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# THEMATIC EVALUATION OF THE GLOBAL PROJECT ON STRENGTHENING THE LEGAL REGIME AGAINST TERRORISM

Independent Evaluation Unit



UNITED NATIONS OFFICE ON DRUGS AND CRIME  
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# **Thematic Evaluation of the Global Project on Strengthening the Legal Regime against Terrorism**

**Independent Evaluation Unit**

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## **Abbreviations and acronyms**

ACSRT	African Centre for the Study and Research on Terrorism (African Union)
ARMSA	Association of Regional Magistrates of Southern Africa
ASEAN	Association of Southeast Asian Nations
COMESA	Common Market for Eastern and Southern Africa
ECOWAS	Economic Community of West African States
ICAO	International Civil Aviation Organization
ICPAT	IGAD Capacity-Building Programme against Terrorism
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund
IMO	International Maritime Organization
NOPCML	National Office for the Prevention and Control of Money-Laundering (Romania)
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
PIFS	Pacific Islands Forum Secretariat
SADC	Southern African Development Community
SECI	Southeast European Cooperative Initiative
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

## **Summary**

The present thematic evaluation of the Global Project on Strengthening the Legal Regime against Terrorism was managed by the Independent Evaluation Unit of the United Nations Office on Drugs and Crime (UNODC). A mid-term evaluation of selected countries (Burkina Faso, the Central African Republic, the Republic of the Congo, the Dominican Republic, El Salvador and Panama) was conducted in 2006. The findings of that evaluation were used in the present report, which broadened the focus of the mid-term evaluation in terms of geographical coverage and deepened it in terms of the substantive issues examined, with the aim of providing insights to help UNODC increase the effectiveness and impact of its technical assistance to counter-terrorism efforts.

The evaluation analysed: the relevance of the Global Project in the context of the United Nations global approach to countering terrorism and the priorities and needs of Member States, and the alignment of the Global Project with the mandate of UNODC; the effectiveness of the Global Project as the primary measure used by UNODC to fulfil its counter-terrorism mandates; the efficiency of the Global Project in delivering technical assistance and of the overall management of the Project by the Terrorism Prevention Branch of UNODC; and the sustainability of the benefits generated by the Global Project.

The thematic evaluation took into account the entire implementation period of the Global Project, from its inception in January 2003 until June 2007. Its focus was global. Field visits were made to the following countries, which were selected because they represented major world regions: Ethiopia, Kenya, Madagascar, Namibia, Philippines, Romania, South Africa, Thailand and Yemen. Field visits to Egypt and Morocco were also planned but did not take place because representatives of those Governments were not available to accommodate the evaluation missions during the periods proposed.

### **Major findings**

#### *Relevance*

In most countries visited by the evaluation team, appreciation was shown for the technical assistance provided by the Terrorism Prevention Branch of UNODC through the Global Project to enable States to ratify and implement the universal legal instruments against terrorism. In several countries, it was also pointed out that future technical assistance needed to be more specialized and tailored to the specific needs of the recipient country.

Regional and subregional activities were considered particularly relevant, since they offered important opportunities for networking and exchanging information between stakeholders from different countries, and because they strengthened participants' understanding about the need to meet their countries' international obligations in the field of counter-terrorism and their commitment to that endeavour. The involvement of regional and subregional organizations was deemed helpful for lending greater regional relevance to the approach of the Branch.

Overall, it can be concluded that Member States considered the Global Project to be a relevant contribution to their efforts to combat terrorism but also felt that

more effort should be made to adapt the Global Project's approach to specific national, subregional and regional circumstances. Factors such as level of development, status of ratification and implementation of the universal legal instruments, political will, leadership to counter terrorism, perception of threat and underlying causes of terrorism need to be better taken into account when designing interventions for a specific country, region or subregion.

Some stakeholders pointed out that although the legal technical assistance toolbox of the Terrorism Prevention Branch included human rights protections, inappropriate or insufficient attention was being accorded to local human rights situations. That same issue had also been raised in a couple of countries in the course of the mid-term evaluation carried out in 2006.

Clearly, the Global Project continues to be a core element of UNODC efforts to fulfil its counter-terrorism mandates. However, it is only one aspect of the Office's broader counter-terrorism mandate. The evaluation team found that some Member States were dissatisfied with the lack of coordination between programmes and with the unevenness with which technical assistance was being provided by the various UNODC entities. Greater effort will be required to streamline, create synergies and explore complementarities between the various services that UNODC is able to offer so as to ensure that its counter-terrorism mandates are fulfilled.

#### *Effectiveness*

The evaluation team found that in some of the countries served, the Global Project had had a direct influence on the speed and level of ratification of international legal instruments. In other countries, the technical assistance provided had brought about a common understanding of the need to ratify those instruments but was not reported to have had a direct influence on the level of ratification.

With regard to the Global Project's second objective of strengthening national expertise and the capacity of Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism, it was found that progress toward this objective had been made in all the countries visited, but that additional efforts were needed in terms of providing more specialized capacity development.

The Terrorism Prevention Branch has not articulated a clear-cut strategy for sustaining training efforts over the long term, for example through train-the-trainer programmes or by supporting the development of new curricula and course studies in national academic and legal training institutions.

Another challenge for the Global Project has to do with inter-ministerial communication and cooperation in the Member States served. In most of the countries visited, in fact, the evaluation team saw national communication and coordination of counter-terrorism efforts as a continuing challenge given the many cross-functional aspects of this work. This phenomenon directly impacts upon the effectiveness of the technical assistance efforts made by the Branch.

It was difficult to verify the extent to which the Global Project had strengthened international cooperation in criminal matters pertaining to terrorism. Undoubtedly, subregional and regional activities had allowed participants from different countries to network and to exchange experience, and also raised people's

awareness and understanding about the need to collaborate at the international level. But to what extent this has actually led to joint international action for dealing with criminal matters pertaining to terrorism could not be verified. According to the Branch, it was premature to try to assess whether that objective had been achieved since the work was still in progress.

Especially in regional workshops, the Branch has made a conscious effort to partner with relevant international, regional and subregional organizations.

### *Efficiency*

In terms of liaising closely with focal points at ministries and of leveraging the expertise of and including other counter-terrorism entities both within and outside UNODC, the work of the Terrorism Prevention Branch was found to be efficient.

In some countries, however, the efficiency of the Terrorism Prevention Branch's training programmes was sometimes hindered by the high turnover or transfer of officials. Working to integrate technical assistance information and concepts into the curricula of national training or academic institutions might mitigate this problem. The Branch should periodically revisit countries where such institutions do not exist and increasingly use train-the-trainer approaches in its capacity-building initiatives. Overall, a more systematic approach or strategy to capacity-building was required.

The Branch appeared to have staffing problems both in Vienna and in the field. Those problems stemmed from a number of underlying issues that UNODC senior management and Member States need to address, such as the predominance of extrabudgetary funding for activities and staffing of the Branch, which makes long-term planning and hiring extremely difficult. There is also a need to strengthen the Branch at the managerial level. A minimum level of core expertise needs to be in place both at UNODC headquarters and in the field to ensure the smooth running of management, planning, delivery and follow-up activities. In addition, the Branch ought to pay attention to building up the institutional memory required for effective management.

### *Measuring and monitoring*

Assessments of the extent to which UNODC is fulfilling its overall counter-terrorism mandates are still not being carried out systematically. Currently, performance measures are tailored to existing organizational structures, which do not adequately provide senior managers with an integrated assessment of how the overall counter-terrorism activities and programmes are helping UNODC fulfil its mandates.

Even within distinct programme areas, such as the Global Project, an ongoing struggle is under way to develop better performance indicators that measure results at all levels (output, outcome, project objective/impact). The Global Project document contains only a few indicators for measuring results at the level of outcomes and at the level of project objective. Furthermore, it does not clearly specify which results are to be achieved at which level, thus obviously affecting the way in which indicators and measures are formulated. The document ought to be fully aligned with UNODC's recently developed format for project documents and with international state-of-the-art project cycle management approaches.

Data on specific indicators should be collected systematically and progress in achieving project results monitored continuously. In order to adequately fulfil its monitoring requirements, the Global Project needs to put in place a project-wide monitoring and evaluation mechanism.

### *Sustainability*

Whether the benefits of the Global Project will be sustained in the long run depends on a number of factors, among them: the extent to which Member States consider the project to be relevant; the extent to which national capacity is strengthened by the implementation of the universal legal instruments against terrorism and the application of new counter-terrorism legislation; issues related to the coordination and cooperation between stakeholders; and the management and exchange of knowledge facilitated by and accruing from the project.

It was found that, in general, countries with more developed economies and with greater human and governmental capacities to absorb and institutionalize the legal assistance provided by the Terrorism Prevention Branch sustained progress more successfully. Countries with fewer resources faced serious challenges in achieving sustainability. In particular, they suffered from the high mobility of personnel, the lack or weakness of human, institutional and technical capacity, the presence of weak or underdeveloped legal structures and the lack of basic infrastructure. While, in general, good progress has been made in terms of Governments ratifying and adopting legislation, many of the Member States visited pointed to an ongoing and critical need to bolster human capacity in both the executive and judicial branches of Government.

The Terrorism Prevention Branch is constantly working on improving and intensifying collaborative relationships with various regional and international organizations. Most of those relationships have evolved around issues related to counter-terrorism and only to a lesser extent around larger developmental issues such as the high attrition rates witnessed among Government officials or the lack of basic infrastructure. Additional efforts will be required by staff working on the Global Project to establish relationships that also help mitigate the negative impact that some of those larger developmental issues have on the work of the Branch and on the counter-terrorism efforts of the Member States served.

Another issue that might impact on the sustainability of the benefits of the Global Project is whether a country's leadership has the political will required to combat terrorism. As was pointed out above, political will, leadership and threat perception can all act as driving factors in counter-terrorism cooperation. The level of development is not the only factor affecting the rate of ratification and implementation of counter-terrorism legal instruments.

Another critical aspect of achieving sustainability is the counter-terrorism capacity of subregional, regional and international organizations to support or complement the work of the Global Project. The Terrorism Prevention Branch seeks to strengthen collaborative relationships with organizations in virtually all relevant regions and areas of specialization. The success of this effort can have important repercussions for the development of counter-terrorism capacity in these organizations and for the sustainability of the Global Project.

## Major lessons learned and best practices

- *Following up on agreements with Member States.* Agreements, action plans, visits, needs assessment and other kinds of missions, always need to be followed up by concrete and timely action as agreed with Government counterparts.
- *Responding to the needs of Member States.* The approach used by the Global Project needs to be fully adapted to the specific national, subregional and regional circumstances of a particular country. Factors such as the level of development, status of ratification and implementation of the universal legal instruments, the presence or absence of political will and leadership to counter terrorism and the perception of threat need to be taken into account when designing interventions for a specific country, subregion or region.
- *Sustaining training efforts.* The sustainability of a project hinges, among other things, on the project's ability to sustain its capacity development efforts in the long term. For each project, a system is required for ensuring that benefits generated by project interventions contribute to long-lasting change and are not lost once the initiative is over. Approaches that can be used to that end are those that involve training trainers and those that take advantage of and strengthen the expertise of national, regional and subregional training institutions by integrating counter-terrorism modules in their curricula.
- *Intra- and inter-agency communication and cooperation within Member States.* A formal communication mechanism must be established in Member States to guarantee such cooperation. Requests submitted to the Terrorism Prevention Branch ought to be owned by and represent the views of all relevant stakeholders, not only the submitting ministry.
- *Encouraging inter-ministerial cooperation within Member States.* In Yemen, the establishment of an inter-ministerial committee for implementing a joint action plan between the Government and the Terrorism Prevention Branch on preventing and combating terrorism not only provided Government and UNODC staff the opportunity to negotiate the way forward, but also facilitated communication and collaboration between the various ministries involved in counter-terrorism activities.
- *Creating synergies within UNODC and between UNODC and other United Nations entities.* The Terrorism Prevention Branch's collaboration with the UNODC Regional Office for East Africa in the framework of a joint project with the United Nations Development Programme (UNDP) on "Strengthening counter-terrorism capacity for a safer Kenya" constitutes a very promising model for cooperation between a global project and a country-level initiative, as well as a good example of how two United Nations entities (in this case UNODC and UNDP) can complement each other.
- *Cooperation with other international players.* The Terrorism Prevention Branch's collaboration with the Commonwealth Secretariat is a good example of international cooperation in the field of counter-terrorism, one in which the very specific counter-terrorism mandate of the Terrorism Prevention Branch complements the relatively broad one of the Commonwealth Secretariat.

- *Regional and subregional cooperation.* The Terrorism Prevention Branch's joint activities with the Organization of Security and Cooperation in Europe (OSCE), the Intergovernmental Authority on Development (IGAD) Capacity-Building Programme against Terrorism (ICPAT), the Southern African Development Community (SADC) and the Organization of American States (OAS) have enabled these regional and subregional organizations to provide a more holistic response to the needs of requesting States.
- *Encouraging ownership by States.* When cooperating with the Terrorism Prevention Branch, IGAD/ICPAT and SADC successfully encouraged States to take ownership of technical assistance activities offered under the Global Project by actively involving national stakeholders in the design and preparation of joint workshops.
- *Strengthening political will.* The Terrorism Prevention Branch has identified opportunities for establishing contacts with higher-level Government officials, thus strengthening political will at the international and national levels. Regional consultations held by managers of the Branch with senior officials have been important for strengthening political will and might also be useful in countries that are experiencing an active terrorist threat and that need to ratify and implement universal instruments.

### **Recommendations**

Most of the recommendations contained in the 2006 Mid-Term Evaluation Report have been integrated into this report in order to provide a comprehensive set of recommendations for strengthening the performance of the Global Project.

UNODC management should:

(a) Set up a mechanism to ensure that all UNODC entities providing technical assistance, whether directly or indirectly, for countering terrorism (through terrorism prevention, anti-money-laundering, criminal justice reform and rule of law, anti-organized crime etc.) cooperate in the design, implementation, monitoring and evaluation of technical assistance efforts in order to create synergies and increase the complementarities of the services provided to Member States.

The Terrorism Prevention Branch should:

(b) Devise a system to ensure that the technical assistance provided under the Global Project is fully adapted to specific national, subregional and regional circumstances. Factors such as the political context, the level of counter-terrorism leadership, the perception of threat, the underlying causes of terrorism, the status of ratification and implementation of the universal legal instruments, the particular characteristics of the legal system and the level of development (including the presence or absence of infrastructure), should be taken into account;

(c) Develop a comprehensive strategy for the Global Project that lays out the vision, focus and approach of the Terrorism Prevention Branch with regard to capacity development. The strategy would provide an overall framework for all capacity development initiatives and clear guidance regarding the timing (at what stage of the ratification and implementation process and under what kind of political and developmental circumstances) and the approach (the methodologies and approaches, such as specialized training, train-the-trainers, work through

national/regional training institutions, hands-on training or workshops, national or regional initiatives, the kind of training material to be used) of the capacity development assistance to be provided by the Global Project;

(d) Encourage and support States to develop strategies to improve intergovernmental and intra-governmental communication and knowledge management related to the Global Project. The Terrorism Prevention Branch should also work with regional and subregional organizations to facilitate the exchange of best practices and lessons learned between States;

(e) Encourage States to take measures to ensure that the skills acquired by staff trained through the Global Project are retained for a long time and, at the same time, alleviate the effects caused by the high turnover of Government staff by institutionalizing train-the-trainer approaches and taking advantage of and strengthening the expertise of the many national and regional training institutions in the Member States served;

(f) Ensure that a minimum of core expertise is in place within the Terrorism Prevention Branch, both at headquarters and in field offices, to ensure the proper management of Branch activities and the proper design, timely implementation and consistent monitoring of the Global Project. Should this not be possible, the Terrorism Prevention Branch should take a strategic decision for making sure that the commitments entered into through the Global Project do not overstretch available expertise and capacity;

(g) Review the Global Project document and align it fully with the Office's new project document format, especially its logical framework matrix, and with the universally accepted state-of-the-art principles of project cycle management. This would include a critical review of the Project's hierarchy of objectives and the identification of indicators and measures at all levels (output, outcomes, project objective/impact);

(h) Design a monitoring and evaluation system for the Global Project;

(i) Establish partnerships with subregional, regional and international actors to ensure that issues that are outside of the counter-terrorism mandate of the Terrorism Prevention Branch but that impact on the delivery of technical assistance provided by the Global Project (for example, the lack of infrastructure) are taken care of for the benefit of Member States;

(j) Urgently follow up on agreements reached with Member States regarding technical assistance to be provided in the framework of the Global Project. Particularly urgent is the need to follow up on agreements made with the Governments of Namibia, the Philippines, Thailand and Yemen, where delivery of technical assistance has been delayed in some instances.

# I. Introduction

## A. Background

### 1. Counter-terrorism mandate of the United Nations Office on Drugs and Crime and its Terrorism Prevention Branch

1. In the 2005 World Summit Outcome document (General Assembly resolution 60/1), Heads of State and Government called on the General Assembly to develop a counter-terrorism strategy with a view to promoting comprehensive and coordinated responses against terrorism. In answering that call, in April 2006 the Secretary-General issued recommendations for a global counter-terrorism strategy that in turn resulted in the unanimous adoption by the General Assembly, on 8 September 2006, of the United Nations Global Counter-Terrorism Strategy (Assembly resolution 60/288).

2. The Strategy reiterates and reinforces the existing counter-terrorism mandates of some United Nations entities and reinforces those mandates given to the United Nations Office on Drugs and Crime (UNODC) to enable it to strengthen its technical assistance in terrorism prevention.<sup>1</sup>

3. The counter-terrorism mandates of UNODC emanate from the General Assembly, the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice. In 2002, the Assembly approved an expanded programme of activities for the Terrorism Prevention Branch that focused on the provision of assistance to States, upon request, on legal and related aspects of counter-terrorism, especially for ratifying and implementing the universal legal instruments against terrorism<sup>2</sup> and for strengthening the capacity of the national

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<sup>1</sup> In the Strategy, Member States resolve:

- To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, they encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing mandates, UNODC and Interpol, to facilitate its provision;
- To encourage UNODC, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;
- To encourage the International Monetary Fund, the World Bank, UNODC and Interpol to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;
- To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure that any person who participates in the financing, planning, preparation, support or perpetration of terrorist acts is brought to justice with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. They also recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems and encourage them to resort to the technical assistance delivered, inter alia, by UNODC.

<sup>2</sup> Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963); Convention for the Suppression of Unlawful Seizure of Aircraft (1970); Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); International Convention against the Taking of Hostages (1979);

criminal justice systems of Member States to apply the provisions of those instruments in compliance with the principles of the rule of law.

4. The Branch is mandated to provide substantive input on related counter-terrorism issues to intergovernmental bodies, especially the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council and the General Assembly, and to the United Nations congresses on crime prevention and criminal justice. It is also mandated to provide specialized input on relevant counter-terrorism issues for the development of United Nations initiatives and to coordinate its activities with those of other entities and organizations.

5. In addition to the Strategy, other recent resolutions and declarations have established or reinforced the counter-terrorism mandates of the UNODC Terrorism Prevention Branch. Those include the following:

(a) The General Assembly, in its resolution 60/43 of 8 December 2005, requested the Terrorism Prevention Branch of UNODC to continue its efforts to enhance the capabilities of the United Nations in the prevention of terrorism, and recognized, in the context of Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

(b) The General Assembly, in its resolution 60/175 of 16 December 2005, requested UNODC to continue its efforts to provide Member States with technical assistance to strengthen international cooperation in preventing and combating terrorism through the ratification and implementation of the universal conventions and protocols related to terrorism, in particular through training in the judicial and prosecutorial fields, taking into account the elements necessary to strengthen fair and effective criminal justice systems and the rule of law;

(c) In the 2005 World Summit Outcome (General Assembly resolution 60/1), Heads of State and Government urged the international community, including the United Nations, to assist States in building national and regional capacity to combat terrorism;

(d) In the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (General Assembly resolution 60/177, annex), adopted in 2005 at the Eleventh United Nations Congress

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Convention on the Physical Protection of Nuclear Material (1980); Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988); Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); International Convention for the Suppression of Terrorist Bombings (1997); International Convention for the Suppression of the Financing of Terrorism (1999); International Convention for the Suppression of Acts of Nuclear Terrorism (2005); Amendment to the Convention on the Physical Protection of Nuclear Material (2005); Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); and Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005).

on Crime Prevention and Criminal Justice, Member States expressed their support for the continuing efforts of UNODC to assist States in their efforts to ratify and implement the universal instruments against terrorism, which might include assistance to criminal justice systems to facilitate the effective implementation of those instruments;

(e) The General Assembly also specified measures to eliminate international terrorism in its resolution 61/40 of 4 December 2006. In paragraph 18 of that resolution, the Assembly requested the Terrorism Prevention Branch to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognized its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building.

## **2. Global Project on Strengthening the Legal Regime against Terrorism**

6. During the initial years of the Global Project, the primary focus of the Terrorism Prevention Branch was to provide technical assistance to requesting Member States so as to help them ratify and implement the universal instruments against terrorism. Over time, and with the support of Member States, the scope of the Global Project was broadened to include more States and a wider variety of technical assistance options to help Member States meet their counter-terrorism needs. As more States ratified more of the universal instruments, the Branch focused more attention and resources on assistance to implementation.

7. The Global Project's overall objective is to support Member States in achieving a functional, universal legal regime against terrorism in accordance with the principles of the rule of law. Its four immediate objectives are:<sup>3</sup>

(a) To provide ongoing and sustainable support to requesting States to achieve full and expeditious ratification of the universal legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

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<sup>3</sup> See Global Project GLO/R35 project document.

## **B. Purpose and objective of the evaluation**

8. This thematic evaluation of the Global Project was managed by the Independent Evaluation Unit of UNODC. A mid-term evaluation of selected countries was conducted in 2006 and its findings were used in the present report, which broadens the focus of the evaluation in terms of geographic coverage and deepens it in terms of the substantive issues examined, with the aim of providing insights to help UNODC increase the effectiveness and impact of its technical assistance to counter-terrorism efforts. Specifically, the evaluation examines:

(a) The *relevance* of the Global Project in the context of the United Nations' global approach to countering terrorism and the priorities and needs of Member States and the alignment of the Global Project with the mandate of UNODC;

(b) The *effectiveness* of the Global Project as the prime UNODC measure for fulfilling the counter-terrorism mandates of UNODC and to help countries strengthen their legal regimes against terrorism (levels of ratification of the universal legal instruments against terrorism, implementation, capacity development, associated international cooperation etc.);

(c) The *efficiency* of the Global Project both in the delivery of technical assistance as well as the overall management of the Project by the Terrorism Prevention Branch;

(d) The *sustainability* of the benefits generated by the Global Project.

9. Insights gained, such as lessons learned, best practices, shortcomings and possible improvements identified by the evaluation, are expected to feed into future phases of the current Global Project, thereby enhancing its effectiveness and improving project results, and to enable donors and recipient countries to better understand whether the Global Project is relevant and useful on a global scale.<sup>4</sup> The evaluation also fulfils the commitment made by UNODC and its Terrorism Prevention Branch to donors to undertake periodic evaluations.

## **C. Scope of the evaluation**

10. This evaluation took into account the entire implementation period of the Global Project, from its inception in January 2003 until June 2007. Field visits were made to the following countries, which were selected because they represented major world regions: Ethiopia, Kenya, Madagascar, Namibia, Philippines, Romania, South Africa, Thailand and Yemen. Field visits to Egypt and Morocco were also planned but did not take place because representatives of those Governments were busy with other activities during the proposed periods and could not accommodate the evaluation missions. In contrast to the 2006 mid-term evaluation, this evaluation looks more closely at the Global Project's effectiveness and puts more emphasis on its relevance, efficiency and sustainability.

