNDP) and Office of the United Nations High Commissioner for Human Rights (OHCHR) to promote good governance, the rule of law, respect for human rights and effective criminal justice systems.[38]

According to Rosand there are three areas for national counter-terrorism measures: The first being using criminal justice and law enforcement measures, the second being improving border and transport security and protecting critical infrastructures like nuclear, chemical plants, refineries, oil and gas pipelines and the third being to stem the radicalisation and recruitment of local populations

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[28] 'U.S. Report sees more diffuse terror threat to 2020', *The Washington Post*, 14 January 2005.

[29] 'Europol warns al-Qaida considering civilian targets in European States', *Brussels European Voice*, 24 March, 2005.

[30] 'EU aiming to rival US as world power in war on terrorism', *The Daily Telegraph*, 20 June, 2003.

[31] Fox J. (2007) 'The Increasing Role of Religion in State Failure: 1960 to 2994', *Terrorism and Political Violence*, Vol. 19, pp. 395-414.

[32] Newman, Edward (2007) 'Weak States, States Failure, and Terrorism', *Terrorism and Political Violence*, Vol. 19, pp. 463-488.

[33] Crenshaw, M. (1995) 'Thoughts on Relating Terrorism to Historical Concerns', in (M. Crenshaw Ed.) *Terrorism in Context*, College Park PA: Penn. State University press, 1995.

[34] Richardson, Louise (Ed.) (2006) *The Root Causes of Terrorism*, New York, Routledge, 203 p.

[35] Roy, Olivier (2005) 'Europe's Response to Radical Islam', *Current History*, 104 (685), November, p. 360.

[36] Björgo, T. (2009) 'Conclusions', Chapter 20, In (Ed. T. Björgo), *Root Causes of Terrorism, Myths, reality and ways forward*, Routledge, London, p. 259.

[37] Cronin, A. K. (2002/03) 'Behind the curve, Globalization and International Terrorism', *International Security*, Vol. 27, No. 3, pp. 30-58.

[38] EU President Statement – Informals on a Counter-Terrorism Strategy (2006) 'Informal Consultation of the Plenary of the General Assembly on a Counter-Terrorism Strategy; Statement by Minister Alexander Marschik, Deputy Permanent Representative of Austria to the United Nations, on behalf of the European Union', New York, 11 May.

discouraging them from turning to terrorism.[39] There have been attempts to develop conceptual models that help in making predictions in well advance of terrorist campaigns, identify indicators (accelerators and decelerators) and study early signs of escalation of violence are needed.[40]

2   Counter-Terrorism Work

The international will and reactions to the 11 September 2001 terrorist attacks and its implications for international peace and security were reflected in UNSC resolutions 1368 (adopted one day after 9/11), in resolution 1373 on international cooperation drafted by the U.S. adopted under provisions of Chapter VII only three weeks after 9/11,[41] in resolution 1377 a declaration in favour of a global effort to fight terrorism[42] and in resolution 1535.[43] The UNGA resolution on 18 September 2001 condemned acts of terrorism.[44] The UN was to be guided by three principles, as outlined by Secretary General Kofi Annan in the general Assembly 2001[45]:

- Terrorism is never justified no matter what consideration may be invoked. At the same time the counterterrorist campaign should not distract from actions on other UN principles and purposes, the achievements of which could itself reduce and eliminate terrorism;

- The adoption of preventive measures to be undertaken on a cooperative basis should be in accordance with the Charter and other relevant provisions of international law; and

- The search for legal provisions must be subordinated to 'moral clarity' on the subject of terrorism.

The High Level Panel convened by the UN Secretary General put forward in their report a new vision of collective security, one that addressed all of the major threats to international peace and security.[46] It was mentioned that the security of the most affluent state could be held hostage to the ability of the poorest states to handle an emergency or outbreak of disease. Every threat to international security today enhances the risk of other threats. International terrorist groups prey on weak states for sanctuary and their recruitment is aided

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[39] Rosand, Eric (2007) *Global Terrorism: Multilateral Responses to an Extraordinary Threat,* Coping with Crisis, Working Paper Series, International Peace Academy, IPA Publications, New York, April, p. 8-9.

[40] Sirseloudi, Matenia P. (2005) 'How to predict the Unpredictable: On the Early Detection of Terrorist Campaigns', *Defence & Security Analysis*, 21(4), pp. 369-386.

[41] United Nations Security Council, Resolution 1373 (2001) adopted by the Security Council at its 4385th meeting, on 28 September 2001, S/RES/1373 (2001).

[42] United Nations Security Council, Resolution 1377 (2001) adopted by the Security Council at its 4413th meeting, on 12 November 2001, S/RES/1377 (2001).

[43] United Nations Security Council, Resolution 1535 (2004) adopted by the Security Council at its 4936th meeting, on 26 March 2004, S/RES/1535 (2004).

[44] United Nations General Assembly, Resolution, A/RES/56/10, 18 September, 2001; Dhanapala, Jayantha (2005) 'The United Nations' response to 9/11', *Terrorism and Political Violence*, Vol. 17, pp. 17-23; and Wright J. (2006) 'The Importance of Europe in the Global Campaign Against Terrorism', *Terrorism and Political Violence*, Vol. 18, pp. 281-299.

[45] Dhanapala, Jayantha (2005) 'The United Nations' response to 9/11', *Terrorism and Political Violence*, Vol. 17, pp. 17-23. United Nations, Report from the High level Panel on Threats, Challenges and Change, A/59/565, December 2004.

[46] United Nations, *Report from the High level Panel on Threats, Challenges and Change*, A/59/565, December 2004.

by grievances nurtured by poverty, foreign occupation and the absence of human rights and democracy as well as by religious and other intolerance and civil violence. Poverty, infectious disease, environmental degradation and war feed one another in a deadly circle.

In 2001 the UNSG established the Policy Working Group to identify long-term implications and broad policy dimensions of the issue of terrorism for the UN and to formulate recommendations on the steps that the UN system might take to address the issue. The report outlines the overall strategy of the UN. This Policy Working Group had eight subgroups including one on Weapons of Mass Destruction (WMD).

> 'There is no reliable assessment of the quantity and quality of weapons, dual-use and related materials, devices and technologies in the possession of groups and individuals associated with terrorism. It is clear, however, that as long as stockpiles of any kinds of weapon-related materials, devices or technologies exist, terrorists may seek to obtain them'.[47]

The Policy Working Group submitted their report 2002 recommending that the UN should focus on areas where the UN had a comparative advantage, dissuade affected groups from embracing terrorism, deny groups or individuals the means to carry out acts of terrorism and cooperate internationally in the struggle against terrorism and its multifaceted nature. Thirty-three recommendations were made by the group but implementation of these has so far been slow.[48] In preparation for the UN summit in 2005 the UNSG presented a report which listed examples of the recommendations for world leaders[49]:

- Confirm and implement a new security consensus based on the recognition that threats are interlinked and no state can protect itself acting entirely alone;

- Pledge full compliance with the NPT; CWC and BTWC; and

- Conclude a comprehensive convention on terrorism by September 2006, which includes a definition of terrorism.

It became clear that the UNSC was going to take the initiative and lead the UN's work on counter-terrorism with its permanent five all with experiences of terrorism. Resolution 1373 (2001) passed soon after the nine-eleven attack on the U.S. requiring a broad range of actions in the fight against global terrorism under Chapter VII of the UN Charter.[50] The resolution aimed at curtailing terrorists' finances, their support and their ability to travel, establishing their acts as serious crimes and enhancing international cooperation against terrorism. It also included setting up a subcommittee to monitor compliance. Member States should report on their relevant legislation including regulations, what actions had been taken, and what steps had been taken or were contemplated to enhance international cooperation in the areas covered by the 1373 resolution. One other action was to set up a committee later called the UN Counter-Terrorism Committee under the UNSC to monitor the implementation of resolution 1373 (2001) and 1624 (2005) and other UN initiatives.[51]

The UNGA reaffirmed the need for international cooperation as well as actions by States in conformity with the principles of the Charter of the UN, relevant international conventions and obligations under international law, in particular international human rights, refugee and humanitarian law (resolution 57/27 and 57/219). Another UNSC resolution 1540 included measures to prevent terrorists from acquiring weapons of mass destruction.[52] The Council's three 'anti-terrorism' subsidiaries are:

- Committee established pursuant to resolution 1373 (2001), also known as the Counter-Terrorism Committee, CTC;

- Committee established pursuant to resolution 1267 (1999) concerning al-Qaeda and the Taliban and associated individuals and entities, or the Al-Qaeda and Taliban Sanctions Committee; and

- Committee established pursuant to resolution 1540 (2004) - the 1540 Committee concerning the non-proliferation of weapons of mass destruction.[53]

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[47] United Nations, General Assembly/Security Council, *Report of the Policy Working Group on the United Nations and Terrorism*, Annex, A/57/273-S/2002/875, 2002, at http://www.un.dk/doc/A.57.0273_S.2002.875.pdf 2008-07-01.

[48] Ibid; and Dhanapala, Jayantha (2005) 'The United Nations' response to 9/11', *Terrorism and Political Violence*, Vol. 17, pp. 17-23.

[49] United Nations General Assembly, Fifty-ninth session, *In larger freedom: towards development, security and human rights for all*, Integrated and coordinated implementation of and follow-up in the outcomes of the major United Nations conferences and summits in the economic, social and related fields, Follow-up to the outcome of the Millennium Summit, Report of the Secretary-General, UNGA A/59/2005, 21 March, 2005; and 'Main proposals in Annan's report on sweeping UN reforms', Xinhua News Agency, 19 March, 2005.

[50] United Nations Security Council, Resolution 1373, S/RES/1373 (2001) adopted by the Security Council at its 4385th meeting, on 28 September 2001.

[51] United Nations Security Council, Letter dated 20 March 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the Security Council, Doc. S/2008/187, 24 March, 2008.

[52] United Nations General Assembly, Resolution, Measures to prevent terrorists from acquiring weapons of mass destruction, UN GA Fifty-eights session, A 58/48, 8 January, 2004.

[53] United Nations, *Press Release* SC/9923. at http://www.un.org/News/Press/docs/2010/sc10038.doc.htm 2010-10-05.

2.1   The UN Counter-Terrorism Committee

It has a broad mandate to strengthen the capacity of Member States against terrorism. The Counter-Terrorism Committee (CTC) has 15 members of the Security Council and its work is reviewed by the UNSC in closed meetings. The Committee reaches decisions based on consensus and is manned by 40 officers. From 2004 the Committee was rivitalised and consists of a Plenary, the Bureau and the Counter Terrorism Executive Directorate (CTED). In assessing states compliance a first stage was that states should have legislation in place covering financing, cross-border trafficking and begin the process of ratifying the terrorism conventions, the next step was to have administrative measures in place for all aspects of the resolution, cooperate bilaterally, regionally and internationally and the third step was that states should effectively use the legislation and coordination mechanism for counter-terrorism.[54] The Security Council extended in December 2010 the Counter Terrorism Committee Executive Directorate (CTED) as a political mission until the end of the year 2013.[55] In its resolution, the Council also urged the expert body to continue assisting states in their efforts to prevent and combat terrorism.The CTC adopted policy guidance on the work of the Committee and its Executive Directorate (CTED), to ensure the effective implementation of all relevant obligations of Member States in the area of international cooperation.[56]   The work of the CTC and CTED comprises:

- Country visits - at their request, to monitor progress, as well as to evaluate the nature and level of technical assistance a given country may need in order to implement UNSC resolution 1373 (2001);

- Technical assistance - to help connect countries to available technical, financial, regulatory and legislative assistance programs, as well as to potential donors;

- Country reports – to provide a comprehensive snapshot of the counter-terrorism situation in each country and serve as a tool for dialogue between the Committee and Member States;

- Best practices – to encourage countries to apply known best practices, codes and standards, taking into account their own circumstances and needs; and

- Special meetings – to develop closer ties with relevant international, regional and sub-regional organizations, and avoid duplication of effort and waste of resources through better coordination.

The reports are one base to assess the need for assistance when it comes to counter-terrorism efforts in individual states. The CTC does not provide the assistance but it indicates needs for potential donors. It conducts visits to selected States but has no power to impose sanctions.[57] It raises the visibility of its work within the wider UN and counter-terrorism community. In 2010 109 States had submitted reports to CTC on their implementation of resolution 1373.[58]

The Counter-Terrorism Executive Directorate (CTED) was established pursuant to resolutions 1535 (2004)[59] and 1805 (2008)[60] in support of the CTC. The CTC regularly submits reports to the UNSC.[61] It reviews reports by States, compile the Global Survey of the Implementation and develop the Preliminary Implementation Assessments (PIA). There is also a Technical Assistance Matrix for donors and recipients[62] and a Directory of International best practices, codes and standards for implementation of resolution 1373.[63] The EU has stated the

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[54] Murthy, C. S. R. (2007) 'The U.N. Counter-Terrorism Committee: An Institutional Analysis', *Dialogue on Globalization Briefing Paper* 15, Friedrich Ebert Stiftung, New York, September.

[55] United Nations, 'Security Council extends CTED mandate for three years', 23 December, 2010, at http://www.un.org/en/sc/ctc/news/2010-12-23.html 2011-01-10.

[56] Counter-Terrorism Committee Policy Guidance on International Cooperation, (2010) Doc. S/AC.40/2010/PG.3, Security Council Committee established Pursuant to resolution 1373 (2001) concerning counter-terrorism, at http://www.un.org/en/sc/ctc/docs/policypapers/policy_intlcooperation.pdf 2011-10-10.

[57] Murthy, C. S. R. (2007) 'The U.N. Counter-Terrorism Committee: An Institutional Analysis', *Dialogue on Globalization Briefing Paper* 15, Friedrich Ebert Stiftung, New York, September.

[58] United Nations, Briefing to the Security Council by H.E. Mr. Ertuğrul Apakan, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter terrorism, New York, 15 November 2010, at http://www.un.org/en/sc/ctc/docs/2010/2010-11-15_ctcchair_brief.pdf 2010-12-14; and Bianchi, Andrea (2006) 'Security Council's Anti-terror Resolutions and their Implementation by Member States', *Journal of International Criminal Justice*, Vol. 4, pp. 1044-1073; and Bianchi, Andrea (2006) 'Assessing the Effectiveness of UN Security Council's Anti-terrorism Measures: The Quest for Legitimacy and Cohesion', *The European Journal of International Law*, Vol. 17, No. 5, pp. 881-919.

