

**Presentation by Ambassador Greenstock, then Chairman of the Counter-Terrorism Committee (CTC) at the Symposium: “Combating International Terrorism: The Contribution of the United Nations”, held in Vienna on 3-4 June 2002.**

## **History**

The attacks of 11 September 2001 horrified the world. We at the UN watched the events at close quarters. We lived side-by-side with the people of the city in New York as they gripped the task of overcoming the unprecedented scale of the attack. By any criterion, they have succeeded. New York has shown that terrorism on whatever scale does not damage a vibrant, democratic society.

The Security Council reacted strongly and quickly to the threat which international terrorism in its latest form poses to international peace and security. It authorised, under the self-defence provisions of Article 51 of the UN Charter, the use of force in pursuing those responsible for the attacks. But is also recognised that global action was needed to eliminate the potential of terrorism in the future: to prevent the spread of terrorist networks and cut off all support for them. Its response was ambitious, but essential.

Governments were already familiar with what needed to be done. But few had done it. Resolution 1373 drew on the language negotiated by all UN members in the 12 Conventions against terrorism, but also delivered a strong operational message: get going on effective measures now.

Resolution 1373 imposes binding obligations on all States to suppress and prevent terrorism. The average level of government performance against terrorism across the globe must be raised. This means upgrading the capacity of each nation’s legislation and executive machinery to fight terrorism. Every government holds a responsibility for ensuring there is no weak part of the chain: this is a cardinal element of the process 1373 has instituted. We must do this together: and everyone has a contribution to make.

1373 is wide ranging. It covers all aspects of preventing and suppressing terrorism, from cutting off the funds, to preventing access to weapons and building judicial cooperation.

1373 also established the Counter-Terrorism Committee (known by its acronym: CTC) to monitor the implementation of the measures imposed.

Each State was required by the resolution to report to the CTC on the steps taken to implement it.

## **Membership**

The Members of the Committee decided to be proactive, transparent, cooperative and even-handed in this task. It is the only way to proceed. In order to be successful, we must build cooperation, internationally and at the regional level, exchanging information about terrorism. We must share as widely as possible expertise and assistance on counter-terrorism.

## **Achievements so far**

Last autumn, the CTC set about establishing itself and deciding how to proceed. The CTC issued guidance to States on the submission of reports. The guidance, dated 26 October 2001, can be found on the CTC’s website (<http://www.un.org/docs/sc/committees/1373/>). The Committee published a directory of contact points to promote international cooperation. This useful document

lists the contact details of those in UN Missions and capitals responsible for the implementation of 1373.

From January 2002, the CTC has been reviewing the reports submitted. It divided itself into three Sub-Committees (A, B and C) to do the detailed work on reports at three times the speed.

What can Governments expect from the review process? In response to each report, the CTC is writing, in confidence, to the Government concerned offering its comments.

In the first round, the comments have largely been seeking more information, or specific clarification. Governments may have underestimated the depth to which the CTC was prepared to go. But the comments also begin to probe areas where implementation might not be full enough. The Government concerned may look at the comments and realise that they cannot supply an example of legislation in a given area because it does not exist. New legislation is needed. Or its executive institutions need to react more effectively.

States are being given 3 months to write back to the CTC with a further report.

As of 30 MAY, 155 reports have been submitted from UN Member States and others. Engagement of Member States unprecedented for a UN operation. With the reports and other documents presented, the CTC has had to handle so far nearly half a metre high of paperwork.

Those Member States who have not submitted a report are almost without exception those with little experience of the subject and unsophisticated law and order systems.

## **Next Steps**

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From 7 June, the CTC will embark on its second review as the second round of reports begin to arrive (ie responses to the CTC's letters). We intend to be more direct in the second phase in identifying potential gaps and asking States what action they intend to take to address the issues of concern. The Committee may outline areas in which the Committee believe that legislation or further executive measures are needed to upgrade the State's capacity against terrorism in line with 1373. For example, CTC may say to a State that it must have regulations on alternative remittance systems (such as the Hawala system), that the State has not yet indicated to the CTC that such regulations are in place, and could the State concerned please tell the CTC what action it has taken or intends to take to address this concern.

The Committee will also make recommendations on assistance, and I will say more about that in a minute. There is a role for regional organisations, and I will come back to that also.

Do not expect us to declare any member state compliant, because 1373 is open-ended, and the threats posed by various forms of terrorism will evolve. But we hope to reach the point with increasing numbers of States that we have no comments, for now, on what they have done. Of course, even when we get to that point, there will be ways in which the State can improve – for example on regional cooperation, or exchange of information. But the CTC needs to be focused on the number one priority, the real gaps in global capacity. And that is why we will spend less time with States who are at the front end of implementation of 1373. Our exchanges with the majority of member states will stretch out into the future.

## **Assistance**

As I said earlier, to be successful in what we are trying to do, the CTC must promote the sharing of expertise and assistance on counter-terrorism. Governments share a common goal, but differ in their preparedness to act. Many States have (fortunately for them so far) no experience of terrorism. But they are beginning to recognise that terrorism will migrate, and that a vacuum is dangerous. They are therefore trying to improve, starting from a lower basic capacity than a country which has been tackling terrorism for many years. They will look to those with expertise to help.

