

Countering terrorism together
Address to the 7th ICAO MRTD Symposium
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Ladies and Gentlemen

It is a pleasure and an honor to have been invited to address this symposium today. This is a good time, ten years after 9/11 and less than 6 months since the death of Osama bin Laden, to review what we have collectively achieved in dealing with the global threat of terrorism. What lessons have we learned? What has worked; what has not worked. What do we need to do in the next 10 years to consolidate our achievements and hopefully lay the foundation to eliminate terrorism completely.

I reference 9/11 as a starting point for global cooperation against terrorism, but of course that is a simplification of the reality. Many of you have been engaged here in Montreal, hammering out agreements to respond to new threats in the aviation field, for a great deal longer than 10 years. Indeed the UN and its various specialized agencies including ICAO have been working seriously to rally international efforts to address terrorism at least since the early seventies. The proof of that lies in the body of 16 plus 2 international legal instruments negotiated over a period of 40 years that form the international legal platform from which most cooperative efforts to better address the terrorist challenge have sprung.

But there is no doubt that 9/11 galvanized the world in a way that had not happened before. It created an acute awareness of the need for a collective response to terrorism – whatever form it may have taken in different countries – if the carnage and pain that comes with every bombing or hijacking, was to be averted.

The UN responded to the attacks on the Twin Towers in Manhattan and elsewhere in the US that day initially through the passage in the Security Council of resolution 1373. That resolution, passed under Chapter VII of the Charter and therefore mandatory for all 192 Member States of the UN, required of them to criminalize terrorism, to deny terrorists financial resources, to prevent them crossing borders and gaining safe haven, and to cooperate with other states in bringing terrorists to justice.

For its part the General Assembly adopted some 5 years later, the Global Counter-Terrorism Strategy, a more comprehensive and holistic document, incorporating in addition to the sorts of measures covered in 1373, attention to the drivers of terrorism, reference to the need to build States' capacity to prevent and combat terrorism, and an emphasis on the importance of ensuring respect for human rights and the rule of law when conducting counter-terrorism strategies and programs.

It is fair to ask ourselves how well we have done in implementing these two documents since their adoption. Have the approaches advocated by the UN made a difference?

Well, thanks to the role that my office, the Counter-Terrorism Committee Executive Directorate or CTED, has been given to monitor how resolution 1373 is being implemented, we have a pretty good bird's eye view of what is happening across the globe. Not only do we maintain a dialogue with all 193 UN member states on their counter-terrorism efforts, but we visit many of them, taking experts from some of our closest collaborating agencies – ICAO, Interpol, the IMO, the IOM and the UN Office on Drugs and Crime – to assess on the ground what has been happening. We try to find out what is working and what is not working. Thus far we have visited more than 60 countries in all parts of the world, at different levels of economic development and facing very different levels of threat. Increasingly we have a sense of what the truly critical components of an effective counter-terrorism regime are, and where the major on-going counter-terrorism challenges lie.

So, what do we identify as the principal elements of an appropriate national counter-terrorism response? Well, **firstly**, the basis for all effective counter-terrorism efforts is legislation. You need this to criminalize terrorism and its ancillary supporting activities. But you also need it to enhance border control, to secure the aviation and maritime space, to monitor the movement of money to suspicious groups and to improve the chances of successfully prosecuting those who have planned an attack but who have been arrested before they can carry it out. In a recently completed Global Implementation Survey we have prepared for the Security Council, we noted that while most states have taken significant legislative steps to address terrorism, lacunae exist in significant parts of the world. Some countries have chosen to legislate piecemeal, making minimal adjustments to their Criminal Code. In

many cases this has meant that not all the terrorism offences set out in the international conventions have been incorporated into national laws. Behavior such as the granting of safe haven to terrorists or the provision of financial resources to terrorist groups has not always been criminalized. There is therefore still a lot of work to be done in this area.

Secondly, the common thread to any successful counter-terrorism work is good law enforcement. The elements of this include protection of critical infrastructure and citizens; criminal intelligence, so that conspiracies can be identified and intercepted before they are carried out; investigations of crimes so that perpetrators can be identified and arrested; and the gathering of evidence and the presentation of this in a court of law. In the Global Survey we noted the importance of states having a strong, well-coordinated domestic security and law enforcement infrastructure, each agency of which has a clear mandate that is well-grounded in law. We also observed that coordination and cooperation among law enforcement agencies is essential at all levels. Shared access to specialized tools, such as counter-terrorism related databases and forensics capacities appears to be a very significant part of this, as well in some jurisdictions, as the creation of specialized counter-terrorism units.

Moreover, as the threat changes through the adoption by terrorist groups of new technologies for communicating, recruitment, financing and carrying out operations, law enforcement agencies have to be flexible and capable of adapting quickly. Some states have adopted strategies to counter the radicalization of individuals. Community policing initiatives, proactive intelligence work, monitoring the internet, and community dialogue programs are examples of methods being used successfully by some Member States in this area.