[59] United Nations Security Council, 'Proposal for the Revitalisation of the Counter-Terrorism Committee', Doc. S/2004/124, New York, 19 February, 2004.

[60] United Nations Security Council, Resolution, Doc. S/2008/1805, 20 March, 2008, at http://www.un.org/sc/ctc/pdf/1805.pdf 2008-08-06.

[61] United Nations Security Council, 'Letter dated 12 July 2010 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council', work programme 1 July – 31 December 2010, Doc. S/2010/366, 14 July, 2010, at http://www.un.org/en/sc/ctc/docs/2010/2010_workprogramme_2.pdf 2010-12-14.

[62] United Nations CTED Technical Assistance Matrix, Home page, at http://www.un.org/sc/ctc/htdocs/index.html 2008-08-06.

[63] United Nations, Directory of International best practices, codes and standards for the implementation of UNSC resolution 1373 (2001), at http://www.un.org/sc/ctc/bestpractices.shtml 2008-08-06; and CTED (2010) 'Communications Strategy and Action Plan', UN Counter-Terrorism Executive Directorate, at http://www.un.org/en/sc/ctc/docs/policypapers/communications_strategyplan2010.pdf 2010-10-02.

importance of resolution 1373 and the CTC.[64] The G8 have also in a statement given strong support to the UN's Global Counter Terrorism Strategy, the CTC and CTED.[65]

2.2 The Al-Qaeda and Taliban Sanctions Committee

The committee was established by UNSC resolution 1267 (1999) and requires all states to impose sanctions on individuals and entities listed as associated with al-Qaeda and the Taliban wherever located. The Committees mandate has regularly been extended. The Committee monitors a sanction regime which requires all UN Member States to:

1. Freeze without delay, the funds and other financial assets or economic resources of the individuals and entities designated on the Consolidated List. There is no requirement to seize or confiscate/forfeit these assets, funds or resources;

2. Prevent the entry into or transit through their territories of the individuals designated on the Consolidated List. There is no requirement to arrest or prosecute these individuals; and

3. Prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types, including military equipment, spare parts and technical advice, assistance, or training related to military activities, to the individuals and entities on the Consolidated List.

Up to April 2007, 362 individuals and 125 entities have been placed on the list by the Security Council and over $200 million[66] in financial assets of those listed have been frozen by 34 states. There is a monitoring team which assists the UNSC in promoting implementation of the sanction regime and compiles analytical reports assessing the changing nature of the threat posed by al-Qaeda and the Taliban and the best way of confronting it. The Committee visits Member States to discuss how to improve the sanction regime. Under the al-

Qaeda and Taliban sanctions regime, over 30 States have frozen at least $90 million in assets as of September 2010.

The Consolidated List[67] was established and maintained by the 1267 Committee with respect to al-Qaeda, Usama bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them. There is a report that reviewed the Consolidated List from 30 June 2008 to 31 July 2010 by the 1267 Committee. The review examined 488 (30 June 2008 two thirds on the List dated back to 2002 or earlier) names of individuals, groups and entities subject to the al-Qaeda and Taliban sanctions regime in order to update their entries or remove them from the List where the Committee decided that their listing was no longer appropriate. The Committee removed 45 names from the List as a result of the review.[68] There have also been critic and proposals by Sweden, Germany, Switzerland and Liechtenstein calling for a reform of the listing and de-listing procedures.[69]

2.3 The 1540 Committee Concerning the Non-proliferation of Weapons of Mass Destruction

The Committee was established by the Security Council on April 28th 2004 to prevent the proliferation of Weapons of Mass Destruction (WMD). States should take steps to deny terrorists seeking WMD and their means of delivery. States are requested to adopt and enforce 'appropriate and effective' laws and measures, such as export and border controls, to prevent non-state actors from acquiring and manufacturing WMD or related materials.[70] It can be noted that it is not

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[64] Commission of the European Communities, Commission Staff Working Paper, 'EC external assistance facilitating the implementation of UN Security Council Resolution 1373; an overview', Doc. SEC(2002)231, Brussels, 25 February, 2002.

[65] G8 Summit Heiligendamm (2007) *Report on G8 Support to the United Nations' Counter-Terrorism Efforts, G7/G8 Summit Meetings, Heiligendamm Documents*, G8 Information Centre, 8 June.

[66] Cortright, D., G. A. Lopez, A. Miller and L. Gerber (2004) *An Action Agenda for Enhancing the United Nations Program on Counter-Terrorism. Fourth Freedom Forum*, Washington D.C., 2004, at http://www.fourthfreedom.org/Applications/cms.php?page_id=183 2008-06-27.

[67] United Nations, The Consolidated List established and maintained by the 1267 Committee with respect to Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them, Last updated on: 9 February 2011, at http://www.un.org/sc/committees/1267/pdf/consolidatedlist.pdf 2011-02-25

[68] United Nations Security Council, 'Letter dated 28 September 2010 from the Chair of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council, Report of the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004)', submitted in accordance with paragraph 30 of resolution 1904 (2009), Doc. S/2010/497, 29 September 2010, at http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/497 2010-12-15.

[69] Comras Victor D. (2008) 'UN Terrorist Designation System Needs Reform', *Perspectives on Terrorism*, Vol. II, Issue 10; and Eriksson, Mikael (2009) 'In Search of a Due Process, Listing and Delisting Practices of the European Union', Department of Peace and Conflict Research, Uppsala University; and Bothe, Michael, (2008) 'Security Council's Targeted Sanctions against Presumed Terrorists, The Need to Comply with Human Rights Standards', *Journal of International Criminal Justice*, No. 6.

[70] United Nations, Resolution 1540 adopted by the Security Council at its 4956th meeting, 28 April, 2004.

defined what is meant by appropriate or effective. States should put in place controls and safeguards for WMD-related materials that can be misused. It was also mentioned that states should 'take cooperative actions to prevent illicit trafficking'. Develop and maintain effective border controls and law enforcement efforts to detect, deter, prevent and combat illicit trafficking. States should adopt national rules and regulations where it has not been done.[71] Governments reported initially after 6 months to the Committee. It was significant that the resolution was adopted under Article VII of the UN Charter, which recognizes punitive actions to preserve peace and security. It was also stated that none of the obligations set forth in the resolution shall be interpreted so as not to conflict with or alter the rights and obligations to other arms control accords.[72]

Nearly 160 Member States had 2009 reported on their capabilities and gaps in stopping the proliferation of WMD. The number of states reporting that they have implemented legislative to penalize the involvement of non-state actors in prohibited WMD proliferation activities has grown considerably since the adoption of resolution 1540 (2004).[73] It has also been concluded that the full implementation of the resolution will take long time.[74]

The language of the resolution was drafted in broad terms and contained requirements that could be open for interpretation.[75] One limitation was that there was no minimal standard indicated on what type of legislation and its implementation that could be accepted according to the resolution. As the reports from states will be publicly available it was hoped that states with a well developed legal system in this area could be a model for other states when

improving their own legal system. The specific measures to account for and secure agents and 'related materials' will be determined by each state and will to a large degree depend on the contents of the lists of items used for this purpose. It has also been made clear that many states will encounter practical problems in actual implementing the resolution.[76] The resolution does not authorize action to be taken against states to compel compliance although the resolution was adopted pursuant to UN Chapter VII indicating the highest concern to international peace and security. The resolution would not authorize action against states or against non-state actors in the territory of another country. It will be up to the Security Council as whole, not individual states, to determine the appropriate course of action in cases of non-compliance with resolution 1540. Any enforcement action would require a new Council decision.[77] What will be the situation if a state has the appropriate legislation but this is not implemented in a rigorous manner?

The three committees[78] the al-Qaeda and Taliban Sanctions Committee (1267), the Counter-Terrorism Committee (CTC, 1373) and the 1540 Committee have initiated closer cooperation (in line with UNSC resolutions 1735, 1805 and 1810) for information exchanges, providing access to each others data-bases, common outreach activities like regional workshops and visits to Member States. They have worked to implement a common strategy approved 2007. The three Committees cooperate in the framework of the Counter-Terrorism Implementation Task Force (CTITF) established for the UN Global Counter-Terrorism Strategy.

[71] UN Security Council unanimously passes resolution on WMD, measures designed to punish those who sell WMD components, technology, US State Department, News from the Washington File, 28 April, 2004; and UN adopts resolution to keep weapons of mass destruction from terrorists, Associated Press 28 April 2004.
[72] Security Council Unanimously Adopts Resolution on Denying Terrorists WMD, *Arms Control Today*, May, 2004, p34.
[73] United Nations Security Council, 'Letter dated 29 January 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council', Doc. S/2010/52, 1 February, 2010, at http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/52 2010-12-15; and United Nations Security Council, Letter dated 8 July 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council, Annex, Report of the Committee established pursuant to Security Council resolution 1540 (2004), Doc. S/2008/493, 30 July, 2008, at http://daccessdds.un.org/doc/UNDOC/GEN/N08/409/78/PDF/N0840978.pdf?OpenElement 2008-09-16.
[74] United Nations Security Council, Security Council's 1540 Committee raises awareness of possible link between Mass Destruction Weapons, Non-State Actors; Says grave threat needs urgent attention, UNSC 5955th Meeting, Doc. SC/9423, 18 August, 2008.
[75] Stein, B. P. (004) 'UNSC Resolution 1540 and the BWC: The other side of the coin', Presented at Workshop on Resolution 1540, Geneva, December 2004, at URL http://www.mcgeorge.edu/resolution_1540

[76] Ellahi, M. A. (2004) 'The development of Res. 1540 and its goals', Workshop on UN security Council resolution 1540 as it pertains to biological weapons, Geneva, 3 December, 2004, at http://www.mcgeorge.edu/resolution_1540 2008-10-10; and Rindskopf, Parker, E.; B. Pate (2005) 'Implementing UN Security Council Resolution 1540 to combat the proliferation of biological weapons', Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science, Vol. 3, No. 2, pp 166-173; and Roffey Roger, (2010) 'Terrorism and Proliferation Concerns'**,** Paper, First European Meeting on Terrorist Threat & Fight Against Terrorism, Fondation pour la Recherche Strategique, Paris, February 11-12.
[77] Kellman, B. (2004) 'Criminalization and control of WMD proliferation, the Security Council acts & template of national measures to prevent bio-crimes', Presented at Workshop on Security Council Resolution 1540 and biological weapons, Geneva, 3 December, at http://www.mcgeorge.edu/resolution_1540 2008-10-10
[78] United Nations, Comparative table of the three Committees, at http://www.un.org/sc/ctc/pdf/comparativetable.pdf 2008-08-06.

2.4 UN and International organisations and initiatives involved in the fight against terrorism

There are more than 20 other UN agencies that are in some way engaged in preventing and combating terrorism for example:

The Terrorism Prevention Branch of the UN Office on Drugs and Crime UNODC/TPB in Vienna deals with providing assistance, advisory service standard setting but also in technical cooperation to make these standards work. The Terrorism Prevention Branch mandate now also covers prevention and suppression of terrorism.[79] In 2002 the General Assembly approved an expanded programme of activities for the UNODC Terrorism Prevention Branch. This expanded programme focuses on providing assistance to States, upon request, in the legal and related aspects of counter-terrorism, especially for ratifying and implementing the international legal instruments against terrorism and strengthening the capacity of the national criminal justice systems to apply the provisions of these instruments in compliance with the principles of rule of law. In addition, the Branch provides substantive input on counter-terrorism issues to intergovernmental bodies and it coordinates its work with relevant other actors. The CTC has requested UNODC/TPB to provide states guidance in drafting legislation. The Terrorism Prevention Branch focus is on capacity building, identification and dissemination of best practises. It has developed the UN Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols.[80]

UNODC/TPB provides technical assistance in ratifying the 13 international legal instruments and amendments against terrorism (see Appendix 1). It also provides technical assistance in the fight against CBRN terrorism through the drafting of relevant national laws upon state request, the development of model criminal provisions in the implementation of relevant instruments, the elaboration of training material and the organization of interregional, regional and national workshops on the suppression of acts of nuclear and radiological terrorism. In addition, UNODC maintains and develops a comprehensive electronic database on criminal legal texts, in all six UN official languages, with specific links to relevant national legislation on CBRN terrorism. UNODC has often cooperated with the IAEA (International Atomic Energy Agency)[81] and is an official observer to GICNT (the Global Initiative to Combat Nuclear Terrorism).

United Nations Interregional Crime and Justice Research Institute (UNICRI) in Turin launched in 2004 has assisted 168 countries in becoming parties to and implementing universal instruments related to the prevention and suppression of international terrorism, and provided advice on counter-terrorism legislation to 69 countries. They have worked to identify and promote relevant experiences and practices in the field of witness protection, with a specific focus on the persons who participate or who have participated in terrorist or organized criminal groups as well as on victims of terrorism. Activities aim at improving skills of public prosecutors and other relevant investigating officials to optimize the use of information provided by witnesses in accordance with the right of defense and to promote appropriate approaches to victims of terrorism. UNICRI's CBRN risk mitigation efforts centre on knowledge exchange and the development of an e-learning platform. A network of information and knowledge exchange was created, which facilitates the interaction of the national experts and representatives of international and regional organizations the sharing of information related to illicit CBRN trafficking. It helps to strengthen capabilities in terms of effective security of facilities, border control, law enforcement operations, national export controls and trans-shipment controls.

