



UNITED NATIONS
Office on Drugs and Crime

GLOBAL PROGRAMME AGAINST TERRORISM



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TERRORISM PREVENTION BRANCH

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CURRENT DEVELOPMENTS

A. THE CHALLENGE

“By its very nature, terrorism is an assault on the fundamental principles of law, order, human rights, and peaceful settlement of disputes upon which the United Nations is established. ... The United Nations has an indispensable role to play in providing the legal and organizational framework within which the international campaign against terrorism can unfold.”

Kofi Annan
UN Secretary-General
4 October 2002

Security Council Resolution 1373 of 28 September 2001 declared:

“ ... acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations ... ”. It called upon Member States to “ become parties as soon as possible to the relevant international conventions and protocols ... and ... to increase cooperation and fully implement the relevant international conventions and protocols ”.

The Counter-Terrorism Committee (CTC) was established to monitor the implementation of Security Council Resolution 1373. The CTC facilitates national “self-help”; it encourages donors to respond to requests for direct assistance; it works to tackle regional and sectoral shortcomings; and it stimulates the strengthening of regional organizations.

B. THE RESPONSE

The United Nations Office on Drugs and Crime (UNODC) has an important role to play in preventing and combating terrorism in a manner supportive and complementary to the CTC activities (see Annex I). In this respect, the work of UNODC is guided by decisions of the UN policymaking bodies, in close coordination with the Counter-Terrorism Committee. In accordance with Council Resolution 1373, part of CTC’s responsibility is also the facilitation of technical assistance for the implementation of this resolution, including accession to and implementation of the 12 international instruments against terrorism. UNODC has been requested by the Committee to provide guidance to States in legislating and implementing anti-terrorism measures. Upon requests from the CTC and Member States, UNODC is responding to these requests for legal assistance in various aspects of the anti-terrorism conventions. In doing so, the Programme takes into account the work carried out by, inter alia, international and regional organizations.

Expanded programme of work

During the past years, the General Assembly, ECOSOC and the Commission on Crime Prevention and Criminal Justice mandated an expanded programme of work for UNODC in technical assistance to counter terrorism.

On 20 December 2002, the General Assembly approved in its resolution 57/292 the strengthening of UNODC's Terrorism Prevention Branch and reaffirmed

"... the role of the Centre for International Crime Prevention of the Office on Drugs and Crime of the Secretariat in contributing to the prevention of international terrorism in all its forms and manifestations..." and "... in providing, at the request of Member States, technical assistance in the prevention of international terrorism in all its forms and manifestations..."

Also in 2002, during the Symposium on "Combating International Terrorism: The Contribution of the UN", participants called, *inter alia*, for the establishment of a Global Programme against Terrorism which launched its first activities in October 2002.

Most recently the Economic and Social Council recommended a resolution for adoption by the General Assembly on "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention". In this resolution the establishment of the Global Programme against Terrorism was welcomed. Further, it was recommended that the Commission on Crime Prevention and Criminal Justice keeps under regular review the progress made by Member States in becoming parties to and implementing the universal conventions and protocols. The preparation of guidelines on technical assistance, which will identify concrete elements of such assistance with a view to facilitating cooperation among Member States in combating terrorism was requested. Member States were further invited to provide information on the links between terrorism and other forms of crime in order to increase synergies in the delivery of technical assistance. Upon this recommendation, the General Assembly (GA) adopted resolution 58/136 "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention". The GA also adopted resolution 58/140 "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity" as well as resolution 58/81 "Measures to eliminate international terrorism" which also refer to the work of UNODC.

The programme is committed to deliver prompt and tailor-made responses to requests for assistance through:

- § Reviewing domestic legislation and providing advise on drafting enabling laws.
- § Facilitating and providing training to national administrations with regard to new legislation.
- § Providing in depth assistance on the implementation of the new legislation against terrorism with the mentorship programme.
- § Maintaining an experts roster to supplement specific expertise where required.

