



Discussion Paper

Terrorism

Including Issues Related to Ideology, Identity Politics, and Organized Crime

Independent Commission on Multilateralism

September 2015

The terrorism landscape has transformed radically since 9/11. Its manifestations are multidimensional, complex, and pervasive. The multilateral system continues to be under severe stress as the threat posed by terrorism and violent extremism metastasize. While some have argued that such “malignancies” are the consequences of inherently national problems, no one doubts that the threats they pose have become transnational in origin and effect, and can only be overcome through multilateral, global efforts.

Many factors drive and sustain today’s terrorism. In essence, it is a phenomenon that stems from a constellation of fault lines and imbalances caused by exclusionary, unaccountable, and ideologically based governance; inequitable distribution of resources; and new and emerging forms of geopolitical power rivalries that are reshaping the trajectory of these imbalances and their outcomes. Deft use of web-based communication technologies, including social media, has made it possible for terrorist organizations and organized crime networks to make inroads into disgruntled and marginalized communities and rally them to their ranks on the basis of social injustices and grievances created by these imbalances. Marginalized youth have been a prime target. Armed nonstate actors that hold territory, command resources, and engage in highly lucrative illicit economic activities have made these youth their primary recruits.

Multilateral efforts primarily under the aegis of the United Nations Security Council have provided various capacity development support and other measures to strengthen member states’ domestic counterterrorism initiatives. However, certain ambiguities inherent in these measures and in their uneven implementation have provided a convenient pretext for some to pursue double standards in the fight against terrorism. A “siloeed” approach to the problem and an inability to determine a universal definition of terrorism have further hampered these efforts.

The notion that the fight against terrorism can be won primarily by military force, law enforcement measures, and intelligence operations is losing currency. The debate has slowly turned to the need for a comprehensive and long-term approach, rooted in political and socioeconomic strategies that encourage social inclusion, political participation, and equality as well as bottom-up strategies that address root causes at the national level.

Defining Terrorism

The United Nations – and the multilateral system more widely – remains at a deadlock when it comes to a universal definition of terrorism. The challenges posed by the lack of a universally accepted definition further manifest themselves in the way in which the current framework of international law, although prohibiting terrorists acts in multiple forums, is not capable of addressing the full scope and the evolving nature of the terrorist threat.

The norms governing the use of force by nonstate actors have not kept pace with those pertaining to states. This is not so much a legal question as a political one. Legally, virtually all forms of terrorism are “prohibited by one of [14] international counterterrorism conventions, international customary law, the Geneva Conventions or the Rome Statutes.”¹ However, it

¹ United Nations, *A More Secure World: Our Shared Responsibility: Report of the High-level Panel on Threats, Challenges and Change*, UN Doc. A/59/565, December 2, 2004

remains elusive—if not impossible—for the United Nations to achieve the same degree of normative strength concerning nonstate use of force as it has concerning state use of force. Lack of agreement on a clear and well-known definition diminishes the normative and moral stance against terrorism.²

The search for an agreed definition usually stumbles on two issues.³ “The first is the argument that any definition should include states’ use of armed forces against civilians [...] The second objection is that peoples under foreign occupation have a right to resistance and a definition of terrorism should not override this right.”⁴ In the latter case, as the saying goes: “one man’s terrorist is another man’s freedom fighter”.

Furthermore, the inability of member states to agree on an anti-terrorism convention, including a definition of terrorism has prevented the United Nations from “exerting its moral authority and from sending an unequivocal message that terrorism is never an acceptable tactic, even for the most defensible of causes.”⁵ Nevertheless, there is a question of what impact a universal definition will have on the on-the-ground realities.

While the debate over a definition of terrorism may continue, there ought to be no ambiguity on what constitutes “acts of terrorism” and strict implementation of a universal zero tolerance norm. Overall, a consensus on the preeminence of universal non-tolerance for deliberate attacks on non-combatants regardless of any justification should surpass the technicalities of definitions.

Mapping the Landscape

In the aftermath of 9/11, the multilateral system found itself playing “catch up” with a phenomenon that had escaped it. In many ways, the system that is now in place suffers from the same “catch up” syndrome. Any horizon scanning must take into account the “Al Qaeda matrix” constituted by the elements of transnationalization and franchising and how this matrix has been adapted in the current reality.

Terrorism today has evolved into a direct threat to the society of states i.e., the fundamental make-up of a multilateral order. The challenge that ISIL, Boko Haram and Al-Shabaab represent in their attempts to create a new political reality – to supplant the state with an alternative model – is a fundamental threat to the core of the UN Charter and the Sustainable Development agenda as well as to global peace and security more generally. In other words, terrorist groups have evolved into entities with state aspirations and state-like behavior, which serves as an existential threat to the state as an organizing entity of the multilateral system. The global footprint of terrorist networks and their affiliates pays little attention to traditional notions of borders and sovereignty. They recruit in one country, raise funds in another, and potentially operate elsewhere. Terrorist networks of today are more

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ United Nations, *A More Secure World: Our Shared Responsibility: Report of the High-level Panel on Threats, Challenges and Change*, UN Doc. A/59/565, December 2, 2004

loosely affiliated, transnational in nature, and difficult to monitor and penetrate than in the past.

Violent extremist groups are mostly based in or operating in fragile and failed states, parts of the world with the highest concentration of political injustice, corruption and proxy wars. Recruits are a byproduct of that system i.e., “failed citizens”. Today’s landscape is marked by a shift from ideologically driven violence to motivations stemming from ethnic-religious identity politics that manifests itself in exclusionary and unaccountable governance. Where there is lacking social inclusion and participatory governance, extremism thrives.

A crucial element in the changed terrorism landscape is the lowered cost of committing armed violence: a new unfettered access to weapons, finance and media allows extremist groups to rival the state in unprecedented ways. Even the smallest of groups can access markets, enabling access to political power and the possibility to contest the power of the state and the notion of statehood itself.

Technology has placed increasingly lethal power in the hands of violent extremist groups. The lines between conventional and non-conventional warfare have blurred to a point of non-recognition. Terrorists use the Internet and social media in innovative ways for fundraising, recruitment, disseminating propaganda, data mining, and coordination of their activities. The Internet has proved its ability to quadruple the power base of local groups, while keeping their anonymity and flexibility intact.

