

COUNTERTERRORISM

Expected Council Action

The Council will hold a thematic meeting on counterterrorism on 27 September at the initiative of Turkey, the current Council president. Turkey also chairs the Council's Counter-Terrorism Committee. The country's Foreign Minister, Ahmet Davutoglu, is expected to preside and the Secretary-General is expected to address the Council. A presidential statement is a likely outcome. At press time, text for a presidential statement appeared to be near agreement.

Background

In the concept paper prepared for the meeting Turkey notes that the UN plays a central role in countering terrorism globally, including through the Council's three subsidiary bodies related to counterterrorism (the 1267 Committee on Al-Qaida and Taliban sanctions, the 1373 Committee or Counter-Terrorism Committee [CTC] and the 1540 Committee on weapons of mass destruction and terrorism). It points to these bodies' recent increased effectiveness due to improvements in their transparency and working methods and their placing increased emphasis on the importance of human rights and the rule of law when considering efforts to combat terrorism. The counterterrorism committees are viewed as continuing to play an important role. Turkey also notes the Global Counter-Terrorism Strategy adopted by the General Assembly in 2006 as an important milestone that reaffirmed the commitment of the international community to counterterrorism efforts. The paper also stresses that while addressing terrorism, attention needs to be paid to avoid associating the problem with a specific culture, religion or ethnic group.

Terrorism continues to be a serious concern today and remains a threat to international peace and security. Terrorism is conceived of as a crime against humanity that violates fundamental human rights. In some regions terrorist attacks have actually increased, as has the involvement of terrorist organisations in other illegal activities. Turkey has discerned that this is due to the changing techniques and tactics of terrorism, and argues that just as terrorist organisations have adjusted the ways in which they finance and organise themselves, the international community must also adapt its response to the threat. However the need to do this in a collective and united way is stressed. Turkey therefore recommends a response that is unified and holistic while allowing for innovation and adaptation.

The meeting is envisaged as a follow-up to a 17 June meeting in Ankara organised by Turkey as chair of the CTC, which included the participation of members of the Council and UN officials. The June meeting focused on how to more effectively address evolving challenges posed by terrorism. In its concept paper Turkey notes that one of the main points raised by participants was the need to maintain counterterrorism as a priority of the international community, including through increased political attention at the Council level.

A number of objectives have been identified for the upcoming Council meeting, including:

- to focus Council discussion on issues that require more attention from the Council;
- to deliberate on what measures the Council should take to better address terrorism; and
- to focus on challenges and gaps in implementation of obligations in effect as the result of previous resolutions.

Turkey hopes the Council will approve a presidential statement at the conclusion of the meeting reinforcing the importance of international cooperation, reconfirming the Council's determination to combat terrorism and calling on member states to work more cooperatively for the effective implementation of existing resolutions.

Security Council Counterterrorism Bodies

The 1267 Committee, the 1373 Committee (or CTC) and the 1540 Committee all regularly report to the Council and their chairpersons have briefed the Council in a public session twice a year since April 2005. The committees were each created at a different point and with a unique mandate.

Resolution 1373 of 28 September 2001, adopted in response to the 11 September terrorist attacks in the US, was the first comprehensive resolution imposing obligations on all states to respond to the global threat of terrorism. The resolution requires all states to criminalise terrorist acts, to penalise acts of support for or in preparation of terrorist offences, to criminalise the financing of terrorism, to freeze funds of persons who commit or attempt to commit terrorist acts, and to strengthen international cooperation in criminal matters related to terrorism. Resolution 1373 also established the CTC to monitor implementation of the resolution. The Counter-Terrorism Committee Executive Directorate (CTED) was established in 2004 to provide the CTC expert advice, promote closer cooperation and coordination both within the UN and among regional and intergovernmental bodies, and to facilitate technical assistance to states in the task of implementing resolution 1373. CTED's mandate expires on 31 December.