11. In assessing the effectiveness of the Global Project, issues related to the practical application of the universal legal instruments against terrorism following their ratification, as well as issues associated with coordination and cooperation

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<sup>4</sup> See the terms of reference for this evaluation contained in annex I.

efforts at the national, regional and international levels were included. With regard to the issue of sustainability, the Global Project's responsiveness to local needs, its capacity development approach, the degree to which partnerships with other actors were established and its monitoring and backstopping mechanisms were examined in greater detail.<sup>5</sup>

## **D. Methodology**

12. The methodology used in the evaluation included a range of approaches. The team studied all relevant documentation and conducted in-depth interviews with key informants in Vienna, New York and field offices. The evaluation process was participatory and inclusive, with major stakeholders being asked to provide feedback on the draft terms of reference and on the draft evaluation report. Furthermore, the members of the evaluation team consulted with representatives of States prior to visiting their countries via the respective embassies in Vienna and meetings with their Global Project focal point.

13. The members of the evaluation team met in Vienna after the fieldwork had been concluded to discuss and agree on major findings and recommendations before the final draft of the report was written. Staff from the Terrorism Prevention Branch were invited to join a debriefing meeting, during which the evaluation team shared preliminary evaluation findings.

14. Countries were selected on the basis of the amount of support given by UNODC to the given country, the status of ratification and implementation of the universal instruments against terrorism (countries that had made significant progress in that sense and those that had made little progress were visited) and experience with acts of international terrorism. Countries were also selected so as to provide evaluators with a wide geographical exposure: while the 2006 mid-term evaluation included countries in Latin America and in West and Central Africa, the present evaluation includes countries in East Africa, Southern Africa, the Middle East, South-East Asia and Eastern Europe.

## **E. Limitations**

15. The evaluation team faced a number of major challenges. It could not get the full range of consultancy services envisaged, which meant that the Internal Evaluation Unit had to prepare several of the country reports and finalize the evaluation report (which included incorporating most of the stakeholders' comments).

16. A number of countries that were initially to be included in the field survey were not visited because the proposed mission schedules could not be accommodated by Government counterparts. Thus, the additional insights that would have resulted from visiting those countries could not be included in the evaluation.

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<sup>5</sup> Key evaluation questions are provided in the terms of reference in annex I.

## **II. Analysis and major findings**

### **A. Relevance**

#### **1. Is the Global Project the appropriate intervention to assist Member States in their efforts to counter terrorism?**

17. In most countries visited by the evaluation team appreciation was shown for the technical assistance provided by the Terrorism Prevention Branch through the Global Project for ratifying and implementing the universal legal instruments against terrorism. Stakeholders interviewed considered the Global Project an appropriate intervention to assist their respective countries in their efforts to counter terrorism. In several countries it was also pointed out that future technical assistance needed to be more specialized and tailored to the specific needs of the recipient country. This finding confirms the assessment made during the 2006 mid-term evaluation.

18. In Ethiopia, for instance, Government officials viewed the technical assistance received as appropriate and relevant to the needs of the country. The Global Project had raised awareness about and created a common understanding on counter-terrorism issues among the key national practitioners while strengthening political will at the national level. The content of workshops and the case studies presented were seen as especially relevant. Moreover, the workshops had met the needs of the national drafting committee that was working on the counter-terrorism bill at that time.

19. A favourable assessment was also expressed by those interviewed in Kenya and Madagascar. Officials of the Government of Kenya who were interviewed considered the workshops offered through the Global Project to be useful, in particular because they had allowed participants to better understand the challenges related to counter-terrorism work. Similar views were expressed by stakeholders in Madagascar, who furthermore pointed out that the Global Project had helped the State ratify the universal legal instruments against terrorism and draft new counter-terrorism legislation.

20. In Yemen too, Government officials considered the Global Project to be relevant, for it had helped expedite the ratification of the universal instruments against terrorism and contributed to the drafting of new legislation against money-laundering and the financing of terrorism.

21. Officials of the Government of Namibia expressed their appreciation for the technical assistance provided, but also strongly recommended that more specialized training be conducted in the future, in particular on money-laundering. Similar views were expressed in Romania, where officials identified the need for more specialized training to be given to prosecutors and judges.

22. In the Philippines, Romania and Thailand, officials strongly felt the Branch should better fine-tune its approach to take into consideration the particular characteristics of these States' legal systems and national needs.

23. With regard to the relevance of regional and subregional workshops and other international events, interviewees in several countries pointed out that regional and subregional events were particularly relevant, since they offered important

opportunities for stakeholders from different countries to network and exchange information, and because they strengthened participants' understanding about the need to meet their countries' international obligations in the field of counter-terrorism.

24. The involvement of regional and subregional organizations was found to be helpful for making the Branch's approach more relevant regionally. Participants from Ethiopia lauded the Branch and the Intergovernmental Authority on Development (IGAD) Capacity-Building Programme against Terrorism (ICPAT) for inviting the Government of Ethiopia to become involved in the development of training agenda used in workshops. Participants from Namibia viewed the role of the Southern African Development Community (SADC) positively, even though the partnership had only recently begun, and envisaged that the Government of Namibia and SADC would cooperate more intensively in the future.<sup>6</sup> They also thought that other countries in the region should participate more in the planning of future regional workshops that could enhance regional and national ownership.

25. In Asia, where there is no regional security structure, like that of the Organization of American States (OAS) in the Americas<sup>7</sup> and of the Organization for Security and Cooperation in Europe (OSCE), that specifically partners with the Terrorism Prevention Branch, the evaluation team found that a greater onus was placed on the Branch to carry out the Global Project bilaterally. This meant doing without the benefits that come from leveraging the resources of a regional organization structured to facilitate and encourage counter-terrorism capacity assistance efforts.

26. The evaluation team found dissatisfaction with the appropriateness of the Global Project in addressing other critical aspects of terrorism in so-called front-line countries, in other words in countries that are under active terrorist threat or attack. While the Global Project focuses on the criminalization of acts as defined in the 13 universal instruments, terrorists remain undeterred by national legislation and penal sanctions, recruiting followers willing not only to break any law but to sacrifice their lives for their extremist cause. As one national practitioner observed, for every suicide bomber there are many others, including women and children, waiting to take his or her place. The Branch is not mandated to work on this fundamental and critical aspect of countering terrorism, although the model of ratifying and implementing relevant universal instruments appears to be applicable to combating extremism and intolerance.

27. Although the legal technical assistance toolbox of the Terrorism Prevention Branch includes human rights protections, the evaluation team encountered criticism in some countries, notably the Philippines and Thailand, that inappropriate or insufficient attention was being accorded to local human rights situations. The same issue had been raised by Burkina Faso and El Salvador during the mid-term evaluation carried out in 2006.

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<sup>6</sup> See the draft concept paper on "Strengthening the Legal Regime Against Terrorism in SADC Countries: A joint initiative of the United Nations Office on Drugs and Crime (UNODC) and the Southern African Development Community (SADC)", dated June 2006; as well as the August 2006 version that includes the views of SADC member States.

<sup>7</sup> For more on the Branch's cooperation with OAS see the Mid-Term Evaluation Report 2006.

28. In the Philippines, Branch experts caused controversy by testifying before the Senate on the draft counter-terrorism bill. Critics of the bill viewed such an intervention in a congressional proceeding as an infringement of human and civil rights, while the bill's proponents took advantage of UNODC "endorsement" to buttress their position. In Thailand, high court justices were critical of the executive branch's exclusion of the judiciary in consultations with the Terrorism Prevention Branch on draft legislation that they viewed as eroding judicial independence in a post-coup environment.

29. Some Member States were critical of the approach embodied in Security Council resolution 1373 (2001) but widely lauded the United Nations Global Counter-Terrorism Strategy adopted by the General Assembly for having the support of Member States and for better reflecting their needs in combating global terrorism. The fact that the Branch has adopted the approach of the Strategy in carrying out its work on ratification and implementation of the universal legal instruments is helping to overcome sensitivities over Security Council resolution 1373 (2001). This has been of particular importance in regions and countries where such sensitivities have occasionally hindered the Global Project.

30. The relevance of the Terrorism Prevention Branch to serving overall United Nations counter-terrorism objectives and mandates, including the Strategy, is evidenced by the central role it has played both in the development and implementation of the Strategy. Interviews conducted by the evaluation team with members of the Counter-Terrorism Implementation Task Force have confirmed that the Branch has been and continues to be a key contributor to the work of the Task Force, thus ensuring that the counter-terrorism work of UNODC is carried out in the broader context of and in coordination with United Nations system-wide efforts.

31. The Counter-Terrorism Implementation Task Force, established by the Secretary-General in June 2005, is a coordinating and information-sharing body of an advisory nature that also facilitates the discussion of strategic issues and the development of policy recommendations. Chaired by the Executive Office of the Secretary-General, it brings together key actors of the United Nations system and partners that can contribute to an effective, coordinated fight against terrorism. In the Strategy, Member States welcomed the intention of the Secretary-General to institutionalize the Task Force.

32. As a key United Nations entity for delivering legal and related technical assistance against terrorism, UNODC should keep contributing to the work of the Task Force. It is significant that the Terrorism Prevention Branch co-leads three of the Task Force's nine working groups. According to the Task Force, the Branch's contributions to its work are critical, helping to make the overall coordination and delivery of United Nations counter-terrorism assistance more relevant to the needs of Member States. Both the Task Force and the Branch have indicated that the equivalent of one full-time senior staff member is needed to carry out this effort. Furthermore, the Task Force has indicated that the UNODC automated database system (currently used to track UNODC global counter-narcotic programmes) could be used to strengthen United Nations capacity to monitor counter-terrorism activities.

33. Overall, it can be concluded that Member States consider the Global Project to be a relevant contribution to their efforts to combat terrorism. In most cases, the

technical assistance offered by the Global Project was found to be useful and appropriate, meeting the needs of stakeholders involved. At the same time, virtually all the countries visited (including the Member States visited during the 2006 mid-term evaluation) indicated that more specialized assistance would be required in the future.

34. In some cases, it was also suggested that the Global Project should improve its relevance by better taking into account and adapting its assistance to the specific characteristics of the recipient countries' national legal system and political context.

## **2. To what extent is the Global Project in line with the counter-terrorism mandates of the United Nations Office on Drugs and Crime?**

35. The counter-terrorism mandates of UNODC emanate from the General Assembly, the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice (see introduction for a list of mandates). The General Assembly reinforced the counter-terrorism mandate given to UNODC by adopting, in 2006, the United Nations Global Counter-Terrorism Strategy.

36. The evaluation team found that the Global Project was in line with the counter-terrorism mandates of UNODC derived from the above-mentioned resolutions and summit outcomes. Its four major objectives are to support countries: (a) to ratify and (b) to implement the universal legal instruments against terrorism, (c) to strengthen international cooperation in criminal matters pertaining to terrorism, and (d) to strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations. These objectives clearly reflect the counter-terrorism mandates of UNODC, including their very strong focus on the development of national counter-terrorism capacity.

37. The Branch has also been mandated to carry out tasks relative to the work of the Crime Commission, the Economic and Social Council, the General Assembly and other policymaking and decision-making entities. However, since such tasks do not fall within the scope of the objectives of the Global Project, they have not been included in this evaluation.

## **3. Is the Global Project the most appropriate measure for fulfilling the counter-terrorism mandates of the United Nations Office on Drugs and Crime?**

38. Clearly, the Global Project continues to be at the core of UNODC efforts to fulfil its counter-terrorism mandates. The Terrorism Prevention Branch has benefited from proactive and strong leadership and dedicated staff. However, as evidenced by the many United Nations and UNODC mandates listed above, the Global Project is only one aspect of the Office's broader counter-terrorism mandate. The criminal-terrorist nexus, long recognized as a continuing and growing element facilitating terrorist activities worldwide, is a facet more directly addressed by other UNODC programmes dealing with money-laundering, transnational organized crime and arms trafficking.

39. The evaluation team found some dissatisfaction among Member States with the lack of coordination between programmes and with the unevenness of technical assistance being provided by various UNODC entities. Furthermore, experts in New York and the field indicated that contradictory methodologies and legal models had

sometimes been proposed by different UNODC programmes and entities dealing with the financing of terrorism. Some counter-terrorism practitioners within the United Nations system recommended that UNODC counter-terrorism related programmes should be reorganized to achieve greater efficiencies, better coordination and more integration of disparate approaches.

40. Furthermore, substantial gaps in funding and capacity were found between the Global Project and other counter-terrorism related programmes. The Branch's significantly higher level of funding can and has benefited less-endowed programmes through joint activities.

41. With regard to cooperation at the international level, a review of the Branch's activities worldwide confirmed that the Branch continued to reach out to other United Nations and UNODC counter-terrorism providers of technical assistance in an effort to better consolidate the delivery of technical assistance.

42. The evaluation team concluded that the Global Project is a very appropriate measure for fulfilling many of the Office's counter-terrorism mandates. Some of those mandates, however, are linked to issues, such as transnational organized crime and money-laundering, that are not directly addressed by the Global Project. It is the responsibility not only of the Branch, but also of all other UNODC entities involved, to ensure that the various interventions complement each other, both within UNODC and at the international level.

43. More efforts will be required to streamline, create synergies and explore complementarities between the various services that UNODC is able to offer, so that the counter-terrorism related mandates of UNODC can be fulfilled. UNODC ought to set up a mechanism to ensure that all UNODC entities engaged in technical assistance (directly and indirectly) related to counter-terrorism (for terrorism prevention and against money-laundering and organized crime, among others) cooperate in the design, implementation, monitoring and evaluation of technical assistance in order to create synergies and increase complementarities of the services provided to Member States.

44. The Global Project has made efforts to partner the Terrorism Prevention Branch with other sections in UNODC and has established important partnerships with regional and international organizations, as described below in more detail. For example, the Branch has in the past invited representatives of the Anti-Money-Laundering Unit and other UNODC entities to participate in and contribute to workshops organized in the framework of the Global Project. Project implementation certainly offers important opportunities for collaboration that, when taken advantage of, can increase the relevance of a project. A completely different level of cooperation could be reached, if the various UNODC entities also worked together on the design, monitoring and evaluation of projects.

**4. Are the Global Project and the assistance activities of the United Nations Office on Drugs and Crime responsive to the needs of Member States? To what extent does the Global Project respond to the specific developmental challenges of the target countries and take into account their specific needs?**

45. The answer to that question requires a two-part response. Consideration must be given to the differences between more developed countries, which are better endowed with capacity, and less developed countries, which have weaker capacity.

46. Countries that are more developed have greater governmental capacity to implement the universal instruments both through legislation and law enforcement. The evaluation team found (both in the context of the present evaluation and in the 2006 mid-term evaluation) that more developed countries, such as Panama, the Philippines and Romania, ratified and adopted necessary legislation rapidly but that they also required more advanced assistance, particularly in the training of prosecutors and judges. These countries also needed to develop strategies capable of sustaining such training through national legal or law enforcement training institutions.

47. In less developed countries, such as the Central African Republic and the Congo, even the most basic technical assistance provided by the Terrorism Prevention Branch was constrained by a lack of basic infrastructure and expert capacity. Thus, officials in such countries generally thought it would not be possible to sustain the training assistance provided given the absence of other developmental and infrastructural assistance. Seemingly basic services, such as Internet access, are still unavailable in many lesser developed nations.

48. Currently, the Terrorism Prevention Branch does not have the mandate to provide countries with the required infrastructure and related capacity development measures. Nonetheless, the evaluation team found in-country opportunities that could be leveraged by the Branch. For example, by establishing partnerships, including with donor countries, to assist Governments in receiving relevant equipment, training and other developmental assistance. The acquisition by countries of help to build basic infrastructure and capacity will have a positive impact on the counter-terrorism activities of the Branch.

49. Another distinction should be made between countries where the political will of leaders to combat terrorism is lacking or weak or where the perceived level of threat of terrorism is low and countries where political will is strong and the perceived level of threat is high. Political will, leadership and threat perception can all act as driving factors in counter-terrorism cooperation. The level of development is not always the main factor influencing the speed with which international instruments are ratified or implemented.

50. The Global Project needs to adapt its approach to specific national, subregional and regional circumstances. A broad range of factors (including level of development, status of ratification and implementation of the universal legal instruments, political will and leadership against terrorism, perception of threat and underlying causes of terrorism) need to be taken into account when designing interventions for a specific country, subregion or region. Only when that has been done will the Global Project be able to really respond to the needs of each country it works for.

51. For example, in Kenya, where at the time of the evaluation no agreement on the draft anti-terrorism bill had been reached, the UNODC Regional Office for East Africa and the Terrorism Prevention Branch should engage at the political level to keep the debate on effective counter-terrorism legislation alive in the minds of politicians. In Namibia, attention should be paid to the fact that, as indicated by some stakeholders interviewed for the evaluation, given the absence of counter-terrorism legislation, it was premature to provide training on counter-terrorism issues, since the knowledge gained could not be put to use immediately.

52. Every country assessment should not only involve consultations with Government stakeholders but also seek to integrate the views of local research institutions and civil society organizations, both of which could provide feedback to UNODC on their concerns regarding the implementation of counter-terrorism measures and instruments in a particular country.

53. Another issue to be kept in mind is that requests for technical assistance submitted by Member States might not always reflect the views and needs of all those who require assistance through the Global Project. This depends on how well ministries in Member States communicate and collaborate. The issue has already been raised in a different chapter of this report as well as in the 2006 Mid-Term Evaluation Report (see also the section on effectiveness below).

## **B. Effectiveness**

### **To what extent have the objectives of the Global Project been achieved?**

54. The Global Project's overall objective is to support Member States in achieving a functional, universal legal regime against terrorism in accordance with the principles of the rule of law. Its four immediate objectives are listed in the background section above.

55. With regard to the first objective of providing support to countries to achieve full and expeditious ratification of the universal legal instruments against terrorism, the evaluation team found that, overall, the Global Project had indeed supported countries in the ratification of the universal legal instruments against terrorism. In fact, in some of the countries visited, stakeholders reported that the technical assistance provided under the Global Project had had a direct influence on the speed and level of ratification.

56. One such country was Romania. Government officials there reported that the technical assistance provided under the Global Project had contributed significantly both to the ratification and the implementation of the universal legal instruments. Government officials in Madagascar also pointed out that the national and subregional events offered by the Global Project had considerably contributed to furthering the ratification processes in participating countries. Officials of the Government of Yemen also said that workshops organized under the Global Project had strengthened national expertise and capacity, in turn expediting ratification of international legal instruments.

57. In other countries, the provision of technical assistance had created a common understanding of the need to ratify the universal legal instruments but was not reported to have had a direct influence on the level of ratification. For example, in Thailand Government officials clearly took the view that there was no direct link between the activities of the Terrorism Prevention Branch and Thailand's adoption of the universal legal instruments. The fact that Thailand had become a party to additional universal instruments in 2007 was considered neither a success nor a failure of the Branch but, rather, the result of other factors (see the Thailand country report for more details). This does not mean that the assistance provided by the Branch was not appreciated. On the contrary, several Thai officials indicated that further work with the Branch was needed on the remaining instruments.

58. In Namibia, where the Government only started cooperating with the Branch in 2006, officials reiterated the fact that the Branch's efforts had helped to strengthen the political will necessary to ratify the remaining universal legal instruments. Ratification still needs to be done. Also, in Ethiopia, the workshops organized under the Global Project were reported to have created a common understanding on the need to ratify those instruments that had not been ratified yet.

59. With regard to the second objective of the Global Project, on strengthening national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism, progress was reported in all the countries visited. Nonetheless, additional efforts were deemed necessary to provide more specialized capacity development.

60. In Ethiopia, for instance, it was reported that through Global Project workshops relevant information had been provided to the committee responsible for drafting new counter-terrorism legislation and that such information was indeed used for that purpose. The same was reported by Namibian authorities, who also pointed out that the domestication of the legal instruments and the practicalities of implementing the future counter-terrorism legislation would be a greater challenge than the ratification of the remaining instruments. In Kenya, Government officials stressed that the Global Project had helped them to contribute better to the drafting of a bill against money-laundering.

61. In Yemen, officials reported that the Global Project had strengthened national expertise and capacity, thus contributing to the drafting of a law to combat money-laundering and the financing of terrorism. In Madagascar, workshop participants pointed out that, as a result of the knowledge gained in the workshops and conferences offered by the Global Project, they had been able to contribute significantly to drafting a new counter-terrorism law; they also said that further assistance would be required to apply the new legislation once it had been adopted. Stakeholders in almost all the other countries visited, including those visited in the course of the 2006 mid-term evaluation, also expressed the strong need for providing further training to practitioners, particularly judges and prosecutors.

62. Although most people who participated in the workshops offered by the Global Project evaluated them positively (see country reports for the Philippines, Romania, Thailand and Yemen), they also indicated that there was room for improvement. In particular, they called for the workshops to be better tailored to the particular circumstances of a given country so as to increase their effectiveness and to make them more relevant to national ratification and implementation efforts. In that vein, some stakeholders viewed national workshops as more useful than regional workshops because they focused on the particular circumstances and laws of the given country.

63. The evaluation team found that the Terrorism Prevention Branch did not have a clearly articulated strategy capable of sustaining training efforts in the long term, which could have major benefits for future effectiveness, i.e. through train-the-trainer programmes or by supporting new curricula and course studies in national academic and legal training institutions. The issue of sustainability is treated in greater detail below.

64. Another challenge for the Global Project is that of inter-ministerial communication and cooperation in the Member States served. In most of the countries visited the evaluation team saw that communication and coordination between ministries on counter-terrorism efforts was an ongoing challenge given the many cross-functional aspects of the work.

65. This phenomenon directly impacts the effectiveness of the technical assistance provided by the Branch, both in terms of the delivery of such technical assistance and the long-term sustainability of the Global Project. It was not unusual for the evaluation team to see that counter-terrorism practitioners in one ministry were unaware of the potentially helpful counter-terrorism assistance provided by UNODC while their counterparts in other ministries were aware and had benefited from such assistance. Furthermore, the evaluation team found that national training institutions that might have been focal points for train-the-trainer programmes had not been sufficiently or at all involved by the Branch and, in some cases, were unaware of the Branch's training activities (this matter is treated in greater detail below).

66. In Yemen, an inter-ministerial committee that was established to implement a joint action plan between the Government and the Terrorism Prevention Branch on preventing and combating terrorism also facilitated communication and collaboration between the various ministries involved in counter-terrorism activities. This model is worth emulating in other countries.

67. With regard to the third and fourth objectives of the Global Project, on strengthening international cooperation in criminal matters pertaining to terrorism and on strengthening collaboration on legal aspects of counter-terrorism between the Branch and subregional, regional and international organizations, the evaluation team found mixed but very promising results.

68. It is difficult to verify the extent to which the Global Project has strengthened international cooperation in criminal matters pertaining to terrorism. Undoubtedly, subregional and regional events have allowed participants from different countries to network and exchange experiences, which was considered an important result by most of the participants interviewed. Certainly, those events have also raised people's awareness about the need to collaborate at the international level. Nonetheless, it could not be verified whether greater awareness has actually led to joint international action in criminal matters pertaining to terrorism. According to the Branch, it was still too early to assess whether that objective had been achieved since the work was still very much in progress.

69. Especially in the regional workshops, the Branch demonstrated that it had made a conscious effort not just to include but to actively partner with relevant international, regional and subregional organizations. In the course of the 2006 mid-term evaluation, which had included Latin American countries, it was found that the Branch's collaboration with OAS had been extremely productive for strengthening political will and providing a more effective means of delivering technical assistance by leveraging the capacity of OAS and its counter-terrorism arm, the Inter-American Committee against Terrorism.

