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DISCUSSION PAPER

Overview

This paper provides background for the first of two meetings the Center on Global Counterterrorism Cooperation will be convening as part of a project on “Implementing the UN Global Counter-Terrorism Strategy in North Africa.” This first meeting in The Hague will include representatives from the United Nations and relevant regional and subregional organizations as well as researchers and other nongovernmental experts from Africa and Europe. The second, larger meeting, which will also include representatives from the governments in the region, will be convened in North Africa in early 2010.

This paper provides a brief overview of some of the issues relevant to the implementation of the UN Strategy in North Africa. For the purposes of the project, North Africa is defined as including Algeria, Egypt, Libya, Morocco, and Tunisia. However, as will be discussed in greater detail below and in the final report, the nature of the threat and the measures needed to combat it encompass a wider geographic area, which includes countries in the Sahel-Saharan band such as Mali, Mauritania, and Niger and thus intersects with the Center’s ongoing project related to enhancing counterterrorism capacities and cooperation within West Africa.

The paper discusses the terrorist threats and vulnerabilities in North Africa as well as national, regional, and international efforts to address them. In doing so, it highlights the difficulties in developing meaningful counterterrorism cooperation among regional stakeholders and some of the reasons there has been limited progress on this front despite the increasingly transnational nature of the threats confronting states in North Africa. The paper looks at the counterterrorism contributions of regional and subregional bodies including the African Union and League of Arab States (LAS) and the role they can play in furthering implementation of the UN Strategy and stimulating enhanced cooperation among North African stakeholders. It further assesses the cooperation between countries in the subregion and external actors such as the European Union and the United States before concluding with a discussion of the role that the United Nations can play in promoting implementation of the Strategy and improving cooperation in the subregion.

In addition to allowing for an initial discussion of issues surrounding implementation of the Strategy, the first workshop will seek to build support for the larger, follow-on workshop in North Africa. The participants will be asked to discuss the UN Strategy in a subregional context, considering the potential opportunities it offers for, among other things, enhancing counterterrorism cooperation and capacity building in the subregion and its overall preparedness to combat terrorism, as well as for stimulating more coherent and effective engagement by the United Nations in the subregion on issues related to terrorism and counterterrorism.

Written as a preliminary overview, this paper is not intended to be comprehensive. It has been prepared to encourage discussion and comments at the September 2009 meeting and should not be cited without permission from the Center. Prior to the second meeting, the Center will circulate a more
comprehensive background paper that will take into account the discussions at the September 2009 meeting. Following the conclusion of the workshop in North Africa in 2010, the Center will then prepare and disseminate a final project report, which will contain a series of recommendations for ways to further the implementation of the UN Strategy and stimulate enhanced counterterrorism cooperation among states in the subregion.

This project is the sixth component of a broader effort by the Center to support implementation of the UN Strategy in different regions around the globe, which includes past projects on southern and East Africa, among other regions and subregions, as well as a concurrent assessment of West Africa to be completed in 2010. The goal of this project is to help stimulate more effective regional and subregional counterterrorism cooperation and complement ongoing efforts to implement the Strategy around the world.

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I. The Significance of the Strategy for North Africa

Adopted unanimously by the UN General Assembly in September 2006, the UN Global Counter-Terrorism Strategy1 marked the first time that all UN member states agreed on a common framework for addressing the terrorist threat. Although it is largely a compilation of pre-existing UN counterterrorism-related resolutions, norms, and measures adopted by the Security Council, General Assembly and other UN bodies, the Strategy pulls them together into a single, coherent, and universally adopted framework.2 As such it broadened political support for UN counterterrorism efforts by reflecting the consensus of the entire UN membership rather than just the Security Council, which had previously dominated UN counterterrorism efforts. It also expanded the global framework to include not only tougher law enforcement and other security measures, but measures to address both real and perceived grievances and underlying social, economic, and political conditions. The Strategy’s four-pillar plan of action consists of measures to address conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; capacity building; and ensuring a human rights- and rule of law-based approach to countering the threat.

The Strategy also reinforced the notion that while states have primary responsibility to protect their citizens from terrorism and other security threats, an effective long-term counterterrorism plan requires a multi-stakeholder approach. Thus, the Strategy highlights the role that the UN system, regional and subregional bodies, as well as civil society can play in working with states to implement the framework. Moreover, it recognizes the linkages between terrorism and other illicit activities such as organized crime, corruption, and illicit trafficking in drugs and small arms and light weapons and the need for comprehensive approaches to addressing these related security challenges. As such it provides an inclusive approach to countering terrorism and its underlying causes at the national level where “joined-up” or “whole-of-government” approaches are needed. It also provides a common framework for states, the United Nations, regional and subregional bodies, and civil society to better coordinate their efforts and offers legitimacy for action against terrorism over the long term.

The Strategy is particularly significant politically for the countries of North Africa, which have been among the most vocal critics within the Group of 77 (G77)3 of the Security Council’s enhanced post-9/11 counterterrorism role. By imposing general counterterrorism obligations on all UN member states, the G77 saw the Council as usurping the norm-setting role that has traditionally belonged to the more representative General Assembly. Excluded from the decision-making process, and from participation in the monitoring mechanisms created by the Council, many states have not felt any real ownership of the counterterrorism commitments imposed by the Council and the counterterrorism
initiatives launched under its authority. In addition, North African countries and other G77 members argued that the Council’s response to the threat largely ignored terrorism’s so-called “root causes,” which these countries claim to be of paramount importance.

The UN Strategy and the more recent shift away from the “global war on terror” offer the opportunity to begin a post-“global war on terror” discussion of terrorism and counterterrorism in North Africa, one which moves beyond an exclusive focus on the military and other security-related aspects of the response, and, for example, addresses the links between security and development and emphasizes that to be effective in the long-term, counterterrorism measures must abide by the rule of law. The Strategy also has the potential to stimulate intra-regional dialogue and cooperation on terrorism in a subregion where states have been generally reluctant to discuss issues of terrorism and counterterrorism with each other, in part due to the traditional perception that terrorism poses a threat to the legitimacy of the state and the regime.

For the Strategy to have a sustained impact in North Africa, however, states and other relevant stakeholders in the subregion must “utilize this [historic] tool and translate it into action.” North African stakeholders need to ensure that implementation is not a top-down exercise initiated from and dictated by New York. Rather, it should be one that proceeds from the bottom up and reflects the needs, priorities, and concerns of the subregion. Sustained implementation of the Strategy in North Africa will require contributions from a wide range of stakeholders, starting with member states, but also including the UN system, relevant regional bodies, and civil society. The Strategy can serve as a basis for improving the overall coordination and cooperation within and among those stakeholders in North Africa; provide a model for the development of a subregional counterterrorism strategy; and perhaps even provide the impetus for the development of a subregional mechanism to foster greater cooperation on countering terrorism in North Africa.

Since its adoption three years ago, much of the UN Strategy-implementation work has focused on the United Nations itself, under the leadership of the UN Counter-Terrorism Implementation Task Force, which brings together twenty-three UN-system entities, both “traditional” and “nontraditional” counterterrorism actors as well as INTERPOL, and is charged with improving coordination and coherence in the counterterrorism efforts of the UN system. The recent appointment of the first full-time head of the Task Force and efforts to seek more resources for its small secretariat staff may help it to play a more significant role in supporting the efforts of states and regional and subregional bodies to implement the Strategy in North Africa and beyond. Among the priorities of the Task Force and North African governments will need to be promoting awareness of the Strategy and encouraging engagement from the wide range of stakeholders mentioned above on its implementation thereby moving the discussions beyond the corridors of ministries of foreign affairs in North Africa and diplomatic circles in New York and Vienna and into the field. Stimulating such awareness and sustaining the political momentum generated by its adoption, two goals of this project, are essential elements for ensuring its long-term relevance.

