Endnotes

INTRODUCTION

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- 2. Marc Sageman, *Understanding Terror Networks* (Philadelphia, PA: University of Pennsylvania Press, 2004), p. 137.
- 3. Rolf Mowatt-Larssen, "Al Qaeda Weapons of Mass Destruction Threat: Hype or Reality," prepared for the Belfer Center for Science and International Affairs, January 2010.
- 4. Ken Menkhaus has in fact argued that "fragile states" pose a greater challenge than "failed states," which confront groups like al-Qaida with the same logistical and operational challenges faced by other external actors. See Ken Menkhaus, "State Failure and Ungoverned Spaces," *Adelphi Series*, Issue 412-413 (August 2010), Chapter 9: 171-188.
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- 8. Ibid.
- 9. Kofi Annan, "A Global Strategy for Fighting Terrorism," keynote address to the closing plenary of the International Summit on Democracy, Terrorism and Security, Madrid, Spain, March 10, 2005, available at www.un.org/apps/sg/sgstats.asp?nid=1345.
- 10. Conditions "conducive to terrorism" include: prolonged unresolved conflicts; dehumanization of victims of terrorism in all its forms and manifestations; lack of rule of law; violations of human rights; ethnic, national, and religious discrimination; political exclusion; socio-

- economic marginalization; and lack of good governance. See UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, UN Doc. A/RES/60/288.
- 11. UN Action to Counter-Terrorism, "Excerpts from the report on 2005 World Summit Outcome," available at www.un.org/terrorism/strategy-world-summit-outcome.shtml.
- 12. Jonathan M. Winer, "The Growing Role of International Institutions in Counterterrorism and Law Enforcement," Council on Foreign Relations, November 5, 2003, available at www.cfr.org/world/growing-role-international-institutions-counterterrorism-law-enforcement/p6585.
- 13. United Nations, Report of the Policy Working Group on the United Nations and Terrorism.
- 14. Monika Heupel, "Adapting to Transnational Terrorism: The UN Security Council's Evolving Approach to Terrorism," *Security Dialogue*, No. 4 (December 2007): 477-499.
- UN Security Council Resolution 1390 (January 28, 2002), UN Doc. S/RES/1390.
- 16. There are also sixty-nine names that were posted and then delisted since 9/11. Background discussions with UN official, New York, March 2011. The list is available at: http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml. Delisted names are, however, understandably not available.
- 17. Victor Comras, *Flawed Diplomacy: The United Nations and the War on Terrorism* (Washington, DC: Potomac Books, 2010), p. 115.
- 18. Her mandate does not, however, allow her to examine existing appeals or those made by states. See UN Department of Public Information, "Press Conference to Present Ombudsperson of Security Council's 1267 Committee," July 15, 2010, available at www.un.org/News/briefings/docs/2010/100715_1267.doc.htm .
- 19. UN Security Council Resolution 1368 (September 12, 2001), UN Doc. S/RES/1368 and UN Security Council Resolution 1373 (September 28, 2001), UN Doc. S/RES/1373.
- 20. UN Security Council Resolution 1373.
- 21. Heupel, "Adapting to Transnational Terrorism."
- 22. UN Security Council Resolution 1535 (March 26, 2004), UN Doc.

- S/RES/1535.
- 23. UN Security Council Resolution 1963 (December 20, 2010), UN Doc. S/RES 1963.
- 24. UN Security Council Resolution 1540 (April 28, 2004), UN Doc. S/RES 1540.
- 25. Eric Rosand, "The Security Council as 'Global Legislator': Ultra Vires or Ultra Innovative?" *Fordham International Law Journal* 28, No. 3 (2004): 586-587.
- 26. Al-Qaida Sanctions Committee, "General Information on the Work of the Committee," available at www.un.org/sc/committees/1267/information.shtml.
- 27. For details on the instruments and depositary information, see the website of the United Nations Office on Drugs and Crime, available at www.unodc.org/tldb/en/universal_instruments_list__NEW.html; for ratification status see: https://www.unodc.org/tldb/pdf/ratification_status_no_access.rtf
- 28. Naureen Chowdhury Fink, discussions with UN member state official, New York, April 2011.
- 29. Romaniuk, Multilateral Counter-Terrorism, p.68.
- 30. UN General Assembly Resolution 66/10 (December 7, 2011), UN Doc. A/Res/66/10.
- 31. Andrea Bianchi, "Assessing the Effectiveness of the UN Security Council's Anti-Terrorism Measures: The Quest for Legitimacy and Cohesion," *The European Journal of International Law* 17, No. 5 (2007): 881-919.
- 32. United Nations, *Report of the High Level Panel on Threats, Challenges and Change*, UN Doc. A/59/565, December 2, 2004, p. 57, para. 204.
- 33. IPI conversations with UN member state officials, New York, 2008-2011. See also International Peace Institute, "Global Terrorism," *IPI Blue Paper No. 4*, Task Forces on Strengthening Multilateral Security Capacity, New York, 2009, available at www.ipacademy.org/programs/coping-with-crisis/programslist/series/6.html.
- 34. United Nations, National Report Submitted by the Republic of South Africa to the Security Council Committee established pursuant to resolution 1540 (2004): Implementation of operative paragraphs 1 to 3 and 6 to

