



## **Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia**

**2nd Expert Meeting Addressing Pillar II of the Strategy**

**co-organized by the CTITF, UNRCCA and the EU**

**co-financed by the Government of Norway**

**With the support of the Ministry of Foreign Affairs of Tajikistan**

**March 29-30th, 2011, Dushanbe, Tajikistan**

### **FINAL REPORT <sup>1</sup>**

The Second Expert Meeting of the CTITF and EU (EEAS) project on the implementation of the UN Global Counter-terrorism Strategy in Central Asia took place in Dushanbe on 29-30 March 2011. The meeting was co-organized by the CTITF, EU (EEAS) and UNRCCA with the support of the host government of Tajikistan and financial support from the EU (EEAS) and the Government of Norway.

The goal of the second of three Expert Meetings was to provide a platform for sharing experiences, to explore mutual cooperation among Central Asian countries, to identify best practices and gaps in their efforts towards countering terrorism, and to gather concrete recommendations on Pillar II of the UN Global Counter-Terrorism Strategy for the Joint Action Plan for the Implementation of the Strategy in Central Asia. It brought together 61 representatives of:

- Governments of four Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan) represented through four representatives of their Ministries of Foreign Affairs, National Security Committees, Prosecutor General's Offices and Ministries of Interior;
- Representatives of states of the region and other countries (Afghanistan, China, Germany, Iran, Norway, Pakistan, Russian Federation and the US);
- Representatives of regional and international organizations (CICA, CIS, CSTO, INTERPOL, NATO, OSCE, RATS SCO and SCO);
- Representatives of EU (EU and EEAS and EU CTC);
- Representatives of UN organizations and CTITF entities (OHCHR, CTED, DPA, UNDP, UNHCR, UNICRI, UNODC, UNRCCA, UN SC 1267 Sanction Committee on Al-Qaeda and the Taliban and UN SC 1540 Committee expert).

---

<sup>1</sup> This Report has been compiled by Shahrbanou Tadjbakhsh, Consultant of the Project, with input from Muhammad Rafiuddin Shah and Anne Wu (CTITF Office), Marc Bojanic (UNRCCA), Milana Lickova (EU) and the moderators of the Working Sessions: Sara Greenblatt (UN CTED), Bakhram Auanassov, (RATS SCO), Olga Zudova (UNODC Regional Office for Central Asia), Dolgor Solongo (UNODC HQ), Victor Shtoyunda (UN SC 1267 Sanction Committee on Al-Qaeda and the Taliban) and Nicolas Kasprzyk (1540 Committee expert) as well as input by all participants of the Dushanbe Meeting.

## **Executive Summary**

### **Session 1: Enhancing Legal and International Instruments**

- Donor countries and international and regional organizations are called upon to provide technical assistance and capacity-building to help CA States implement international CT legal instruments. Specialized international agencies, such as the IAEA and the International Maritime Organization (IMO) as well as UNODC are requested to provide the necessary technical assistance in the ratification of outstanding conventions.
- Central Asian States are encouraged to submit their stock-taking reports within established deadlines to CTED and the Committees responsible for monitoring the implementation of the relevant UN Security Council resolutions.
- States should define terrorist-related offenses within domestic criminal law in clear and precise terms, according to the definitions contained in UN Conventions and Protocols. Technical assistance provided by UNODC, OSCE, SCO and CICA should be continued and intensified towards the harmonization of national legislation with international obligations.
- Raising the awareness of States on how to use the international CT legal instruments in matters of extradition can be assisted through expert and technical assistance, seminars, and experience sharing.
- The systematic sharing and exchanging of information and best practices in the region needs to be institutionalized.

### **Session 2: Improving Law Enforcement Cooperation for Prevention and Combating of Terrorism**

- Cooperation, exchanges and joint training between the police, security agencies and border management officials across CA countries should be intensified and supported by regional and international organizations.
- Political will and cooperation among States is critical for effective border security. A road map may be necessary to solve border problems in the region, including problems of border delimitation between countries as well as the extensive borders with Afghanistan through mostly rugged terrain.
- Border control efforts need to focus on combating document fraud, smuggling, customs fraud and the flow of illicit drugs and weapons as part of broader approaches to securing the CA frontiers against potential terrorist attacks. Existing regional border management projects, such as BOMCA would benefit from scaling up, from enhanced cooperation across borders with BOMFA in Afghanistan, and from more direct linkages between border management and counter-terrorism.
- Effective border security systems also require the professionalization of customs officials on matters of travel security, including enhanced technical assistance towards biometric IDs, modern equipment and technologies. They also require addressing the social and financial problems of border officials to prevent corruption. Revamped incentive systems should be considered.

- To combat drug trafficking, enhanced technical and legal assistance is needed, including a comprehensive regional strategy, better information on traffickers, cross-border law enforcement cooperation as well as strategies to curb on the demand side. Existing cooperation between CA States, and between them and neighbouring countries, facilitated by UNODC, CIS and the SCO need to be scaled up.
- International and regional cooperation is especially important for combatting the cross-border smuggling of weapons. The infrastructure developed for the fight against narcotics could be used to track down the illegal trade of small arms.
- The systematic, rapid and timely exchange of information among law enforcement agencies in Central Asia, neighbouring countries and concerned countries needs to be better institutionalized through enhanced exchange systems, reduction of cumbersome bureaucratic red tape, the creation of Fusion Task Force Contact Officers at the national level and joint Fusion Centers at the regional level and enhanced cooperation with the INTERPOL Fusion Task Force/Project KALKAN (Shield). All data and information sharing however should be bound by the principle of confidentiality as regards asylum seekers and refugees.

### **Session 3: Counteracting the Financing of Terrorism**

- Provisions of the UN resolutions related to the prevention and suppression of the financing of terrorist acts, particularly Resolution 1373 of the UN Security Council should be fully implemented. UNODC and regional organizations such as the CIS and OSCE should continue to support the implementing these resolutions.
- Regional courses, seminars, trainings and awareness raising should be organized at the regional and national levels on the international instruments, standards and methodologies on fighting corruption, money laundering and financing of terrorism, including the 40+9 Recommendations of the Financial Action Task Force (FATF) and relevant Council of Europe and EU instruments.
- The legislation on money laundering and financing of terrorism, including legislation on confiscation, freezing of assets, and banking regulations need to be harmonised among the countries of CA and brought to a unified standard with the help of relevant regional and international organizations.
- The capacity of the Financial Intelligence Units and other relevant national authorities in charge of AML/CFT issues should be enhanced so that they could carry out the necessary analysis/investigations, coordinate with other authorities, and effectively implement AML/CFT related rules, regulations and legislation.
- Countries that are not yet members of the Egmont Group should be encouraged and supported to become members so that they gain, among other things, access to secure channels of information and technical assistance.
- International and regional cooperation needs to be intensified for sharing of information and for providing mutual legal assistance in connection with criminal investigations on the financing of terrorism.

- Non-profit organizations, charities and the private sector should be guarded against becoming vehicles for the financing of terrorism. The appropriate regulations, legislation and administrative arrangements need to be reviewed and enacted.