II. Threats and Vulnerabilities

The threat of terrorism across the subregion and the responses by North African governments differ in a number of ways and can best be understood in their specific political, cultural, and historic context. A sampling of recent terrorism-related developments in the subregion, however, highlights both the persistence and scope of a threat that affects each country in the subregion in one form or another. These include a number of deadly suicide attacks in Algeria, the arrest of radical Islamist cells in Morocco, the kidnapping of Austrian tourists in Tunisia, the discovery of substantial numbers of Libyan fighters and suicide bombers in Iraq, the killing by Algerian security forces of a leading al-Qaeda member, Abu Harith
Al Libya, during a clash with forces in the southern part of the country in May 2009, and the reported arrest by Egyptian security forces in May 2009 of seven suspected members of an al-Qaeda-linked group accused of carrying out a bombing attack on a Cairo bazaar. In addition, according to EUROPOL, in 2008, as in the two previous years, the majority of those arrested in Europe for involvement in Islamist terrorism came from “North African countries, most notably Algeria, Morocco and Tunisia.”

Perhaps the most well-known (and active) terrorist group in the subregion is the Algerian Salafist Group for Preaching and Combat (GSPC), which grew out of the Algerian civil war and has launched a series of attacks against foreign and government targets in Algeria since formally renaming itself al-Qaeda in the Islamic Maghreb (AQIM) in January 2007. Although the extent of AQIM’s operational links to al-Qaeda are contested, the former is influenced by the latter’s ideology. AQIM has also gained access to al-Qaeda’s tactical expertise and material as a result of the return of fighters from Iraq and has “committed itself to al-Qaida’s agenda of attacking the United States and her allies and, as the scenes of carnage in Algiers [following the December 2007 attacks on the UN compound] illustrate, is now demonstrating a capability to put together sophisticated operations.”

In the past several years, camps situated in North African countries trained hundreds of fighters who were then channeled into Iraq. These individuals are now returning to their homelands. According to some reports, the returning fighters have been “exceptionally radicalized at which point they ‘reignite’ jihadi sentiments locally” and often cater and appeal to youth. This seems to be particularly concerning in the slums of important urban centers in the subregion.

As noted above, the threat emanating from North Africa also extends beyond the region. For example, AQIM has reportedly developed a network of cells in Europe. Indeed, individuals of North African descent have participated in multiple high-profile terrorist attacks and plots such as the 2004 bombings in Madrid, and AQIM continues to engage in “smuggling (mostly cigarettes, drugs, arms, and vehicles), money laundering, extortion, kidnapping, and racketeering across the neighboring borders of Mauritania, Niger, Libya, Chad, and Mali.” The rapid increase in interlinked criminal networks operating between North Africa and the Sahel may be one of the most immediate causes of instability in the region in the near future.

Some analysts caution, however, that “while the potential for increased Islamist activity beyond the region should not be minimized, the gravity of the threat at the present time should also be carefully measured.” Algerian security forces seem to have successfully clamped down on militants and GSPC/AQIM’s armed struggle in the country has lost most of its public support, particularly in Algiers where the targeting of civilians has created a backlash effect. Moreover, while terrorism poses a significant threat across North Africa, “theories positing a grand process of unification into a single and centralized Salafist movement remain untested and unconvincing,” even though it is reported that AQIM now includes members from Algeria, Morocco, Libya, and Mauritania, recruiting and operating in all of these countries.

Despite the considerable counterterrorism efforts by governments in North Africa, Mike Smith, a senior UN counterterrorism official, describes it as “the world’s most troubling security hotspot.” This threat stems in large part from the presence of a number of terrorist groups in the subregion that have engaged in bombings, kidnappings, drug and human trafficking as well as other illicit activities. These groups challenge already overstretched local security forces attempting to cover huge swathes of sparsely populated desert land. North African governments, often with technical assistance and other support from the United States and the European Union, have enhanced their border security capacities, particularly since the attacks of 11 September 2001. However, borders remain porous and the lack of resources and limited numbers of trained, equipped, and motivated personnel continue to limit the ability of states in the
subregion to adequately control areas of territory. Concern has been expressed by some intelligence officials that “the vast, thinly governed stretches of mountain and desert, could become an Afghanistan-like terrorist hinterland within easy striking distance of Europe.”

In addition, countries in North Africa have favored short-term political stability, security, and regime maintenance at the expense of more progressive political reforms and the development of the institutions necessary to promote the levels of democratic governance, respect for human rights, and the rule of law needed to improve stability and security over the long term. According to Professor Rex Byrnen of McGill University, many authoritarian leaders in the subregion “have proven adept at using the ‘global war on terror’ as an excuse for democratic inaction or domestic repression. In particular they have sought to tar more moderate Islamists (who, nonetheless, may be highly critical of U.S. policy) with the brush of radical, Islamist movements. They have also held out the value of their own intelligence and counterterrorism cooperation. In doing, so they have managed to considerably deflect external pressures for democratic reform.”

To compound matters, there is an expanding number of North African youth who are experiencing social, economic, and/or political alienation or marginalization, with rapidly rising youth unemployment even for those with university degrees and a growing number of radicals increasingly interested in using violence to pursue political change. According to Chatham House’s Claire Spencer, the “failure of most democratization processes [in the subregion] to represent fundamental changes in access to either political or economic resources has resulted in the effective shrinking of the state and the exclusion of the majority of the population from engagement with it…. As a result the appeal of extra-systemic options and alternatives [of which terrorism is one] is increasing.”

Despite the trans-regional nature of the terrorist threats in North Africa, cross-border legal and other counterterrorism cooperation, including border monitoring, the sharing of intelligence and other information, and judicial cooperation, remains inadequate. This is due in part to lingering tensions surrounding the dispute between Algeria and Morocco over the future of the Western Sahara, which led to the closing of the border between the two countries in 1994 as well as the tendency of the ruling regimes to guard control over security issues, fearful that, according to Cherif Dris of Ben Kheda University in Algiers, any regional multilateralism “would jeopardize their domestic integrity and national development process.” This lack of trust has also been among the road blocks to deeper economic and other integration among countries in North Africa, which many experts believe would help to promote economic growth and improve stability and security in the subregion.

Although the enhanced responses of security services in North Africa to the very real terrorist threat has lead to the capture or killing of many suspected terrorists, they have been problematic in places where they have shown a lack of respect for human rights and the rule of law. The often heavy-handed reactions of some states in the subregion, which have been well documented, have often been facilitated by the declaration of states of emergency and the adoption of anti-terror laws based on what the 2009 Arab Human Development report describes as “a wide and unspecific definition of ‘terrorism’… [which] have given government security agencies sweeping powers which, although effective in some contexts, can form a threat to basic freedoms in others.” In some instances, counterterrorism measures have been used to justify state repression of political opposition and civil society groups. Rather than reducing terrorist and other politically motivated violence in a country, widespread arrests and detentions, and the use of torture under the guise of counterterrorism has contributed in some instances to the violent radicalization of detainees, the targeting and marginalization of vulnerable communities, and a further rupturing of the trust between the state and its citizens, which is critical to an effective long-term counterterrorism strategy.
According to the Anneli Botha of the Institute for Security Studies, going forward “the challenge for countries in North Africa is not to use threats of terrorism and religious extremism as a pretext to crack down on peaceful dissent or to limit political development in an attempt to stay in power. If states continue to limit democracy, to postpone reforms or to engage in the politics of self-enrichment, the potential growth of extremist movements, permeated with a jihadist worldview, is likely to increase.”