The coordination of effort between organisations and States with expertise is key to ensuring that global anti-terrorist capacity is raised effectively and quickly. Targeting is necessary and duplication must be avoided.

The CTC has therefore set up a Directory of available help, and has invited all States and organisations in a position to offer assistance and expertise to contribute to it. This is designed to be a one-stop-shop for States looking for help. It will contain copies of legislation and information about executive practices. It will also include details of training and assistance programmes. Our experts will use it as a resource in trying to connect States with a need with someone who can help. It should also enable those looking to offer assistance to see what is already available and where they could add value.

I urge all the organisations and governments represented here to look at what assistance they can offer and let us know. It is possible that we will shortly be coming to you, with ideas on where help is needed, and asking who can help. It is in all our interests that those with the capacity to do so, help those who need it.

## **Regional and sub-regional organisations**

The CTC intends to deepen its contacts with regional organisations.

States have an individual interest in upgrading their own capacity to ensure terrorists cannot operate on or from their territory. But they also have a collective interest with their neighbours to ensure that their region is not abused by terrorists.

Regional organisations have a key role to play in ensuring that action is taken across the region. They may also have a role in coordinating assistance on a regional level if the needs of their Members have similar characteristics.

I shall come back to the activity of your own organisation at the end of this presentation.

## **Human Rights**

Let me say a word about human rights. In taking a consensual approach, the CTC is not ducking its responsibilities. Our job is to work with Member States, to clarify how best they can meet the obligations that rest on their shoulders. But the CTC's processes will put pressure on governments to ensure, in the decisions they take both political and administrative, that they do not condone acts of indiscriminate violence against civilians, in any political context, nor use counter-terrorism as a pretext for political oppression. We have to develop an international collective conscience in this respect in which every government, without exception, is a participant.

The CTC is mandated to monitor the implementation of 1373. Monitoring performance against other international conventions, including human rights law, is outside the scope of the CTC's

mandate. But as we go forward, the CTC will remain aware of the interaction of its work with human rights concerns, inter alia through the contact the CTC has developed with the OHCHR. And we welcome parallel monitoring of observance of human rights obligations.

The CTC is also operating transparently and openly so that NGOs with concerns can bring them to our attention or follow up within the established human rights machinery.

I have said what the CTC is, and what our aims are. I should also set out what the CTC is not. It is not a tribunal for judging States. It will not trespass onto areas of competence of other parts of the UN system. It is not going to define terrorism in a legal sense, although we will have a fair idea of what is blatant terrorism; where necessary, CTC members will decide by consensus whether an act is terrorism. It has no plans to issue lists of terrorist organisations. If members cannot settle issues of political controversy, the CTC will submit them back to the Security Council. In reality, areas of sharp political dispute (eg. The MEPP) will need to be addressed in their own specific contexts and mechanisms.

If the CTC meets difficulties within its own direct area of responsibility, there is agreement in principle among Security Council members that they will if necessary consider what action is needed to address failures to meet the requirements of 1373 where these affect the comprehensive implementation of that resolution.

## **Role of UN Vienna**

The Terrorism Prevention Branch which is now part of Centre for International Crime Prevention (CICP), and wider Office for Drugs Control and Crime Prevention, has a key role in helping governments to raise their capacity against terrorism. I have a number of proposals for where this role could best be focussed.

We welcome the work done by the Global Programme on Money Laundering and Legal Advisory Programme, in close coordination with the Commonwealth Secretariat, on a model for common-law countries to use for ratifying and implementing the Convention on the Suppression of Terrorist Financing. We also welcome the work being done in Vienna to produce a civil-law version of this model law.

Good guidance is crucial for States with less experience of terrorism who are trying to upgrade their capacity. I urge you to look at these model laws and to see whether anything further can be done, perhaps through the preparation of guidance notes or implementation kits, to help States to ratify this convention quickly. That will help take care of the legislative side of OP1 of 1373, which is all about terrorist financing.

But this leads me to a wider point. 1373 calls upon States to sign and ratify all 12 of the international Conventions and protocols relating to terrorism. It would be extremely helpful if the CICP could do something similar for those elements of the other 11 instruments which fall within their competence. We need model laws and guidance on implementation, for all of the various legal systems. I hope that one of the outputs of this conference can be an agreement that the CICP should focus on this area. I know that this is consistent with the CICP's mandate.

There is one aspect that has come out of the CTC's review of reports which will be familiar to you here: how to widen legislation aimed at tackling domestic terrorism into legal provisions which can be used against international terrorism. States have provisions in place under which they can take

action against a terrorist committing a crime on their territory against the interests of the State. But can these laws be used in cases of a terrorist raising funds to commit a crime elsewhere? In many cases, the answer is: No, they cannot.

States with legislation against domestic terrorism need to make sure that it can be used to take action against terrorism more generally. Guidance on expanding laws to address international terrorism, as required by 1373, would be helpful. I believe this is an issue on which the CICP could also play a role.

Another aspect of the enhanced collective action generated by 1373 is looking at the procedures in place for international cooperation – whether judicial assistance or in the form of police cooperation and early warning. Again, CICP could have a role to play in assisting States to establish mechanisms in this area.

The whole point of 1373 and its implementation programme is this: we need practical programmes, and collective action now. Vienna's UN institutions have a specific contribution to make, within the unique role which the UN as a whole has to play to make the eradication of terrorism a global reality.