



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Permanent Mission of Switzerland to the
United Nations in New York

General Assembly

Sixty-second session

Agenda item 118

**The United Nations Global Counter-Terrorism Strategy
Formal Review, 4-5 September 2008**

**SWITZERLAND'S POSITION ON THE IMPLEMENTATION OF THE
UNITED NATIONS GLOBAL COUNTER-TERRORISM STRATEGY**

1. Introduction

Almost two years after the adoption of the UN Global Counter-Terrorism Strategy, the meeting of the General Assembly on 4 and 5 September 2008 offers a valuable opportunity for Member States and UN stakeholders to share views and information on the current and future steps in implementing the Strategy, to identify best practices, and to coordinate their work in this regard.

Switzerland is grateful to the President of the General Assembly, H.E. Srgjan Kerim, for his engagement regarding the implementation of the Strategy and particularly welcomes his transparent approach. It expresses also its appreciation to H.E. Ambassador Gert Rosenthal of Guatemala for the facilitation of the draft resolution. The Government of Switzerland would also like to express its gratitude to the Secretary-General for his report on the activities of the United Nations system in implementing the Strategy and in particular to his Counter-Terrorism Implementation Task Force. Under the guidance of Assistant Secretary-General Robert Orr, the Task Force has, according to its mandate, accomplished a considerable amount of work over the last two years. Given the fact that it had to operate within existing resources, the work undertaken is even more commendable. Switzerland will continue its close cooperation with this body and supports efforts for increased institutionalization.

2. Importance of Integrated Implementation of the UN Global Counter-Terrorism Strategy

The Global Counter-Terrorism Strategy offers a comprehensive framework for a coherent international response to terrorism. It reminds us that an effective global counter-terrorism program must focus on non-military tools and emphasizes the need to promote all four pillars of the Strategy, including capacity-building, law enforcement cooperation and dealing with the underlying societal and political conditions that are conducive to the spread of terrorism. Last but not least it reaffirms that counter-terrorism efforts must respect human rights and the rule of law and declares that the promotion of these principles in their own right is a critical element in effectively addressing terrorism.

The Strategy underlines the need to enhance coherence within the United Nations system in promoting all four pillars of the Strategy. According to the Secretary-General's report, the Task Force develops, through its Working Group on Facilitating the Integrated Implementation of the Strategy, a methodology for helping Member States to implement the Strategy in an integrated manner. Switzerland looks forward to the recommendations of the Task Force's working group for how the integrated implementation initiative can be sustained. The Government of Switzerland would like to deepen its dialogue with the Task Force and its Working Group on Integrated Strategy Implementation in that respect and explore ways how not only the UN-system, but also the Member States could work together and to improve integrated implementation, for instance through their national counter-terrorism coordinators or focal points, who are responsible in their country for overseeing the integrated implementation of the Strategy or can offer guidance to their competent national entities in this respect.

3. Switzerland's National Implementation Coordination

Switzerland's international efforts to counter terrorism are led by the Counter-Terrorism Coordinator at the Ministry of Foreign Affairs, who has the primary responsibility for developing and coordinating Switzerland's foreign policy with regard to counterterrorism.

In order to ensure an integrated implementation of the elements contained in the UN Global Counter-Terrorism Strategy also on a domestic level, the Coordinator chairs the so-called "Inter-departmental Group on Counter-Terrorism" within the Swiss federal administration. Whereas each of the more than 20 agencies in the group remains fully empowered in its area of competence, it has nevertheless to transmit all relevant information in the counterterrorism context to the Counter-Terrorism Coordinator's Office for information and

co-ordination purposes, in order to guarantee consistency with the overall policy on countering terrorism.

