

Statement by Dr. Abdullahi Shehu, Director General, GIABA, before the United Nations Counter Terrorism Committee (CTC) on the Implementation of the UNSCR 1373, on 10 June 2010, UN H/Q, New York.

Mr. Chairman,

The Executive Director of the UN Counter Terrorism Executive Directorate (CTED),

Excellencies, Distinguished Representatives,

Ladies and Gentlemen.

I am delighted to be given this rare opportunity and privilege to address you today on the implementation of the United Nations Security Council Resolution (UNSCR) 1373. Permit me, Excellencies, to begin by expressing my appreciation and thanks to the Chairman of the CTC, His Excellency, Mr. Ertugrul Apakan, Ambassador/Permanent Representative of Turkey to the United Nations, for giving me the opportunity to appear before this distinguished Committee. I wish to also thank the Executive Directorate of the Counter Terrorism Committee for facilitating my coming here.

Mr. Chairman, Excellencies,

Despite the absence of a universally acceptable definition of terrorism, it, nonetheless, constitutes a major threat to international peace and security. The adoption of the UNSCR 1373 is by far one of important steps taken at the international level to combat the scourge. The resolution requires States to take necessary steps and adopt measures for the prevention and suppression of the financing of terrorism. The resolution, together with the UN Convention on the Suppression of the Financing of Terrorism, provide that 'in order for the terrorist financing offence to exist, the funds intended to finance the terrorist act need not be the proceeds of crime and that the terrorist act that the funds were intended to finance does not actually need to have taken place or even to have been attempted'. Furthermore, States are required under the resolution to freeze without delay the funds and assets of persons and entities associated with the commission or attempted commission of terrorist acts. Consequently, effective implementation of this resolution and other UN instruments against transnational organized crime in general would necessarily require a strategic partnership. This partnership entails equal responsibility and equal burden. In adopting this resolution, our member States have recognized and committed to their responsibilities and obligations to the international community.

It is against this background that the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), in January 2006, following the adoption of this resolution, as well as the Financial Action task Force (FATF) 9 Special Recommendations against Terrorist Financing, mandated the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) to coordinate the regional efforts and support member States to implement this resolution. Despite the limited time I have, it would be remiss of me not to provide at least brief information on GIABA and its mandate. Such information would enable you to better understand the role of this regional inter-governmental body in promoting and supporting the work of the UN in preventing, detecting, deterring and suppressing terrorism, and in particular, it's financing.

Establishment and Mandate of GIABA

Mr. Chairman, Excellencies, ladies and gentlemen,

The Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) was established by the member States of ECOWAS to among others:

- i. Develop strategies to protect the economies of Member States from abuse and the laundering of the proceeds of crime;
- ii. Improve measures and intensify efforts to combat the laundering of proceeds from crime in West Africa;
- iii. Strengthen co-operation amongst its members.

Membership

GIABA's Membership consists of all Member States of the ECOWAS, namely, Republic of Benin, Republic Burkina Faso, Republic of Cote d'Ivoire, Republic of Cape Verde, Republic of The Gambia, Republic of Ghana, Republic of Guinea, Republic of Guinea Bissau, Republic of Liberia, Republic of Mali, Republic of Niger, The Federal Republic of Nigeria, Republic of Senegal, Republic of Sierra Leone, and the Republic of Togo.

Observer status within GIABA shall be granted to African and non-African States, as well as Inter-Governmental Organizations, which support the objectives and actions of GIABA and which have applied for observer status. The Republics of Sao Tome and Principe and Mauritania have been granted observer status in GIABA.

Also, the following organizations are eligible for observer status within GIABA: the African Development Bank (ADB), the United Nations (Office on Drugs and Crime (UNODC), CTED and the 1267 Committee), the World Bank, the International Monetary Fund (IMF), the Financial Action Task Force (FATF) on Money Laundering, INTERPOL, WCO, the Commonwealth Secretariat, and the European Union, among others.