Resolution 1267 of 15 October 1999 imposed an air embargo and an assets freeze on the Taliban for refusing to extradite Usama bin Laden (who had been indicted for the 1998 bombings of two US embassies in Africa). Resolution 1267 also created a sanctions committee to monitor implementation of the resolution. The Committee's operations were expanded and modified between 2000 and 2006, including by resolution 1333 of December 2000 which added measures against individuals associated with Al-Qaida. Sanctions include an assets freeze, an arms embargo and a travel ban against designated individuals and entities associated with Al-Qaida and the Taliban and in particular by resolution 1390 of January 2002 which expanded the measures previously applying primarily to Afghanistan to be applicable worldwide. The creation of a so called consolidated list of targets, which quickly reached nearly 500 names, led to numerous concerns being raised about grounds for putting names on the list and the impossibility of having them removed from the list. Following the voicing of concerns and numerous court cases around the world, a number of steps have been taken to improve the fairness of procedures for adding and removing names from the Committee's consolidated list of individuals to which measures apply. An important recent development was the adoption of resolution 1904 (in December 2009) which included changes designed to improve due process, including creation of an Office of the Ombudsperson which will serve as a point of contact for individuals and entities requesting that they be delisted and will compile information on individual delisting requests from various sources. (Judge Kimberly Prost of Canada was appointed to serve as the 1267 Committee ombudsperson in June.)

Resolution 1540 of 28 April 2004 is designed to prevent the proliferation of weapons of mass destruction and their means of delivery and to deter non-state actors (such as those listed by the 1267 Committee) from accessing or trafficking them. Resolution 1540 also established a Council committee to focus on the implementation of the resolution. The Committee held a notable meeting from 30 September to 2 October 2009 that was open to UN member states at large and sought to improve the communication and transparency of the Committee. International, regional and subregional organisations and other entities also attended and provided feedback on the Committee's work.

The Council also adopted resolution 1566 of 8 October 2004 which condemned acts of terrorism as a serious threat to international peace and security and called upon all states to cooperate fully in the prevention and punishment of specific criminal acts related to terrorism (for example, the taking of hostages and attacks meant to kill or injure civilians). The resolution established a working group to submit recommendations on additional entities associated with terrorist activities that might be sanctioned, as well as to consider the establishment of an international fund to compensate the victims of terrorist acts and their families. (The working group has remained relatively inactive, and at its last meeting on 24 March—the first such meeting in four years—the group appeared to remain reluctant to pursue the creation of a new terrorism list or a fund for victims.)

UN Global Counter-Terrorism Strategy

On 8 September the General Assembly conducted a review of the UN Global Counter-Terrorism Strategy, which was adopted in September 2006. Turkey consulted a number of states with regard to the review, as it is viewed as desirable for the Council debate to demonstrate resonance and coherence with the strategy.

The review reaffirmed support for the strategy, particularly for the four pillars which constitute its framework. The four pillars consist of: measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build state capacity to prevent and combat terrorism and to strengthen the role of the UN system in that regard; and measures to ensure respect for human rights and the rule of law.

The resolution adopted at this session:

- reiterated its unequivocal condemnation of terrorism in all its forms and manifestations, viewing it as one of the most serious threats to international peace and security;
- reaffirmed the primary responsibility of member states to implement the strategy while recognising the need to enhance the UN's role in facilitating and promoting coordination of the implementation of the strategy at all levels, including through its Counter-Terrorism Implementation Task Force (CTITF, which was established by the Secretary-General in 2005 to enhance coordination and coherence of UN counterterrorism efforts);
- called upon member states that have not done so to consider becoming parties in a timely manner to the existing international conventions and protocols against terrorism, and to make every effort to conclude a comprehensive convention on international terrorism;
- noted with appreciation the continued contribution of the Council's subsidiary bodies to the CTITF; and
- underlined the continuing need to promote transparency and the importance of greater cooperation among UN entities, as well as the work of the CTITF.

Previous Thematic Security Council Debates on Terrorism

Counterterrorism has also been the focus of a number of previous thematic Council debates.

- On 12 November 2001 Jamaica and the Ukraine convened a ministerial-level Council meeting to discuss terrorism. Resolution 1377, which called on states to fully implement resolution 1373 and on the CTC to explore ways in which implementation assistance could be provided to states, was unanimously adopted at the meeting.
- On 20 January 2003 France convened a ministerial-level public debate on combating terrorism. Following the debate the Council adopted resolution 1456 urging all states to prevent and suppress all support to terrorism.
- On 14 September 2005, on the margins of the World Summit, the Philippines convened a meeting of Council members at the head-of-state or ministerial level on preventing the incitement of terrorism. Resolution 1624 was unanimously adopted, calling on states to adopt measures to prohibit and prevent incitement of terrorist acts.
- On 9 December 2008 Croatia convened an open debate on global security and international terrorism. Following the debate the Council adopted a presidential statement reaffirming its determination to combat threats to international peace and security caused by acts of terrorism and emphasising the central role of the UN in that endeavour.