The 'Knowledge Management System' (KMS) that existed in South-East Europe, the Caucasus and received technical support from the IAEA, among others. UNICRI's CBRN KMSs was a support and helped experts from participating states to confront new security challenges but KMS was terminated in 2010. In March 2009 KMS was set up for North Africa and is ongoing. Overall, 16 countries and several international/regional organizations have been involved in the KMSs. The IAEA was a member of the KMS and was actively involved in KMS and contributed analysis of RN trafficking, based on its Illicit Trafficking Database (ITDB), for inclusion in comprehensive CBRN risk analyses produced within the framework of KMS. The CBRN comprehensive approach used by the KMS allowed the transfer of lessons learned and best practice among the different CBRN fields and it facilitated identification of potential common trafficking patterns that might not be apparent were the chemical, biological and RN fields studied in isolation.[82] UNICRI is also supporting the European Commission in developing 'Centres of Excellence for CBRN Risk Mitigation'. This provides a network for enhancing national policies and capabilities for mitigating CBRN risks (e.g. from terrorists, criminals, etc.),

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[79] Schmid A. P., 'Terrorism and Human Rights: A Perspective from the United Nations', *Terrorism and Political Violence*, Vol 17, pp 25-37, 2005.

[80] http://www.unodc.org/unodc/en/terrorism/index.html http

[81] United Nations Counterterrorism Implementation Task Force, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks, Interagency Coordination in the Event of a Nuclear or Radiological Terrorist Attack: Current Status, Future Prospects*, UN Department of Political Affairs, New York, August, 2010, at http://www.un.org/terrorism/pdfs/10-

48863%20CTITF%20WMD%20Working%20Group%20Report%20Interagency%20coordination%20web.pdf 2010-12-14.

[82] Ibid; and.Calvani Sandro, UNICRI, Knowledge Management is the Right Response at the Right Time for CBRN Risks, Welcoming Address at the Kick-Off Meeting of the Knowledge Management System on CBRN trafficking in South-East Europe and the Caucasus, UNICRI Headquarters, Turin, 14-15 May, 2008; and UNICRI, Presentation by Jan van Dijk, at 4th Special Meeting of the United Nations Security Council, Counter Terrorism Committee, Almaty, Kazakhstan, 26-28 January, 2005.

aiming to maximize the use of existing resources and facilitate national ownership over CBRN risk mitigation policy. UNICRI will be joining IACRNE.[83]

The UN work on illicit transfer of small arms and light weapons The proliferation, widespread availability and illicit trafficking of Small Arms and Light Weapons (SALW) and their ammunition is one of the most dangerous challenges and threats to global stability and security, as well as to economic and social development and prosperity. The easy availability of small arms and light weapons, their associated ammunition and explosives is a fuelling factor for the vast majority of conflicts. The uncontrolled transfer of arms contributes to a worsening situation concerning terrorism and organised crime, and is a major factor in triggering and spreading conflicts, as well as in the collapse of State structures. Central is the 2001 United Nations Programme of Action (UN PoA), to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Important are the global standards on marking and tracing of SALW that are essential in tracking the illicit trade of these weapons. The adoption of the International Instrument on Marking and Tracing was a first important step in the implementation of the UN Programme of Action in this regard.[84] Important is also the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies in further strengthening arms transfer controls.[85]

The International Atomic Energy Agency (IAEA) secretariat, is responsible for the Incident and Emergency Centre (IEC) as the global focal point for notification, information exchange and response to nuclear or radiological incidents or emergencies (regardless of their origins) or threats. It has the IAEA Response Plan for Incidents and Emergencies (REPLIE). IAEA is also implementing its Nuclear Security Plan to improve and strengthen security globally of nuclear and other radioactive materials in use, storage and transport by supporting states efforts in this regard. It carries out missions to states to help them in identifying and improving their nuclear security requirements. Support is

also given to states for implementing the Convention on the Physical Protection of Nuclear Materials, the Convention on Suppression of Acts of Nuclear terrorism and the Security Council Resolution 1540.

The International Nuclear Security Advisory Service (INSServ) may be requested by a state and entails a mission of IAEA experts to review and assess that state's existing measures to prevent nuclear terrorism and propose ways in which those measures might be improved or upgraded. IAEA's International Physical Protection Advisory Service (IPPAS) focuses primarily on the system of physical protection of nuclear/radiological facilities and materials. In the case of IPPAS missions, the assembled team of experts is international (i.e. not drawn exclusively from IAEA staff). When invited to do so by a state, the team of experts assesses the state's physical protection systems against existing international best practices.

One of the primary roles of the Inter-Agency Committee on the Response to Nuclear Accidents (IACRNA)[86] has been in the development and maintenance of the Joint Radiation Emergency Management Plan of the International Organisations (JPLAN) through the IAEA (and in cooperation with ICAO and UNSCEAR). The JPLAN is co-sponsored by all of the IACRNE participating organizations, although the IAEA serves as the JPLAN's main coordinating body. JPLAN encapsulates a 'common understanding of how each organization acts during a response and in making preparedness arrangements' in the event of a radiation emergency and irrespective of its cause (i.e. whether nuclear or radiological, safety- or security-related).[87]

The Organisation for the Prohibition of Chemical Weapons (OPCW) contributes to anti-terrorism efforts involving chemicals by promoting adherence to the Chemical Weapons Convention. It supports states to build capacity to prevent terrorists from acquiring chemical materials, ensure security at facilities and respond effectively in case of chemical attack or use.[88]

The Biological and Toxin Weapons Convention (BTWC) covers acquisition, development, production, transfer as well as use of biological and toxin weapons also covers bioterrorism. There is a three person Implementation Support Unit (ISU) in Geneva. The BTWC still lacks a control and verification mechanism

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[83] United Nations Counterterrorism Implementation Task Force, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks, Interagency Coordination in the Event of a Nuclear or Radiological Terrorist Attack: Current Status, Future Prospects*, UN Department of Political Affairs, New York, August, 2010, at http://www.un.org/terrorism/pdfs/10-48863%20CTITF%20WMD%20Working%20Group%20Report%20Interagency%20coordination%20web.pdf 2010-12-14.

[84] United Nations General Assembly, Draft report of the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Doc. A/CONF.192/2006/RC/L3, 3 July, 2006, at http://www.un.org/events/smallarms2006/pdf/RC-L.3%20(E).pdf 2008-09-16; United Nations, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Doc. A/CONF.192/15, 2001, at http://disarmament.un.org/cab/poa.html 2008-09-16.

[85] Wassenaar Arrangement, at http://www.wassenaar.org/ 2008-09-16.

[86] In May 2010, there were 108 States and four international organizations States Parties to the Early Notification Convention.

[87] United Nations Counterterrorism Implementation Task Force, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks*, *Interagency Coordination in the Event of a Nuclear or Radiological Terrorist Attack: Current Status, Future Prospects*, UN Department of Political Affairs, New York, August, 2010, at http://www.un.org/terrorism/pdfs/10-48863%20CTITF%20WMD%20Working%20Group%20Report%20Interagency%20coordination%20web.pdf 2010-12-14.

[88] Ibid.

which is most unfortunate.[89] It should be considered at least technical requirements for the establishment of an appropriate procedure for international investigation of suspicious outbreaks and/or alleged biological incidents/ activities taking into account the UN Secretary Generals mechanism from 1989 for investigating alleged use of biological and chemical weapons.[90] The Secretary-General's Mechanism to carry out prompt investigations in response to allegations brought to his attention concerning the possible use of chemical and bacteriological (biological) and toxin weapons was developed in the late 1980s. Triggered by a request from any Member State, the Secretary-General is authorized to launch an investigation including dispatching a fact-finding team to the site(s) of the alleged incident(s) and to report to all United Nation Member States. This is to ascertain in an objective and scientific manner facts of alleged violations of the 1925 Geneva Protocol. The roster of experts and laboratories provided by Member States and the Guidelines and Procedures for the conduct of investigations constitute the key elements of the Mechanism. In 2006 there was an update the roster of experts and laboratories, as well as the technical guidelines and procedures. In 2007 it was decided to leave the main document from 1989 unaltered and recognized that a broad review process would necessarily entail the direct involvement of Member States. The group prepared revisions of the Appendices associated with the guidelines and procedures, in particular taking into account the developments in the biological area. The updated Appendices focus on relevant technical biological aspects of investigation of alleged use. The first-ever training course for experts was offered by the Government of Sweden and was conducted in cooperation with ODA in Umea, Sweden from 25 May to 5 June 2009. Based on this review of the mechanism it can be discussed if it is not now time to re-establish an effective United Nations procedure for investigating allegations of biological weapons use/activities or suspicious outbreaks of disease

The Office for Disarmament Affairs (ODA) provides support to the work of the Committee for UNSC resolution 1540 (2004). It promotes the universalization of a series of international and regional instruments in the area of disarmament and non-proliferation with bearing on many aspects of the terrorist threat. It encourages states to implement their obligations under those instruments and assists them in capacity-building across a broad range of issues, including small arms and light weapons. ODA is developing a Bio-incident

Database with information on reported events in which a biological agent harms or threatens to harm humans, livestock, or agricultural assets.[91]

The World Health Organisation WHO is concerned with public health readiness and response to all public health emergencies. Important is the Global Outbreak Alert and Response Network (GOARN) and the Global Public Health Intelligence Network (GPHIN). These rely on a systematic follow up of information on suspected outbreaks and by providing support to outbreak response activities. WHO supports states in preparedness planning and training and has developed guidelines for biosafety and biosecurity. The revised international health regulations (IHR) of 2005 include the global rules to enhance national, regional and global public health security. This is binding upon WHO Member States and serves as the framework for the effective response by the WHO and its Member States to health emergencies, including those resulting from a CBRN-terrorist attack. [92]

The International Monetary Fund (IMF) give technical assistance and support on questions of money laundering and combating the financing of terrorism.[93]

The World Bank gives support on questions of money laundering and combating the financing of terrorism.

The Office of the United Nations High Commissioner for Human Rights promotes protection of human rights, and the implementation of effective counter-terrorism measures. There is also a Special Rapporteur on the Promotion and Protection on Human Rights While Countering Terrorism.[94]

The International Maritime Organisation (IMO) activities with regard to the prevention of CBRN-terrorism are part of the spectrum of the IMO's broader work on the security of international shipping. There is a convention and protocol which is applicable for inspection of ships suspected of carrying CBRN materials or equipment, see Appendix 1.

International Criminal Police Organisation (INTERPOL) has a secure police communication network and can issue international search/arrest warrants for terrorists and other criminals who may be involved in the trafficking or use of nuclear or radiological materials. Project Geiger is an analytical programme

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[89] Roffey, Roger, 'International Cooperation and Bioterrorism Preparedness', Chapter in *Encyclopaedia of Bioterrorism Defense*, Wiley-Blackwell Publishing, New York, 2011.

[90] United Nations, General Assembly, *Chemical and Bacteriological (Biological) Weapons, Report of the Secretary-General*, Annex I, report of the Group of qualified experts in pursuance of General Assembly resolution 42/37 C, 4 October 1989, A/44/561.

[91] UNODA, (2009).*Developing a Biological Incident Database*, Occasional Papers, No. 15, March 2009, United Nations Office for Disarmament Affairs, United Nations, New York.
[92] United Nations Counterterrorism Implementation Task Force, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks, Interagency Coordination in the Event of a Nuclear or Radiological Terrorist Attack: Current Status, Future Prospects*, UN Department of Political Affairs, New York, August, 2010, at http://www.un.org/terrorism/pdfs/10-48863%20CTITF%20WMD%20Working%20Group%20Report%20Interagency%20coordination %20web.pdf 2010-12-14.
[93] Ibid.
[94] Ibid.

focusing on RN-threats. It gathers data on the illicit use of radiological and nuclear materials, analysing the threats and assisting with international investigations. There is a database containing trafficking and other unauthorized activities regarding radiological and nuclear materials. Analytical activities focus on assessing patterns and trends, potential risks and threats, routes and methods, and weaknesses and vulnerabilities. Analytical reports are made available on the secure INTERPOL web sites and are available to officials by request.[95] Interpol also has an observer status with Global Initiative to Combat Nuclear Terrorism (GICNT) an international partnership of 82 nations and 4 official observers working to improve capacity on a national and international level for prevention, detection, and response to a nuclear terrorist event.

There was a proposal 2010 to establish a CBRNe Terrorism Prevention Programme at INTERPOL consisting of the Bioterrorism Prevention Unit (BioT) (in existence since 2005), a Radiological and Nuclear Terrorism Prevention Unit (RNU) (formed in 2010) and a Chemical and Explosives Terrorism Prevention Unit (ChemT), which was being formed. All three units contain intelligence, prevention, response and investigation expertise focused on their respective areas.[96]
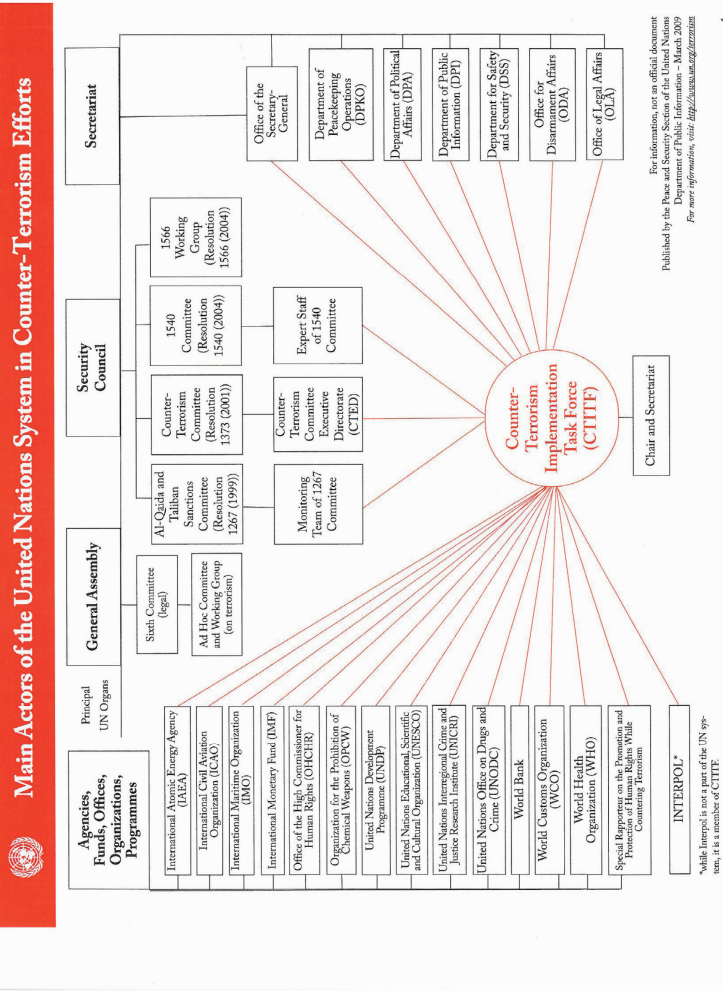

Figure 1. The UN system in Counter-Terrorism, not an official document, published by the UN Peace and Security Section, Department of Information, March 2009..