Within its regional strategic framework, GIABA contributes to the implementation of the UNSCRs 1267 and 1373 specifically through its mutual evaluation process. The evaluation is based on the FATF Special Recommendation II, which requires States to criminalize terrorist financing consistent with the UN Convention on the Suppression of the Financing of Terrorism (1999); and Special Recommendation III, which requires States to adopt and implement measures for freezing of terrorist funds and other assets of persons designated by the UN Al-Qaeda and Taliban Sanctions Committee in accordance with S/RES/1267; as well as procedures to freeze terrorist funds and other assets of persons designated in the context of S/RES/1373 respectively. Considering that all members of GIABA are low capacity countries, the evaluation of 11 out of 15 members revealed significant challenges in implementation of this resolution. These include:

- Lack of clear definition of the meaning of “terrorist funds and assets” in existing legislation, notwithstanding the guidelines provided by the UN;
- Absence of designated authority for the enforcement of the freezing measures where they exist;
- Inadequate understanding of the UN Security Council Resolution;
- Absence of policies or procedures for the effective dissemination of lists of terrorists circulated by the UN Committees among financial and non-financial institutions;
- Inadequate capacity at the national level to designate persons identified as terrorists and determine the procedure for the freezing of the assets; and
- Lack of information and or proper understanding of the de-listing process.

Despite these challenges, however, members of our organization have demonstrated a strong political commitment and have enacted or are in the process of enacting legislation against the financing of terrorism, as well as terrorist acts. Thus, GIABA remains committed to the principles and objectives of the UN resolution 1373, as well as its thorough implementation by its member States.

The Way Forward

Mr. Chairman,

In the spirit of promoting strategic partnership and regional alliance against this scourge, permit me to reiterate the following fundamental principles for action:

First, there is need for a stronger political commitment and leadership. The issue of political will in combating transnational crime has become a sort of a *cliché*, giving the impression that one does not appreciate the commitment of another. This is far from the point! Political commitment and leadership, albeit difficult to gauge, are crucial to motivate the right actions to fully implement this resolution.

Secondly, Mr. Chairman, there is need to establish an effective early warning mechanism for the prevention of terrorism. The wisdom that one way to incapacitate the terrorists is to take away their means, is the main thrust of the global efforts to combat terrorist financing. GIABA has been and will continue to be a leader in promoting regional alliance to combat this phenomenon, of course, with the support of the donor community.

Thirdly, is the issue of lack of capacity and expertise that makes it impossible for some States, especially developing countries or those emerging from conflict, to effectively implement the UNSC resolution. Building the capacity and supporting States to promote rule of law, democracy and good governance, is essential for a robust implementation of this resolution.

And this brings me to the *fourth* issue – that of resources – we cannot achieve the goals of this resolution without providing for technical assistance. Indeed, it has been argued that addressing the specific conditions which give rise to terrorist acts, including poverty and inequality, would significantly ameliorate the problem. I cannot therefore conclude without a clarion call on donor agencies and countries to continue to provide necessary technical assistance for the implementation of this resolution, especially in the context of the work of the CTED that is mandated to accomplish the tasks of your Committee.

Finally, is the need to improve and sustain cooperation and coordination at the national, regional and international levels. No nation can effectively tackle this scourge in isolation. Collective security therefore relies in international cooperation. In this context, Mr. Chairman, the contours of our collaboration with the CTED would be in the specific areas:

1. Continued cooperation in the assessment of States' implementation of the S/RES 1373.
2. Technical assistance for the review and amendment of legislation.
3. Joint capacity building/training programmes for law enforcement, prosecutorial and judicial authorities.
4. Support for the establishment and strengthening of Financial Intelligence Units (FIUs); and
5. Improving the quality and monitoring of the reports States are expected to render periodically.

Mr. Chairman, Excellencies, there is hope, yet there is frustration in the fight against transnational organized crime. We must remain focused and never give up because the prospects of winning outweigh the challenges and frustrations. We must strengthen our bond of cooperation and support one another. We must also involve the private sector, in particular, financial institutions to enforce strict customer due diligence and identify beneficial owners of the funds they manage. At the regional level, GIABA will continue to provide leadership for a concerted approach to dealing with the threat of organized crime. I look forward to your continued support and cooperation.

Thank you for your kind attention.

GIABA Secretariat

Dakar, Senegal,

10 May 2010.