INTRODUCTION

Over the past decade, the United Nation's work to combat global terrorism has expanded dramatically. Through the initiatives of the General Assembly and Security Council, a complex institutional architecture has formed that draws on the expertise of a range of UN entities and brings a new range of actors into the focus of counterterrorism work. There are over thirty UN-associated entities that are members of the Counter-Terrorism Implementation Task Force (CTITF) working together to address terrorism and related threats. The entities participating in the Task Force –including the UN Development Programme; The Office of the High Commissioner for Human Rights; the UN Office on Drugs and Crime; Interpol; the World Bank; the Counter-Terrorism Committee Executive Directorate (CTED); and the United Nations Educational, Scientific and Cultural Organization (UNESCO), among others—reflect the 2006 UN Global Counter-Terrorism Strategy. The strategy, adopted unanimously by UN member states, offers a comprehensive plan to combat terrorism. It calls on actors engaged in development, education, human rights, security, and capacity building at the UN to join together in addressing this common threat. This reference guide is intended to make those bodies, and their work, easier to navigate.

Before and After 9/11

In the immediate aftermath of the attacks on the United States on September 11, 2001 (henceforth, 9/11), one would have been hard pressed to find a wealth of scholarly books or policy reports that addressed the role of the United Nations (UN) in countering terrorism in any detail. This is in large part because, prior to the emergence of al-Qaida and other violent nonstate armed groups at the end of the twentieth century, terrorism was perceived as a domestic matter, and one that states were reluctant to internationalize. Groups like the Irish Republican Army (IRA), the Liberation Tigers of Tamil Eelam (LTTE), or *Euskadi ta Askatasuna* (ETA, or Basque Homeland and Freedom) were primarily seen as the concern of the national governments that they challenged. And while they may have at times

acted across borders and received political and financial support from sympathizers abroad, they were not considered a threat to international peace and security writ large. Consequently, the UN was seen as a marginal actor in efforts to address the threat posed by such groups.

Today, the sizeable literature on terrorism and the United Nations reflects the recognition by many states that terrorism has evolved into a transnational threat, and that international cooperation is a valuable ingredient in their efforts to address it. As information technology and globalization have transformed the way we interact socially and conduct business or politics, they have also transformed the practice of terrorism. They have helped to foster what Peter Bergen calls the "privatization" of terrorism, and they have reduced the deterrent value of political borders.[1] Unlike the more "traditional" groups mentioned above, today's terrorists are not necessarily part of a hierarchically structured organization associated with a specific geographic locale. Instead, like many of their lawful counterparts in the private sector, they have diversified supply lines and sources of finance, exploited communications technologies, adopted decentralized structures, and outsourced operations to franchises or individuals. Weapons, people, and materials move across porous borders; ideas move over the Internet; cash flows through mobile phones and undocumented couriers or alternative remittance systems like *hawala* networks.

Consequently, today, terrorist groups like al-Qaida are more akin to what Marc Sageman has described as a social movement of individuals and cells connected to each other through "complex webs of direct or mediated exchanges."[2] This is not to say that more "traditional" groups no longer pose a threat but that increasingly decentralized terrorist networks, the diffusion of violent activity by extremists or "lone wolves," mean that strategies to counter hierarchical, centralized, and geographically limited groups are no longer sufficient. Moreover, in a globalized environment, all states are vulnerable, either as targets, bases of operations, or transit points.

The potential repercussions of a single mass-casualty attack lend terrorism a particular urgency for governments, policymakers, and law-enforcement officials. This is exacerbated by the prospect of terrorists' use of weapons of mass destruction (WMD). In its December 2008 report, the Commission on the Prevention of WMD

Proliferation and Terrorism predicted an attack using WMDs before 2013. The willingness of groups to acquire and use chemical, biological, radiological, or nuclear (CBRN) weapons has already been demonstrated by al-Qaida's declared interests in acquiring such weapons and by their use in the 1995 sarin gas attacks in Tokyo, perpetrated by *Aum Shinrikyo*.[3] Densely populated urban centers, interconnected economies and societies, and the increased dependence on technology for financial, military, and transportation systems, for example, underscore our vulnerabilities and the prospect of catastrophic damage from a single attack.

Fragile states and "ungoverned spaces" with alternative authority structures can pose particularly hospitable environments for illicit groups, including terrorists, who benefit from relatively limited government regulations or scrutiny.[4] Partnerships with transnational organized crime networks may further enhance these groups' operating capacities and financial resources. Preying on the vulnerabilities of the state and society, such groups have the potential to catalyze political violence, jeopardize development, and hollow out vital institutions.[5] The spillover effects pose both security and development challenges to regional neighbors and international stakeholders. In the introductory letter to the 2002 US National Security Strategy, President Bush observed that "the events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet, poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders."[6]

The threat posed by terrorism today is therefore complex, globalized, diffused, and sometimes connected to a number of other transnational threats. This was recognized by the Security Council in a Presidential Statement in 2010, in which it noted "that, in a globalized society, organized crime groups and networks, better equipped with new information and communication technologies, are becoming more diversified and connected in their illicit operations, which in some cases may aggravate threats to international security." Moreover, the Council invited the Secretary-General "to consider these threats as a factor in conflict prevention strategies, conflict

analysis, integrated missions' assessment and planning and to consider including in his reports, as appropriate, analysis on the role played by these threats in situations on its agenda." The transnational nature of contemporary terrorism has prompted states to develop a more collaborate approach to terrorism and the development of a dense institutional architecture at the UN, encompassing the Security Council and the thirty-one entities organized into the Counter-Terrorism Implementation Task Force (CTITF).

