

**Talking Points for Briefing to
Security Council Working Group established pursuant
to resolution 1566 (2004)**

I. Context

- greater flexibility in analysis and recommendations since this is a working group not a committee; can view multi-faceted Security Council efforts through wider and longer lens
- 1566 cast with a broad brush, opening way for a range of interpretations concerning its core purposes (normative in OP 3, practical measures in OP 9, and fund for victims and their families in OP 10)
- well placed to consider gaps and overlaps in current Security Council efforts
 - CTC and the 1267 and 1540 committees are all doing valuable work; their coordination of efforts appears to have improved and their joint briefing of the Council last month was an important step forward
 - but, to an external observer, it still appears as if they are pieces to a puzzle whose overall shape and dimensions have yet to be defined; the Secretary-General's speech in Madrid should be a useful framework through which to consider how the pieces should fit and to what end
 - the working group might consider, for example:
 - 1) whether the mandate of the 1267 committee should be expanded beyond Al Qaida and Taliban to other individuals, groups, and entities with terrorist ambitions and reach of a global character;
 - 2) whether the staff support of the three committees should be further integrated;
 - 3) whether the methodologies employed by the three committees should be standardized based on lessons learned from their respective experience; and/or

- 4) whether their operational activities might be merged in some cases, given that each, to some extent, employ reporting, assessment, visits, and capacity-building, while the compiling and keeping of lists has been or could be a task for each of them.

II. Practical Measures (Op 9)

- from one perspective, the mandate in OP 9 looks rather technical, i.e., how to perfect the techniques being used by the three committees to date, for example, as has been suggested, to alleviate reporting fatigue by coordinating or even merging requests for information from Member States and by increasing staff resources to insure prompter and fuller assessments of the reports submitted
- from another perspective, however, OP 9 offers the Working Group the opportunity to ask some larger questions about how the Security Council as a whole might do a better job of addressing the threat that terrorism poses to the maintenance of international peace and security; for example:
 - could the Council make fuller use of its powers under Article 34, Chapter VI, to investigate any dispute or situation that could endanger the maintenance of international peace and security?
 - could the Council do more to enlist, under Chapter VIII, the capacities of regional and sub-regional arrangements and agencies to prevent or deter terrorism?
 - In his Madrid speech, the Secretary-General asserted that “all States must know that, if they give any kind of support to terrorists, the Council will not hesitate to use coercive measures against them.” Should steps be taken to bolster the link between the findings of the three committees and the Council’s intention to address them under Chapter VII, i.e., to animate the third plank – deterrence – in the Secretary-General’s five-D strategy?
- Should any modifications in Security Council working methods be considered to assist its counter-terrorism work? For example, might it be useful for this Working Group to include non-members of the Council at some point in its deliberations in order to get additional perspectives on ways to enhance Council performance in this area?

III. Fund for Victims and Their Families (OP 10)

- this would certainly be a noble enterprise, especially if it could draw from assets seized from terrorist organizations, their members and sponsors, as OP 10 suggests
- I would question, however, if the Security Council is the best placed organ to develop and oversee such a fund.
 - while admirable from a humanitarian standpoint, would such a fund be central to the Council's mandate of maintaining international peace and security?
 - since the Council is not given explicit authority when the Charter for the appropriate of funds, it might be better for the General Assembly and/or the Secretary-General to take on this task
 - making decisions about disbursements could be both time consuming and controversial, and the Council generally has too little of the former and too much of the latter

IV. Secretary-General's Comprehensive Strategy

- it would be helpful if the recommendations of the Working Group could be couched in the framework of the five-point strategy enunciated by the Secretary-General
- most of the work of the three committees falls under the second and fourth planks – denying terrorists the means to carry out their attacks and developing state capacity to prevent terrorism – as such, this is vital and urgent work
- as noted above, the Council could do more to clarify its Charter role in deterring terrorism, but its active efforts over the past 15 years in this regard to some extent speak for themselves
- it is on the first and fifth planks of the Secretary-General's strategy – on dissuasion and on defending human rights – that the Security Council and the Member States generally could fruitfully devote more thought and effort
- addressing the root causes of disaffection and alienation and integrating human rights fully into the struggle against terrorism should be areas of comparative advantage for the world body, but so far they have been weak

spots in the international effort to counter terrorism, which is itself a threat to development and human rights as much as to state security

- the Working Group could usefully consider more creative and innovative ways of bringing these values and principles more fully into the Security Council's strategies for fighting terrorism