Specialists have been appointed to provide legal advisory services in accordance with the priority concerns of the CTC and Member States. A note on the methodology for technical assistance is included in Annex II.

Working in the field

To support the delivery of technical assistance activities on the ground, regional advisors have been strategically based in the field with responsibilities for terrorism-related work. They are thus multiplying the impact of UNODC assistance.

*Programme activities****Activity 1. Conventions and Legislative Processes***

Promotion of ratification and implementation of the international instruments to suppress and prevent terrorism through:

- Analysis of existing relevant universal instruments and prioritisation of international cooperation provisions
- Assistance in drafting enabling laws, and preparation of model legislation
- Strengthening the legal regime against terrorism with new tools contained in the conventions against illicit drugs and transnational organized crime
- Study of the compatibility between the relevant universal legal instruments and bilateral cooperation agreements
- Preparation of legislative guidelines on the basis of relevant instruments
- Preparation of implementation kits
- Analysis of effectiveness of anti-terrorist legislation
- Organization of regional workshops to review national legislation

Activity 2. National Administration Measures

- Facilitating mentorship programmes for capacity building
- Technical assistance for capacity-building for international cooperation
- Collection of "Best Practices" on international cooperation
- Promoting enabling operational structures for international cooperation
- Promoting counter money-laundering structures
- International cooperation for common border control
- Establishment of coordination agencies
- Provision of early warning check-list

Activity 3. Advocacy and Prevention

- Public awareness and civil society mobilization
- Public service announcements on prevention
- National Profiles (on drugs, crime and terrorism)
- National Country Strategies (as above)
- Best practices kits

Sustaining efforts to achieve concrete results

The aim of the Global Programme is to deliver technical and legal assistance with a variety of tools, such as:

- š Targeted legal advisory services.
- š In-depth assistance through a mentorship programme.
- š Strengthening institutional capacities.
- š Providing on-line assistance in drafting and processing extradition and mutual assistance requests.
- š Promoting cost-effective access to information.

Multiplying impact through operational partnerships

As much as possible the Global Programme works with partners to render cost-effective assistance:

- š Apart from working closely with the Counter-Terrorism Committee and the Office of Legal Affairs, the exchange of expertise and information with other international and regional organizations, as well as national institutions plays an important role. Joint activities are being initiated with a number of these organizations.
- š UNODC is conducting joint activities with regional, international and donor organizations to further enhance the effectiveness and the impact of the work by addressing a broader audience, maximizing the limited resources available and producing a multiplier effect.

C. TOOLS

- š A legislative guide to the universal anti-terror instruments to assist countries in drafting new laws and implementing these is posted on the UNODC website (<http://www.unodc.org/unodc/terrorism.html>).
- š A checklist provides an easy overview for legislators in this field.
- š A collection of model laws and regional and national examples of relevant legislation will be regularly updated on the web to keep abreast of new legislative developments.

Promoting cost-effective access to information and programme visibility

Access to information and transparency about the work are integral parts of the Programme by:

- š Providing on-line assistance (Forthcoming).
- š Cost effective access through the website.
- š Maintaining accessible databases on anti-terrorism material.
- š Providing substantive expertise on terrorism in presentations to representatives from Member States and at conferences and symposia as well as in country profiles, reports, papers and articles.

D. OPERATIONAL ACTIVITIES

Two technical assistance projects on “Strengthening the legal regime against terrorism” with a total budget of over US\$ 5 million are currently ongoing. As of May 2004, UNODC has been able to raise over US\$ 2.6 million through voluntary contributions in support of these projects. The generous contributions and pledges received thus far from Austria, Canada, France, Germany, Italy, Spain, Turkey, the United Kingdom and the United States are acknowledged, as well as contributions in kind from Argentina, Belgium, the Netherlands, Portugal, Sudan and Turkey.

