

**Security Council**

Distr.: General  
16 December 2005

Original: English

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**Letter dated 15 December 2005 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**

I have the honour to refer to Security Council resolution 1535 (2004), by which the Security Council decided to establish the Counter-Terrorism Committee Executive Directorate, under the policy guidance of the Counter-Terrorism Committee, for an initial period ending on 31 December 2007 and subject to a comprehensive review by the Council by 31 December 2005. I also have the honour to refer to the subsequent request of the Council, made during consultations on 23 November 2005, that the Counter-Terrorism Committee prepare a report on which that comprehensive review might be based.

I am therefore pleased to submit herewith the report of the Counter-Terrorism Committee to the Security Council for consideration by the Council as part of its comprehensive review of the Counter-Terrorism Committee Executive Directorate (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj  
Chairman

Security Council Committee established pursuant to  
resolution 1373 (2001) concerning counter-terrorism

## Annex

### **Report of the Counter-Terrorism Committee to the Security Council for its consideration as part of its comprehensive review of the Counter-Terrorism Committee Executive Directorate**

#### **Introduction**

1. By its resolution 1535 (2004), the Security Council established the Counter-Terrorism Committee Executive Directorate as a special political mission under the policy guidance of the Counter-Terrorism Committee. The Counter-Terrorism Executive Directorate was established to enhance the ability of the Counter-Terrorism Committee to monitor implementation of Council resolution 1373 (2001), and effectively continue the capacity-building work in which it was engaged.
2. The Counter-Terrorism Committee Executive Directorate was established for an initial period ending on 31 December 2007 and is subject to a comprehensive review by the Security Council by 31 December 2005. In response to the request of the Security Council made on 23 November 2005, the Counter-Terrorism Committee has prepared the present report to assist the Council in conducting that review.
3. Among the key elements of the review, the Committee decided to assess the Executive Directorate's assistance to the Committee as set out in Security Council resolution 1535 (2004), and in particular its assistance to the Committee in attaining the goals of the revitalization process, as spelled out in section III of document S/2004/124. The Committee also included a review of the extent to which both the mandate and functioning of the Executive Directorate enable it to best fulfil that role in the future and, where necessary, to include recommendations.
4. The Committee notes with satisfaction that the Executive Directorate is now fully staffed, in accordance with the organizational plan endorsed by the Committee on 12 August 2004 (S/2004/642).
5. The Committee welcomes the fact that the Office of Internal Oversight Services has undertaken a management review of the Executive Directorate. The Committee stands ready to provide the Executive Directorate with the guidance needed for it to respond to those recommendations in the Office of Internal Oversight Services report (AUD-7:7(00214/05)) of relevance to the mandate of the Committee.

#### **Counter-Terrorism Executive Directorate assistance and support in fulfilment of the goals of the revitalization of the Counter-Terrorism Committee**

6. As indicated in the introduction above, the Security Council established the Executive Directorate to enhance the effectiveness of the Committee. Since the Executive Directorate only became fully staffed in September 2005, the Committee has only briefly had the full benefit of the Executive Directorate's expertise. As a result, the conclusions in the present review are not as comprehensive as originally intended. The Committee recommends that the Council undertake a fuller review of the Executive Directorate by 31 December 2006.

7. The goals of the revitalization process, as endorsed by the Security Council, are spelled out in document S/2004/124. In order to assess the ability of the Executive Directorate to provide the anticipated assistance to the Committee, the Committee has used those goals as benchmarks in the present review report, as follows.

**Set clear direction for future work**

8. The Committee reaffirms that the mandate of the Executive Directorate is contained within the parameters of that of the Committee. Clear direction of the work of the Committee and its Executive Directorate requires plainly articulated policy guidance in all key areas of the Committee's mandate. The Committee is now developing such guidance for the future work of the Executive Directorate. It thanks the Executive Directorate for its discussion papers, which have paved the way for developing such guidance and looks forward to more such papers, on the basis of which the Committee will continue to develop guidance. Also, the Committee is determined to review regularly previously agreed guidance in order to ensure that it remains applicable in the light of recent experience. The Committee intends to publish this guidance on its website.