Countering Transnational Terrorism: What Role for the United Nations?

A Policy Working Group convened by then Secretary-General Kofi Annan determined that the the United Nations should "concentrate its direct role in counterterrorism on the areas in which the organization has a comparative advantage."[7] The tripartite strategy recommended by the group suggested the UN should (1) dissuade disaffected groups from embracing terrorism, (2) deny groups or individuals the means of carrying out terrorist acts, and (3) sustain broad-based international cooperation in the struggle against terrorism.[8] This was further elaborated by Secretary-General Annan when he set out the "Five D's" that formed the basis for a principled and comprehensive strategy for the UN:

1. To *dissuade* disaffected groups from choosing terrorism as a tactic to achieve their goals

2. To *deny* terrorists the means to carry out their attacks

3. To *deter* states from supporting terrorists

4. To *develop* state capacity to prevent terrorism

5. To *defend* human rights in the struggle against terrorism[9]

The UN Global Counter-Terrorism Strategy (henceforth, Global Strategy), adopted by the General Assembly in 2006, builds on these elements and outlines four pillars of action, urging states to (1) address "conditions conducive to terrorism," (2) prevent and combat terrorism, (3) build states' capacities to prevent and combat terrorism, and (4) promote and protect human rights as a fundamental basis for counterterrorism efforts.[10]

These policies reflect three key roles that the UN might effectively play in addressing global terrorism. First, the UN draws on the legitimacy it derives from its universal membership and its responsibility as the designated guarantor of international peace and security to play an important role as a norm-setter. It was at the 2005 World Summit that 150 global leaders joined together at the UN to "condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security."[11] Second, the UN's membership and global reach make it an unparalleled convener of states, international and local agencies and experts. The generally perceived impartiality of its brand allows the UN to bring together stakeholders who might otherwise be wary of interaction and provide a crucial platform for the exchange of good practices and lessons learned. Third, the UN can facilitate or provide important technical assistance to help states meet their development objectives and strengthen crucial institutions, while also enhancing their counterterrorism and law-enforcement capacities. The result of these efforts, observed Jonathan Winer at the Council on Foreign Relations, is "a growing matrix of national capacities that are beginning to extend into a web of actual transnational capacity against the dark side of globalization."[12]

Despite these comparative advantages, it is broadly acknowledged among policymakers at the UN and in several member-state missions that the UN is less suited to taking on the more militarized tasks associated with fighting terrorism. As the Policy Working Group acknowledged, the UN is not "well placed to play an active operational role in efforts to suppress terrorist groups, pre-empt specific terrorist strikes, or to develop dedicated intelligence-gathering capacities."[13] Without a standing army or any independent military capacity, the UN cannot engage in any kinetic counterterrorism operations, nor does it have sufficient resources at this time to devote to the development of a strong independent analytical capacity to assess the threat and formulate the necessary response. Furthermore, the UN is an unlikely vehicle for sharing sensitive national security information given the differences among the membership regarding the definition of terrorism and the inability of the world body to place any guaran-

teed safeguards on classified information.

Consequently, the willingness of states to utilize multilateral tools in addressing terrorism has been variable, with many preferring to channel counterterrorism resources through bilateral arrangements or regional/subregional organizations. Nonetheless, for many states, the UN remains a trusted partner, especially when overt bilateral engagement on counterterrorism is fraught with political sensitivities. Also in regions where political tensions inhibit counterterrorism cooperation at the political level, the UN is well placed to be a neutral convener for practitioners and key stakeholders to develop cooperative professional networks and to exchange best practices.

How Has the UN's Response Been Structured?

Since Secretary-General Kurt Waldheim worked to place international terrorism on the multilateral agenda following the attacks at the 1972 Olympic Games in Munich, the topic has been typically discussed in the General Assembly. However, the inability of its members to agree on a common approach or definition led those states that were eager to pursue international cooperation on counterterrorism to place their hopes in more technical bodies such as the International Civil Aviation Organization. Such organizations could address more functional aspects of terrorism-related activities, without getting bogged down in the political debates.

Differences among the UN membership on how to address terrorism reflected the views of two main blocs. Primarily developed states in the Global North advocated a zero-tolerance approach while primarily developing countries in the Global South expressed concerns about the diversion of development and other resources towards what they perceived to be a Western/Northern security agenda that had little relevance to their own priorities. Moreover, many of these states owed their independence to successful anti-colonial movements and reflected this history in their reluctance to label those they perceived to be freedom fighters as terrorists. Due in large part to these divisions, which hindered the ability of the General Assembly to act responsively to terrorist threats, in the aftermath of 9/11, the Security Council took the lead in shaping the world body's response to terrorism as epitomized by al-Qaida.