#### **Session 4: Countering the Use of the Internet for Terrorist Purposes**

- Countering the use of the Internet for terrorist purposes requires both legal solutions and putting in place technical measures. Financial support, capacity building and technical assistance to the CA States are necessary, as are sharing of best practices both on technical and legal issues and sharing of websites and model laws on information technologies. The threats should be mapped and a needs assessment conducted for the Central Asian region.
- The UN is encouraged to play a more active role in leading international cooperation towards setting norms of behavior in cyberspace. The reports of the CTITF working groups on countering the use of internet by terrorists, relevant UN GA Resolutions, and reports of groups working on information security, cyber terrorism, and use of Internet by terrorists should be widely disseminated in the region. The UN should consider organizing a regional expert meeting on the question of information and telecommunications in the context of regional security.
- Countering the use of the Internet for terrorist purposes through legal and practical means should be done without hampering freedom of information and freedom of expression, which are fundamental rights.
- Specialized assistance and specific technical training may be necessary in particular for law enforcement officials. Tools such as legislative strategies and educational programmes on ICT security (including cyber crime) need to be developed and implemented. Partnership with the private sector is necessary in order to cooperate on the monitoring, policing and closure of specific sites.
- New institutional frameworks, such as specialized units, set up at the national and regional levels need legal, financial, and technical support. Information exchange and mutual assistance between these units should be organized at the regional level.
- Positive counter narratives need to be developed and used as alternatives to terrorist narratives and propaganda. The youth of the region should be specifically targeted for such educational and awareness raising strategies.
- Better international cooperation is needed in order to harmonize differences in laws, regulations and practices of different countries. Protocols of cooperation between regional organizations may further facilitate such process, as well as the exchange of databases and good practices.

#### **Session 5: Responding to Attacks Using Weapons of Mass Destruction and Denying Illicit Trafficking**

- Cooperation among States in the region should be improved in all areas that are relevant to combating illicit trafficking in and smuggling of nuclear, chemical, biological and radiological weapons and materials, including through improving border and customs control and

establishing appropriate controls over related materials in the areas of accounting/securing, physical protection, border and law enforcement, export and trans-shipment. Assistance should be provided by regional and international organizations.

- Mitigation and planning response to an attack using nuclear, chemical, biological, or radiological weapons or materials require coordinated response mechanisms. Cooperation among CA should be encouraged through joint activities, tailored dialogues, and the sharing of experiences and lessons learned on the prevention of WMD proliferation activities from non-state actors.
- Synergies and networks need to be developed with and across international and regional organizations, information exchanges strengthened, and joint needs assessments conducted.
- At the national level, all relevant stakeholders that have a role to play should be involved in mitigation and response plans, including, as appropriate, through inter-departmental coordination mechanisms.
- CA States that need assistance should be encouraged to make full use of existing assistance mechanisms available at the regional and international levels. The EU funded CBRM Center of Excellence in Central Asia implemented by UNICRI, as well as initiatives of CSTO, SCO, OSCE and INTEPORL should be encouraged to this aim.

## Conclusions and Recommendations in Full

### Introduction from Hosts and Organizers

The CTITF Working Group on Preventing and Resolving Conflict, in collaboration with member States in the region, has developed an initiative to assist Central Asian (CA) States to devise a regional Plan of Action to implement the UN Global Counter-Terrorism (CT) Strategy. The project is funded by the European Union and the Government of Norway and is implemented by the United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) located in Ashgabat, Turkmenistan.

The Project envisages the preparation of a regional Plan of Action on the basis of three Expert Meetings, each devoted to a different pillar of the Global Strategy. The First Expert Meeting was held in Bratislava, Slovakia on December 15-16th, 2010 and had covered Pillar I: *Measures to address the conditions conducive to the spread of terrorism* and Pillar IV: *Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.* [2] The Second Expert Meeting covered Pillar II: *Preventing and combating terrorism.*

As stated in the opening remarks of the host country representative Amirkul Nasimovich Azimov, Secretary of the Security Council of Tajikistan, the preparation of a Join Action Plan

<sup>2</sup> The Report of the First Meeting is available upon request from the CTITF Office, UNRCCA and the EU External Action Services or from the consultant of the project [tadjbakhsh@un.org](mailto:tadjbakhsh@un.org)

for the implementation of the Global CT Strategy in Central Asia is relevant and timely, especially given the proximity of an unstable Afghanistan, the existence of energy routes, the dangers of cross-border trafficking of narcotics and criminal groups, and recent events in Kyrgyzstan and Tajikistan. All five Central Asian States have managed to avoid wide-scale terrorist attacks, although there is a growing need to counter the potential action of terrorists in the region and to prevent further instability.

For Muhammad Raffiudin Shah, Officer in Charge of the CTITF Office, the Strategy and its two follow up resolutions are unique in that they serve as a basis for substantive multilateral counter-terrorism discussions and engagements. The CTITF Office puts emphasis on two important aspects: First is the importance of the regional approach to CT, given that the problems tend to be common across many countries belonging to the same region. By involving regional member States and organizations as well as international partners, the project aims to instill a sense of mutual partnership among all stakeholders and enhance the effectiveness and sustainability of the counter-terrorism effort in the region. Second is holistic vision and methodology of the Global Strategy, which guarantees a more strategic, inclusive and ultimately sustainable approach to countering terrorism.

The UNRCCA is uniquely placed as the implementing agency of the project. As mentioned by its Head of Office, SRSG Miroslav Jenča, the UNRCCA supports CA states by seeking to create conditions conducive to the identification of durable solutions that are acceptable to all. To create such conditions, it encourages dialogue, provides a platform for discussions and exchanges, builds the capacities of states in peaceful resolution and conflict prevention, promotes cooperation and confidence-building, and mobilizes, where necessary, technical expertise and assistance within the UN system. Of utmost important to the success of UNRCCA's endeavors is cooperation with regional organizations. The multiplicity of security challenges that the region faces give ample opportunities to verify the collective ability to assist in maintaining and furthering peace.

As co-organizer of the Expert Meetings and funders of the Project, the European Union also places high importance on the regional and multilateral approach to implementing the Global UN Counter Terrorism Strategy, as well as on the comprehensive approach of the Global Strategy that includes not only law enforcement and other security measures, but also measures to ensure respect for human rights and to address underlying conditions conducive to the spread of terrorism. According to Eduard Auer, EU Ambassador to Tajikistan and Gilles de Kerchove, EU CT Coordinator, the EU sees the UN Global CT Strategy as a complete set of measures that need to be implemented in their totality and as such offers an opportunity to recalibrate all efforts and develop more balanced responses to the threat of terrorism by bringing together security, rule of law, development objectives and protection of fundamental values. The EU adopted its holistic EU Counter Terrorism Strategy in 2005 based on four pillars of "prevent", "protect", "pursue" and "respond", which together with the updated Terrorism Action Plan, provide the strategic framework for the development of the EU's counter-terrorism policy and action. The EU CT Strategy promotes democracy, dialogue and good governance to tackle the root causes of radicalisation. To combat terrorism effectively, the EU has set itself the following objectives: increase cooperation with third countries and international organizations in order to promote the respect human rights; prevent new recruits to terrorism; better protect potential targets; investigate and pursue members of existing networks and improve capability to respond to and manage the consequences of terrorist attacks. The EU's strategic commitment is to

combat terrorism globally while respecting human rights. In the meantime, the European External Action Service (EEAS), as the institution responsible for ensuring the overall consistency and coherence of external action, which includes CT activities involving third countries and international organizations, conducts political dialogues on counter-terrorism both with partner countries and international organisations and represents the EU at international, regional and bilateral meetings. In 2009 the EU developed its first comprehensive CT programme which includes the implementation of the UN standards on CT in its priority areas. The key financial instrument to support 3rd countries in their efforts to tackle counter-terrorism is the Instrument for Stability, which focuses mainly on transregional threats and which the EEAS used to fund this initiative in Central Asia.