70. The Branch has partnered successfully with OSCE in organizing subregional workshops and in co-hosting a global counter-terrorism conference with the Counter-Terrorism Committee of the Security Council, where hosting costs were effectively shared. The Branch has also partnered with Interpol, whose

representatives have attended and participated in most of the national and regional training workshops conducted in Southern and East Africa. The Branch's cooperation with the Commonwealth Secretariat is a very good example of how two organizations, one with a very specific counter-terrorism mandate (the Branch) and one with a relatively broad mandate (the Commonwealth Secretariat), can work well together and complement each other.

71. The Branch has also taken advantage of the anti-crime expertise gained by other international bodies such as the United Nations Interregional Crime and Justice Research Institute, the International Monetary Fund (IMF) and the Financial Action Task Force on Money Laundering. Such partnerships have always hinged on the capacities of the partner organizations. In some cases, it appears that the engagement has been limited but effective, as with ICPAT and SADC, both of which appreciated their working relationship with the Branch. Several of the countries visited benefited from the activities jointly organized with the two organizations. Stakeholders interviewed expressed appreciation for the collaboration, not only because the joint workshops were considered useful, but also because Government officials had been involved in preparing the events, thus ensuring local ownership. Collaboration and joint activities have created synergies and enabled the organizations involved to provide a more holistic response to the needs of the countries benefiting from the workshops. They have also contributed to strengthening the capacity of the organizations.

72. In other cases, for example with the Association of Southeast Asian Nations (ASEAN) and the Pacific Islands Forum Secretariat (PIFS), there appears to be some potential for increased collaboration in the future. Partnership arrangements have been finalized with PIFS.

## **C. Efficiency**

### **How efficient has the implementation of the Global Project been?**

73. During this evaluation and the 2006 mid-term evaluation of the Global Project, Member States visited expressed high regard for the quality of the technical assistance initially delivered by the Terrorism Prevention Branch. High ratings were given for the efficiency of the Branch's work, which included liaising closely with focal point ministries and cooperating with counter-terrorism entities of international organizations (including the Anti-Money-Laundering Unit of UNODC and the International Maritime Organization) and with regional and subregional organizations, and taking advantage of and strengthening their expertise.

74. In terms of workshop formats, almost all participating Government officials favoured workshops that focused on the particular situation of a given country because they were generally assessed as being more effective. Regional workshops, however, were valued for the opportunities they provided for networking with practitioners in neighbouring countries. Many participants expressed particular appreciation for the use of more tailored approaches, including the use of case studies of relevance to the challenges faced by a given country.

75. Participants also recommended that the Branch workshops be better tailored to address the particular legal systems and legal encumbrances of their particular

countries. While the evaluation team's review of the Branch's country assessments and preparations confirmed that Branch legal experts had carried out detailed assessments of current or proposed country legislation, that approach did not appear to have been adopted for all national and regional workshops. In some countries visited, including Panama, the Philippines, Thailand and Yemen, several stakeholders reported that Global Project experts were not very familiar with national legislation.

76. The Branch's use of teleconferencing and other technologies (such as online databases and toolkits) is commendable. The evaluation team found that those practitioners working in the field who had Internet access were aware of those tools and were using them. The evaluation team also found that in countries without Internet connectivity the Branch had provided hard copies of documents to make sure that participants in those countries would not be disadvantaged, even if it was expensive and more labour-intensive. In some cases, and despite the fact that hard copies had been provided, not all the stakeholders in the various Government institutions had received the documents, which again points to a lack of inter-ministerial communication and/or collaboration.

77. As already mentioned above, the evaluation team found no evidence that the Branch had adopted a systematic train-the-trainer approach. Furthermore, the team found national and regional training or academic institutions whose expertise could have been leveraged in order to increase the effectiveness and the sustainability of the Branch's mission (see chapter on sustainability below).

78. The efficiency of the Branch's training programmes is also hindered, in some cases, by the high turnover or transfer of officials. The Branch should encourage States to take measures to ensure that the services of staff trained through the Global Project are retained in the long term. The Government of Burkina Faso, for example, has made an effort to keep the services of judges trained in the framework of the Global Project.<sup>8</sup>

79. The negative impact of high staff mobility might also be mitigated by working to integrate technical assistance information and concepts into the curricula of national institutions where new officials receive training. Alternatively, where such institutions do not exist, the Branch would have to periodically revisit these countries. Whatever the approach adopted, whether now or in the future, the Branch faces the challenge of having the right people in the right workshops. Ensuring that national focal points are identifying the right people in relevant ministries requires country expertise and field experience on the part of the Branch's regional experts.

80. Branch staffing gaps, particularly in the team serving countries in Asia, appear to have caused inefficiencies in some of the areas discussed above, resulting in delays in the delivery of services to at least one country. In turn, this has led to complaints about the lack of follow-through and to some erosion of credibility with UNODC.

81. This staffing issue appeared to be a problem both at headquarters in Vienna and in the field. While a legal expert was recently hired to work at the UNODC Regional Centre for East Asia and the Pacific, in Bangkok, staffing needs in Vienna have not yet been met. Moreover, newly-created posts have sometimes remained

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<sup>8</sup> See Mid-Term Evaluation Report 2006.

unfilled for long periods, affecting work in other regions and straining staff who already have a heavy workload. In turn, such a situation can lead to diminished efficiency and effectiveness in those regions.

82. The staffing issue stems from a number of underlying problems that UNODC senior management and Member States need to address. Foremost is the fact that the Branch relies predominantly on extrabudgetary funding for its activities and staffing needs, which makes long-term planning and hiring extremely difficult. Representatives of donor countries interviewed were aware of this problem and some were in favour of contributing more to core funding to meet Branch expertise requirements. Dependency on temporary L-category positions greatly hinders the recruitment, retention and motivation of staff. Also, since activities must be funded and carried out over one year, the Branch has faced the financial conundrum of having to plan and initiate activities before receiving the extrabudgetary moneys. The current staffing and funding structure does not augur well for maintaining and improving staff morale and productivity.

83. Branch management recognized the need to strengthen the managerial level of the Branch and has made efforts to restructure functions, within the limitations imposed by financial constraints.<sup>9</sup> Despite those changes, senior staff members who held roles as managers and legal experts still found themselves overextended, spending far too much of their time on the road leading workshops in the field instead of managing Branch operations in Vienna and performing quality assurance activities for services delivered. A minimum level of core expertise needs to be in place both at headquarters and in the field to ensure that management, planning, delivery, follow-up and monitoring activities are carried out.

84. The Branch ought to pay attention to building up the institutional memory required for effective branch management, including on specific regional and subregional issues. At the time of the evaluation, entire regions and subregions were being covered by only one or two Branch staff members. Unless the Branch devises a good knowledge management system, the departure of one of those experts from the organization might have negative repercussions on the performance of the Global Project.

85. The Branch has, in accordance with Security Council resolution 1535 (2004), participated in country visits of the Counter-Terrorism Committee and its Executive Directorate. Moreover, experts of the Committee and its Executive Directorate have participated in national and regional activities of the Branch, providing briefings on the role of the Committee and on priorities identified pursuant to Security Council resolution 1373 (2001). The evaluation team confirmed that Branch staff consult with the Committee and its Executive Directorate in planning Global Project activities, during which the Committee and its Executive Directorate provide guidance on the countries in need of assistance. The collaborative relationship extends to the point where the Branch assists Member States in compiling reports for submission to the Committee.

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<sup>9</sup> Terrorism Prevention Branch interoffice memorandum, "Internal Arrangements for Managing Work of the Terrorism Prevention Branch", 22 September 2006, from Chief of the Terrorism Prevention Branch Jean-Paul Laborde to Branch staff through Director of the Division of Treaty Affairs Kuniko Ozaki; and Branch Brief to the Director of the Division of Treaty Affairs, "TPB Global Project Staffing Issues", 25 May 2007.

86. Officials of the Counter-Terrorism Committee Executive Directorate in New York told the evaluation team that all country requests were routinely and speedily transmitted to the relevant United Nations or other international/bilateral providers. However, both the Branch and recipient Member States were of the view that there was room for improvement in terms of the speed and efficiency with which technical assistance was delivered.

87. Finally, the evaluation team found a good example of collaboration between UNODC/the Branch and other United Nations entities in Kenya. Through preparations for a joint project between UNODC and the United Nations Development Programme (UNDP) entitled “Strengthening counter-terrorism capacity for a safer Kenya”, links between country-level activities and global projects have been strengthened. The project benefits not only from input from the UNODC Regional Office for East Africa and the Terrorism Prevention Branch, but also from the Anti-Money-Laundering Unit of UNODC, based at headquarters in Vienna.

88. This approach constitutes an important step forward in terms of creating synergies both among the various areas of intervention of UNODC and among UNODC and other United Nations entities. The technical assistance activities provided by UNODC to strengthen the Kenyan legal framework against terrorism and money-laundering are complemented by UNDP interventions that raise awareness and strengthen dialogue between the Government and the general public on the effects of terrorism, counter-terrorism measures, human rights and UNDP efforts to enhance religious tolerance and respect for cultural diversity. Both the Terrorism Prevention Branch and the Anti-Money-Laundering Unit provide technical assistance and advice to the UNODC component of the project, which is managed by the UNODC Regional Office for East Africa at the country level (see country report for Kenya, annex II).

89. In contrast, in Asia the evaluation team found missed opportunities for UNODC and the Branch to engage with other United Nations bodies such as UNDP. The UNDP Regional Centre in Bangkok, for example, has developed a database of experts on a variety of topics, including security-related ones, who would be available to work in countries in the region. UNODC had been invited to add the names of counter-terrorism experts to this database but has not yet done so. The UNDP office in Yemen also reported that it had invited UNODC to become more involved in the work carried out by United Nations team in Yemen and to intensify its communication and information exchange with them. Other UNDP offices (in Madagascar and the Philippines) also expressed interest in increasing their collaboration with UNODC in the future.

## **D. Measuring and monitoring**

### **1. Measuring performance**

90. The evaluation team learned that work was still under way in terms of measuring the degree to which UNODC has fulfilled its overall counter-terrorism mandates. Performance measures are tailored to existing organizational structures, which do not adequately provide senior managers with an integrated view of how the counter-terrorism activities and programmes of UNODC are, as a whole,

measuring up to the Office's mandates. Even within distinct programme areas like that of the Global Project, an ongoing struggle is under way to develop better performance measures that assess results at all levels (output, outcome, project objective/impact).

91. Both the Terrorism Prevention Branch and the Strategic Planning Unit of UNODC acknowledge the difficulty of measuring progress in areas where qualitative rather than quantitative measures are best employed. Thus far, most of the measures used by the Branch to assess the performance of the Global Project measure results at the output level (in terms of the number of requests for assistance received, the number of workshops conducted, the number of technical assistance tools developed and disseminated, the number of legal advisory and needs assessment activities carried out, among others).<sup>10</sup>

92. The Global Project document contains only few indicators and measures for assessing results at the level of outcomes and at the level of project objective. Furthermore, it does not clearly delineate between the results to be achieved at the various levels, which naturally impacts on the formulation of indicators and measures, nor is it in line with international state-of-the-art project cycle management approaches. All in all, the document, which was developed before UNODC made its recent project document format available, ought to be aligned with the new format. The current document is also not in line with international state-of-the-art project cycle management approaches. It should therefore be reviewed and amended accordingly. Otherwise measuring performance beyond the output level will remain difficult, unsystematic and incomplete; moreover, UNODC senior managers will be deprived of more accurate and useful data to assess all aspects of the counter-terrorism work of the Branch.

93. A few additional (outcome level) indicators are mentioned in the Branch's current workplan.<sup>11</sup> Those refer to an increase in the number of States that ratify and implement the universal legal instruments and protocols and to a change in the number of States that have adopted national laws by implementing the provisions of the universal legal instruments against terrorism with the assistance of UNODC. Those are useful indicators at the outcome level and should be integrated in the Global Project document, especially in its logical framework matrix. (Currently, the document contains results to be achieved at the outcome level but lacks a complete set of corresponding indicators.)

94. Needless to say, those indicators need to be used carefully, for the results achieved at the country level, for instance, might not be attributable to assistance provided in the framework of the Global Project. For example, an increase in the number of instruments ratified by States might not be due to the Branch's efforts, as was pointed out by the cases of Panama, Romania and Thailand, where, although the Branch's assistance was appreciated, there was impetus for and progress on ratification and implementation that was unconnected to and even preceded the interventions of the Branch.

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<sup>10</sup> See the Global Project GLO/R35 project document.

<sup>11</sup> See the workplan of the Terrorism Prevention Branch for the period from 1 April 2007 to 31 March 2008, dated 11 April 2007.

95. The Strategic Planning Unit has made efforts, in working with the Branch, to update performance measures. The Branch should be prepared to re-engage in a discussion with the Strategic Planning Unit and to design a measuring and monitoring system that reflects the complexity and ambitiousness of the Global Project's aims.

## **2. Monitoring**

96. The Terrorism Prevention Branch ought to continuously monitor the Global Project's progress towards the achievement of project results at all levels (output, outcome, project objective/impact). In order to do so, the Global Project ought to systematically collect data on specific indicators. As described above, those indicators need to be carefully selected for each result level (output, outcome, project objective/impact)<sup>12</sup> and progress monitored against them.

97. In order to adequately fulfil its monitoring requirements, the Global Project needs a project-wide monitoring and evaluation mechanism. Currently, such a mechanism is not in place.

98. At the moment, questionnaires are regularly distributed prior to and after the workshops conducted under the Global Project. The questionnaires provide important insights about participants' assessment of the quality, practical value, content, format and organization, for example, of the workshops. That information can certainly be used by the Branch to continuously improve the quality of the workshops and to better adapt the technical assistance provided to the needs of the participants.

99. Although it is important to assess the quality of the workshops conducted under the Global Project, that is not enough. The information gained from the questionnaires does not measure the knowledge gained by stakeholders as a result of their participation in the workshops, nor whether their capacity to deal with counter-terrorism issues has increased, nor whether any increased capacity has actually led to a change in behaviour.

100. Therefore, the questionnaires need to be complemented by other means of systematically assessing the results of the Global Project (at all levels). The project could, for instance, engage national and subregional organizations in devising a mechanism for finding out, several months after a workshop has taken place, whether the new knowledge and skills acquired by participants, if any, have been applied and how, and what difference participation in a workshop has actually made in the working life of participants.

101. The first step towards the development of a monitoring system would be to identify indicators for all levels of results. Since the indicators influence all subsequent data collection, analysis and reporting activities, they should be selected through a consultative process, in which key stakeholders come to an agreement. The second step is to design the overall system for monitoring the progress made towards achieving the indicators. The roles and monitoring responsibilities of all UNODC actors (including the field offices) need to be clearly defined.

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<sup>12</sup> See the UNODC project document format and guidelines (November 2007) for more details.

102. Ongoing monitoring ought to be complemented by project evaluation. The present evaluation, together with the 2006 Mid-Term Evaluation Report, provides the Global Project with a number of important recommendations that the Project will be required to implement over the next couple of months and years. Evaluation is an integral part of the project cycle and provisions for the next evaluation, to be undertaken in a few years, should already be in place.

## **E. Institutional arrangements**

103. Counter-terrorism activities under the framework of the Global Project are directed and coordinated by the Terrorism Prevention Branch in cooperation with UNODC field offices and are implemented by project staff at headquarters and Branch experts based in various UNODC field offices.<sup>13</sup> UNODC regional representatives and field office staff were briefed by the Branch on the project's operational approaches. Regional components of the Global Project and workplans are developed jointly with the respective field offices, who are consulted on the planning and implementation of project activities.<sup>14</sup>

104. During the course of the present evaluation, UNODC regional offices in Kenya, South Africa and Thailand were visited by the evaluation team. Overall, field office representatives appreciated the Branch's efforts to strengthen cooperation with them.

105. The fact that Branch experts have been placed under the supervision of the Regional Representative in all three offices and that regional representatives have been involved in the recruitment process was welcome as it facilitated cooperation between the Branch and the regional offices, as well as backstopping of project activities in the field.

106. Staff in Bangkok pointed out that in order to make the *Menu of Services* developed by UNODC more easily available to Member States, in the future closer linkages would have to be made among all UNODC global projects. For the Global Project, this could imply increasing cooperation in the region with the Legal Advisory Section of UNODC.

107. As mentioned above, a promising model of cooperation between the Branch and a regional office was found in Kenya, where UNDP and UNODC have agreed to carry out a joint country-level project on strengthening counter-terrorism capacity in Kenya. The project, which was about to get under way when the evaluation team visited Kenya, benefits from input from the UNODC Regional Office for East Africa and the Branch, as well as from the Anti-Money-Laundering Unit at UNODC headquarters.

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<sup>13</sup> At the time of the preparation of this report (October 2007), Branch staff had been posted or were being recruited to work at one of seven UNODC field offices (Bangkok, Cairo, Dakar, Mexico City, Nairobi, Pretoria and Tashkent). Two more experts were being recruited, one to work in Suva with the Pacific Island Forum Secretariat and the other to support Global Project implementation in Yemen. In countries where a UNODC office exists, Branch field staff work under the direct supervision of the UNODC representative. The Branch also worked with six field-based experts who were hired as consultants, on an ad hoc basis, when needed.

<sup>14</sup> See the Terrorism Prevention Branch's Brief on "Measures taken by TPB for coordination of project activities with the UNODC Regional Offices" dated 22 October 2007.

108. The evaluators were of the opinion that the kind of approach adopted in Kenya constituted an important step forward in terms of creating synergies among UNODC entities, but also between UNODC and other entities of the United Nations system. The technical assistance activities carried out by UNODC to strengthen the Kenyan legal framework against terrorism and money-laundering were complemented by the interventions of UNDP aimed at enhancing awareness and strengthening dialogue between the Government and the general public on the effects of terrorism, counter-terrorism measures and human rights, religious tolerance etc.

109. Although it is premature to make any judgments about the possible outcomes of that collaboration, the model might be worth replicating in other countries. In terms of field office involvement and responsibility, the project goes far beyond the usual forms of collaboration.

110. With regard to this case, evaluation team members were also pleased to notice that the stakeholders they met in Kenya did not always distinguish between the various UNODC entities (such as the UNODC Regional Office for East Africa, the Anti-Money-Laundering Unit and the Terrorism Prevention Branch). In other countries, Government counterparts were often only aware of the services offered by the Branch and not of any of the other (often related) services provided by UNODC. That seems to indicate that the UNODC Regional Office for East Africa has been representing UNODC as “One UNODC”, an organization that offers complementary services to countries in their fight against money-laundering and terrorism, among others, rather than as an organization fragmented into separate projects that have no links to other interventions. The project is managed at the country level and enjoys technical advice from the Terrorism Prevention Branch and the Anti-Money-Laundering Unit.

111. In Southern Africa, as in other regions, all counter-terrorism activities form part of a joint regional workplan developed by the Branch in partnership with the regional office. Since the workplan was developed, the UNODC Regional Office for Southern Africa has participated in technical assistance missions, including in the subregional workshops conducted by the Branch in Southern Africa, and supported the workshops administratively. The Branch has appointed a counter-terrorism expert to work at the Regional Office to assist with the implementation of the workplan and of the project sub-component for Southern Africa. In South Africa, unlike in other countries, the Branch had an uneasy relationship with the Regional Office. Although both sides have acknowledged that cooperation and coordination has improved over the past year, more needs to be done to cement a more cooperative relationship.

### **III. Outcomes, impact and sustainability**

#### **A. Outcomes**

112. The Global Project has produced a considerable number of positive outcomes. They are discussed in detail in the section on effectiveness above and in the country reports contained in annex II.

113. Overall, it can be said that the Global Project has contributed to pushing forward the ratification processes in the various countries visited, but the extent of

that contribution varies from country to country. In some cases, the technical assistance provided had a direct influence on ratification processes; in other cases, it appeared to have raised awareness and understanding about the need to ratify, but there was no direct link between the Branch's efforts and progress made in terms of ratification. In yet other Member States, officials pointed out that political will had been strengthened through the Global Project but some of the instruments were still to be ratified.

114. The Global Project has also contributed to strengthening the national expertise and capacity needed to develop and apply domestic legislation for the effective implementation of the universal legal instruments. In that regard, it was found that progress had been made in the Member States visited. Government officials in several countries pointed out that knowledge gained as a result of the assistance provided by the Branch had been used to develop new counter-terrorism legislation and laws for combating money-laundering related to the financing of terrorism.

115. Virtually all the countries visited have reached the stage where more specialized assistance, especially in terms of training judges and prosecutors charged with applying new legislation, is required. In a few of those countries, the Branch has been slow in fulfilling the agreements made to provide technical assistance. Such delays should be avoided in the future since they have a negative impact on the counter-terrorism efforts of Member States and damage the reputation of UNODC.

116. Another outcome of the Global Project is the establishment of effective partnerships with many subregional, regional and international organizations. Collaborating with international organizations such as the Commonwealth Secretariat and IMF has created synergies that also benefit subregional and regional partner organizations and workshop participants. Cooperating with subregional organizations such as IGAD/ICPAT and SADC has meant that the expertise of these organizations could be taken advantage of and their counter-terrorism capacities could be strengthened.

## **B. Impact**

117. By definition, impact refers to the long-term effects of an intervention. Since the Global Project only started cooperating with some of the countries visited by the evaluation team a couple of years ago, it is in many cases premature to make any final judgments about the long-term effects of the technical assistance provided by the Global Project.

118. Building a functional universal legal regime against terrorism is a work in progress in almost all the countries visited during this evaluation exercise (including in the countries visited for the 2006 mid-term evaluation). Nevertheless, the Global Project has produced numerous positive outcomes (see section above) that will certainly have a positive impact in the long run. One country where positive impact is already beginning to show is Romania, where legislation is in place and being used to counter terrorism.

119. Progress made in terms of implementing the universal legal instruments against terrorism and strengthening the capacity required to apply new

counter-terrorism legislation is especially likely to have a positive impact in the future. What exactly that impact will be and what unintended effects might result from the Global Project cannot be ascertained right now.

## **C. Sustainability**

### **To what extent are the benefits of the Global Project likely to be sustained?**

120. In the 2006 Mid-Term Evaluation Report of the Global Project,<sup>15</sup> it was pointed out that whether the benefits of the Global Project would be sustained in the long run would be determined by a number of factors, including: the extent to which Member States considered the contribution of the Global Project to be relevant; the extent to which national capacity had been strengthened to implement the universal legal instruments against terrorism and to apply the new counter-terrorism legislation; the extent to which stakeholders coordinated their efforts and cooperated with each other; and the extent to which the knowledge provided by and accruing from the Project was managed and exchanged.

121. The issues that were raised in the chapter on sustainability in the 2006 Mid-Term Evaluation Report were confirmed by the present evaluation and are not repeated in detail here. The following general observations, however, also need to be considered: countries that were more economically developed and that possessed greater human and governmental capacity to absorb and institutionalize the legal assistance provided by the Terrorism Prevention Branch generally demonstrated more success at sustaining progress. Less endowed countries faced serious challenges to achieving sustainability.

122. Among the more developed countries, for example, the evaluation team found that the Philippines, Romania and Thailand had good capacity for sustaining ratification and implementation efforts. The Philippines and Romania, in particular, had achieved excellent progress in terms of ratification and implementation. National inter-agency processes were well established and functioning, auguring well for those countries' ability to sustain the ratification and implementation of the counter-terrorism instruments. Thailand had taken steps to ratify and implement the universal instruments and although progress remained to be achieved on the ratification and implementation of several international instruments, the Government of Thailand had a well-functioning inter-agency process and governmental infrastructure for facilitating this effort and had identified specific areas where Branch assistance would be welcomed in the future.