The challenge remains in trying to respond to such threats without mitigating civil liberties and freedoms. Extensive counterterrorism measures that target the Internet often lead to more authoritarianism, infringement on privacy and the free flow of information, and restrictions on civil liberties. Indeed, this could yield a “blowback” of a different kind: the securitization of political agendas where terrorist threats are apparently exaggerated. On the societal level, blowback manifests itself in the rise of xenophobic groups, the increased prominence of the extreme right, and the prevalence of hate-crimes, rendering fault lines of identity politics more accentuated. In other words, maintaining support for the state is essential in countering violent extremism; authoritarian and repressive measures implemented can serve to undermine citizens’ support.

There is danger of focusing too much on Islamist groups, ignoring that there are other “extremisms” on the rise which serve a threat to global peace and security. Beyond Islamist extremist groups, a number of other terrorist organizations remain noteworthy on the peace and security agenda: from Kahane Chai to the Kurdistan Workers’ Party (PKK), the National Liberation Army (ELN), and the Revolutionary Armed Forces of Colombia (FARC), to name a few. Having said, many of these groups do not have the global attraction effect that AQ and ISIL have/had. They are relatively more contained in terms of geography and “membership”. In some instances, states may be complicit in abetting terrorism and providing safe havens to terrorists in pursuit of narrowly defined national interests.

The global response to certain religiously tinged incidents, however, can be imbalanced, with most fixated on the “Islamist” variation of the phenomenon. A recent example is the Anders Breivik massacre in Norway, the Christian coloring of which became understated and a subject of heated debate. The response to such acts—where perpetrators are not immigrants of

a different race, religion, or background—is often different and disproportionate at the national and international levels, particularly by the press. Rather than being characterized as terrorists, such perpetrators are characterized as social outcasts or mentally disturbed. A more consistent approach remains lacking.

Violent extremism once considered an external threat by many, has since evolved into an internal one with the emergence of homegrown terrorist organizations/cells, several residing in Western societies. In this instance, radical extremists mostly comprise second- and third-generation immigrants, who turn against host societies where they have been born and raised. In other cases, the key driver has been an identity crisis and a sense of alienation, marginalization, and disillusionment: a lack of belonging to the Western society of their upbringing or their ethnic countries of origin. Such individual aberrations independent from (though often inspired by) transnational ideologies and groups range from the Boston marathon bombing of 2013 to the Charlie Hebdo killings of 2015.

Terrorism is no longer local and can no longer be considered a menace in the distance, which is evident in the proportion of people from different states across the world (“foreign terrorist fighters”) who join these movements. With more than one hundred nationalities fighting for ISIL, for example, questions abound as to the effects that the return of these fighters will have on their respective home countries. It is expected that fighters will return so radicalized, traumatized, or both that they will pose a serious danger. In a seminal study that looked at outgoing foreign fighters from the West between 1990 and 2010, on average 1 in 9 became involved in militancy at home.⁶ Even if the ratio is significantly lower, given the sheer number of foreign fighters today, blowback is clearly a major long-term security concern with significant implications. However, the attention to foreign fighters must not eclipse the reality that the proportions of recruitment are incomparably larger in the localities of the terrorist groups, which are also the societies that bear the brunt of the violence.

Terrorist networks rely on a variety of illicit sources for funding their activities, such as kidnapping, narcotics, illegal smuggling (e.g., drugs and weapons), and petty crimes. They also draw support from front organizations, legitimate businesses, sympathetic backers (including states) and nongovernmental organizations. In cases where the group exercises embryonic state-like functions, it unabashedly levies taxes as an added source of revenues.

Drivers of Terrorism

It is hard to pinpoint the exact purpose of any terrorist as there are many factors - sociological, economic and psychological - driving extremism, and thus, radicalization must be viewed as highly individualized.

Traditional analyses of terrorism tend to identify causes through select or narrow lenses: weak/fragile states; societies where freedom of expression is suppressed; socioeconomic deficits, etc. Moving toward a more integrated analytical framework, the so-called “4-G”

⁶ Thomas Hegghammer, “Should I Stay or Should I Go? Explaining Variation in Western Jihadists’ Choice between Domestic and Foreign Fighting” *American Political Science Review* (February 2013)

framework,⁷ namely, “Governance,” “Growth,” “God,” and “Geopolitics”—developed originally to explain the drivers of contemporary conflict—could serve as an overarching structure for a better understanding of the drivers and accelerators of terrorism.

Governance:

- Terrorism flourishes in societies where governance structures are rudimentary, inefficient, and exclusionary. Amid the backdrop of poverty and underdevelopment, there is hardly a narrative of hope.
- Terrorism and other violent forms of extremism also thrive in areas where the government is simply absent or where service delivery is lacking, particularly in marginalized areas and communities. Such vacuums have created the space for violent groups to operate as welfare providers in the absence of the state.
- Without sufficient faith in the governance model and a fair chance for upward mobility, members in society, particularly youth, have a higher chance of being driven to alternative paths of deliverance.
- Nevertheless, the argument cannot be entirely based on socioeconomics: if that were the sole factor, then terrorism hotspots would be located in sub-Saharan Africa, rather than places such as Libya, which had the highest Human Development Index ranking in Africa prior to the toppling of the Qaddafi regime in 2011.
- With regards to recruitment, studies have failed to demonstrate that poor, uneducated, and/or unemployed individuals are more likely to join a terrorist group. In fact, it appears that terrorist recruits tend to have high levels of education and wealth.⁸
- Moreover, the element of identity is seen to be an overriding factor from which terrorists harvest their elements.
- A key driver of identity-related grievances must be recognized in relation to countermeasures as possible radicalizers, and there is a need to nuance thinking about the potential effects of interventions and mass incarcerations in counterterrorism/counter-crime policies.
- Further, it must be recognized that freedom of speech is not exercised in a vacuum: what represents freedom for some might be offensive to others, and can constitute a driver for radicalization.

Growth:

- While the global economy boasts unprecedented wealth and economic progress, persistent inequality continues to serve as a threat to peace and security. The global economy has tripled since 2000, with emerging economies driving growth for the past five years.
- This trend, however, has not resulted in a reduction of the inequalities that, in many instances, have contributed to popular discontent, alienation, and a sense of marginalization.
- The grievances that emerge from inequality—as opposed to poverty specifically—could be considered a driving catalyst for joining terrorist organizations.

⁷ Developed by Strategic Foresight Group (SFG), an international think tank that has worked with governments and national institutions of more than fifty countries from four continents.