New pipeline projects are addressing issues such as international cooperation for a sustained action against terrorism; terrorism and the rule of law; the admissibility of evidence and a mentorship project.

E. IMPACT

For facilitating the ratification and implementation of the twelve international conventions and protocols relating to terrorism, during the past 17 months, the Branch has provided assistance to over 75 requesting countries, either through country-specific “direct” assistance or through the organization of sub-regional workshops. Such workshops have allowed participants of different countries from the same region to compare progress, learn from each other and harmonize legislative efforts. More than 500 law-makers, law enforcement and other officials were familiarized with the requirements of Security Council resolution 1373 (2001) and the international legal instruments against terrorism in these missions. Thus, TPB has become one of the chief partners of the CTC.

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ANNEX I

UNODC ACTIVITIES IN LINE WITH CTC PRIORITIES

The overall aim of the *Global Programme against Terrorism* is to respond promptly and efficiently to requests for counter-terrorism assistance in accordance with the priorities set by the Counter-Terrorism Committee which are outlined below in stages A-C.

STAGE A

- *Having legislation in place covering all aspects of Security Council resolution 1373, and a process in hand for becoming party as soon as possible to the 12 international conventions and protocols relating to terrorism;*
- *Having in place effective executive machinery for preventing and suppressing terrorist financing.*

UNODC responds to CTC requests and direct requests from countries in need of assistance for bringing their legislation in line with the requirements of resolution 1373 (2001) and the 12 conventions and protocols related to international terrorism. In the first year of its existence, the Global Programme against Terrorism has provided legal advisory services to 68 requesting countries. The scope of the assistance varies, depending on the request received and the level of a country's existing counter-terrorism measures. In order to provide technical assistance cost effectively, UNODC has developed a legislative guide which is accessible on UNODC's website together with examples of relevant legislation and model laws. Regional advisers on counter-terrorism have been strategically based in the field to support the assistance activities. The Global Programme against Terrorism has started cooperation with regional and other international organisations to enhance the effectiveness of the work. It further wishes to expand these contacts. The Global Programme against Terrorism is advising Government counterparts in the context of its legal advisory missions of the need for measures to counter the financing of terrorism. In this context, the close cooperation with the IMF is most beneficial to countries.

STAGE B

Once a State has in place legislation covering all aspects of Security Council resolution 1373, the next phase of implementation can be broadly defined as a State strengthening its executive machinery to implement 1373-related legislation. This will include activity along the following lines:

- *Having in place effective and coordinated executive machinery covering all aspects of 1373 and in particular preventing recruitment to terrorist groups, the movement of terrorists, the establishment of terrorist safe havens and any other forms of passive or active support for terrorists or terrorist groups. Effective executive machinery includes, inter alia, having in place:*
 - *police and intelligence structures to detect, monitor and apprehend those involved in terrorist activities and those supporting terrorist activities,*
 - *customs, immigration and border controls to prevent the movement of terrorists and the establishment of safe havens, and*
 - *controls preventing the access to weapons by terrorists.*

A number of these measures are in areas where bilateral assistance is offered. However, UNODC's ongoing programmes of anti-organized crime training for customs, immigration and border control officials to prevent the movement of illegal weapons, stolen vehicles, illicit drugs and illegal migrants are relevant to countering the movement of terrorists and their access to finance and weapons.

STAGE C

will cover the remaining areas of Security Council resolution 1373, including:

- Cooperation on bilateral, regional and international levels, including exchange of information;*
- Judicial cooperation between States and action on bringing terrorists and their supporters to justice (e.g. prosecution or extradition, exchange of information and early-warning, and law enforcement and practical judicial cooperation); and*
- Links between terrorism and other threats to security (arms trafficking, drugs, organised crime, money laundering and illegal movement of CBN weapons).*

Where possible, UNODC's counter-terrorism assistance missions are conducted jointly with missions undertaken to facilitate the implementation of the UN Convention against Transnational Organized Crime in view of the cooperation mechanisms which this Convention provides. UNODC has produced manuals on the UN Model Treaties on Extradition and Mutual Legal Assistance which will further the aims of resolution 1373 (2001) with regard to judicial cooperation. Model legislation has been developed, as well as a system for on-line assistance for requests for mutual assistance and extradition. To enhance the impact, UNODC is organizing training sessions for liaison magistrates, prosecutors and legal attachés posted in Embassies all over the world.