THE SECURITY COUNCIL

The three resolutions most often associated with the Security Council's counterterrorism work today are UN Security Council Resolutions (UNSCR) 1267, 1373, and 1540, though several additional resolutions have expanded and refined the terms of each one. Whereas earlier counterterrorism-related resolutions and initiatives had targeted states accused of sponsoring or supporting terrorists, such as Libya or Sudan, these newer resolutions were novel in addressing the activities of nonstate actors, including individuals and commercial entities. Moreover, the new resolutions were not circumscribed by time or geography; they were open ended and targeted abstract threats. They did not specify a time limit for the resolution but rather obliged UN member states to implement a number of permanent measures to fulfill their obligations. Monika Heupel, writing at the German Institute for International and Security Affairs, argued that such initiatives demonstrate the Council's ability to adapt to the increasingly transnational elements of contemporary security threats—such as, cross-border networks, a greater focus on mass-casualty attacks, and support from the private sector and individuals, rather than states—and to reorient the Council's approach accordingly.[14]

Resolution 1267

UN Security Council Resolution 1267 was passed in response to the 1998 bombings of the American embassies in Nairobi and Dar es Salaam, and imposed sanctions on the Taliban government of Afghanistan upon their refusal to hand over Osama bin Laden, held responsible for the attacks. Following 9/11, the scope of this resolution was expanded by UNSCR 1390 to freeze the assets of, impose a travel ban on, and penalize financial or material support to "Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000)."[15] After 2001 this "Consolidated List" [now called the Al-Qaida Sanctions list] was significantly expanded by 350 names to make a total of 487.[16]

The Security Council established the Al-Qaida and Taliban

Sanctions Committee to oversee the implementation of the sanctions regime. Commonly known as the 1267 Committee, it was formed as a "committee of the whole," composed of all current council members. To assist the committee, a monitoring group was established in 2001, composed of five independent experts who were to be supported in the field by a sanctions enforcement support team composed of border-control and customs experts to be posted to Afghanistan's bordering states. However, the group's work was reoriented following 9/11 to address the more "amorphous, highly mobile and expanding global terrorist network with no fixed address"—al-Qaida.[17] In 2004, the monitoring group was transformed into the "Monitoring Team," working more in line with the Committee and with member states. Country visits, regional workshops, and partnerships with other CTITF entities constitute an important means by which the team engages with member states in their efforts to monitor and support the implementation of the sanctions regime.

In December 2009, council members adopted Resolution 1904, which established the Office of the Ombudsperson, for an initial period of eighteen months, to provide a focal point for individuals requesting the removal of their names from the Consolidated List.[18] The establishment of this office represented a success for states and organizations that had lobbied hard for the 1267 Committee to be more responsive to concerns regarding the listing and delisting process and requests by individuals to petition the committee. Judge Kimberley Prost of Canada was appointed as ombudsperson in June 2010.

In June 2011, the Security Council unanimously adopted resolutions 1988 and 1989 which split the Taliban and Al-Qaida sanctions regime, respectively. This split was intended to support the ongoing political dialogue in Afghanistan between the government and the Taliban, and also responds to the demand for delisting raised by the Taliban as a precondition for talks. The [now] 1989 Committee deals exclusively with the Al-Qaida-related sanctions and the Consolidated List has been renamed the Al-Qaida sanctions list.

Resolution 1373

In many ways, Security Council Resolution 1373 might be considered

the keystone of the UN's response to global terrorism. Passed soon after Resolution 1368, which unequivocally condemned "in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, DC, and Pennsylvania," and defined "such acts, like any act of international terrorism, as a threat to international peace and security," Resolution 1373 imposed a set of sweeping legislative obligations on all UN member states.[19] Among other things, it compelled states to criminalize the financing of terrorism and freeze the assets of known terrorists and supporters, to refrain from providing "active or passive" support to entities or persons involved in terrorist acts, to prevent the movement and travel of known terrorists, and to intensify and accelerate law-enforcement cooperation to counter terrorism.[20] As it was approved under Chapter VII of the UN Charter, the resolution carries with it the threat of a response by the international community that may include the use of force in the case of noncompliance.

As with Security Council Resolution 1267, a committee of the whole—the Counter-Terrorism Committee (CTC)—was established to monitor and facilitate the implementation of Resolution 1373. A large part of the CTC's success to date has been ascribed to its adoption of "managerial compliance strategies" that operate on the presumption that noncompliance is due to insufficient capacity and the Committee's subsequent efforts to facilitate technical assistance (as directed by Resolution 1377).[21]

To support the CTC in this work, an expert group called the Counter-Terrorism Committee Executive Directorate (CTED) was established in 2004 (by UNSCR 1535) as a "special political mission."[22] As part of its core function, CTED is tasked with reviewing states' reports in order to monitor implementation, identify priority areas for assistance, and then liaise with donor states and other partners who may be willing and able to provide the necessary resources. In facilitating assistance, CTED provides a valuable incentive for states to report on their activities in furtherance of 1373.

Additional resolutions have also expanded the scope of the CTC's work. In 2005, the Council adopted UNSCR 1624, urging member states to adopt measures to prevent and combat the incitement of terrorism and report to the Council what they have done in fulfillment

of this obligation. As part of the review of CTED's mandate in December 2010, encapsulated in UNSCR 1963, the council further encouraged CTED to "focus increased attention on Resolution 1624 (2005) in its dialogue with member states." The resolution also reiterated the importance of the rule of law and upholding human rights to ensuring effective counterterrorism, and it urged CTED to engage with civil society and other relevant nongovernmental actors in its efforts to support wider implementation of UNSCR 1373.[23] Consequently, CTED today has a broadened scope of counterterrorism activities on its agenda.

Resolution 1540

Following the discovery of an illicit international market in nuclear materials and expertise run by Pakistani scientist A.Q. Khan, the Security Council adopted UNSCR 1540 to address the threat of nonstate actors acquiring weapons of mass destruction (WMD), including chemical, biological, radiological, and nuclear weapons (CBRN). As with UNSCR 1373, this resolution imposes binding obligations on all states under Chapter VII of the UN Charter and prohibits states from providing "any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery." In addition, Resolution 1540 urges states to adopt and enforce laws prohibiting the proliferation of such materials to nonstate actors and prohibiting the provision of any material or financial support that might contribute to the proliferation of CBRN. The resolution also urges states to establish appropriate controls over any CRBN-related materials.[24]

Similar to Resolution 1373, Resolution 1540 urges greater international cooperation to achieve these objectives and urges states to adopt relevant international legal instruments. Unlike Resolution 1373, however, noncompliance would not automatically activate enforcement measures but rather require the adoption of an additional resolution authorizing an international response.[25] A committee was also constituted to monitor implementation, with the support of an expert group.