III. National and Regional Strategies to Address the Threat

National Strategies

Unlike many countries on the African continent, combating and preventing terrorism is a top priority for the governments of North Africa and has been so for most of them since long before 11 September 2001. Because of the serious ongoing terrorist threat to the region, all the countries of North Africa have adopted legislative and other counterterrorism measures, which have led to the killing or arrest and imprisonment of thousands of terrorists. National security or intelligence services have acted as the primary counterterrorism actors in the subregion, while often under-funded, -mandated, and -resourced police and gendarmerie have played more of a supporting role. To their credit countries in the subregion have recognized the need for an enhanced criminal justice (in addition to security and intelligence) response to terrorism and the corresponding need to strengthen police, judicial, and other law enforcement capacities. In this regard, the establishment of specialized judicial clusters with expanded territorial jurisdiction for handling terrorism cases in Algeria deserves mention.

In addition to short-term measures aimed at addressing the immediate threat, North African governments have also increasingly recognized the need to develop and implement medium and long-term strategies aimed at addressing some of the underlying conditions that can lead to the violent radicalization of vulnerable communities. For example, Tunisia’s efforts to improve socio-economic conditions in the country through economic development and education programs have been cited by some as “a success story in countering terrorism through socio-economic development.”

Algeria, Egypt, and Libya have developed counter-radicalization and disengagement programs for violent extremists, with some interesting results. For example, while the Mubarak government has arrested and often killed large numbers of Islamist extremists, it has simultaneously engaged in “a behind-the-scenes campaign to convince both the leadership as well as the rank and file of Egypt’s key Islamic groups of the religious prohibition against the use of violence targeting civilians and the state.” This has included the production of publications by former militants aimed at countering extremist ideology. Perhaps most notably was a polemic by Sayyid Imam al-Sharif, who helped create al-Qaeda and lead an Islamist insurgency in Egypt in the 1990s, which called for a halt to violent jihad and refuted many of the justifications and tactics employed by al-Qaeda and similar groups, which he had helped to pioneer, as contrary to Islamic law. This book was then made required reading for imprisoned members of the group Islamic Jihad as part of intensive seminars on religion based on Sayyid Imam’s interpretations of Islam.

Morocco’s comprehensive counterterrorism strategy, in addition to emphasizing vigilant security measures, has included a number of programs aimed at promoting religious tolerance and combating the appeal of violent interpretations of Islam. These programs include the rehabilitation of thousands of mosques, the training of tens of thousands of imams, and what the U.S. Department of State has described as a “pioneering experiment” of training and using women as spiritual guides in prisons, schools, and hospitals. King Mohammed VI also launched a five-year, 1.2 billion dollar program in 2005 aimed at generating employment, combating poverty, and improving infrastructure, with a particular focus on rural areas. In addition, Morocco’s computerized national civil registry, which is supposed to be operational by 2011, will lead to the registration of more than one million Moroccans, who are not currently registered in
the national records and are thus unable to access education, be employed, or vote. These are all critical to minimizing the socio-economic and political marginalization that can lead to violent radicalization.

Regional Strategies and Cooperation

As will be discussed below, North African authorities have actively cooperated with the United States and other extra-regional actors in the post-9/11 fight against terrorism, including by providing information on citizens who had traveled to Afghanistan and Iraq and collaborating in foiling terrorist plots. However, long-standing rivalries, distrust, and mutual suspicions among states in the region have impeded regional counterterrorism cooperation or the development of a regional strategy to address the threat. In an environment where cross-border terrorist activity is increasing and becoming more deadly, this reluctance reinforces the depth of the mistrust and preferences for bilateral security cooperation in a field dominated in North Africa by the military, security, and intelligence services.

For the last several years, the United States and others have been trying to encourage more counterterrorism cooperation among countries in the subregion through joint training and operational activities, but continuing tensions between Algeria and Morocco have hampered these efforts. Nevertheless, there has been some tactical cooperation among the intelligence services in the subregion. This includes the participation by the heads and deputy heads of intelligence and security services in North Africa in regional meetings organized by the UN Security Council’s Al-Qaida/Taliban Analytical Support and Sanctions Monitoring Team. In a more recent development, Algeria, Libya, and Mali recently decided to pool military and intelligence resources to combat cross-border terrorism in the Sahel-Saharan strip.

At the intergovernmental level in the subregion, with progress stymied in the Arab Maghreb Union, the most realistic, opportunities for deepening broad-based counterterrorism cooperation among North African countries lie with the African Union, in particular its Algiers Center on the Study and Research on Terrorism (ACSRT), and the League of Arab States (LAS). Morocco’s absence from the African Union, however, poses a significant limitation on the ability of its center in Algiers and other AU institutions to contribute to building the much needed trust among counterterrorism practitioners and to enhancing the sharing of counterterrorism experiences, best practices, and other information across all of North Africa.

Algeria, motivated by the devastating consequences of the terrorism and religious extremism that it confronted during the 1990s, spearheaded efforts within the African Union (then the Organization of African Unity) to adopt a continental framework to address the threat, starting with the 1999 convention on the prevention and combating of terrorism. Since then, Algeria has remained perhaps the leading champion of the African Union’s role in the field, serving as the host of the organization’s principle counterterrorism mechanism, the ACSRT. The center’s mandate is to support national efforts to implement the AU counterterrorism framework, including by improving counterterrorism information sharing (e.g., sharing best practices and other national experiences) and cooperation and coordination among its members, the Regional Economic Communities (RECs), and the United Nations, with a view to raising awareness of terrorist threats across Africa and helping African states gain access to needed capacity-building assistance.

The ACSRT was envisaged as a highly integrated network of state and REC focal points coordinated centrally through Algiers, with each AU government setting up a counterterrorism coordination unit involving representatives from the relevant ministries and then appointing someone from that unit to liaise with the ACSRT in Algiers depending on the issue. Today, there are 42 national and seven regional focal points, of which some 25 met in June 2009 for the third time. The ACSRT has
also organized, with funding support from the United States, European governments, and Algeria, a number of training and other capacity-building activities for African officials, mostly related to enhancing capacity and cooperation in fields related to pillars II and III of UN Strategy, e.g., the capacity of the judiciary, critical infrastructure protection, force protection, combating the financing of terrorism, and terrorist use of the internet. Some of these workshops have focused specifically on North (or North and West) Africa.

In addition to the growing focal point network, the ACSRT is seeking to develop a confidential database, which would include information submitted by the focal points on terrorist threats and trends, as well as names of terrorists and terrorist groups and sources of funding across the continent. This information would then be analyzed and cross-checked by ACSRT staff to determine whether it merits inclusion in the database. The ACSRT is also developing a databank of African experts on terrorism so that AU members can more readily draw on expertise and experiences from other countries. Both databases are expected to be operational in 2010.

The ACSRT has augmented its activities in the past two years, partly as a result of increased donor support. However, it continues to suffer from a lack of human and financial resources, which limits its ability to make practical contributions to fulfilling its wide-ranging mandate. Although it has now succeeded in organizing a number of continental and subregional training seminars, it has had difficulty working with the national and regional focal points in a sustained manner, and it remains to be seen whether it will be able to stimulate the practical expert-to-expert cooperation that is critical to building trust among countries in North Africa and elsewhere on the continent.

Although designated as the focal point for counterterrorism activity within the African Union, there are a number of other parts of the organization in addition to the ACSRT that could play a significant role in furthering the implementation of the UN Strategy, particularly pillars I and IV. These include the AU Peace and Security Council, the Early Warning System, the Panel of the Wise, the newly established African Court on Human and Peoples’ Rights, and the New Partnership for Africa’s Development (NEPAD) and its African Peer Review Mechanism. The Pan-African Parliament could also play a significant role in strengthening parliamentary oversight of legislation on terrorism issues. These African institutions, which are involved in issues related to efforts to reduce poverty and marginalization, improve governance, strengthen the rule of law, and combat corruption, are critical to ensuring that the Strategy is implemented in an integrated manner and need to be brought into the counterterrorism discussions in the African Union.