The importance of integrated and coordinated action was further highlighted by Mr. Dag M. Halvorsen, Norwegian Ambassador to Tajikistan and Kazakhstan. Norway has financially and politically supported the CTITF, including for the Central Asia project, and has also a record of cooperation with international and regional organizations as well as the national governments of Central Asia. The UN Global CT Strategy offers a unique opportunity to design a balanced approach to countering terrorism under the four pillars. In his speech, the Ambassador reiterated the need for cooperation between the five countries of the region, supported by international and regional organizations, especially given the vulnerability of the region to the terrorist threat, not least because of the impact of instability in Afghanistan and links between international terror organizations and organized crime.

Subsequent discussions on the Second Pillar of the UN Global CT Strategy took place during five moderated Working Group sessions in Dushanbe:

- 1) Enhancing Legal and International Instruments;
- 2) Improving Law Enforcement Cooperation for Prevention and Combating of Terrorism;
- 3) Counteracting the Financing of Terrorism;
- 4) Counteracting the Use of the Internet for Terrorist Purposes;
- 5) Responding to Attacks Using Weapons of Mass Destruction and Denying Illicit Trafficking.

### **Session 1: Enhancing Legal and International Instruments**

#### Conclusions

- The international counter-terrorism legal instruments and UN Security Council resolutions form a holistic and interlocking mechanism, which benefit the States of CA in dealing with common threats from terrorism and extremism through common responses and cooperation.
- The Central Asian States have high rates of ratification of the main 16 international counter-terrorism legal instruments: Kazakhstan has ratified 13, Kyrgyzstan 10, Tajikistan 12, Turkmenistan 14 and Uzbekistan 13. [3] None of the CA countries, which

3 For information on these, please refer to <http://www.state.gov/s/ct/rls/crt/2009/140892.htm>

are mainly landlocked, have ratified the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf. Only Turkmenistan has ratified the 2005 Amendment to the Convention on the Physical Protection of Nuclear Materials. Tajikistan has not ratified the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, although there are on-going discussions with experts and the parliament. All the Central Asian countries are either signatory to or party to the UN Convention against Transnational Organized Crime. [4]

- Kyrgyzstan has had difficulties in ratifying the Convention on the Physical Protection of Nuclear Material because of the lack of clarity on whether the materials they possess are covered by the Convention. Kyrgyzstan requires technical assistance to assess the materials and is encouraged to engage with the IAEA to ascertain whether these materials qualify under the Convention. Furthermore, financial resources are needed to protect these nuclear materials and by-products, as well as to implement the Convention.
- Although CA countries are mostly landlocked, it is important, nevertheless, to ratify the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, according to the Counter-Terrorism Committee Executive Directorate (CTED). Ratification would facilitate establishing dual criminality, thereby enabling States to deliver mutual legal assistance and to extradite. The fact that these instruments are not ratified in CA States may create legal lacunae, notably, the non-criminalization of such offences and the absence of a multilateral mechanism to provide legal assistance and/or extradite offenders. Ratification or accession to these instruments would provide additional reinforcement in combating these particular acts of terrorism and in preventing perpetrators from acquiring safe haven. Relevant organizations, such as UNODC and the UN International Maritime Organization and others could be contacted with respect to matters relating to ratification and legislative drafting.
- In general, the States of CA are progressing in their ratification and implementation of the international counter-terrorism legal instruments and UN Security Council resolutions. Lapses can be associated in part with the lack of institutional and technical capacity, as States require assistance in drafting appropriate legislation and amending existing ones.
- Member States are called upon to report to the UN 1267 Committee, to the UN Counter-Terrorism Committee (CTC) and to the UN 1540 Committee on the implementation of the requirements stemming from, respectively, UN Security Council Resolution 1267 (1999); UN Security Council Resolutions 1373 (2001) and 1624 (2005); UN Security Council Resolution 1540 (2004). Resolution 1267 (1999) and subsequent relevant resolutions impose an assets freeze, travel ban and arms embargo on any individual or

---

4 [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18) <=en

entity associated with Al-Qaida, Osama bin Laden and/or the Taliban as designated by the Committee. Resolution 1540 (2004) addresses the threat posed by non-State actors by explicitly having States refrain from providing any support for proliferation-related activities to such actors and by preventing their involvement in such illicit activities. Resolution 1540 (2004) requires States, in accordance with their national procedures, to adopt and enforce appropriate effective laws that prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them. The resolution also requires States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials in the areas of accounting/securing, physical protection, border and law enforcement, export and trans-shipment.

- The Counter-Terrorism Committee Executive Directorate (CTED) monitors the implementation of Resolution 1373 (2001) and 1624 (2005), including through reports submitted by States, dialogue with States and country visits upon request by host country, as do the 1267 and 1540 Committees for their respective resolutions.
- UNODC provides technical assistance to States in legislative drafting to ensure that national laws are sufficiently comprehensive and consistent with the obligations contained in the international counter-terrorism legal instruments and the UN Security Council Resolutions. With support from UNODC, the CA States have criminalized and continue transposing the offences defined in the international CT instruments into domestic criminal law. In addition, UNODC conducts reviews of legislation to support ratification, and has prepared model legal provisions on counter terrorism and Model Laws on Mutual assistance in Criminal Matters and Extradition.
- Of relevance to the CA region is the adoption in June 2009 of the SCO Convention Against Terrorism in Yekaterinburg, which has subsequently been ratified by some of the Central Asian members of the SCO. The Convention cements the legal base for counter-terrorism interaction within the SCO framework. It includes a definition of terrorism and terrorist acts, stipulations against the financing of terrorism and obligations concerning mutual legal assistance and extradition. The SCO is contributing to efforts to harmonize the legal framework of SCO member States in combating terrorism, separatism and extremism as they define these terms. Agreements with non-SCO members on assistance in criminal matters and extradition play an important role in enhancing international cooperation to combat terrorism. Further support is required for coordinating the implementation of the SCO Convention.
- CICA also intends to elaborate and adopt in future a Convention against Terrorism. The Republic of Turkey as the CICA Coordinating Country in the Dimension of New Challenges and Threats is expected to further coordinate in this regard. In the meantime, CICA Member States continue their efforts aimed at finalising the negotiations on a draft comprehensive convention on international terrorism within the UN framework.
- The Action against Terrorism Unit (ATU) of the OSCE offers assistance in drafting

legislation and promotes the implementation of the provisions of the relevant treaties into national legislation. As an example, the ATU and the UNODC organised a National Legislative Drafting Workshop on the criminal law aspects of the universal legal framework against nuclear terrorism in November 2008 in Ashgabat, and in November 2009 a Legislative Drafting Expert Workshop on Criminal Law Aspects of Countering Terrorism in Light of Universal Anti-Terrorism Treaties in Bishkek. The OSCE also seeks to enhance international legal co-operation in criminal matters related to terrorism. Since 2005 it has organised, jointly with the UNODC, a number of training workshops on international co-operation in criminal matters related to terrorism.