9. This guidance provides the parameters for the day-to-day work of the Executive Directorate, but it is essential that the Executive Directorate develop and follow specific plans for realizing the Committee's guidance. Within one week of the Committee's adoption of its policy guidance in a given area, the Executive Directorate should develop a plan for implementing it and present it to the Committee for approval. Such plans should contain targets for achieving specific goals within an appropriate time frame, after the Committee adopts policy guidance. The Committee, with input from the Executive Directorate, will review such guidance within a year. The implementation of policy guidance can therefore be monitored with the help of the Executive Directorate, during the Executive Director's monthly and semi-annual reports to the Committee, when the Executive Directorate prepares for the Committee's review of policy guidance, and as part of the Committee's quarterly reports to the Council.

10. In setting clear direction for the future work of the Executive Directorate, the Committee is of the view that there is a need to clarify the Executive Directorate's reporting lines within the framework of Council resolution 1535 (2004). The Committee is aware that the Secretary-General has expressed the same view on the issue in a letter addressed to the President of the Security Council. In this regard, the Committee reaffirms that it has the sole responsibility for providing policy guidance to its Executive Directorate and stands ready to support the Secretary-General, as appropriate, in his responsibilities for oversight of administration and management. Therefore, the Committee recommends that the Council look into how the Executive Directorate's reporting lines can be clarified, within the framework of resolution 1535 (2004), and that it indicate that it stands ready to work with the Secretary-General on the matter.

**Intensify efforts to promote and monitor the implementation of all aspects of Security Council resolution 1373 (2001) by enhancing dialogue on the basis of its guiding principles of cooperation, transparency and even-handedness**

11. The tasks laid out for the Executive Directorate in the revitalization document include a request that the Executive Directorate keep the Committee informed of its work and of the progress being made by States in implementing Council resolution 1373 (2001). The Committee has welcomed the Executive Director's first two monthly reports in that regard, including their thematic sections on implementation aspects, as well as the first semi-annual report. The Committee appreciates steps taken by the Executive Directorate to improve dialogue with States about their efforts to meet the mandates of the resolution. Also, it appreciates and encourages the efforts of the Executive Directorate to enhance dialogue with States needing technical assistance.

12. With a fully staffed and operational Executive Directorate, the Committee looks forward to receiving thorough and consistent Executive Directorate analyses of implementation by States of Council resolution 1373 (2001). These will be based on information supplied to the Committee in accordance with the guidelines of the Committee for the conduct of its work. Such analyses may assess the efforts of States to satisfy various aspects of the resolution, as well as assess specific issues in a subregional, regional, or international context. The Committee would welcome an indication from the Executive Directorate as soon as possible, and no later than at the end of the first quarter of 2006, regarding when the various analyses will be presented for discussion in the Committee. These analytical reports should, when appropriate, include proposals for how the Committee can do more to help States in overcoming their unique challenges. Such analyses may allow for a more tailor-made and flexible approach to dialogue with States about their successes and constraints in meeting the mandates of the resolution. Cooperation, transparency and even-handedness will remain the guiding principles.

13. The Committee reiterates that States must ensure that any measures taken to combat terrorism should comply with all their obligations under international law and that they should adopt such measures in accordance with international law, in particular human rights law, refugee law and humanitarian law. The Executive Directorate should take this into account in the course of its activities.

14. Because the Committee has given high priority to providing clearer guidance to Member States regarding implementation requirements, the Committee attaches importance to the issue of best practices. The Committee looks forward to advancing work in two ways. First, the Committee looks forward to the Executive Directorate updating the information posted on the Committee website regarding international best practices, as agreed at the first special meeting with international, regional and subregional organizations held in New York in March 2003 (S/AC.40/2003/SM.1/6/Rev.1). Second, the Committee looks forward to further elaboration by the Executive Directorate of relevant best practices within the scope of Council resolution 1373 (2001). The Committee encourages the Executive Directorate to recommend ways of developing guidance in areas where best practices are either non-existent or poorly defined. Once developed, these will also be posted on the Committee website.