4. Switzerland's Contributions to the Integrated Implementation of the of the UN Global Counter-Terrorism Strategy

Switzerland has not only committed its domestic authorities with regard to integrated Strategy implementation, it supports also efforts at the international level. With regard to the Strategy implementation and the work of the Task Force, it would like to present a few examples of its cooperation with and support of the different Task Force entities:

- This and last year, Switzerland financially supported several activities of the Task Force's Working Group on "Tackling the Financing of Terrorism" and provided the participation of experts.
- Switzerland has also contributed to UNODC's project on "Strengthening the legal regime against terrorism", as stipulated in OP 1 of pillar 3 of the Strategy. The aim of the project is to provide Member States with technical assistance and to strengthen international cooperation in preventing and combating terrorism by facilitating the ratification and implementation of the universal conventions and protocols related to terrorism. In this context, Switzerland will, in fulfilment of OP 2a of the chapeau of the Strategy's plan of action and OP 8 of the draft resolution, deposit the instruments of ratification or accession with regard to the four latest universal Conventions and Protocols against terrorism on October 15th, 2008, after the closure of its national procedure. Switzerland hopes to be among the first States to have ratified all 16 UN Conventions and Protocols against terrorism, which have been developed under the auspices of the United Nations and its specialized agencies.
- In conformity with OP 2c of the chapeau of the Strategy's plan of action Switzerland closely cooperates with the different counter-terrorism subsidiary bodies of the Security Council and supports these bodies in the fulfilment of their tasks, in particular the Al-Qaida and Taliban Sanctions Monitoring Team. During the last Monitoring Team's visit to Switzerland, best practices in implementing various aspects of the sanctions were discussed. In addition, Swiss experts and the Monitoring Team meet regularly to discuss issues of common concern.
- With regard to OP 16, pillar 2 of the Strategy, which calls upon Member States to step up efforts and cooperation, in particular with Interpol, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, Switzerland, together with Interpol, engaged in a pilot project

to detect stolen and lost travel documents. Switzerland now provides real time access to the Interpol's Stolen and Lost Travel Documents Database not only to its National Central Bureau, but also to its 20,000 federal agents at border control points, customs and immigration offices, as well as embassies and consulates. In the first six months of operation, Swiss officers have conducted nearly 500 times more searches of the Interpol database than before and detected almost double the number of false documents than all of the other 183 Interpol member countries combined. Based on this success, to date more than 30 countries around the world enable officers in the field to carry out instant checks on travel documents using the Interpol database.

- In reaction to OP 11 of pillar 3 of the Strategy which invites the UN to develop, together with Member States, a single comprehensive database on biological incidents, Switzerland's Federal Office for the Environment has established a point of contact with the UN Office for Disarmament and offered its assistance with regard to the further development of the said database.
- With respect to OP 13, pillar 3 of the Strategy which emphasizes the need for public-private partnership in the fight against terrorism, Switzerland has facilitated meetings in Switzerland and New York with relevant Task Force Stakeholders and representatives of the private sector, in particular the banking sector, in order to enhance the prevention of terrorist financing and the fine-tuning of targeted sanctions.
- In OP 15, pillar 2 of the Strategy, the General Assembly resolved to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. Switzerland remains committed to enhancing the legitimacy of action taken to combat terrorism through greater respect for human rights and the rule of law. In a letter sent to the UN Security Council on 23 June 2008, the Governments of Denmark, Germany, Liechtenstein, the Netherlands, Sweden and Switzerland suggested the establishment of a Panel within the Security Council that would be mandated to issue non-binding recommendations on individual de-listing requests, thus addressing concerns regarding the right to an effective review mechanism. On 3 September 2008, the Court of Justice of the European Communities rendered an important judgement on the review of the internal lawfulness of Community measures implementing sanctions of the Security Council. It decided to annul the Community regulations violating the fundamental rights of the complainants. Switzerland regrets this discrepancy between the decisions of the Security Council and the requirements of European Union law in terms of the protection of fundamental rights. Switzerland's proposal to create a consultative panel on delisting issues was made with the intent to avoid this kind of contradiction. It will follow up with attention the consequences of this judgement in Europe and elsewhere. It is ready to

continue its dialogue with the UN Security Council and in particular to engage with the 1267 Committee and the Al-Qaida-Taliban Sanctions Monitoring Team on this and other issues in order to enhance the efficiency and legitimacy of UN targeted sanctions.