The League of Arab States

Much like the African Union, the development of the LAS’ counterterrorism framework predates the events of 11 September 2001, with many Arab states having been victimized by terrorism in the years prior to 2001. Egypt has been among the driving forces behind the development of the LAS counterterrorism framework, which includes a 1997 strategy to combat terrorism and a 1998 convention. In addition to this framework, the LAS has established a number of mechanisms under the LAS Council of Arab Ministers of Justice and Interior aimed at overseeing the implementation of the convention and improving coordination among Arab states in this field, including the Arab expert group on combating terrorism and the Arab Bureau of Criminal Police. The LAS has also formed a team of counterterrorism experts to follow-up and implement the UN Strategy. Further, under the auspices of the Council of Ministers of the Interior, the LAS organizes an annual conference on a countering terrorism, which brings together ministers and experts from its member states to discuss ways both to improve cooperation among them and national responses to terrorism, as well as “anti-terrorism panels.” At its 11th such conference, the council hosted the sixth meeting of the Arab Anti-Terrorism Panel on 27–28 June 2008, where
participants called on Arab states to implement the UN Strategy and noted the emphasis the Strategy placed on capacity building and technical assistance. This meeting marked the third time in which LAS experts discussed Strategy implementation issues since its adoption in September 2006 and focused on the importance of addressing the economic and social conditions in the Arab world that fuel crime and terrorism and the role that social institutions can play in addressing those issues.

Given the breadth of the LAS’s own counterterrorism framework, the LAS’s political support for the Strategy and statements encouraging deeper cooperation with the relevant UN counterterrorism entities, its regular meetings at the level of ministers and experts to discuss discrete, often technical, aspects of counterterrorism-related issues, and the technical capacity within its secretariat, the LAS would seem to be well-equipped to play a significant role in furthering implementation of the Strategy among its members and serve as an interface between its members and the UN Task Force. To date, however, it appears that the extent of the LAS’ contributions in the field have been largely rhetorical.

Despite the LAS counterterrorism framework and mechanisms geared towards generating greater cooperation between Arab countries and the numerous gatherings of counterterrorism officials from LAS countries, the modalities for facilitating judicial cooperation in terrorism cases among the countries do not exist, and most of the discussions and cooperation are political rather than technical and operational in nature. Most of the pledges and commitments by the LAS for enhanced cooperation on counterterrorism-related matters have not been translated into cooperative action on the ground. The tendency of Arab regimes to “jealously guard” security management and mutual suspicion, which generates a preference for more discrete bilateral cooperation in counterterrorism matters, have limited the ability of the LAS to serve as a forum for stimulating critical information sharing and other forms of cooperation among countries in North Africa and the rest of the Arab world.

Middle East and North Africa Financial Action Task Force (MENAFATF)

Although it has often proved challenging for the countries of North Africa to engage in sustained cooperation on security (and other) issues, there has been some notable success in the area of anti-money laundering and counterterrorism financing (AML/CTF). With regard to AML/CTF, the UN Strategy calls on states “to implement the comprehensive international standards embodied in the Financial Action Task Force’s [FATF’s] Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing.” Although FATF is not part of the UN’s Task Force, it has played an important role in countering the financing of terrorism through the development and propagation of AML/CTF standards and best practices, the conduct of mutual evaluations, the provision of technical assistance, and its analysis of AML/CTF related issues.

None of the countries of North Africa belong to the organization itself, but the application of FATF standards were expanded to the subregion in 2004 with the formation of the Middle East and North Africa Financial Action Task Force (MENAFATF), a so-called FATF-style regional body (FSRB), which aspires to be to the region essentially “what FATF is to the world.” MENAFATF helps place in a regional context FATF’s global AML/CFT standards and assist its members with implementation of those measures. With support from its permanent secretariat based in Bahrain, it conducts mutual evaluations, in cooperation with FATF and other AML/CTF-related organizations such as the World Bank and International Monetary Fund, to help identify vulnerabilities among its members; compiles typology reports on different issues of concern; and supports the establishment of financial intelligence units within its member states. Among other issues of particular relevance to the region, MENAFATF’s typology reports and best practices have focused on the regulation of hawalas, the charitable sector, and cross border transfers. MENAFATF has been praised for the relative frankness of its mutual evaluations in a
For all of its achievements, however, capacities to implement the FATF standards remain low across much of North Africa. For example, most countries still have limited capacity to prevent the financing of terrorism and few have made progress on issues such as regulating alternative remittance systems, and Egypt is the only country in the region with a functional financial intelligence unit or center.

Unlike with most other parts of the UN Strategy, however, MENFATF represents a potentially effective mechanism for promoting implementation of the CTF provisions, while taking into account the different circumstances and legal frameworks across North Africa. MENFATF possess many of the characteristics essential to promote sustained implementation: adequate human and financial resources, links with global standard-setting bodies and bilateral and multilateral donors, capacity-building programs, and implementation assessments. In a region where such formal cooperative arrangements are so noticeably lacking, consideration should be given as to whether this approach could be replicated on other issues of common concern across North Africa with respect to other parts of the UN Strategy.

Islamic Educational, Scientific and Cultural Organization (ISESCO)

Another regional body that merits some attention in the context of efforts to implement the UN Strategy in North Africa is the Islamic Educational, Scientific and Cultural Organization (ISESCO). Based in Rabat, ISESCO has a broad mandate related to improving cooperation on education, culture, and communication in the Islamic world and could play a potentially significant role in helping to further implementation of the UN Strategy, particularly those elements related to countering the appeal and combating conditions conducive to the spread of terrorism in North Africa. ISESCO has assumed a lead role “in promoting tolerance and understanding among civilizations, cultures, peoples and religions” and is an active partner organization in the Alliance of Civilizations, an international effort to counter extremism by promoting international, intercultural, and interreligious dialogue and cooperation which is prominently featured in pillar I of the UN Strategy. ISESCO seeks to promote such dialogue through various initiatives, such as intercultural youth programs, linguistic training programs for students in Morocco and Tunisia and elsewhere in North Africa, and efforts to identify prominent personalities in the Muslim world to promote quality education and intercultural and interfaith dialogue. Also of relevance to Strategy implementation is much of ISESCO’s ongoing work to enhance the capacities of education systems across North Africa to integrate human rights education, internationally shared values, mutual understanding, conflict prevention and critical thinking into their educational systems, including curriculum standards, teacher training, and the approval of school textbooks.

Building on the broader contributions of ISESCO’s ongoing work, the UN Strategy provides ISESCO an entry point for more direct engagement on counterterrorism. Although it is not a member of the UN Task Force, ISESCO has participated in some of the consultations of the now disbanded working group on “Addressing Radicalization and Extremism that lead to Terrorism” and organized a November 2007 conference in Tunisia on “Terrorism: Dimensions Threats and Counter-Measures” in cooperation with the United Nations and the Organization of the Islamic Conference. Going forward, the Strategy may provide ISESCO a framework for the development of additional and more concrete initiatives related to Strategy implementation. For example, ISESCO could potentially serve as a forum for the sharing of best practices and experiences in the rehabilitation of violent extremists across North Africa and contribute to the development of a common lexicon for discussing issues of al-Qaeda-related or inspired terrorism and other incidents of violent extremism involving Muslims that is sensitive to and avoids the perception that terrorism is being associated with a particular religion.
IV. Cooperation with the European Union and United States

Although reluctant to deepen counterterrorism cooperation among partners in the subregion or develop a mechanism to stimulate such cooperation, North African governments have adopted a different attitude with external actors, in particular the European Union and its Mediterranean members, and the United States. Much of this cooperation has taken place at the bilateral level, e.g., between France and Spain and countries in North Africa, principally Morocco and Algeria, largely as a result of “the historical links and trust between intelligence services[, which] are at the heart of efficient cooperation.”57

Because of the traditional sensitivities in North African and other Arab countries surrounding terrorism and other issues related to internal security, terrorism was a touchy issue in the Euro-Mediterranean Partnership, formerly known as the Barcelona Process, which was launched in 1995 with a view to deepening cooperation between countries in Europe and their neighbors in North Africa and the Middle East. However, with North Africa becoming more affected by growing transnational terrorism in the subregion and Europe feeling increasingly threatened by extremist groups in North Africa, often with ties to immigrant communities on European soil, there has been an increasing willingness on the part of Euro-Med partners to make counterterrorism a core activity of the process. The 2005 Euro-Mediterranean Code of Conduct reflects this new approach and underlines the common understanding that all countries in both the European Union and along the southern and eastern Mediterranean consider al-Qaeda and its affiliates in the subregion a terrorist threat.58 In addition to condemning terrorism, all Euro-Med countries agreed, among other things, to cooperate with each other in accordance with the UN counterterrorism framework, to work to reduce vulnerabilities to and protect their citizens from terrorist attacks, and provide for the exchange of useful experiences on how to minimize the consequences of attacks and provide aid to victims.