⁸ Alan B. Krueger & Jitka Malekova, “Education, Poverty and Terrorism: Is There a Causal Connection?” *The Journal of Economic Perspectives*, Vol. 17, No. 4. (Autumn, 2003)

God:

- In the religious sphere, an era of radical faith-based extremism, from the Lord's Resistance Army to al-Qaida and beyond has been an integral part of the peace and security picture for quite some time. Extreme interpretations of virtually all religions—including Pentecostal Christianity, Shia as well as Sunni Islam, Judaism, even Buddhism and Hinduism—are on the rise. Just as the Crusades of the twelfth century were about competition for power in the name of God, so are those of the twenty-first.
- Islamic extremism remains however the most prominent given the proliferation of such groups from al-Qaida and its affiliates to ISIL. These actors have perverted the tenets of Islam by using extreme religious interpretations to legitimize brutal tactics such as killing innocent civilians and suicide bombing. Their global ambition is to create a new political order, namely Islamic states based on radical interpretations of religious *sharia* law, e.g., Afghanistan under the Taliban rule or, more recently, the situation in areas in Syria and Iraq under the control of ISIL.
- The sustained onslaught of extremist ideology conditions some to a worldview that sets them apart from the rest of the society. The use of religion is a powerful and persuasive tool. The motivation to create a utopian society makes terrorism not simply a legitimate but a necessary means to that end. And yet, terrorism that is seemingly religiously driven may simply be perpetrated by regular criminals looking for gains, projects or adventures that are justified by a "higher purpose," or by individuals who are excluded from society.

Geopolitics:

- The post-Cold War order remains divided, with intra- and interstate fault lines of tension and conflict emerging or re-emerging, while the leverage of major powers continues to be in flux and, at times, waning. As a result, states have been known to resort to two forms of terrorism as part of advancing geopolitical aims: state terrorism (government-directed action targeting the general public) or state-sponsored terrorism (arming violent rebel groups or harboring and providing safe havens for terrorist groups).
- The Syrian quagmire is often cited as epitomizing the latter phenomenon, where some armed factions/militias are considered as terrorists by one side and freedom fighters by others, each serving as proxies for the geopolitical ambitions of their respective regional or global masters.
- Policy induced failures at the multilateral level have also contributed inadvertently to empower terrorists. The way in which the policies in post-2003 Iraq and post-2012 Libya created a breeding ground for violent extremists thus becomes imperative to consider. An older driver – though perhaps less relevant today than it was twenty years ago – is the Palestinian issue, which still represents a major injustice in Muslim communities and thus remains a potential driver of Islamist extremism.

Terrorism and Organized Crime

Terrorism is not a monolith, and indeed, it often intersects with other transnational challenges. In understanding the nexus between terrorism and organized crime, the way in which criminal activity serves to undermine governance and the rule of law and create weaknesses in the state

structure for terrorists to exploit is of central importance, as well as the financial driver these activities constitute.

Terrorism and organized crime are increasingly intertwined and interact in varied and significant ways, to the detriment of global security interests. Although ideologies and motivations of an organization may remain consistent, criminals and terrorists have shared similar tactics to reach their separate operational objectives. Such tactics include “acts of violence; involvement in criminal activity for profit; money laundering; undetected cross-border movements; illegal weapons acquisition; and exploitation of corrupt government officials.” A criminal group may “transform over time to adopt political goals and ideological motivations.” Conversely, terrorist groups may shift toward criminality. For some terrorist groups, criminal activity “remains secondary to ideological ambitions.” For others, profit-making may “surpass political aspirations as the dominant operating rationale.”⁹

A classic example of linkages is found in the Revolutionary Armed Forces of Colombia (FARC), one of the oldest, most violent, and best-equipped terrorist organizations in Latin America. It owes its longevity to its enormous profits derived not only from the drug trade but also from extortion, illegal mining, and kidnapping ransoms. Other examples include the Taliban in Afghanistan that has also consistently generated a considerable share of its revenues from the drug trade. More recently, ISIL has generated significant revenue through the sale of illegal oil. Such an illicit cash flow has helped it to swiftly transform into a lethal terrorist organization drawing recruits from all over the world, with access to unprecedented military hardware and equipment, most of which was left behind by Iraqi forces fleeing ISIL’s advance into Mosul.

While the nexus of organized crime and terrorism is important, the former constitutes its own threat to global peace and security. Since the end of the Cold War, organized crime has gone from being a marginal issue affecting a few cities and regions to becoming a threat to international peace and security. It undermines development and the rule of law and perpetrates serious human rights violations, endangers health (and life), and plunders with impunity some of the planet’s precious natural resources. Thus far, the response has been ad hoc, reactive, and disjointed. There is insufficient information about the extent of the problem, no mechanism to monitor implementation of the major instrument for fighting crime (namely the United Nations Convention against Transnational Organized Crime), and cooperation among law enforcement agencies is insufficient.¹⁰

Organized crime is also exploited by states, which may be a significant obstacle to multilateral cooperation in this field. In many cases the state is complicit and encouraging the use of its territory for organized crime. States that are struggling to deliver a full range of services progressively resort to delegate groups to govern themselves. Currently, there is a set of measures to deal with organized crime, but the sanctions regime has focused more on the political rather than the financial dimension of sanctions. Financial drivers remain underestimated and understudied.

⁹ John Rollins and Liana Sun Wyler, “Terrorism and Transnational Crime: Foreign Policy Issues for Congress,” Washington, DC, Congressional Research Service, June 11, 2013.

¹⁰ Walter Kemp & Mark Shaw, “From the Margins to the Mainstream: Toward an Integrated Multilateral Response to Organized Crime”, International Peace Institute (September 2014).

Multilateral Architecture Addressing Terrorism

Given the sheer scale of the challenge as well as its increasingly transnational nature, the fight against terrorism is being pursued at the global, regional, and subregional levels. At the helm of the multilateral response is the United Nations, though certain member states have often taken the lead, operating independently or bilaterally. Nonetheless, a clear understanding of the role played by regional organizations, intergovernmental agencies, and member states is needed to assess the coherence and effectiveness of the overall multilateral counterterrorism architecture in place today.

The United Nations

Counterterrorism has been on the agenda of the United Nations for decades, and the organization remains the best placed in terms of coordinating an overall global counterterrorism effort. Eighteen universal instruments (fourteen conventions and four amendments) against international terrorism have been elaborated so far within the framework of the UN system.¹¹ Member states, through the General Assembly, have been increasingly coordinating their counterterrorism efforts and continuing their legal norm-setting work.

