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World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism

Assistance in implementing the universal conventions and protocols related to terrorism

Report of the Secretary-General

Summary

The present report describes the progress made in delivering technical assistance aimed at legal and related capacity-building in the area of counter-terrorism by the United Nations Office on Drugs and Crime, in particular by its Terrorism Prevention Branch. The report addresses the challenges ahead, especially in the implementation of the United Nations Global Counter-Terrorism Strategy and the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime and emphasizes the need for enhanced governmental support. It concludes with a set of recommendations for consideration by the Commission on Crime Prevention and Criminal Justice.

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I. Introduction

1. During the period under review, the mandate of the United Nations Office on Drugs and Crime (UNODC) regarding the provision of technical assistance to counter terrorism was reinforced by the General Assembly, in its resolution 62/71 of 6 December 2007, entitled “Measures to eliminate international terrorism”, and resolutions 62/172, entitled “Technical assistance for implementing the international conventions and protocols relating to terrorism”, and 62/175 of 18 December 2007, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”.

2. The counter-terrorism work of the Office is carried out in a comprehensive institutional framework. At the level of the United Nations system, that framework is provided by the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 60/288). At the level of the Office, the framework is provided by the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, approved by the Economic and Social Council in its resolutions 2007/12 of 25 July and 2007/19 of 26 July 2007. The strategy for UNODC encompasses its counter-terrorism work in the specific result areas of terrorism prevention, ratification and implementation of conventions and protocols, and international cooperation in criminal justice matters, under the theme of the rule of law.

II. Delivering technical assistance

3. UNODC’s technical assistance work to combat terrorism is undertaken mainly by its Terrorism Prevention Branch, complemented by the work of several other entities of the Office. Since January 2003, the Branch has supported more than 150 countries – directly or indirectly – in ratifying and implementing the universal legal instruments related to terrorism and in strengthening the capacity of national criminal justice systems to implement their provisions in an effective manner and in conformity with the principles of the rule of law.

4. The Branch works closely with – and draws on the expertise of – other UNODC entities, including the Anti-Money-Laundering Unit, which provides operational advice and training in countering the financing of terrorism, the Treaty and Legal Affairs Branch, the Criminal Justice Reform Unit and the interregional advisory services under the regular programme of technical cooperation.

5. Concerted efforts are made to take full advantage of the operational capacity of the UNODC field offices. The Branch has continued to expand and strengthen its network of field-level experts, based mainly in the field offices, covering West and Central Africa, East Africa, Southern Africa, North Africa and the Middle East, South-East Asia, the Pacific, the Commonwealth of Independent States and Central Asia, and Latin America and the Caribbean. Enhanced field-based capacity is fostered, including by providing periodic substantive briefings to the growing number of field-level experts.

A. Enhanced specialized services to strengthen the legal regime against terrorism

6. The Branch has pursued a three-pronged approach in its technical assistance in the legal and related areas of counter-terrorism: (a) tailor-made national-level assistance to requesting countries (through missions of experts, videoconferences and visits by national officials to UNODC headquarters); (b) subregional- and regional-level activities, to support and complement national activities; and (c) the development of technical assistance tools and specialized substantive publications.

1. National-level technical assistance

7. In 2007, direct technical assistance was provided to the following 52 countries: Afghanistan, Argentina, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Mauritius, Mexico, Morocco, Namibia, Nicaragua, Niger, Panama, Papua New Guinea, Qatar, Rwanda, Saint Lucia, Somalia, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Timor-Leste, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen and Zimbabwe.

8. In delivering technical assistance, the Branch held videoconferences with national officials, especially for the preparation of and follow-up to activities and to share expertise with national legal practitioners.

9. The Branch brought national delegations to UNODC headquarters for intensive working sessions also involving experts from other entities of the Office. In July 2007, a delegation from Tajikistan attended a legislative drafting workshop on amending national criminal legislation to comply with the universal instruments related to terrorism.

2. Regional and subregional workshops

10. Workshops at the regional and subregional levels to mobilize political commitment, intensify national action and increase international cooperation in combating terrorism were followed by further workshops to assess the progress made and identify areas where more assistance was required. The second round of workshops also dealt with international cooperation to combat transnational organized crime and corruption, drawing on expertise in other UNODC entities and the interregional advisory services.

11. In 2007, 15 regional and subregional workshops were organized, covering more than 107 countries. Three meetings were held at the ministerial level:

(a) The Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime was held in Santo Domingo from 19 to 22 March 2007, organized together with the Inter-American Committee against Terrorism of the Organization of American States (OAS/CICTE) and attended by over 50 senior officials from 14 countries. Participants adopted the Declaration of Santo Domingo (A/61/933-S/2007/319, annex), in which States made commitments regarding the ratification and implementation of the universal

instruments related to terrorism and their reporting obligations to the relevant Security Council Committees, and requested UNODC to provide related technical assistance;

(b) The Fourth Conference of Ministers of Justice of the French-speaking African Countries on the implementation of the international counter-terrorism instruments was held in Ouagadougou from 20 to 22 March 2007, organized together with the International Organization of la Francophonie and attended by representatives of 28 countries. The Conference adopted the Ouagadougou Declaration (A/61/992-S/2007/416, annex), in which it recommended that countries ratify or accede to the universal instruments related to terrorism; called on countries to implement the United Nations Global Counter-Terrorism Strategy; and requested UNODC to provide the technical assistance required. The status of implementation of the Declaration will be reviewed at the Ministerial Conference to be held in Morocco in May 2008;

(c) A meeting of ministers of justice on strengthening the counter-terrorism legal regimes of member States of the Intergovernmental Authority on Development (IGAD), held in Kampala on 20 and 21 September 2007, organized together with the Authority's Capacity-Building Programme against Terrorism, enabled the six member countries to review progress made in strengthening international and regional cooperation against terrorism.