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[95] Ibid.

[96] Expansion Plans, *CBRNe World*, Spring 2011, pp. 42-46, at
http://www.cbrneworld.com/pdf/cbrne-world-spring-2011-expansion-plans.pdf 2011-04-12.

3 The United Nations Global Counter-Terrorism Strategy

In a report Uniting against Terrorism (2006) by the UN Secretary-General, recommendations were given for a global counter-terrorism strategy. These built on the 'five Ds', dissuading people from resorting to terrorism or supporting it, denying terrorists the means to carry out an attack, deterring states from supporting terrorism, developing state capacity to defeat terrorism, and defending human rights.[97] The recommendations were formulated assisted by the 2005 established Counter-Terrorism Implementation Task Force (CTITF). In 2009 an office was established under the Department of Political Affairs for secretarial support. Concerning bioterrorism the report states: 'The most important under-addressed threat relating to terrorism, and one which actually requires new thinking on the part of the international community, is that of terrorists using biological weapons' In addition it is mentioned: 'Preventing bioterrorism requires innovative solutions specific to the nature of the threat. Biotechnology is not like nuclear technology. Soon, tens of thousands of laboratories worldwide will be operating in a multi-billion-dollar industry'.[98]

The UN Secretary-General has urged that the focus should be on the root causes of terrorism, further deprive terrorists of financial resources and mobility, and prevent them from acquiring and using weapons of mass destruction. Education, development, intercultural dialogue and conflict prevention all have growing relevance in addressing conditions conducive to the spread of terrorism. There is a need to better understand the reasons why people are drawn to violence, so that more can be done to prevent others from following that path. Continue to strengthen the legal regime, build on existing international counter-terrorism instruments and relevant resolutions of the Security Council. The value of the United Nations Global Counter-Terrorism Strategy lies in its consistent and equal implementation. Alliance of Civilization is a central part of the UN's response to extremism and intolerance.[99]

The United Nations Global Counter-Terrorism Strategy was adopted by the General Assembly on the 8 September 2006. The Strategy built on the unique consensus achieved by world leaders at their 2005 September Summit to condemn terrorism in all its forms and manifestations. The strategy lists concrete measures for Member States that they can take individually or collectively to address the conditions conductive to the spread of terrorism, to prevent and combat terrorism and strengthen their individual and collective capacity to do so, and to protect human rights and uphold the rule of law while countering terrorism.[100] After two years the Global Strategy was reviewed. Member States reaffirmed the Global Strategy and its four pillars, as well as their own primary responsibility to implement it.

1. Measures to address the conditions conducive to the spread of terrorism
   Strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peace-building, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts contribute to strengthening the global fight against terrorism. Promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and promote initiatives like the Alliance of Civilizations. To consider national systems of assistance that would promote the needs of victims of terrorism and their families to facilitate the normalization of their lives.

2. Measures to prevent and combat terrorism
   States should refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities on the territory and to take appropriate practical measures to prevent it. They should further find, deny safe haven and bring to justice, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens. In addition they should ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts. Further strengthen coordination and cooperation among states in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials. To consider becoming parties without delay

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[97] United Nations the Secretary-General, 'Address on launch of Uniting against terrorism: Recommendations for a global counter-terrorism strategy', New York, 2 May, 2006, at http://www.un.org/unitingagainstterrorism/sgstatement.html

[98] United Nations General Assembly, *Uniting against terrorism: recommendations for a global counter-terrorism strategy,* Report by the Secretary-General, General Assembly, Sixtieth session, Agenda items 46 and 120, Doc. A/60/825, 27 April, 2006, athttp://www.un.org/unitingagainsttterrorism/sg-terrorism-2may06.pdf 2011-01-27.

[99] UN Press Release, With Global Response to Terrorism 'Gathering Steam', Secretary-General, in Remarks to Security Council, Urges Focus on Root Causes, Information-Sharing, Human Rights, UN Secretary-General, SG/SM/13149, SC/10039, UN Department of Public Information, 27 September, 2010, at http://www.un.org/News/Press/docs/2010/sgsm13149.doc.htm 2010-10-05.

[100] United Nations general Assembly, *The United Nations Global Counter-Terrorism Strategy*, A/RES/60/288, 20 September 2006; and United Nations, UN Action to Counter Terrorism, Fact Sheet, The Peace and Security Section of the Department of Public Information, DPI/24398/Rev. 1, May 2007, at http://www.un.org/terrorism/ 2008-06-27.

to the UN Convention against Transnational Organized Crime[101] and to the three protocols supplementing it, and implementing them.

3. <u>Measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard</u>
Capacity-building in all states is a core element and to undertake measures to develop state capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism.

4. <u>Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism</u>
States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law. To consider in this respect becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system. To support the Human Rights Council and support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. Support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Counter-terrorism strategies should focus on preventive measures taking into account human rights principles and implement forward looking strategies instead of being reactive to terrorist acts that have occured.[102]

The Global Counter-Terrorism Strategy contains a number of important initiatives such as:[103]

- Improving the coherence and efficiency of counter-terrorism technical assistance delivery so that all states can play their part effectively;

- Putting in place systems of assistance that would address the needs of victims of terrorism and their families, and promoting international solidarity in support of victims;

- Addressing the threat of bioterrorism by establishing a single comprehensive database on biological incidents, focusing on improving states' public health systems and acknowledging the need to bring together major stakeholders to ensure that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good;

- Involving civil society, regional and sub-regional organizations in the fight against terrorism and developing partnerships with the private sector to prevent terrorist attacks on particularly vulnerable targets;

- Exploring innovative means to address the growing threat of terrorist use of the internet;

- Modernizing border and customs controls systems and improving the security of travel documents to prevent terrorist travel and the movement of illicit materials; and

- Enhancing cooperation to combat money laundering and the financing of terrorism.

The UNGA has called on states to become parties to existing international anti-terrorism instruments, and to conclude a comprehensive convention on international terrorism. Measures agreed by Member States and by international, regional and sub-regional organizations, within the framework of the Global Strategy, strengthen international cooperation to fight terrorism. Terrorism could not be linked to any specific religion, culture or ethnic groups, and that there must be a clear distinction between terrorist acts and the legitimate struggle for the right to self-determination. Member States should urgently conclude negotiations on the comprehensive convention on terrorism, and agree a definition of terrorism. There was also support for institutionalizing the Counter-Terrorism Implementation Task Force.[104]

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[101] United Nations Office on Drugs and Crime, United Nations Convention Against Transnational Organised Crime and the Protocol Thereto, New York 2004, General Assembly resolution 55/255 of 31 May 2001, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, annexes II and III; and resolution 55/255, annex I.
[102] Lahorde J-P and M. DeFeo (2006) 'Problems and Prospects of Implementing UN Action against Terrorism', *Journal of International Criminal Justice*, Vol. 4, pp. 1087-1103; and Special Rapporteur on Terrorism and Human Rights of the Sub-Commission on the Promotion and Protection of Human Rights, *Preliminary framework draft of principles and guidelines concerning human rights and terrorism*, Working Paper, UN Doc. E/CN4/Sub2/2005/39, 22 June 2005, at http://daccessdds.un.org/doc/UNDOC/GEN/G05/145/97/PDF/G0514597.pdf?OpenElement 2008-08-08.

[103] United Nations Global Counter-Terrorism Strategy, Fact Sheet, October, 2009, at http://www.un.org/terrorism/pdfs/CT_Background_March_2009_terrorism2.pdf 2010-12-15.
[104] United Nations General Assembly, 'General Assembly concludes two-day debate by renewing commitment to strengthen international cooperation in preventing, combating terrorism', Doc.

3.1   The Counter-Terrorism Implementation Task Force (CTITF)

The Counter-Terrorism Implementation Task Force CTITF (for participating organisations see Appendix 2) was established in 2005 by the Secretary General[105] works to ensure overall coordination and coherence among UN entities involved in counter-terrorism efforts and has developed a work programme that cover parts of the Global Counter-Terrorism Strategy. It will for example help states in implementing the strategy in an integrated manner, factoring counter-terrorism into conflict prevention, enhancing technical assistance, enhance UN coordination in planning the response to a CBRN terrorist attack, countering the financing of terrorism, establishing best practices in protecting vulnerable targets and strengthening domestic legislation to protect human rights. A United Nations Counter Terrorism Online Handbook was presented 2007.[106] The institutionalization of CTITF within the United Nations Secretariat, an Office part of the Department of Political Affairs was established 2009 to provide support for the work of CTITF. Via the CTITF Office, with the help of a number of thematic initiatives and working groups, and under the policy guidance of Member States through the General Assembly, CTITF aims to coordinate United Nations system wide support for the implementation of the Strategy and catalyse system-wide, value-added initiatives to support Member State efforts to implement the Strategy in all its aspects. CTITF will also seek to foster constructive engagement between the United Nations system and international and regional organizations and civil society on the implementation of the Strategy. The Task Force currently has nine Working Groups[107]:

- Preventing and Resolving Conflicts[108]
  The peaceful resolution of conflicts will contribute to strengthening global efforts against terrorism, and therefore to make the best use of the capacities of the United Nations in areas such as conflict

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GA/10738, Sixty-second General Assembly, 119th & 20th Meetings, 5 September, 2008, at http://www.un.org/News/Press/docs/2008/ga10738.doc.htm 2008-09-16; and United Nations General Assembly, 'United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy, Report of the Secretary-General', Doc. A/62/898, 7 July, 2008, at http://daccessdds.un.org/doc/UNDOC/GEN/N08/413/41/PDF/N0841341.pdf?OpenElement 2008-09-16.

[105] United Nations Secretary General, 'CounterTerrorism Implementation Task Force (CTITF).established in 2005', at http://www.un.org/terrorism/cttaskforce.shtml 2008-08-06.
[106] United Nations Secretary General, Counter Terrorism Online Handbook, launched 16 February,2007, http://www.un.org/terrorism/cthandbook/ 2008-08-06.
[107] United Nations, Counter-Terrorism Implementation Task Force (CTITF), Working groups presentation, at http://www.un.org/ga/president/62/letters/CTITF%20WG%20Summaries.pdf 2008-09-16.
[108] http://www.un.org/terrorism/workgroup1.shtml 2010-12-15.

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prevention, mediation, rule of law, peacekeeping and peace-building. UN departments for preventive diplomacy and peacemaking, the Department of Political Affairs undertake a wide range of activities to reduce violent conflicts around the world. They facilitate the exchange of knowledge and 'good practice' in preventing and resolving conflicts at the national and regional levels, and determines in partnership with governments and regional and sub-regional organisations, how the UN can better support their efforts in this regard.

- Addressing Radicalization and Extremism that Lead to Terrorism[109]
  In 2008, the Working Group invited all Member States to provide information on their policies and initiatives designed to address radicalisation and violent extremism that lead to terrorism.[110] In its first report the group has compiled information on 34 Member States counter-terrorism strategies through sending out a questionnaire. Of these 17 had provided information on their counter radicalisation policies. In the Swedish report it was stated that Sweden like other countries were exploring how development, civil rights and good governance and democracy assistance programmes may contribute to preventing violent extremism and recruitment. Further it was noted that Sweden had developed, an Exit program, methods to support people who want to leave an environment of extremist violence.[111] The working group has identified two areas for action: to assess the nature and extent terrorists use internet and devise national and regional initiatives to deal with radicalisation. Further steps could be to enhance the monitoring of internet extremist websites, chat-rooms or other fora and increase the use of internet as a diplomacy tool. The Group identified eleven key issues for such programmes:

  1. engaging and working with civil society (for example Norway's Exit project started 1997),
  2. prison programmes,
  3. education,
  4. promoting alliance of civilisations and inter-culture dialogue,

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[109] Working Group on Addressing Radicalization and Extremism that Lead to Terrorism, at http://www.un.org/terrorism/workgroup2.shtml 2010-12-15.
[110] United Nations Counter Terrorism Implementation Task Force, *First Report of the Working Group on Radicalisation and Extremism that Lead to Terrorism: Inventory of State Programmes*, 2008, at http://www.un.org/terrorism/pdfs/radicalization.pdf 2010-10-05.
[111] United Nations Counter Terrorism Implementation Task Force, *First report of the Working Group on Radicalisation and Extremism that lead to Terrorism: Inventory of State Programmes*, 2008.

5. tackling economic and social inequalities,

6. global programmes to counter radicalisation,

7. the internet,

8. legislation reform,

9. rehabilitation programmes,

10. developing and disseminating information, and

11. training and qualifying agencies involved in implementing counter-radicalisation policies.

- Integrated Assistance for Countering Terrorism (I-ACT)
  This initiative enhances the UN systems ability to provide assistance to Member State upon their request, with implementing the Strategy in a comprehensive manner.

- Supporting and Highlighting Victims of Terrorism[112]
  As part of the plan of action for the implementation of the Strategy, Member States strive to promote international solidarity in support of victims of terrorism and to foster the involvement of civil society in a global campaign against terrorism and for its condemnation.