According to Professor Fernando Reinares of the Real Elcano Institute in Madrid, this political instrument is an important tool “to increase and improve cooperation on internal security issues within a partnership that brings together European countries and their next door neighbors on the North African coast and the Middle East.”59 It has provided a basis for building on existing bilateral cooperation between European and Arab countries along the Mediterranean and multilateral mechanisms for facilitating counterterrorism cooperation and may provide a foundation for establishing new ones.60

Although the strong preference for bilateral cooperation between countries in North Africa and Europe remains, the adoption of the Code of Conduct has led to the development of a number of projects at the multilateral level aimed at strengthening counterterrorism cooperation between the European Union and its partners along the southern and eastern Mediterranean, as well as enhancing the cooperation within North Africa and the Middle East. For example, a series of Euro-Med technical workshops were organized with the support of the European Commission and United Nations Office on Drugs and Crime (UNODC) aimed at enhancing cooperation on international criminal matters related to counterterrorism. The most recent one, held in 2008, concluded with a number of recommendations calling for, among other things, 1) building the capacities of national criminal justice officials to pursue legal cooperation in terrorism cases; 2) the cross-regional sharing of experiences and expertise; 3) strengthening national level cooperation among key counterterrorism actors; 4) the creation of a platform for judicial cooperation among Euro-Med countries similar to EUROJUST; 5) the intensifying of counterterrorism cooperation between Euro-Med countries and the United Nations and regional organizations; 6) enhancing cooperation on counterterrorism issues between the LAS and relevant European institutions; 7) ensuring there are regular meetings of Euro-Med counterterrorism focal points and regional training workshops; and, perhaps of most relevance to this paper; and 8) implementing the UN Strategy.61
Efforts to follow-up on these recommendations are currently on hold, with the transition from Euro-Med to the Union of the Mediterranean (both of which include Israel) being delayed as a result of the fallout over the recent conflict in Gaza. However, once they do proceed, more attention should be given to the last one, including by organizing a workshop that allows for the sharing of national experiences among partner countries on the development and coordination of holistic national-level responses to terrorism in line with the approach enshrined in the UN Strategy and which involve non-traditional counterterrorism actors, e.g., ministries of education, health, social services, and religious affairs.

In addition to cooperation in the Euro-Med context, countries in North Africa have attracted heightened interest from the European Union itself, as EU member states have increasingly addressed global terrorism linked to al-Qaeda together at the EU (rather than solely at the bilateral) level. Thus, for example, the EU’s Committee on Counterterrorism (COTER), as part of its effort to implement the 2004 EU Plan of Action on Terrorism, has identified Algeria, Morocco, and Tunisia as among the seven countries which are to receive capacity-building assistance (often not given the “counterterrorism” label, but involving the training of judges, magistrates, and police forces and strengthening border management capabilities) aimed at helping countries implement Security Council Resolution 1373. Although work is already underway with Algeria and Morocco, according to the EU’s counterterrorism coordinator, it has met with “mixed success.”

A significant recent development in the EU’s ability to play a more effective role in combating terrorism in North Africa and elsewhere outside of Europe is the inclusion of the “first global counter-terrorism measures developed by the [European] Commission together with experts from EU member states in the 2009-2011 Indicative Programme for the Instrument of Stability.” Although not including North Africa as such, the programme includes the Sahel region as among the key priorities. Given the prominent role that the UN’s Counter-Terrorism Executive Directorate (CTED) will play in helping the European Union identify priority needs under this programme, it appears that Security Council Resolution 1373, will continue to be the focus of the EU’s efforts to support counterterrorism capacity-building in third countries, even with the existence of the broader, more politically palatable UN Strategy. As a result of the resolution’s narrow focus on law enforcement and other security issues, this likely means that the EU will continue to emphasize enhancing the capacities of security and law enforcement officials and institutions in its third country counterterrorism capacity-building initiatives, although EU External Relations Commissioner Benita Ferrero-Waldner has emphasized that “Commission development programmes must pay close attention to security issues linked with terrorism, organized crime and trafficking.”

Given the broader based political support that the UN Strategy enjoys in North Africa and much of the developing world and the holistic approach to counterterrorism it advocates, the European Union (and other donors) should consider using it as the normative framework in which to engage countries in North Africa. Using the Strategy, in which the protection of human rights and the promotion of the rule of law are critical components, rather than resolution 1373, which largely ignores these concepts, has another added benefit. It might mitigate the likelihood that, in its eagerness to build counterterrorism capacities in and cooperation with North Africa, the European Union ends up reinforcing the capacities of sometime repressive security and law enforcement services, which could end up further alienating vulnerable local communities.

Commissioner Ferrero-Waldner has recently emphasized the importance of a comprehensive approach to addressing security challenges, one that “tackle[s] the underlying causes of the problem, using the full range of instruments in our ‘toolbox’ in an intelligent and sophisticated way to address every aspect of the problem…. This comprehensive approach is the key to success, together with ensuring
a multilateral response, in which the United Nations must play a strong role.”68 Making greater use of the UN Strategy and finding ways for the European Union to address all four of the Strategy’s pillars in its interactions with third countries and cooperate with a broader set of UN actors than CTED as it seeks to identify priorities for action might facilitate efforts to put such an approach into practice.

Although the European Union, and France in particular, has historically been the subregion’s main external partner, since 2001 the United States has dramatically increased its engagement with the states of the Maghreb and its provision of counterterrorism-related and other assistance.69 Although some have questioned the motives and methods of U.S. engagement, particularly insofar as it bestows legitimacy on and bolsters the coercive capacity of authoritarian regimes,70 U.S. engagement has facilitated horizontal security cooperation among the states of North Africa.