3. Technical assistance tools

12. The Branch developed a number of technical assistance tools, including a checklist of the offences set forth in the universal legal instruments, a *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,¹ a *Guide for the Legislative Incorporation and Implementation of the Universal Anti-Terrorism Instruments* and model legislative provisions against terrorism. Most of these tools are available in the six official languages of the United Nations.

13. A key tool is the database of electronic legal resources on international terrorism, which includes the full text of the universal instruments related to terrorism and the status of their ratification, searchable by region, country, treaty and time period. The database also contains legislation from more than 130 countries, covering laws as well as national jurisprudence and case law. The data are updated regularly and, whenever possible, provided in the six official languages. Access to the database is available on a password-protected basis and upon request to external users such as government officials and partner organizations.

14. New tools and substantive working documents are in preparation and existing tools regularly updated. For example, the Branch is finalizing analytical studies on developments in legislation to combat terrorism in various subregions, which will review the status of legal provisions and practices for the implementation of the universal legal instruments related to terrorism.

15. In cooperation with the Office of Legal Affairs of the Secretariat, the Branch is preparing the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism*, which will contain all

¹ United Nations publication, Sales No. E.04.V.7.

the universal legal instruments related to terrorism, including those adopted in 2005, recent counter-terrorism resolutions of the Security Council and the General Assembly and regional conventions and protocols.

16. Other tools being prepared include an update of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*, a training manual on international cooperation in the fight against terrorism for criminal justice officials; a specialized tool on nuclear terrorism; a handbook on criminal justice responses to countering terrorism; and an introduction to international law aspects of countering terrorism.

B. Expanded work in specific areas of legal assistance and capacity-building support

17. In cooperation with other UNODC entities and other organizations, the Branch organized and participated in several specialized activities that addressed in more depth specific and complex aspects of counter-terrorism legal assistance work, in particular, promoting international cooperation in criminal matters, suppressing the financing of terrorism, preventing nuclear terrorism and enhancing a rule-of-law-based criminal justice response to terrorism.

1. Strengthening international cooperation in criminal matters

18. A central aspect of the counter-terrorism legal assistance provided by UNODC is the promotion of international cooperation in criminal matters. Pursuant to the United Nations Global Counter-Terrorism Strategy, UNODC has been developing new initiatives, including at the regional and subregional levels.

19. Focused assistance has been provided through a number of workshops, organized together with the Organization for Security and Cooperation in Europe (OSCE), at which the universal counter-terrorism legal framework was studied as well as relevant Council of Europe instruments that enhance the regional dimension of international cooperation. Case studies were analysed and relevant UNODC tools, such as the Mutual Legal Assistance Request Writer Tool, were presented. These workshops were:

(a) The Regional Workshop for Central Asia and the Caucasus on International Cooperation against Terrorism and Transnational Organized Crime, held in Antalya, Turkey, from 13 to 15 February 2007;

(b) A joint UNODC/OSCE Workshop on Enhancing Legal Cooperation in Criminal Matters to Counter Terrorism, held in Vienna on 22 and 23 March 2007 for OSCE member States and partner countries;

(c) A regional workshop for the Nordic and Baltic countries on enhancing international legal cooperation in criminal matters related to terrorism, held in Helsinki on 30 and 31 October 2007 and attended by experts from seven countries.

20. Together with OAS/CICTE, the Branch organized a Specialized Workshop on International Cooperation on Terrorism and Criminal Issues in Lima from 16 to 19 October 2007, attended by representatives of 11 countries. The Workshop provided an opportunity to offer legal advice on the basis of real cases and

experience in international cooperation. The main topics discussed included the international and regional legal frameworks against terrorism, international cooperation mechanisms and the functioning of networks such as Eurojust and the Ibero-American Legal Assistance Network (IberRED).

21. Focused specialized counter-terrorism training workshops addressing aspects of prosecutorial strategies and international cooperation in criminal matters were also organized at the national level, in Chile (June 2007) and in Panama (July 2007). A specialized training workshop for judicial and prosecutorial officers on prevention of terrorism and its financing: legal framework and mechanisms of international cooperation was also held in the Dominican Republic in September 2007. These activities were organized in collaboration with OAS/CICTE and benefited from substantive contributions by senior prosecutors from Argentina, Canada, Colombia, Italy, Mexico, Spain and the United States of America, as well as by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Monetary Fund (IMF) and Eurojust.

22. National-level training on counter-terrorism international cooperation in criminal matters was given to criminal justice officials in a number of African countries: the Commonwealth Secretariat and Interpol contributed substantively to the training workshops held in 2007 in Cape Verde, Guinea, Guinea-Bissau, Kenya, Malawi, Mauritius and the Niger, as did senior practitioners from countries including Brazil, France, Italy and Morocco.

23. Specialized technical assistance tools were developed by the Terrorism Prevention Branch, in particular a training manual on international cooperation in the fight against terrorism for criminal justice officials. Practitioners have been involved in the drafting process so as to ensure an operational approach. The draft was finalized at the third expert group meeting, held in Vienna in April 2007.

24. In addition to the work of the Branch in promoting international cooperation in criminal matters relating specifically to counter-terrorism, of direct relevance are also various programme activities of UNODC aimed at facilitating overall international cooperation in criminal matters, especially extradition and mutual legal assistance. These activities, carried out mainly by the Treaty and Legal Affairs Branch, include the preparation of model treaties, the provision of legal advisory services to requesting countries and the design of software tools. The Mutual Legal Assistance Request Writer Tool enables justice system authorities to quickly draft effective mutual legal assistance requests. The software tool covers all the serious crimes under international conventions. A similar software tool is being developed to enable central authorities, judges and prosecutors to write effective extradition requests. Progress has also been made on a model bill on the proceeds of crime and unlawful activities, money-laundering and financing of terrorism to be used by common law countries – along the lines of the 2006 updated model law on money-laundering and financing of terrorism for civil law countries – and also on a model law on mutual legal assistance, which follows the work undertaken with regard to the 2004 Model Law on Extradition.

2. Suppressing the financing of terrorism

25. The United Nations Global Counter-Terrorism Strategy stresses the importance of addressing the financing of terrorism and the need for Member States to implement comprehensive measures that meet international standards.