In response to the requests of member states and the UN leader-

ship for greater streamlining of multilateral counterterrorism efforts, there has been an increased effort among the three committees and their expert teams to coordinate their work, travel, and information more closely. They also share information on states' assistance requirements and participate in workshops hosted by each other, where suitable. Additionally, the committees' chairmen brief the Security Council on the committees' activities in joint meetings, when possible.[26]

THE GENERAL ASSEMBLY

Fourteen major international instruments (which, including amendments, are often referred to as sixteen international instruments) governing specific acts of terrorism have been negotiated through the General Assembly and entered into force in the past four decades. Reflecting the difficulty of achieving consensus among member states on the nature and definition of terrorism, these agreements focus instead on particular actions that states broadly agree to be associated with terrorist acts. The sixteen instruments and the number of countries that have ratified them to date are listed below:[27]

1. 1963 *Convention on Offences and Certain Other Acts Committed On Board Aircraft* (185)

2. 1970 *Convention for the Suppression of Unlawful Seizure of Aircraft* (185)

3. 1971 *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (188)

4. 1973 *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents* (173)

5. 1979 *International Convention Against the Taking of Hostages* (168)

6. 1980 *Convention on the Physical Protection of Nuclear Material* (145)

7. 1988 *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation* (171)

8. 1988 *Convention for the Suppression of Unlawful Acts Against the*

Safety of Maritime Navigation (157)

9. 1988 *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf* (146)

10. 1991 *Convention on the Marking of Plastic Explosives for the Purposes of Detection* (144)

11. 1997 *International Convention for the Suppression of Terrorist Bombings* (164)

12. 1999 *International Convention for the Suppression of the Financing of Terrorism* (173)

13. 2005 *International Convention for the Suppression of Acts of Nuclear Terrorism* (76)

14. 2005 *Amendment to the Convention on the Physical Protection of Nuclear Material* (45)

15. 2005 *Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* (17)

16. 2005 *Protocol of 2005 for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf* (13)

A comprehensive convention on international terrorism (CCIT) has been debated by an ad-hoc committee created by the Sixth (Legal) Committee of the General Assembly. However, negotiations on the completion of this convention have been hindered by differences among UN member states on three key questions—the legal definition of terrorism, the exemption of states' armed forces engaged in combat and in exercise of their official duties, and the relationship between terrorism and anti-colonial and liberation movements.

Although more than thirteen years of negotiations have not yet yielded a finalized convention, it appears that recent discussions in spring 2011 may have brought parties toward closer agreement on a 2007 draft text.[28] The inability of the assembly to adopt the CCIT contributed to the council's proactive approach to terrorism in 2001, justified in part by the slow pace of progress on these negotiations and the resulting loopholes in international law regarding terrorism. Indeed, Security Council Resolution 1373 contained a number of measures that were still in negotiation among the UN membership.

"In this way, the elaboration of such a broad framework for counter-terrorism in one fell swoop threw into relief the labors of the Assembly in negotiating a comprehensive convention on the topic," according to Peter Romaniuk.[29]

The adoption of the Global Strategy in 2006 and the institution-alization of the CTITF Office in 2009 represented a reassertion by the General Assembly of its traditional role as a forum for discussions at the UN on combating international terrorism. The CTITF Office was established within the Department of Political Affairs (DPA), following the second review of the Global Strategy in 2008. It was tasked with coordinating the activities of its member entities' six observers and facilitating greater cooperation and information sharing among them regarding their counterterrorism-related activities. Moreover, the CTITF Office also became a focal point for states requesting assistance for strategy implementation.

Eight CTITF working groups were also established to address particular challenges associated with counterterrorism, in addition to an initiative to provide integrated assistance to counter terrorism (I-ACT). Each group is led or co-chaired by CTITF members and represents efforts to provide a multifaceted response that draws on the expertise and capacities of individual CTITF entities while drawing on the synergies created by their collective efforts. The working groups focus on

1. preventing and resolving conflicts;

2. supporting and highlighting victims of terrorism;

3. countering the use of the internet for terrorist purposes;

4. preventing and responding to WMD terrorist attacks;

5. tackling the financing of terrorism;

6. strengthening the protection of vulnerable targets;

7. protecting human rights while countering terrorism; and

8. border management related to counterterrorism.