The Security Council remains at the forefront of efforts to combat terrorism.¹² However, it is important to recall that the General Assembly, along with other UN bodies, had launched their initiatives to counter terrorism before the Security Council emerged as a dominant player on the scene in the aftermath of 9/11. To consolidate these efforts, the Counter-Terrorism Implementation Task Force (CTITF) was established by the Secretary General in 2005 to enhance coordination and coherence of counterterrorism activities within the UN system. The CTITF now includes some thirty entities,¹³ ranging from Interpol to the World Health Organization, which is indicative of the coordination and harmonization challenges that transgovernmental actors confront as they work under a broadened definition of what constitutes “counterterrorism.” In this way, the strategy and the task force “serve as an operational bridge linking intergovernmental political decisions to their implementation at the technical, transgovernmental level.”¹⁴ In the aftermath of September 11, 2001, the Security Council established the Counter-Terrorism Committee (CTC), under Resolution 1373.¹⁵ The CTC was established with the ultimate aim to increase the ability of states to fight terrorism. To assist the CTC’s work, the Security Council, through its Resolution 1535, set up a Counter-Terrorism Committee Executive Directorate (CTED) to monitor the implementation of Resolution 1373 and to facilitate the provision of technical assistance to member states.¹⁶

In September 2006, member states embarked upon a new phase in their counterterrorism efforts by agreeing on a “Global Counter-Terrorism Strategy” (GCTS) in the General Assembly. The strategy marked, for the first time, that all member states of the United Nations had agreed to a common strategic and operational framework to fight terrorism. The

¹¹ See Annex I.

¹² For a detailed description of Security Council resolutions, committees, and subsidiary bodies, see Annex II.

¹³ See Annex III.

¹⁴ Alistair Millar, “Multilateral Counterterrorism: Harmonizing Political Direction and Technical Expertise,” Policy Analysis Brief, The Stanley Foundation, December 2010.

¹⁵ UN Security Council Resolution 1373 (September 28, 2001), UN Doc. S/RES/1373

¹⁶ UN Security Council Resolution 1535 (March 26, 2004), UN Doc. S/RES/1535.

strategy forms a basis for a concrete plan of action: to address the conditions conducive to the spread of terrorism; to prevent and combat terrorism; to take measures to build state capacity to fight terrorism; to strengthen the role of the United Nations in combating terrorism; and to ensure the respect of human rights while countering terrorism. The second biennial review of the GCTS was carried out in September 2010. Thus, the GCTS is predicated on dissuasion, denial, and cooperation while giving due consideration to human rights.

Much debate has abounded as to whether the current UN edifice is adequate or not. Criticisms have been raised with regard to the fragmented and siloed approach of respective UN instruments. In recent times, the United Nations Secretariat and membership were considering a significant change to the UN's counterterrorism architecture: the creation of a position of a single UN counterterrorism coordinator. The creation of such a position would allow the UN "better to leverage its comparative advantages as a convener, a norm-builder, a global monitor—and above all, as a strategic leader."¹⁷ The focus of these discussions were quickly drawn to a number of intricate institutional, budgetary, and human resources questions—each loaded with significant political implications.

Whether or not they march to the beat of one drum, UN bodies have important and diverse roles to play in advancing the global fight against terrorism—including "monitoring the emergence of terrorism in the field; supporting victims to play a leadership role in mobilizing social resistance to terrorism; helping states ensure that their counterterrorism efforts reinforce, rather than undermine, human rights; or resolving the conflicts that create conditions conducive to the spread of terrorism."¹⁸

To deal with underlying conditions and root causes, the UN Educational, Scientific and Cultural Organization (UNESCO) has established programs to encourage interreligious and cultural dialogue and promote moderate perspectives in educational, religious, and cultural institutions to prevent them from becoming platforms of incitement and recruitment. Similarly, the UN Development Programme (UNDP) has programs that indirectly contribute to counterterrorism efforts. By maintaining a long-term presence in most developing countries, UNDP plays a vital role in support of strategic linkages particularly vis-à-vis civil society and the private sector. UNDP supports UN member states in constructive engagement with disaffected groups prone to violence and promoting political and social inclusion as a means of helping to address grievances. Although it remains reluctant to do so, UNDP also has a "potentially significant role to play in emphasizing the inherent linkages between development and security and ensuring better coordination between development assistance and counterterrorism capacity-building efforts."¹⁹

Regional and Subregional Organizations

Beyond the UN system, numerous regional and subregional institutions play an important role in counterterrorism. Regional multilateral bodies at this level have a number of strengths: specialized knowledge of a region/political platform, substantive expertise of local conditions,

¹⁷ James Cockayne et al., "Reshaping United Nations Counterterrorism Efforts," Washington, DC, The Global Center, March 2012.

¹⁸ Ibid.

¹⁹ Millar, "Multilateral Counterterrorism."

unique approaches grounded in a particular culture or context, and enhanced information sharing. They also are often able to undertake region-specific initiatives that complement and boost global efforts. Overall, they provide a resource that has not been used enough by the UN system to the greatest advantage. Specifically for implementation of UN mechanisms, regional organizations can contribute in terms of: “1) developing region-tailored implementation strategies, timetables, and evaluation plans; 2) mobilizing political will and support in fulfilling implementation commitment by regional governments; and 3) facilitating cross-regional assistance and cooperation so that regional organizations that have developed expertise and experience can provide support to those still developing these capacities.”²⁰

Certain regional and subregional entities have adopted counterterrorism treaties to augment their members’ capacity to coordinate the investigation, prosecution, and extradition of terrorist suspects. When endowed with proper resources and mandate, they have been “effective transmission belts between what is adopted at the global level and the states trying to implement that framework.”²¹ For example, some regional bodies, such as the Organization of American States (OAS), the North Atlantic Treaty Organization (NATO), and the Organization for Security and Co-operation in Europe (OSCE) have developed uniquely holistic counterterrorism programs. Various other regional bodies have been much less successful, offering only rhetorical statements of the need for a more holistic approach. Unfortunately, this is occurring in the parts of the world that are most plagued by terrorism threats: West Africa, the Sahel, South Asia, Southeast Asia, and the Middle East. Incidentally, these are also regions where member states are often the most lacking in their capacity and, in some cases, in the political will to confront the threat.²² In the case of the Economic Community of West African States (ECOWAS), this deficit has been largely addressed by its 2013 Counter-Terrorism Strategy and Implementation Plan, which has a stated purpose to “prevent and eradicate terrorism and related criminal acts in West Africa.”²³

The lack of a definition of terrorism also explains the different approaches taken at the regional and subregional level. For example, a tension has always been at the heart of the relationship of the Organisation of Islamic Cooperation to the global counterterrorism architecture, given the body’s contention with the denomination of groups resisting “foreign occupations” as terrorist entities.²⁴

²⁰ Xiaohui (Anne) WU, “A Regional-Global Paradigm for Implementing the United Nations Global Counter-Terrorism Strategy,” *Defence Against Terrorism Review* 2, No. 2 (Fall 2009): 83–98.