Although Egypt, which receives some $1.3 billion annually in military assistance from the United States,71 and the Maghreb states of Morocco and Tunisia have long been strong U.S. allies, U.S. assistance to those states as well as to the broader subregion has substantially increased since 2001. For example, military and economic assistance to Algeria, which had been suspended after the cancellation of the 1992 elections, was restored after 2001 and has grown from $121,000 in 2001 to $2.89 million in 2008 (although direct support for Algeria’s military in terms of hardware remains rather limited).72 All of the countries across the subregion, including Libya, have benefited from narrow counterterrorism capacity building assistance through the State Department’s Anti-Terrorism Assistance, Terrorism Interdiction, and related programs.73 The United States also provides support to governments and civil society groups in the subregion through the Broader Middle East and North Africa Initiative of the G8, the Middle East Partnership Initiative, and the Millennium Challenge Account, which focus more broadly on promoting development, education, democratic/good governance, and civil society and contribute to addressing underlying conditions conducive to the spread of terrorism in the subregion.74

In addition to increasing assistance and strengthening bilateral ties with individual Maghreb countries, the United States has sought to improve counterterrorism cooperation among those states. The primary vehicle for this has been the Trans-Sahara Counterterrorism Partnership (TSCTP) which grew out of the more narrowly focused Pan-Sahel Initiative and now includes Morocco, Algeria, and Tunisia. The goals of the TSCTP include “strengthening regional counterterrorism capabilities; enhancing and institutionalizing cooperation among the region’s security forces; promoting democratic governance; discrediting terrorist ideology; and reinforcing bilateral military ties with the United States.”75 TSCTP is a multiagency initiative ostensibly led by the U.S. State Department that includes a “combination of military-to-military security assistance and development programs that aim to reduce support for violent extremism.”76 For example, as part of the TSCTP, the Department of State “has hosted educational programs intended to marginalize violent extremists; USAID supported efforts to improve education and health; and [the Department of Defense] has provided counterterrorism training in marksmanship and border patrol to the militaries of partner countries.”77 Notably under the auspices of the TSCTP, the United States has succeeded “in gathering around the same table a large number of officials from countries whose strategic and defence interests are incongruous, and to convince them to coordinate their antiterrorist operations,” including Algeria and Morocco.78

The TSCTP is innovative in that it combines both hard and soft approaches to the threat and seeks to foster cooperation across the broader region. It demonstrates the constructive role that the United States and other external partners such as the European Union and United Nations can play in promoting much needed subregional cooperation. The United States, however, has been criticized for not sufficiently coordinating its efforts in North Africa with other external partners who may have much deeper and longer standing relationships with the countries in the subregion.79 Some observers have also argued that the presence of the U.S. military, its support to authoritarian regimes, and joint military exercises with
regional partners have in fact served to stoke anti-Americanism and cynicism regarding U.S. motives and contributed to growing radicalization and separatist violence across Northwest Africa. Moving forward, the UN Strategy may offer an alternative and more palatable framework for the United States and other external partners to provide counterterrorism-related assistance – a way to remove the “made in America” label – and a framework within which to better coordinate their efforts to build capacity and improve cooperation in the subregion.

As the European Union and other external actors continue to engage with countries in North Africa on counterterrorism, careful attention should be paid to ensure that this engagement cuts across all four pillars of the UN Strategy in a coherent and mutually reinforcing manner and that efforts are made to stimulate more horizontal cooperation (i.e., between and among countries in the subregion) in all aspects of the Strategy. Successfully dealing with the threats emanating out of North Africa, including terrorism, require not just enhancing the capacity of individual countries, but building the trust and mechanisms that can facilitate the sharing of information and experiences among officials in the subregion.

V. The Role of the United Nations in Implementing the UN Strategy and Enhancing Counterterrorism Cooperation in North Africa

With the vulnerabilities and capacity shortcomings in North African countries, numerous parts of the UN system have an important role to play in promoting and supporting efforts to implement the UN Strategy in the subregion. These include both the traditional counterterrorism bodies such as the various Security Council ones, in particular the Counter-Terrorism Committee (CTC) and its CTED and UNODC’s Terrorism Prevention Branch (TPB), as well as entities not traditionally associated with counterterrorism, such as the UN Development Program (UNDP), the UN Office of the High Commissioner for Human Rights, and the UN Education, Science, and Cultural Organization (UNESCO). These and other UN actors are members of the UN Counter-Terrorism Implementation Task Force. In addition, some UN actors that are not members of the Task Force may also have a role to play in North Africa as part of an effort to deal with the social, economic, and political marginalization that is so acute in some parts of the subregion, particularly among the rising number of unemployed youth. These include the UN Children’s Fund, the UN Population Fund, and the UN Development Fund for Women.

Coordinated and sustained engagement by the different parts of the UN system, at the level of headquarters, on the ground, and in between, will be needed to help ensure not only that states seek to implement the Strategy in an integrated manner, but that the United Nations itself is maximizing its comparative advantages. This will require more strategic thinking by the United Nations about how best to engage with the subregion on issues related to the UN Strategy. For example, which of the many tools in the UN Strategy toolkit should be used in North Africa to promote implementation? Which aspects of the Strategy deserve priority attention in the subregion? Which UN actors should take the lead on the ground? These are all issues that the Task Force may need to consider rather than largely limiting itself to the important but perhaps insufficient task of improving coordination and cooperation within the UN system on different thematic aspects of the Strategy. To succeed, however, these efforts will require stronger engagement between the United Nations and North Africa and within the subregion itself on countering terrorism. More generally the United Nations should also seek to ensure that it interacts with the subregion in a manner that complements the efforts of other external partners, including the European Union and the United States, as well those of the African Union and the LAS. The UN Strategy offers an ideal framework for this.

The limitations of the existing regional counterterrorism frameworks/mechanisms, which involve some or all North African countries, point to the importance of the United Nations and its role in promoting counterterrorism cooperation and capacity-building activities in the subregion. As in other
parts of the world, e.g., South Asia where political tensions among countries have inhibited the development of meaningful regional counterterrorism mechanisms, the United Nations “may be a more politically palatable adviser on [national and regional counterterrorism] efforts than a neighbor or a country further afield, simply because … the United Nations is seen as an objective and politically neutral player.”81 The United Nations should treat the relative lack of cooperation in North Africa as an opportunity for it to help stimulate more cooperation and a coordinated subregional response to terrorism, using the holistic UN Strategy as an entry point.

Because of space limitations, this paper focuses on the work of three entities that are among the most relevant to furthering the implementation of the UN Strategy in North Africa: the Security Council’s CTC/CTED, UNODC’s TPB, and UNDP.

CTC/CTED

The Security Council’s CTC, with the support of its expert group, the CTED, has a global mandate to monitor the implementation of Security Council Resolution 1373, which imposed a series of law enforcement and other security-related counterterrorism obligations on all States. The council expanded this mandate in the aftermath of the July 2005 London bombings via resolution 1624 to include the monitoring of national efforts to implement measures, inter alia, to combat incitement to terrorism. Most of the CTED’s focus is therefore on issues relevant to the implementation of the second and third pillars of the UN Strategy.

An increasingly significant component of the CTC/CTED’s work involves facilitating the delivery of counterterrorism technical assistance. The CTC/CTED has developed a number of tools over the years to allow it to engage in a more sustained dialogue with states that seeks to better capture the realities on the ground and each country’s needs. These tools include the preliminary implementation assessments that CTED has prepared for every member state, which offer a comprehensive overview of the different provisions of the resolutions; incorporated the needs of countries in North Africa into its Technical Assistance Matrix; and updated the Directory of Assistance, which contains information on available technical assistance. In addition, CTED experts are in the process of finalizing a technical guide to resolution 1373, which sets out the requirements and steps for implementing the provisions of the resolution and which may be a potentially useful tool for national officials as they seek to adopt further measures to implement these Security Council mandates, many of which are now reflected in the UN Strategy. Further, nearly seven years after its adoption, CTED prepared the first global survey of efforts to implement resolution 1373. The document provides an assessment of implementation by regions and subregions, and draws conclusions about progress in the implementation of the resolution in key thematic areas allowing the identification of gaps and vulnerabilities, either in particular regions or across the board. However, the practical significance of such a document, which does not refer to specific countries and contains analysis of a general nature, is unclear.

Perhaps most significantly, CTED’s New York-based staff of some 30 experts conducts country visits of different shapes and sizes, during which CTED leads a group of UN system entities, occasionally joined by relevant regional or subregional bodies, to meet with a range of government officials and technical experts to discuss national implementation efforts. Such visits allow CTED to gain a better understanding of the realities on the ground and work with the country concerned to identify the priority areas where work needs to be done and where technical assistance is needed. With respect to North Africa, CTED has undertaken week-long assessment missions to all countries but Tunisia, with a visit there planned for 2010. Among other things, CTED has used the opportunity of the visits (as it has done in other regions) to highlight the importance of having a mechanism in place at the national level that
brings together and helps coordinate the work of a range of government agencies involved in counterterrorism strategy and implementation, beyond simply security and intelligence services.