15. Finally, the Committee notes that since the adoption of the revitalization documents, the Council has adopted resolution 1624 (2005), which directs the

Committee to include in its dialogue with Member States their efforts to implement resolution 1624 (2005). In addition, the resolution directs the Committee to work with Member States to help build capacity, including through spreading best legal practices and promoting exchange of information in this regard. The Committee looks forward to the Executive Directorate's analysis of implementation by States of this resolution.

**Strengthen the facilitation of technical assistance to States as one of the Committee's priorities**

16. The Committee recognizes that one of its most important functions is to help States get the technical assistance they need. Towards this end, the Committee reiterates that its objective is to achieve measurable, concrete results. It welcomes the discussion paper of the Executive Directorate on how to strengthen the role of the Committee as facilitator of technical assistance and notes the work the Executive Directorate has done in this field. The Committee now looks forward to hearing from the Executive Directorate on how they are implementing the recently adopted policy guidance on technical assistance, including through a detailed implementation plan. The Committee is determined to review the matter regularly to take stock of results and update policy guidance as needed.

**Strengthen contact and coordination with other United Nations bodies**

17. The Committee appreciates and encourages further development of Executive Directorate's contacts with related United Nations entities, in particular the United Nations Office on Drugs and Crime. The Committee welcomes Executive Directorate participation in the work of the Counter-Terrorism Implementation Task Force established by the Secretary-General. With the Executive Directorate now fully operational, the Committee looks forward to greater cooperation between the Executive Directorate and other similarly focused United Nations bodies. With its emphasis on facilitating assistance, the Committee encourages the Executive Directorate to strengthen cooperation with assistance providers including the United Nations Development Programme, and with United Nations Resident Coordinators in various States, as appropriate.

18. Finally, the Committee encourages the Executive Directorate to further cooperate with other counter-terrorism related subsidiary bodies of the Security Council (committees and working groups) and their experts and propose to the Committee how this cooperation can lead to a reinforced Council counter-terrorism effort that makes most efficient use of resources and limits duplication.

**Enhance cooperation and coordination among international, regional and subregional organizations in the fight against terrorism**

19. The Committee is encouraged that the Executive Directorate now routinely invites relevant international, regional and subregional organizations to join in Committee visits to Member States. The Committee is grateful to these organizations for their participation and contribution to the Committee visits and encourages the Executive Directorate to consider how this cooperation can be further developed.

20. The Committee is grateful that during the transition period the Executive Directorate was still able to help prepare for the fourth special meeting of

international, regional and subregional organizations in Almaty, Kazakhstan, in January 2005. In particular, the Committee was grateful for the Counter-Terrorism Committee follow-up action plan, prepared by the Executive Directorate and subsequently adopted by the Committee. The Committee encourages the Executive Directorate to submit a report on how that action plan has been implemented.

21. The Committee further looks forward to an implementation plan for achieving any of the objectives set out in the Almaty action plan that have not yet been met, as well as implementing the commitments contained on an ongoing basis in the outcome documents agreed at the previous three special meetings, including measures for improving the flow of information with and among international, regional and subregional organizations.

22. The Committee looks forward to receiving Executive Directorate's proposals for a strategy on enhancing cooperation with international, regional and subregional organizations, including a proposal for an updated approach to the Committee special meetings with international, regional and subregional organizations, in line with a results-oriented approach.

23. The Committee encourages the Executive Directorate to be proactive in its interaction with other relevant organizations, including outreach to relevant regional organizations that are developing counter-terrorism programmes. The Committee continues to consider how best to support regional organizations to develop counter-terrorism programmes and to help their members meet their international responsibilities.

24. Finally, the Committee stresses the importance of the Executive Directorate cooperating with relevant international, regional and subregional organizations in determining how to make full use of their potential to facilitate and provide technical assistance. The Committee encourages the Executive Directorate to continue and strengthen the fruitful cooperation with the G8-led Counter-Terrorism Action Group in this regard.