A new working group on "Dialogue and Understanding to Counter the Appeal of Terrorism" (DUCAT) was established in late

2011 and details regarding its membership and work plan are still under consideration. As the work undertaken by some of these groups comes to completion, and as states reassess their counterterrorism priorities and the allocation of voluntary contributions to support working groups, there may be some changes to these groups in 2012. Moreover, the establishment in September 2011 of the UN Counter-Terrorism Centre (UNCTC), reflected in General Assembly A/Res/66/10, supported initially for three years by a $10 million contribution from the Kingdom of Saudi Arabia, is likely to have a transformative effect on the resources and programming of the CTITF, and consequently, the working groups. The UNCTC has its own Advisory Board made up of twenty-one countries and one regional organization. The Advisory Board sets strategic priorities for the Center's programming. While not an entity of the CTITF, the Center is located within the CTITF Office and will operate under the direction of the Secretary-General and will contribute to promoting the implementation of the United Nations Global Counter-Terrorism Strategy through the Counter-Terrorism Implementation Task Force.[30]

These policy instruments—the Security Council resolutions and the Global Strategy—represent the normative framework within which the UN's counterterrorism initiatives have largely been carried out since 2001. The operationalization of these policies is in the hands of member states, CTITF entities, and relevant partners. In this effort, the Terrorism Prevention Branch (TPB) of the UN Office on Drugs and Crime (UNODC) works especially closely with the CTITF, CTED, and the CTC to provide states with technical assistance for further implementation of the international conventions and protocols related to terrorism. In performing this role, the TPB can draw extensively on UNODC's specialized expertise and field presence addressing crime prevention, criminal justice, and rule-of-law issues in addressing the often interlinked challenges of terrorism, transnational organized crime, money laundering, and corruption.

External partners also complement the UN's counterterrorism work. Recognizing the special role played by regional and subregional organizations, the UN has made a greater effort to work with them on the ground and to engage them in the promotion of cross-regional counterterrorism cooperation. Additionally, international associations

such as the Counter-Terrorism Action Group (CTAG) and the Financial Action Task Force (FATF) provide important vehicles for the delivery of capacity-building assistance and technical expertise to states in meeting their international obligations.

The Group of Eight (G8) leaders established the CTAG as a donor forum in which members could exchange information regarding the priority assistance needs identified by the CTC and CTED, and match them with the necessary resources. In order to broaden the list of potential donors, the CTAG was expanded to include the CTC, Switzerland, Spain, Australia, and the European Commission. Each president of the G8 assumed leadership of the CTAG, so no permanent secretariat was established. Instead, ambassadors representing the G8 president often convened country-level meetings to discuss the host country's counterterrorism needs and priorities.

CTAG's work is now likely to be superseded by the newly established Global Counter-Terrorism Forum (GCTF), initially co-chaired by the United States and Turkey, and launched in New York in September 2011. The GCTF is an informal multilateral body of thirty members; it will focus on building civilian counterterrorism capacity and building global political will. It was designed to address many of the perceived shortcomings associated with CTAG by having a broad cross-regional membership, a supporting administrative unit, and a built in flexibility and agility to respond to evolving counterterrorism needs. GCTF has five working groups. Two are thematic (Rule of Law and Countering Violent Extremism) and three have a regional focus (Horn of Africa, South East Asia, and the Sahel).

The Financial Action Task Force (FATF) was established by the Group of Seven (G7) leaders in 1989 to address the threat posed by money laundering to international banking and financial institutions; it is an intergovernmental body of thirty countries with a mandate to establish international standards for combating money laundering and terrorist financing. These standards are reflected in FATF's "forty recommendations" and "nine special recommendations," which together comprise a set of global anti- money laundering (AML) and countering the financing of terrorism (CFT) standards. FATF works with approximately eight FATF-style regional bodies to support the implementation of these policy guidelines and generate the necessary

political will in countries to adopt and enforce these standards.

Critiques and Challenges

Critiques of the UN's role in global counterterrorism revolve around two key issues: efficacy and legitimacy. As Andrea Bianchi has pointed out, though policies may be developed at the UN, they depend on the political will and actions of member states for effective implementation.[31] How these states perceive the initiatives of the global body, and how their utility to states is assessed, will affect states' enthusiasm for the adoption and enforcement of the measures listed above. Indeed, the High Level Panel on Threats and Challenges convened by then UN Secretary-General Annan acknowledged that "the effectiveness of the global collective security system, as with any other legal order, depends ultimately not only on the legality of decisions but also on the common perception of their legitimacy — their being made on solid evidentiary grounds, and for the right reasons, morally as well as legally."[32] The questions of legitimacy and efficacy are therefore intrinsically intertwined, while at the same time meriting individualized consideration.

Legitimacy

The proactive role of the Security Council following 9/11 has not been without controversy. Many states have openly expressed their reservations about the body's adoption of what have been perceived by some as sweeping legislative measures that exceed the authority granted the council. Furthermore, the exclusivity of the council and its often opaque working methods have left states voicing concerns that they are not consulted on matters relating to their countries or their nationals, and that the measures adopted by the council, while taking the form of binding international law, lack the consultative discussions that customarily precede the adoption of international law.[33] For example, in a report submitted pursuant to Security Council Resolution 1540, the government of South Africa explicitly wrote:

> The Government of South Africa, like other Governments, would be concerned if the Security Council were to assume legislative and treaty making powers on behalf of the international community that are binding on all states and that are not envisaged by the Charter of the United Nations. Like other

Governments, the Government of South Africa will not accept externally prescribed norms or standards, whatever their source, on matters within the jurisdiction of the South African Parliament, including national legislation, regulations or arrangements, which are not consistent with South Africa's constitutional provisions and procedures, or are contrary to South Africa's national interests or infringe on its sovereignty.[34]

Similarly, while welcoming the council's concern with issues such as the proliferation of WMDs among nonstate actors, the representative of Nepal added, "We are afraid that the Council, through this draft resolution, is seeking to establish something tantamount to treaty by its fiat. This is likely to undermine the intergovernmental treaty-making process and implementation mechanisms."[35]

As these statements from South Africa and Nepal suggest, several counterterrorism initiatives undertaken by UN bodies have generated tensions between the Global North and South. The significant influence of the five permanent members of the Security Council (China, France, Russia, the United Kingdom, and the United States, or the P5) underscored a widespread sentiment that these countries were imposing an agenda that detracted from the priorities of developing countries and imposed legislative burdens based on a threat not widely perceived as relevant to the broader UN membership.