Given the sensitivities in the subregion when it comes to matters of terrorism and counterterrorism, among the challenges facing CTED as it continues to engage with countries in North Africa are 1) ensuring that legislative and other measures taken to implement resolution 1373 are consistent with international human rights law and are not being used to target political opponents and 2) getting countries to agree to a list of capacity needs that reflect an objective assessment of the situation.

Although experts from the ACSRT have participated in some of the CTED visits in North Africa, neither the LAS nor MENAFATF have done so. Although CTED has developed increasingly strong ties with many regional and subregional bodies, including a number of FSRBs, around the world, it has not succeeded in doing so with either MENAFATF or the LAS for capacity and political reasons on the part of the these bodies.

The participation of relevant regional and subregional bodies in the visits of CTED, whenever possible, is important for a number of reasons. First, it injects some local ownership, flavor, and context into visits from a New York-based entity seeking to monitor implementation of Security Council-imposed requirements that were developed with limited input from the vast majority of countries. Second, by increasing the familiarity of regional and subregional organizations with the counterterrorism needs and priorities of their member states, it enhances their capacity to work with them on implementation issues long after the conclusion of the CTED visit, should there be an interest in doing so. This strengthening of regional and subregional capacities, the importance of which is highlighted in the UN Strategy, is critical to effective follow-up. Based on CTED’s experience, sustained engagement with regional and subregional bodies is often a prerequisite to effective CTED engagement with countries.

In addition to the lack of a regional partner in North Africa, one of the difficulties that CTED and other UN counterterrorism mechanisms have in trying to engage with some North African states is due to the fact that French and English are the official languages of the UN Secretariat. As such, CTED’s dialogue with capitals is generally conducted in one of these languages rather than Arabic. Although this might not impede interactions with ministry of foreign affairs officials it can complicate those with the technical ministries where Arabic is the exclusive working language. Deepening CTED and broader UN engagement with many Arab countries may require ensuring that dialogue/information exchange can take place in Arabic rather than via translation/interpretation. Related to this, it may also require ensuring that the best practices/codes/standards relevant to the implementation of resolution 1373 contained on the CTC/CTED’s website are translated into Arabic. Current UN Secretariat policy is not to translate such documents into UN languages other than English and French, which limits their accessibility to technical experts in North Africa.

CTED’s ability to engage in the subregion is further complicated by the fact that it operates under Chapter VII of the UN Charter. Although mandated to conduct technical assessments of counterterrorism capacities and needs, the Security Council framework in which site visits take place reinforce not only the law enforcement and other security aspects of the UN counterterrorism framework, but the political nature of the visit and leads to increased involvement by ministries of foreign affairs. This can add an extra layer of bureaucracy for CTED to navigate before reaching the more technical ministries, which bear the lion’s share of responsibility for developing and implementing national counterterrorism measures.

In the future, greater attention could be given to conducting UN counterterrorism country visits under the umbrella of the UN Strategy with the Task Force leading the dialogue and CTED continuing to
assume an active role but only as part of this broader-based interaction. This might allow for more holistic UN engagement with North Africa on counterterrorism issues and could help lower the political temperature of visits and thus enhance the technical focus. Doing so might also create more space for the UN’s nontraditional counterterrorism actors, such as UNDP and UNESCO, to engage in what are often delicate issues for those bodies, which are concerned about compromising ongoing programs in the field by associating themselves too closely with the work of the UN’s counterterrorism bodies. In addition, since the LAS has voiced its strong political support for the General Assembly’s Strategy and is a formal “observer” in the General Assembly, the LAS and its member states might be more inclined to have the LAS secretariat participate in these visits if they were conducted in the framework of the Strategy.

UNODC’s Terrorism Prevention Branch

Although a number of different parts of the United Nations are relevant to the provision of counterterrorism-related assistance, UNODC in Vienna is perhaps the leading provider of counterterrorism-specific assistance in the UN system. According to the UNODC Executive Director, it is “the only UN body empowered and equipped to provide capacity building [assistance] on the ground to assist Member States to prevent terrorism.”

Since the launch of its Global Project on Strengthening the Legal Regime against Terrorism in January 2003, UNODC, through its TPB, has delivered various forms of counterterrorism-related assistance aimed at helping countries join and implement the universal instruments against terrorism. This assistance has included legislative drafting aid and the training of criminal justice professionals. Drawing on its Vienna-based staff, its network of local consultants, and UNODC regional representatives based in Cairo, TPB has provided all of the countries in North Africa with technical assistance either bilaterally or in regional or subregional settings. As a result it has provided dozens of national criminal justice officials from countries in North Africa with “specialized training on the legal regime against terrorism, especially the legal aspects and obligations arising from the universal legal instruments against terrorism and related Security Council resolutions and the mechanisms of international cooperation in criminal matters (extradition and mutual legal assistance).” Partly as a result of this training, Morocco and Tunisia have adopted counterterrorism legislation.

Although its bilateral training activities are important, TPB’s regional and subregional initiatives, including as part of Euro-Med, are particularly useful as they bring together criminal justice officials from across North Africa and allow for the cross-border networking, exchange of information, and building of trust which is essential to effectively combat terrorism in North Africa but which has proven difficult to develop. Most recently, TPB has played an instrumental role in the development and drafting of legal instruments (e.g., extradition and mutual legal assistance treaties) to facilitate cooperation in countering terrorism among African members of the Organization Internationale de la Francophonie, where it worked closely with the ministers of justice of these countries to elaborate a draft convention on extradition and mutual legal assistance. This instrument was adopted by the ministers in May 2008. Once implemented, these instruments should facilitate greater international legal cooperation in terrorism cases among the parties to the instrument. Unfortunately, however, the prospects for enhancing such cooperation among all countries in North Africa are limited given that Algeria is not a member of this organization.

In a subregion where UN and other human rights experts have documented significant human rights abuses committed in the name of counterterrorism and the Arab Organization on Human Rights includes three North African states among those it identifies as restricting the freedom of their citizens by extra-judicial detention, TPB needs to ensure that all of its training activities in the subregion include significant components devoted to the need for criminal justice officials to respect human rights norms
and promote the rule of law as they seek to implement the various UN and regional counterterrorism instruments. Each TPB workshop should raise awareness of human rights legal issues that may confront practitioners as they seek to implement relevant domestic legislation. To ensure that this is done effectively, however, UNODC legal experts may need to receive training in human rights law to supplement their expertise in international criminal law issues or else ensure that an expert from the UN Office of the High Commissioner for Human Rights participates in each workshop.

UNODC’s expertise extends to other terrorist-related crimes, such as organized crime, terrorist financing, money laundering, and drugs and human trafficking. Although officials dealing with these different international crimes in North African countries and the themes raised in many training sessions are often the same, too often UNODC provides training to officials in these under resourced countries on these issues separately rather than offering a unified program that better reflects the obvious linkages. Greater efforts may be needed to maximize synergies and reduce overlap among the various UNODC programs aimed at building national criminal justice systems that can help address a range of transnational security threats.

UNODC should ramp up its work in North Africa as a number of countries in the subregion still lack the necessary legal framework to allow for cross-border cooperation in terrorism cases, but it should ensure that its capacity-building activities are part of a broader, strategic UN approach to enhancing national criminal justice capacities. Such an approach should “provide[] in-depth and substantive training to the right officials, practitioners, and policy makers,” include a “steady dissemination of useful and accessible training tools and handbooks, backstopped by effective follow-up and reinforced by ongoing support services,” and promote the development and implementation of a holistic response to addressing the terrorist and other related security threats.

