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Getting Back to Basics?

Renewing the Mandate of the UN Security Council Counter-Terrorism Committee Executive Directorate for 2014-2016

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Introduction

The expiry of the current mandate of the UN Security Council Counter-Terrorism Committee Executive Directorate (CTED) at the end of 2013 has prompted discussions about its future focus. These will take place amid an organizational landscape different from the one that existed during its establishment at the United Nations, which now also has an institutionalized Counter-Terrorism Implementation Task Force (CTITF) mandated to support member states in implementing the United Nations Global Counter-Terrorism Strategy and a well-resourced UN Centre for Counter-Terrorism (UNCCT) focused on the delivery of counterterrorism capacity-building assistance. Outside the United Nations, the Global Counterterrorism Forum (GCTF) has now been established among 29 member states and the European Union as "an informal, multilateral counterterrorism … platform that focuses on identifying critical civilian [counterterrorism] needs, mobilizing the necessary expertise and resources to address such needs and enhance global cooperation."[1]

This mandate renewal for CTED provides an opportunity to add clarity regarding CTED's core mission and consider its comparative advantages in relation to those other bodies and the broader constellation of counterterrorism-related actors. With that in mind, this policy brief explores the debate about CTED's role in the contemporary multilateral framework and outlines for the consideration of Security Council members two areas in which it can draw on CTED's strengths to enhance the development and delivery of multilateral counterterrorism support to states.

Background

Just two weeks after the terrorist attacks of 11 September 2001, the Security Council established the Counter-Terrorism Committee (CTC), a "committee of the whole" that includes all 15 current Security Council members, and adopted Resolution 1373 under Chapter VII of the UN Charter, making implementation of the resolution's provisions mandatory on all member states. Unprecedented in the scope and breadth of counterterrorism obligations it imposed on states, Resolution 1373 calls on all UN member states to criminalize the financing of terrorism; freeze assets or any funds related to persons involved in acts of terrorism; deny all financial support for terrorist groups; deny safe haven

[1] GCTF, http://www.thegctf.org/.

for any terrorist groups; share information with relevant governments on attacks being planned and cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of persons involved in terrorist acts; and criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.

In 2004, to provide the CTC with greater expert assistance than the handful of consultants it had been using, CTED was established as a Special Political Mission under Resolution 1535, adding as many as 20 experts and 20 support staff to help the committee cope with the laborious task of monitoring state implementation of Resolution 1373. This mission was accomplished not only by receiving and following up on country reports regarding implementation, but also by undertaking country visits that would form the basis of requests for technical assistance that would be shared as referrals with donor countries. This role as an informed facilitator, not provider, of technical assistance allowed CTED to respond to counterterrorism capacity needs identified by member states with support to help them meet their international obligations as outlined in Resolution 1373.

The 2008 organizational plan for CTED indicated the following priorities, as endorsed by the Security Council:

- ensure the collection of information for monitoring the efforts of member states in their implementation of Resolution 1373, including through visits with the consent of the state concerned;
- strengthen the facilitation of technical assistance aimed at increasing the capabilities of member states in the fight against terrorism and ensuring that its provision is adjusted to the countries' needs;
- enhance cooperation and coordination among international, regional, and subregional organizations in the fight against terrorism, as well as among other UN bodies;
- ensure consistency among all CTC activities while maintaining a tailored approach to each UN member state and with regard to every subject under Resolution 1373;
- provide adequate and complete follow-up of all CTED decisions; and
- ensure the correct exchange of information at the proper level, from the offices (Assessment and Technical Assistance Office and Information and Administrative Office) and CTED itself and between the latter and other relevant bodies of the United Nations.[2]

The most recent mandate renewal for CTED took place in December 2010, when the Security Council unanimously adopted Resolution 1963 and granted CTED another three-year term ending December 31, 2013, prior to which date council members will need to determine the future of the mandate. Resolution 1963 reflected the increasing emphasis by international actors on the prevention of terrorism and violent extremism through "hard" and "soft" measures that are encapsulated in the holistic approach that is laid out in the Strategy, adopted by the UN General Assembly in 2006. Resolution 1963 recognized that "terrorism