123. The evaluation team also found that Government legal training facilities existed in the Philippines, Romania and Thailand for prosecutors, judges and the police but that the Branch had not taken advantage of or strengthened the expertise and capacity of those training institutes to sustain its efforts in the long term. In other countries, like Madagascar and South Africa, there are similar training institutions whose expertise the Branch could leverage.

124. The countries with fewer resources that were visited by the evaluation team for the mid-term evaluation in 2006 and the present evaluation suffered particularly

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<sup>15</sup> See the 2006 Mid-Term Evaluation Report.

from the turnover of staff (legal and law enforcement practitioners often left their posts soon after receiving Branch training), weak or underdeveloped legal structures and the lack of basic infrastructure such as Internet access due to insufficient funding. In these developing countries, such shortcomings pose serious challenges to sustaining the work of the Branch even in the short term.

125. In this respect, the Global Project appears not to have succeeded in establishing strategic partnerships with bilateral, multilateral or international actors that could help participating States to address those fundamental developmental issues that impinge negatively on its sustainability. The evaluation team noted that the Branch was constantly working on improving and intensifying collaborative relationships with various regional and international organizations. Those relationships evolved mostly around issues related to counter-terrorism and only to a lesser extent around larger developmental issues such as the high turnover rates of Government officials and the lack of basic infrastructure. Additional efforts will be required by the Global Project to establish relationships that help mitigate the negative impact of such issues on the work of the Branch and on the counter-terrorism efforts of Member States served by the Global Project.

126. Another factor that might impact on the sustainability of the benefits brought about by the Global Project is the presence or lack of sufficient political will to combat terrorism. As mentioned above, political will, leadership and threat perception can all act as driving factors in counter-terrorism cooperation. The level of development is not always the reason (or not the only reason) for slow ratification or implementation.

127. The evaluation team found that, in general, the Branch does a good job of consulting with major stakeholders, particularly in States that request technical assistance, for developing initial approaches to a country or region. However, there is no institutionalized mechanism within the Branch to monitor or, more importantly, to flag emergent problems in countries that may be counterproductive to the Branch's technical assistance efforts. Despite the fact that the Branch relies on the expertise, knowledge and networking of regional specialists to understand developments in the countries they serve, its limited staff resources and resultant heavy workload, which is exacerbated by delays in filling new positions, have sometimes led to a lack of project continuity, as occurred in Asia (see country reports for the Philippines and Thailand in annex II).

128. Another critical factor for achieving sustainability is the counter-terrorism capacity of subregional, regional and international organizations to support or complement the work of the Global Project. The Branch has actively sought to partner with and leverage and strengthen the expertise and operational capacities of such organizations, notably OAS in the western hemisphere and OSCE in Eurasia. The Branch has also partnered with the Commonwealth Secretariat, PIFS, IGAD/ICPAT and, to a lesser degree, with SADC and the African Union (see country reports).

129. Those partnerships have been mutually beneficial. However, the absence of dedicated counter-terrorism functions in some of the organizations makes substantive collaboration difficult. The evaluation team found that the Branch was seeking to strengthen collaborative relationships with organizations in virtually all relevant regions and specialties. The success of this effort can have important

repercussions for the development of counter-terrorism capacity in those organizations and therefore also for the sustainability of the Global Project.

130. The success of the technical assistance provided hinges, among other things, on involving the right participants. In Ethiopia, all the members of the drafting committee on counter-terrorism legislation as well as the counter-terrorism task force attended the two workshops held in 2007. A positive assessment was also given by Namibian interviewees, who said the right officials participated in both regional and national workshops. In Thailand, on the other hand, the evaluation team found that sometimes key ministries or Government entities were unaware of or had not been invited to a particular workshop. For example, it appeared that representatives of the Ministry of Foreign Affairs had not been invited and were unaware of a Branch workshop attended by the representatives of other ministries. Also in Thailand, officials of the judicial branch expressed concern about the fact that they had not been invited to participate in past workshops organized in the framework of the Global Project.

131. In many developing countries, the absence or weakness of human, institutional and technical capacity remains a major hindrance to States' ability to fully and effectively implement the universal legal instruments against terrorism. While, in general, good progress has been made in terms of the ratification of such instruments and with regard to the adoption of implementing legislation, many officials in Member States visited by the evaluation team pointed to an ongoing and critical need to bolster human capacity in both the executive and judicial branches, in other words to train prosecutors and judges. In interviews with the evaluation team, Branch officials and experts recognized the existence of this fundamental challenge, noting the ineffectiveness of putting in place counter-terrorism laws if basic judicial, prosecutorial, investigatory and other law enforcement capacity is weak.

132. Finally, the evaluation team found that the Branch's efforts, together with those of the Counter-Terrorism Committee and of its Executive Directorate and those of the more recently established Counter-Terrorism Implementation Task Force, have strengthened political will around the globe to ratify and implement the universal legal instruments against terrorism. The General Assembly's adoption of the Global Counter-Terrorism Strategy has been an additional boost to the United Nations' counter-terrorism initiatives, including the Global Project. However, the more difficult work of strengthening national capacity in less developed countries to fully implement new counter-terrorism legislation remains a major challenge. In and of themselves, laws do not translate into effective counter-terrorism measures. Judges and prosecutors, along with other law enforcement personnel, require support and ongoing training to detect, prosecute and adjudicate cases of terrorism.

#### **IV. Major lessons learned and best practices**

133. The evaluation team identified a number of best practices and lessons learned when visiting the countries selected for this evaluation. Most of the lessons to be learned relate to and confirm the lessons identified during the 2006 mid-term evaluation.

## **A. Lessons learned**

### **1. Following up on agreements with Member States**

134. Agreements, action plans, visits, needs assessments and other kinds of missions always need to be followed up by concrete and timely action, as agreed with Government counterparts. This is a lesson not only for staff working on the Global Project but also for all those working for other entities of UNODC. Failure to follow up not only delays project/programme interventions but also harms the reputation of UNODC. An adequate mechanism backed by the required resources should be put in place to ensure that agreements are followed up and that activities are monitored.

### **2. Responding to the needs of Member States**

135. The Global Project needs to adapt its approach to the specific regional, subregional and national situations. Factors such as the level of development, status of ratification and implementation of the universal legal instruments, political will, leadership to counter terrorism and threat perception need to be taken into account when designing interventions for a specific region, subregion or country. Only then will the Global Project be able to really satisfy the needs of each State it works for. In some countries, for instance, work might have to be done at the political level before engaging in capacity development initiatives for practitioners.

### **3. Sustaining training efforts**

136. The sustainability of a project hinges on, among other issues, the project's ability to sustain its capacity development efforts in the long term. Each project needs to systematically ensure that the benefits generated by its interventions contribute to long-lasting change and do not get lost once the project is over. Training trainers and taking advantage of and strengthening the expertise of regional, subregional and national training institutions by integrating counter-terrorism in their curricula, constitute approaches that can be used to that end.

### **4. Intra- and inter-agency communication and cooperation within Member States**

137. Good intra-agency and inter-agency communication and cooperation within Member States is crucial for effective implementation. Poor communication and cooperation might result in the provision of technical assistance that is not very relevant to stakeholders who have not been consulted about the kind of assistance they would like to receive from the Global Project. A formal communication mechanism needs to be established in Member States to guarantee this cooperation. Requests submitted to the Branch ought to be "owned" by and represent the views of all relevant stakeholders, not only those of the submitting ministry.

## **B. Best practices**

### **1. Encouraging inter-ministerial cooperation within Member States**

138. The establishment of an inter-ministerial committee in Yemen to implement a joint action plan between the Government and the Terrorism Prevention Branch on

preventing and combating terrorism has provided an opportunity for Government officials and UNODC staff to agree on a way forward. It has also facilitated communication and collaboration between the various ministries involved in counter-terrorism activities. This is a model worth emulating in other countries, for inter-ministerial communication remains a challenge in several countries that benefit from the Global Project.

## **2. Creating synergies within UNODC and between UNODC and other United Nations entities**

139. The Branch's collaboration with the UNODC Regional Office for East Africa on the joint UNDP and UNODC project entitled "Strengthening counter-terrorism capacity for a safer Kenya" constitutes a very promising model for cooperation between a global project and a country-level initiative. Through the Global Project and the Global Programme against Money-Laundering, UNODC provides technical and implementation assistance to the initiative, which is managed locally. The joint project is also a good example of how two United Nations entities (UNDP and UNODC) can complement each other by each contributing expertise according to its specific comparative advantage and mandate.

## **3. Cooperation with other international players**

140. The Branch's collaboration with the Commonwealth Secretariat is a good example of international cooperation in the field of counter-terrorism. The Branch, which has a very specific counter-terrorism mandate, complements the expertise offered by the Commonwealth Secretariat, which has a relatively broad counter-terrorism mandate.

## **4. Regional and subregional cooperation**

141. Joint bilateral activities between the Branch and OSCE, ICPAT, SADC and OAS has enabled the Branch to provide a more holistic response to the needs of requesting States. Furthermore, the use of local experts identified by regional and subregional organizations has made workshops more relevant to local situations and challenges and increased the ownership and capacity of participants.

## **5. Encouraging ownership by States**

142. When cooperating with the Branch, both IGAD/ICPAT and SADC helped increase the sense of ownership among Government officials of the technical assistance activities offered by the Global Project by actively involving national stakeholders in the design and preparation of jointly conducted workshops.

## **6. Strengthening political will**

143. The Branch has identified opportunities for higher-level contacts and interventions to strengthen political will internationally and nationally. Notably, the Chief of the Terrorism Prevention Branch appropriately identified the Second Meeting of Joint Experts Working Group of the ASEAN Convention on Counter-Terrorism, held in Bali, Indonesia, from 13 to 15 November 2006, as a forum to make senior level interventions in support of Security Council resolution 1373 (2001) and provided input to the drafters of the ASEAN Convention

on Counter-Terrorism. Similarly, Branch managers engaged directly with PIFS in Fiji and consulted with senior national counter-terrorism officials in the region. Such consultations are important for strengthening political will and might be held with representatives of States that are under active terrorist threat and need to ratify and implement universal instruments.

## V. Recommendations

144. The following recommendations are based on the evaluation findings outlined in chapters II and III of this report and on the most important findings of the 2006 Mid-Term Evaluation Report. Most recommendations contained in the 2006 Mid-Term Evaluation Report have been included in this chapter in order to provide a comprehensive set of recommendations to strengthen the performance of the Global Project. The country-specific recommendations of the mid-term evaluation have not been repeated here.

145. Each recommendation is followed by a short paragraph summarizing its underlying rationale. For more details on the evaluation findings that the recommendations are based on, refer to chapters II and III of this report, to the country reports in annex II and to the relevant chapters of the 2006 Mid-Term Evaluation Report.

### A. Relevance

**1. UNODC should set up a mechanism to ensure that all UNODC entities providing technical assistance, whether directly or indirectly, for countering terrorism (through terrorism prevention, anti-money-laundering, criminal justice reform and rule of law, anti-organized crime etc.) cooperate in the design, implementation, monitoring and evaluation of technical assistance efforts in order to create synergies and increase complementarities of the services provided to Member States** (see related findings in paras. 38-44, 73-89 and 103-111).

#### **Rationale**

146. The Terrorism Prevention Branch is not the only entity helping UNODC to carry out its counter-terrorism mandate. While the Branch certainly carries responsibility for the bulk of the mandate, other entities within UNODC also contribute. UNODC requires a mechanism to ensure that synergies between these various entities are increased and a more comprehensive assistance is provided to support Member States in their counter-terrorism efforts.

147. The Terrorism Prevention Branch and the other UNODC entities engaged in technical assistance related to counter-terrorism should also increase their efforts to reach out to each other and to jointly look into possibilities for collaborating in the design, implementation, monitoring and evaluation of technical assistance. So far, the Branch has mainly cooperated with other UNODC entities under the Global Project on the delivery of workshops in Member States.

**2. The Terrorism Prevention Branch should devise a system to ensure that the technical assistance provided under the Global Project is fully adapted to specific regional, subregional and national circumstances. Factors such as the political context, the level of counter-terrorism leadership, the perception of threat, the underlying causes of terrorism, the status of ratification and implementation of the universal legal instruments, the particular characteristics of the legal system and the level of development (including the presence or absence of infrastructure) should be taken into account** (see related findings in paras. 17-34, 45-53 and 73-89; see also mid-term evaluation recommendations 1 and 3).

### **Rationale**

148. The relevance of the Global Project to stakeholders in Member States hinges on various factors that ought to be taken into consideration when planning for and delivering technical assistance. The Terrorism Prevention Branch ought to devise a more systematic way of assessing the specific regional, subregional and national circumstances before starting its work in a Member State. It should also devise a mechanism to ensure that those circumstances are taken into account when planning for and delivering technical assistance.

149. Assessments of the specific regional, subregional and national circumstances ought to involve familiarization with the particular characteristics of the legal system of each country served by the Global Project. The political context and the will of leaders of a particular country to fight terrorism should also be considered. In some countries, for example, the Global Project might first have to focus on strengthening the political will before embarking on other forms of technical assistance. In other countries, where significant political will has already been demonstrated, it might be more urgent to provide specialized assistance, such as training for judges and prosecutors. In yet other countries, where the lack of infrastructure seriously undermines the delivery of results under the Global Project, strategic partnerships might have to be facilitated by the Branch and other actors to help the Government put in place the infrastructure it needs to carry out its counter-terrorism work.

## **B. Effectiveness**

**3. The Branch should develop a comprehensive strategy for the Global Project that lays out its vision, focus and approach with regard to capacity development.** The strategy would provide an overall framework for all capacity development initiatives and clear guidance regarding the timing (at what stage of the ratification and implementation process and under what kind of political and developmental circumstances) and the approach (the methodologies and approaches, such as specialized training, train-the-trainers, work through national/regional training institutions, hands-on training or workshops, national or regional initiatives, the kind of training material to be used) of the capacity development assistance to be provided by the Global Project (see related findings in paras. 54-72).

## **Rationale**

150. The Branch's current approach to capacity development lacks a clearly articulated vision, strategy and an overall guiding framework. It is unclear what kind of capacity development interventions are to be provided, under what (regional, subregional and national) circumstances and at what stage of a State's ratification and implementation process. The goal of a capacity development strategy would not be to provide uniform assistance to all Member States but, rather, to establish a guiding framework that helps Branch staff design capacity development interventions that are tailored to the needs of Member States and to the specific challenges they are faced with.

**4. The Branch should encourage and support States to develop strategies to improve intergovernmental and intra-governmental communication and knowledge management related to the Global Project. It should also work with regional and subregional organizations to facilitate the exchange of best practices and lessons learned between States** (see related findings in paras. 54-72 and related mid-term evaluation recommendations 4 and 5).

## **Rationale**

151. Effective communication and knowledge management are key to the success of the Global Project and of Member States' counter-terrorism efforts in the long term. The lack of intra-governmental and intergovernmental communication and knowledge management is demonstrated, inter alia, by the fact that requests for technical assistance submitted to the Branch do not always reflect the needs of all important stakeholders and by the fact that information pertaining to the Global Project (including the role, mandate, activities of the Branch and insights, lessons learned and best practices generated by the Global Project) is not systematically collected, communicated and utilized to improve the Branch's and countries' counter-terrorism work.

152. States exchange experiences during regional and subregional workshops conducted in the framework of the Global Project but this is not systematically sustained after the workshop has ended. One way for the Branch to promote networking and the exchange of experience is to work with the regional and subregional organizations involved in the workshops. In some cases, it might be opportune to establish an Internet platform to link participants after a workshop has ended. Such a platform would have to be continuously monitored by the regional or subregional organization involved.

## C. Efficiency

### 5. The Branch should:

- (a) encourage States to take measures to ensure that the skills acquired by staff trained through the Global Project are retained for a long time and, at the same time;
- (b) alleviate the effects caused by the high turnover of Government staff by institutionalizing train-the-trainer approaches and by working with and through the many national and regional training institutions in Member States served (see related findings in paras. 73-89 and 120-132).

#### Rationale

153. The efficiency and sustainability of the Branch's capacity development interventions are often hindered by the high turnover of officials. While attrition of Government officials is an issue that is outside the direct control of the Branch, the Global Project should engage with Member States on the issue and encourage them to take measures that ensure that the knowledge gained by stakeholders who benefit from Global Project training activities is not lost.

154. The effects of high Government staff turnover could be mitigated by institutionalizing train-the-trainer approaches in the Branch's technical assistance delivery and by working with and through the many national and regional training institutions in Member States served. This would also help ensure that the benefits of the Global Project last for a long time.

**6. The Branch should ensure that a minimum of core expertise is in place within the Terrorism Prevention Branch, both at headquarters and in field offices, to ensure the proper management of Branch activities and the proper design, timely implementation and consistent monitoring of the Global Project. Should this not be possible, the Branch should take a strategic decision for making sure that the commitments entered into through the Global Project do not overstretch available expertise and capacity (see related findings in paras. 73-89 and 120-132).**

#### Rationale

155. The Global Project is complex and large in scale. Senior management requires time and resources to be able to properly exercise its functions. At the moment, some managers, who act both as managers and legal experts, often find themselves overstretched, spending a large part of their time travelling.

156. Obviously, the Global Project requires staff with expertise in legal issues, capacity development and monitoring. At the moment, staff at headquarters and in the field are often overstretched. The fact that Branch staff often serve a large number of Member States, coupled with the fact that new positions have not always been filled in a timely manner, has in some countries delayed technical assistance delivery and compromised its quality. The Branch ought to either build the capacity required to deal with the scope and challenges of the Global Project or align the

scope of the Global Project with the capacity and resources available. The latter could, for example, be done by better prioritizing the country requests fulfilled through the Global Project.

#### **D. Measuring and monitoring**

**7. The Branch should review the Global Project document and align it fully with the UNODC's new project document format, especially its logical framework matrix, and with the universally accepted state-of-the-art principles of project cycle management. This would include a critical review of the Project's hierarchy of objectives and the identification of indicators and measures at all levels (output, outcomes, project objective) (see related findings in paras. 90-102).**

##### **Rationale**

157. The Global Project document ought to be brought in line with the newly developed UNODC project document format, especially with regard to its logical framework matrix. This is especially critical since the current project document lacks a clear description of the hierarchy of results to be achieved at all levels (output, outcome, project objective), as well as a comprehensive set of indicators and measures for the various levels of results. If this is not done, it will remain difficult if not impossible to measure performance beyond the output level.

**8. The Branch should design a monitoring and evaluation system for the Global Project (see related findings in paras. 90-102).**

##### **Rationale**

158. UNODC and Branch senior management need accurate and useful data on all aspects of the counter-terrorism work of the Office that can be used to inform policy and strategy. Branch staff need data that informs decision-making at the design and implementation levels. At the moment, progress made by the Global Project is not monitored in a systematic and comprehensive way, which seriously impacts on the Branch's ability to assess whether the Project is really making a difference.

#### **E. Sustainability**

**9. The Branch should establish partnerships with other (subregional, regional and international) actors to ensure that issues that are outside of its counter-terrorism mandate but that impact on the delivery of technical assistance provided by the Global Project (for example, the lack of infrastructure) are taken care of for the benefit of Member States (see related findings in paras. 120-132 and related mid-term evaluation recommendation 3).**

##### **Rationale**

159. Some of the Member States served by the Global Project face challenges that have an impact on what the Global Project together with its Government counterparts is trying to achieve. Among these are the lack of basic infrastructure

for carrying out counter-terrorism work and the high attrition rates of Government officials. Given the counter-terrorism mandate of UNODC, such challenges cannot be directly addressed by the Global Project. However, since they impact on its performance, measures should be taken to ensure that others take care of these constraints.

160. For this purpose the Global Project needs to strategically establish relationships with actors, such as UNDP or the World Bank, that are in a position to work with Governments to improve the situation. To date, the Terrorism Prevention Branch has established many important partnerships with actors in the field of counter-terrorism, but less so with organizations that could complement the counter-terrorism work of UNODC and of its partners with interventions to resolve issues related to human and institutional development. (See also recommendation above).

## **F. Country-specific recommendation**

**10. The Branch should urgently follow up on agreements reached with Member States regarding technical assistance to be provided in the framework of the Global Project. Particularly urgent is the need to follow up on agreements made with the Governments of Namibia, the Philippines, Thailand and Yemen, where delivery of technical assistance has been delayed in some instances** (see country reports on the evaluation missions to Namibia, the Philippines, Thailand and Yemen in annex II).

### **Rationale**

161. Action plans, needs assessments and other kinds of missions to the Member States served by the Global Project always need to be followed up by concrete action, as agreed with Government counterparts. This, of course, applies not only to the Global Project but to UNODC as a whole. In countries such as Namibia, the Philippines, Thailand and Yemen, staffing gaps, slow recruitment procedures, Branch capacity and resource constraints, as well as other issues, have caused lags in the delivery of Global Project technical assistance.

## **VI. Conclusion**

162. The dedication and hard work of the staff of the Terrorism Prevention Branch are apparent in their ability to literally cover the globe in carrying out the mission of the Global Project, in fulfilling a multitude of project management and coordination functions and in building extensive partnerships.

163. Workshops held in virtually all regions of the world have been positively received and the evaluation team found nearly universal appreciation for the content and relevance of the workshops. Policy contributions by the Branch pertaining to technical assistance have been well acknowledged by the Counter-Terrorism Implementation Task Force and Counter-Terrorism Committee Executive Directorate.

164. In terms of its operations, the Global Project is now transitioning towards providing Member States with more specialized training to assist prosecutors,

judges and other law enforcement personnel to enforce and adjudicate new national laws enacted to implement the universal counter-terrorism instruments. The possibility of adopting programmatic approaches like the train-the-trainer approach and of working with and through the many national and regional training institutions that have yet to be tapped into need to be thought through, in particular with a view to being more efficient and sustainable. The Branch ought to develop a comprehensive capacity development strategy for the Global Project that lays out the vision, focus and approach of the Branch with regard to capacity development and that provides a universal framework to guide all initiatives. Currently, clear direction concerning the kind of methodologies and approaches to be used and under what national circumstances is missing.

165. The time has come for the Branch to also devise a systematic way of assessing and better adapting the technical assistance provided in the framework of the Global Project to specific regional, subregional and national circumstances, taking into account the specific political context of a given Member State, its leadership, the status of ratification and implementation of the universal legal instruments against terrorism, the particular characteristics of its legal system and its level of development.

166. There are signs that the Branch may now be overextended and understaffed as Member States' requests for assistance, often for follow-up assistance, mount. The challenge of the Branch to maintain high standards and excellence is a multifaceted one. Resources obviously play a role. While the Branch has been receiving a relatively high level of donor support, it is largely funded through extrabudgetary resources and on a project basis, making long-term planning and staffing difficult. Managerial responsibilities have been delineated but the fact that some senior managers are acting in multiple roles, coupled with their need to participate in field missions, means that they are out of the office travelling for long periods, making quality assurance and service delivery difficult.

167. Also, the transition from instructing countries on universal legal doctrines to increasingly dealing with specific national training needs will require capacity to properly tailor approaches to the needs of individual Member States. Managing these important challenges will be key to sustaining the success of the Global Project in the long term.

168. Key to successfully maintaining and improving the operations of the Branch will be the commitment of UNODC management to take the required measures to ensure not only cooperation between the various UNODC entities engaged in technical assistance related to counter-terrorism, but also the creation of synergies and complementarities between the counter-terrorism work of the Branch and that of other entities of the organization.