- Preventing and Responding to WMD Attacks[113]
  The Working Group has formulated a work plan to focus on a specific element of the mandate of the Strategy: an assessment of how the UN and certain international organizations would engage on the issue of a terrorist attack where chemical, biological, radiological or nuclear (CBRN) weapons or materials were used, and on the level of coordination between them. The first report concluded that a well-developed system for dealing with radiation emergencies is in place, firstly through the central coordinating role and responsibilities of the IAEA and, secondly, through an established interagency mechanism: the Inter-Agency Committee on Radiological and Nuclear Emergencies (IACRNE). The report outlines what the UN is doing to assist in areas of prevention, response and mitigation of terrorist attack using nuclear or radiological weapons materials such as nuclear security, ranging from help to put in place relevant laws to prevent terrorist access to such materials, to training in nuclear forensics.[114] In addition the Secretary-

General has in principle updated the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged chemical or biological weapons use. There is a need to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all states can receive adequate assistance. A UN report has stated that only a lack of technical expertise is stopping al-Qaeda from carrying out a chemical and biological attack and warned that states were not doing enough to prevent terrorism.[115]

- Tackling the Financing of Terrorism[116]
  States are encouraged to implement the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing promulgated by the Financial Action Task Force (FATF), while recognizing that states may require assistance in doing so. Substantive progress has been achieved in better understanding the phenomenon of terrorism financing.[117]

- Countering the Use of the Internet for Terrorist Purposes[118]
  Member States will coordinate efforts to counter terrorism on the Internet and to use the Internet as a tool for countering the spread of terrorism. In February 2009, the Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes produced a report. It has held two international meetings in 2010 on the legal issues surrounding efforts to the use of the Internet for terrorist purposes and on technical implications related thereto. The report identifies practical measures at the international level to enhance and develop action at

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[112] Working Group on Supporting and Highlighting Victims of Terrorism, at http://www.un.org/terrorism/workgroup3.shtml 2010-12-15.

[113] Working Group on Preventing and Responding to WMD Terrorist Attacks, at http://www.un.org/terrorism/workgroup4.shtml 2010-12-15.

[114] United Nations Counterterrorism Implementation Task Force, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks, Interagency Coordination*

in the Event of a Nuclear or Radiological Terrorist Attack: Current Status, Future Prospects, UN Department of Political Affairs, New York, August, 2010, at http://www.un.org/terrorism/pdfs/10-48863%20CTITF%20WMD%20Working%20Group%20Report%20Interagency%20coordination%20web.pdf 2010-12-14.

[115] UN urges more action on al-Qaeda, *BBC News*, 2 December, 2003; and A UN report says al-Qaida is planning a strike using biological and chemical weapons, Newsday (New York), 3 December, 2003.

[116] Working Group on Tackling the Financing of Terrorism, at http://www.un.org/terrorism/workgroup5.shtml 2010-12-15.

[117] United Nations, Advance Executive Summary, *Report of the Working Group on Tackling the Financing of Terrorism of the United Nations Counter-Terrorism Implementation Task Force*, August, 2008, at http://www.un.org/terrorism/pdfs/Advance%20Executive%20Summary%20-%20Workgroup%205.pdf 2008-10-01.

[118] Working Group on Countering the Use of the Internet for Terrorist Purposes, at http://www.un.org/terrorism/workgroup6.shtml 2010-12-15.

national and regional levels, taking into account legal, technical, political and human rights issues.[119]

- Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy[120]
  In connection with the September 2010 review of the United Nations Global Counter-Terrorism Strategy, the present report responds to the request of the Member States to the Secretary-General, on progress made in the implementation of the Strategy, which contains suggestions for its future implementation by the United Nations system, as well as in the implementation of that resolution.[121]

- Strengthening the Protection of Vulnerable Targets[122]
  The Group has identified a number of basic principles that can be useful to drive forward the role of PPPs Public-Private Partnerships in the protection of vulnerable targets.[123]

- Protecting Human Rights While Countering Terrorism[124]
  The Office of the United Nations High Commissioner for Human Rights (OHCHR)[125] advocates the promotion and protection of all human rights and the implementation of effective counter-terrorism measures as complementary and mutually reinforcing objectives. The High Commissioner is mandated to prepare analytical reports, position papers and provide general support to relevant rule of law activities of UN human rights bodies including the Human Rights Council and the

General Assembly. OHCHR provides advice on various UN agencies' documents and contribute to the mainstreaming of human rights throughout the UN system through the integration of all human rights, including civil, political, economic, social and cultural rights. The Office provides assistance and advice to Member States on the protection of human rights and fundamental freedoms while countering terrorism, including the development of human rights-compliant anti-terrorism legislation and policy. OHCHR is promoting strengthened protection of human rights through leadership and advocacy, providing technical assistance and training, and developing tools to assist practitioners. Under the fourth pillar of the Strategy, Member States commit themselves to adopt measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism. They also pledge to take measures aimed at addressing violations of human rights and to ensure that any measures taken to counter terrorism comply with their human rights obligations.[126] There is a Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism, operating under the new Human Rights Council. It works to identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms. The Special Rapporteur also addresses allegations of human rights violations in the course of countering terrorism. He conducts visits to selected individual countries and has engaged in correspondence with more than 40 countries about their law and practice. He reports regularly both to the Human Rights Council and to the General Assembly, including on selected thematic issues and his country visits.

The institutionalization of CTITF, approved by General Assembly resolution 64/235, reinforces the Strategy by establishing a core and dedicated body within the Secretariat to ensure that CTITF entities:

- Promote coordination within the United Nations system and with key international and regional organizations towards the effective implementation of the United Nations Global Counter-Terrorism Strategy.

- Provide Member States with policy advice and good practices in implementing the 4 Pillars of the Strategy.

- Coordinate the delivery of requested assistance to Member States on the implementation of the Strategy.

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[119] United Nations, Advance Summary, *Report of the Working Group on Countering the use of the Internet for Terrorist Purposes of the United Nations Counter-Terrorism Implementation Task Force*, August, 2008. at http://www.un.org/terrorism/pdfs/Advance%20Summary%20-%20Workgroup%206.pdf 2008-10-01.

[120] Working Group on Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy, at http://www.un.org/terrorism/workgroup7.shtml 2010-12-15.

[121] United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy, Sixty-fourth session, Agenda item 115, Report of the Secretary-General, General Assembly, Doc. A/64/818, 17 June, 2010, at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/409/63/PDF/N1040963.pdf?OpenElement 2010-12-14.

[122] Working Group on Strengthening the Protection of Vulnerable Targets, at http://www.un.org/terrorism/workgroup8.shtml 2010-12-15.

[123] United Nations, 'Advance Executive Summary: Action-Oriented Analysis Initiative on Public-Private Partnerships (PPPs) for the Protection of Vulnerable Targets against Terrorist Attacks', Working Group on Strengthening the Protection of Vulnerable Targets of the United Nations Counter-Terrorism Implementation Task Force, August 2008, at http://www.un.org/terrorism/pdfs/Advance%20Executive%20Summary%20-%20Workgroup%208.pdf 2008-10-01.

[124] Protecting Human Rights While Countering Terrorism, at http://www.un.org/terrorism/workgroup9.shtml 2010-12-15.

[125] United Nations, Human Rights, Terrorism and Counter-terrorism, Fact Sheet 32, Office of the United Nations High Commissioner for Human Rights, Geneva, July, 2008, at http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf 2010-12-15.

[126] United Nations, Implementing the Global Counter-Terrorism Strategy, Fact Sheet, March, 2009, at http://www.unis.unvienna.org/pdf/factsheets/Counter_Terrorism_Factsheet_0309.pdf 2010-12-15.

The primary responsibility for the implementation of the Global Strategy rests with Member States. In this context, CTITF will ensure that United Nations system entities are supportive of the needs of Member States in this. CTITF has identified several thematic areas where it feels it can contribute most effectively through engagement with its member entities in providing policy advice and a set of good practices to Member States.

Since its establishment, the mandate of CTITF has in reality expanded from ensuring inter-agency coordination to a specific focus on supporting Member States in the implementation of the Strategy. As the entity within the United Nations system that includes such a broad range of institutions with the aim of developing and promoting a holistic global counter-terrorism approach, CTITF is well placed to provide expertise, resources and span the United Nations system to support Member States in implementation of the Strategy.

CTITF will focus more on deepening the knowledge of the Global Strategy in numerous Member States and regions, particularly through closer engagement with national counter-terrorism focal points and regional organizations. Through this engagement, Member States and their relevant ministries will be more aware of the actions required on the ground on the implementation of the Strategy and CTITF entities will have greater understanding of Member States' needs in this regard. The involvement of relevant ministries beyond just foreign affairs ministries in this process, it is hoped, would instil a sense of local ownership of counter-terrorism initiatives undertaken in this framework. This also allows CTITF to understand better the priorities facing particular regions and their needs. CTITF will also continue to provide policy advice to Member States and regional organizations on the implementation of the Strategy.[127]

Member States have reaffirmed their support for the Strategy's four pillars: tackling the conditions conducive to the spread of terrorism; preventing and combating terrorism; building states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and ensuring respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.[128]

In 2008, the General Assembly held its first review of the implementation of the Strategy and adopted resolution 62/272. The second review was carried out 2010.[129] The Member States confirmed their strong condemnation of terrorism in

all its forms and manifestations, 'by whomever, wherever, and for whatever purposes'. With the adoption of a new resolution, the UNGA reaffirmed support for the initiative's four pillars and the responsibility of Member States for implementing the Strategy. It also recognized the need to enhance the role the UN, including the CTITF is playing in the fight against terrorism.

A survey was compiled by CTED from information and updates provided by reports from Member States, from more than 40 states visited by the Committee, and information from international, regional and sub-regional organizations. In June 2007, 700 hundred reports had been submitted in accordance with resolution 1373 but the number of reports is though declining since then and probably due to reporting fatigue of states of the South. These reports are valuable and form what many experts consider the world's largest compillation of information on the counter-terrorism capacity of each of the 192 UN Member States.[130]

The survey focused on counter-terrorism legislation, counter-financing of terrorism, law enforcement, border control, international cooperation and the protection of human rights. The purpose was to present current trends in the implementation of the resolution to identify regional strengths that could be shared with Member States, as well as regional vulnerabilities, or areas where groups of states facing particular implementation difficulties.[131] Part I of the survey provides an assessment of the implementation of resolution 1373 (2001). Part II draws certain conclusions about global progress in the implementation of the resolution in key thematic areas. A Technical Guide to the Implementation of Security Council Resolution 1373 was prepared 2009.[132]

The CTC submitted its interim report in 2009 (S/2009/289) to the UNSC and received a report from the Executive Directorate (S/2010/569). The present structure of the Executive Directorate, consisting of three geographical clusters with five cross-cutting technical groups, supported by two smaller units, has served the Executive Directorate and the Committee well for the implementation of resolutions 1373 (2001) and 1624 (2005). The clusters and groups have actively engaged in the production of a revised global implementation survey (see S/2009/620, annex). There has been the publication of an updated global implementation survey and a technical guide that set out steps to assist states in the implementation of resolution 1373 (2001).

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[127] UN Briefing by Mr. Jean-Paul Laborde Member States of the United Nations Conference Room 2, NLB 27 July 2010 http://www.un.org/terrorism/pdfs/briefing_27July_2010.pdf 2010-10-05.

[128] http://www.un.org/terrorism/ 2010-10-02.

[129] United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy Report of the Secretary-General, Sixty-fourth session Agenda item 115 The United Nations Global Counter-Terrorism Strategy, UN General Assembly, A/64/818, 17 June 2010, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/409/63/PDF/N1040963.pdf?OpenElement 2010-10-05.

[130] UN CTC, Country Reports, at http://www.un.org/en/sc/ctc/resources/countryreports.html 2010-10-05.

[131] UNSC, Counter-Terrorism Committee, 2009 Global Survey on the Implementation of Security Council Resolution 1373 (2001) http://www.un.org/en/sc/ctc/docs/gis-2009-09_en.pdf 2010-10-05.

[132] United Nations, Technical guide to the implementation of Security Council resolution 1373 (2001), Compiled by the Counter-Terrorism Committee Executive Directorate, 2009, at http://www.un.org/en/sc/ctc/docs/technical_guide_2009.pdf 2010-12-15.

The Executive Directorate prepared, and the CTC adopted, preliminary implementation assessments (PIA) for all UN Member States[133] and also revised preliminary implementation assessments for more than 100 States. The CTED outlined a more flexible approach to assessment missions resulting in 36 visits to Member States during the mandate period. The total number of states visited and assessed since 2005 is now 56. These visits remained an essential part of the Committee's and the Executive Directorate's work and were critical to understanding how states were evolving their counter-terrorism responses.

Dialogue with Member States on the PIAs has intensified as a result of the ongoing stocktaking process. The CTC has adopted PIAs as basic tools geared towards intensifying dialogues with Member States on the implementation of resolution 1373 (2001).[134] The CTC and CTED continue to encourage this dialogue in order to promote exchange of information and to understand the views of Member States on implementation of resolution 1373 (2001).

The Executive Directorate has made 187 technical assistance referrals, which, in 43 cases, led to technical assistance delivery by bilateral or multilateral donors. The Executive Directorate has identified several key areas for strengthening facilitation of technical assistance, namely, (1) strengthening border control systems and cross-border institutional cooperation among neighbouring States; (2) capacity-building activities, including those aimed at enhancing institutions and strengthening the rule of law; and (3) improving coordination and information-sharing among relevant national agencies, which has a significant impact on counter-terrorism capabilities and responses. At the beginning of November 2010, a total of 109 States have submitted reports to the Committee on the implementation of the resolution 1624 (2005).[135]

The CTC focus on support, cooperation and not listing states that do not fulfil their obligations. The CTC can though not provide assistance itself but only list requests for assistance and list donors. The work of the CTC may overlap with that of the UN Office of Drugs and Crime. One problem not dealt with by the CTC, is how to carry out counter-terrorism measures without infringing on human rights.[136] In resolutions 1373 (2001) and 1624 (2005), the Security Council requests states to report to the CTC on the steps that they have taken to implement these resolutions. Details can be found in the CTC programme of work 2010.[137] Progress in implementing the United Nations Global Counter-Terrorism Strategy has not moved as fast as many had hoped according to a report by the Secretary-General.[138] The Task Force consists of 30 international entities that work to ensure coordination of the UN's counter-terrorism efforts. A number of anti-terrorism Conventions (13 instruments and 3 amendments) have been agreed (see Appendix 1). Reports have been submitted by Member States on accession/ratifications instruments have been deposited relating to these.[139] It has been found that the level of reporting was high.[140] Typically the instruments:

1. Define a particular type of terrorist violence as an offence under the convention, such as seizure of an aircraft in flight by threat or violence;

2. Require State Parties to penalize that activity in their domestic law;

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[133] Murthy, C. S. R. (2007) *The U.N. Counter-Terrorism Committee An Institutional Analysis*, F.E.S. Briefing Paper15, September, Friedrich Ebert Stiftung, Berlin, at http://library.fes.de/pdf-files/iez/04876.pdf 2008-06-27.