[2] UN Security Council, "Letter Dated 7 February 2008 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1373 (2001) Concerning Counter-Terrorism Addressed to the President of the Security Council," S/2008/80, 8 February 2008 ("Organizational Plan for the Counter-Terrorism Committee Executive Directorate").

will not be defeated by military force, law enforcement measures, and intelligence operations alone" and underlined "the need to address the conditions conducive to the spread of terrorism, as outlined in Pillar I" of the Strategy. The resolution further recognized "the importance of the support of local communities, private sector, civil society and media for increasing awareness about the threats of terrorism and more effectively tackling them."[3]

Moreover, Resolution 1963 urged CTED "to intensify cooperation with relevant international, regional, and subregional organizations" with a view to enhancing member states' capacity to fully implement Resolutions 1373 and 1624 and "to facilitate the provision of technical assistance," underscoring CTED's focus on regional cooperation and counterterrorism capacity-building in partnership with governments, experts, and civil society.

Recommendations

Although the next mandate renewal will reportedly last for four years and maintain much of the core of Resolution 1963, the development and emergence of additional counterterrorism bodies in the multilateral landscape, such as the CTITF and UNCCT, as well as the GCTF outside the United Nations, have prompted states to seek further clarity regarding the added value of specialized actors and to task them with reducing the scope for duplication and saturation and reflecting a "One UN" approach to the body's counterterrorism work. The two suggestions below reflect CTED's strengths and are presented for the consideration of Security Council members as they debate the resolution for CTED's next phase in 2014–2016.

Use What You Know: Offer Guidance in Establishing Counterterrorism Capacity Priorities

With the renewal of CTED's mandate, the Security Council should encourage CTED to draw on the wealth of knowledge it has accumulated and use it as the basis for the development and delivery of multilateral counterterrorism capacity-building assistance. This enhanced role in the facilitation of technical assistance could be underscored by requesting that CTED provide its analyses through a user-friendly tool to relevant assistance providers within the United Nations, including the CTITF; its member entities, as appropriate; and the UNCCT. The assessments based on the country visits and Detailed Implementation Surveys (DISs) could be supplemented with expert workshops where good practices in responding to capacity-building needs can be discussed and an evidence-based initiative developed.

Moreover, in response to the increasingly transnational nature of contemporary terrorism, CTED could collate the information it has and develop a set of regional or thematic action agendas to direct donors and other multilateral counterterrorism actors to delivering assistance where it is most needed. This would enhance CTED's mandate as a facilitator of

[3] UN Security Council, S/RES/1963, 20 December 2010.

technical assistance and perform a valuable function as a donor coordination tool. Having such evidence-based assessments available to multilateral counterterrorism actors, in particular the CTITF and its members, including the UNCCT, would enable them to make sure the interventions they are developing and the assistance being delivered is based on a close understanding of national and regional threat dynamics and needs. Where appropriate, the needs and priority areas identified through CTED may be relayed to GCTF member states and regional partners to ensure greater coordination in the delivery of counterterrorism assistance and enhance its effectiveness, while preventing duplication and reducing the scope for recipient states to be saturated with more counterterrorism assistance than they can absorb.

As part of its efforts over the past 12 years to monitor state implementation of Resolution 1373, the CTC and, since 2005, its CTED have generated reams of detailed information about countries' legal instruments to prosecute terrorists, freeze their assets, and stop them from receiving aid or safe haven or from crossing borders by air, land, or sea. The information gathered over the years has been collected from site visits and in almost a thousand reports and assessments. The visits have often been conducted by CTED experts in conjunction with experts from an array of specialized agencies, including the International Civil Aviation Organization, World Customs Organization, and the UN Office on Drugs and Crime, among others, who have sought to verify the information they receive. Furthermore, CTED legal experts have gone through the information gathered from site visits and in reports with a fine-tooth comb before 16 member states (the 15 Security Council members plus the reporting country) scrutinize the information during regular CTC meetings. Countries have submitted many of the reports confidentially to the Security Council, but in some instances, countries have opted to make their reports available to the public, including other UN entities beyond the Security Council.