26. With the involvement of the Anti-Money-Laundering Unit, the Terrorism Prevention Branch carried out specialized activities to assist Member States in drafting and implementing relevant legislation to counter the financing of terrorism, such as the workshop on countering money-laundering and the financing of terrorism held in Beirut in September 2007, attended by criminal justice officials and representatives of the national bank, the Banque du Liban, and the Banking Control Commission of Lebanon. The specialized activities in suppressing the financing of terrorism have mostly been undertaken in partnership with the World Bank and IMF, which participated in the legislative drafting workshop organized in Yemen in May 2007. The purpose of the workshop was to review draft legislation before its submission to parliament. In Argentina, a national agenda 2007-2009 on countering the financing of terrorism and money-laundering was drawn up and approved in September 2007 with support from the Branch, which, with the Anti-Money-Laundering Unit, will assist with implementation of the agenda by means of a number of joint activities, including specialized training sessions for prosecutors, judicial officials and the concerned national institutions.

27. During 2007, the Anti-Money-Laundering Unit continued to deliver technical assistance related to fighting terrorism and the financing of terrorism to most regions of the world through its Global Programme against Money-Laundering. Countering the financing of terrorism has been integrated into all the components of its operational work and specific initiatives have been built around awareness-raising, training and institution- and capacity-building, in particular the setting up of financial intelligence units. Through its field-based mentor programme, the Unit continues to expand its deployment of professional expertise in the field to train people and build institutions, to deliver direct technical assistance and to strengthen capacity to combat money-laundering and the financing of terrorism. Mentors are currently deployed in Central Asia, South-East Asia, East and Southern Africa, the North Pacific and Central and Latin America.

28. The Anti-Money-Laundering Unit also continued to expand its International Money-Laundering Information Network (IMoLIN), which is maintained on behalf of a number of international organizations. It includes the Anti-Money-Laundering International Database (AMLID), a password-restricted legal database containing the legislation of some 175 jurisdictions in these areas. Since January 2005, more than 370 new and amended laws and regulations have been included in the database.

3. Preventing nuclear terrorism

29. The entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex) on 7 July 2007 was a significant milestone in international efforts to prevent terrorist acts involving radioactive material or nuclear devices. The Terrorism Prevention Branch is mandated to provide specialized legal assistance for the ratification and implementation of the Convention.

30. Specific activities were organized to assist countries in drafting appropriate counter-terrorism legislation that incorporates the internationally agreed obligations on nuclear terrorism, including organization of a regional workshop for Central Asia and Afghanistan on the suppression of acts of nuclear terrorism, in collaboration with the International Atomic Energy Agency (IAEA), OSCE and the Shanghai Cooperation Organization, held in Tashkent in April 2007. The workshop was intended to familiarize participants with the international legal instruments and to provide a forum for discussion of existing national legislation in this area.

31. A legal expert group meeting on the implementation of penal provisions contained in the universal legal framework against nuclear terrorism was held in Vienna in December 2007. Experts working in the areas of nuclear, criminal, maritime or international law discussed the various penal provisions dealing with nuclear terrorism contained in the universal framework against nuclear terrorism. The participation of representatives of UNODC, the Office of Legal Affairs, the International Maritime Organization (IMO) and IAEA allowed for an exchange of views on the related technical assistance work of those bodies. The outcome of the meeting will be used to develop a specialized tool that explains and puts into context the offences related to nuclear terrorism contained in the universal legal instruments related to terrorism in order to facilitate their incorporation into national legislation.

4. Enhancing a rule-of-law-based criminal justice response to terrorism

32. In accordance with the United Nations Global Counter-Terrorism Strategy, UNODC initiatives are based on the premise that effective counter-terrorism measures and respect for the rule of law, including human rights, are complementary and mutually reinforcing goals. The Terrorism Prevention Branch seeks to assist States to enhance their rule-of-law-based counter-terrorism capacity by means of various technical assistance activities, including national and regional workshops and partnerships with other entities and organizations.

33. The Branch participated in the series of national seminars on combating terrorism within the rule of law organized by the International Legal Assistance Consortium (ILAC) and one of its member organizations, the Human Rights Network international, in Rabat in March 2007 and in Brussels in June 2007 in the context of the Working Group on Terrorism (Common Foreign and Security Policy) of the European Union.

34. Also in cooperation with ILAC and another of its member organizations, the International Bar Association, UNODC organized a training workshop in late 2007 for 40 Iraqi criminal justice officials on capacity-building support to counter terrorism and organized crime, which addressed issues related to the practical application of the universal legal framework against terrorism in compliance with human rights obligations and issues related to money-laundering, drug trafficking and kidnapping. Substantive contributions were provided by the Human Security Branch of UNODC, as well as by practitioners from the United Kingdom of Great Britain and Northern Ireland and an expert from the Programme on Governance in the Arab Region of the United Nations Development Programme.

35. At the request of the Human Rights Office of the United Nations Assistance Mission for Iraq, the Terrorism Prevention Branch contributed to a seminar on the

protection of human rights in counter-terrorism, held in Erbil, Iraq, in late 2007. The seminar offered participants an opportunity to assess and review existing counter-terrorism practices, processes and procedures to ensure compliance with human rights obligations and the rule of law.

36. A regional judicial training seminar on balancing the powers of the State and respect for democracy in the fight against terrorism, organized jointly with the Government of Spain and OAS, was held in Cartagena, Colombia, in May 2007. It was attended by 60 senior officials from 17 countries who shared their experience in anti-terrorism trials, measures to prevent, control and penalize money-laundering and financing of terrorism, respect for human and democratic rights, and constitutional approaches in the adoption of anti-terrorism legislation. Discussions also focused on the links between terrorism and transnational organized crime, the use of special investigative techniques and issues of international cooperation in criminal matters.