- Cooperation in matters of extradition is also facilitated through bilateral and regional agreements, such as the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters among CIS countries, adopted in 1993.
- The States of CA have encountered difficulties in extradition requests with States with which they have no bilateral extradition agreements, despite the fact that the States in question are parties to the relevant conventions. In cases where a suspect seeks refuge in a State with which no bilateral agreement exists, it is extremely difficult to seek extradition. It is important that national legislation recognizes that the international counter-terrorism legal instruments serve as a basis for mutual legal assistance and extradition, where no bilateral agreement exists, as long as the two states are parties to the international instruments. However, additional considerations, including political and procedural matters, may also influence decisions to grant extradition requests.

#### *Recommendations for the Action Plan*

- Those States, which have to yet to ratify or accede to the international counter-terrorism legal instruments, are encouraged to do so. These instruments contain provisions defining the offences to be introduced in the domestic criminal law, establishing jurisdiction and the framework for effective mutual legal assistance and extradition. They also provide guidance on the implementation and institutionalization of these provisions. Donor countries and international and regional organizations are called upon to provide technical assistance and capacity-building to Central Asian States in order to help them overcome practical and technical difficulties in the ratification and implementation of the international counter-terrorism legal instruments.
- Since some resolutions need specific expertise, specialized international agencies, such as the IAEA and the International Maritime Organization (IMO) are requested to support Central Asian countries by providing the necessary technical assistance in the ratification of the outstanding conventions.
- Central Asian States are encouraged to submit their stock-taking reports within the established deadlines to CTED and the Committees responsible for monitoring the implementation of the relevant UN Security Council resolutions.
- National legislation needs to be better aligned with the international conventions and harmonized, with special attention paid to questions of terminology and definitions as to what constitutes terrorist acts. Broad and ambiguous terms regarding what constitute terrorism and terrorist acts within domestic criminal legalisation may lead to

abuse, injustice and double standards. It is, therefore, recommended that States define terrorist -related offenses in clear and precise terms, according to the definitions contained in UN Conventions and Protocols and seek guidance from relevant UN organisations.

- Technical assistance initiatives in drafting the necessary counter-terrorism legislation and harmonizing national legislation with international obligations, such as that provided by UNODC to Central Asian States should be continued and intensified.
- It is necessary to heighten the awareness of States on how to use the international counter-terrorism legal instruments in matters of extradition and to provide technical assistance if necessary.
- Exchanges of information, including databases on legislation and model laws, should be systematized so that States can learn from each other's experiences. The holding of expert seminars on conceptual and practical matters related to ratification and implementation would also be useful.
- The systematic sharing and exchanging of information among States is essential in counter-terrorism. Thought should be given to granting access to databases existing in regional institutions. Discrepancies may exist between national and multilateral lists of individuals and groups associated with terrorism, because of conceptual and legal differences pertaining to the classification of groups as terrorist or extremist. To address this problem, it is important that States and international/regional organizations provide specific information about networks and individuals and engage in a dialogue on these groups.
- Further international and regional cooperation on CT is desirable for developing a positive multilateral context. Opportunities for strengthening cooperation between regional organizations, namely RATS SCO, CIS, CSTO, CICA, INTERPOL, CTITF and its entities could be further explored. Regional organizations need to assist CA countries in the implementation of the universal international conventions and resolutions.

## **Session 2: Improving Law Enforcement Cooperation for Prevention and Combating of Terrorism**

### Conclusions

- The new threats and challenges to the security of CA states stem from cross-border trafficking of arms and narcotics, as well as the proliferation of networks of terrorist organizations which cash in on the illegal trafficking, all of which require intensified law enforcement cooperation in the region as well as political will.
- Transnational terrorist groups, in particular Al Qaeda and affiliated groups, are operating within CA, while receiving financial and ideological support from outside the region, including foreign fighters. This means that wanted and suspected terrorists

regularly travel between Central Asian countries and between these and neighbouring countries in the wider region.

- Effective border security systems and customs control can ensure people and goods crossing borders comply with international conventions, domestic legislation and related prohibitions and restrictions while denying terrorists safe passage and are key to deterring terrorism. Border control efforts need to focus on combating document fraud, smuggling, customs fraud and the flow of illicit drugs and weapons as part of broader approaches to securing the Central Asian frontiers against potential terrorist attacks. While these safeguards help to detect illicit weapons, money and other forms of assistance used to support terrorists and their criminal activities, political will and cooperation among States is also critical for effective border security.
- Control and management of borders, including customs control, are made more difficult by problems of border delimitation between countries of Central Asia, as well as the extensive borders with Afghanistan through mostly rugged terrain. A road map is necessary to solve larger border problems in the region. For the three countries that have borders with Afghanistan, an overall strategy is also needed.
- The problem of corruption and low salaries also contributes to the inability to establish an effective border security system, as border guards are tempted with high pay offs by traffickers. For border enforcement, the social and financial problems of border officials need to be solved simultaneously as part of border management strategies.
- At the international level, the CTITF Working Group on Border Management Related to Counter-terrorism, co-chaired by CTED, the World Customs Organization and the International Criminal Police Organization, is leading efforts to consolidate available counter-terrorism border control information into a compendium. Within Central Asia, donors have prepared a matrix, coordinated by the Border Management Programme in Central Asia (BOMCA), reflecting donor support in the field of border management, anti-drug trafficking and trade facilitation. The centralization, consolidation and coordination of information on results of various initiatives strengthen border security and management in the region.
- The key regional border project is the EU funded and UNDP implemented BOMCA project, which became operational in 2004. BOMCA indirectly contributes to counter-terrorism through working on anti-corruption, strengthening the capacity of border crossing points, infrastructure renovation, and provision of equipment for border guards, which can help screen for weapons. If initial focus was on borders between Central Asian states, focus has now gone on the Tajik-Afghan border. During Phase 2 of the project, there will be more cooperation between BOMCA in Central Asia and the Border Management Badakhshan, Afghanistan (BOMBAF) initiative of the EU in Afghanistan. OSCE has a customs training center for the region in Bishkek, and a Border Staff College in Tajikistan, where Afghan officials also get trained. The United States is also contributing to the efforts of the State Border Services in Kyrgyzstan by providing training and equipment, infrastructure building, vehicles and radar guns.
- The problem of narcotics trafficking is especially acute in Central Asia and contributes to instability, criminality and financing of terrorism. Cross country cooperation among law

enforcement bodies such as joint seizure operations on borders in CA but also between countries neighbouring Afghanistan, such as Pakistan and Iran, has been especially important. Iran and Pakistan cooperate through exchange of information on traffickers and require technical assistance. UNODC has been leading efforts in the region in countering drug trafficking. Furthermore, within the framework of the CIS and SCO, Central Asian countries are cooperating on joint efforts on combatting narco-trafficking, and more cooperation is envisaged with the INTERPOL. Under the Kazakh chairmanship of the OSCE, this issue was prioritized. It is now important to develop more cooperation between the countries of the larger region, including Russia, Iran, Pakistan and China with CA for a comprehensive regional strategy and provide technical assistance.