The next mandate given to CTED should enable it to go further in ensuring that needs are more comprehensively addressed and communicated with key partners in the delivery of capacity-building assistance, including on a user-friendly web-based portal where appropriate, which should include menus of regional and subregional needs. If and where feasible, this portal could offer donors a chance to briefly describe ongoing or planned activities to avoid duplication, perhaps by linking it with I-ACT[4] to help make I-ACT more credible and useful. Regional or thematic capacity-building action plans can help establish platforms for improved cross-border cooperation on the investigation, pursuit, and prosecution of suspected terrorists.

The renewed emphasis on CTED's role in strengthening analyses and informing the development and implementation of capacity-building assistance will lend greater clarity regarding its role vis-à-vis the CTITF and UNCCT, but its function will be dependent on efforts in those two bodies to develop programming in response to CTED assessments.

[4] The CTITF Integrated Assistance for Counter-Terrorism (I-ACT) Initiative is intended to offer international partners and donors a snapshot of existing counterterrorism capacity-building projects in countries that have signed up for the program. CTITF, "I-ACT: Overview," n.d., https://www.un.org/en/terrorism/ctitf/proj_iact.shtml.

Adopt Strategies That Are More Regional or Thematic

An emphasis on regional or thematic action plans will enable CTED and its UN partners to optimize existing resources while developing more tailored and responsive programming**.** To make the most of limited resources, CTED should be encouraged to adopt a more regional approach to its field visits. This will allow CTED to conduct site visits with groups of states or experts in order to follow up on issues that have been highlighted in the DIS or otherwise indicated by CTC. A regional approach would enable CTED to follow up with groups of states in order to address common challenges and to draw on the experiences of expert practitioners to assess capacity gaps and develop a set of good practices in responding effectively to such gaps. Additionally, CTED is already active on a number of thematic fronts, including human rights, border management, and the rule of law, and conducting occasional workshops to develop a menu of recommendations for addressing capacity gaps would help ensure that responses are based on global experiences and good practices.

The increasing scope of UN counterterrorism work, which includes norm-setting and the convening and delivery of capacity-building assistance, has placed greater pressure on its counterterrorism entities to undertake a broad range of activities. For CTED, these have included receiving and processing the more than 800 country reports that CTC has received from member states and conducting country visits. Yet, CTED has had the time and budget to visit only about half of the 193 UN member states and even fewer opportunities to conduct follow-up visits. Additionally, CTED is expected to promote international cooperation.[5] The establishment of the GCTF has created more opportunities and pressures for CTED to engage in international and regional efforts for the delivery of capacity-building assistance.

Enhance CTED's Ability to Foster International Cooperation and Collaboration

Another means of optimizing existing resources is improving the cooperation and collaboration with other UN entities, such as the Department of Political Affairs, the Department of Peacekeeping Operations, and the Department of Safety and Security, as well as regional offices, missions, and country teams, to develop a more holistic understanding of the threat environment in which member states and the United Nations are operating. Greater engagement among such entities can deepen an understanding of regional and country dynamics to further inform CTED analyses and the CTC, giving Security Council members the tools to take a more proactive and preventive approach to terrorism and violent extremism.[6] At the same time, CTED analyses and expertise can inform broader UN policy regarding the roles, functions, and doctrines of the United Nations in an increasingly complex and violent environment that affects not only UN missions but its personnel, offices, and programs in several places. As a recent report of the Secretary-General on the safety and security of humanitarian personnel and the protection of UN personnel notes, "In the current global security environment, the United Nations is often an alternative and

[5] Security Council Committee Established Pursuant to Resolution 1373 (2001) Concerning Counter-Terrorism, "Counter-Terrorism Committee Policy Guidance on International Cooperation," S/AC.40/2010/PG.3, 14 June 2010.