- Furthermore, Switzerland has repeatedly supported the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
- Strengthening capacity-building measures are crucial for an effective implementation of the Global Counter-Terrorism Strategy. Since 2003, Switzerland has conducted increased security assistance and counter-terrorism capacity building programs in different countries and regions. The regions that have received the most attention so far are Central Asia, North Africa and the Middle East, as well as the Balkans. Switzerland has primarily conducted and is currently engaged in activities related to anti-money laundering and countering the financing of terrorism, the establishment of FIUs, border security, critical infrastructure protection, legislative assistance, security sector reform, human rights training for law enforcement officials, and further areas for which Switzerland has relevant expertise.
- Switzerland's activities in Afghanistan can serve as one specific example of integrated Strategy implementation and cooperation also with non-traditional actors in the fight against terrorism. Switzerland contributed to a Law and Order Trust Fund for Afghanistan (LOTFA), for which the Swiss Agency for Development and Cooperation (SDC) partners with the Afghan Ministry of Interior, UNDP, the Afghan National Police and other international donors. Switzerland has disbursed 2.5 million USD since 2003 earmarked for the introduction of an electronic payroll system for the Afghan National Police, and a gender mainstreaming program for the Afghan National Police. The computerized payroll program enables tracking financial flows, ensures the National Police personnel is paid in time and helps prevent corruption. The gender mainstreaming component will increase the Police recruitment pool. A number of other projects aiming at countering the further rise of terrorism are currently under review

As these examples have demonstrated, there are abundant possibilities to contribute to the implementation of the Strategy. In paragraph 75 of his report, the Secretary General has informed us on the intention of the Task Force to develop an automated counter-terrorism assistance information exchange system, containing real-time information as provided by — and accessible to — participating Task Force members. It might be worthwhile for the Task Force to consider whether it could expand this information system or could come up with an implementation scheme or matrix in which the UN-system and the Member States could fill in their different activities with regard to Strategy implementation. Such a collection of data

would not only serve to develop best practices, but would also help to assess whether the Strategy is being implemented in an integrated manner.

5. “International Process on Global Counter-Terrorism Cooperation” (Swiss Initiative to Support an Effective and Sustainable Strategy Implementation)

OP 3d of the chapeau of the Strategy encourages inter alia Member States to support the implementation of the Strategy through mobilizing resources and expertise. In order to complement the several UN Strategy implementation activities, Switzerland launched last year, in cooperation with Costa Rica, Japan, Slovakia and Turkey, and with the support of the International Center on Global Counter-Terrorism Cooperation, an “International Process on Global Counter-Terrorism Cooperation”. During the course of five workshops, which took place from January until July 2008, experts from governments, relevant UN and other multilateral bodies, as well as non-governmental organizations from different disciplines and regions discussed ways in which the balanced implementation of the UN Strategy in all the four pillars (conditions conducive; prevent and combat; build capacity; ensure respect for human rights and promote the rule of law) could be strengthened. The focus of the Process was on assessing the overall contributions of the United Nations to the fight against terrorism and on identifying ways to make its institutions more relevant to national counter-terrorism strategies and better able to support implementation of the Strategy. With its focus on institutional and organizational aspects, the Process did not duplicate the efforts underway to further implement the thematic elements of the Strategy. The five co-sponsors presented the results of the Process on 24 July 2008 to the wider UN membership. The Final Document of the International Process reflects the key elements of the discussions that took place during these workshops and contains 19 proposals for strengthening the implementation of the Strategy. The following themes came up repeatedly during the Process, which have been incorporated into one or more of the proposals in the Final Document:

- First, the importance to better connect UN efforts with national efforts was emphasized throughout the Process. There was a sense that national Counter-Terrorism coordinators or focal points from capitals should meet periodically to discuss concrete Strategy-related issues with the Task Force and its entities, assess Strategy implementation efforts, determine policy direction of the Strategy, and discuss how the UN might be able to help national efforts. These meetings, which could be organized by the UN or by individual states and take place in different regions, should include the diverse array of Strategy-related stakeholders, including members of the Task Force and regional and sub-regional bodies. The Government of Switzerland is willing to examine support for specific activities of the Task Force or for meetings which would allow for an

exchange of views between representatives of the UN-system and national counter-terrorism coordinators or focal points.

- Second, the importance of ensuring that States can fulfill their leading role in overseeing UN Strategy implementation was stressed. More generally, the point was repeatedly made that there is a need to broaden Member State participation in UN counter-terrorism policymaking. The Final Document of the Process – in paragraph 2 – offers a number of proposals aimed at addressing these issues. These range from strengthening the informal briefings the Task Force already provides, to the increased use of an existing forum such as the General Assembly Plenary, to the creation of a new counter-terrorism body or open-ended working group.
- Third, as Strategy implementation moves to its next phase, it is important to engage both traditional and non-traditional CT actors within the UN and at the national level.
- Fourth, regional and sub-regional bodies and civil society have essential roles to play in implementing the Strategy, roles that have yet to be fully explored and realized.