²¹ Millar, “Multilateral Counterterrorism.”

²² For a more detailed explanation of the role of regional organizations in this context, see: Eric Rosand, Alistair Millar, Jason Ipe, and Michael Healey, “The UN Global Counter-Terrorism Strategy and Regional and Subregional Bodies: Strengthening a Critical Partnership,” Washington, DC: Center on Global Counterterrorism Cooperation, October 2008.

²³ See Institute for Security Studies, “The New ECOWAS Counter-Terrorism Strategy and Its Implications for West Africa,” March 13, 2013, [available at www.issafrica.org/iss-today/the-new-ecowas-counter-terrorism-strategy-and-its-implications-for-west-africa](http://www.issafrica.org/iss-today/the-new-ecowas-counter-terrorism-strategy-and-its-implications-for-west-africa) .

²⁴ Organization of the Islamic Conference (OIC), *Convention of the Organisation of the Islamic Conference on Combating International Terrorism*, Annex to Resolution No: 59/26-P, July 1999, Article 2(a), available at www.refworld.org/docid/3de5e6646.html .

Other Transgovernmental and Technical Bodies

Transgovernmental cooperation is quite effective in tackling terrorism at a more technical and operational level. This is exemplified by the Financial Action Task Force (FATF), whose objectives it is to set standards and promote effective implementation of legal, regulatory, and operational measures for combating money laundering, terrorist financing, and other related threats to the integrity of the international financial system. The FATF is therefore a “policymaking body,” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas. Although the FATF is an ad hoc coalition of thirty-six members based on strict membership criteria, it is replicating its efforts by helping establish FATF-Style Regional Bodies (FSRBs) in all regions, including Africa and the Middle East.

In response to mandates handed down from the intergovernmental level, technical bodies “have proven quite valuable to counterterrorism.”²⁵ The UN Office on Drugs and Crime (UNODC) has turned its Terrorism Prevention Branch (TPB) and Global Programme against Money-Laundering into highly effective capacity builders, giving technical assistance to help countries join and implement the universal instruments against terrorism. This assistance has included legislative drafting and training for criminal justice professionals. TPB has delivered country-specific assistance throughout the world, extended aid to other countries via regional and subregional workshops, and trained hundreds of lawmakers and criminal justice officials on ratification and implementation of the universal treaties against terrorism. UN specialized bodies, such as the International Civil Aviation Organization (ICAO), the World Customs Organizations (WCO), and the International Maritime Organization (IMO) also have developed, adopted, and disseminated counterterrorism-related standards. These bodies have provided training and other forms of assistance in their specialties and, likewise, advised states on how to uphold global counterterrorism norms.²⁶

Several other programs have contributed significantly to the disruption of terror networks at an operational level. For example, the International Criminal Police Organization (INTERPOL) has a particularly extensive counterterrorism program. It gathers, stores, evaluates, and exchanges information about suspected individuals and groups and coordinates the circulation of alerts and warnings on terrorists, dangerous criminals, and weapons to police among its 190 member countries.

From Counterterrorism to Countering and Preventing Violent Extremism

The paradigm shift from “counterterrorism” (CT) to “countering violent extremism” (CVE), has allowed for greater awareness of the root causes that lead to terrorism and the need to “move beyond traditional methods based on the application of military force, public diplomacy, pressure to democratize, or broad-based poverty alleviation.”²⁷ Rather than envisioning counterterrorism efforts as a war fought through military tactics, this soft approach to CVE re-positions military intervention as one tool among many.²⁸

²⁵ Millar, “Multilateral Counterterrorism.”

²⁶ Ibid.

²⁷ Daniel P. Aldrich, “Mightier than the Sword: Social Science and Development in Countering Violent Extremism,” *Frontiers in Development*, 2012, available at www.equalaccess.org/wp-content/uploads/Daniel-P.-Aldrich.pdf .

²⁸ Ibid.

While the terminology and the policy framework of CVE is relatively new, it builds on longstanding bodies of work to counter radicalization and prevent violence, and it draws on a number of related areas of practice, including public diplomacy, strategic communications, development, and conflict prevention or mitigation. Today, CVE is an articulated interest of numerous international organizations and associations, including the United Nations, the European Union, and the Global Counterterrorism Forum (GCTF). However, establishing a clear definition of CVE remains a challenge.²⁹ A substantial debate exists about the definition of CVE and, therefore, the subsequent policy implications.

The deep interconnectedness of security and development is central in CVE. An implication for the multilateral system is in this sense to bring the peace and security and development intersections onto the agenda and involve the UNDP or other development agencies to have a partnering role. This plays into the UN's comparative advantage in that it focuses on inter-sectoral partnerships to address the multiple dimensions of preventive measures, and has the potential of adding more tools into the toolbox of multilateral approaches.

As part of the transition in thinking from counterterrorism to CVE, practitioners have advocated for a greater incorporation of peacebuilders in a CVE approach. The peacebuilding community and its related methods and practices "can help develop a more expansive understanding of violent extremism and its causes and a more localized, inclusive, and sustainable approach to countering it."³⁰

In this regard, the role of youth cannot be underestimated. Multilateral institutions are not configured towards youth: communication channels are limited and ineffective and mechanisms are not inclusive enough. The majority of youth represent great partners in working for peace and are capable of real agency. The argument should not solely be based on employment: research shows that livelihoods alone are not enough to circumvent confrontational tendencies in youth, but that peace skills must accompany employment. Such a powerful combination not only helps to avoid unrest and/or radicalization, but also enables youth to become partners in peace building and agents of positive change.