[6] Naureen Chowdhury Fink with Rafia Barakat, "Preventing Conflict and Terrorism: What Role for the Security Council?" *CGCC Policy Brief*, Spring 2013, http://www.globalct.org/wp-content/uploads/2013/04/NCF_RB_policybrief_13191.pdf.

relatively soft target. The asymmetrical nature of global conflicts has been increasingly prominent."[7] There has been some progress in taking more integrated "One UN" approaches toward violence, conflict, and development, particularly in the Sahel,[8] but opportunities to follow this example elsewhere remain.

Conclusion

The renewal of CTED's mandate has implications beyond the work of the Security Council and CTC. As the General Assembly prepares to review the Strategy in 2014, questions have been raised regarding the form and function of UN counterterrorism work more broadly. The mandate given CTED will impact the roles and expectations of other UN counterterrorism bodies, in particular the CTITF.[9] As efforts to address terrorism have increasingly underscored the importance of a preventive approach, particularly in light of the emergence of diffuse transnational networks of individuals or small groups, the power of the Internet to radicalize and mobilize extremists to action, and the inhibitive effect of violent extremism on development, peace, and stability, greater emphasis is being placed by many states on countering violent extremism. For the Security Council, this is likely to be reflected in an interest among some council members in emphasizing the council's role in monitoring implementation of Resolution 1624, prohibiting incitement to terrorism.

After more than a decade since the attacks of 11 September 2001 and the adoption of Resolution 1373, there appears little diminishment in the perceived need for CTED; for some Security Council members, there remains an interest in reaffirming the Council's (and thereby, CTED's) leading role in UN counterterrorism efforts. Other states have emphasized that, with the institutionalization of the CTITF and the establishment of the UNCCT with a recent grant of $100 million, the time is right to reaffirm CTED's role in monitoring implementation of Resolution 1373 and assessing capacity needs. A cycle in which CTED processes states' reports, conducts country visits, and develops assessments of capacity gaps and shares them with the CTITF, which in turn undertakes projects in response to these needs, particularly on a regional or thematic basis, will strengthen the United Nations' comparative advantage in convening cross-regional experts, donors, and funds to collectively address the evolving threats posed by terrorists and violent extremists.

[7] UN General Assembly, *Safety and Security of Humanitarian Personnel and Protection of United Nations Personnel: Report of the Secretary-General*, A/68/489, 27 September 2013.

[8] UN Security Council, S/2012/42, 18 January 2012, para. 68 (*Report of the Assessment Mission on the Impact of the Libyan Crisis on the Sahel Region*); UN Security Council, *Report of the Secretary-General on the Situation in the Sahel Region*, S/2013/354, 14 June 2013.

[9] In anticipation of the 2014 review of the Strategy, CGCC is consulting with UN member states, senior UN counterterrorism officials, and international counterterrorism experts as part of a project to follow up on a 2012 CGCC report. See James Cockayne et al., "Reshaping United Nations Counterterrorism Efforts: Blue-Sky Thinking for Global Counterterrorism Cooperation Ten Years After 9/11," CGCC, 2012, http://www.globalct.org/wp-content/uploads/2012/07/Reshaping_UNCTEfforts_Blue-Sky-Thinking.pdf.

CGCC is a nonprofit, nonpartisan policy institute dedicated to strengthening international counterterrorism cooperation. It works to improve counterterrorism cooperation and capacity through collaborative research and policy analysis and by providing practical advice. CGCC is working to improve intergovernmental cooperation at the global, regional, and subregional levels; support community-led efforts to counter violent extremism; ensure respect for human rights and the rule of law; and empower civil society and victims of terrorism to speak out.

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