- The SCO has been particularly active in the fight against illicit drug trafficking as part of its Plan of cooperation among Member States in combating terrorism, separatism and extremism for 2010-2012. Heads of anti-narcotics agencies cooperate under the Agreement on Cooperation in Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and Precursors of June 17th, 2004. A Memorandum of Understanding reached between the SCO Secretariat and the CSTO Secretariat advances collaboration in fighting narcotics as an important priority area of joint activities. SCO has also developed a Plan of Action with Afghanistan on combating terrorism, illicit drug trafficking and organized crime which stipulates the promotion of comparative analysis of the corresponding legislative frameworks, improving legal framework of cooperation in combating illicit trafficking in drugs, psychotropic substances and their precursors, inter-agency information exchange; conducting joint operations, training of personnel of anti-drug agencies etc. SCO countries have agreed to tighten control over the chemical substances used to produce drugs, and are ready to make necessary efforts to cut off illegal precursor supplies to Afghanistan. The SCO is considering establishing a regional anti-drug center and a specialized SCO training center for training of officers of the relevant authorities of the SCO Member States, Observer States and Afghanistan. It is finalizing a draft anti-narcotics strategy and looking into formal cooperation with UNODC. There has been a draft protocol of cooperation between RATS SCO and the UNODC Office in Central Asia.
- The professionalization of customs officials at border crossings on matters of travel security is another important means of preventing the movement of terrorists. Kazakhstan, Russia, Uzbekistan and Tajikistan have introduced new biometric passports and other countries are working with INTERPOL on biometrics IDs in order to improve identity and travel document security. Since 2003, the OSCE ATU, together with the ICAO and INTERPOL, has organised national expert visits and numerous workshops on travel document security, including on the implementation of electronic passports and ICAO Handling and Issuance standards. OSCE is also currently working with Kyrgyzstan and Tajikistan on a project that aims to facilitate real-time connection for border control points to the INTERPOL databases, including the Stolen/Lost Travel Document Database (SLTD). A large-scale project on "Enhancing Identity Management and Travel Document Security in Tajikistan" is currently being designed.
- International and regional cooperation is especially important for combatting the cross-border smuggling of weapons, as there is a link between criminality, arms transfer and

terrorism. Cadres need to be better prepared. The existing mechanisms and projects long developed for narco-trafficking can be used for combatting this phenomenon.

- The rapid exchange of information will help preventing a terrorist act. It is therefore important to establish mechanisms for information sharing between governments and between regional organizations. CIS countries have databases of international suspects and a specialized databank to coordinate on combating organized crime and other dangerous types of crimes on the territory of CIS States. Regional organizations such as RATS SCO and the Anti Terrorist Center of the CIS have signed agreements which allow them to exchange information. CICA countries have also agreed to exchange information in law enforcement and strengthening of contacts between chiefs of police since a May 2010 meeting in Antalya. Populating the INTERPOL Nominal Database with information on wanted or suspected terrorists will be of great use to all member countries.

#### *Recommendations for the Action Plan*

- The systematic, rapid and timely exchange of information among law enforcement agencies in Central Asia, neighbouring countries and concerned countries needs to be better institutionalized in the region. This requires enhanced exchange systems, reduction of cumbersome bureaucratic red tape, and creation of Fusion Task Force Contact Officers at the national level and joint Fusion Centers and systematic sharing of analytical reports.
- Existing databases on criminal networks and terrorists could be better integrated. Bilateral and multilateral exchanges of information on organized crime, terrorism and narcotics trafficking are needed. At the same time, a better system of exchange of information is necessary between regional organizations and with neighbouring countries. Enhanced cooperation with INTERPOL and its Fusion Task Force/Project KALKAN (Shield) would require better access to the INTERPOL Nominal Database, detailed information feed into the database as well as capacity building and training on the use of the database.
- Adequate data and information sharing mechanisms between States are essential in the fight against terrorism. However, differing definitions of terrorism, and therefore who is considered a terrorist in each database, present problems in exchanging information between organizations and their databases. States are also bound by the principle of confidentiality as regards asylum seekers and refugees. As a general rule, no information regarding an asylum application, or an individual refugee status should be shared with the country of nationality or, in the case of stateless refugees, with the country of former habitual residence.
- Cooperation and exchanges between police and security agencies and cross country exchanges between police and border management officials, including joint training, need to be intensified and supported by regional and international organizations. Neighbouring countries should be committed to regional cooperation, including through practical and operational joint task forces, which donors should consider supporting.
- Modern equipment and technologies are needed for law enforcement agencies, especially for border guards, customs officials and counter-terrorism forces. Specific

technology is also necessary as the borders are often in mountainous regions and trainings need to be organized to make use of the advanced technologies.

- The infrastructure developed for the fight against narcotics could be used to track down the illegal trade of small arms. At the same time, linkages between narcotics trafficking, arms trafficking and terrorism need to be better explored, and trainings and information provided for relevant bodies.
- To combat drug trafficking, enhanced technical and legal assistance is needed, including better information on traffickers. A comprehensive regional strategy is necessary for tackling this issue, including curbing of the trafficking of precursors. Strategies to curbing on the demand side need to be seriously considered as well.
- Improved systems of incentives are needed in order to ensure the efficiency of border guards, customs officials, and the police. Systems of incentives could include performance incentives, more competitive salaries, rewards based on merit, evaluations, etc. Salary systems may need revision in order to respond to competition from other sectors.
- Police and security agencies reforms need to ensure that operational independence is maintained and that law enforcement agencies do not get tangled up in political priorities. Law enforcement bodies need to keep independence over their authority, staff and budgets.
- The existing regional border management projects, BOMCA in Central Asia as well as BOMFA in Afghanistan would benefit from scaling up, from enhanced cooperation across borders, and from more direct linkages between border management and counter-terrorism.
- Projects and initiatives that support enhancing identity management and travel document security in CA need to be intensified and properly supported.

### **Session 3: Countering the Financing of Terrorism**

#### Conclusions

- There is little information and analysis about the extent of the problem of financing of terrorism in the region, and very little experience in this matter. With the exception of one case from 2007 in Kazakhstan, there has not been any case of conviction for the financing of terrorism as a stand-alone offence. More knowledge and experience could facilitate the implementation of the UN instruments on preventing and combating the financing of terrorism into domestic legislation and practice.
- In CA in general, because of the small scale of terrorism linked operations, preference for cash transactions, their possible linkages with trade and criminal trafficking including drug trafficking, money transfers that are linked to criminal and terrorist activities are

often done in small amounts either through the Hawala system or through Western Union, or cash transportation by terrorists or their families using forged documents. Large transfers of money are unlikely to go through the official banking infrastructure of the region and small amounts often go undetected, especially as it becomes difficult to trace the money and distinguish it from cash transfers between family members and remittances from labour migrants. Global terrorist organizations, such as Al Qaeda, have their own channels, which also bypass official banking system of the region.