169. The Branch's ability to collaborate with and leverage the expertise of other entities at UNODC headquarters and with United Nations field offices, including those of UNODC, will also be critical. There have been good, positive steps in this direction recently, particularly through the deployment of experts to the field. A promising model is the recent cooperation of the Branch and the Anti-Money-Laundering Unit with the UNODC and UNDP offices in Kenya. Similarly, the Branch's partnership with international, regional and subregional organizations, notably with the Commonwealth Secretariat, IGAD/ICPAT, OAS, OSCE and others,

has bolstered the common counter-terrorism objectives of all involved. Continuing and expanding these approaches will be important to maintaining and sustaining the momentum and political will of the international community to combat terrorism.

170. Relevance is a major challenge for the delivery of counter-terrorism assistance not just for the Branch and the Global Project but for the United Nations as a whole. The United Nations Global Counter-Terrorism Strategy calls for a more holistic approach that more effectively answers the counter-terrorism needs of Member States. The Strategy, welcomed by Member States and adopted by the General Assembly, is an extraordinary document. The Branch has been a core contributor not just to the formulation of the Strategy but also to its implementation. This is a commendable example of not being content to view one's responsibilities with bureaucratic blinders but rather of proactively participating in the general effort made to improve. United Nations Headquarters welcomes the Branch's ongoing contributions to this process and UNODC should firmly support the continuance of this participation through concrete financial and personnel support to the Branch.

171. Finally, this evaluation report, together with the 2006 Mid-Term Evaluation Report, surveyed a range of countries that received Branch assistance. The evaluation team found that States had achieved significant outcomes pertaining to the ratification of the counter-terrorism instruments, the development and adoption of counter-terrorism legislation, the establishment of partnerships and the strengthening of political will against terrorism. Overall, the evaluation team also found that participants expressed satisfaction and appreciation for the regional, subregional and national workshops conducted by the Global Project. Not surprisingly, many interviewees also suggested areas for improvement, the most important of which have been included in the recommendations of this report.

172. Nevertheless, the evaluation team also thinks that the Global Project requires a monitoring and evaluation system that includes better indicators and measures, in particular for gauging the effectiveness, efficiency and impact of the Project and for finding out whether it is really making a difference to the people it is serving. Information collected by such a system should be used to inform future management decisions aimed at improving the relevance, effectiveness and impact of the counter-terrorism assistance provided by the Branch.

## Annex I

### **Terms of reference for the thematic evaluation of the Global Project on Strengthening the Legal Regime against Terrorism**

**Project title: Strengthening the Legal Regime against Terrorism (GLO/R35)**

#### **I. Background**

1. The United Nations Office on Drugs and Crime (UNODC) receives its counter-terrorism mandates from the General Assembly, the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice. The UNODC mandates are supportive of the action taken against terrorism by the Security Council, especially through the implementation of Council resolution 1373 (2001). The counter-terrorism work of UNODC is carried out by its Terrorism Prevention Branch.

2. In 2003, UNODC and the Branch launched the Global Project on Strengthening the Legal Regime against Terrorism in order to provide specialized assistance to Member States in ratifying and implementing the universal legal instruments against terrorism. The project provides the broad framework for delivering technical assistance with respect to the substantive areas of the mandates given to UNODC, especially crime prevention and criminal justice. The project enables the Branch to respond to requests for counter-terrorism assistance in accordance with its mandate and the policy guidance of the Counter-Terrorism Committee of the Security Council.

3. The project pursues a two-pronged approach that consists of carrying out: (a) national activities for each of the countries covered, formulated and regularly refined and updated in close consultation with the recipient country officials and other partner entities, and taking fully into account the outcome of the analysis undertaken by the Counter-Terrorism Committee Executive Directorate of the national reports submitted to the Counter-Terrorism Committee, as mandated by Security Council resolution 1373 (2001), as well as any guidance and coordination measures received from Counter-Terrorism Committee and its Executive Directorate; and (b) activities at the subregional and regional levels, to support and supplement national activities. In addition, in view of the importance assigned to collaboration with other actors, strengthening collaboration with partners is elevated to the level of objective of the project.

4. The Branch follows a specific methodology in delivering its technical assistance at the national level. This five-step approach includes the following elements:

- (a) Analysing national legislation related to counter-terrorism activities;
- (b) Identifying the specific legislative gaps and needs of the requesting country;

(c) Assisting in drafting national laws to implement the instruments relating to terrorism;

(d) Recommending administrative and regulatory measures necessary for the implementation of national legislation;

(e) Training criminal justice officials in the implementation of new laws and international criminal justice cooperation, including extradition and mutual legal assistance.

5. The main focus of the technical assistance activities of the Branch during the initial four years of the Global Project has been the provision of assistance to requesting Member States for facilitating the ratification and implementation of the universal legal instruments against terrorism. Activities are undertaken in pursuance of Security Council resolution 1373 (2001), in which Member States were called upon to fully implement the universal legal instruments against terrorism. Activities also seek to respond to the priorities set by the Counter-Terrorism Committee and the requests for assistance received from Member States.

6. The scope of the assistance provided through the Global Project has broadened over time, both in terms of its geographical reach (i.e. the number of countries receiving assistance) and in terms of the substantive content of the assistance provided. In January 2006, the Global Project, which was initially envisaged to last two years, was converted into an ongoing rolling project with a biennial budget.<sup>a</sup> As of 1 January 2007, the voluntary financial contributions (paid and pledged) totalled US\$ 15.5 million.<sup>b</sup>

7. The Global Project's overall objective is to support Member States in achieving a functional universal legal regime against terrorism in accordance with the principles of the rule of law. Its four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the universal legal instruments against terrorism;<sup>c</sup>

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<sup>a</sup> See the GLO/R35 Project Document (October 2002) and revisions thereof on ProFi.

<sup>b</sup> See the Terrorism Prevention Branch's Note on Accomplishments: Delivering Technical Assistance for Strengthening the Legal Regime Against Terrorism January 2003-March 2007.

<sup>c</sup> Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963); Convention for the Suppression of Unlawful Seizure of Aircraft (1970); Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); International Convention against the Taking of Hostages (1979); Convention on the Physical Protection of Nuclear Material (1979); Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988); Convention on the Marking of Plastic Explosives for the Purpose of Identification (1991); International Convention for the Suppression of Terrorist Bombings (1997); International Convention for the Suppression of the Financing of Terrorism (1999); International Convention for the Suppression of Nuclear Terrorism (2005); Amendment to the Convention on the Physical Protection of Nuclear Material (2005); Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the

(b) To strengthen national expertise and the capacity of requesting Governments to develop, incorporate and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

8. The long-term impact of the Project is expected to result in:<sup>d</sup>

(a) An increase in the number of States that have ratified all universal legal instruments against terrorism;

(b) An increase in the number of States that have ratified the new International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex);

(c) A decrease in the number of States that have ratified at six or fewer of the universal legal instruments against terrorism;

(d) An increase in the number of new ratifications of the 13 universal legal instruments against terrorism since the inception of the project in January 2003;

(e) The implementation of a functional global legal regime against terrorism that provides Member States with the legal base for combating terrorism in accordance with the principles of rule of law and supports them in undertaking effective international cooperation against terrorism;

(f) An increase in the capacity of States to ratify and implement the legal aspects of counter-terrorism;

(g) An increase in international cooperation in criminal matters pertaining to terrorism.

9. The Global Project provides the overall framework within which the Branch's technical assistance activities are carried out. In order to accommodate an increase in the number of requests and the broadening scope of the Global Project's substantive content, the Branch needs to elaborate specific project components and select project activity proposals that meet those needs and focus on specific countries or regions or on certain substantive aspects of the provision of technical assistance.

10. According to the Branch, the following have been achieved by the Global Project between January 2003, when the Project was launched, and March 2007:<sup>e</sup>

(a) The Branch supported 134 States, either directly or indirectly, through bilateral missions and regional workshops, in their efforts to ratify and implement the universal legal instruments against terrorism. Of these, 111 were provided with

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Safety of Maritime Navigation (2005); Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005).

<sup>d</sup> See GLO/R35 Project Revision, December 2006 (awaiting approval).

<sup>e</sup> See the Terrorism Prevention Branch's Note on Accomplishments: Delivering Technical Assistance for Strengthening the Legal Regime Against Terrorism, January 2003-March 2007.

direct technical assistance through some 200 technical assistance missions, videoconferences and visits by national officials to UNODC and the Branch, and 79 were provided with legislative drafting assistance and/or legislative advice on counter-terrorism;

(b) The Branch conducted 35 regional and subregional workshops and related activities;

(c) At least 28 countries had new draft counter-terrorism legislation in progress and another 13 had already passed new counter-terrorism legislation;

(d) Approximately 4,600 national criminal justice officials were provided with specialized substantive briefing on the legal regime against terrorism, especially the legal aspects and obligations arising from the universal legal instruments against terrorism and related Security Council resolutions;

(e) The Branch developed, or was in the process of developing, 9 technical assistance tools and substantive publications aimed at assisting countries in strengthening their legal regimes against terrorism.

11. Impact: the Branch estimates that by providing technical assistance it has contributed to a significant improvement in the status of ratification of these instruments:<sup>f</sup>

(a) An estimated 362 new ratifications of the universal anti-terrorism instruments were made by Member States with which the Branch conducted technical cooperation activities between 2002 and the end of March 2007;

(b) By the end of March 2007, 88 States had ratified the first 12 universal instruments compared with 26 in January 2003, which is when the Global Project was launched;

(c) By the end of March 2007, 31 States had ratified only 6 or fewer of the first 12 instruments compared with 98 in January 2003.

## **II. Purpose of the evaluation**

12. The present evaluation will be managed by the Independent Evaluation Unit of UNODC. As agreed with the Terrorism Prevention Branch, a first evaluation with a focus on selected countries in Latin America and Francophone Africa was conducted in 2006, in response to the Branch's request for an initial evaluation that would, among other things, enable meeting related commitments to donors. This initial evaluation will serve as an input for the present thematic evaluation.

13. The present evaluation builds on the lessons learned and findings from the previous evaluation and expands and deepens the focus of the evaluation both geographically and in terms of the issues.

14. The ultimate purpose of this evaluation is to provide insights that will help UNODC increase the effectiveness and impact of its counter-terrorism technical

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<sup>f</sup> See the Terrorism Prevention Branch's Note on Accomplishments: Delivering Technical Assistance for Strengthening the Legal Regime Against Terrorism, January 2003-March 2007.

assistance to Member States by drawing on the experience and lessons learned through the Global Project.

15. With this purpose in mind, the evaluation is expected to examine the extent to which the Global Project:

(a) Is relevant in the context of the global approach to countering terrorism of the United Nations and the priorities and needs of Member States;

(b) Is aligned with the mandates of UNODC;

(c) Is the most effective means at the disposal of UNODC to fulfil the Office's counter-terrorism mandates (and the extent to which the Global Project's objectives, strategies and activities are appropriate);

(d) Is effective, in other words the extent to which the Branch has achieved its objective to help States strengthen their legal regimes against terrorism (in terms of levels of ratification and implementation of the universal legal instruments against terrorism, capacity development, international cooperation etc.).

16. This comprehensive thematic evaluation will be undertaken in the context of the overall work of the Branch in relation to the mandates of UNODC and the overall objectives of the international community with regard to counter-terrorism, with a view to assessing whether the overall approach adopted by UNODC to fulfil its counter-terrorism mandates are appropriate and effective, and what modifications may be necessary.

17. Insights gained (lessons learned, best practices, shortcomings and possible improvements) are expected to feed into future phases of the current rolling Global Project, thereby enhancing its effectiveness and improving project results, and to enable donors and benefiting countries to reach conclusions as to whether the Global Project is relevant and useful.

## **II. Scope of the evaluation**

18. The evaluation will look at the entire implementation period of the Global Project, from January 2003 to March 2007. The geographical coverage of the evaluation was global and field visits will be undertaken to selected countries (for information on the criteria used for selecting the countries to be visited, refer to the section on evaluation methodology).

19. In order to expand and deepen the information gathered during the mid-term evaluation done in 2006, the present evaluation will look more closely at the Global Project's effectiveness and focus on its relevance, efficiency and sustainability. In assessing the effectiveness of the Project, issues related to the practical application of the universal legal instruments against terrorism following their ratification, as well as issues associated with coordination and cooperation efforts at the national, regional and international levels will be of special interest.

20. The Global Project's responsiveness to local needs, its capacity development approach, its partnerships with other actors, its monitoring and backstopping mechanisms etc. will be looked at in more detail with regard to assessing its sustainability.

## **Key evaluation questions: relevance**

1. **Is the Global Project the appropriate intervention to assist Member States in their efforts to counter terrorism?**
2. **To what extent is the Global Project in line with the counter-terrorism mandate given to UNODC by the General Assembly (in its resolutions 59/153 of 20 December 2004, 60/43 of 8 December 2005 and 60/175 of 16 December 2005) and by the Economic and Social Council (in its resolution 2005/19 of 22 July 2005)? In what ways has the evolution of the UNODC mandate over time been reflected in the Office's approach to the provision of technical assistance?**
3. **Is the Global Project the most appropriate UNODC measure for fulfilling the Office's counter-terrorism mandates?**
4. **Are the Global Project and UNODC assistance activities responsive to Member States' needs? To what extent does the Project respond to the specific developmental challenges of the target countries and take into account their specific needs as described in their respective national and regional policies and strategies? How tailored has the Project's approach been? What criteria were used to identify the target countries of the Global Project?**

## **Key evaluation questions: effectiveness**

5. **To what extent have the objectives of the Global Project been achieved?**
  - To what extent has the Global Project contributed to the ratification by Member States of the 13 universal instruments against terrorism?
  - To what extent has the Global Project contributed to the incorporation of the universal legal instruments into domestic legislation by Member States? The evaluation will aim to update the information provided by the Branch and document, in the countries visited by the evaluation team, the ratifications made by States and the actions taken by them following ratification of the universal instruments against terrorism. The evaluation will also look at the incorporation of those instruments into domestic legislation and the application of the new laws.
  - Has the Branch assisted Member States to develop legal measures and capacities that enable them to effectively counter terrorism?
  - To what extent has the Global Project strengthened international cooperation in criminal matters pertaining to terrorism?
  - How much has collaboration on legal aspects of counter-terrorism between the Branch and subregional, regional and international organizations been strengthened?
  - To what extent has the Branch leveraged the resources and mechanisms of subregional, regional and international organizations in the delivery of training and capacity-building to Member States?
  - How effective was the design of the Project, for instance its intervention logic?

- What are the lessons learned and what good practices have been identified?

### **Key evaluation questions: efficiency**

#### **6. How efficient has the implementation of the Global Project been?**

- Could the Global Project have achieved the same results with less input (in terms of financial and human resources, time and expertise)?
- Could better/more results have been achieved with the same input?
- How efficient has the capacity development approach of the Project been (in terms of the workshops, technical advice and training, for example)?
- To what extent have partnerships been sought with other relevant actors (including United Nations agencies) and synergies been created in the delivery of technical cooperation?
- To what extent have synergies been created with other projects/programmes of UNODC?
- How flexibly and proactively has the Global Project been in responding to emerging challenges and demands at the national and international levels?
- In what ways have the capacity development initiatives of the Global Project to strengthen the Member States' legal regime against terrorism enabled Government counterparts to effectively and efficiently deal with and respond to acts of terrorism committed in their countries?
- Has the management set-up of the project been appropriate and efficient?
- In what ways has the Project been able to support the development of functional mechanisms of knowledge management? How much has this contributed to the exchange of information and to learning from experience?

### **Key evaluation questions: sustainability**

#### **7. To what extent are the benefits of the Global Project likely to be sustained after the Project has ended?**

- How successfully has the Global Project developed local and national capacity for the ratification and implementation of the universal instruments against terrorism?
- How does or should the Global Project deal with and address challenges such as the high turnover of staff in Government offices in the target countries and the associated loss of institutional memory?
- What kinds of strategic partnerships (inter-agency cooperation) have been pursued and created to ensure a more comprehensive approach?

- Should measures have been taken by the Global Project to complement, create synergies and link the technical assistance activities under the Global Project with other measures (either implemented by UNODC or by other actors) that aim (a) to address the conditions conducive to the spread of terrorism; (b) to prevent and combat terrorism; (c) to build States' capacity to prevent and combat terrorism; and (d) to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism (see the plan of action contained in the annex to the United Nations Global Counter-Terrorism Strategy). In what ways has the Global Project (or should it have) assisted Member States in building strategic partnerships with other actors that would help the Member States participating in the Global Project address any broader development issues that impact on the successful implementation of the Global Project?
- Has the Global Project taken special measures to assist poor countries that cannot afford to set aside or allocate resources to counter-terrorism and yet are vulnerable to acts of terrorism? Does the mandate or should the mandate make a provision for special measures to be taken in such cases?
- To what extent has the Global Project been designed, implemented and evaluated in a participatory manner involving relevant stakeholders and beneficiaries?
- To what extent have gender-related considerations played a role in the design and implementation of the Global Project? If gender-related issues have not been considered,, should they have been?
- What kind of monitoring and backstopping mechanisms have been established for the Project? What are its strengths and weaknesses? How can it be improved?

### **III. Evaluation methodology**

21. The leader of the evaluation team is required to develop an evaluation framework to be discussed with and agreed upon by the Independent Evaluation Unit. The framework should describe in detail the evaluators' understanding of the terms of reference, the analytical approach to be pursued and the methods to be used. The methodology is expected to include the following:

(a) A desk study of all relevant documentation including international conventions, national policies and strategies, project documents, project reports and evaluation reports;

(b) Structured and semi-structured interviews with key informants at UNODC headquarters and in field offices (if any), Government counterparts in the Member States visited, the Branch's regional counter-terrorism advisers (responsible for the countries visited), project beneficiaries in the countries visited, selected donor representatives, independent counter-terrorism experts and representatives of United Nations agencies and of regional bodies;

(c) Focus group interviews with project beneficiaries and stakeholders in the target countries (if appropriate);

(d) Visits to selected sites in all the countries chosen for the evaluation.

22. The evaluation process will be conducted in the most participatory and inclusive way possible. Major stakeholders will be asked to provide feedback on the draft terms of reference and on the draft evaluation report. They will be involved in interviews and/or focus group discussions during field visits. Furthermore, for each country visited members of the evaluation team will meet, prior to their departure, with colleagues in field offices, the Member State's Global Project focal point and major partner organizations in order to share preliminary findings and to receive feedback. The Branch will be welcome to participate in those feedback meetings.

23. The evaluation team will meet at the end of the fieldwork in Vienna or in the field to discuss and agree on major findings and recommendations before the final draft of the report is written.

### **Selection criteria for the countries chosen for field visits**

24. The following criteria will be used to select the countries to be visited by the evaluation team:

(a) Volume of UNODC support to the country: countries where the Global Project had made a significant contribution in terms of number of assistance activities;

(b) Status of the ratification and implementation of the universal instruments against terrorism: as far as possible, at least one country at an advanced stage of the ratification process is to be chosen from each region, as well as one country at an early stage of the ratification process. That will allow the evaluators to study both lessons learned and challenges related to the provision of support for the ratification of the universal instruments, as well as implementation issues;

(c) Experience with acts of terrorism: where possible, countries that had experienced acts of international terrorism would also be considered;

(d) Geographical distribution: the mid-term evaluation undertaken in 2006 included countries from Latin America and West and Central Africa. The present evaluation will include field visits to selected countries in the following regions: North Africa, East Africa, Southern Africa, the Middle East, South-East Asia and Eastern Europe.

## **IV. Evaluation team**

25. The evaluation team will consist of two evaluation experts to be hired as consultants (lead and deputy), the Chief of the Independent Evaluation Unit and the Unit's Evaluation Specialist. The lead and deputy consultants will have the following minimum qualifications:

- (a) Extensive high-level policy exposure in the legal aspects of counter-terrorism with a broad understanding of the universal instruments against terrorism and the overall counter-terrorism work of the international community;
  - (b) A master's degree in law, criminology, social science, economics or political science or a related field;
  - (c) Experience in project planning and design is an asset;
  - (d) Regional or international expertise in and exposure to terrorism prevention measures;
  - (e) A minimum of 10 years of experience working in international development and security issues, including counter-terrorism;
  - (f) At least three years of experience in conducting independent programme and project evaluations;
  - (g) Knowledge of the United Nations or other international organizations is an asset;
  - (h) Fluency and excellent writing skills in English; working knowledge of French and Spanish is desirable.
26. Geographical and gender considerations will be taken into account when selecting external consultants.

## **V. Management arrangements and deliverables**

27. The Independent Evaluation Unit will manage, guide and participate in the evaluation process and provide technical and logistical support.
28. The team leader (lead consultant) will:
- (a) Prepare the evaluation framework and the required instruments (see section on methodology);
  - (b) Lead the overall evaluation process;
  - (c) Ensure quality and timeliness of the process;
  - (d) Coordinate the work of the team members;
  - (e) Prepare two of the four regional reports and half of the national reports;
  - (f) Provide guidance on the preparation of the regional and country reports to be prepared by the deputy evaluator;
  - (g) Provide feedback and input to the national and regional reports written by the deputy evaluator;
  - (h) Present the draft final report at a stakeholder meeting in Vienna;
  - (i) Prepare the final report, whose quality must be acceptable to the Chief of the Independent Evaluation Unit.
29. The deputy evaluator will:

(a) Prepare two of the four regional reports and half of the national reports, whose quality must be acceptable to the Chief of the Independent Evaluation Unit;

(b) Provide feedback and input to the regional and national reports written by the team leader;

(c) Provide input to the draft final evaluation report and to the evaluation methodology.

30. The Chief of the Independent Evaluation Unit and the Evaluation Specialist will:

(a) Manage and provide guidance throughout the evaluation process;

(b) Organize a team meeting of two to three days at the end of the field work;

(c) Organize the stakeholders' meeting at which the team leader will present the findings of the evaluators;

(d) Review the final evaluation report and ensure that it meets UNODC evaluation standards before final payments are made to consultants.

## Timetable

31. The evaluation is to be completed by 31 October 2007. The following time frame is suggested for the evaluation process.

<i>When</i>	<i>What</i>	<i>Who</i>	<i>Where</i>
Mid-March	<ul style="list-style-type: none"> <li>Draft terms of reference disseminated to the Terrorism Prevention Branch and consultants for comments</li> </ul>	Independent Evaluation Unit, Terrorism Prevention Branch	UNODC headquarters (Vienna)
April	<ul style="list-style-type: none"> <li>Second draft of terms of reference prepared</li> <li>Countries for field trips selected</li> </ul>	Independent Evaluation Unit, Terrorism Prevention Branch (field offices)	UNODC headquarters (Vienna)
May-June	<ul style="list-style-type: none"> <li>Second draft of terms of reference disseminated to field offices</li> <li>Terms of reference finalized</li> <li>Consultants recruited</li> <li>Evaluation instruments developed and finalized</li> <li>Workplan finalized</li> <li>Field visits organized</li> <li>Team briefing and interviews at headquarters</li> </ul>	Independent Evaluation Unit, lead evaluator, all team members	UNODC headquarters (Vienna)
July-August	<ul style="list-style-type: none"> <li>Field visits</li> <li>Preparation of country reports and first draft evaluation report (two weeks)</li> </ul>	All team members	Africa, Asia

<i>When</i>	<i>What</i>	<i>Who</i>	<i>Where</i>
September-October	<ul style="list-style-type: none"> <li>Independent Evaluation Unit Input to first draft and development of second draft report (two weeks)</li> <li>Second draft evaluation report disseminated to Terrorism Prevention Branch and field offices for input (four weeks)</li> </ul>	<b>Preparation of country reports: all team members</b>  <b>Evaluation report: lead evaluator</b>	From individual home bases, Independent Evaluation Unit at UNODC headquarters (Vienna)
		<b>Dissemination: Independent Evaluation Unit</b>	UNODC headquarters (Vienna)
October	<ul style="list-style-type: none"> <li>Final Terrorism Prevention Branch report submitted to Independent Evaluation Unit</li> </ul>	Lead evaluator	Submitted electronically to UNODC Independent Evaluation Unit
October	<ul style="list-style-type: none"> <li>Final Terrorism Prevention Branch report distributed to all stakeholders</li> </ul>	Independent Evaluation Unit	UNODC headquarters (Vienna)

## **Annex II**

### **Country reports**

#### **I. Ethiopia**

##### **A. Background**

1. The evaluation team visited Ethiopia from 18 to 22 July 2007 and interviewed 11 people who provided information and useful insights that were used in this report. Of the 11 people interviewed, 7 were Government officials, 3 were United Nations staff members and 1 was an official from the Intergovernmental Authority on Development (IGAD) Capacity-Building Programme against Terrorism (ICPAT). Of the 7 Government officials interviewed, 6 had participated in the two national workshops that were conducted in Ethiopia in February and May 2007. The workshops were jointly funded, run and facilitated by ICPAT and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC). The respondents were therefore well informed about the work of the Branch and had a good understanding of counter-terrorism issues.