The role of civil society and the private sector has taken greater importance in light of the shift toward the CVE paradigm. Practitioners have argued for a greater emphasis on building the capacity of civil society, and therein local ownership, in making CVE programming more effective. This will, in turn, strengthen the resilience of communities susceptible to radicalization.³¹ Practitioners have also recognized the role of civil society members in strengthening rule-of-law-based terrorism prevention and CVE, and as interlocutors between communities and local law enforcement institutions.³² Further, implementation of UN and

²⁹ Ibid.

³⁰ Georgia Holmer, "Countering Violent Extremism: A Peacebuilding Perspective," Special Report, Washington, DC, US Institute of Peace, August 29, 2013, available at www.usip.org/publications/countering-violent-extremism-peacebuilding-perspective .

³¹ Ibid.

³² Global Center on Cooperative Security, "Strengthening Rule of Law-Based Responses to Terrorism and Violent Extremism in South Asia: What Role for Civil Society?" workshop, Singapore, December 2014.

multilateral strategies “will require popular support, which can only be built and sustained with the support and cooperation of civil society.”³³

The state has the obligation and primary responsibility to prevent and combat terrorism, as well as to respect and protect human rights and fundamental freedoms. However, the state needs to draw on the support of society in general, including civil society and businesses, to successfully counter this phenomenon.³⁴ Such public-private partnerships are therefore a crucial component to move forward.

The role of the private sector in strengthening the nexus of counterterrorism and commerce has not been fully appreciated.³⁵ The private sector should be viewed as a source of financial resources and partnership in transportation, communication, media (internet and online messaging), and security.³⁶ Corporations may be “regarded as collectors and holders of information, stewards of critical infrastructure and material that could be used in an attack, and as important actors in preventing and responding to attacks.”³⁷

Multilateral Architecture Addressing Organized Crime

Organized crime only became a threat to international peace and security after the end of the Cold War. Therefore, the institutions and legal instruments that have been created to deal with the threat are relatively new. One challenge is the fact that there are a plethora of organizations that deal with organized crime – including more than a dozen bodies within the UN, plus INTERPOL, and a number of regional organizations. There is no one body to coordinate these various players. Multi-lateral governance designed to deal with organized crime therefore can be significantly improved.

Within the UN, much of the action takes place in Vienna through the United Nations on Drugs and Crime (UNODC), and governance bodies like the UN Commission on Crime Prevention and Criminal Justice, the Commission on Narcotic Drugs, and the Conference of the Parties to the UNTOC. However, issues relating to the impact of organized crime on security are usually discussed in New York. This gap needs to be bridged more effectively.

There is limited information about crime data and trends. For example, there is no World Crime Report. Could indicators be developed (e.g., in relation to a relevant SDG) to enable self-assessments to be carried out and to measure progress (inter alia in relation to

³³ Eric Rosand, Alistair Millar, and Jason Ipe, “Civil Society and the UN Global Counter-Terrorism Strategy: Opportunities and Challenges,” Center on Global Counterterrorism Cooperation, September 2008.

³⁴ OSCE, “Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach,” Vienna, OSCE, February 2014.

³⁵ See also, “The United Nations Global Counter Terrorism Strategy. available at <http://www.un.org/en/terrorism/strategy-counter-terrorism.shtml>” See also “Strategy for Partnerships between States and Business to Counter Terrorism,” approved by the G8 Global Forum for Partnerships between States and Businesses to Counter Terrorism, Moscow, November 30, 2006, available at http://en.g8russia.ru/page_work/32.html.

³⁶ Stanley Foundation, “Implementation of the UN Global Counterterrorism Strategy,” 42nd Conference on the United Nations of the Next Decade June 8–13, 2007.

³⁷ James B. Steinberg, “Information Exchange between the Public and Private Sector for Homeland Security,” 2003.

implementation of the Palermo Convention)? There are also few experts within the UN system to counter-act this global problem.

Conclusions and Recommendations:

The current multilateral architecture dealing with the threats of terrorism and organized crime is not sufficient. The bulk of efforts remain bilateral or unilateral. And yet, given that the challenge is increasingly multifaceted with global/national/local dimensions, it is essential to synergize strategies between all of these levels, and to bolster the one mechanism best suited to lead the way: the United Nations. It is uniquely placed to be a convener and a mobilizer of a multi-stakeholder strategy operating at the global, regional and local levels. While it is hard to change or shape the policies of key member states, there is a possibility of changing the structure of the mechanisms and the processes themselves.

The following presents a series of conclusions seen through three lenses (“Leadership; Effectiveness and Efficiency; and Partnerships”) from which to form recommendations for the United Nations and multilateral system at large. At the heart of the conclusions are three concrete recommendations:

1. A **new compact** among Member States that reflects the challenges ahead and reaffirms that there is no alternative but cooperation, solidarity and transparency.
2. An effectively devised and efficiently amplified **global counter-narrative** to neutralize and dilute the violent extremist narrative.
3. **Institutional reforms** – at the United Nations and elsewhere – to help realize the above aims.

Leadership and Norm Setting

- **Reaffirm norms and a ‘new compact’:** While a universal UN definition of terrorism continues to be elusive, there ought to be stricter implementation of a universal zero tolerance norm. This can be achieved through the start of an intergovernmental process, one in which Member States reaffirm their political will to implement the zero-tolerance strategy. Within this suggested “new compact”, Member States must pledge not to engage in the arming of rebels or support illicit non-state military actors. Indeed, there is enough evidence to suggest that non-state violent actors cannot metamorphose into large-scale terror outfits without the support of organized entities (including States, mafias and organized crime groups). The State has the responsibility to follow civilized values as a means to preclude the future existence of terror outfits.
- **Centralize leadership:** with the United Nations at the helm of such an initiative, it must step up to its role as the leader of a multilateral effort. The Secretary General – in close coordination with Member States – should carefully review the potential of creating the position of a **single UN counterterrorism coordinator**. The creation of such a position would allow the UN “better to leverage its comparative advantages as a convener, a norm-builder, a global monitor—and above all, as a strategic leader. The designated person must be empowered to carry out his/her functions.
- **Messaging and production of counternarrative:** as part of a concerted multilateral approach to counter and prevent violent extremism, a new narrative needs to be

produced to neutralize and dilute the violent extremist narrative. Political sensitivities may prevent the UN from devising the message itself but it remains best suited to be the messenger. Such a message can be developed through the creation of a Taskforce or Ad-Hoc Committee comprising individuals from civil society, religious leaders, private sector and, above all, youth actors from around the globe and led by an organization/institution which can provide adequate political space for such a discussion.

