The High-level Panel goes on to recommend however that: "If confronted by States that have the capacity to undertake their obligations but repeatedly fail to do so, the Security Council may need to take additional measures to ensure compliance, and should devise a schedule of predetermined sanctions for State non-compliance."

Q: UN reports are a relatively easy first step. What have they achieved ?

The country reporting process has enabled the Counter-Terrorism Committee (CTC) to gather what experts believe is the world's largest body of information on national counter-terrorism capacity. These reports will be important benchmarks for action. CTC correspondence with Member States has also raised awareness among many countries, of international best codes, practices and standards to combat terrorism.

Q: Will CTC/CTED provide funding for countries that lack the resources to build effective operations against terrorism ?

No. The role of CTC/CTED is to analyse country reports, identify needs, help develop universal standards against which progress can be monitored and measured, and where necessary, help to identify sources of technical assistance and funding. CTC and CTED also foster collaboration between states and among international, regional and sub-regional organizations. Many countries will need technical and other assistance to meet their obligations and the CTC has already brokered external assistance for some.

Although national demand for assistance exceeds supply at the present time, the good news is that some wealthier countries have signaled their intention to assist poorer nations once individual needs have been assessed and measurable goals have been established.

Q: How will the CTC/CTED coordinate country support and avoid duplication of effort ?

CTC has compiled a counter-terrorism directory of assistance for governments needing information or expertise. Information for the database has been submitted to the CTC by States, organisations and agencies wanting to share their expertise and best practices. It is available online as a matrix to connect those in need with potential providers at http://www.un.org/Docs/sc/committees/1373/ctc_da/matrix.html

The CTC also publishes an international contact directory for liaison on counter-terrorism issues within governments, organisations and the UN system. The directory is posted on the CTC website and is updated regularly.

Q: What is the role of international and regional organizations in counter-terrorism?

At a special meeting on 6 March 2003, the CTC met with 57 international, regional and sub-regional organisations to discuss ways of improving co-operation. It was agreed that international organisations would share information on codes, standards and best practices in their areas of competence and that regional and sub-regional organisations would facilitate co-operation between neighbours. (See also: Press Release on Almaty Conference 26-28 January 2005)

* * * *

Frequently asked questions about UN efforts to combat terrorism

Q: Has the United Nations agreed yet on a single definition of what terrorism is ?

No it hasn't. An unequivocal definition of terrorism would remove the political distinction that some make between the actions of so-called freedom fighters and terrorists and the need to do this was emphasized most recently by a panel of 16 eminent persons assembled by UN Secretary-General, Kofi Annan to study threats to global security.

Q: Where does the Secretary-General stand on this ?

When he announced terms of reference in November 2003 for a high-level panel of eminent persons to recommend ways of making the UN more effective, the Secretary-General warned that recent events had "shaken the foundations of collective security and undermined confidence in the possibility of collective responses to our common problems and challenges." He asked the High-level Panel on Threats, Challenges and Change to recommend "clear and practical measures for ensuring effective collective action."

In its report of 2 December 2004, the panel stated that nothing justifies the targeting and killing of civilians: "Attacks that specifically target innocent civilians and non-combatants must be condemned clearly and unequivocally by all." The panel went on to say : "We believe there is particular value in achieving a consensus definition within the General Assembly, given its unique legitimacy in normative terms, and that it should rapidly complete negotiations on a comprehensive convention on terrorism."

Q: Where does this leave the UN in the meantime ?

The Panel's recommendations will be widely debated, and it is too soon to predict the outcome. However, political interpretations have not prevented the UN from building a body of law and effective measures to counter terrorist threats. Although there is not, as yet, a formal definition, 95 percent of the existing forms of terrorism are covered in existing international conventions and protocols. As the Secretary-General has said: "The United Nations stands four square against terrorism, no matter what end it purports to serve."

Q: Some have seen an opportunity in this war on terror to justify infringements on the human rights of groups and individuals. Where does the UN stand ?

Nations need to be vigilant to prevent acts of terrorism. They need to bring their laws into harmony with international conventions and protocols, and they need to strengthen their institutional and policing capacity to deal firmly with terrorists, but it will be self-defeating to sacrifice human rights in the process. UN Secretary-General Kofi Annan and others have been vocal on this issue. Addressing the Security Council in January 2002 he said : "We should all be clear that there is no trade-off between effective action against terrorism and the protection of human rights. On the contrary, I believe that, in the long term, we shall find that human rights, along with democracy and social justice, are one of the best prophylactics against terrorism. Terrorism is a weapon of alienated, desperate people and often a product of despair. If human beings everywhere are given real hope of achieving self-respect and a decent life by peaceful methods, terrorists will become much, much harder to recruit and will receive far less sympathy and support from society at large."

Q: How many anti-terrorism conventions and protocols are there ?

Twelve international conventions and protocols on the prevention and suppression of terrorism provide the basic legal tools to combat terrorism - from the seizure of aircraft to hostage-taking to the financing of terrorism. The General Assembly's Sixth Committee is currently considering two additional anti-terrorism resolutions: a draft Comprehensive Convention on International Terrorism which would include a definition of terrorism if adopted and a Convention for the Suppression of Acts of Nuclear Terrorism.

Q: Do countries take these legal instruments seriously ?

Yes, they do. Many of the conventions and protocols have been ratified by a majority of countries and since the adoption of Resolution 1373 (2001) by the UN Security Council, the number of State parties to those conventions and protocols has increased, particularly to the most recent convention – the International Convention for the Suppression of the Financing of Terrorism.