ANNEX II

*Note on the Methodology for Technical Assistance on the Ratification and Implementation of the International Anti-terrorism Instruments**

Introduction

This note summarizes the methodology for technical assistance on the ratification and implementation of the international anti-terrorism instruments. The process of the technical assistance activities is sequenced in three phases. The first phase is on preliminary actions that have to be undertaken before the concrete technical assistance actions start. The second phase includes the necessary legal advisory services, which are indispensable for taking the ratification steps. The third phase deals with the adequate training of law enforcement agents and members of the judiciary on the legal aspects of the instruments, laws and regulations as well as the practical techniques, which should be used for an efficient implementation of the convention and/or its protocols.

Phase I – Preliminary Steps

Official Requests from the Government

TPB works on the basis of official requests from Governments which have been received either directly or through the Counter-Terrorism Committee of the Security Council. In addition, TPB carries out joint assistance upon request from international and regional partner organizations. The request demonstrates the willingness of the Government to ratify and implement the anti-terrorism instruments.

Designation of Focal Points in the Government

Following the request and on the basis of preliminary contacts with Government officials either in the capitals or through the Permanent Missions, TPB recommends to the Government to designate a national authority as Focal Point and to provide the contact details of the Focal Point to TPB. This authority will be charged with collecting the relevant material at the national level (laws, decrees, regulations, etc.); and will also assist various other national authorities dealing with the subject matters in organizing the work required for the TPB mission.

This focal point might be either from the Ministry of Foreign Affairs, the Ministry of Justice or the Ministry of the Interior.

Documentation

Before organizing the mission to the requesting country, the Focal Points are requested, either directly or through the Permanent Mission or partner organization, to provide a compilation of the relevant documentation to be analyzed and reviewed, taking into account the mandatory provisions of the international anti-terrorism instruments. This process allows TPB to be prepared and to provide the adequate advice once the mission takes place.

* The travel and local expenses of UNODC staff is generally covered by the United Nations.

TPB will provide to the focal point the legislative guide and the checklist which will allow the focal point and the relevant national agencies to highlight in advance the difficulties and necessary changes which would have to be made in the national legislation.

Phase II – Legal Advisory Assistance

Ø In the first legal assistance mission, the TPB officer in charge of the overall assistance coordination to the country will be accompanied, where appropriate, by one or two international experts. The purpose of the mission is to:

- Present the text of the international anti-terrorism conventions and protocols (power point presentation).
- Animate a debate on the main issues and difficulties concerning the ratification of the international instruments.
- Assist the national drafting group in preparing a ratification plan as well as in changing the relevant provisions of the national legislation, regulation and decrees.

Ø Implementation of the ratification plan by the national authorities:

According to the national ratification plan adopted during the first TPB legal advisory mission, the national authorities under the coordination of the focal points would make the relevant legislative changes accordingly.

Ø Second legal advisory mission:

As appropriate, a second legal advisory mission would be undertaken after open dialogue with the national authorities. This mission would assist the national authorities in finalizing the necessary legislative changes which will bring the national legislation in full compliance with the international anti-terrorism conventions and protocols (criminalization, international cooperation, confiscation and seizure, etc.).

Phase III - Training

In order to ensure the full implementation of the international anti-terrorism instruments, training seminars will be organized, where required, for all the relevant practitioners involved at the national level in the combating and preventing terrorism. The training seminars will be devoted to train practitioners on the updated national legislation.