- **Consistent application of new concepts and trends:** As the transition from CT to CVE continues to unfold and become more accepted by players around the globe, the UN must shore up its efforts to see this being reflected in core programming across its agencies and departments. The soon to be launched “UN Counterterrorism Strategy” developed by the Office of the Secretary General in coordination with existing UN CT bodies should produce clear and tangible guidelines for such a process
- **A “Global Crime Control Strategy”:** Devise a Global Crime Control Strategy on the model of the Counterterrorism Strategy. Such a strategy would strengthen implementation of the Palermo Convention and its Protocols, enhance coordination among the relevant parts of the UN family, and enable member states to engage a broader spectrum of partners, including regional organizations, the private sector, and civil society.

Efficiency and Effectiveness:

- **Removing bureaucratic restraints:** The UN’s CT strategy is at times driven by bureaucratic restraints, not by strategic considerations. Its ability to lead strategically must be more dynamic and responsive – its CT policies are too reactive and not anticipatory enough, and the current response time is too long. Similarly, siloed approaches can often render responses ineffective. Strategies are often developed without identifying the links between different challenges or taking the root causes into account. As such, a specific “silo-busting” review of the existing counter-terrorism architecture could be pursued. Specifically, this review ought to consider how agencies and departments are not left insulated from the UN’s CT machinery³⁸ and how to overcome the problem of siloed budget lines, which continues to compromise efforts, particularly at the field level.
- **Enhanced communication and information sharing:** Enhanced communication between and within agencies would further improve coordination particularly where there is significant overlap. A strategy could be devised for how particular UN hubs directly dealing with the nexus of terrorism and organized crime (i.e., UNODC and the UNTOC in Vienna, and CTC and the CTITF in New York, among many others) can communicate more effectively. Cooperation is synonymous with information and intelligence sharing, which can be pursued both vertically and horizontally at local, regional, and international levels.
- **Improved early warning:** The United Nations often suffers from short attention spans. A focus on a short list of priority areas or abrupt switches from one crisis to another risks diverting resources and attention from regions not currently on the “priority list” but that are nonetheless fragile and vulnerable, which could be counter-productive to

³⁸ One salient example is the need to consider multilateral drugs regulatory policy as of fundamental strategic importance for the CT agenda.

combating future threats. Input from technical experts – internal and external - is “essential to keep those who set the agenda from putting all the attention on a narrow set of current hot spots and, thus, missing opportunities to prevent future hubs of terrorism from emerging.”³⁹ Similarly, warning signs about organized crime should be factored into threat assessments.

- **Improved legal frameworks:** In spite of considerable progress in law enforcement and countering financing of terrorism, gaps remain within the international legal framework against terrorism. For instance, an early finalization of the proposed Comprehensive Convention on International Terrorism (CCIT), still under the consideration of the UN, would be helpful in filling the gaps and addressing a host of unregulated issues.
- **Development to Reduce Vulnerability:** Underdevelopment can increase vulnerability to criminality and extremism. Similarly, extremism and crime can hamper development. Therefore, consistent with Sustainable Development Goal 16 to promote peaceful and inclusive societies for sustainable development, work to reduce all forms of violence and trafficking, promote the rule of law, and substantially reduce corruption and bribery in all its forms (including through more effective implementation of the UN Convention against Corruption).
- **Strengthening national capacity:** Ultimately, it is up to member states to counter violent extremism and organized crime. Therefore, consistent with SDG 16, efforts should be made to strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combating terrorism and crime.
- **Cutting the financial flows:** terrorist acts require funding, while organized crime is motivated by profit. Cutting the financial flows to terrorists and from criminals would increase the risks of their activities. Therefore, more action is needed to combat terrorist financing, reduce illicit financial and arms flows, and strengthen recovery and return of stolen assets.

Partnership:

- **Engaging Youth:** Any multilateral CVE effort that is to have any impact must include a strong youth component. A more defined and prominent role must be played by the UN Special Envoy for Youth to serve as a face for a multilateral CVE strategy, assist with the creation of the aforementioned counter-narrative, and identify relevant influential youth actors at the regional and local level around the globe.
- **International Partnerships:** The United Nations must use all the tools at its disposal for its efforts to counter and prevent violent extremism and organized crime. In that regard, by engaging with regional and subregional organizations, there is an opportunity to improve response time and share capabilities and burdens- and create synergies across different areas through greater cooperation. Regional organizations have a lot of resources and experiences and there is a need to look into how the multilateral system can draw upon the strengths of each organization to determine where effective partnerships can be forged. Such partnerships can also add legitimacy to the multilateral strategy against extremism and organized crime.
- **Local Partnerships:** Partnerships with local groups, civil society and the private sector are indispensable in combining responses to terrorism and organized crime. Such groups could be particularly helpful when it comes to needs assessments as well as impact

³⁹ Ibid.

assessments of UN operations on the ground. Through local partnerships, the multilateral system may improve its diagnosis of the problem and better gauge the impact of its policies by achieving a more thorough understanding of perceptions on the ground.

- **Selectivity and prudence:** The sheer number of actors operating at the different levels in the CVE/PVE area has produced a web of overlapping mandates and structures that could effectively hinder overall effectiveness. Duplication remains a risk. By indiscriminately recruiting every actor with a plausible counterterrorism connection, the “efforts within the United Nations run a significant risk to their effectiveness on the ground.”⁴⁰ Similarly, the space for civil society is complex and contested and the UN should show prudence and develop a more effective selection process for all its partnerships.

⁴⁰ Millar, “Multilateral Counterterrorism.”

Annex I

International Conventions

Fourteen major legal instruments and additional amendments addressing terrorism exist within the UN context, as follows:

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

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

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

4. 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (*Diplomatic Agents Convention*)
 - Defines an “internationally protected person” as a head of state, minister for foreign affairs, representative or official of a state or international organization who is entitled to special protection in a foreign state, and his/her family; and

- Requires parties to criminalize and make punishable “by appropriate penalties which take into account their grave nature” the intentional murder, kidnapping, or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act “constituting participation as an accomplice.”
5. 1979 International Convention against the Taking of Hostages (*Hostages Convention*)
- Provides that “any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention.”
6. 1980 Convention on the Physical Protection of Nuclear Material (*Nuclear Materials Convention*)
- Criminalizes the unlawful possession, use, transfer, or theft of nuclear material and threats to use nuclear material to cause death, serious injury, or substantial property damage.
- Amendments to the Convention on the Physical Protection of Nuclear Material**
- Makes it legally binding for states parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and
 - Provides for expanded cooperation between and among states regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.
7. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety) (*Airport Protocol*)
- Extends the provisions of the Montreal Convention (see No. 3 above) to encompass terrorist acts at airports serving international civil aviation.
8. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (*Maritime Convention*)
- Establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and
 - Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a

person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

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

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

- Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.