- 10 of resolution 1540 United Nations Security Council, UN Doc. S/AC.44/2004/(02)/102, January 31, 2005; quoted in Comras, Flawed Diplomacy, p. 164.
- 35. UN Security Council, Official Record of the 4950 meeting, UN Doc. S/PV.4950 (Resumption 1), April 22, 2004; quoted in part in Comras, *Flawed Diplomacy*, p. 162.
- 36. Beth Elise Whitaker, "Compliance among weak states: Africa and the counter-terrorism regime," *Review of International Studies* 36, No.3 (2010): 639-662.
- 37. Curtis Ward, "Building Capacity to Combat International Terrorism: The Role of the United Nations Security Council," *Journal of Conflict & Security Law* 8, No. 2 (2003): 289-305.
- 38. Rosand, "The Security Council as 'Global Legislator," p. 559. However, Rosand also notes that to maintain the council's legitimacy, it should adopt certain "safeguards" when taking on a legislative role, such as (1) exercising such a power only on an exceptional basis, (2) making every reasonable effort to reflect the will of the international community, (3) establishing a "non-threatening body" like a committee to work with states to implement any "global legislation," (4) allowing states to exercise discretion in implementing measures in concordance with their domestic legal systems, (5) highlighting the emergency nature of the council-imposed measures and acknowledging that these may be more appropriately addressed in a multilateral treaty-making negotiation, and (6) the council should recognize international sensitivities about its role and clarify in the underlying resolution (passed under Chapter VII) that any enforcement action taken against noncompliers would require a second resolution (pp. 578-586).
- 39. Ibid., p. 574 and Curtis A. Ward, "Building Capacity to Combat International Terrorism: The Role of the Security Council," *Journal of Conflict & Security Law* 8, No. 2 (2003): 289-305.
- 40. Richard Barrett, coordinator of the 1267 Monitoring Team, wrote in 2008: "The European Court of Justice decided that despite their obligations under the UN Charter, EU members could not adopt a regulation (UN sanctions against Yasin al-Qadi and Al Barakaa International Foundation) that infringed rights integral to EU law. What most concerned the court was that the listed parties were not informed of their wrongdoing and had no opportunity to put their case before an independent review body...The court neither questioned the right of the Security Council to impose sanctions, nor asked if such action was

appropriate. Furthermore, the court gave the EU three months to address the identified problems before the judgment took effect. But whatever the EU does, the court has issued a major challenge to the use of sanctions as an international counterterrorism tool." See The Washington Institute, "Al Qaeda and Taliban Sanctions Threatened," Policy Watch #1409, October 6, 2008, available at www.washingtoninstitute.org/templateC05.php?CID=2935 . However, the Eleventh Report of the Monitoring Team also notes that in the al-Qaida case it was determined that European law is distinct and equal to Chapter VII resolutions adopted by the Security Council, thereby challenging the legal authority of the Security Council in all matters. United Nations, Eleventh Report of the Analytical Support and Sanctions Implementation Monitoring Team established pursuant to Security Council Resolution 1526 (2004) and extended by UN Security Council Resolution 1904 (2009) concerning Al-Qaida and the Taliban and associated individuals and entities. UN Doc. S/2011/245, April 13, 2011, Section III, pp. 13-14.

- 41. Bianchi, Assessing the Effectiveness of the UN Security Council's Anti-Terrorism Measures, pp. 903-908.
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- 47. Edward C. Luck, "The Uninvited Challenge: Terrorism Targets the United Nations," in *Multilateralism Under Challenge: Power, Institutional Order and Structural Change*, edited by Edward Newman, Ramesh Thakur, and John Tirman (Tokyo: United Nations University Press, 2006), p. 347.
- 48. Statement by senior member state representative, UN briefing to NGOs on Countering Terrorism, New York, April 7, 2011.