[134] United Nations, Joint Intervention on the cooperation between the Al-Qaida and Taliban Sanctions Committee, the Counter-Terrorism Committee (CTC) and the Committee established pursuant to resolution 1540 (2004), 6 May, 2008.

[135] United Nations Security Council, *Report of the Counter-Terrorism Committee to the Security Council for its comprehensive consideration of the work of the Counter-Terrorism Committee Executive Directorate*, Letter dated 3 December 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council, Doc. S/2010/616, 7 December 2010, at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/680/16/PDF/N1068016.pdf?OpenElement 2011-10-10; and United Nations Security Council, *Report of the Counter-Terrorism Committee Executive Directorate to the Counter-Terrorism Committee on the activities and achievements of the Executive Directorate from 2008 to 2010 and recommendations for future activities*, Letter dated 2 November 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council', Doc. S/2010/569, 2 November 2010, at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/616/88/PDF/N1061688.pdf?OpenElement 2011.10.10.

[136] United Nation Secretary General, Report, *Protecting human rights and fundamental freedoms while countering terrorism*, Doc. A/61/353, 11 September, 2006, at http://daccessdds.un.org/doc/UNDOC/GEN/N06/526/78/PDF/N0652678.pdf?OpenElement 2008-07-06.

[137] United Nations Security Council, 'Letter dated 12 July 2010 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council', CTC programme of work 2010, Doc. S/2010/366, 14 July, 2010, at http://www.un.org/en/sc/ctc/docs/2010/2010_workprogramme_2.pdf 2010-10-05.

[138] United Nations, 'Statement by Mr Jean-Paul Laborde Presentation of the Secretary-General's report United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy', New York, 28 July 2010, at http://www.un.org/terrorism/pdfs/chairmans_speech_28_july_2010.pdf 2010-10-05.

[139] Murthy, C. S. R. (2007) 'The U.N. Counter-Terrorism Committee: An Institutional Analysis', *Dialogue on Globalization Briefing Paper* 15, Friedrich Ebert Stiftung, New York, September.

[140] Cortright D., G. A. Lopez, A. Miller and L. Gerber, *An Action Agenda for Enhancing the United Nations Program on Counter-Terrorism*, Fourth Freedom Forum, Washington D.C., 2004, at http://www.fourthfreedom.org/Applications/cms.php?page_id=183 2008-06-27; Murthy C. S. R., 'The U.N. Counter-Terrorism Committee An Institutional Analysis', F.E.S. Briefing Paper15, September, 2007, Friedrich Ebert Stiftung, Berlin, at http://library.fes.de/pdf-files/iez/04876.pdf 2008-06-27; and Rosand, Eric (2009) 'Global Implementation of Security Council Resolution 1540: An Enhanced UN Response is Needed', Policy Brief, Center on Global Counterrorism Cooperation, October, at http://www.globalct.org/images/content/pdf/policybriefs/rosand_policybrief_094.pdf 2010-10-05.

3. Identify certain bases upon which the Parties responsible are required to establish jurisdiction over the defined offence, such as registration, territoriality or nationality;

4. Create an obligation on the state in which a suspect is found to establish jurisdiction over the convention offence and to refer the offence for prosecution if the Party does not extradite pursuant to other provisions of the convention.

Further progress beyond the 13 conventions covering acts of terrorism (Appendix 1) has been slow.[141] The UNSC welcomed the adoption by the UNGA in 2005 of the International Convention for the Suppression of acts of Nuclear Terrorism.[142] The Convention calls on states to establish legal frameworks to criminalize nuclear terrorism-related offences, investigating alleged offenses, and arrest, prosecute or extradite offenders.[143]

Since the 1960s, a number of treaties on aviation security have been concluded under the auspices of the International Civil Aviation Organization (ICAO). The Beijing Convention replaces the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation 1971 (known as the "Montreal Convention"), and the Beijing Protocol, amending the Convention for the Suppression of Unlawful Seizure of Aircraft 1970 (known as the "Hague Convention"). The treaties adopted in Beijing further criminalize the act of using civil aircraft as a weapon, and of using dangerous materials to attack aircraft or other targets on the ground. The unlawful transport of biological, chemical and nuclear weapons and their related material becomes now punishable under the treaties.[144] These new treaties reflect the international community's shared effort to prevent acts of terrorism against civil aviation.[145]

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[141] United Nations, 'Actions to counter terrorism', at http://www.un.org/terrorism/instruments.shtml 2008-08-04; and UN struggles to agree on definition of terrorism, *Agence France Presse*, 12 September, 2005.

[142] 'Anti-terror treaties adopted by the U.N. General Assembly', *Associated press*, 18 September, 2005.

[143] United Nations General Assembly, 'International Convention for the Suppression of Acts of Nuclear Terrorism', A759/766, 13 April, 2005, at http://un.int/usa/a-59-766.pdf 2008-07-02; United Nations, 'Press Conference on United Nations Counter-terrorism Efforts', 7 September, 2010, at http://www.un.org/News/briefings/docs/2010/100907_Conflict_Prevention.doc.htm; and United Nations Security Council, 'Statement by the President of the Security Council', at the 6390th meeting of the Security Council, held on 27 September 2010, at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/551/58/PDF/N1055158.pdf?OpenElement 2010-10-05.

[144] http://icaopressroom.wordpress.com/2010/09/10/diplomatic-conference-adopts-beijing-convention-and-protocol/

[145] International Civil Aviation Organization Working Paper, Assembly 37TH Session, Doc. A37-WP/290, LE/13, 27/9/10, PROMOTION OF THE Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation done at Beijing on 10 September 2010 (Beijing Convention of 2010) and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft done at Beijing on 10 September 2010 (Beijing Protocol of 2010);

3.2 Comprehensive Convention on Terrorism

Already in 1937 there was a Draft for the Convention, which never entered into force with the main elements for a definition of terrorism. During the decolonization period the concept of freedom fighters emerged which used violence in their fight against colonial backed regimes this caused complications. The political situation led to a deadlock on defining terrorism but at the same time exempting freedom fighters. The main obstacles are the issues of resistance to foreign occupation and state terrorism. Some want to include acts by freedom fighters and some do not want to include such acts. It is also a question how this comprehensive convention would relate with the sectorial conventions agreed.[146] The work in the UN has focused on outlawing different types of terrorism acts without defining terrorism which resulted in 13 UN Conventions.[147]

In the 1990's the negotiations attempts resumed to conclude a comprehensive Convention banning terrorism and including an agreed definition. In Security Council resolution 1566 (2004), it is stated that all states should fight terrorism regardless of its cause or motivation and not exempt freedom fighters.[148] Based on a proposal by India, the UNGA Committee VI, is in charge of finalizing after a number of years a Comprehensive Convention on Terrorism.[149] It is the Ad Hoc Committee on International Terrorism in New York that is responsible for the negotiations on the Comprehensive Convention against International Terrorism. The Convention puts an obligation on States Parties to cooperate in the prevention and punishment of acts of terrorism.

The Committee has made significant progress lately concerning the majority of the 27 articles in the draft treaty. Remaining are three particularly difficult articles covering the definition of terrorism and possible exemptions to the scope of the treaty in particular activities of armed forces. The deadlock involves differences between Western countries and countries of the Organisation of Islamic Conference (OIC) which insist to keep language that armed groups involved in so-called 'struggles against colonial domination and foreign

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and Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation done at Beijing on 10 September 2010, at
http://www2.icao.int/en/leb/List%20of%20Parties/Beijing_Conv_EN.pdf

[146] Hmoud, Mahmoud (2006) 'Negotiating the Draft Comprehensive Convention on International Terrorism', *Journal of International Criminal Justice*, Vol. 4, pp. 1031-1043.

[147] Weigend, Thomas (2006) 'The Universal Terrorist, The International Community Grappling with a Definition', *Journal of International Criminal Justice*, Vol. 4, p. 918.

[148] Ibid.

[149] United nations General Assembly, 'Negotiations on Comprehensive Anti-Terrorism Convention at Critical Stage Says Chairman as Committee Concludes Eleventh Session', Department of Public Information, New York, L/3114, 15 February, 2007, at
http://www.un.org/News/Press/docs/2007/l3114.doc.htm 2008-06-27; and United Nations, Office on Drugs and Crime, Legislative Guide to Universal Anti-Terrorism Convention and Protocols, United Nations, New York, 2003.

occupation'. The OIC also want the Convention to cover activities of regular armed forces.[150] The EU has expressed the need to finalise the Convention and accepts the 2005 draft text of 12 August 2005.[151] The definition 2005:[152]

Article 2

1. Any person commits an offence within the meaning of the present Convention if that person, by any means, unlawfully and intentionally, causes:

    A) Death or serious bodily injury to any person; or

    B) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or to the environment; or

    C) Damage to property, places, facilities or systems referred to in paragraph 1 (b) of the present article resulting or likely to result in major economic loss; when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

2. Any person also commits an offence if that person makes a credible and serious threat to commit an offence as set forth in paragraph 1 of the present article.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person: (a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or (b) Organizes or directs others to commit an offence as set forth

in paragraph 1, 2 or 3 of the present article; or (c) Contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either: (i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence as set forth in paragraph 1 of the present article; or (ii) Be made in the knowledge of the intention of the group to commit an offence as set forth in paragraph 1 of the present article.[153]

The definition, in Article 2(1), is an operational definition of the conduct of a terrorist act. Using the word 'any means', includes both conventional and unconventional (WMD) why it is all inclusive. Using 'any person' instead of civilian or non-combatant has been criticised as it could include attacks on military personnel. The term environment is also very broad and words like serious or major damage are not well defined. How to distinguish between terrorist and freedom fighters is still a largely outstanding question. In what way should the peoples struggle for independence and freedom be taken into account? Should actions directed against armed forces be exempted from the definition? How should state terrorism as defined in the Fourth Geneva Convention and the Additional Protocol be referd to?[154] Terrorism that is 'the propaganda by the deed' to keep a specific issue alive for the general public through carrying out violent acts that the media cannot ignore is not taken care of.[155]

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[150] United Nations, General Assembly, Sixty-third session, Supplement No. 37, (A63/37), Report of the Ad Hoc Committee established by General Assembly resolution 51/210 17 December, 1996, Twelfth Session 25 and 26 February and 6 March 2008, at http://daccessdds.un.org/doc/UNDOC/GEN/N08/268/05/PDF/N0826805.pdf?OpenElement 2008-08-04; United Nations, Appendix II Draft comprehensive convention against international terrorism Consolidated text prepared by the coordinator for discussion, Doc. A/59/894, 12 August, 2005, at http://www.ilsa.org/jessup/jessup08/basicmats/unterrorism.pdf 2008-08-04; Weigend, Thomas (2006) 'The Universal Terrorist, The International Community Grappling with a Definition', Journal of International Criminal Justice, Vol. 4, p. 920.

[151] European Union, Statement on UN Ad Hoc Committee on the item 108: Measures to Eliminate International Terrorism, 25 February, 2008, at http://www.eu2008.si/en/News_and_Documents/Statements_in_International_Organisations/February/0225UN_Rakovec.html 2008-08-04.

[152] Schmid, A. P. (2005) 'Terrorism and Human Rights: A Perspective from the United Nations', Terrorism and Political Violence, 17: 25-37.

[153] United Nations, Appendix II Draft comprehensive convention against international terrorism Consolidated text prepared by the coordinator for discussion, Doc. A/59/894, 12 August, 2005, at http://www.ilsa.org/jessup/jessup08/basicmats/unterrorism.pdf 2008-08-04.

[154] Weigend, Thomas (2006) 'The Universal Terrorist, The International Community Grappling with a Definition', Journal of International Criminal Justice, Vol. 4, pp. 912-932.

[155] Schmid, A. P. (2005) 'Terrorism and Human Rights: A Perspective from the United Nations', Terrorism and Political Violence, 17: 25-37.

4   Conclusions

To prevent international terrorism requires a comprehensive multifaceted response at the global, regional and local levels. The UN approach is that counter terrorism efforts should be comprehensive as the root causes of terrorism are complex involving many aspects where no single one dominates. A number of 'root causes' of terrorism have been mentioned by academics but there seems to be limited or no direct correlation to poverty, inequality, poor education, unemployment, modernisation, lack of democracy or failed states. That such links do exist has become a central assumption in the UN Global Counter-Terrorism Strategy.[156] Terrorists should probably be seen more as rational actors trying to achieve political objectives using different strategies.

There is a North-South dimension in the UN to the terrorism question and it can simplified be said that representatives from the South imply that basic socioeconomic and political grievances must first be removed before terrorism can effectively be fought but representatives from the North disregard that this linkage exists. Many states in the South do not see terrorism as a central threat to their security and see Islamist terrorism as a Western problem and the fight against terrorism as being part of a global US driven agenda with 'the global war on terror'.

Initially after the Cold War the Security Council was the dominating forum but later the General Assembly has taken on a more prominent role concerning questions of counter-terrorism as seen for example on the number anti-terrorism conventions and resolutions. The General Assembly also adopted the Global Counter-Terrorism Strategy which can be seen as a significant step. Immediately after the 2001 terror attack on the United States the Security Council has become more active and rapidly could pass a wide ranging resolution 1373 covering terrorist activities globally demanding states under binding provisions of Chapter VII of the Charter to take legal and administrative measures. These measures included to freeze financial resources of terrorists, criminalizing direct and indirect involvement in acts of terrorism for punishment, and cooperate with other states in the efforts to counter terrorism.