- One major area of difficulty is the regulation of the financial activities of non-profit organizations, which can be used for fundraising including through the Internet, transferring and diverting funds for terrorist purposes. A strong legal justification for monitoring and potentially curtailing their activities is needed. Otherwise, there is infringement of respective laws stipulating the activities of non-profits.
- The large size of the informal economy in Central Asian countries similarly complicates the practice of regulation and curtailing of possibilities of funds diversion. There is a need to share experiences between countries with similar challenges.
- All Central Asian countries have adopted relevant laws against money laundering and the financing of terrorism, including legislation on confiscation, banking regulations, etc.: Kazakhstan and Turkmenistan, 2009; Kyrgyzstan, 2006; Tajikistan, 2011 and Uzbekistan, 2004.
- At the same time, differences exist between the legislation of the CA countries, which need to be harmonized better following international requirements. Regional and international organizations are providing support in this regard. The CIS for example has elaborated model laws "On Countering the Financing of Terrorism" and "On Countering the Legalization (laundering) of proceeds from crime and terrorist financing". UNODC and OSCE assist participating States in implementing the main international instruments and standards, including the UN Convention for the Suppression of the Financing of Terrorism, the UN Security Council resolutions dealing with terrorism financing, particularly Security Council Resolution 1373, the 40+9 Recommendations of the Financial Action Task Force (FATF), and relevant Council of Europe and EU instruments.
- Institutional mechanisms in terms of specialized administrative units have been created in Central Asian countries and tasked with specific investigation of corruption, money laundering and financing of terrorism. Kazakhstan, for example, established a Committee on financial monitoring within the Ministry of Finance in April 2008. Financial Intelligence Units (FIUs) have thus been created in Kazakhstan, Kyrgyzstan and Turkmenistan (within the Ministry of Finance), in Tajikistan (under the Central Bank) and in Uzbekistan (under the General Prosecutor's Office). The CIS is planning to sign an agreement on cooperation in combatting corruption and forming a council on Financial Intelligence, which will gather the heads of Financial Intelligence Units in order to better institutionalize the exchange of information between countries.
- One of the key elements is to develop lists of organizations and persons who are affiliated to terrorist activities so that their finances can be traced. Within the framework of the SCO, there are exchanges of information on an on-going basis between

law enforcement agencies of the region and those of other countries in order to identify and freeze and accounts and assets of international terrorist organizations as defined by the SCO.

- Technical support is provided in CA through a project of the UNODC and the World Bank on Anti-Money Laundering And Countering The Financing Of Terrorism (AML/CFT), which has been supporting the development of AML/CFT system, including the relevant legislation and administrative/coordinating mechanism. UNODC publishes a newsletter for Central Asia since 2005 on AML/CFT. UNODC further provides model laws and AML/CFT information through its International Money Laundering Information Network <http://www.imolin.org/>
- All five Central Asian States are members of the EuroAsian Group (EAG) on combating money laundering and financing of terrorism created to support the development of AML/CFT legal and institutional framework in line with FATF standards. The countries have undergone or are undergoing mutual evaluations processes. Kyrgyzstan is a member of the Egmont Group since May 2009 and Kazakhstan participated as an observer in the Egmont Group Plenary meeting in June 2010 and is looking into the possibility of full membership. The Egmont Group is a network of Financial Intelligence Units (FIUs), which was established in 1995 to discuss issues common to FIUs, to foster international co-operation among established FIUs and to assist and advise FIUs under development.
- One problem that CA countries are facing is the exchange of information. Cooperation with financial intelligence agencies of other countries is thus critical. Exchange of information is easier when countries have signed bilateral agreement or are members of the Egmont Group. Overall, there is a need to develop flexible domestic legislation allowing easy exchange of information.

#### Recommendations for the Action Plan

- The relevant provisions of the UN Convention for the Suppression of the Financing of Terrorism, the UN Convention against Transnational Organized Crime, the UN Convention Against Corruption, and the UN resolutions relating to the prevention and suppression of the financing of terrorist acts, particularly Resolution 1373 of the UN Security Council, should be fully implemented. UNODC and regional organizations such as the CIS and OSCE should continue to support the implementing these resolutions.
- The legislation on money laundering and financing of terrorism, including legislation on confiscation, freezing of assets, and banking regulations need to be harmonised among the countries of Central Asia and brought to a unified standard with the help of relevant regional and international organizations.
- Relevant entities at the national level should be familiarised with the 9 Special Recommendations On Terrorist Financing and the 40 Recommendations on Money Laundering put out by the Financial Action Task Force (FATF), and monitoring for these should be considered at the regional and international levels.

- In order to familiarize specialists, government officials, law enforcement sector, judges, banking officials, civil society and the business sector on the international instruments, standards and methodologies on fighting corruption, money laundering and financing of terrorism, regional courses, seminars, trainings and awareness raising should be organized at the regional and national levels.
- The capacity of the Financial Intelligence Units and other relevant national authorities in charge of AML/CFT issues should be enhanced so that they could carry out the necessary analysis/investigations, coordinate with other authorities, including law enforcement, and to effectively implement AML/CFT related rules, regulations and legislation. The independence of the FIUs should also be ensured. Technical support is necessary for capacity building of these institutions.
- Non-profit organizations, charities and the private sector should be guarded against becoming vehicles for the financing of terrorism. To this aim, the appropriate regulations, legislation and administrative arrangements need to be reviewed and enacted.
- Countries that are not yet members of the Egmont Group should be encouraged and supported to become members. As such, they would gain, among other things, access to secure channels of information and technical assistance.
- International and regional cooperation needs to be intensified for sharing of information and for providing mutual legal assistance in connection with criminal investigations, relating to the financing of terrorism. In order to improve the rapid and reliable exchange of information on financial flows, countries may benefit from signing bilateral agreements to share financial intelligence and to obtain rapid responses. Financial intelligence sharing should not be made cumbersome by red tape.
- Practices and methodologies should be shared between the countries of the wider region. Police Liaison officers in embassies in Central Asian capitals could also be used to support efforts.

#### **Session 4: Countering the Use of the Internet for Terrorist Purposes**

#### Conclusions

- The Internet has become a powerful means of spreading messages quickly, widely and at low cost. There are a number of ways that the Internet can be used by terrorists or for terrorist purposes: terrorist propaganda encouraging radicalization and recruitment (which are not necessarily crimes and are not cyber attacks); accessing information for terrorist purposes; transferring funds to terrorists; communication including establishing networks and contacts between groups; encouraging violence; and preparing and planning for attacks.
- While the Internet is being used extensively by terrorists and for terrorist purposes, the Internet can also be used as a tool to counter terrorist propaganda and narratives, to

expose their lack of legitimacy and undermine the credibility of terrorist messengers and their message.