- 49. United Nations, *Eleventh Report of the Al-Qaida and Taliban Sanctions Monitoring Team*, UN Doc. S/2011/245, April 13, 2001. The same report also notes, however, that a likely key impact of the sanctions is that they act as a deterrent to potential financiers and supporters of listed individuals or groups, who might be more aggressively affected by the sanctions.
- 50. United Nations, 2005 World Summit Outcome, UN Doc. A/RES/60/1. October 24, 2005, para. 90.
- 51. Edward C. Luck, "The US, Counterterrorism, and the Prospects for a Multilateral Alternative," in *Terrorism and the UN: Before and After September 11*, edited by Jane Boulden and Thomas G. Weiss (Bloomington: Indiana University Press, 2004), pp. 80-81.
- 52. Romaniuk, Multilateral Counter-Terrorism, p. 65.
- 53. Victor Comras has minced few words in ascribing the council's willingness to terminate the mandate of the 1267 Monitoring Group and establish in its place the Monitoring Team to its unwillingness to allow the group's independent experts to cite specific states for noncompliance. See Comras, *Flawed Diplomacy*, chapters 4 and 5, in particular.
- 54. Heupel, "Adapting to Transnational Terrorism," p. 483.
- 55. C.S.R. Murthy, "The UN Counter-Terrorism Committee: An Institutional Analysis," *Friedrich Ebert Stiftung Briefing Paper* No. 15, September 2007, available at: http://library.fes.de/pdf-files/iez/04876.pdf.
- 56. Quoted in Comras, Flawed Diplomacy, p. 187.
- 57. IPI discussions with CTITF entities, November 2010-April 2011. Victor Comras also notes that in the absence of a legal definition for terrorism, the Consolidated List (now the Al-Qaida Sanctions List) forms a "critically important" tool, as the only legal authority that many countries have to block suspect transactions or otherwise take action against those engaged in planning, financing or supporting known terrorists. See Comras, *Flawed Diplomacy*, p. 100.
- 58. Peter Romaniuk and Naureen Chowdhury Fink, "From Input to Impact: Exploring Good Practices in Measuring the Effectiveness of Terrorism Prevention Programs," Center on Global Counterterrorism Cooperation (Summer 2012).
- 59. Edward C. Luck, "The Uninvited Challenge: Terrorism Targets the United Nations," in *Multilateralism Under Challenge: Power*,

- *Institutional Order and Structural Change*, edited by Edward Newman, Ramesh Thakur, and John Tirman (New York: UN Press, 2006), p. 336.
- 60. Discussions with officials at CTED and CTITF, February 2012. See also James Cockayne, Alistair Millar, David Cortright and Peter Romaniuk, "Reshaping United Nations Counterterrorism Efforts: Blue-Sky Thinking for Global Counterterrorism Cooperation Ten Years after 9/11," Center on Global Counterterrorism Cooperation, 2012.
- 61. Edward C. Luck, "The US, Counterterrorism, and Prospects for a Multilateral Alternative," in *Terrorism and the UN* edited by Boulden and Weiss, pp. 74-101.
- 62. See also Naureen Chowdhury Fink, "Reviewing the UN's Counterterrorism Efforts," International Peace Institute Comment & Analysis, September 10, 2010, available at www.ipinst.org/news/comment-a-analysis/192-reviewing-the-uns-counterterrorism-efforts.html.
- 63. James Cockayne, Alistair Millar, and Jason Ipe, "An Opportunity for Renewal: Revitalizing the United Nations Counterterrorism Program," Center on Global Counterterrorism Cooperation Policy Brief, New York, September 2010.
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ENTITIES OF THE UN CTITF

- For a full list of CTITF members, please see the contents page of this
 volume, in addition to the six "observer" entities, which include: The
 International Organization for Migration (IOM), The Office for the
 Coordination of Humanitarian Affairs (OCHA), United Nations
 Department for Economic and Social Affairs (DESA), United Nations
 Office of the Special Adviser on Africa (UNOSAA), United Nations
 High Commissioner for Refugees (UNHCR), United Nations Alliance
 of Civilizations (AOC).
- 2. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, UN Doc. A/RES/60/288.
- 3. For more on the working groups of the Counter-Terrorism Implementation Task Force, see the Working Group entries in this volume.
- 4. UN Counter-Terrorism Implementation Task Force (CTITF), "2010