37. A rule-of-law-based response to terrorism was also promoted by the preparation of specialized technical assistance tools, such as the handbook on criminal justice responses to countering terrorism being developed jointly by the Terrorism Prevention Branch and the Criminal Justice Reform Unit. An expert group meeting was held in Vienna in October 2007 to review the Handbook, which is intended to provide criminal justice officials and relevant policymakers with a concise, accessible and practical tool covering key components of an effective rule-of-law-based criminal justice system to implement the universal legal framework against terrorism. Another publication currently in preparation will provide policymakers, legislators and criminal justice officials with an introduction to international law aspects of counter-terrorism, containing the relevant basic elements of international law, international criminal law, international humanitarian law, international human rights law and refugee law.

38. An important contribution is also made by UNODC technical assistance projects aimed at improving the management and operation of law enforcement agencies, the judiciary and penitentiary systems, in accordance with United Nations standards and norms in crime prevention and criminal justice.

C. Evaluating delivery and assessing impact

39. A primary evaluation of the technical assistance delivery by the Branch in selected French-speaking countries of Africa and in Latin America and the Caribbean was carried out by the Independent Evaluation Unit of UNODC in the second half of 2006. The Unit's report was issued in June 2007 and its major finding was that in all the countries covered there was a clear indication from all stakeholders that the technical assistance provided by the Branch had been extremely useful, effective and appropriate and that the global project on strengthening the legal regime against terrorism had contributed to speeding up the ratification process in many countries. A comprehensive evaluation of the global project was conducted during the second half of 2007 and the related report will be published soon.

40. The Branch measures the impact of its technical assistance and related activities on the basis of several tangible indicators, such as the number of

ratifications of the universal legal instruments; the number of States that draft and implement new counter-terrorism laws after having received assistance from UNODC; the number of officials trained and briefed on the universal instruments and related issues; the number of technical assistance tools developed and disseminated; and the feedback of Member States on the work of UNODC.

41. Through its assistance, UNODC has contributed significantly to improving the status of ratification of the universal instruments. Member States provided with technical assistance by the Terrorism Prevention Branch have since 2003 completed an estimated 398 new ratifications. In 2007 alone, 43 new ratifications of the universal counter-terrorism instruments were made by Member States that had received assistance from the Branch. In January 2003, when the global project started, only 26 States had ratified the first 12 universal instruments; however, by January 2008, 98 had ratified them. Similarly, 98 States had ratified 6 or fewer of the 12 instruments in January 2003, whereas by January 2007 that number had been reduced to 28.

42. In addition, at least 47 States took steps to incorporate the provisions of the universal legal instruments into their national legislation: 17 passed new anti-terrorism legislation and at least 30 more are in the process of drafting such legislation.

43. Approximately 6,100 national criminal justice officials have so far been given specialized substantive briefings on the universal conventions and protocols related to terrorism and the relevant Security Council resolutions; some 1,500 of them were trained in 2007.

44. Since the beginning of 2003, nine technical assistance tools and substantive publications have been produced to help countries strengthen their legal regimes against terrorism.

D. Partnerships for delivery

45. A key factor in the successful delivery of technical assistance has been ensuring close coordination and partnerships with other entities and organizations active in the field of counter-terrorism.

1. Cooperation with Security Council bodies dealing with counter-terrorism

46. The counter-terrorism work of UNODC is carried out in close cooperation with the Counter-Terrorism Committee of the Security Council and its Executive Directorate. The functions of the Committee and its Executive Directorate and UNODC are fully complementary and mutually supportive: the political, policy, coordination and facilitation work of the Committee and its Executive Directorate precedes and guides the work of UNODC in delivering technical assistance in the legal and related capacity-building areas, while the technical assistance work of UNODC in turn helps the Committee and Executive Directorate to verify the response to the identified needs in the counter-terrorism capacity of Member States.

47. To reflect these distinct functions, effective working arrangements are in place, which also guided cooperation in 2007:

(a) In accordance with Security Council resolution 1535 (2004), UNODC participated during 2007 in the country visits organized by the Counter-Terrorism Committee and its Executive Directorate to Armenia, Bangladesh, Georgia, Indonesia, Turkey and Viet Nam;

(b) Experts of the Counter-Terrorism Committee and its Executive Directorate participated in regional, subregional and national activities of UNODC and gave briefings on the role of the Committee and priorities identified in accordance with Security Council resolution 1373 (2001);

(c) Consultations with the Counter-Terrorism Committee and its Executive Directorate were held during the planning of UNODC activities; mission reports and period matrices of ongoing and planned technical assistance activities were shared; and the Committee and its Executive Directorate provided guidance on the countries in need of assistance;

(d) UNODC continued to provide technical assistance in the legal and related areas to those countries, upon request;

(e) The Terrorism Prevention Branch continued to assist requesting Member States, such as Cape Verde, Côte d'Ivoire and Liberia, in compiling their responses to the Counter-Terrorism Committee.

48. Cooperation has been strengthened with the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and its Analytical Support and Sanctions Monitoring Team. When providing technical assistance to States, UNODC seeks to reinforce their capacity in the legislative and regulatory areas to implement the sanctions regime, as well as to assist States in drafting the portions of their reports to the Committee in the areas in which the Office has specialized expertise. The Terrorism Prevention Branch and the Anti-Money-Laundering Unit also assist in disseminating information on the sanctions regime and in explaining to the relevant national authorities, including judges and prosecutors, the scope of States' obligations with regard to the measures under the regime.

49. Substantive consultations are also under way with the expert group of the Security Council Committee established pursuant to Council resolution 1540 (2004) in order to define areas where UNODC's technical assistance work can contribute to the work of that Committee, which monitors the implementation of resolution 1540 (2004), dealing with the non-proliferation of weapons of mass destruction.

50. A major undertaking in 2007 was the organization by UNODC of subregional workshops on report-writing in pursuance of the common strategy on reporting approved by the three Security Council committees.

51. At the subregional workshop held in Dakar in September 2007, attended by representatives of 23 West and Central African countries, experts explained the requirements for submitting outstanding reports to the three Security Council committees dealing with counter-terrorism and addressed specific problems and concerns in the implementation of States' obligations under the relevant Council resolutions. The workshop adopted an outcome document (A/62/479-S/2007/602, annex).