As Beth Whitaker also points out, the perceived legitimacy of the council's counterterrorism initiatives was important because it shaped the willingness of states to adopt or enforce the necessary measures outlined by the Security Council's counterterrorism-related resolutions and, to some extent, the Global Strategy. She cites the examples of three East African states—Kenya, Uganda, and Tanzania—to demonstrate that institutional capacity is not the only determinant of compliance; states with similar institutional and political capacities implemented Security Council Resolution 1373 to different degrees due to specific sociopolitical dynamics in each country as well as differing perceptions regarding the relevance of the terrorist threat.[36]

In contrast, however, others have argued that the council took pragmatic and appropriate action to respond to a clear and imminent danger that was not adequately addressed by international law. Curtis

Ward points out that "it was a necessary and prudent exercise of the power and prerogative of the Security Council," citing Article 24 (1) of the United Nations Charter, and added that "there was no lack of political will among Security Council members. Despite changes in the annual makeup of the Security Council, this consensus has been maintained."[37] Eric Rosand wrote that the "innovative" use of the council's powers vis-à-vis Resolution 1373 is justified since it circumvented a cumbersome treaty-making process that was unable to effectively address global threats. In addition, he argues, "there appears to be no legal limitation in the Charter that prohibits the Council from using its Chapter VII authority in a legislative capacity."[38]

Both Ward and Rosand remind readers that in adhering to the UN Charter, member states accept the role of the Security Council to act on their behalf in fulfilling its responsibility as the primary multilateral organ tasked with the maintenance of international peace and security.[39]

However, numerous court cases also pose an ongoing challenge to the perceived legitimacy of the 1267 sanctions regime. These cases, such as that of Yassin Al-Qadi, question the validity of the council's procedures, given the absence of transparency regarding the listing process and the absence of any hearings or trials for individuals or groups named on the Consolidated List.[40] Moreover, as Bianchi notes, many of the stipulations under Resolutions 1267, 1373, and 1540 may be seen as contravening states' human rights obligations under international law. She writes, "By imposing sanctions against individuals short of any judicial proceedings in which charges have been discussed and a verdict rendered by an impartial tribunal the very essence of the right to be presumed innocent is jeopardized. Furthermore, the nature of the [Security Council] as a tribunal as well as its impartiality could be easily challenged."[41] Considering the volume of legal challenges to the 1267 sanctions regime, it is doubtful that the establishment of the ombudsperson's office will adequately address such concerns, though it represents a positive step for the 1267 regime.[42]

In October 2010, former Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism Martin Scheinin, submitted a report that

suggested the council replace Resolutions 1267, 1373, and 1624 with a single resolution, not under Chapter VII of the Charter of the United Nations. "This proposal is motivated by the assessment of the Special Rapporteur that Chapter VII does not provide the proper legal basis for maintaining the current framework of mandatory and permanent Security Council Resolutions of a quasi-legislative or quasi-judicial nature."[43]

Despite these criticisms, states responded to the Security Council's initial round of requests for reports with enthusiasm. The CTC famously received approximately 550 reports from states to date, making it a unique repository of information on states' counterterrorism capacities. However, whereas 196 countries submitted a first report, 161 countries submitted a second one and 107 countries a third one; only twenty-six countries submitted a fourth.[44] This negative trajectory reflects the reporting fatigue felt by many states burdened by the obligations of reporting on multiple counterterrorism-related resolutions as well as their skepticism about receiving timely assistance in addressing the priority needs identified in the reports.[45]

The marked rise in the number of states joining the international instruments relating to terrorism has widely been perceived as an acceptance by states of the importance of international cooperation to address terrorism. For example, in the first two years of the *Convention for the Suppression of the Financing of Terrorism*, only five states had ratified the agreement; as of May 2004, it has been ratified by an additional 115 states. Other conventions, such as those preventing and punishing crimes against internationally protected persons and measures against taking hostages or protecting nuclear materials, have seen a 20 to 40 percent rise in ratification since September 2001.[46]

Efficacy

For many states, the value of multilateral counterterrorism efforts will depend on the UN's perceived effectiveness in addressing the challenge, and a key criticism of its efforts to date is that is it has been unable to provide for an "unspoken sixth D"—delivery.[47] As one member state representative pointed out, "the development of an institutional architecture is not synonymous with the delivery of

effective assistance."[48] Moreover, the impact of the UN's counterterrorism policies on the ground has yet to be determined. For example, the most recent report of the Al-Qaida and Taliban Sanctions Monitoring Team noted,

> In some respects the measures [of the al-Qaida and Taliban sanctions regime] have had no material effect on listed Taliban; they have money and their assets are not frozen; they are reported to travel between Afghanistan and Pakistan; and they have no shortage of military style equipment. On the other hand, removal of their names from the Consolidated List is one of the key demands of the Taliban…[49]

The proliferation of multilateral bodies working on counterterrorism in one form or another has led to the development of an unwieldy bureaucracy that sometimes risks blunting the effectiveness of their initiatives with red tape. Concerns about potential overlaps and the duplication of efforts, as well as the burden of reporting placed on states, have led to several recommendations for streamlining the architecture and consolidating reporting requirements. For example, as early as 2005, the World Summit Outcome Document suggested that the Security Council