This conference will appreciate better than most that a **third critical element** of good counter-terrorism practice is strengthened border security. People arriving at an international border, be it a land border, a sea port or an international airport, need to be identified by relevant officials and cross-checked against data-bases of people suspected of being linked to criminal or terrorist groups. Their travel documents need to be verified. There should be screening systems in place to check on suspicious consignments or cargo arriving in the country or being dispatched from there. Above all there should be information exchange arrangements in place with the

authorities in neighbouring countries so that their knowledge and suspicions can be passed along to help target who or what might be dangerous.

In our Global Survey again we found that there has been progress in most countries in this field and significant investment in technology and systems that have greatly improved the capacity of many countries to improve aviation and maritime security as well as to prevent cross-border terrorist mobility. This technology includes improved security screening systems at international airports and ports as well as the installation of readers and scanners at border checkpoints to capture traveler data in real-time and verify this data against national and international alert and criminal databases. But there remain a lot of places that do not have the systems in place or the connectivity to enable border control officers to check border crossers against data bases. There is also a continuing problem with the integrity of passports and other identity documents, due to haphazard issuing processes in some countries and the uncertainty of the breeder documents which form the basis of the passport issued. Border control is probably the field that requires the most work, in terms of national action and delivery by international providers of technical assistance and training, if all countries are to be brought up to a reasonable level of security in the next decade.

Fourthly, an effective counter-terrorism strategy makes provision to monitor suspicious value transfers and freeze the assets of those who provide financial support to terrorist groups or terrorist operations. The Financial Action Task Force (FATF) has made an important contribution in establishing the yardstick for this work through its 40 plus 9 Recommendations, and the FATF-style regional bodies are doing great work to help countries in their regions to implement these Recommendations. But there remain enormous challenges in this field. Again technological tools are an important part of effective action in this area and many countries simply do not have the capacity or resources to install and operate these. There are also social and cultural practices in the transfer of money that are difficult to overcome, not to mention new payment technologies being rapidly introduced, (such as mobile phone money transfers and prepaid value cards), that pose real challenges to Financial Intelligence Units and central banks.

And finally, it is critically important to have in place arrangements for legal cooperation across borders. At their most formal level, this will involve

extradition and mutual assistance treaties, but less formally, simply channels of communication for the exchange of operational information.

Ladies and Gentlemen

Looking to the future it is fair to say that we will continue to face serious challenges. Terrorist groups are nimble and adjust their tactics and technologies to the defences that we develop to stop them. We will need to continue, even strengthen our efforts in the areas I have just mentioned, if we are to get ahead of the wave. To do this I believe we will have to adopt three **general** approaches that have proven highly effective in those places they have been adopting, effectively ‘turbo-charging’ their national counter-terrorism efforts. Moreover these do not generally require a lot of additional financial resources.

The first approach is for every government to adopt a **comprehensive national counter-terrorism strategy**, supported by a high level coordination mechanism. What this does is help everyone to connect the dots – to see where what they are doing fits into the bigger picture. It also promotes sharing of relevant information instead of stove-piping and enables cross-fertilizing of disciplines. Making such a comprehensive strategy – the UK’s CONTEST is an excellent example – work, is not easy. But if done well it can truly be a force multiplier in the national effort to deal with terrorism.

The second measure is to establish or plug into a **regional mechanism** that enables a rapid exchange of operational information with key neighbouring governments, often on professional networks. By that I mean, police to police, customs officer to customs officer, prosecutor to prosecutor, intelligence service to intelligence service, aviation security agent to his or her counter-part. This is enormously important if you are to get ahead of the curve of a developing terrorist threat. An organization like ICAO promotes this through its technical working groups, as does Interpol. The World Customs Organization is working on a global customs network to enable operational information to be shared. In our own modest way, CTED is facilitating the development of a network of prosecutors to share insights into how to overcome some of the particular technical challenges that arise in prosecuting terrorist cases.

And the third approach is to recognize that **governments alone cannot defeat terrorism**. They need the full support and understanding of the community and the engagement of community leaders in the effort. We in government need to recognize that civil society has strengths and credibility in some fields that officials do not. The positive engagement of such people, particularly in the complex area of countering terrorist narratives, reducing friction between communities and avoiding the alienation of certain demographics in society repays the effort in multiple ways. And dare I say that civil society will only be an ally if governments honour their commitments to counter terrorism in ways that are respectful of people's dignity and their human rights.

Ladies and Gentlemen

We have come a long way in 10 years but as I hope will be clear from what I have said, there is still an enormous amount of work to be done. The removal of Osama Bin Laden is a very significant achievement that should encourage us to redouble our collective efforts over the next decade to deal with the pernicious phenomenon that he was so much a part of.

I hope that my observations this morning have been of some use to you as a backdrop to your important deliberations. Again, let me express my appreciation for the invitation to address you. I wish you well in your discussions and am very much looking forward to listening to these and learning from them.

Thank you very much.