- Review: Stimulus for Renewed Counter-Terrorism Commitment," *The Beam* Vol. 1 (September-December 2010), available at www.un.org/terrorism/pdfs/CTITF_beam_vol1_14oct.pdf.
- 5. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, UN Doc. A/RES/60/288.
- 6. For a more expansive analysis on the 2010 review, see Fink, Naureen Chowdhury, "Reviewing the UN's Counterterrorism Efforts," IPI Comment & Analysis, available at: www.ipinst.dreamhosters.com/news/comment-a-analysis/192-reviewing-the-uns-counterterrorism-efforts.html .
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- 8. UN Counter-Terrorism Implementation Task Force, "Integrated Assistance for Countering Terrorism (I-ACT) Information System," available at www.i-act-infosystem.org/#1.
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- 10. UNODC Survey response conducted for the purposes of this guide
- 11. UN Counter-Terrorism Implementation Task Force (CTITF), "Building in Depth Knowledge of UN Global Counter-Terrorism Strategy," The Beam Vol. 2 (January-April 2011), available at www.un.org/terrorism/pdfs/ctitf-beam_vol2_web.pdf.
- 12. Louis Charbonneau "UN Council Splits UN Taliban, Qaeda Sanctions List," Reuters, June 17 2011.
- 13. Ibid.
- 14. As presented by the Secretary-General to the General Assembly in the Special Political Missions budget for 2010. IPI correspondence, member of the 1267 Monitoring Team, New York, April 2011.
- 15. Jeremy Matam Farral, *United Nations Sanctions and the Rule of Law* (New York: Cambridge University Press: 2007), pp. 392-393.
- 16. United Nations Secretary-General, *United Nations Global Counter-Terrorism Strategy: Activities of the United Nations System in*

- Implementing the Strategy, UN Doc. A/64/818, June 17, 2010, p. 18.
- 17. For more on this, see Eric Rosand, "The Security Council's Efforts to Monitor the Implementation of Al Qaida /Taliban Sanctions" *American Journal of International Law* 98, No. 4 (October, 2004), and Victor D. Comras, Flawed Diplomacy: The United Nations and the War on Terrorism (Dulles, Virginia: Potomac Books, 2010), chapter 5.
- 18. For a broader discussion on critiques of the UN's role in countering global terrorism, see the introduction to this volume.
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- 20. IPI conversations with member-state representatives, New York. See International Peace Institute, "Global Terrorism," *IPI Blue Paper* No.4, New York, 2009, available at www.ipinst.org/publication/policy-papers/detail/222-global-terrorism-ipi-blue-paper-no-4.html.
- 21. For a discussion on the new office, including its functions and challenges, see Office of the Ombudsperson, "Remarks of Kimberly Prost, Ombudsperson, 1267 Al Qaida /Taliban Sanctions, delivered to the informal meeting of Legal Advisors," October 2010, available at www.un.org/en/sc/ombudsperson/pdfs/2010.10.25_E.pdf . For a brief interview with Ombudsperson Kimberly Prost on these issues, see www.youtube.com/watch?v=kWX-p3Xry58 .
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- 23. United Nations, Eleventh Report of the Al-Qaida and Taliban Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) and extended by resolution 1904 (2009) concerning Al-Qaida and the Taliban and associated individuals and entities, UN Doc. S/2011/245, April 13, 2011. P. 26 Para. 77. Note: UN Security Council Resolution 1455 calls on states to report to the committee on implementation of 1267, including submitting a

- comprehensive summary of frozen assets of listed individuals and entities within member state territories.
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- C.S.R. Murthy, "The UN Counter-Terrorism Committee: An Institutional Analysis," *Friedrich Ebert Stiftung Briefing Paper* No. 15, September 2007, p. 5, available at: http://library.fes.de/pdf-files/iez/04876.pdf.
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- 31. See UN Counter-Terrorism Implementation Task Force, Working Group on Border Management Related to Counter-Terrorism, "Proposed Terms of Reference," available at www.un.org/terrorism/pdfs/tor.pdf.
- 32. For more on I-ACT see the entry on the Office of the Counter Terrorism Implementation Task Force in this Volume.
- 33. United Nations, Report of the Policy Working Group on the United Nations and Terrorism, UN Doc. A/57/273-S/2002/875, August 6, 2002, para. 38.
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- 35. United Nations Secretary-General, *United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in*