Key Issues

A key issue will be to maintain a momentum for addressing the threat of terrorism to international peace and security as a top Council priority.

Another key issue will be to encourage states to take action to join existing counterterrorism regimes and to conclude a comprehensive convention on international terrorism (as called for in the General Assembly's recent review of the global strategy). A related issue is the need to ensure respect for human rights and the rule of law when implementing counterterrorism measures.

An additional issue will be ensuring that the Council's position on counterterrorism is broadly aligned with the UN Global Counter-Terrorism Strategy.

Options

The most likely option is for the Council to adopt a presidential statement following the debate.

Council and Wider Dynamics

It appears most Council members continue to feel that a thematic meeting on issues related to counterterrorism is worthwhile at this time.

Some feel that in keeping with the focus of the meeting, a broad and comprehensive outcome statement would be most appropriate. This would also have the practical benefit of avoiding the need to identify novel issues and responses at this time. Several members appear to favour highlighting the need to address root causes of terrorism, as identified in the Global Counter-Terrorism Strategy's first pillar concerning conditions conducive to the spread of terrorism. A reaffirmation of the importance of human rights and the rule of law underpinning the international response to terrorism is seen as desirable as well. It is also possible that the payment of ransoms to terrorist groups may be addressed to some extent in any outcome document.

Some members also continue to view the debate as a useful opportunity for members to begin thinking about CTED's mandate renewal at the end of this year.

Selected UN Documents

Security Council Resolutions

- S/RES/1904 (17 December 2009) renewed the mandate of the 1267 Committee Monitoring Team for 18 months. The resolution also included significant changes to the administration of the 1267 regime, including the creation for an initial period of 18 months an ombudsperson, intended to serve as a point of contact for individuals and entities requesting that they be delisted.
- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee and expert body until 25 April 2011.
- S/RES/1805 (20 March 2008) extended the CTED mandate until 31 December 2010.
- S/RES/1624 (14 September 2005) called on states to cooperate and to adopt measures to prohibit the incitement of terrorism.
- S/RES/1566 (8 October 2004) established a working group to consider measures against non-Al-Qaida and Taliban entities involved in terrorist activities and the establishment of a fund for victims of terrorism.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1456 (20 January 2003) was a declaration on combating terrorism.
- S/RES/1390 (16 January 2002) expanded 1267 measures, previously applying primarily to Afghanistan, to be applicable worldwide.
- S/RES/1377 (12 November 2001) called on states to fully implement resolution 1373.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1333 (19 December 2000) added 1267 measures against individuals associated with Al-Qaida.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its mandate.

Security Council Meeting Records

- S/PV.6310 (11 May 2010) was the most recent briefing by the chairs of the 1267, 1540 and CTC Committees.
- S/PV.6034 and resumption 1 (9 December 2008) was an open debate global security and international terrorism.
- S/PV.5261 (14 September 2005) was a summit meeting on terrorism.
- S/PV.4688 (20 January 2003) was a ministerial-level meeting on combating terrorism.
- S/PV.4413 (12 November 2001) was a ministerial-level meeting on terrorism.

Security Council Presidential Statement

- S/PRST/2008/45 (9 December 2008) reaffirmed the Council's determination to combat threats to international peace and security caused by acts of terrorism.

Security Council Letters

- S/2010/462 (3 September 2010) transmitted the concept note for the 27 September thematic meeting on counter-terrorism.
- S/2010/125 (5 March 2010) transmitted the 1267 Committee's position on the recommendations contained in the tenth report of its Monitoring Team (S/2009/502).
- S/2010/112 (26 February 2010) transmitted the 1540 Committee's programme of work for 1 February 2010 to 31 January 2011.
- S/2010/89 (17 February 2010) transmitted the CTC's work programme for January to June 2010.
- S/2010/52 (29 January 2010) transmitted the 1540 Committee's final document on its comprehensive review.

General Assembly Resolution

- A/64/L.69 (3 September 2010) is the text of the resolution adopted by the General Assembly on 8 September after the review of the Global Counter-Terrorism Strategy.

Other Relevant Facts

Committee Chairs
<ul style="list-style-type: none">• Ambassador Ertuğrul Apakan (Turkey): CTC• Ambassador Claude Heller (Mexico): 1540 Committee• Ambassador Thomas Mayr-Harting (Austria): 1267 Committee
Chair of the Counter-Terrorism Implementation Task Force
<ul style="list-style-type: none">• Jean-Paul Laborde (France)

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