2. The Minister of Justice in Ethiopia is the focal point for the counter-terrorism activities and hence works very closely with the Branch and ICPAT. The minister is also chairman of the drafting committee on counter-terrorism legislation.

3. Ethiopia has ratified only 7 of the 13 international universal legal instruments on counter-terrorism. The Minister of Justice is very much aware of the need for Ethiopia to ratify the remaining instruments and confirmed that the political will to do so existed. The Government officials interviewed did not view ratification as a problem because the process tends to be mechanical; according to the Minister of Justice, the challenge would be the conversion of those legal instruments into national laws and the practicalities of implementing the counter-terrorism law.

4. In Ethiopia, the Global Project on Strengthening the Legal Regime against Terrorism (GLO/R35) of UNODC supported the following national workshops:

(a) National counter-terrorism training and legislative drafting workshop for senior criminal justice officials (conducted in partnership with ICPAT), held in Addis Ababa in May 2007;

(b) National counter-terrorism and legislative drafting workshop for senior criminal justice officials (conducted in partnership with ICPAT), held in Addis Ababa in February 2007;

(c) National training workshop for the ratification and implementation of the universal legal instruments against terrorism and the United Nations Convention against Transnational Organized Crime (organized in cooperation with the Anti-Money-Laundering Unit of UNODC), held in Addis Ababa in February 2005.

5. Selected Ethiopian stakeholders also participated in a number of regional events supported by the Global Project:

(a) Subregional workshop on counter-terrorism in East Africa (organized by the African Centre for the Study and Research on Terrorism (ACSRT) of the African Union), held in Nairobi in March 2007;

(b) Expert workshop to review and finalize the draft African Union model anti-terrorism law (organized by the African Union), held in Addis Ababa in December 2006;

(c) Subregional training workshop on international cooperation in the fight against terrorism and its financing for experts of States members of the Common Market for Eastern and Southern Africa (COMESA) (organized by the Ministry of Justice of Djibouti and the Central Bank of Djibouti in cooperation with the Terrorism Prevention Branch), held in Djibouti in March 2006.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

6. All Government officials who were interviewed considered the technical assistance provided by the Terrorism Prevention Branch to be appropriate and relevant as it met the counter-terrorism needs of Ethiopia. ICPAT/IGAD was also satisfied with the working relationship it had established with the Branch, as demonstrated by the various joint activities. The two workshops held in March and May 2007 were viewed as useful because they raised awareness and created a common understanding on counter-terrorism issues among the key players (judges, prosecutors, police officers, security services staff etc). It was also reported that the workshops had helped the country understand the danger of terrorist threats at the national level and the need for Ethiopia to meet its international obligations in that field. Participants found the information and the practical cases used both appropriate and relevant to their work situations.

7. The workshops also enabled participants and the country to identify gaps and the need for capacity development in counter-terrorism. The workshops also met the needs of the drafting committee that was working on a counter-terrorism bill, for they provided information on international standards, human rights, investigation methods, the judiciary process and prosecution. The high level of participation was attributed to the fact that the Government of Ethiopia had requested the workshops, which meant that they responded to the very specific needs of the country.

8. Participants viewed the participatory approach used by ICPAT and the Branch in involving the Government of Ethiopia in the development of the training agenda for both workshops as a very positive development. The participants felt that such a process, which also involved the identification and use of facilitators from the region to complement the international presenters, ensured that the workshops met the needs of the Government. That approach can be considered a best practice as it fostered ownership and hence full commitment by participants and the Government.

9. All the members of the drafting committee on counter-terrorism legislation attended the two workshops. Members of the Counter-Terrorism Implementation

Task Force also attended the workshops and found them relevant and useful to their work. All those who attended the workshop were satisfied with both the content and arrangements of the workshop.

### **C. Effectiveness**

10. Both the regional and national workshops that were held can be considered to have been effective, but the two national workshops have proved to be particularly effective. The information and knowledge gained from the national workshops has already been put into practice and has enabled Ethiopian officials to identify gaps and needs for specialized training in order to be able to provide adequate national security as well as meet its international obligations. The knowledge and information gained from the workshops has been used in preparing the draft legislation on counter-terrorism. Further, the approach of using regional and international presenters as well as case studies enabled the participants to be exposed to both regional and international situations. The workshops have fostered internal cooperation among the key institutions that are involved in counter-terrorism. The delivery approach and the case studies were found to be a powerful and effective method to disseminate information and share experiences and knowledge.

11. The fact that participants were able to put to use their new acquired knowledge is an indication of the effectiveness of both the methodology used and the information provided.

### **D. Efficiency**

12. Participants viewed the workshops as an efficient method of bringing together key players from diverse backgrounds and providing them with information, raising awareness and hence creating a common understanding on issues of counter-terrorism. A lot of information was provided and experiences were shared with many people at the same time. The joint approach used by the Branch and ICPAT enabled both organizations to achieve more than they would have if they had pursued individual programmes. This was an efficient use of human and financial resources that enabled the creation of synergies. Further, this case demonstrated that national workshops are an efficient way of meeting the specific needs of a country.

13. It also demonstrated that regional workshops are an efficient way of sharing information and experiences in the region. Moreover, they enable and facilitate networking and hence broaden the understanding of officials. Those interviewed valued both the regional and national workshops.

### **E. Attainment of objectives**

14. The overall objective of the Global Project of the Terrorism Prevention Branch is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law.

15. The four immediate objectives of the Global Project are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

16. In Ethiopia, the Branch is making progress in the attainment of the Global Project's main objective of supporting requesting countries to achieve ratification of the universal legal instruments and the four immediate objectives. Ethiopia has ratified 7 of the 13 universal legal instruments. While this number is modest, the workshops have created a common understanding on the need to ratify the remaining instruments as demonstrated by the enhanced political will to do so. The requests made by the Government of Ethiopia for the two workshops are a clear indication of that growing political will to ratify all the instruments. Ethiopia has now drafted legislation on counter-terrorism; this is further indication of that Government's commitment to implement the universal legal instruments. Ethiopia is now waiting for the Terrorism Prevention Branch to respond to its request for experts to review the draft legislation to make sure it meets the international standards before it is brought before parliament.

17. The regional and national workshops have begun to strengthen the capacity of individuals and institutions such as the drafting committee and the Counter-Terrorism Implementation Task Force. This objective has only been achieved partially. Much more needs to be done, in particular with regard to providing specialized training.

18. With regard to the third objective, the Branch has strengthened cooperation with IGAD/ICPAT in counter-terrorism, for example through the organization of joint regional and national workshops. More joint assistance is planned for the future. Greater efforts need to be made, however, before Ethiopia can achieve a functional universal legal regime against terrorism. The capacity of ICPAT will be strengthened by this cooperation. Collaboration with other players is also creating synergies, enabling the Branch to achieve more than it would if it had worked alone.

## **F. Institutional arrangements**

19. Most counter-terrorism activities are planned and delivered by the Branch from Vienna, sometimes with the participation of UNODC field offices. In Ethiopia, the Branch has entered into an agreement whereby ICPAT becomes the Branch's implementing partner. The two organizations pool resources and jointly develop the agendas of the training courses they conduct. As a result, a more holistic response

has been provided to the Government of Ethiopia, one that better meets the country's needs. However, workshops have been run without the direct input or support of the UNODC Regional Office for East Africa based in Nairobi. According to those interviewed, the Regional Office had not shown any interests in that field.

20. Linking the Branch's activities with those of the Anti-Money-Laundering Unit creates synergies for UNODC, for money-laundering is seen as a potential source of financing terrorism. However, there are few signs of collaboration between the Branch and other UNODC units, such as the Anti-Money-Laundering Unit, in Ethiopia. Such collaboration would assist the Branch in achieving more by leveraging internal resources and also creating the much needed synergies from parts of UNODC whose mandates and activities have a bearing on the broader issues of terrorism.

## **G. Outcomes, impact and sustainability**

21. The Global Project's assistance to Ethiopia started in 2005, when the first national workshop was conducted. The other two national workshops were only conducted in 2007. Ethiopian stakeholders have also benefited from a number of regional activities. Measuring impact and sustainability at this point may be premature. However, the report tries to examine the Global Project's potential to ensure sustainability and to have a positive impact in the future.

### **1. Outcomes**

22. The outcomes that can be identified at this point are a growing political will to ratify all the universal legal instruments against terrorism, as indicated for example by the fact that Ethiopia requested two national workshops on ratification and implementation of the instruments in 2007.

23. Another outcome is the realization by the Government of Ethiopia that it does not have adequate capacity to deal fully with the threat of terrorism. This realization has led the country to request assistance in the form of specialized training. The assistance provided has strengthened the capacity of Government officials and thereby helped the State to draft a new counter-terrorism bill that will be submitted to parliament before October 2007. The knowledge and information acquired from the workshops is also helping the key players to work together in the Counter-Terrorism Implementation Task Force. The passage of the draft legislation by parliament would be a major outcome of the assistance provided under the Global Project.

### **2. Impact**

24. The assistance provided to date could have an impact in terms of diminishing the threat of terrorism in Ethiopia. It will only be possible to measure such an impact, however, once the legislation is in place and being applied to counter terrorism. At present, it is only possible to identify the outcomes (see above) of the technical assistance provided.

### **3. Sustainability**

25. Ethiopia's national capacity to counter terrorism has been strengthened through the technical assistance provided. The enhanced capacity of Government officials and Government institutions, as well as the resultant preparation of draft legislation, indicate that these activities have a potential of producing sustainable benefits in the future.

26. The Branch's close collaboration with subregional and regional organizations such as ICPAT in East Africa has been another important means of ensuring the sustainability of the Global Project. This cooperation has allowed the Branch and ICPAT to complement and learn from each other when delivering counter-terrorism assistance to the region, thereby strengthening the capacity of both institutions. The fact of jointly preparing and running the workshops, together with the counter-terrorism expertise provided by the Global Project, have provided ICPAT with a sound foundation for increased engagement with other regional and international players in the future.

27. ICPAT and the Branch have involved Government officials in the development of the agendas of the workshops they conducted jointly. This is another example of how the Global Project has tried to create national ownership and ensure sustainability for its interventions.

### **H. Lessons learned and best practices**

28. The following lessons have been learned:

(a) The collaboration and joint activities between the Branch and ICPAT have created synergies and enabled the two organizations to provide a more holistic response to the needs of the country. This can be considered a best practice as the joint planning allows each organization to bring to the table its expertise. The lesson to be learned is that collaboration avoids duplication but also enables partners to achieve better results;

(b) The use of regional and international experts worked very well by exposing participants to both regional and international experiences. Using experts from the region as presenters and working with a regional organization also contribute to developing capacity. It can be learned from this collaboration that capacity development can be achieved by training participants and by using local expertise. The capacity of ICPAT is certainly being enhanced by this cooperation;

(c) The approach used by ICPAT of involving the requesting Government in the planning and development of the workshop agenda is a best practice. This approach ensured ownership and full commitment by the Member State. The developments in Ethiopia as expressed by one of the Government participants clearly shows that the Government owns the process. This is an approach that the Branch could learn from when it plans its own activities with requesting Member States, as it would ensure that the training best meets the needs of the country.

## **I. Expectations and suggestions**

29. The Ministry of Justice, the judiciary, the police and the security services expect UNODC to provide more specialized training for specific professional groups in order to develop the needed capacity.

30. The drafting committee has already requested assistance from the Branch to make available legal experts to review the counter-terrorism draft law prepared by the Government of Ethiopia before it is put before parliament. The Ministry expected this assistance to be provided before October 2007.

31. The Ministry of Justice also expects to receive assistance in the area of human rights and terrorism. According to the Minister of Justice, such training is an important area that has not received the deserved attention and support.

32. The interviewees saw the exchange and dissemination of information and experiences as crucial for countering terrorism. This needs to happen at the national, regional and international levels. A regional online platform managed by ICPAT and supported by the Branch was seen as one of the possible activities that could respond to this need and provide a forum for networking. Members of such a network would contribute materials and share experiences. The Branch could also use the network as forum for disseminating information on its menu of services.

## **J. Challenges**

33. All the officials interviewed viewed ratification as the easy part because the process is generally mechanical once the political will exists. The challenge was seen to lie in the ability of the Government to implement the instruments once they have been ratified. For this to happen, it will be necessary to raise awareness among the general population of terrorism-related issues and to ensure that human rights are not abused. Ethiopia has already drafted pieces of counter-terrorism legislation. Strengthening human and institutional capacity will be key to ensuring that this legislation will be fully applied once enacted.

## **K. Conclusions**

34. Given the information provided above, it can be concluded that the Terrorism Prevention Branch is doing a good job in Ethiopia but that a lot more needs to be done, in particular in terms of responding to the specific training needs of different professional groups. The assistance being provided is relevant, useful and responds to the country's needs. The workshops have helped foster better cooperation among the various key players in the field of counter-terrorism.

## **II. Kenya**

### **A. Background**

35. Kenya, which has been a target of terrorist attacks for over three decades, has ratified all 13 universal legal instruments against terrorism, including the

International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex). Kenya has also acceded to the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex I) and ratified the United Nations Convention against Corruption (Assembly resolution 58/4, annex).

36. The universal instruments against terrorism remain to be fully implemented. In 2003, a bill on the suppression of terrorism was introduced that caused considerable criticism. A new draft, called the anti-terrorism bill, was then prepared, but that too gave rise to a lot of criticism, especially from civil society organizations. The draft is still being debated and it is expected that the bill will not be passed by parliament in the near future. Kenya's draft bill against money-laundering is currently being discussed in parliament.

37. The evaluation team visited Kenya from 15 to 18 July 2007. Interviews were conducted with Government officials from a number of institutions, including the National Human Rights Commission, the Department of Public Prosecutions, the Anti-Terrorism Police Unit and the Central Bank of Kenya. Several of the officials had participated in technical assistance activities supported by the Global Project. Additional interviews were also held with representatives from the UNODC Regional Office for East Africa, the United Nations Development Programme (UNDP), the Commonwealth Secretariat, the Institute for Security Studies and the High Commission of the United Kingdom of Great Britain and Northern Ireland.

38. Kenya has benefited from a number of activities supported by the Global Project, including assistance, provided in 2006, in drafting Kenya's draft anti-terrorism bill and national and regional workshops and seminars.<sup>a</sup> The Terrorism Prevention Branch of UNODC was also involved in workshop and seminar activities related to the presentation of papers and the provision of legal advice.

39. The Branch has supported the following national workshops:

(a) National training workshop for trainers and specialists (conducted by the Commonwealth Secretariat in cooperation with National Counter-Terrorism Centre of Kenya), held in Nairobi in July 2007. The workshop took place during the visit of the evaluation team;

(b) National stakeholders' consultative workshop on the draft anti-terrorism bill (organized by the National Counter-Terrorism Centre of Kenya in cooperation with UNDP Kenya, the UNODC Regional Office for East Africa and the Branch), held in Nairobi in May 2006.

40. Selected Kenyan stakeholders also participated in a number of regional events supported by the Global Project:

(a) Subregional workshop on counter-terrorism in East Africa (organized by ACSRT), held in Nairobi in March 2007;

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<sup>a</sup> November 2007: the Terrorism Prevention Branch reports to also have been requested to assist in the finalization of the Kenyan draft anti-terrorism bill after the elections in December 2007.

(b) Expert workshop to review and finalize the draft model anti-terrorism law of the African Union (organized by the African Union), held in Addis Ababa in December 2006;

(c) Subregional training workshop on international cooperation in the fight against terrorism and its financing for experts of COMESA member States (organized by the Ministry of Justice of Djibouti and the Central Bank of Djibouti in cooperation with the Terrorism Prevention Branch), held in Djibouti in March 2006.

41. The Terrorism Prevention Branch furthermore contributed to the development of the joint UNDP/UNODC project entitled “Strengthening counter-terrorism capacity for a safer Kenya”. A Memorandum of Understanding is soon to be signed by UNDP and UNODC and implementation of the project component that UNODC is in charge of and that focuses on issues related to strengthening Kenya’s legal regime against terrorism and money-laundering and on capacity development measures for Government institutions to more effectively combat these crimes, is expected to start in the very near future.

42. The role of the Branch in the project will be to provide technical assistance for the implementation of those project segments that are related to its mandate. The national counterpart for this project is the National Counter-Terrorism Centre of Kenya, which is located within the Office of the President. A Branch expert to be posted at the UNODC Regional Office for East Africa will support the project and other activities to be undertaken by or in cooperation with the Branch in the region. The expert was hired in November 2007 and was expected to start her assignment in December 2007.<sup>b</sup>

43. The Branch’s future involvement in counter-terrorism activities in and for Kenya (and other countries in the region), including through specific activities under the joint UNDP/UNODC project mentioned above, will be undertaken in the framework of the Global Project’s sub-component for East Africa, which targets IGAD countries, Francophone countries in East Africa and the United Republic of Tanzania.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

44. The evaluation team’s visit to Kenya was short and only a few Government officials could be interviewed (see the list of stakeholders interviewed in annex). Experts met had participated in technical assistance activities supported by the Global Project, specifically in the national workshop held in Nairobi in May 2006 and the subregional workshop for COMESA member States held in Djibouti in March 2006. Even though the number of interviews conducted with workshop participants was limited, and therefore no general conclusions as to the appropriateness of the Branch’s technical assistance should be drawn, it was noted that the assistance provided by the Branch was appreciated by the participants.

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<sup>b</sup> Status November 2007: the expert has been recruited and is expected to start her assignment in the UNODC Regional Office for East Asia in December 2007.

45. Government officials considered the workshops to be relevant and useful. They reported that even though national counter-terrorism legislation in Kenya was currently not in place, the workshops had provided participants with important information that helped them to better understand the challenges related to counter-terrorism work.

46. With respect to the national workshop held in May 2006, the Branch's contribution was considered relevant, since it had contributed to increasing participants' understanding of the provisions included in the draft anti-terrorism bill.

47. Participants in the subregional workshop conducted for COMESA member States in March 2006 pointed out that the workshop was relevant to people's needs because it had increased their understanding of issues related to money-laundering and the financing of terrorism. The insights gained in the workshop had, for example, enabled some of the participants to better serve Kenya's national task force responsible for drafting legislation against money-laundering. It was also pointed out, however, that the workshop could have been made even more relevant if sessions had been better tailored to accommodate the specific challenges faced by the legal frameworks in the various countries.

48. Regional workshops in general were also considered relevant since they contributed to increased cooperation and networking at the regional level. The use of resource persons from the region (to complement international presenters) could further increase the relevance of regional workshops, since it would allow for experience gained in neighbouring countries to be shared among participants. This would not only facilitate learning but also strengthen regional ownership.

### **C. Effectiveness**

49. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law. The four immediate objectives of the Global Project are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

50. The first Global Project objective of supporting requesting countries to achieve full ratification of the 13 universal legal instruments against terrorism obviously does not apply to Kenya, since Kenya was one of the first countries to

have ratified all 13 universal instruments against terrorism. No assistance for ratification was requested from the Branch.

51. With regards to the second objective, of strengthening national expertise and the capacity of Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism, the Branch has commented on Kenya's draft anti-terrorism bill. Whether concerned Government officials considered these comments useful could not be verified. The subregional workshop held in Djibouti helped strengthen the capacity of officials from Kenya to contribute to the drafting of their country's anti-money-laundering bill. This objective has only been partially achieved.

52. Ratification of the 13 universal instruments against terrorism now needs to be followed by the application of national laws based on those instruments. The anti-terrorism bill is still being debated. Once the bill has been passed by parliament, UNODC will be called upon to help increase Kenya's capacity to understand and implement the new counter-terrorism law. More specialized training for law enforcement agencies will also be needed. This assistance should be provided under the joint UNDP/UNODC project entitled "Strengthening counter-terrorism capacity for a safer Kenya".

53. The third and fourth objectives, of strengthening international cooperation in criminal matters pertaining to terrorism and collaboration on legal aspects of counter-terrorism between the Terrorism Prevention Branch and subregional, regional and international organizations, have been partly achieved. Kenyan stakeholders participated in the three regional workshops mentioned above, which were supported by the Branch and conducted in collaboration with various regional organizations and entities, including ACSRT, the African Union and COMESA. In Kenya, and in many other countries, the Branch has also worked closely with the Commonwealth Secretariat, with whom it has established a very good cooperation in the field of counter-terrorism, demonstrating how two organizations can work together and complement each other (for more on international cooperation in criminal matters pertaining to terrorism please refer to the main evaluation report).

#### **D. Efficiency**

54. Participants in the subregional seminar on international cooperation against terrorism and its financing, held in March 2006, viewed the seminar as an efficient way to gain a lot of knowledge within a relatively short time and to meet and to exchange views with stakeholders from other countries in the region. Resource persons were considered to be very knowledgeable and participants were pleased with the format of the workshop, which allowed for interaction and discussion.

55. Events like that one can make a significant contribution to creating trust among participants, which is even more relevant if they come from countries with difficult political relationships. They also help stakeholders establish networks and exchange information and lessons learned on issues related to counter-terrorism. The Global Project, by working with regional organizations, should look for ways to further strengthen and support those networks so that they can be nurtured and sustained in the long term.

## **E. Institutional arrangements**

56. Counter-terrorism activities conducted in Kenya and in the other countries served by the UNODC Regional Office for East Africa in the framework of the Global Project used to be planned and delivered by Branch staff in Vienna, without much involvement by the Regional Office.

57. Nevertheless, the evaluation team noticed that stakeholders met in Kenya did not always distinguish between the various UNODC entities (such as the UNODC Regional Office for East Africa, the Anti-Money-Laundering Unit and the Terrorism Prevention Branch). In other countries, Government counterparts were often only aware of the services offered by the Branch and not of any of the other (often related) services provided by UNODC. This seems to indicate that the Regional Office has been representing UNODC as “One UNODC”, an organization that offers complementary services to countries in their fight against money-laundering and terrorism, among others, rather than as an organization fragmented into separate projects that have no links to other interventions.

58. Preparing for the joint UNDP/UNODC project entitled “Strengthening counter-terrorism capacity for a safer Kenya” has further contributed to strengthening links between country level activities and global projects. It involves input not only from the UNODC Regional Office for East Africa and the Branch, but also from the Anti-Money-Laundering Unit at UNODC headquarters.

59. The evaluators believe that this approach constitutes an important step forward in terms of creating synergies both among UNODC entities and between UNODC and other United Nations bodies. The technical assistance activities provided by UNODC to strengthen the Kenyan legal framework against terrorism and money-laundering are complemented by UNDP interventions that raise awareness and strengthen dialogue between the Government and the general public on the effects of terrorism, counter-terrorism measures, human rights and UNDP efforts to enhance religious tolerance and respect for cultural diversity. Both the Terrorism Prevention Branch and the Anti-Money-Laundering Unit provide technical assistance and advice to the UNODC component of the project, which is managed by the UNODC Regional Office for East Africa at the country level.