6. Switzerland's Position with regard to the Report of the Secretary General on the Activities of the UN System in Implementing the Strategy and the Draft Resolution

In his report on the activities of the United Nations system in implementing the Strategy, dated July 7th, 2008, the Secretary General makes several recommendations on the way forward. Switzerland particularly welcomes the proposed greater systematization of the meetings and regular briefings between Task Force and Member States, and the institutionalization of the Task Force. Switzerland regrets, however, that it wasn't possible to state more clearly the need and the mutual benefit for the United Nations system to interface with global, regional and sub-regional bodies, and civil society on the Strategy.

Switzerland is pleased that the General Assembly has lived up to its responsibility to promote the implementation of the Strategy given its unique legitimacy in terms of universal representation. For Switzerland having participated actively in the negotiations of the draft resolution, the following elements are of particular importance:

- Switzerland welcomes that the substance of the Strategy has not been re-opened and that the draft resolution focuses on the implementation of the Strategy.
- While the primary responsibility to implement the Strategy lies with the Member States, Switzerland took note with satisfaction that Member States have acknowledged the need to enhance the role of the UN and the specialized agencies in the implementation of the

Strategy, in coordination with other international, regional and sub-regional organizations and civil society.

- Switzerland believes that PP 7 and OP 12 of the draft resolution which define the relationship and interaction between the Task Force and Member States establish a balanced approach to ensuring Member States' policy guidance, but avoiding oversight over every detail.
- Switzerland welcomes the call for further institutionalization of the Task Force. Whatever the Task Force's concrete mandate and structure ends up being, the Task Force needs to be provided with the necessary resources to carry out its functions effectively. The Final Document of the International Process offers a number of suggestions as to how this might be done. For example, by passing an appropriate level of resources through the existing regular budget or having the Counter-Terrorism Committee Executive Directorate second to the Task Force some of its experts on a rotating basis to provide support to the Task Force's capacity-building activities.

7. Switzerland's Views on the Way Ahead

There was broad recognition that the adoption of the UN Strategy represents a significant political achievement that not only must be preserved, but built upon during the September review and beyond. The strategy can hardly be understood as a prescriptive guidance for action, but offers States a broad policy framework in which to engage on a wide range of issues and with a wide range of stakeholders, including the UN, regional bodies, and civil society. Meaningful contributions from each of these stakeholders are needed to ensure sustained implementation of the Strategy. The Strategy offers an opportunity to Member States to develop more holistic approaches at the national level to combating terrorism, but also to "show and tell" the General Assembly and other intergovernmental fora in a structured way about their implementation efforts and in doing so to exchange best practices and ways to address difficulties.

What are the challenges ahead?

- The international community has to further develop and promote the comparative advantage, or in other words, the specific value added of the UN system in the fight against terrorism, with the need to ensure effective coordination and cooperation among the range of actors within the UN system, in headquarters, in the field, and between the two.
- The Final Document of the International Process which Switzerland and others have sponsored and to which numerous governments, relevant UN and other multilateral

bodies, as well as non-governmental organizations from different disciplines and regions have contributed may serve as a source of inspiration. The proposals emanating from the International Process are concrete and action-oriented. Some of them have been incorporated in the draft resolution before us. Some could be acted on by States immediately. Others, which may require further discussion, could be taken up at a later date when the time is ripe.

- Whereas capacity-building and assistance are of key importance, they can not as such solve the differences of opinion when fighting terrorism. Therefore, in using the convening power of the UN, intensified policy and implementation engagement by Member States would be necessary.
- This, of course, leads to questions regarding the type of structure that is needed to allow the UN to most effectively carry out these functions. Different views were expressed during the Process on how best to organize the UN, with consensus remaining elusive. Switzerland does not expect the membership to tackle this issue in the short term. However, based on the discussions in the Process, it appears that three broad areas would merit further examination:
 - 1) the cooperation of entities with different legal status throughout the UN system
 - 2) the governance architecture of such a system as well as
 - 3) the relationship between member states and the secretariats of the different organizations concerned

Switzerland remains committed to tackling these important issues.