> consider ways to strengthen its monitoring and enforcement role in counter-terrorism, including by consolidating State reporting requirements, taking into account and respecting the different mandates of its counter-terrorism subsidiary bodies.[50]

The effectiveness of the United Nations in addressing global terrorism has also been called into question by scholars of terrorism and UN observers alike, wary of the world body's historical inability to agree on enforcement measures as demonstrated during the Cold War period. Martha Crenshaw's observation that "there appeared to be no penalties for noncompliance. Nor were there concrete rewards for cooperation," is still an oft-heard refrain.[51] Though the weeks after September 11th were a period of "extraordinary politics"[52] that generated an unprecedented momentum for international counterterrorism cooperation within the UN, enforcement remains a challenge in the absence of the council's willingness to name and shame noncompliant states.[53]

Ascribing noncompliance to a lack of capacity rather than a deliberate political choice, the Security Council has advocated a more intense program of technical assistance facilitation to help states meet their obligations under Resolution 1373. This approach underscores the espousal by the council's subsidiary bodies of "managerial compliance strategies," which presume that states fail to comply with international rules unintentionally, due to a lack of capacity. This is in contrast to "enforcement compliance strategies," which would operate on the premise that states comply with their obligations if benefits outweigh the costs; naming and shaming noncompliant states would be one means of raising the costs of such behavior.[54]

However, the willingness of the council's subsidiary bodies to work more closely with the states and focus on the facilitation of capacity-building assistance has also contributed significantly to states' willingness to cooperate and engage with the UN on counterterrorism.[55] The UN has by no means eclipsed states' enthusiasm for bilateral or regional counterterrorism initiatives, but if it proves to be a credible vehicle for strengthening states' capacities to address terrorism and related challenges, it could increase the appeal of multilateral security cooperation.

Effective international counterterrorism cooperation has also been hampered by the inability of the UN membership to agree on an internationally recognized definition of terrorism, which has allowed states to define for themselves which individuals and groups warrant that label and, in some cases, to find means of circumventing the UN's sanctions regimes. Moreover, without a universally accepted definition, states who have themselves been accused of sponsoring terrorist activities can still voice their support for multilateral counterterrorism initiatives, arguing that the groups they patronize are not terrorists, but political activists or freedom fighters. Differences among states in the designation of terrorists also hinder efforts at cross-border counterterrorism cooperation and mutual legal assistance in several regions.

Nonetheless, not everyone agrees that a definition is necessary in order for the UN system to continue working on issues relating to terrorism. British Ambassador Sir Jeremy Greenstock, the first chair of the CTC, observed that

terrorism is terrorism. It uses violence to kill and damage indiscriminately to make a political or cultural point and to influence legitimate Governments or public opinion unfairly or amorally. There is common ground among all of us on what constitutes terrorism. What looks, smells and kills like terrorism is terrorism.[56]

In the absence of a universally agreed definition of terrorism, the international instruments listed above, along with the 1267 Committee's Consolidated List (now the Al-Qaida Sanctions List), have served as the basis for international counterterrorism efforts and the activities of the CTITF.[57]

Perceptions of the UN's effectiveness in addressing global terrorism are also shaped by expectations that very often outpace the resources allocated to the world body to meet its members' demands. Prior to the institutionalization of the CTITF, several reports cited its reliance on a voluntary budget and its lack of a dedicated staff as its primary limitations. Despite the subsequent allocation of both staff and resources, however, the expectations of member states and other stakeholders far exceed the resources available to the office.

The relatively small CTITF Office team is responsible for liaising with member states in their efforts to implement the Global Strategy, to support the eight CTITF working groups and the I-ACT initiative, to enhance coordination and cooperation among the CTITF entities, and to provide a one-stop shop on counterterrorism-related issues within the UN system.

Despite undertaking a number of promising new initiatives that offer an innovative and multifaceted approach to implementing Resolutions 1373 and 1624, questions have been raised about the impact and effectiveness of these efforts. Concerns have been voiced about the abilities of bodies like CTED to facilitate the delivery of the quality and quantity of capacity building assistance needed to address terrorism. The CTITF has not been immune to these criticisms either. The newly established GCTF might however, help address some of these concerns by acting as a force multiplier, in supporting and carrying forward projects proposed by UN bodies. Moreover, an investment in efforts to monitor and evaluate the impact of the UN's

CT efforts and the activities of bodies like CTED and CTITF could help enhance their efficacy. This is a nascent discourse and while the challenges of undertaking M & E efforts, particularly in the realm of counterterrorism and terrorism prevention, cannot be ignored, there is a growing interest in this within the UN and member states, and efforts are underway to devise means of addressing these concerns.[58]

Prospects for the Future

In 2006, Edward Luck wrote that the UN's response to terrorism has been "tentative, halting, even ambivalent."[59] If this assessment remains valid, the perceived inability of the United Nations to address evolving transnational security threats like terrorism will in many ways call into question its relevance to addressing twenty-first century threats to international peace and security. Yet, how the UN's counterterrorism architecture evolves will depend very much on how states perceive the threat of terrorism and the world body's ability to address it.

The threat for which the UN was mobilized in September 2001 has itself transformed over the past decade. States are no longer only confronting an identifiable actor in al-Qaida, but a number of franchises and individuals who have been spurred by its ideology to launch their own jihad or to adopt its tactics. Tools such as sanctions, asset freezes, and travel bans will therefore have little relevance when the threat is composed primarily of individuals with little or no prior record of criminal or terrorist activity. Such a development argues for an even stronger emphasis on building states' capacities to identify, monitor, and respond to challenges as they are manifested in their own neighborhood.