- Cyber security and the use of the Internet for terrorist purposes are distinct but related concepts and threats. The former comprehensive term refers to protecting critical information and communications technology (ICT) systems, including the Internet, from threats such as data exfiltration, cyber crime (for example, identity theft and other organized crime), and cyber attacks. The use of the Internet for terrorist purposes refers more specifically to the Internet and terrorism. Cyber security attempts to protect ICT systems against the potential negative impacts of the use of the Internet for terrorist purposes. However, some uses of the Internet by terrorists or for terrorist purposes (such as propaganda) may be protected as freedom of expression by each nation's respective laws. Both cyber security and the use of the Internet for terrorist purposes are increasingly serious concerns for Central Asian States, although they have not yet developed a proper assessment of the scale of the problem and devised a strategy regarding what should be done.
- The problems presented by terrorist use of the Internet cannot be addressed nor resolved neither solely through legal solutions nor by putting in place technical measures. Solutions require understanding the international legal, human rights and technical dimensions and ramifications.
- While each Central Asian country has approved legislation for prosecuting misuse of the Internet, further work is needed on developing legislation and regulation in ways that do not hinder freedom of speech. UNODC in the region is providing on going support to developing legislation on cyber security, including countering cyber crime.
- Some countries have gone further in institutionalization. In Kyrgyzstan, a special group was established to combat cyber-related threats and is now looking for external assistance because it has little experience and insufficient equipment to deal with this threat. Kazakhstan has a special unit for investigations on cyber crime activities. In addition, several special services and law enforcement bodies have special units working on cyber-related issues.
- At the international level, the UN General Assembly has passed resolutions on developments in the field of information and telecommunications in the context of international security. The UN Secretary-General also appointed a special Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security, which meets regularly and has agreed to work toward confidence-building measures and norms of behavior in cyberspace since 2010
- The UN CTITF Working Group on Countering the Use of the Internet for Terrorist Purposes has sought to map existing practices, instruments such as laws and conventions, programmes and resources dedicated to countering the use of the Internet for terrorist practices in a report widely available. The Working Group also organized three expert workshops (Berlin, Seattle and Riyadh) focusing on the legal, technical and counter-narrative aspects of the use of the Internet.

- Regional organizations are providing support for cyber security and combating the use of the Internet for terrorist purposes. The OSCE has organized several expert workshops and offers a platform for dialogue for different views related to international co-operation in tackling cyber threats, and entities that focus on specific cyber threats, in accordance with the relevant provisions of the UN Strategy on the Internet. CICA Member States approved a 2010 Concept Paper and Action Plan on the Implementation of Confidence Building Measures in the sphere of IT and Information Security.
- The SCO is currently working on a legal framework and technical capacities to address information security, based on the SCO's 2009 International Information Security Agreement. Regional and international exchanges of best practices in solving legislation and technical matters can be useful in this regard.
- The EU has developed a system of early warnings and common responses to the question of cyber security and the use of the Internet for illicit purposes. These grew out of the EU Parliament's blocking of child pornography websites and the negotiations with the European Internet Service Providers (ISPs). The Council of Europe Cybercrime Convention is also a good international framework.
- Specialized units of the competent authorities of CSTO member states, through operation "Proxy" to combat crime in the sphere of information, in 2010 identified 1,700 websites with harmful content and more than 100 terrorist websites, including websites recruiting suicide bombers. As a result of the "Proxy" operation, more than 600 sources that promoted the idea of terrorism, extremism and calling for the violent overthrow of constitutional order and slander were suspended.
- One of the major technical problems associated with the fight against cyber crime is related to the anonymity of the World Wide Web, and the need to find ways to identify those who engage in terrorist activity, hacking, phishing, and dissemination of illegal content while not violating the rights and freedoms of Internet users.

#### *Recommendations for the Action Plan*

- A glossary of definitions and standards of information security, including differences in terminology between cyber attacks and attacks using the Internet, needs to be developed at the international level and made available for the region. However, international consensus on terms and concepts such as "information security" and "terrorism" remains a challenge.
- The reports of the CTITF working groups on countering the use of internet by terrorists, relevant UN GA Resolutions, global panels and groups working on information security, cyber terrorism, and use of Internet by terrorists should be widely disseminated and made available in the region.
- To better disseminate information and methodologies, the organization of a regional Expert Meeting in CA should be considered under the UN aegis in the region. Representatives of the UN Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security and other relevant UN institutions could be invited to moderate.

- The threats should be mapped and a needs assessment should be conducted for the CA region. Regional organizations could support this by sharing their databases and analysis.
- Financial support, capacity building and technical assistance to the CA States are necessary. Information exchanges, mutual assistance in terms of finding information related to the use of the internet by terrorists, sharing of best practices both on technical and legal issues, and sharing of websites and model laws on information technologies need to be intensified in the region.
- Due to the technical nature of the problem, specialized assistance, including specific technical training may be necessary. Law enforcement officials, in particular, need to receive technical training. Tools for countering the use of the Internet for terrorist purposes, including legislative strategies and educational programmes on ICT security (including cyber crime), need to be developed and implemented, including effectively using new information technologies.
- New institutional frameworks, such as specialized units, set up at the national and regional levels need legal, financial, and technical support. Information exchange and mutual assistance between these units should be organized at the regional level.
- For any measures taken against the use of the Internet by terrorists or countering the spread of terrorism, States should be reminded that they are bound by the requirement to do so with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law. In the development of any normative framework, balance should be explicitly sought between blocking the use of the Internet for terrorist purposes and refraining from control of content. This should be done without hampering freedom of information and freedom of expression, which are fundamental rights. The link between advocacy and criminal acts must be decided on a case-by-case basis.
- Positive counter narratives need to be developed and used as alternatives to terrorist narratives and propaganda. Positive counter-narratives are more effective responses than suppression of negative speech on the Internet. The youth of the region should be specifically targeted for such educational and awareness raising strategies.
- The blocking of extremist Internet sites continues to be a challenge. Any actions must be done in accordance with national Constitutions and international human rights law. Countries whose private sector Internet Service Providers (ISPs) host extremist websites should provide more support and cooperation with other countries. While it is appropriate to take measures against sites that incite the imminent commission of acts of terrorism, the Internet as a whole should remain a space for the free flow of information and innovation.
- Partnership with the private sector is necessary in order to cooperate on the monitoring, policing and closure of specific sites. The UN is encouraged to play a more active role in

leading international cooperation towards setting norms of behaviour in cyberspace, in order to safeguard the promotion of transparency and protection of free speech and prevention of misuse and double standards, while ensuring that the Internet is not used as a threat to security.

- Better international cooperation in the sphere of information security and countering the use of the Internet for terrorist purposes is needed in order to harmonize differences in laws, regulations and practices of different countries. The protocols of cooperation between regional organizations such as RATS, SCO, OSCE, CSTO, CICA and INTERPOL may further facilitate such processes, as well as the exchange of databases and good practices. Assistance should be provided to the SCO in its efforts to reach consensus on the scopes of different threats (political, military) and promote cooperation on these threats for the region.