**Improve the ability to collect information for monitoring the efforts of Member States in their fight against terrorism and to facilitate appropriate technical assistance including through visits with the consent of the State concerned**

25. The Committee notes with satisfaction that the Executive Directorate has visited five States. These visits have proven to be a good means of getting a better understanding of the progress of States in meeting their obligations under Council resolution 1373 (2001), as well as collecting information about their needs. These visits also provide a chance for the Executive Directorate to explain the work of the Committee and how it can help States get the assistance they need to further their implementation of resolution 1373 (2001).

26. The Committee therefore encourages the continuation of such visits to States with their consent. At the same time, the Committee urges the Executive Directorate to provide the Committee with more substantial information in advance, to ensure the efficient use of resources. In preparing for such visits, the Committee encourages the Executive Directorate to coordinate with the Monitoring Team established pursuant to resolution 1526 (2004) and the experts of the Committee established pursuant to resolution 1540 (2004), as appropriate, with an eye to reducing duplication of effort and maximizing efficient use of resources.

Additionally, the Committee has requested the Executive Directorate to ensure proper follow-up to these visits and to report on implementation of the recommendations arising from visits. The Committee looks forward to the first such report.

27. The Committee reiterates that it is prepared to consider a more tailor-made and flexible approach to visits to States upon their consent.

**Improve the capacity of the Counter-Terrorism Committee to make recommendations to the Security Council in all areas related to implementation of Security Council resolution 1373 (2001)**

28. The Committee recognizes that it has only taken the first steps towards reaching this goal, mostly due to the late staffing of the Executive Directorate. However, it is the Committee's hope that a fully operational Executive Directorate will enable the Committee to do more work of this nature.

29. Reference is made to the observations and recommendations contained in paragraphs 11 to 15 above. While the key principles remain those of cooperation, transparency and even-handedness, the Committee reiterates its intention to move towards more systematic, consistent and comprehensive analyses of States efforts aimed at strengthening the Committee's capacity to best help States fully implement the resolution.

**Expedite work and streamline procedures**

30. The Committee welcomes the receipt of more than 600 reports from Member States since its establishment. At the same time, late submission of reports continues to be a problem, especially from States with limited resources. The Committee also takes note of the reporting fatigue mentioned by several Member States. The Committee regrets that the delay in staffing the Executive Directorate created a backlog in assessing States reports. It is grateful to the Executive Directorate for its effort in clearing the backlog.

31. The Committee recognizes the need for a fresh look at the reporting regime. In so doing, cooperation, transparency and even-handedness will remain the guiding principles. The Committee recognizes that the effectiveness of Council resolution 1373 (2001) depends on the continuing vigilance of all States. In this light, the goal of reviewing the reporting regime is to ensure that the Committee, based on a thorough and consistent analysis of States efforts and with due respect to the specific conditions in each State, will be better placed to take the most efficient steps to further implementation of the resolution. In this regard, the Committee looks forward to discussing specific suggestions from the Executive Directorate.

32. The Committee would also welcome proposals prepared in cooperation with experts from the other counter-terrorism related Security Council subsidiary bodies on how to streamline reporting in accordance with the 2005 World Summit Outcome (see General Assembly resolution 60/1).

**Adopt a proactive communication strategy**

33. The Committee welcomes the proposal of the Executive Directorate for a proactive communication strategy, which the Committee has recently adopted. The Committee encourages the Executive Directorate to focus on providing Member

States with a clear picture of the work of the Committee and its Executive Directorate. The Committee stresses that the cornerstone in this strategy remains an updated website. The Committee will regularly review this strategy to assess the results and discuss possible improvements.

**Develop and maintain a high degree of expertise in all areas of Council resolution 1373 (2001), including through the improvement of the working conditions of the Counter-Terrorism Committee experts**

34. The Committee appreciates that the fully staffed Executive Directorate has expertise in all areas relevant to Council resolution 1373 (2001). It also recognizes that staff working conditions have been improved through ensuring that Executive Directorate staff contracts follow United Nations staffing rules and regulations.

