Endnotes

INTRODUCTION


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.


8. Ibid.


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.


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/comittees/1267/aq_sanctions_list.shtml. Delisted names are, however, understandably not available.


20. UN Security Council Resolution 1373.


22. UN Security Council Resolution 1535 (March 26, 2004), UN Doc.
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S/RES/1535.


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.


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
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.


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).


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 Barakaat 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...


45. IPI conversations with member state representatives, reflected in International Peace Institute, “Global Terrorism,” *IPI Blue Paper No. 4*.

46. Ibid.


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.


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.


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).


64. Ibid.

ENTITIES OF THE UN CTITF

1. 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).


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


10. UNODC Survey response conducted for the purposes of this guide


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.


18. For a broader discussion on critiques of the UN’s role in countering global terrorism, see the introduction to this volume.

19. The European Union and one state are appealing the verdict. In addition, the Supreme Court of the European Union also ruled in favor of two listed individuals, arguing that the order to implement the sanctions exceeded its authority and did not provide for judicial remedy. See the United Nations, Eleventh Report of the Al-Qa’ida 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.


22. In 2009, a Security Council Report noted that there were thirty legal challenges to the 1267 regime worldwide involving individuals or entities on the sanctions list.

comprehensive summary of frozen assets of listed individuals and entities within member state territories.


27. Ibid.


29. See the introduction to this volume for a more detailed discussion on this topic.


32. For more on I-ACT see the entry on the Office of the Counter Terrorism Implementation Task Force in this Volume.


implementing the Strategy, UN Doc. A/64/818, June 17, 2010, p. 11, para. 54.


46. For more on the responsibility of the CTITF, see the entry on the CTITF office in the volume.


49. Ibid.


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.

56. For a more detailed discussion on the importance of an effective communications strategy to support UN efforts to combat interna-


60. Ibid.


62. UN Action to Counter Terrorism, “Working Group on Strengthening the Protection of Vulnerable Targets.”


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.


72. For more on resolution 1373, see the Counter-Terrorism Executive Directorate entry in this volume.


87. Response from IAEA to a survey conducted for this guide.


96. Ibid., p. 46.


101. Ibid.


105. IMF response to survey conducted for this volume.

106. For more on the expense of carrying out an attack see Bierstaker, *Countering the Financing of Terrorism*, pp.6-7.

107. IMF response to survey conducted for this volume.

108. See the Introduction to this volume for more on how the United
Nations cooperates with other multilateral and international partners, such as the Financial Action Task Force (FATF), to counter global terrorism.


111. IMF response to survey conducted for this volume.


113. More generally, INTERPOL’s international notice system alerts law-enforcement officials worldwide concerning the activities of wanted persons, persons and entities subject to United Nations sanctions, dangerous goods, stolen and lost travel documents, and other threats to global security.


116. Ibid., p.11, para. 54.

117. For more about CTED, see the relevant entry in this volume.


121. United Nations Secretary-General, *United Nations Global Counter-

122. Ibid. p. 12, para. 57.

123. For more on the 1540 Committee, see the relevant entry in this volume.

124. UN General Assembly Resolution 60/288 (September 20, 2006), United Nations Global Counter-Terrorism Strategy, UN Doc. A/RES/60/288, p. 6, para. 11.

125. IPI discussions with ODA officials, May 2010.

126. UN General Assembly Resolution 60/288, United Nations Global Counter-Terrorism Strategy.

127. For more details, please see the INTERPOL entry in this volume.


129. Response from ODA to a survey conducted for this volume.

130. For more on these entities please see the relevant entries in this volume.


132. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) and its Optional Protocols are treaties, and are therefore legally binding on states, whereas the UN Declaration on Human Rights (UNDHR) is nonbinding, although many of its tenants are customary law, which are legally binding on states.


134. Amnesty International published an open letter to the Counter-Terrorism Committee in January 2002 urging it to hire human rights
experts. Similarly, Mary Robinson, then UN High Commissioner on Human Rights, presented the committee with a proposal on integrating human rights considerations into the mandate of the committee. Challenges to the UN’s counterterrorism initiatives are described in the Introduction to this volume.


139. Ibid. For more on CTED, please also see the relevant entry in this volume.


144. For a full list of conventions addressing terrorism, see the UN Action to Counter Terrorism website, available at www.un.org/terrorism/instruments.shtml.
145. For more on the Al Qaeda Sanction Monitoring Team, please see the introduction and relevant entry in this volume.


147. Response from OLA to survey conducted for this volume.


150. Response from OLA to survey conducted for this volume.

151. Response from OLA to survey conducted for this volume.

152. Response from OPCW to survey conducted for this volume.


157. For more on this working group, see the relevant entry in this volume as well as the entry on the IAEA.


159. The Human Rights Committee is a body of independent experts that monitors implementation of the *International Covenant on Civil and Political Rights* by its states parties.


162. In addition to these reports, the special rapporteur’s research assistant produces an autonomous blog entitled “The Lift,” which focuses on legal issues relating to international counterterrorism efforts, available at http://legalift.wordpress.com/.