- *implementing the Strategy*, UN Doc. A/64/818, June 17, 2010, p. 11, para. 54.
- 36. United Nations Secretary-General, *United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy*, UN Doc. A/64/818, June 17, 2010, p. 21, para. 107.
- 37. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, UN Doc. A/RES/60/288, p. 7.
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- 39. Ekaterina Stepanova, *Terrorism in Asymmetrical Conflict: Ideological and Structural Aspects*, SIPRI Research Report Series No. 23 (New York: Oxford University Press, 2008).
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- 41. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, UN Doc. A/RES/60/288, Annex Plan of Action, P. 4.
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- 43. For more, see Shahrbanou Tadjbakhsh et al., "Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia," *Report on the First Expert Meeting on Pillars I and IV of the Strategy*, Bratislava, Slovakia, December, 2010, available at www.un.org/terrorism/docs/1st%20Expert%20Meeting%20Bratislava% 20English.pdf . Or see the Working Group's entry in this volume.
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- 45. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, Annex Plan of Action, UN Doc. A/RES/60/288, P. 4.
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- 52. UN Department of Public Information, *Country Visits*, Fact Sheet 3, September 2006, available at www.un.org/terrorism/pdfs/fact_sheet_3.pdf.
- 53. UN Department of Public Information, *The Counter-Terrorism Committee and Human Rights*, Fact Sheet 4, July 2006, available at www.un.org/News/dh/infocus/terrorism/fact_sheet_4.pdf.
- 54. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, UN Doc. A/RES/60/288, p.4, para. I.
- 55. For more on this project, see the entry on the 1267 Monitoring Team in this volume, and see the International Peace Institute, "IPI Screens Film 'The Terrorist Who Came Home,'" January 10, 2011, available at www.ipinst.org/events/panel-discussions/details/255-ipi-screens-film-the-terrorist-who-came-home.html .
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- tional counterterrorism initiatives, see, International Peace Institute, "Global Terrorism," *IPI Blue Paper* No. 4, Task Force on Strengthening Multilateral Security Capacity, New York, 2009.
- 57. See, for example, James Cockayne et al., "An Opportunity for Renewal: Revitalizing the United Nations Counterterrorism Program, An Independent Strategic Assessment," The Center on Global Terrorism Cooperation, September 2010, p. ii, available at: www.globalct.org/images/content/pdf/reports/Opportunity_for_Renew al_Final.pdf.
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- 62. UN Action to Counter Terrorism, "Working Group on Strengthening the Protection of Vulnerable Targets."
- 63. UN Department of Public Information, "Secretary General Launches Independent Review of Safety, Security of United Nations Personnel, Premises, Worldwide, Amid Changing Threats, Risks," UN Doc. SG/SM/11403, February 5, 2008, available at, www.un.org/News/Press/docs/2008/sgsm11403.doc.htm.
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- 65. For a broader discussion of worldwide responses to the UN's role in countering global terrorism, and challenges to the legitimacy of its actions, see the introduction to this volume.
- 66. Peter Romaniuk, Multilateral Counter-Terrorism: The Global Politics of Cooperation and Contestation (New York, NY: Routledge, 2010), p. 74.

- 67. Victor D. Comras, *Flawed Diplomacy: The United Nations and the War on Terrorism* (Dulles, Virginia: Potomac Books, 2010), p 161.
- 68. UN Security Council Resolution 1540 (April 28, 2004), UN. Doc. S/RES/1540.
- 69. Berhanykun Andemicael et al., "Comprehensive Review on the Status of Implementation of Resolution 1540 (2004)," Background paper prepared by 1540 Committee experts for the 1540 Committee, available at www.un.org/sc/1540/docs/CR%20paper(Element%20G).pdf.
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- 73. International Peace Institute, *IPI Blue Paper* No. 6, "Biosecurity," Task Forces on Strengthening Multilateral Security Capacity, New York, 2009.
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- 81. International Peace Institute, "Weapons of Mass Destruction," *IPI Blue Paper* No. 3, Task Forces on Strengthening Multilateral Security Capacity, New York, 2009, pp. 7-8.
- 82. United Nations, 2009 Comprehensive Review of the Status of Implementation of Resolution 1540 (2004).
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- 275. SARs are reports from financial institutions on suspicious activity related to money laundering, which generate leads for law-enforcement officials to investigate.
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