52. A similar subregional workshop on the preparation of responses to the Security Council committees was organized by UNODC in Gaborone in November 2007 in cooperation with the Southern African Development Community (SADC) and experts from the three committees. Representatives of all 14 SADC countries, as well as the Comoros and Seychelles, participated in the workshop, which adopted an outcome document (A/62/591-S/2007/746, annex).

2. Participation in the Counter-Terrorism Implementation Task Force

53. In order to ensure that its counter-terrorism activities are carried out in complete harmony with United Nations system-wide efforts, UNODC participates actively in the work of the Counter-Terrorism Implementation Task Force. Chaired by the Executive Office of the Secretary-General, the Task Force consists of 24 key actors of the United Nations system and its partners and serves as a forum to foster coherent action across the system in fighting terrorism. The Terrorism Prevention Branch represented UNODC at the meetings of the Task Force in 2007 in Turin, Italy, Vienna and New York.

54. A major event in 2007 was the Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy, held in Vienna in May, organized jointly by the Government of Austria, UNODC and the Executive Office of the Secretary-General. The Symposium drew on UNODC experience and expertise as a key provider of legal assistance in the counter-terrorism area. Its aim was to raise awareness of the Strategy and to promote its implementation, as well as to identify ways to assist Member States in that endeavour. The Symposium was attended by more than 350 participants, representing 107 Member States and many international, regional and subregional organizations. The proceedings of the Symposium were published in September 2007 and served as a key background document for the informal meeting of the General Assembly on 4 December 2007 on implementation of the Strategy.

55. UNODC also contributed to the Counter-Terrorism Online Handbook set up by the Task Force and launched by the Secretary-General at an informal meeting of the General Assembly in February 2007. This online resource tool serves to centralize and disseminate information on the counter-terrorism-related resources and activities of the United Nations system.

56. The Task Force has developed a programme of work and established working groups to address priority issues such as financing of terrorism; human rights; radicalization and extremism that lead to terrorism; use of the Internet for terrorist purposes; victims of terrorism; and vulnerable targets. UNODC is co-chairing the working groups on facilitating integrated implementation of the Strategy, elaborating techniques and mechanisms to evaluate technical assistance and tackling the financing of terrorism.

57. The working group on tackling the financing of terrorism, co-chaired by UNODC, the World Bank and IMF, has engaged its members in a stocktaking exercise in order to make proposals as to how to increase the effectiveness of national strategies to address the financing of terrorism and improving the implementation of international standards. On behalf of the working group, the Anti-Money-Laundering Unit and the Terrorism Prevention Branch undertook a review of the literature. They also contributed to the organization in Vienna of a number of expert round tables targeting specific professional groups, including

bankers and financial regulators (10 April 2007), financial intelligence units (11 April 2007), law enforcement officers (21 May 2007) and criminal justice officers (22 May 2007).

58. In addition, UNODC has continued to engage entities represented on the Task Force in its technical assistance activities, in particular OHCHR, the International Civil Aviation Organization (ICAO), the World Bank, IMF, IMO, IAEA and Interpol. It has also contributed to a large number of initiatives spearheaded by other entities represented on the Task Force, including participation in high-level events such as the event on the International Convention for the Suppression of Acts of Nuclear Terrorism organized by the Office of Legal Affairs in New York in June 2007, and the International Conference on Terrorism: Dimensions, Threats and Countermeasures, held in Tunis in November 2007, organized by the Government of Tunisia, the Department of Political Affairs of the Secretariat, the Islamic Educational, Scientific and Cultural Organization and the Organization of the Islamic Conference (OIC); contributions to substantive tools, such as the revised directory of international best practices, codes and standards for the implementation of Security Council resolution 1373 (2001), developed by the Counter-Terrorism Committee and its Executive Directorate, and the fact sheet on terrorism, counter-terrorism and human rights recently prepared by OHCHR.

59. The Terrorism Prevention Branch contributed to various initiatives launched by regional and subregional organizations as well as by non-governmental organizations with regard to the implementation of the United Nations Global Counter-Terrorism Strategy and the mandate of the Counter-Terrorism Implementation Task Force. These included several meetings hosted by OSCE, such as the high-level "Tripartite-Plus" meeting between the United Nations, the Council of Europe, OSCE and partner organizations focusing on implementation of the Strategy, held in Vienna in February 2007; the High-Level Meeting on Victims of Terrorism (Vienna, September 2007); and the workshop on combating incitement to terrorism on the Internet (Vienna, November 2007); as well as a subregional workshop on implementing the Strategy in Southern Africa, organized by the Institute for Security Studies (ISS) and SADC (Johannesburg, South Africa, September 2007); and numerous workshops organized by the International Peace Academy and the Center on Global Counterterrorism Cooperation.

3. Operational partnerships with other organizations

60. The Branch continued to engage in and enhance operational partnerships with international, regional and subregional organizations for the implementation of the technical assistance activities under its global project.

61. At the international level, partnerships help make the best use of resources, enhance complementarity of mandates and expertise, promote broad-based and holistic initiatives, and avoid duplication of work. International organizations with which operational collaboration continued in 2007 include ICAO, the World Bank, IMF, IMO, IAEA, the Commonwealth Secretariat, the Counter-Terrorism Action Group of the Group of Eight, the Financial Action Task Force on Money Laundering, Interpol, the International Development Law Organization, ILAC and its member organizations, the International Organization for Migration (IOM) and the International Organization of la Francophonie.

62. At the regional and subregional levels, partnerships help to ensure that political, economic and development dynamics and sensitivities are properly understood and taken fully into account in technical assistance activities. Partner organizations bring invaluable local expertise and experience with them, thereby enhancing the overall quality and relevance of UNODC technical assistance activities. Moreover, partnerships add political legitimacy, local knowledge and expertise and valuable logistical support, facilitate transfer of knowledge and contribute to the development of local sustainable capacity.