164. Ibid.

165. Ibid.


169. UN General Assembly Resolution 60/288 (September 20, 2006), *United Nations Global Counter-Terrorism Strategy*, Annex Plan of


172. Ibid., p. 20, footnote 41.


174. For more on this, see Rosand, Millar, and Ipe, “Implementing the UN Global Counter-Terrorism Strategy in Africa,” p. 20.


178. Ibid., p.2 para. 10.


181. United Nations Secretary-General, *United Nations Global Counter-


185. The working group worked from January - September 2008 to map states’ existing programs and policies to address violent radicalization, and published the First Report of the Working Group on Radicalisation and Extremism that Lead to Terrorism, Inventory of State Programs, released in September 2008. This report drew on inputs from thirty-four states before the working group concluded its work in November 2008.

186. For more on INTERPOL and the Referral Center, please see the relevant entry in this volume.

187. UNICRI response to survey conducted for this volume.


189. For more on I-ACT, see the CTITF office entry in this volume.

190. UN General Assembly Resolution 56/123 (December 19, 2001), UN Doc. A/RES/56/123.

191. Author’s communication with United Nations Office on Drugs and Crime Terrorism Prevention Branch.


199. Ibid.

200. The 1999 UN Convention for the Suppression of the Financing of Terrorism defines terrorism as: “any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking any active part in the hostilities in a situation of armed conflict, when the purpose of such act, 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 an act.” Article 2, b.


204. Complete texts of the papers are available at the website of the World
The convention was revised and updated to meet current challenges and needs in 1997.

The revised Kyoto Convention is available on the website of the WCO, at www.wcoomd.org/home_pfoverviewboxes_tools_and_instruments_pfrevisedkyotoconv.htm.


Ibid., p. 4.

Ibid., p. 8.


For more on UN Security Council Resolution 1540 and its Committee and Expert Staff, see the relevant entry in this guide.

WCO response to IPI survey conducted for this volume.


WORKING GROUPS OF THE CTITF


229. Ibid.


231. UN Counter-Terrorism Implementation Task Force, “Working Group on Countering the Use of the Internet for Terrorist Purposes.”

232. For more on this project, see the entry on the 1267 Monitoring Team in this volume, or see International Peace Institute, “IPI Screens Film ‘The Terrorist Who Came Home,’” January 10, 2011, available at www.ipinst.org/events/panel-discussions/details/255-ypi-screens-film-the-terrorist-who-came-home.html.


234. Ibid.


236. UN General Assembly Resolution 60/288 (September 20, 2006), United Nations Global Counter-Terrorism Strategy, UN Doc.
A/RES/60/288.


238. Ibid.


240. This includes questions such as: “Is there a terrorism dimension to the situation at hand? If so, who are the actors engaged in terrorist acts and what are their motivations? Should these elements be included in the negotiation process, if so how should they be engaged? What are the legal implications of doing so in light of the existing UN framework, both for the groups or individuals concerned and in terms of any state obligations that might apply?” UN Counterterrorism Implementation Task Force, Guidelines for UN Mediators-Terrorism, available at www.un.org/en/terrorism/ctitf/pdfs/web_wg_preventing_resolving_conflicts_guidance_for_mediators.pdf.


242. Including regional organizations like NATO and the World Customs Organization.


244. Website of the Counter-Terrorism Implementation Task Force Working Group on Preventing and Responding to WMD Terrorist


249. Economic, social and cultural rights refer to rights such as the right to work, education, culture, healthcare, housing, food, etc. They are sometimes referred to as positive rights, since they require action on the part of the government to fulfill. Often contrasted with civil and political rights, which require restraint on the part of the government (i.e., freedom of speech, assembly etc.), although this explanation is controversial since fulfillment of both sets of rights require action on the part of the state.


253. Website of the UN Counter-Terrorism Implementation Task Force Working Group on Protecting Human Rights While Countering


256. 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. 17 Section IV.


258. According to the UN Interregional Crime and Justice Research Institute “Soft” targets refers to unarmed/undefended targets such as places where groups of people routinely gather or reside including hotels and resorts, tourism or recreational facilities, parks and markets, shopping centers, train and bus stations, historical sites, cultural, religious and educational centers, multi-national company premises, and financial centers UNICRI website, available at http://lab.unicri.it/soft_targets.html.

259. UNICRI response to survey conducted for this volume.


261. Ibid.

262. Ibid.

263. UN General Assembly Resolution 60/288 (September 20, 2006), United Nations Global Counter-Terrorism Strategy, UN Doc. A/RES/60/288, (in multiple places)


268. UNODC response to survey conducted for this volume.


270. Ibid., section III, para. 8.


274. The goal of the Egmont Group is to provide a forum for Financial Intelligence Units (FIU) around the world to improve cooperation in the fight against money laundering and financing of terrorism and to foster the implementation of domestic programs in this field. See www.egmontgroup.org .
275. SARs are reports from financial institutions on suspicious activity related to money laundering, which generate leads for law-enforcement officials to investigate.

276. Al-Qaida Analytical Support and Sanctions Monitoring Team response to survey conducted for this volume.
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