However, states also face a number of competing policy challenges in the coming years—including large-scale political changes in the Middle East and North Africa, election-related violence in Africa, rising oil and food prices, and climate change—and it is not clear whether they will have the necessary resources or political will to focus on transnational terrorism. This may especially be the case if the death of Osama bin Laden appears to have weakened al-Qaida and if, more than a decade after 9/11, there is no large-scale terrorist attack to capture the attention of policymakers in member-state capitals.

Consequently, there are three ways in which states might perceive

the threat of terrorism, each of which is likely to have a different set of implications for the United Nations. First, if there is waning interest in the counterterrorism agenda, the UN's work on this issue is likely to stagnate and become little more than a bureaucratic exercise that receives reduced political or financial support from the broader membership. Second, if states sustain their current level of interest, the UN could continue to move in a positive direction, providing a platform for the exchange of information and lessons learned, convening key stakeholders to devise cooperative responses, and promoting capacity-building assistance where it is most needed. Third, an increased interest in terrorism may be prompted either by a heightened risk assessment or, indeed, a tightened financial climate, which might prompt states to seek further efficiencies in the UN's CT programs. Such drivers could prompt more drastic changes, such as revisiting the idea of streamlining the three counterterrorism commit-tees in the Security Council, the appointment of a Counter-Terrorism Coordinator (currently being considered by member states) and a reallocation of resources to strategic priority areas, including capacity-building programs in key regions."[60]

It is by no means a foregone conclusion that states will look to the United Nations or the multilateral system as a primary partner in countering global terrorism. Indeed, several states acknowledge that the bulk of their counterterrorism efforts are conducted on a bilateral basis. Moreover, in the past, states have not hesitated to use unilateral action to protect their national security interests when confronted with a terrorist threat. Most recently, for example, the United States acted unilaterally to seek and kill Osama bin Laden, discovered to be residing in Abbottabad, Pakistan, in May 2011. Earlier, the United States also responded with unilateral action to intelligence reports that Iraq had tried to assassinate President George H.W. Bush and launched cruise missile attacks on Osama bin Laden's training camps in Afghanistan and a pharmaceutical plant in Sudan believed to be producing materials for chemical weapons for al-Qaida. China, France, India, Pakistan, Russia, and Sri Lanka have also responded to terrorist threats without involving the world body.[61] The establishment of groups like CTAG, and now the GCTF, as well as bilateral and regional initiatives to address perceived weaknesses in the UN's

counterterrorism approach, suggest that states are likely to continue "forum shopping" for the most effective partners in addressing their national security needs and a UN that is perceived to have little utility in countering terrorism is not likely to make the list.

The UN plays a dual role, serving as a platform for the interaction of its member states and as an actor in its own right. As a platform, it reflects the activities and interests of its members and is responsive to geopolitical fluctuations. How the United Nations responds to terrorism—and with what speed, resources, and personnel it can do so—depends largely on its membership. The General Assembly has the power to allocate resources from the UN's regular budget for the CTITF Office and its activities and individual member states are free to make voluntary donations in support of particular counterterrorism initiatives they favor. For example, member states might endow the CTITF with sufficient resources to undertake a range of new activities to support the implementation of the Global Strategy, as has been through the UNCTC. Others have supported specific CTITF working groups or projects undertaken by CTITF entities. Once CTED has identified counterterrorism capacity gaps based on the reports submitted by states to the CTC, donors can also mobilize resources to address these vulnerabilities and provide technical assistance.

However, as an actor, the United Nations itself also bears a responsibility to maximize its resources, remove bureaucratic silos, and promote a more collaborative approach by its entities to addressing the four pillars outlined in the Global Strategy. Some CTITF members or observers, whose work focuses more specifically on development or humanitarian action, are understandably reluctant to engage more actively with the CTITF. This unfortunately deprives the UN's counterterrorism activities of valuable inputs that might be provided by entities engaged in promoting the rule of law, human rights, development, and improved governance. Such activities are especially relevant where the demarcations between terrorism, political violence, and armed conflict are ambiguous and where state fragility or failure provides a hospitable environment for terrorist groups and other violent nonstate actors.

An independent strategic assessment carried out in 2010 indicated

that while many acknowledged the progress made at the UN to articulate its comparative advantages in countering terrorism and promoting a multifaceted approach that emphasized the rule of law and human rights, others believed that the routinization of the UN's counterterrorism work and the unfinished business of bureaucratic reforms rendered the UN irrelevant to policymakers in capitals and practitioners in the field.[62] Worse, it appeared that among a broader audience, the UN was still seen as condoning a militarized, "hard" approach to terrorism and the "normalization of exceptional emergency measures intended to counter terrorism but which in fact counter human rights."[63] The study, carried out by the Center on Global Counterterrorism Cooperation, noted that many efforts undertaken by UN entities to develop innovative ways to address the challenge of global terrorism and work with new partners in the private sector, civil society, and other international organizations, were often little appreciated beyond UN headquarters in New York, Geneva, and Vienna.[64]

The Guide to the UN's counterterrorism efforts which follows is therefore intended to help the reader navigate the bureaucracy and gain a better understanding of the multifaceted efforts of the world body and its partners to address a complex and evolving challenge to human security, international peace, and development. Whether or not these efforts are deemed successful will depend not on the UN's abilities to develop new policies in response to terrorism, but on its ability—and that of its membership—to *implement* these policies and make a positive difference to states in combating the terrorist threat.