35. The Committee encourages the Executive Directorate to make full use of its newly acquired expertise to promote the implementation of Council resolution 1373 (2001). It also encourages the Executive Directorate to provide greater transparency in the way it uses this expertise.

36. The Committee furthermore encourages the Executive Director to ensure that the Executive Directorate continue to be staffed with suitably qualified and experienced personnel, securing the highest standards of efficiency, competence and integrity, while paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible.

**Conclusions**

37. Since the Executive Directorate became fully staffed in September 2005, it has provided the Committee with valuable support. However, due to the short time it has been fully staffed, the Committee is of the view that it is only possible to draw limited conclusions. The Committee does welcome the start that the Executive Directorate has made on its objective, as set out in the revitalization process.

38. The conclusions reached by the Committee are set out below.

39. The Committee recommends that the Council look into how the reporting lines of the Executive Directorate could be clarified, within the framework of Council resolution 1535 (2004) and indicate that it stands ready to work with the Secretary-General on the matter.

40. The Committee emphasizes that the Executive Directorate's mandate flows from that of the Committee and reaffirms that it has the sole responsibility for providing policy guidance to the Executive Directorate. To assist the Executive Directorate in the execution of its mandate, the Committee agrees to develop such policy guidance in all key areas of the Committee's mandate, to update policy guidance as necessary and review it at least once a year. The Committee has decided to publish such guidance as it is adopted and reviewed.

41. To enhance the Committee's ability to effectively implement its mandate, the Committee agreed on the need for the Executive Directorate to develop and carry out implementation plans for each area of policy guidance. Such implementation plans should contain clear objectives and targets, within an appropriate timeline, and the Committee considered that progress against them could be included in the



Executive Director's monthly and semi-annual reports to the Committee, as well as in connection with the Committee's updates of policy guidance. Progress towards the objectives of the policy guidance will form part of the Committee's quarterly reports to the Council on the implementation of Council resolution 1373 (2001).

42. The Committee further stresses that Executive Directorate support must provide the foundation for the Committee to take decisions that lead to the most efficient and effective steps to further implementation of Council resolution 1373 (2001). The guiding principles are those of cooperation, transparency and even-handedness, as well as that of consistency of approach. Against that backdrop, the Committee recommends that the areas set out below are of highest priority for the Executive Directorate's future focus so as to enhance the Committee's ability to monitor implementation of Council resolution 1373 (2001) and effectively continue the capacity-building work in which it is engaged.

43. Monitoring implementation of Council resolution 1373 (2001), through:

- Providing in-depth analysis of the implementation of resolution 1373 (2001).
- Enhancing dialogue with States, through a more tailored approach to States individual circumstances, including through letters, direct dialogue and a more flexible approach to visits upon the consent of the State concerned.
- Reviewing and proposing how to update the reporting regime and taking into account the 2005 World Summit Outcome (see General Assembly resolution A/60/1) recommendation on consolidating reporting requirements in cooperation with the other counter-terrorism related subsidiary bodies of the Security Council.
- Close cooperation with the other relevant subsidiary bodies of the Council, in particular the Security Council Committees established pursuant to resolutions 1267 (1999) and 1540 (2004), and their experts, including on information sharing, visits and technical assistance, as appropriate.

44. Continuing effective capacity-building work, through:

- Strengthening the facilitation of technical assistance, with a view to creating measurable results so that more States receive the assistance needed to further their implementation of Council resolution 1373 (2001).
- Improving the assistance provided to Member States through publishing and developing best practices in all areas of resolution 1373 (2001).
- Reviewing and proposing how to further develop cooperation with international, regional and subregional organizations to enhance the synergy between the work of the Committee and that of these organizations in furthering implementation of resolution 1373 (2001).

45. The Committee reaffirms its responsibility to include implementation of Council resolution 1624 (2005) in its dialogue with Member States and help build capacity in this regard, including through spreading best legal practices and promoting the exchange of information.

46. The Committee recommends that the Security Council request that another comprehensive review of the Executive Directorate be prepared by the Counter-Terrorism Committee by 31 December 2006.