Q: But hasn't the UN been slow to react to terrorist threats ?

Not at all. The UN has developed a legal framework within which countries can act individually and collectively to protect their populations against terrorism, and it has been engaged in this struggle against terrorism for decades. The UN recognized and warned of the threat posed by Osama bin Laden, Al-Qaeda and the Taliban well before September 11, 2001. All were declared outlaws by the UN after the 1998 terrorist bombings of United States embassies in Nairobi, Kenya, and Dar-es-Salaam, Tanzania.

Specialized UN organizations have also been active. Among them:
- The International Atomic Energy Agency (IAEA) is helping countries to detect malicious activities involving nuclear and other radioactive materials, and to prevent illicit trafficking in these potentially dangerous substances.
- The United Nations Office on Drugs and Crime (UNODC) provides technical assistance to more than 90 countries to help strengthen their counter-terrorism capacity.
- The International Civil Aviation Organization (ICAO) has taken steps to make air travel safer by developing an Aviation Security Plan of Action and sharing expertise in this area through a global network of training centres.

Q: After condemning the terrorist attacks of 11 September 2001, the Security Council adopted resolution 1373. What difference will another resolution make ?

Resolution 1373 is ambitious. Not only does it oblige all 191 UN Member States to join the fight, it also undertakes to raise the average level of government performance against terrorism all over the world. Under resolution 1373, nations are obliged to: 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 and prosecution of those involved in such acts; criminalize active and passive assistance for terrorism in domestic laws and bring violators of these laws to justice; become party as soon as possible to the relevant international conventions and protocols relating to terrorism.

Q: How can a small body like the Counter-Terrorism Committee (CTC) monitor the performance of 191 UN member countries ?

The Security Council responded to what is clearly a very large task by establishing a Counter-Terrorism Executive Directorate (CTED) on 26 March 2004 (resolution 1535) to reinforce the monitoring and capacity building efforts of the CTC. The Executive Directorate is working to strengthen coordination and collaboration among governments and national, regional and international bodies. The Directorate will also help the CTC to broker technical assistance for those Member States that have insufficient capacity to meet their obligations. The Executive Director of CTED is Mr. Javier Ruperez, a national of Spain and Ambassador to the United States from 2002-2004. (See also: Profile of Javier Ruperez).

Q: How does the country reporting process work ?

Resolution 1373 places an obligation on UN Member States to report to the CTC on steps they have taken or plan to take to implement the resolution. Each country report is considered by one of three CTC Sub-Committees with the support of independent experts in the fields of: legislative drafting; financial, customs, immigration and extradition law and practice; police and law enforcement; illegal arms trafficking; and any other relevant area of expertise.

After analysing a country report, the relevant subcommittee follows up, if necessary, with further questions. These reports form the basis for the CTC's ongoing work with Member States.

Q: What is the deadline for national compliance with resolution 1373 ?

There is no deadline. Implementation is an ongoing process, and performance will vary according to individual country capacity and determination. Resolution 1373 did however give UN Member States 90 days to submit their initial country reports, and all 191 countries have complied. The 90-day interval has also been a timeframe governing the CTC's programme of work which included the CTC's decisions regarding Member States who were late submitting their second, third or fourth reports.

Q: Resolution 1373 expects a lot, especially of poor countries with limited resources. Is it realistic to expect that all countries will be able to implement effective counter-terrorism measures in a timely way ?

Many countries do have financial and other constraints on their capacity, but the great majority have demonstrated their will to meet the challenges by responding in a timely way to their obligation to prepare country reports. To help countries focus on their priorities, the CTC has assigned three stages to the analysis of country performance. In the first stage, CTC experts focus on legislative capacity and the need for countries to bring their laws into line with resolution 1373 and the 12 international conventions and protocols relating to terrorism. Legislation is key because States cannot develop the machinery to prevent or suppress terrorism or to bring terrorists to justice without an effective legal framework.

Once legislation is in place, the CTC moves on to the executive machinery needed to prevent the recruitment and movement of terrorists and various forms of assistance to terrorist groups. Effective machinery includes: national police and intelligence structures to detect, monitor and apprehend those involved in terrorist activities; customs, immigration and border controls to prevent the movement of terrorists; efforts to prevent the establishment of safe havens and means of keeping weapons out of the hands of terrorists.

Once States have the necessary legislation and institutions in place, the dialogue with the CTC can shift to such areas as: bilateral, regional and international cooperation and information sharing; judicial cooperation between States (eg. prosecutions or extraditions); the exchange of information and early-warnings; action against arms and drug trafficking, organised crime, money laundering and the illegal movement of conventional, biological and nuclear weapons.

Although each of the above stages builds upon its predecessor, some countries develop two or more stages simultaneously.

Q: What if a country doesn't want to cooperate with the CTC ?

The overwhelming majority of states are committed to action against terrorism and are cooperating. All 191 UN Member States have submitted first-round reports on their efforts to comply, and 161 of those countries have responded to requests for additional information. The CTC has received some 550 country reports in total. (See also: 'Countering Terrorism - Progress and Challenges')

Q: But there are countries that are not cooperating, and surely they weaken the global effort. What can be done to persuade them to cooperate?

The Secretary-General's High-level Panel on Threats, Challenges and Change noted in its report of 2 December 2004 that non-compliance "can be a matter of insufficient will but is more frequently a function of lack of capacity." It recommends that UN Member States and specialized bodies increase their efforts to provide States with access to effective legal, administrative and police tools to prevent terrorism and "establish a capacity-building trust fund under the Counter-Terrorism Executive Directorate. "