63. For the implementation of its technical assistance activities in 2007, the Terrorism Prevention Branch worked with numerous regional and subregional partners, including the African Union, the Association of Regional Magistrates of Southern Africa, the Association of Southeast Asian Nations (ASEAN), the Central African Economic and Monetary Community, the Common Market for Eastern and Southern Africa, the Economic Community of Central African States, the Economic Community of West African States, the European Union and Eurojust, IGAD, the League of Arab States, OAS/CICTE, OIC, the OSCE Action against Terrorism Unit and its Office for Democratic Institutions and Human Rights and SADC.

64. Cooperation with ASEAN was pursued by the Branch through its attendance at the Seminar on the Promotion of Accession to the International Counter-Terrorism Conventions and Protocols, held in Tokyo in March 2007, and through the provision of legal input to the ASEAN Workshop on Preventing Bio-terrorism, held in Jakarta in July 2007.

65. Cooperation with OIC was further strengthened, pursuant to the agreement reached in July 2004 with regard to capacity-building and training for its General Secretariat. The Branch held a second workshop on the universal legal framework against terrorism for the staff of the General Secretariat and representatives of OIC member States, in Jeddah, Saudi Arabia, in April 2007.

66. Through its participation in the Tenth Arab Conference on Combating Terrorism, held in Tunis in June 2007, the Branch fostered cooperation with the Council of Arab Ministers of the Interior.

67. Building on previous cooperation with the African Union, and in line with UNODC's overall plan of action for Africa, the Terrorism Prevention Branch and the African Centre for Studies and Research on Terrorism established a partnership to jointly enhance African capacity to implement the provisions of the universal legal instruments and the recently drafted African Union model law on terrorism. The Branch participated in a series of subregional workshops aimed at building the relevant counter-terrorism capacity of key law enforcement and criminal justice officials from all regions of Africa (Algiers, January 2007; Nairobi, March 2007; and Johannesburg, South Africa, November 2007).

68. Based on their established strategic partnership, the European Union and UNODC continued to share information regarding ongoing and planned technical assistance activities at the country and regional levels and to organize partnership activities such as the Indonesia/European Union workshop on the legal implementation of the universal framework against terrorism, combating cyberterrorism and rehabilitation programmes, held in Jakarta in September 2007, in which more than 80 criminal justice officials from Indonesia and representatives of the European Union participated.

69. Partnership activities were also initiated with the Pacific Islands Forum, including a joint regional consultation workshop on measures for the legislative implementation of the legal regime against terrorism in the Pacific region and related technical assistance delivery, held in Nadi, Fiji, in June 2007 and attended by officials from 14 Pacific countries. The workshop provided a valuable forum for experts from the Counter-Terrorism Committee and its Executive Directorate and the Security Council Committee established pursuant to Council resolution 1540 (2004) to work with national officials of the countries represented. The workshop adopted an outcome document (A/62/542-S/2007/664, annex) describing technical assistance needs in the legal aspects of counter-terrorism, and UNODC has placed an expert in the secretariat of the Forum to provide focused assistance to countries of the Pacific.

70. The Collective Security Treaty Organization and the Branch together organized a workshop for legal experts of the Organization's member States on criminal law aspects of the implementation of the universal counter-terrorism instruments, held in Moscow in October 2007.

71. A new partnership is being developed with the Asian-African Legal Consultative Organization. UNODC was invited to participate in the forty-sixth session of the Organization, held in Cape Town in July 2007, one day of which was devoted to counter-terrorism issues and the role of UNODC in delivering technical assistance. Further joint regional workshops are being planned, including an interregional workshop on international cooperation in criminal matters pertaining to counter-terrorism.

72. The Cooperation Council for the Arab States of the Gulf is another new operational partner. At the request of the secretariat of the Council, the Terrorism Prevention Branch organized a two-day workshop for its officials in Riyadh in April 2007. Further activities, including at the regional level, are scheduled.

4. Cooperation with recipient and donor countries

73. To ensure that the assistance delivered is tailored to the particular needs of each country, the Branch works with representatives and experts in the recipient countries. In addition to the formal communications pursued through the official channels of the permanent missions to the United Nations in Vienna and New York as well as through ministries of foreign affairs, extensive consultations are held and working-level contacts maintained with the various concerned ministries at the national level as well as with the judiciary and prosecutorial services.

74. Donor support for the technical assistance activities of the Branch has been steadily increasing. Between January 2003 and December 2007, voluntary contributions (paid and pledged) totalled some \$22.5 million. Contributions have been made by the following 20 countries: Austria, Canada, Colombia, Denmark, France, Germany, Greece, Italy, Japan, Liechtenstein, Monaco, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States. The Branch is most grateful to these donor countries for their invaluable financial support, without which its technical assistance activities would not be possible.

75. Collaboration and substantive input are also sought from institutions of donor Governments. Where possible, use is made of expertise available from donor countries for the implementation of project activities.

III. Challenges ahead

76. UNODC faces the challenge of reinforcing its technical assistance in counter-terrorism to help countries implement the United Nations Global Counter-Terrorism Strategy by building on its in-house capacity in related areas and by achieving effective coordination and synergy of efforts, internally – in particular in the context of implementing its thematic programme on prevention of terrorism – as well as externally – including within the framework of the Counter-Terrorism Implementation Task Force. Mobilizing increased substantive and financial support from Member States will be crucial in meeting that challenge.

A. Implementing the thematic programme on prevention of terrorism

77. UNODC, through the Terrorism Prevention Branch has drawn up a thematic programme on prevention of terrorism to give full operational effect to the relevant elements of the strategy for the period 2008-2011 for the Office. The thematic programme integrates the specialized legal services and the various cross-cutting aspects of UNODC's work in fighting global terrorism.