A committee CTC was established for monitoring the implementation of the resolution. The mandate for the CTC could probably have been made clearer if more time had been spent on the details of the text. This was not acceptable at the time for political reasons as there was a need to rapidly respond from the Council on the terrorist attack on 9/11. One success was that all UN Member States submitted a first report but at the same time one problem for the CTC has been the late and irregular submission of subsequent reports by states. It should

be remembered that the implementation of measures agreed by the Security Council relies entirely on the Member States. One of the strengths of the Global Strategy is that it seeks to bridge the divide between the security interests of the global North and the development priorities of the global South, emphasising the need to address conditions conductive to the spread of terrorism.[157]

According to some, including Rosand, the CTC has been fairly successfull in increasing awareness of the problem but less so when it comes to become the effective coordinator of non-military capacity-building. It has not yet managed to better coordinate the seventy different multilateral bodies involved in counter-terrorism. To maintain cooperation on counter-terrorism with states of the global South might be difficult as there is an increasing frustration that the Security Council and its subsidiary bodies make burdensome demands on them but give limited technical support in return. They would like the General Assembly to be in the lead of this work with a much wider focus. A question has been raised, even in the Security Council, if the CTC and the CTED are really the right bodies for leading the efforts to coordinate assistance with capacity-building on counter-terrorism or if other UN organs with capacity-building expertise may be better suited for this.[158] In order to promote cooperation the CTC has not named states that do not take their reporting responsibilities seriously.

Counter-terrorism measures can be most effective when they are approached holistically, incorporating consideration of conditions conducive to the spread of terrorism as well its prevention. Establishment of appropriate national mechanisms will help states to develop and implement comprehensive counter-terrorism strategies. Counter-terrorism strategies should focus on preventive measures taking into account human rights principles and implement forward looking strategies instead of being reactive to terrorist acts that have occured. There are also states that support the aims of CTC but are facing a number of difficulties with internal armed conflicts why the first priority is to restore basic security and rule of law giving the issues connecting with counter terrorism a lower priority. Many states need help with drafting legislation and UNODC/TPB provides such support. These types of questions need further in depth study and Dhanapala suggested that a functional commission complementary to CTC should be set up within the framework of ECOSOC to address this.[159] There has

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[156] Newman, Edward (2007) 'Weak States, States Failure, and Terrorism', *Terrorism and Political Violence*, 19:463-488.

[157] 'Implementing the UN Global Counter-Terrorism Strategy in Southern Africa', Discussion Paper, Kopanong Hotel Benoni, South Africa, Center on Global Counter-Terrorism Cooperation, 17-18 September 2007, at http://www.globalct.org/images/content/pdf/discussion/benoni.pdf 2010-12-14.

[158] United Nations Security Council, resolution 1456 (2003), Doc. S/RES/1456 (2003), 20 January, 2003, at http://daccessdds.un.org/doc/UNDOC/GEN/N03/216/05/PDF/N0321605.pdf?OpenElement 2008-08-06.

[159] Dhanapala, J. (2005) 'The United Nations' response to 9/11', *Terrorism and Political Violence*, 17:17-23.

been a discussion on how the future role of the CTC should evolve into an independent organisation or stay as it is now. How would it be affected by the role and composition of the Counter-Terrorism Implementation Task Force? One aspect that needs to be developed further is common criteria for assessing capabilities and compliance. Another question is if the United Nations should establish a global list of terrorist organisations.[160] States should be encouraged to receive technical assistance and to create nationally mechanisms for enhancing cooperation. Specialized counter-terrorism units should be established in all regions. An independent process should be created to establish performance standards and best practices.[161]

The Global Counter-Terrorism Strategy and the Counter-Terrorism Implementation Task Force are major and positive achievements. It has been discussed how best to make more effective and improve coordination in its implementation. Some proposals were made in preparation for the first review of the Global Counter-Terrorism Strategy in September 2008. It was noted that the CTED had been playing a leading role for U.N.'s counter-terrorism work as had the Office on Drugs and Crime when it came to providing assistance.

It was proposed that the CTED could be allowed to service both the CTC and the Task Force and perhaps give it a more formal organisational form. It was also recommended that the United Nations Development Programme (UNDP) should change its reluctance to get actively involved and take a policy decision to support the implementation of the Global Strategy and deepen its engagement in the Task Force. Member States should provide the Task Force with clear directions as to which issues it should focus on and the Task Force could develop concrete non-binding recommendations to promote counter-terrorism. Human rights approaches to counter-terrorism should be promoted. The CTC/CTED should broaden its concept of capacity building programs. Civil society and NGO's should be stimulated to become more engaged in these issues. It was also recommended that the G8's Counter Terrorism Action Group (CTAG) should be encouraged to take on a leading role in the implementation of the Global Strategy.[162] Regional and sub-regional bodies can make significant contributions

to implementing the UN Counter-Terrorism Strategy.[163] One region that is lagging behind is the MENA region which has not developed coordination mechanisms or given counter terrorism enough priority.[164] It has been questioned by Rosand if the CTC has been able to fulfil its broad mandate effectively.[165]

An interesting suggestion is to establish an independent organisation to enhance global counter-terrorism actions. Presently the CTC and UN's actions and initiatives are too much politicised and produce process orientated papers. The UN's comparative advantage in counter-terrorism lies in capacity-building and standard setting and there should be more focus on technical questions.[166]

According to the Global Counter-Terrorism Strategy, Member States have agreed to adopt measures to respect human rights and the rule of law as fundamental basis of the fight against terrorism.[167] Sweden's counter-terrorism Ambassador has stated, 'Human rights law is, in effect, key to all counter-terrorism…...If we do not take this into account in our daily efforts to counter terrorism, we will become counter productive'.[168]

It is positive that the UN has been able to gain support for its counter-terrorism efforts as seen in the rapid increase of ratification of some of the UN anti-terrorism conventions. Sixteen universal instruments (thirteen instruments and three amendments) against international terrorism have been elaborated within the framework of the United Nations system relating to specific terrorist activities. Member States through the General Assembly have been increasingly coordinating their counter-terrorism efforts and continuing their legal norm-setting work. The Security Council has also been active in countering terrorism through resolutions and by establishing several subsidiary bodies. At the same

[160] Graham, Kennedy (2005) 'The Security Council and Counterterrorism: Global and Regional Approaches to an Elusive Good', *Terrorism and Political Violence*, Vol. 17, pp. 37-65.
[161] Millar, Alistair, Jason Ipe, George A. Lopez, Tona Boyd, Linda Gerber and David Cortright, *Recommendations for Improving the United Nations Counter-Terrorism Committee's Assessment and Assistance Coordination Function*, the Counter-Terrorism Evaluation Project of the Fourth Freedom Forum and the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame September 2005.
[162] 'International Process on Global Counter-Terrorism Cooperation', Enhancing Implementation of the UN Global Counter Terrorism Strategy: Final Workshop, New York, 10-11 July, 2008, at http://www.globalct.org/images/content/pdf/discussion/new_york_%20process_paper.pdf 2008-08-06; and 'International Process on Global Counter-Terrorism Cooperation', Co-Sponsored by the Governments of Costa Rica, Japan, Slovakia, Switzerland and Turkey, Final Document, 24

July, 2008, at http://www.globalct.org/images/content/pdf/other/process_final_document.pdf 2008-08-06.
[163] Rosand, Eric, Alistair Millar, Jason Ipe, and Michael Healey (2008) *The UN Global Counter-Terrorism Strategy and Regional and Sub-regional Bodies: Strengthening a Critical Partnership*, Center on Global Counterterrorism Cooperation, October, at http://www.globalct.org/images/content/pdf/reports/strengthening_a_critical_partnership.pdf 2010-10-05.
[164] Cortright D., G. A. Lopez, A. Miller and L. Gerber, An Action Agenda for Enhancing the United Nations Program on Counter-Terrorism, Fourth Freedom Forum, Washington D.C., 2004, at http://www.fourthfreedom.org/Applications/cms.php?page_id=183 2008-06-27.
[165] Rosand, Eric (2006) 'The UN-Led Multilateral Institutional Response to Jihardist Terrorism: Is a Global Counterrorism Body Needed?' *Journal of Conflict & Security Law*, Vol. 11,No. 3, pp.399-429.
[166] Ibid.
[167] Rosand Eric, Alistair Miller and Jason Ipe (2008) *Human Rights and the Implementation of the UN Global Counter-Terrorism Strategy*, Center on Global Counterterrorism, Report, January, at http://www.globalct.org/images/content/pdf/reports/human_rights_report.pdf 2008-08-18.
[168] Ruthsrom-Ruin, C. (2007) Keynote Address, Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy, UN Office on Drugs and Crime, UNODC, New York, p. 149, at http://www.unodc.org/pdf/07-85692_Ebook.pdf 2008-08-18.

time a number of programmes, offices and agencies of the United Nations system have been engaged in specific activities against terrorism; further assisting Member States in their counter-terrorism efforts.

The UN system should emphasize more the preventive and holistic aspects of the UN's vision of counter-terrorism, taking into account human rights and deepen the UN's partnerships with other stakeholders.[169] With five new non-permanent members, Colombia, Germany, India, Portugal, and South Africa, in the Security Council from January 2011, this could give some new perspectives and priorities.

The United Nations has expanded its counter-terrorism activities, increasing inter-agency coordination and enhancing partnerships with many international and regional organizations. Joint initiatives with Member States in several regions, including the Sahel, the Horn of Africa, the Middle East and South and Central Asia, showed that much could be done.[170] Capacity building is a long-term undertaking in the fight against terrorism, especially in weak states.[171] There is a need for better and more efficiently coordinated technical assistance to states in the South.[172]

In negotiating a Draft Comprehensive Convention on International Terrorism the primary problems are how to define the crime and agree on the conventions scope of application.[173] This work has been given high priority by Sweden in its national strategy as well as human rights issues in connection with counter-terrorism.[174] It has also been questioned if it is possible to find one single definition for terrorism as there are at least eight primary factors that bear on

terrorism.[175] To find one single definition for terrorism is complex and a highly charged issue.[176] The only way progress can be made is if a compromise solution can be found and enough political will from both sides.

The European Union continues its strong support for firm multilateral action against terrorism and remains committed to implementing and improving the multilateral counter-terrorism framework. The EU has welcomed steps taken by the Security Council to enhance the credibility and legitimacy of sanctions against terrorists. The EU has also called for further improvements, especially with regard to delisting procedures.[177]

In Sweden, the role of the UN in the fight against terrorism is seen as central. This is because the UN is percieved as the only truly global organisation that can bring together as many countries as possible in the resolution of new international challenges, among them terrorism. Sweden has drafted a national development cooperation policy that identified ways that assistance could contribute to strengthening the recipient state's ability to prevent terrorism. Sweden contributed finacially to the Terrorism Prevention Branch of the UN Office on Drugs and Crime and to the UN Counterterrorism Implementation Taskforce. Sweden has long also advocated more effective use of sanctions as an instrument for peaceful resolution and targeted at a specific product, organisation or individual rather than a country in general. In this connection Sweden actively works to follow up the Stockholm Process and the Special Programme on the Implementation of Targeted Sanctions (SPITS), which addresses ways of making implementation and monitoring of targeted sanctions more effective.[178] Sweden also has a national strategy against terrorism in which it describes the measures that will be implemented and the principles that will guide efforts to combat terrorism.[179]

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United Nations, Working Group on Tackling the Financing of Terrorism, at http://www.un.org/terrorism/workgroup5.shtml 2010-12-15.

United Nations, Working Group on Strengthening the Protection of Vulnerable Targets, at http://www.un.org/terrorism/workgroup8.shtml 2010-12-15.

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Appendix 1 List of International Terrorism Conventions

Terrorism has been on the international agenda since 1934, when the League of Nations took the first major step towards outlawing the scourge by discussing a draft convention for the prevention and punishment of terrorism. Although the Convention was eventually adopted in 1937, it never came into force. Summary of the 13 major UN legal instruments and additional amendments dealing with terrorism[180] (for the full text of the convention see: United Nations Treaty Collection, conventions on terrorism):

1. 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft (Aircraft Convention)
- Applies to acts affecting in-flight safety
- Authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and
- Requires contracting States to take custody of offenders and to return control of the aircraft to the lawful commander.

2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Unlawful Seizure Convention)
- Makes it an offence for any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so;
- Requires parties to the convention to make hijackings punishable by "severe penalties"
- Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and
- Requires parties to assist each other in connection with criminal proceedings brought under the Convention.

3. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Civil Aviation Convention)
- Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts;
- Requires parties to the Convention to make offences punishable by "severe penalties"; and

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[180] UN Actions to Counter Terrorism, International Legal Instruments, at http://www.un.org/terrorism/instruments.shtml 2011-02-10.

- Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution.

4. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (Diplomatic Agents Convention)
- Defines an "internationally protected person" as a Head of State, Minister for Foreign Affairs, representative or official of a State or international organization who is entitled to special protection in a foreign State, and his/her family; and
- Requires parties to criminalize and make punishable "by appropriate penalties which take into account their grave nature" the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice".

5. 1979 International Convention against the Taking of Hostages (Hostages Convention)
- Provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention".

6. 1980 Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention)
- Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.

Amendments to the Convention on the Physical Protection of Nuclear Material
- Makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and
- Provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

7. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety) (Airport Protocol) Extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving international civil aviation.

8. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Maritime Convention)
- Establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation;
- Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Criminalizes the use of a ship as a device to further an act of terrorism;
- Criminalizes the transport on board a ship various materials knowing that they are intended to be used to cause, or in a threat to cause, death or serious injury or damage to further an act of terrorism;
- Criminalizes the transporting on board a ship of persons who have committed an act of terrorism; and
- Introduces procedures for governing the boarding of a ship believed to have committed an offence under the Convention.

9. 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Fixed Platform Protocol)
- Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.

2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- Adapts the changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.

10. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (Plastic Explosives Convention)
- Designed to control and limit the used of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am flight 103 bombing);
- Parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty;
- Generally speaking, each party must, inter alia, take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the

military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that State.

11. 1997 International Convention for the Suppression of Terrorist Bombings (Terrorist Bombing Convention)
- Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.

12. 1999 International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention)
- Requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;
- Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and
- Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

13. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention)
- Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors;
- Covers threats and attempts to commit such crimes or to participate in them, as an accomplice;
- Stipulates that offenders shall be either extradited or prosecuted;
- Encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and
- Deals with both crisis situations (assisting States to solve the situation) and post-crisis situations (rendering nuclear material safe through the International Atomic Energy Agency (IAEA).