10. 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

- Adapts the changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.

11. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (*Plastic Explosives Convention*)

- Designed to control and limit the used of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am flight 103 bombing);
- Parties are obligated in their respective territories to ensure effective control over “unmarked” plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty;
- Generally speaking, each party must, inter alia, take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within fifteen

years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that state.

12. 1997 International Convention for the Suppression of Terrorist Bombings
(*Terrorist Bombing Convention*)

- Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.

13. 1999 International Convention for the Suppression of the Financing of Terrorism
(*Terrorist Financing Convention*)

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

14. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism
(*Nuclear Terrorism Convention*)

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

Annex II: Security Council Counterterrorism Resolutions, Committees, and Subsidiary Bodies

The presidential statement adopted by the first-ever Security Council Summit held in January 1992 against the backdrop of the end of the Cold War had expressed its “deep concern over acts of international terrorism.” Since then, acting under Chapter VII in confronting the scourge of terrorism, the Security Council had adopted various resolutions and imposed sanctions regimes that had made mandatory the thrust of non-binding provisions of various terrorism-related conventions. In pursuance of Article 30 of the UN Charter, the Security Council has set up various subsidiary bodies to carry out its work.

The Security Council imposed sanctions against states considered having links to certain acts of terrorism, including Libya (1992); Sudan (1996); and Afghanistan (1999, expanded to include al-Qaida in 2000 by Resolution 1333).

The Security Council set up the 1267 Committee in 1999 by its Resolution 1267 and tasked it with monitoring the sanctions against the Taliban (and subsequently al-Qaida as of 2000). An analytical support and sanctions monitoring team comprising experts in counterterrorism and related legal issues, arms embargoes, travel bans, and terrorist financing was appointed to assist the committee. Through its Resolution 1269 (1999), the Council urged countries to work together to prevent and suppress all terrorist acts.

The mandate of the 1267 Committee stems from Security Council Resolution 1267 (of 1999). The mandate of the 1267 Committee was subsequently updated including through Security Council Resolution 1904 (2009), which *inter alia* established the Office of Ombudsperson to handle the delisting requests from the Consolidated List. The core responsibility of the 1267 Committee is to work with member states to implement sanctions against al-Qaida and the Taliban, and their associated groups such as Jaish-e-Mohammed, Jamaat-ud-Dawa, and Lashkar-e-Tayyaba.

In the aftermath of September 11, 2001, the Security Council established the Counter-Terrorism Committee (CTC), under Resolution 1373 (2001). The sweeping provisions of this resolution requests all states to: criminalize the financing of terrorists; freeze without delay any funds related to persons involved in acts of terrorism; deny all forms of financial support for terrorist groups; suppress the provision of safe haven, sustenance, or support for terrorists; share information with other governments on any groups practicing or planning terrorist acts; cooperate with other governments in the investigation, detection, arrest, extradition, and prosecution of those involved in such acts; and criminalize active and passive assistance for terrorism in domestic law and bring violators to justice and implement effective border control measures. The resolution also calls on states to become parties, as soon as possible, to the relevant international counterterrorism instruments.

The CTC was established with the ultimate aim to increase the ability of states to fight terrorism. Unlike the 1267 Committee, it is not a sanctions body, nor does it maintain a list of terrorist organizations or individuals. To assist the CTC’s work, the Security Council through its Resolution 1535, set up a Counter-Terrorism Committee Executive Directorate (CTED) to monitor the implementation of Resolution 1373 and to facilitate the provision of technical assistance to member states.

Through Resolution 1540 (2004), which calls on states to prevent nonstate actors (including terrorist groups) from accessing weapons of mass destruction, the Security Council established the 1540 Committee.

The Security Council in subsequent resolutions urged member states to take action against groups and organizations engaged in terrorist activities that were not subject to the 1267 Committee's review. Resolution 1566 (2004) established the 1566 Working Group made up of all Security Council members to recommend practical measures against such individuals and groups, as well as to explore the possibility of setting up a compensation fund for victims of terrorism.

On the margins of the 2005 World Summit, the Security Council held a high-level meeting and adopted Resolution 1624 (2005) condemning all acts of terrorism irrespective of their motivation, as well as the incitement to such acts. It also called on member states to prohibit by law terrorist acts and incitement to commit them and to deny safe haven to anyone guilty of such conduct.

Through a number of additional resolutions, the Security Council has in the past few years strengthened the work of its counterterrorism bodies. In its Resolution 2133 (2014), it called on states not to pay ransom to terrorist kidnappers. Recently, through Resolution 2178 (2014), it called on member states to prevent suspected foreign terrorist fighters from traveling to member states and create legislation to prosecute them. The resolution defines foreign terrorist fighters as "individuals who travel to a state other than their states of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict."

Annex III: CTITF Entities

- Counter-terrorism Committee Executive Directorate (CTED)
- Department of Peacekeeping Operations (DPKO)
- Department of Political Affairs (DPA)
- Department of Public Information (DPI)
- Department of Safety and Security (DSS)
- Expert Staff of 1540 Committee
- International Atomic Energy Agency (IAEA)
- International Civil Aviation Organization (ICAO)
- International Maritime Organization (IMO)
- International Monetary Fund (IMF)
- International Criminal Police Organization (INTERPOL)
- Monitoring Team of 1267 Committee
- Office for Disarmament Affairs (ODA)
- Office of the High Commissioner for Human Rights (OHCHR)
- Office of Legal Affairs (OLA)
- Office of the Secretary-General (OSG)
- Organization for the Prohibition of Chemical Weapons (OPCW)
- Special Rapporteur on the promotion and protection of human rights while countering terrorism
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Interregional Crime and Justice Research Institute (UNICRI)
- United Nations Office on Drugs and Crime (UNODC)
- World Customs Organization (WCO)
- World Bank
- World Health Organization (WHO)

Observers

- International Organization for Migration (IOM)
- Office of the Coordinator for 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)

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