78. Implementation of the United Nations Global Counter-Terrorism Strategy necessitates further expansion of UNODC's technical assistance activities in legal and related capacity-building matters, carried out as part of the global project on strengthening the legal regime against terrorism. Further initiatives are to be explored:

- (a) To ensure sustained and effective long-term follow-up to and support for national efforts that have been initiated;
- (b) To expand specialized training in counter-terrorism to cover various areas of crime prevention and criminal justice, with special emphasis on international cooperation in criminal matters pertaining to terrorism;
- (c) To promote regional cooperation among criminal justice agencies and to facilitate effective measures for participation in international cooperation in criminal matters, especially extradition and mutual legal assistance, building on UNODC's relevant expertise and experience in the crime and drug areas;
- (d) To promote the use of good legal and criminal justice counter-terrorism practices;
- (e) To expand legal research into counter-terrorism to include analytical and comparative studies of legislative developments in various regions, covering both civil and common law systems;
- (f) To encourage academic and professional training on the legal aspects of counter-terrorism, in partnership with academic institutions, so as to build up related expertise in prevention of terrorism;

(g) To build up specialized legal expertise in counter-terrorism at the field level, making full use of UNODC's unique field presence and field-level expertise in promoting justice and security.

79. Modern terrorism has become increasingly complex and multifaceted in nature – often merging and cutting across a broad range of transnational and organized crimes and/or criminal methodologies. Criminal justice systems and practitioners therefore need to be legally equipped and able to deal not only with the terrorist crimes themselves, but also with a range of crimes potentially linked to terrorism, such as trafficking in and smuggling of drugs, firearms and persons, money-laundering and corruption. Holistic efforts to strengthen domestic criminal justice capacity to address these cross-cutting and related crimes will enhance global counter-terrorism action.

80. UNODC's counter-terrorism work is undertaken in a comprehensive perspective, taking fully into account the work done with regard to the international legal instruments on drugs and crime. Similarly, counter-terrorism is also a cross-cutting issue and the various organizational entities of the Office face the challenge of integrating pertinent counter-terrorism aspects into their respective substantive areas of work, including in new and emerging areas, such as those pertaining to identity-related crime and cybercrime.

B. Contributing to the work of the Counter-Terrorism Implementation Task Force

81. Since the adoption of the United Nations Global Counter-Terrorism Strategy, the Counter-Terrorism Implementation Task Force has, in addition to its policy work, increasingly undertaken operational work in specialized substantive fields.

82. Currently, its most ambitious initiative relates to facilitating integrated implementation of the Strategy, led by the working group co-chaired by UNODC and the Executive Office of the Secretary-General. This initiative seeks to ensure that implementation assistance to requesting countries is provided in an integrated and mutually supportive manner. An initial concept and a working methodology have been developed, which basically aim, with regard to interested, identified countries: (a) to “map” (that is, to collect and make an inventory of) all existing assessments and information available on assistance requested, provided or planned and thus to identify gaps in assistance delivery; (b) to develop integrated implementation timelines/action plans of the assistance to be delivered, based on analysis of the “mapping”. A key element of the initiative would be the establishment of an automated counter-terrorism assistance information exchange mechanism.

83. It should be stressed that this initiative is not intended as a substitute for the work of the participating entities and organizations, but rather complements ongoing action by making full use of the assessments made by the Counter-Terrorism Committee and its Executive Directorate and other relevant bodies and by drawing upon the activities undertaken by participating assistance providers. It will recognize and utilize possible synergies in assistance delivery and thus maximize its impact in the interest of the requesting States.

84. As co-chair of the working group on facilitating integrated implementation of the Strategy, UNODC has an important role to play in the further planning and implementation of the initiative, drawing on its substantive and operational expertise and institutional capacity. The Office's mandated counter-terrorism work will benefit from its active involvement in this initiative of the Counter-Terrorism Implementation Task Force.

C. Mobilizing increased support from donor countries

85. Thanks to and drawing on the extensive financial support that donor countries have provided through their voluntary contributions over the past five years, the Office has been able to establish under the Branch, both at headquarters and in selected field locations covering all regions, while striking a delicate balance, a highly valuable and indispensable core of specialized expertise and the basic secretariat capacity for the effective planning, delivery, coordination and management of technical assistance and related partnerships in counter-terrorism. Whereas the Branch started its technical assistance delivery in 2003 with 5 Professional-level posts funded from the regular budget plus a few additional experts provided through voluntary funding, it now relies on the services of more than 30 Professionals at headquarters and in the field for delivery of technical assistance. These staff members bring specialized expertise in and deal with varied aspects of counter-terrorism, ranging from the promotion of international cooperation in criminal matters to suppression of the financing of terrorism, prevention of nuclear terrorism and enhancing a rule-of-law-based criminal justice response to terrorism, and carry out the planning, delivery, coordination and management of legal assistance annually to several dozen countries. It is of the utmost importance that the groundwork already laid is sustained and further built upon, with the required balance at headquarters and in the field, to enable sustained longer-term service delivery and follow-up to the initial work carried out and to maintain the momentum gained. This is currently dependent entirely on sustained, predictable and long-term voluntary contributions and donor countries are requested to make available significantly increased, predictable and multi-year funding for delivery of the Office's technical assistance in counter-terrorism.

86. At the same time, it should be recognized that dependence on extrabudgetary resources for core expertise and basic secretariat functions is not tenable in the long term and that funding needs to be provided increasingly from the regular budget. The resource allocation under the regular budget has remained at almost the same level since 2003, with the exception of an additional junior-level post approved in December 2007 in connection with the new mandates of the Branch related to the International Convention for the Suppression of Acts of Nuclear Terrorism.