Regional Instruments

League of Arab States, Arab Convention on the Suppression of Terrorism, Signed at Cairo on 22 April 1998, Entered into force on 7 May 1999.

Organization of the Islamic Conference, Convention on Combating International Terrorism, Adopted at Ouagadougou on 1 July 1999, Not yet in force.

Council of Europe, European Convention on the Suppression of Terrorism, Opened for signature at Strasbourg, France, on 27 January 1977, Entered into force on 4 August 1978.

Organization of American States, Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, Signed in Washington, D.C., on 2 February 1971, Entered into force on 16 October 1973.

African Union, Convention on the Prevention and Combating of Terrorism, Adopted at Algiers on 14 July 1999, Not yet in force.

South Asian Association for Regional Cooperation, Regional Convention on Suppression of Terrorism, Signed at Kathmandu on 4 November 1987, Entered into force on 2 August 1988.

Commonwealth of Independent States, Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism. Adopted at Minsk on 4 June 1999, Entered into force in accordance with its article 22.

Appendix 2 Membership and Working Groups of the Counter-Terrorism Implementation Task Force[181]

The Counter-Terrorism Implementation Task Force

Counter-Terrorism Committee Executive Directorate
Department of Peacekeeping Operations
Department of Political Affairs
Department of Public Information
Department of Safety and Security
Executive Office of the Secretary-General
Expert staff of the Security Council Committee established pursuant to resolution 1540 (2004)
International Atomic Energy Agency
International Civil Aviation Organization
International Criminal Police Organization
International Maritime Organization
International Monetary Fund
International Organization for Migration
Monitoring Team of the Security Council Committee established pursuant to resolution 1267 (1999)
Office for Disarmament Affairs
Office of the United Nations High Commissioner for Human Rights
Office of the United Nations High Commissioner for Refugees
Office of Legal Affairs
Organization for the Prohibition of Chemical Weapons
Special Rapporteur on the promotion and protection of human rights while countering terrorism
United Nations Development Programme
United Nations Educational, Scientific and Cultural Organization
United Nations Interregional Crime and Justice Research Institute
United Nations Office on Drugs and Crime
World Customs Organization
World Bank
World Health Organization
Observers
Office of the Coordinator for Humanitarian Affairs

[181] United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy, Sixty-fourth session, Agenda item 115, Report of the Secretary-General, General Assembly, Doc. A/64/818, 17 June, 2010, at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/409/63/PDF/N1040963.pdf?OpenElement 2010-12-14.

Department for Economic and Social Affairs
United Nations Office of the Special Adviser on Africa
Activities of the Counter-Terrorism Implementation Task Force include:

Integrated Assistance for Countering Terrorism
Office of the Counter-Terrorism Implementation Task Force (Chair)
Counter-Terrorism Executive Directorate (lead)
Executive Office of the Secretary-General (lead)
United Nations Office on Drugs and Crime (lead)
All other entities of the Task Force

Working Group on Preventing and Resolving Conflicts
Counter-Terrorism Committee Executive Directorate
Department of Political Affairs (lead)
Department of Peacekeeping Operations
Executive Office of the Secretary-General
Office of the United Nations High Commissioner for Human Rights
Office of Legal Affairs
United Nations Development Programme
United Nations Educational, Scientific and Cultural Organization
United Nations Office on Drugs and Crime

Working Group on Supporting and Highlighting Victims of Terrorism
Executive Office of the Secretary-General (lead)
Department of Public Information
International Civil Aviation Organization
Office of the United Nations High Commissioner for Human Rights
Special Rapporteur on the promotion and protection of human rights while
countering terrorism
United Nations Interregional Crime and Justice Research Institute
United Nations Office on Drugs and Crime
Additional partner: United Nations Office Coordination of Humanitarian Affairs

Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks
Department of Public Information
Department of Security and Safety
International Atomic Energy Agency (lead)
Office for Disarmament Affairs
Organization for the Prohibition of Chemical Weapons (lead)
United Nations Educational, Scientific and Cultural Organization
United Nations Interregional Crime and Justice Research Institute
World Health Organization
Expert staff of the Security Council Committee to resolution 1540 (2004)

International Criminal Police Organization
International Maritime Organization
United Nations Development Programme
United Nations Office on Drugs and Crime
Additional partner: United Nations Office Coordination of Humanitarian Affairs

Working Group on Tackling the Financing of Terrorism
International Monetary Fund (lead)
United Nations Office on Drugs and Crime (lead)
World Bank (lead)
Counter-Terrorism Committee Executive Directorate
International Criminal Police Organization
Monitoring Team Security Council Committee, resolution 1267 (1999) (lead)

Working Group on Countering the Use of the Internet for Terrorist Purposes
Counter-Terrorism Committee Executive Directorate
Executive Office of the Secretary-General (lead)
Monitoring Team of the Security Council Committee established pursuant to
resolution 1267 (1999) (lead)
Department of Public Information
Department of Peacekeeping Operations
Department of Safety and Security
International Criminal Police Organization
Office of the United Nations High Commissioner for Human Rights
Special Rapporteur on the promotion and protection of human rights while
countering terrorism
United Nations Educational, Scientific and Cultural Organization
United Nations Interregional Crime and Justice Research Institute
United Nations Office on Drugs and Crime
Additional partners: Department of Economic and Social Affairs, secretariat of
the Internet Governance Forum, International Telecommunication Union

Working Group on Strengthening the Protection of Vulnerable Targets
Department of Safety and Security (lead)
International Criminal Police Organization (lead)
United Nations Interregional Crime and Justice Research Institute (lead)
Department of Peacekeeping Operations
International Civil Aviation Organization
International Maritime Organization
United Nations Development Programme
Additional partner: United Nations Office Coordination of Humanitarian Affairs

Working Group on Protecting Human Rights While Countering Terrorism
Office of the United Nations High Commissioner for Human Rights (lead)
Counter-Terrorism Committee Executive Directorate
Monitoring Team of the Security Council Committee established pursuant to
resolution 1267 (1999)
International Atomic Energy Agency
International Maritime Organization
International Criminal Police Organization
Office of Legal Affairs
Special Rapporteur on the promotion and protection of human rights while
countering terrorism
United Nations Interregional Crime and Justice Research Institute
United Nations Office on Drugs and Crime
World Bank
Additional partners: International Committee of the Red Cross, United Nations
Office for the Coordination of Humanitarian Affairs
United Nations Interregional Crime and Justice Research Institute: Centre on
Policies to Counter the Appeal of Terrorism (Documentaries project)

Appendix 3 Comparative Table Regarding the United Nations Security Council Committees Established Pursuant to Resolutions 1267(1999), 1373 (2001) and 1540 (2004)

SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1267 (1999) CONCERNING ALQAIDA AND THE TALIBAN AND ASSOCIATED INDIVIDUALS AND ENTITIES	SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1373 (2001) CONCERNING COUNTER-TERRORISM	SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1540 (2004)
Establishment and Mandate	**Establishment and Mandate**	**Establishment and Mandate**
The Committee was established on 15 October 1999 under resolution 1267 which imposed sanctions measures on Taliban-controlled Afghanistan for its support of Usama Bin Laden and Al-Qaida. The sanctions regime has been modified and strengthened by subsequent resolutions, including resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008) and 1904 (2009). As of January 2002, the sanctions measures no longer exclusively target territory in Afghanistan but now apply to the individuals, groups, undertakings and entities designated on the Consolidated List wherever they may be located. The names of the individuals and entities on the Consolidated List against whom 3 sanctions measures (assets freeze, travel ban and arms embargo) must be applied by all States can be found at: http://www.un.org/sc/committees/1267/consolist.shtml. The Committee oversees the implementation by UN Member States of these 3 sanctions measures; considers names submitted for listing and de-listing as well as any additional information on listed individuals and entities; and considers exemptions to the assets freeze	Following the adoption of resolution 1368 (2001), in the wake of the attacks of 11 September 2001, the Security Council adopted resolution 1373 (2001) which, *inter alia*, requires States to combat terrorism through a series of actions that are best carried out through the adoption of laws and regulations and the establishment of administrative structures. Resolution 1373 (2001) also called upon States to work together to prevent and suppress terrorist acts, including through increased cooperation. It also established the CTC to monitor implementation of the resolution by all States and to increase the capability of States to fight terrorism. In carrying out its mandate, the CTC liaises with international, regional and subregional organizations and devotes substantial attention to facilitating the provision of assistance to those States that require such assistance for the effective implementation of the resolution. The CTC conducts visits to Member States and works closely with donors, organizations and recipient States regarding facilitation of technical assistance and capacity-building. The CTC is also mandated to maintain a dialogue with States on the	On 28 April 2004, the Security Council unanimously adopted resolution 1540 (2004) under Chapter VII of the UN Charter. The resolution requires all states to establish domestic controls to prevent access by non-State actors to nuclear, chemical, biological weapons and their means of delivery and to take effective measures to prevent proliferation of such items and establish appropriate controls over related materials. The mandate of the Committee was extended by resolution 1673 (2006) until April 2008 and again by resolution 1810 (2008) until April 2011. While reaffirming the provisions of resolution 1540 (2004), the Council decided that the Committee shall intensify its efforts to promote full implementation of the resolution by all States and encouraged the submission of reports and additional information on such implementation and assistance requests. The Committee cooperates with international, regional and sub-regional organizations, and acts as a clearinghouse to match offers and requests for assistance to States to implement the resolution. The Committee submitted in July 2008, its second report to the Security Council on States' compliance

and travel ban measures. Since March 2009, the Committee has made accessible on its website, pursuant to paragraphs 13 of resolution 1822 (2008) and 14 of resolution 1904 (2009), narrative summaries of reasons for listing for the individuals and entities on the Consolidated List.	implementation of resolution 1624 (2005) on prohibiting incitement to commit terrorists acts and promoting dialogue and understanding among civilizations. The CTC developed a Preliminary Implementation Assessment (PIA) and a Technical Guide to assist States identify steps that should to taken to implement Security Council resolution 1373 (2001) effectively.	with the resolution through the achievement of the implementation of its requirements (S/2008/493).
Expert Group	**Expert Group**	**Expert Group**
The 1267 Committee is assisted by a Monitoring Team of 8 experts with expertise related to activities of the Al-Qaida organization and/or the Taliban, including: counter-terrorism and related legislation; financing of terrorism and international financial transactions, including technical banking expertise; alternative remittance systems, charities, and use of couriers; border enforcement, including port security; arms embargoes and export controls; and drug trafficking. The Team is ready to assist Member States on any issue related to the Al-Qaida/Taliban sanctions regime and can be contacted by email at: 1267mt@un.org.	The CTC was originally assisted by a group of 10 experts. Subsequently, in seeking to revitalize the CTC, the Security Council established the Counter-Terrorism Committee Executive Directorate (CTED) pursuant to resolution 1535 (2004), in order to enhance the ability of the CTC to monitor the implementation of resolution 1373 (2001) and effectively continue its capacity-building work. The mandate of CTED was extended until 31 December 2010 as per resolution 1805 (2008). CTED is headed by an Executive Director with the rank of Assistant Secretary-General. It consists of the Executive Director's office; the Assessment and Technical Assistance Office (ATAO), comprising the Head of Office, three Geographical Clusters and five thematic Working Groups, including a Senior Human Rights Advisor. CTED's Administration and Information Office (AIO), comprises of the Head of Office and support staff. CTED can be contacted by e-mail at: cted@un.org.	The 1540 Committee is assisted by an Expert Group of 8 persons with expertise in the various areas covered by the resolution. The Expert Group has developed a 'matrix' to examine the status of Member States' implementation of the resolution. The filled elements of the matrix draw upon legislative and enforcement measures provided in the national reports, as complemented by official information made available in the websites of governments and international inter-governmental organizations, and through dialogue with States.

Measures	Measures	Measures
The 1267 Committee monitors a sanctions regime which requires all UN Member States to: 1. Freeze without delay, the funds and other financial assets or economic resources of the individuals and entities designated on the Consolidated List. There is no requirement to seize or confiscate/forfeit these assets, funds and resources. 2. Prevent the entry into or the transit through their territories of the individuals designated on the Consolidated List. There is no requirement to arrest or prosecute these individuals. 3. Prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including military equipment, spare parts and technical advice, assistance, or training related to military activities, to the individuals and entities on the Consolidated List. All three measures are preventive in nature and are not reliant on criminal standards set out under national laws. More information can be found on the Committee's website at: http://www.un.org/sc/committees/1267/index.shtml	Legal, institutional and practical measures related to resolution 1373 (2001), including their related technical assistance measures, fall under the following categories: 1. Counter-terrorism law and practice (e.g. international counterterrorism instruments) 2. Financial law and practice (e.g. criminalization, freezing, FIU, etc.) 3. Customs and border controls 4. Police and law enforcement 5. Immigration law and practice to prevent movement of terrorists 6. Extradition law and practice (e.g. mutual legal assistance) 7. Training and capacity-building for the judiciary 8. Expert monitoring and illegal arms trafficking 9. Civil aviation security 10. Maritime security 11. Transportation security 12. Military counter-terrorism training 13. National security Website: http://www.un.org/sc/ctc/	Resolution 1540 (2004), in its paragraphs as numbered below, requires: 1. States to refrain from providing any support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, biological weapons and their means of delivery. 2. States to adopt and enforce appropriate effective laws and controls which prohibit non-State actors to: conduct such activities or use such weapons and their means of delivery, in particular for terrorist purposes; and attempts to engage, participate in as an accomplice, assist or finance such activities. 3. States to take and enforce effective domestic control measures to: account for, secure, physically protect, such weapons, delivery means, and related materials (3a-b); improve border and customs controls to detect, deter, prevent and combat illicit trafficking and brokering in such items; establish export, transit, trans-shipment, and end-user controls; and enforce criminal and civil penalties (3c-d). In paragraphs 9 and 10, States are called upon to promote dialogue and cooperation on non-proliferation and take cooperative action to prevent Illicit trafficking of such weapons, delivery means and related materials. Website:http://www.un.org/sc/1540