### **Session 5: Responding to Attacks Using Weapons of Mass Destruction and Denying Illicit Trafficking**

#### *Conclusions*

- In the UN Global CT Strategy, States resolved to strengthen coordination and cooperation in combating crimes that might be connected to terrorism, including smuggling of nuclear, chemical, biological and radiological weapons and materials. States also resolved to step up national efforts and bilateral, sub-regional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the illicit traffic in, *inter alia*, nuclear, chemical, biological or radiological weapons and materials, while it is recognized that States may require assistance in that effect.
- Preventing the illicit trafficking of nuclear, chemical and biological weapons, their means of delivery and the related materials is a key objective. The adoption and enforcement by States of effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including by establishing appropriate controls over related materials in the areas of accounting/securing, physical protection, border and law enforcement, export and transhipment contributes to preventing the involvement of non-State actors in illicit proliferation activities.
- While it is important to address CBRN issues in their entirety, for at least one of the States of the region, preventing the illicit trafficking of biological materials and reinforcing biosafety/biosecurity is also of concern. Specifically, for example, the need to safeguard a centralized bio-laboratory outside of Bishkek has raised the need for cooperation in Kyrgyzstan. Assistance in addressing bio-terrorism and the proliferation of biological weapons may be necessary.
- The protection of vulnerable targets and infrastructure in the region is of key importance, taking into account the particularities of the region. A problem mentioned

by participants for example is the presence of uranium tailgates, which also pose health threats for populations. Sites of uranium tailgates need to be adequately secured.

- The European Union, with UNICRI and the EC Joint Research Centre as implementing body, is setting up a CBRN (chemical, biological, radiological and nuclear) Centre of Excellence (CoE) in Central Asia. A meeting was organized on March 30, 2011 in Astana on this initiative with Central Asian governments. The CBRN Centres of Excellence is a regional coordination and cooperation platform in risk mitigation dedicated to improving national policies and regional cooperation in the area of CBRN.
- In 2010, the CTITF Working Group on Preventing and Responding to WMD produced a report on how the existing inter-agency mechanisms would respond to a terrorist attack where nuclear or radiological weapons are used. The Working Group is embarking on a similar project with regard to chemical and biological weapons to be conducted by the Organisation for Prohibition of Chemical Weapons (OPCW). The Working Group plans to carry out a comprehensive review of the existing capabilities to identify and address vulnerabilities in the event of such an attack. A report will be produced with recommendations on what should be done to execute a well-coordinated, integrated response and provide support to mitigate a terrorist attack using chemical, biological and toxin weapons and materials.
- OSCE participating States pay special attention to the fulfilment of the obligations of UNSCR 1540. The OSCE Ministerial Declaration on Non-Proliferation adopted in December 2009 in Athens reaffirmed the adherence of OSCE participating States to the international treaties and conventions aiming at preventing and prohibiting the proliferation of weapons of mass destruction and reiterated their readiness to further enhance and strengthen existing international legal instruments against the proliferation of WMD. The OSCE Adviser on UNSCR 1540, in close cooperation with other thematic units of the OSCE Secretariat and UN 1540 Committee will develop a curriculum for training on UNSCR 1540 to be incorporated into the OSCE Border Management Staff College (BMSC) in Dushanbe.
- CSTO works actively on the establishment of response and coordination mechanisms for the prevention and liquidation of emergencies. CSTO Member States have agreed, at the level of the Heads of States, to consider: measures to prevent as well as manage emergency situations; improvement and harmonization of national legislation; practical training; information-sharing; increased cooperation between information and analysis agencies.
- SCO States have signed an agreement on cooperation in case of emergency situations.
- INTERPOL makes resources available to support member countries in their efforts to protect their citizens from terrorism, including bioterrorism. Intelligence and calibrated information that arrives at INTERPOL shows that the bioterrorist threat is real and that risk indicators are high. Since the induction of the bioterrorism program at INTERPOL in 2005, the program has reached 140 countries in workshops, meetings, train-the-trainer sessions, and table-top exercises. In February 2011, a bioterrorism train-the-trainers session was held in Turkey, in particular for Central Asian States. INTERPOL is available for further trainings for Central Asian States.

- CICA Member States, as part of confidence building measures, have agreed to strengthen cooperation in sharing information in order to deal effectively with proliferation of weapons of mass destruction and their means of delivery, exchange information on the measures they have taken to curb drug trafficking, human trafficking, money laundering, trans-boundary organized crime, illicit trade in small arms and light weapons, including Man Portable Air Defence Systems (MANPADS) as well as smuggling of explosives and poisonous materials. CICA seeks support from experts under the UN aegis to help Member States implement such work on a consensual, voluntary and gradual basis.

*Recommendations for the Action Plan*

- Mitigation and planning response to an attack using nuclear, chemical, biological, or radiological weapons or materials require coordinated response mechanisms.
- International, regional and sub-regional organizations operating in Central Asia need to strengthen information exchanges and conduct joint needs assessments when possible. Synergies and networks need to be developed with and across these organizations.
- Cooperation among CA States and between them and international partners need to be encouraged. In this regard, it may be useful to create more activities and tailored dialogues for Central Asia and Central Asian States, with a view to facilitate the sharing of experiences and lessons learned on the prevention of WMD proliferation activities from non state actors.
- Cooperation among States in the region should be improved in all areas that are relevant to combat illicit trafficking in and smuggling of WMD-related materials, including border and customs controls as well as export controls.
- At the national level, all relevant stakeholders that have a role to play should be involved in mitigation and response plans, including, as appropriate, through inter-departmental coordination mechanisms.
- CA States should make full use of existing assistance mechanisms. Those States that need assistance should be encouraged to express their needs; and partners that can provide assistance should consider requests of assistance.

**Conclusions and Next Steps**

- These recommendations will be taken into consideration in the preparation of the Joint Action Plan on the Implementation of the Global UN CT Strategy for Central Asia, which is expected to be adopted at a Ministerial Level meeting by the end of 2011.
- The Joint Action Plan is expected to serve as a policy document as well as a platform for action for comprehensive, holistic, consensual plan among the multiple stakeholders of the region to organize the fight against terrorism according to the four pillars of the

Global UN CT Strategy. The Plan will also, among other things, identify essential principals to promote greater regional and cross-regional CT cooperation.

- As stated in the UN Global CT Strategy document and the two follow up resolutions, the primary responsibility to implement the Strategy remains with member States. Only member States know how best to implement the Strategy given the dynamics, priorities and realities. The CTITF, EU (through its External Assistance Service) and UNRCCA, together with CTITF entities and regional organizations, will support countries of the region in the follow-up, coordination and coherence of efforts in the implementation of the Joint Action Plan.
- As the protection of human rights and fundamental freedom is a universal issue that has to be implemented in its totality, the recommendation and conclusions concerning Pillar IV will be taken into account while discussing the remaining Pillars of the UN Counter-Terrorism Strategy.
- The Third Expert Meeting of the project on “Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia” will be held on July 21-22, 2011 in Almaty, Kazakhstan on Pillar III: *Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard*. The sessions will cover the following:
  - *Session 1: State Capacity to Prevent and Combat Terrorism*
  - *Session 2: The Role of Regional Organizations in Addressing State Capacity*
  - *Session 3: Strengthening the Role of UN System on Building State Capacity to Prevent and Combat Terrorism*
  - *Session 4: Public-Private Partnerships*
  - *Session 5: Enhancing information sharing on counter-terrorism technical assistance and Public Awareness*