60. Although it is premature to make any judgements about the possible outcomes of this collaboration, the collaborative model described above might be an arrangement worth replicating in other countries.

## **F. Outcomes, impact and sustainability**

61. The Terrorism Prevention Branch started providing assistance to Kenya in 2006. Since then, the Branch has contributed to two national workshops, one of which was held while the evaluation team was visiting Kenya, and to three regional and subregional workshops that were attended by stakeholders from Kenya. Measuring outcomes, impact and sustainability at this point may be premature. However, the present report tries to look at the potential of achieving these in the future.

## **1. Outcomes**

62. At this stage, the outcomes of the assistance provided by the Branch to Kenya's counter-terrorism efforts are difficult to measure. The Branch has provided comments on Kenya's draft anti-terrorism bill, which is still being debated.

63. Members of Kenya's task force on money-laundering who participated in the regional workshop held in Djibouti in March 2006 reported that the workshop had given them important insights on issues related to money-laundering and the financing of terrorism, and that this had enabled them to better contribute to the work of the task force responsible for drafting legislation against money-laundering.

## **2. Impact**

64. To date, this assistance has not had an impact. It will only be possible to measure its impact once Kenya's legislation against terrorism and money-laundering has been put in place and is being applied.

## **3. Sustainability**

65. It is premature to draw any final conclusions on the sustainability of the technical assistance activities provided under the Global Project in (and for) Kenya. Both national, subregional and regional workshops supported by the Terrorism Prevention Branch have the potential to create sustainable benefits since they contribute to the development of the human and institutional capacity of participating organizations. Most of the participants interviewed considered the workshops to be useful. Some stressed the fact that they were able to immediately apply the skills and knowledge they had acquired.

66. However, more efforts will be needed to ensure that the benefits of future technical assistance under the Global Project are sustained. Issues that will deserve increased attention in the future are the following:

(a) Technical assistance should be provided on the basis of an assessment of the specific needs of all relevant stakeholders. Requests are usually submitted to the Branch through the Global Project focal point institution in the respective country. The main counterpart for the joint UNDP/UNODC project entitled "Strengthening counter-terrorism capacity for a safer Kenya" is the National Counter-Terrorism Centre of Kenya. A mechanism needs to be developed to ensure that technical assistance provided under the Global Project responds to the needs of all the institutions carrying out counter-terrorism work in Kenya;

(b) Both national and regional workshops create important opportunities for exchanging experience and networking. They can help build trust between individuals and break down barriers between organizations. These benefits, however, will only be sustained if networking does not stop when participants return home after the workshops. Networking is a continuous process that requires time and effort and should be supported as part of the follow-up of any national and regional event supported by the Global Project;

(c) Kenya is currently in the process of developing anti-terrorism legislation. Once this legislation has been passed, specialized training for law enforcement officers to apply the new legislation will be needed. In order to reach a larger number of stakeholders and to create more sustainable benefits, capacity

development approaches such as train-the-trainers and work with and through national training institutions should be considered.

## **G. Lessons learned and best practices**

67. The Branch's collaboration with the UNODC Regional Office for East Africa under the joint UNDP/UNODC project entitled "Strengthening counter-terrorism capacity for a safer Kenya" constitutes a very promising model for cooperation between a global project and a country level initiative, with the global project providing technical advice and assistance to an initiative managed locally. It is furthermore a good example of how two United Nations entities (UNDP and UNODC) can complement each other, each contributing expertise according to its specific comparative advantage and mandate.

68. The Branch's collaboration with the Commonwealth Secretariat, as demonstrated by the national training workshop for trainers and specialists conducted by the Commonwealth Secretariat in cooperation with the National Counter-Terrorism Centre of Kenya and held in Nairobi in July 2007, is a good example of international cooperation in the field of counter-terrorism. The Terrorism Prevention Branch, with its very specific counter-terrorism mandate, complements the expertise offered by the Commonwealth Secretariat, which has a relatively broad counter-terrorism mandate.

69. National and regional workshops and other technical assistance activities do not only strengthen individual and institutional capacities, but are also vehicles that help build trust between participants and break down barriers between institutions. Benefits such as these should not be underestimated, especially in the Horn of Africa, a region that has a history of conflict and difficult political relationships between countries. But also at the country level, cooperation and communication between the various institutions involved in counter-terrorism work will be a *sine qua non* for a successful response to the menace of terrorism in all its forms and manifestations.

## **H. Challenges**

70. Kenya has already ratified all 13 universal instruments against terrorism. Currently, the challenge for the country is to reach an agreement on the legislation required to put those instruments into practice and, once this has been done, to develop the capacity of criminal justice practitioners to apply the new legislation. The contribution made by UNDP and UNODC to these efforts under the project "Strengthening counter-terrorism capacity for a safer Kenya" will be important.

71. Until an agreement on the draft anti-terrorism bill has been reached, however, the role of the UNODC Regional Office for East Africa and of the Branch should be to engage at the political level in order to keep the debate around effective counter-terrorism legislation alive in the minds of politicians and to encourage dialogue among institutions by bringing them together and supporting networking and interaction.

### **III. Madagascar**

#### **A. Background**

72. The evaluation team visited Madagascar from 27 to 31 July 2007. Meetings were held with 29 people. Of these, 15 were Government officials, 2 were UNDP staff members and 12 worked for various civil society organizations cooperating under the umbrella of a national human rights platform. Government officials consulted included the Minister of Foreign Affairs, 2 officials from the Ministry of Foreign Affairs, representatives from the Ministry of Justice, the Prosecution Department, the Ministry of National Defence, the national police and the Central Intelligence Service.

73. Madagascar has ratified 12 of the 13 universal legal instruments against terrorism. Most Government officials interviewed expected the ratification process of the outstanding instrument (the International Convention for the Suppression of Acts of Nuclear Terrorism) to be finalized in the near future. The Government of Madagascar has prepared a draft counter-terrorism law that is awaiting enactment by parliament. Stakeholders interviewed agreed that the major challenge ahead would be the implementation of the new counter-terrorism legislation, for which technical assistance would be required.

74. Government officials interviewed were aware of the work of the Terrorism Prevention Branch and some of them had participated in workshops organized and facilitated by Branch. The Branch first became involved in Madagascar in 2003, when UNODC received a request from that country's Government to help prepare draft legislation against terrorism and transnational crime. A mission was subsequently conducted to provide assistance accordingly. The Branch and officials from Madagascar subsequently agreed on a joint action plan. In 2005, cooperation intensified and the Branch started involving Madagascar in the following national and subregional activities:

75. National activities:

(a) National expert workshop for providing technical legal advice for the legislative implementation of Security Council resolution 1373 (2001) and the 12 universal legal instruments against terrorism, held in Antananarivo in August/September 2005;

(b) National training workshop on international cooperation against terrorism and its financing, held in Antananarivo in December 2005;

(c) Two follow-up videoconferences for the finalization of the legislative incorporation of the universal legal instruments against terrorism and the drafting of the third report of Madagascar to the Counter-Terrorism Committee of the Security Council, held in April 2006.

76. Subregional activities:

(a) Magistrates from Madagascar participated in a videoconference on the fight against international crime, with a focus on corruption and crime, for Francophone African countries (organized by the Organisation Internationale de la Francophonie in cooperation with the Branch), held in October 2005;

(b) Subregional expert workshop for States members of the Indian Ocean Commission to strengthen cooperation in criminal matters related to the universal instruments against terrorism, held in Nairobi in December 2005;

(c) Third conference of Ministers of Justice of Francophone African countries for the implementation of universal instruments against terrorism (organized by the Branch and the Organisation Internationale de la Francophonie), held in Sharm el-Sheikh, Egypt, in February 2006;

(d) Training workshop for senior criminal justice officials from member States of the Southern African Development Community (SADC) on countering terrorism and its financing, the application of the universal legal instruments against terrorism and international cooperation in criminal matters (organized by the Branch in partnership with SADC), held in Windhoek in December 2006;

(e) Fourth conference of Ministers of Justice of Francophone African countries for the implementation of universal instruments against terrorism (organized by the Branch and the Organisation Internationale de la Francophonie), held in Ouagadougou in March 2007.

77. The Minister of Justice is the focal point for the Global Project in Madagascar. Government officials interviewed reiterated that, had it not been for the Government delay in following up on the technical assistance activities offered by and agreed with the Branch, many more national activities could have been conducted under the Global Project in Madagascar since the last videoconference was held in April 2006.

## **B. Major findings and analysis**

### **Appropriateness/Relevance**

78. Government officials interviewed who had participated in technical assistance activities under the Global Project all considered the assistance provided to be relevant and useful. It was pointed out that the Branch had made available a lot of useful and in-depth information related to the ratification and implementation of the universal legal instruments against terrorism. Some of the stakeholders particularly stressed the fact that the information supplied had prompted participants to think about and consider issues related to counter-terrorism that they had never thought about before.

79. Officials consulted reiterated that national and subregional technical assistance activities had helped Madagascar to ratify the universal legal instruments against terrorism and draft new counter-terrorism legislation. The model law supplied by the Global Project was considered a particularly useful tool that had helped the Government draft the new law.

80. Stakeholders who had participated in subregional activities supported by the Global Project furthermore pointed out that those workshops had not just contributed to raising awareness about counter-terrorism issues in the region, but that they had actually helped participants understand what terrorism was all about.

81. Moreover, the subregional activities were considered to have been important because they provided opportunities for networking and exchanging experiences

between stakeholders from different countries in the region and because they helped strengthen participants' common will to combat terrorism.

82. Overall, participants were satisfied with the way workshops were arranged and organized, as well as with the fact that they had been involved in developing the agendas of national workshops.

83. Areas of particular relevance for future assistance to be provided under the Global Project were the following: capacity development to support the implementation of the new counter-terrorism legislation once it had been approved, training on issues related to extradition, support to the drafting of Madagascar's reports to the Counter-Terrorism Committee, further assistance with networking and the exchange of information on counter-terrorism issues (both in terms of sharing intelligence and as well as of sharing counter-terrorism experience) among participants from different countries.

84. While it seems that most of the areas mentioned above can be accommodated within the current mandate of the Branch and the scope of the Global Project, a few of the officials interviewed also talked about interventions that might currently go beyond it. Some of the areas considered to be particularly relevant were the following: the provision of technical equipment needed in counter-terrorism work (such as computers, scanners, laboratory apparatuses etc.) as well as preventive measures to address the underlying/root causes of terrorist acts. A number of stakeholders concluded that they considered the counter-terrorism mandate of the Branch to be too narrow and suggested that it should be expanded to provide assistance in the above-mentioned areas, for example. It was pointed out that the lack of equipment, for instance, might impact negatively on Madagascar's ability to implement new counter-terrorism legislation.

85. It was noted by the evaluators that not all relevant stakeholders were well informed about the mandate of UNODC or about the role of the Branch in counter-terrorism.

### **C. Effectiveness**

86. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

87. In Madagascar, the Global Project has partly achieved its objectives. The first objective of providing support to the ratification of the 13 international legal instruments against terrorism has largely been achieved, for Madagascar has ratified 12 of the 13 instruments. Several Government officials interviewed pointed out that national and subregional events offered by the Global Project had considerably contributed to the country's ratification process.

88. With regard to the second objective, of strengthening national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments, the contribution of the Global Project has also been very much appreciated. Participants reported that as a result of the knowledge gained in the workshops and conferences, they were able to contribute significantly to the subsequent process of drafting a new counter-terrorism law. Further assistance would be required from the Branch to develop the expertise and capacity required to also apply the new legislation, once the approval process has been finalized.

89. The third and fourth objectives, of strengthening international cooperation in criminal matters pertaining to terrorism and collaboration on legal aspects of counter-terrorism between the Branch and subregional, regional and international organizations, have only been partially achieved. Malagasy stakeholders participated in the five subregional activities mentioned above, which were supported by the Branch and conducted in collaboration with various regional organizations and entities such as the Organisation Internationale de la Francophonie, the Indian Ocean Commission and SADC. Workshop leaders included representatives from various international organizations, including the Counter-Terrorism Committee Executive Directorate, Interpol, the Commonwealth Secretariat, the Institute for Security Studies and the UNODC Terrorism Prevention Branch and Anti-Money-Laundering Unit.

#### **D. Efficiency**

90. Stakeholders interviewed were of the view that national and international workshops and conferences were efficient in the sense that they provided an opportunity to bring together a group of stakeholders from different institutions (and of countries, in the case of subregional events). They allowed participants to exchange information and experience across institutional and political barriers, thereby facilitating joint learning and growth.

91. The benefit of such events could be further enhanced by systematically following up on the results of the workshops, particularly on whether the knowledge gained and the skills acquired by participants actually made a difference in the way they subsequently carried out their work in counter-terrorism and related areas.

92. Networking initiated during the workshops also needed to be further supported once participants had returned home.

93. Several Government officials stressed the fact that future capacity development initiatives on counter-terrorism should be carried out across the country and also involve stakeholders from the provinces. It was also pointed out that training trainers and cooperating with national training institutions (for example

the national magistrates' school) would constitute efficient and sustainable approaches to capacity development that the Global Project could pursue in the future.

## **E. Institutional arrangements**

94. To date, counter-terrorism activities in Madagascar have been delivered directly by Branch staff in Vienna. None of the UNODC regional offices have been involved in the counter-terrorism activities conducted in Madagascar. At the regional level, the UNODC Regional Office for Southern Africa supported the subregional training workshop held in Namibia, which was conducted in cooperation with SADC and attended by participants from several countries in the region. The UNODC Regional Office for East Africa supported the subregional workshop for States members of the Indian Ocean Commission held in Kenya.

95. Cooperation between the Branch and UNDP and staff of the United Nations country team in Madagascar involved exchanging documents (such as workshop documents, mission reports and draft laws) and the provision of administrative support by UNDP to the Global Project when needed. For instance, UNDP assisted with the two videoconferences held in 2006. No organized cooperation at the technical level has so far been pursued by the two United Nations entities.

96. The development assistance framework of the United Nations country team for Madagascar is aligned with the Malagasy road map for development and emphasizes governance, economic growth, rural development, health and education.<sup>c</sup> The Branch might wish to explore whether and how its Global Project could benefit from and contribute to the efforts of the United Nations country team in Madagascar.

## **F. Outcomes, impact and sustainability**

97. The Branch first became engaged in Madagascar in 2003. Since then, Madagascar has benefited from a number of technical assistance activities, mainly international and national conferences and workshops. The bulk of those activities were conducted in 2005 and 2006.

### **1. Outcomes**

98. As a consequence of the interviews conducted with Government officials in Madagascar, the following outcomes of the Global Project in Madagascar have been identified:

(a) The Global Project has contributed to the ratification of 12 of the universal legal instruments against terrorism;

(b) The Global Project has contributed to the drafting a new counter-terrorism law;

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<sup>c</sup> Plan Cadre des Nations Unies pour L'Assistance au Développement, United Nations Development Assistance Framework, Madagascar 2008-2011.

(c) The Global Project has contributed to the drafting of national reports for submission to the Counter-Terrorism Committee;

(d) The Global Project has contributed to increased capacity and commitment by Government officials to deal with the legal aspects of counter-terrorism (as demonstrated by the first two outcomes mentioned above);

(e) The Global Project has contributed to increased understanding of Government stakeholders about the national capacity required to prevent and combat terrorism.

## **2. Impact**

99. It is premature to measure the final impact of the technical assistance provided in the framework of the Global Project in Madagascar. It will only be possible to measure the final impact once Madagascar's counter-terrorism legislation is in place and being implemented.

100. Even so, it is evident that the Global Project has, by contributing to Madagascar's efforts to ratify the universal legal instruments against terrorism and to use those instruments to formulate national counter-terrorism laws, clearly helped the Government create the potential for a positive impact in the future. Much will depend on the progress made in terms of further strengthening Government capacity to apply the new counter-terrorism legislation once it has been enacted.

## **3. Sustainability**

101. Stakeholders interviewed agreed that the technical assistance provided under the Global Project, including both national and international conferences and workshops, has contributed to strengthening Government awareness and capacity for dealing with counter-terrorism issues. Newly acquired knowledge and skills had helped the Government to proceed with ratifying the universal legal instruments against terrorism and enhance its efforts to develop counter-terrorism legislation.

102. Between September 2006 and July 2007, due to reasons beyond the Branch's control and unrelated to the Global Project, the Branch did not receive any requests for further technical assistance from the Government of Madagascar. According to officials from the Ministry of Justice, the Branch's continuous efforts to offer assistance to the Ministry and other Malagasy counterparts was very much appreciated. Government officials interviewed indicated that, as soon as the Government was ready, further support would be requested from the Branch.

103. When that happens, the Global Project will be challenged to:

(a) Tailor its assistance to the specific national and local context and needs of the stakeholders. Officials consulted pointed out that further technical assistance would be needed to develop and strengthen capacity to apply the new counter-terrorism legislation (once it has been approved) and to prepare future reports to Counter-Terrorism Committee. It was pointed out by several officials that it was important that any future training provided to judges and prosecutors by the Global Project include stakeholders from the Malagasy provinces in addition to those from the capital;

(b) Offer help to the Government to develop an instrument to facilitate the exchange of communication and experience between the various institutions involved in the Global Project. In the absence of a central national coordinating body on counter-terrorism issues, this would be particularly important to ensure sustainability of the benefits gained by stakeholders who participated in Global Project activities. At the moment, there is no mechanism in place to ensure that officials taking part in an international workshop, for instance, will share the experience and insights gained with stakeholders from other institutions involved in counter-terrorism work.

(c) Another benefit of such an instrument would be for the Global Project's focal points in Madagascar to be able to ensure that requests for technical assistance submitted to the Branch reflect the needs of all relevant stakeholders involved in the legal aspects of counter-terrorism work.

104. Some Government officials consulted stressed the need for support in the exchange of experience and practices between countries following their participation in international workshops supported by the Global Project. Officials from the Ministry of Justice pointed out that an electronic platform, linking all the focal points of countries involved in the Global Project, would be very much appreciated as it would support networking between participants in international workshops and facilitate learning across countries.

105. The Global Project will also be called upon to further contribute to ensuring sustainability by applying approaches that support the Government's efforts to build the counter-terrorism capacity of all stakeholders involved in the application of the new counter-terrorism law. This could be done by training trainers and/or by helping national training institutions, such as the magistrates' school of Madagascar, to integrate counter-terrorism training in its curricula. The possibility of increased collaboration with regional organizations, such as SADC and others, to conduct training and to build the institutional counter-terrorism capacity of these institutions should also be explored further.

## **G. Challenges**

106. According to Government officials, Madagascar was in the process of ratifying the outstanding universal legal instrument against terrorism. The new counter-terrorism legislation is expected to be finalized in the near future. No further delays are expected to any of the two processes. The main future challenge will be the implementation of the new legislation once it has been enacted. The development of human and institutional capacity to do so will be essential.

107. Further challenges relate to the improvement of communication and exchange of best practices between concerned Government institutions in Madagascar as well as between countries.

## **H. Conclusion**

108. The Branch's efforts to assist the Government of Madagascar with the ratification of the universal legal instruments against terrorism have been very much

appreciated. The Global Project is considered to be relevant and useful. The support provided under the project has contributed not only to the ratification of instruments, but also to the drafting of a new counter-terrorism law and to the development of Government capacity on legal issues related to counter-terrorism.

109. More work on specialized capacity development and improved knowledge management will be needed in the future. To ensure efficiency and effectiveness of the interventions, alternative methodological approaches (for example through train-the-trainer approaches or by working with/through national and regional training institutions) for delivering technical assistance ought to be explored.

## **IV. Namibia**

### **A. Background**

110. Branch activities in Namibia are fairly new. Two Branch-supported workshops have been hosted by Namibia, one regional for the SADC in December 2006 and one national workshop held in May 2007, which was attended only by Namibians. Namibian officials furthermore participated in the training workshop for regional magistrates of Southern Africa on international cooperation in combating terrorism and terrorist financing. The workshop was organized in cooperation with the Association of Regional Magistrates of Southern Africa (ARMSA) and took place in Johannesburg, South Africa, in November 2006.

111. Namibia has ratified 7 of the 13 universal legal instruments against terrorism. This is partly due to the lack of capacity and also because terrorism is not viewed as a priority when compared with other issues such as development, education and health.

112. The evaluation team visited Namibia from 23 to 26 July 2007. It interviewed 19 people, whose useful insights are used in this report. Of the interviewees, 14 were Government officials, 2 were representatives of SADC and 3 were United Nations staff members; an adviser on asset forfeiture who was seconded by UNODC to the Office of the Prosecutor General of Namibia was also interviewed. Of the 14 Government officials interviewed, most had participated in the two workshops that were conducted in 2006 regionally and in 2007 nationally. The regional workshop was organized by the Branch and held in cooperation with SADC. The 2007 national workshop was hosted by the Government of Namibia and funded by the Branch. The respondents were well informed about the work of the Branch and had a good understanding of counter-terrorism issues.

113. In Namibia, the Ministry of Justice serves as the focal point with the Branch, with which it maintains excellent relations. The evaluation team received excellent support from the Ministry which, working with other Government ministries and the Office of the United Nations Resident Coordinator, arranged meetings with relevant Namibian officials and practitioners.

114. Namibia has ratified only 7 of the 13 international universal legal instruments on counter terrorism. The Ministry of Justice is very much aware of the need for Namibia to ratify the remaining instruments. The Ministry's focal point for this effort confirmed that Branch efforts have helped to strengthen political will to ratify

the remaining legal instruments. While officials generally did not view ratification as a problem, they identified as more problematic the domestication of these legal instruments into national counter-terrorism laws and the practicalities of implementing such laws.

115. The evaluation team also noted the progress made since the national workshop was conducted in Namibia in May 2007. A counter-terrorism law has already been drafted and Namibian officials indicated that it would be submitted to the Branch before being brought before parliament. The Ministry of Justice of Namibia has also established a good relationship with regional organizations such as SADC, which had jointly organized the 2006 workshop with the Branch.

116. Although Namibia does not have a counter-terrorism task force per se, the Ministry of Justice plays a leading role in the coordination of efforts to ratify and implement the 13 universal legal instruments against terrorism.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

117. All the Government officials who were interviewed considered the technical assistance provided so far by the Branch to be appropriate and relevant as it partially meets the counter-terrorism legal capacity needs of the country. However, almost all the interlocutors of the Government of Namibia also indicated that more specialized training was needed.

118. The opinion that more specialized training was needed was also expressed by the UNODC mentor from the Global Programme against Money-Laundering who was working within the Ministry of Justice on asset forfeiture issues.

119. The 2006 and 2007 workshops are viewed as useful as they raised awareness and created a common understanding on counter-terrorism issues among the key players (judges, prosecutors, police officers, security service providers etc). However, while the workshops helped the country understand the importance of terrorist threats at the national level and the need for Namibia to meet its international obligations in this field, participants found the information could have been more focused on their specific work situations. The practical case studies used in the Branch training modules were cited as examples of appropriateness and relevance to their work.

120. In general, the workshops enabled participants and the country to identify gaps and the need for counter-terrorism capacity development. The workshops also helped the drafting committee that was working on the counter-terrorism bill. These workshops provided the drafting committee with information on international standards and on issues such as human rights, investigation procedures, the judiciary process and prosecution. The high level of participation is attributed to the fact that Namibia requested these workshops and continues to make requests that aim to meet the very specific needs of the country.