United Nations Development Programme (UNDP)

As noted in the 2009 Arab Human Development Report and discussed above, “the multitude of threats which cut across different aspects of human development in the region [highlight] the need for an integrated approach to advancing development, security, good governance and human rights.” One of the main achievements of the UN Strategy is the link it makes “between the traditional development agenda: poverty reduction, social development, rule of law programmes and the fight against terrorism.” Although not mentioned explicitly in the Strategy, and lacking an explicit “counterterrorism” mandate, UNDP has a critical role to play in promoting implementation of those elements of the Strategy.

UNDP’s work in North Africa covers the full range of the program’s core priorities of poverty reduction, democratic governance, crisis prevention/recovery, and the environment as well as HIV/AIDS, gender equality, and human rights. Although most all of UNDP’s work is generally relevant to Strategy implementation and addressing causes conducive to the spread of terrorism, given the deficiencies in governance across the subregion, perhaps the most directly relevant are UNDP’s efforts to promote good governance and the rule of law. As the 2009 Arab Human Development Report notes, “[e]stablishing the rule of law and good governance in the Arab countries remains a precondition for the foundation of the legitimate state and the protection of human security.” The Strategy encourages the UN system to “scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development.”

Promoting good governance is a main priority for UNDP which works with the countries of North Africa to strengthen nation criminal justice systems, build parliamentary processes, promote human rights and the decentralization of government functions, and build government capacity. Of particular relevance is UNDP’s Programme on Governance in the Arab Region (POGAR), which was launched in
early 2000, and focuses on improving the rule of law, transparency and accountability, and participation in governments in the region. For example, POGAR has engaged in initiatives to support Arab parliaments; modernize public prosecution offices, including in Morocco and Egypt; support independent public media; and promote democracy and electoral reform. In addition to direct support to countries in the subregion, UNDP also provides support to the AU’s African Governance and Public Administration Programme.

Despite the relevance of UNDP’s work to implementation of the rule of law and other elements of the Strategy in North Africa, and the fact that it is a member of the UN Task Force, UNDP has been generally reluctant both at a policy level and at the practical level to associate its work or coordinate its efforts with UN or other counterterrorism actors. The challenge is to dispel the notion that engaging fully with the traditional UN counterterrorism actors and the UN Task Force will interfere with the work UNDP is doing within its core mandates and that engagement will unduly politicize its work with partner countries.

Efforts are needed to reassure UNDP and other development actors that the goal is not to transform development work into counterterrorism, but rather to bring counterterrorism into development work. The recent appointment of former New Zealand Prime Minister, Helen Clark, as the new UNDP Administrator, may offer an opportunity to explore ways in which to deepen UNDP’s engagement on these issues. With resident representatives in every country in North Africa, greater engagement from UNDP could greatly improve the capacity of the UN system to promote implementation of the Strategy. UNDP’s representatives are generally also the UN resident coordinators responsible for promoting coherence among the different parts of the UN system operating in a particular country and could potentially coordinate in-country technical assistance programs and serve as focal points for in-country implementation efforts.

The new U.S. President’s approach to counterterrorism has fostered a global climate conducive to the UN Strategy’s emphasis on addressing conditions conducive to the spread of terrorism and what could be described as more of a “developmental” approach to addressing the threat. UN engagement with North Africa on counterterrorism should acknowledge the paradigm shift represented by both the UN Strategy and the abandonment of the “global war on terror” rhetoric, and focus more on development issues.

However, for the most part, the UN (and North African) stakeholders that have heretofore been involved in the counterterrorism discourse have been limited to those working in the fields of security, law enforcement, border management, or countering the financing of terrorism. To operationalize this paradigm shift stakeholders involved in issues related to efforts to reduce poverty and marginalization, improve governance, strengthen the rule of law, and combat corruption, for example, the World Bank, the UNDP, UNESCO, and the AU’s NEPAD, and its APRM, need to be brought into the discussions. The Strategy has opened up the space to engage in a discussion of counterterrorism that goes beyond narrow law enforcement and other security-related issues. The challenges include finding a way to bring these non-security-related stakeholders to the table and to begin the discussion.
NOTES

2 Among the exceptions is the call for the development of a single, comprehensive UN Bio-Incident Database.
3 According to its website, “...the Group of 77 is the largest intergovernmental organization of developing states in the United Nations, which provides the means for the countries of the South to articulate and promote their collective economic interests and enhance their joint negotiating capacity on all major international economic issues within the United Nations system, and promote South-South cooperation for development.” http://www.g77.org/doc/.
5 For more information on the UN Task Force see: http://www.un.org/terrorism/cttaskforce.shtml.


Interview with UN official, New York, July 2009.


The European Union has provided ACSRT with one million Euros to establish the database, to which the focal points will have access.

The shortcomings of these instruments have been denounced not only by human rights groups, including Amnesty International, which, for example, complained of the vagueness of the definition of “terrorism” under the convention so as to allow it to be used as a tool against political opponents, leading to increased risk of arbitrary arrests and detentions. Amnesty International, “The Arab Convention for the Suppression of Terrorism: A Serious Threat to Human Rights,” AI Index: IOR 51/001/2002,
The fact that the Arab Council of Ministers of the Interior was given responsibility for overseeing implementation of the latter instrument indicates the priority role given to the security services rather than criminal justice officials in countering terrorism at the national level.


Ibid.


For information on FATF’s members, associate members, and observers see: http://www.fatf-gafi.org/pages/0,3417,en_32250379_32236869_1_1_1_1_1,00.html.

The members of MENAFATF are: Jordan, the United Arab Emirates, Bahrain, Algeria, Tunisia, Saudi Arabia, Sudan, Syria, Iraq, Oman, Qatar, Kuwait, Lebanon, Libya, Egypt, Morocco, Mauritania, and Yemen. See: http://www.menafatf.org/topiclist.asp?ctype=about&id=430.


Based on the Egmont Group definition of “financial intelligence unit.” See the Egmont Group’s list of operational financial intelligence units available online at: http://www.egmontgroup.org/list_of_fius.pdf. While Morocco has established a FIU and received some outside assistance and training from the European Union, Spain, and France, the unit is not yet operational.


Ibid.


64 Ibid., p. 9.


71 Background Note: Egypt, U.S. Department of State website: http://www.state.gov/r/ta/eb/ebn/5309.htm#relations


73 See the US Department of States 2010 Congressional Budget Justification for Foreign Operations: http://www.state.gov/documents/organization/123415.pdf.


77 Combating Terrorism: Actions Needed to Enhance Implementation of Trans-Sahara Counterterrorism Partnership, United States Government Accountability Office, Report to the Ranking Member, Committee on Foreign Affairs, House of Representatives, July 2008.


80 See, e.g., Toby Arcer and Tihomir Popovic, The Trans-Saharan Counter-Terrorism Initiative: The US War on Terrorism in North Africa, Finnish Institute of International Affairs, 2007 and Clement Henry, “Reverberations of
the ‘Global War on Terror,’” in Yahia Zoubir and Haizam Amirah-Fernández (eds), North Africa: Politics, Region and, the Limits of Transformation, (Routledge; 2008).

81 Mike Smith, “The Role of the UN in Fighting Terrorism,” paper presented to the International Law Committee of the Association of the Bar of the City of New York, 30 April 2008.


83 Other counter-terrorism-related assistance providers in the UN system include the International Maritime Organization, the International Civil Aviation Organization, the International Monetary Fund, the International Atomic Energy Agency, and the World Bank.


85 UNODC Terrorism Prevention Branch, “Note of Accomplishments: Technical Assistance Provided to African Countries for Strengthening the Legal Regime against Terrorism,” 31 December 2008, [copy on file with authors].


87 UNODC Terrorism Prevention Branch, “Note of Accomplishments: Technical Assistance provided to African Countries for Strengthening the Legal Regime against Terrorism,” 31 December 2008 [copy on file with the Center].


