

The UN's Counterterrorism Opportunity

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Articles & Testimony

In mid-November, the Council of Europe -- the author of last summer's highly critical report on alleged US secret prisons in Europe -- issued its latest assessment of global counterterrorism efforts. This time, the council took aim at the terrorist lists maintained by the UN and the EU, charging that these blacklists are "totally arbitrary" and "violate the fundamental principles of human rights and rule of law." The council's criticism of the UN comes at a time when its terrorist list -- and the UN itself -- is seriously slipping in its counterterrorism effectiveness and reach. Reversing this trend would be an important step in countering an increasingly revitalised al-Qaida.

For the first few years after 9/11, the UN was at the centre of the fight against terrorism. Its terrorist blacklist -- better known as the "1267 list" after the resolution establishing it -- was a particularly important part of the international efforts against al-Qaida. The 1267 list represented the first time that the international community had reached a consensus on who was a terrorist, paving the way for joint action against al-Qaida in the wake of the 9/11 attacks. This was in sharp contrast to the traditionally paralysing debates at the UN about terrorists versus "freedom fighters".

By late 2003, almost 300 al-Qaida and Taliban members and entities were on the UN list. The ramifications were potentially far reaching. All UN members were required to freeze the financial assets and restrict the travel and arms trade of designated entities. Many member states took these obligations seriously at a time when international cooperation against al-Qaida was strong.

Over the past several years, however, the importance of this list has greatly diminished, as the UN itself has acknowledged. A recent report issued by the UN team responsible for monitoring compliance with resolution 1267 outlined a broad array of problems. Perhaps of greatest concern, the list has grown stagnant, as the volume of names being added has dropped sharply. Currently, only a handful of countries regularly submit names. The monitoring team reported that only five names had been added so far in 2007, which is on pace for the lowest annual total since the list was established. One reason for the decline, in the monitoring team's view, is that many countries lack confidence in the list, believing that it "is not a useful operational tool in counterterrorism."

Many countries' record of implementation has also been poor. Few assets are being frozen, and countries have been lax about imposing the mandatory travel ban on designated individuals. A 2004-2005 study by the World Bank and IMF found that none of the 18 countries reviewed was fully compliant with the UN obligations in this area. The UN's efforts are also hindered by the fact that it now knows less about how -- and even whether -- the member states are fulfilling their responsibilities. Member states have tired of the UN's reporting requirements and, according to the monitoring team, are "no longer as ready to devote time and energy preparing reports to UN" as they were in the period following the 9/11 attacks.

While the list no longer has the same impact as it once did, the UN has nonetheless taken steps over the past few years to address the types of concerns raised by the Council of Europe. For example, the UN established a formal process through which designated individuals and entities can petition for delisting. In 2006, the UN made further changes to the process to allow those designated to directly petition the UN. Previously, individuals on the list could

only make requests to their home governments, which would then make the determination as to whether they should be forwarded to the UN.

In all, approximately 25 individuals and entities have been taken off the list. In fact, several weeks ago the UN and the US removed Ahmed Idris Nasreddin -- the subject of a high profile 2002 designation -- and his associated business holdings from their blacklists. In explaining the US decision, the US Treasury noted that it had reviewed Nassredin's petition for delisting and a variety of other documents, and determined that he no longer met the criteria for designation.

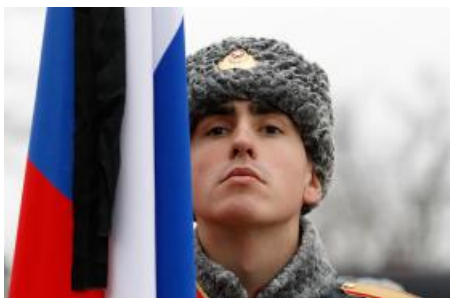
The UN's declining counterterrorism role should be of particular concern at a time when al-Qaida and the Taliban appear resurgent. Despite its limitations, the UN is potentially well positioned to improve worldwide capabilities and to foster international cooperation in fighting terrorism. As the monitoring team noted in its recent report, the UN terrorist list provides a particularly solid basis for joint counterterrorism action by its member states.

Furthermore, while the US frequently takes a lead role in pushing global counterterrorism initiatives, these efforts often encounter serious obstacles because countries are reluctant to bow to US pressure. A UN-led effort does not carry the same stigma. Pushing to restore the UN's role -- instead of further reining it in -- should be a top counterterrorism priority.

Michael Jacobson is a senior fellow in the Washington Institute for Near East Policy's [Stein Programme on Terrorism, Intelligence, and Policy](http://www.washingtoninstitute.org/templateI02.php?SID=11) and the author of [The West at War: US and European Counterterrorism Efforts Post-September 11](http://www.washingtoninstitute.org/templateC04.php?CID=237). He previously served as a senior advisor in the Treasury Department's Office of Terrorism and Financial Intelligence. ❖

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