IV. Conclusions and recommendations

87. The scope of specialized technical assistance in the legal and related capacity-building areas provided by UNODC, in particular by its Terrorism Prevention Branch, has grown consistently since 2003, in terms of geographical reach, the number of countries receiving assistance and the substantive content of the assistance provided. The partnerships that have been developed with international,

regional and subregional organizations are generating an increased level of assistance requirements. The significantly increased number of requests for assistance must be met expeditiously to sustain and increase the momentum for action at the national level and to ensure effective long-term follow-up. As more States have ratified the relevant international legal instruments, enhanced implementation assistance is needed, especially to strengthen the capacity of national criminal justice systems to apply the provisions of the legal regime against terrorism in full conformity with the principles of the rule of law and human rights. A key concern in this regard is to ensure sustained services and adequate follow-up to initial assistance efforts undertaken and thus to achieve long-term impact. New specialized technical assistance tools need to be developed and existing tools refined to fully cover the evolving international legal framework against terrorism. Moreover, in response to the United Nations Global Counter-Terrorism Strategy, UNODC needs to develop new initiatives to promote legal cooperation at the regional and subregional levels, good practices, legal research and academic training in the area of counter-terrorism, drawing on and building upon its expertise in crime prevention and drug control.

88. In addition, the increasingly complex and multifaceted nature of terrorism requires integrated services that incorporate the cross-cutting aspects of drug control and prevention of crime and terrorism, and provide synergetic responses. The Office therefore needs to integrate pertinent counter-terrorism aspects into all relevant substantive areas of its mandates and work, such as money-laundering, transnational organized crime, drug trafficking, corruption and criminal justice reform. Its network of field-level experts needs to be strengthened, both to serve as a conduit for the transmission of expertise and to enhance regional and national level expertise.

89. The Commission may wish to provide further guidance with regard to the reinforcement of UNODC's technical assistance work on counter-terrorism issues, covering both specialized services to strengthen the legal regime against terrorism and those addressing cross-cutting issues of crime, drugs and prevention of terrorism, within the framework of its thematic programme on prevention of terrorism. The Commission may also wish to provide further guidance with regard to the strengthening of UNODC's network of field-level experts.

90. A formal review of the implementation of the United Nations Global Counter-Terrorism Strategy will be made in September 2008 by the General Assembly. To assist Member States in their implementation of the Strategy, UNODC, within its mandates, is required to make effective contributions to the work of the Counter-Terrorism Implementation Task Force. A major challenge will be to advance the work on facilitating integrated implementation of the Strategy. To enhance the impact of its technical assistance work, UNODC will also need to continue to establish and reinforce partnerships with other organizations, both within and outside the United Nations system.

91. The Commission may wish to take note of this important aspect of the work of UNODC and to reiterate the call made by the General Assembly with regard to the involvement of the Office in the work of the Counter-Terrorism Implementation Task Force. The Commission may wish to invite relevant

organizations at the international, regional and subregional levels to enhance their cooperation with the Office on counter-terrorism issues.

92. While donor countries have provided invaluable voluntary contributions that have made possible the work of the Office in counter-terrorism, it is important to recognize that the current resource level is inadequate to meet the increasing number of requests for technical assistance in legal and related capacity-building matters and the corresponding expansion required in operational activities and substantive initiatives to assist States with the implementation of the United Nations Global Counter-Terrorism Strategy. Increased and multi-year voluntary contributions by donors and cost-sharing arrangements with assisted countries are essential.

93. Equally important is the recognition that it is necessary to provide from the regular budget the minimum core capacity required in terms of the specialized expertise and secretariat functions needed to deliver the expanded programme of technical assistance.

94. **The Commission may wish to express gratitude to donor countries for the voluntary contributions made available to the Office for its counter-terrorism work and to invite Member States to increase the level of extrabudgetary and regular budget resources to fund UNODC's technical assistance activities in the area of prevention of terrorism.**

Annex

**Contributions to the United Nations Crime Prevention and
Criminal Justice Fund for technical assistance projects of
the Terrorism Prevention Branch, from prior to 2002 to
31 December 2007**
(United States dollars)

| <i>Donor</i> | <i>Total amount paid and pledged as at 31 December 2007</i> | <i>2002 and before</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007^a</i> |
|---|---|---------------------------------|------------------|------------------|------------------|------------------|-------------------------|
| Austria | 1 923 391 | 13 522 (2002) 294 985 (2002) | 730 689 | | 242 366 | 10 823 | 631 006 |
| Canada | 1 418 573 | | | 47 071 | 74 371 | 689 655 | 607 476 |
| Colombia | 80 000 | | | | | | 80 000 |
| Denmark | 2 206 577 | | | | 546 701 | 770 548 | 889 328 |
| France | 1 365 898 | | 247 578 | 246 305 | 283 013 | 342 730 | 246 272 |
| Germany | 1 199 016 | | 162 690 | 256 400 | 242 130 | 229 934 | 307 862 |
| Greece | 70 000 | | | | | | 70 000 |
| Italy | 2 494 782 | 65 043 (2001) 198 216 (2002) | 271 150 | 306 373 | 600 000 | 519 000 | 535 000 |
| Japan | 227 558 | 30 000 (2002) | | | 66 160 | 50 000 | 81 398 |
| Liechtenstein | 150 000 | | | | 50 000 | 50 000 | 50 000 |
| Monaco | 120 000 | | | | | 60 000 | 60 000 |
| Netherlands | 1 902 565 | | 4 720 | | 937 731 | 935 414 | 24 700 |
| New Zealand | 140 845 | | | | | 140 845 | |
| Norway | 1 378 123 | | | 442 478 | 459 383 | 228 000 | 248 262 |
| Spain | 1 277 741 | | 156 576 | | 47 337 | 401 785 | 672 043 |
| Sweden | 2 627 952 | | | | 491 344 | 820 000 | 1 316 608 |
| Switzerland | 80 000 | | | | 40 000 | | 40 000 |
| Turkey | 195 170 | 20 170 (1999) 25 000 (2000) | | 50 000 | | 25 000 | 75 000 |
| United Kingdom | 2 238 265 | | | 478 000 | 212 146 | 584 347 | 963 772 |
| United States | 1 424 000 | 230 000 (2000) | | 250 000 | 446 000 | 298 000 | 200 000 |
| Organization for Security and Cooperation in Europe | 13 175 | | | | | 13 175 | |
| Total | 22 533 631 | 876 936 | 1 573 403 | 2 076 627 | 4 738 682 | 6 169 256 | 7 098 727 |

^a Includes outstanding pledges of \$601,800.