121. Namibian participants viewed the role of SADC positively although, at the time of the visit of the evaluation team, the partnership between the Branch and SADC was still limited. Participants expressed the opinion that greater participation

was needed by other countries in the region in the planning of future regional workshops that could enhance ownership. The participants felt that the involvement and use of regional facilitators complement international presenters. This approach can be considered a best practice as it fostered ownership and hence full commitment from participants and the Government.

122. SADC does not have a formal coordinating mechanism for counter-terrorism although it is considering establishing a regional early warning centre that might include the threat of terrorism. Continued contacts between the Branch and SADC might be helpful in strengthening the efforts of SADC on this front. Specific remarks on the regional and national workshops are noted below.

123. Namibian officials who attended the regional workshop that was held in Windhoek in December 2006 and who were interviewed by the evaluation team made the following comments:

(a) The workshop was relevant and useful to the daily work of officials from the judicial branch, the police force and the intelligence services;

(b) The workshop provided information on counter-terrorism which enabled the participants to examine the issues of skills and capacity to deal with threats from terrorism;

(c) Both the content and the delivery mechanism were relevant;

(d) Documents and other materials provided to participants were extremely useful because most of the people were being exposed to these issues for the first time. The materials provided useful reference materials.

124. The national workshop that was held in May 2007 had been requested by the Ministry of Justice following the regional workshop experience. The Ministry of Justice felt that Namibia would benefit from a national workshop that would address the specific needs of the country. The national workshop would also allow more Namibians from various key national institutions involved in counter-terrorism to attend. The following are the major comments made by officials who attended the workshop and were interviewed by the evaluation team:

(a) All the relevant key stakeholders were invited and attended the workshop;

(b) The workshop gave Namibia an opportunity to share ideas and be informed about international conventions. This created a common understanding among the key players about national and international obligations relative to counter-terrorism;

(c) It provided an opportunity for Government officials to network;

(d) The content and case studies were relevant for most participants;

(e) The workshop was too short, which meant that not all the materials delivered could be covered. The participants felt that the workshop was too loaded, especially since most of them were hearing these issues for the first time. Case examples were especially appreciated for relevance and practical application;

(f) Many participants were not familiar with UNODC and its activities and hence benefited by attending the workshop;

(g) Information was not accessible to all who needed it due to the absence of a mechanism that could address internal coordination;

(h) Information on financial crimes and money-laundering was relevant and useful

### **C. Effectiveness**

125. Officials of the Government of Namibia acknowledged that both the regional and the national workshops had been effective in expanding national knowledge and expertise, which has since been used to prepare draft counter-terrorism legislation. They also reported that the approach of using regional and international presenters as well as case studies had enabled the participants to be exposed to both regional and international situations. They further reported that the workshops had fostered internal cooperation among the key institutions involved in counter-terrorism. The delivery approach and the case studies were found to be a powerful and effective method in disseminating information, sharing experiences and knowledge.

126. The fact that participants were able to put to use their newly acquired knowledge is an indication of the effectiveness of both the methodology used and the information provided.

127. Almost all the participants indicated that more specialized training was needed.

### **D. Efficiency**

128. Participants viewed the workshops as an efficient method of bringing together key players from diverse backgrounds and providing them with information, raising awareness and hence creating a common understanding on counter-terrorism issues. A lot of information was provided and experiences were shared with many people at the same time. The joint approach used by the Branch and SADC enabled both organizations to achieve more than they would have done had acted independently. This was an efficient use of human and financial resources and allowed synergies to be realized.

129. Further, the national workshop was an efficient way of using resources to meet the specific needs of Namibia. The regional workshop provided important opportunities for national practitioners to network with their counterparts in neighbouring nations. This is an important benefit as the sharing of information and experience to face common challenges promotes the leveraging of expertise among Governments in the region.

### **E. Major objectives**

130. The main objectives of the Terrorism Prevention Branch are to assist Member States to ratify and implement the 13 international universal legal instruments on counter-terrorism. Further, it is to create capacity that enables Member States to meet their national and international obligations. Since the Branch has a very specific mandate, it is expected to collaborate with other players so as to create

synergies and provide a more comprehensive and holistic response to the counter-terrorism needs of Member States.

#### **Attainment of objectives**

131. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

132. In Namibia, the Branch is making progress towards the attainment of the Project's main objective of supporting the country to achieve ratification of the internal instruments and the four specific objectives. Namibia has ratified 7 of the 13 universal legal instruments. While this number is modest, the workshops have created a broader national understanding on the need to ratify the remaining instruments, as demonstrated by the enhanced political will to do so. The requests by Namibia for assistance are a clear indication of that growing political will to ratify all the instruments. The country has now drafted legislation on counter-terrorism; this is further indication of Government commitment to implement the internal universal legal instruments. The country is now planning an additional request to the Branch to provide experts to review the draft legislation to make sure it meets international standards before it is brought before parliament.

133. The regional and national workshops have begun to strengthen the capacity of individuals and institutions like the drafting committee on counter-terrorism legislation of the Ministry of Justice. This objective has only partially been achieved and much more remains to be done, especially in providing specialized training. In terms of strengthening international cooperation, the Branch works closely with SADC in conducting training workshops. This collaboration with other players is creating synergies that enable the Branch to achieve more than it would if it worked alone. However, more needs to be done in all these areas before Namibia can achieve a functional universal legal regime against terrorism. The capacity of SADC can be strengthened by this cooperation.

## **F. Institutional arrangements**

134. An agreement has been reached for SADC to become the Branch's implementing partner in Southern Africa. Both organizations pool resources to

conduct training whose agenda is developed jointly. As a result, a more holistic response has been provided to the Government of Namibia, one that better meets the country's needs. The workshops have been run without the direct input or support of the UNODC Regional Office for Southern Africa, based in Pretoria.

135. Links have been made between the Branch's activities and those of the adviser from the Global Programme against Money-Laundering seconded to the Government of Namibia. This has served to create synergies between different global programmes of UNODC that serve the broader mandate of the United Nations Counter-Terrorism Strategy. Money-laundering is seen as a potential resource for financing terrorism. Similar collaborative arrangements could assist the Branch in other countries.

136. It was brought to the attention of the evaluators that, in one instance, specific training requests made by the Government of Namibia to the UNODC Regional Office for Southern Africa had not been substantively answered either by the Regional Office or by UNODC headquarters. It should be pointed out, however, that those requests related to issues outside the mandate given to the Branch through the Global Project and should, therefore, have been attended to by other sections or units of UNODC.

## **G. Outcomes, impact and sustainability**

137. Direct, national assistance to Namibia only started in 2007 except for the regional workshop organized in 2006. So far, only one other national workshop has been held, so measuring impact and sustainability at this point may be premature. However, the report examines the potential of achieving these in the future.

138. Officials of the Government of Namibia indicated the strong need for continued assistance from the Branch to strengthen the Government's counter-terrorism efforts. This realization has led the country to request assistance in the form of specialized training. The assistance provided has already helped Namibia to draft a new counter-terrorism bill that will be submitted to parliament before October 2007. The knowledge and information acquired from the workshops is already helping key players to work together in drafting Namibia's counter-terrorism legislation. If the draft legislation is passed by parliament, this will be a major outcome of the Branch's assistance.

139. With only 7 of the 13 universal instruments ratified, however, it appears that much more work is needed on all fronts: ratification, implementation and training of key personnel.

## **H. Lessons learned and best practices**

140. Lessons can be learned from the following best practices:

(a) The collaboration and joint activities of the Branch and SADC have created some synergies and enabled the two organizations to provide a more holistic response to the needs of the country. This can be considered a good practice as joint planning allows each organization to bring to the table its expertise. The lesson to be learned is that collaboration avoids duplication but also enables partners to have

a greater impact. Efforts to elicit input from countries in the region in the planning of future regional conferences and workshops will strengthen Member State “ownership” of the process;

(b) The use of regional and international experts worked very well by exposing participants to both regional and international experiences. Using experts from the region and working with a regional organization are also part of capacity development. It can be learned from this collaboration that capacity development can be achieved by both training participants and using local expertise. The capacity of SADC is being enhanced by this cooperation;

(c) The approach used by SADC, like that used by ICPAT, sought to involve the requesting Government in the planning and development of the workshop agenda and can be considered a best practice. This approach ensures ownership and full commitment by participating Member States. The subsequent impact in Namibia, as expressed by several Government participants, clearly shows that both regional and national workshops have bolstered the implementation process. Nonetheless, much more needs to be done.

## **I. Expectations and suggestions**

141. The Ministry of Justice, the judiciary, the police and the intelligence service expect UNODC to provide more specialized training for specific professional groups in order to develop the needed capacity.

142. The drafting committee from the Ministry of Justice expects to make a request for assistance to the Branch to make available legal experts to review the Namibian counter-terrorism draft law before it is brought before parliament. The Ministry is expecting to make that request before the end of 2007.

143. The Ministry of Justice does not see special sensitivities or needs in the area of human rights and terrorism but is receptive to suggestions on the matter.

144. The interviewees saw the exchange and dissemination of information and experiences as crucial to their efforts to counter terrorism. This needs to happen at the national, regional and international levels. An online interactive network managed and supported by the Branch is strongly welcomed as a means to provide a full menu of services (training and tools) as well as an exchange of non-sensitive information such as national best practices or developments related to Security Council 1373 (2001) and the ratification and implementation of the relevant international instruments. Equally important, such a channel of communication would help to better disseminate information to practitioners in multiple ministries via Internet. Network members would contribute materials and share experiences.

## **J. Challenges**

145. All the officials interviewed viewed implementation as the primary challenge ahead, particularly the drafting and enactment of the counter-terrorism law and its harmonization with other acts, in particular with those relative to financial crimes. Interviewees pointed to a continuing need to raise awareness within relevant

Government agencies and among practitioners, particularly magistrates and parliamentarians, to complete the Branch mission in Namibia.

146. Participants also thought that:

(a) They needed to be involved in the design of the workshops in order to ensure that these met their needs and those of their country;

(b) The partnership with SADC as critical as it would ensure that the capacity of both national and regional institutions were developed;

(c) The establishment of an online network (or other system for sharing information) managed by UNODC and that included national practitioners was very important. However, hard copy materials should also be made available, especially for use by officials who may not have access to Internet;

(d) There was a need to follow up on activities and to provide specific training so as to bring the country to a level where it can implement relevant legal instruments and conventions;

(e) There was a need for UNODC to commit to skills development in this field;

(f) While the workshop was useful in providing general information, the drafters did not find most of the information particularly useful to the drafting team. More specialized training would be needed for this group;

(g) Training on issues of counter-terrorism was premature because there was no legislation yet on counter-terrorism and hence knowledge and information gained from the workshop could not be put to use immediately; nonetheless, training might be needed in the future;

(h) In general, it was difficult to see the value of the training since participants saw their role as being confined to dealing with national issues. However, those who dealt with international and regional issues, such as the police and the intelligence services, thought the training was valuable;

(i) The hard-copy questionnaires sent by the United Nations to collect information on terrorism, drugs and other issues often reached those responsible very late because of the cumbersome bureaucracy. Participants suggested that the questionnaires and other information be sent electronically to the Ministry of Foreign Affairs with copies to relevant ministries and institutions so that all could be informed immediately;

(j) Since various institutions and professional groups already had training programmes for their staff (police officers, magistrates and prosecutors), the Branch could use these existing structures for providing specialized training;

(k) Since acts of terrorism do not occur every day, participants noted that it would make economic sense to train a core group of people to deal with terrorism and that these people could be assisted by experts provided by the United Nations in the event of such acts;

(l) Most participants did not know of the existence of the UNODC Regional Office for Southern Africa and those who did know about it did not know how it could help them. In one case, a formal request was made but no substantive follow

up or response was received, either from the Regional Office or from UNODC headquarters in Vienna.<sup>d</sup>

## **K. Conclusion**

147. Overall, the Branch was judged by Namibian participants and Government officials to be doing a good job. However, basic human and infrastructural needs persist and the need for the Branch to provide assistance for the ratification and implementation of international legal instruments and the training of key personnel will continue into the foreseeable future.

## **V. Philippines**

### **A. Background**

148. The evaluation team visited the Philippines on 9 and 10 August 2007 and interviewed 17 people on the Terrorism Prevention Branch's efforts to assist the Government of the Philippines in ratifying and implementing the 13 universal instruments. While in Bangkok, members of the Independent Evaluation Unit also had the opportunity to interview the Branch senior legal expert in terrorism prevention for Asia and the Pacific on the Branch's activities in the Philippines and the region. Through the assistance of the Department of Foreign Affairs and the Department of National Defence and with the cooperation of the national Anti-Terrorism Council, the evaluation team conducted a wide range of interviews. Those interviewed included Government officials, the UNDP Resident Representative in the Philippines and senior Senate staff members involved in the drafting and adoption of the Human Security Act. Many of the Government officials interviewed were recipients of Branch or UNODC assistance provided through several regional and national workshops and missions.

149. The Department of Foreign Affairs of the Philippines is the focal point for the Branch's counter-terrorism activities. Branch workshops are planned in conjunction with the Department of Justice. The Branch has, in the past, had a good relationship with those ministries. However, since November 2006 there has been no substantive contact with these institutions for follow-up assistance and training.

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<sup>d</sup> At the time of the visit made by the Independent Evaluation Team to Namibia, the Prosecutor General had not received a substantive response to a letter dated 9 January 2006 sent to the UNODC Regional Representative in Pretoria requesting specific types of technical assistance for prosecutors and magistrates. An interim response from the UNODC Regional Office for Southern Africa dated 1 February 2006 was provided to the Government of Namibia noting that the Regional Office was giving the request "urgent attention." However, interviews carried out by the evaluation team on 30 and 31 July 2007 with staff of the UNODC Regional Office, including with the criminal justice expert responsible for dealing with such requests and for liaising with headquarters on such matters, showed that no substantive follow up was carried out, either by UNODC in Pretoria or in Vienna. The request related to issues outside the Branch's mandate and should, therefore, have been attended to by other sections or units of UNODC.

150. The Government of the Philippines has ratified all but the most recent of the 13 international universal legal instruments against terrorism.<sup>e</sup> The adoption of the Human Security Act of 2007 (gazetted on 19 February 2007) and the revision of the penal code provide the legal basis for implementing the 12 universal instruments. The Philippines has a multi-ministerial counter-terrorism council that was established under the new Human Security Act and that, together with the National Intelligence Coordinating Agency, is required to coordinate all counter-terrorism efforts in the Philippines. The Government of the Philippines is a strong advocate of international counter-terrorism efforts, including those undertaken by the United Nations. The Philippines remains a front-line State when it comes to the threat of terrorism. While the evaluation team was in the Philippines, 26 soldiers were killed in Sulu, only a month after 10 soldiers were beheaded. Attacks on civilians also continue. Philippine officials say there is continuing support for such attacks from international terrorist organizations.

151. Examples of Branch activities conducted with the Philippines include:

(a) National workshop focused on the legislative implementation of the universal anti-terrorism instruments, Security Council resolution 1373 (2001) and the Organized Crime Convention (organized jointly by the Department of Foreign Affairs and the Department of Justice), held on 28 February and 1 March 2005;

(b) Bali Process workshop during which the Philippines submitted a formal request to the Branch for legal assistance, held in Phuket, Thailand, on 29 June 2005;<sup>f</sup>

(c) Mission to Philippines was conducted to organize a national workshop to advise on and advance the anti-terrorism bill pending in Senate (organized jointly by the Department of Justice, the National Intelligence Coordinating Agency and the Branch), held from 14 to 17 November 2005;

(d) National workshop for judges and prosecutors on international cooperation in criminal matters related to counter-terrorism (organized jointly with the Department of Justice), held on 8 and 9 May 2006;

(e) Provision of substantive input at the workshop of the International Maritime Organization (IMO) on counter-terrorism, held from 5 to 8 September 2006;

(f) Workshop on extradition for the Philippines (organized jointly with the Department of Justice), held on 6 and 7 November 2006.

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<sup>e</sup> Still to be ratified is the Convention for the Suppression of Acts of Nuclear Terrorism. The Philippines is already a signatory to this convention.

<sup>f</sup> In February 2004, the Foreign Ministers of Australia and Indonesia co-chaired the Bali Regional Ministerial Meeting on Counter-Terrorism in Indonesia. The meeting was attended by both foreign affairs and law enforcement ministers, or their representatives, from 25 countries including the Philippines. Ministers resolved to identify new ways of enhancing counter-terrorism collaboration, particularly in the areas of law enforcement, information sharing and strengthening legal frameworks. The June 2005 workshop was a continuation of this Bali Process.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

152. Virtually all the Government officials who were interviewed considered the technical assistance provided by the Branch to be appropriate in providing general information on the universal instruments. However, most of the interviewees also indicated a need for better fine-tuning the Branch's approach to the particular circumstances of the Philippines. Interviewees said that technical assistance proposals were sometimes offered without an adequate understanding of national circumstances and needs.

153. An example given to the evaluation team was the May 2006 workshop's treatment of mutual legal assistance, which was viewed as not very relevant to the local issues being dealt with by the Government's legal and law enforcement practitioners, in particular to the stipulation of relevant national laws. Furthermore, an opportunity to focus on the Philippine extradition law, which some Government legal experts thought was outdated, was missed.

154. Overall, there were positive results from the Branch's work with the Government of the Philippines, including the adoption of the Human Security Act. Nonetheless, the new anti-terrorism law continues to draw much public debate. Government interlocutors indicated a sudden fall-off in Branch support to the Philippines, noting a lack of follow-through on capacity strengthening activities proposed and agreed to with the Branch.

## **C. Effectiveness**

155. The regional and national workshops so far undertaken have been effective in providing a general approach to the ratification and implementation of the universal legal instruments against terrorism. Effectiveness can be demonstrated more by the national workshops/assistance missions. The willingness of the legal experts of the Branch to meet with members of the Senate of the Philippines as it deliberated on a draft national counter-terrorism bill was cited positively by those drafting that piece of legislation.

156. While such technical assistance is much welcomed, the continuity of such assistance, particularly in providing substantive training for criminal justice officials, especially prosecutors and judges, appears to have stalled since November 2006 and, according to interviewees, not been implemented by the Branch. A technical assistance implementation plan for the Philippines, for example, was proposed in May 2006. The draft plan, however, was provided to the Philippines two months later, only to be suspended without explanation by the Branch after a workshop held in November 2006. Philippine Government officials report that there has been no further communication from the Branch regarding the implementation plan.

157. Philippine officials had a basic understanding of Security Council resolution 1373 (2001) and the 13 universal instruments but recommended more practical delivery approaches, particularly the use of case studies, in future workshops.

## **D. Efficiency**

158. International workshops were seen as extremely useful, in particular for allowing the exchange of national best practices and for establishing contacts with other national and international practitioners regarding their international counter-terrorism efforts.

159. The joint mission with the Counter-Terrorism Committee Executive Directorate was cited as an efficient approach.

160. While national workshops were generally considered to have been undertaken efficiently, interviewees suggested holding workshops in the first quarter of the year since many participants become captive to the demands of the legislature in the latter part of the year.

## **E. Major objectives**

161. Two of the Branch's main counter-terrorism objectives are to assist Member States in ratifying and implementing the 13 international universal legal instruments against terrorism and to create capacity so that Member States can meet their national and international obligations. Since the Branch has a very specific mandate that does not allow it to deal with the broader issues of terrorism, the Branch is expected to collaborate with other players so as to create synergies and hence provide a more comprehensive and holistic response to the counter-terrorism needs of Member States.

### **Attainment of objectives**

162. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with the principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the universal legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

163. With regards to the Philippines, the Branch has had good success towards the attainment of the project's main objective of supporting the country to achieve ratification and implementation of the 13 universal instruments. The Philippines has ratified 12 universal counter-terrorism instruments, the only outstanding one being the most recent instrument (against nuclear terrorism). While the workshops have

created a common understanding on the need to ratify all instruments, Philippine interlocutors repeatedly indicated the need for secondary and tertiary capacity-building assistance particularly to prosecutors and judges.

164. The regional and national workshops have strengthened the capacity of individuals and institutions. However, this objective has only partially been achieved. While the enactment of national counter-terrorism legislation contributes significantly to the implementation of the 12 universal instruments already ratified, specialized training, especially for judges and prosecutors, remains to be planned and carried out.

165. The Branch's collaboration with IMO and the Association of Southeast Asian Nations (ASEAN) has allowed it to leverage the expertise of these organizations in providing technical assistance and bolstering political will in the Philippines and other countries in the Asian and Pacific region.

## **F. Institutional arrangements**

166. The Philippines is served by the UNODC Regional Centre for East Asia and the Pacific, located in Bangkok.

167. Usually, counter-terrorism activities are planned and delivered by the Branch from Vienna, at times with the participation of UNODC field offices. In Thailand, the Branch had a legal expert on the ground. Following a staffing gap caused by the departure of the legal expert, a senior legal expert in terrorism prevention has again been posted there. The expert is expected to serve several countries in the region, including the Philippines. A second technical expert and administrative staff are currently being recruited. Although part of the field office, these staff members will report to the Branch on technical issues.

168. Branch staffing gaps in Vienna and in Bangkok have caused lags in technical assistance delivery in Thailand and the Philippines. This is a serious shortcoming in view of the ongoing terrorism threat in both countries and the Philippine's need to provide its prosecutors and judges with further training, both on the national level and in the southern provinces, where terrorist cases are prevalent. Staffing and resource limitations have hindered the continuity of Branch efforts in the Philippines and further limit the Branch's ability to offer a more holistic approach as called for by the United Nations Global Counter-Terrorism Strategy and the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime (Economic and Social Council resolution 2007/12, annex).

## **G. Outcomes, impact and sustainability**

169. The branch started providing technical assistance to the Philippines in 2004. Since then, several regional and national workshops have been conducted and important achievements have been accomplished. While there have been good outcomes of the Branch's work in the Philippines so far, there is a question of sustainability in view of concerns expressed by Philippine counter-terrorism officials. In particular, apart from one workshop conducted in November 2006, the

Branch has not re-engaged the Government of the Philippines since the agreement reached in May 2006 on the delivery of further technical assistance.

### **1. Outcomes**

170. The primary outcome that can be identified at the time of this evaluation is the Global Project's contribution to the drafting and enactment of the Human Security Law, which serves as the basic instrument, along with amendments to the penal code, for implementing the 12 universal instruments ratified by the Philippines. Philippine interlocutors indicated strong understanding of their international obligations as expressed in Security Council resolution 1373 (2001). Work remains to be done to achieve the ratification and implementation of the thirteenth universal instrument.

171. The workshop participants expressed their appreciation for the knowledge gained from the regional and national workshops. Legislative staff members involved in the drafting of the national counter-terrorism law also appreciated the expertise provided by the Branch.

### **2. Impact**

172. While Government interlocutors were, in general, pleased with the assistance provided by the Branch and also with the willingness of Branch legal experts to appear before the Senate in formal hearings, they also acknowledged that such a high-profile intervention had stirred some controversy in the Philippines, especially since the Human Security Act had been criticized for infringing the civil and political rights of Filipinos.

173. There is strong political will in the Philippines to fully cooperate with the United Nations on countering terrorism. However, the lack of Branch follow-through on training is eroding the good will previously established with the Government.

### **3. Sustainability**

174. Training of judges and prosecutors, especially in the provinces where most terrorism cases arise, will be key to producing sustainable benefits. Furthermore, Philippine interlocutors believed more needed to be done to develop overall human and institutional capacity and suggested that the Branch link up with training institutions in the Philippines and in other countries in the region. (For further discussion on this issue, see the country report for Thailand.)

## **H. Lessons learned and best practices**

175. Lessons can be learned from the following best practices:

(a) The development of an implementation plan and schedule for Branch project activities in the Philippines is an excellent approach for strengthening the delivery and sustainability of technical assistance to a country. However, the Branch's inability to follow up on the plan together with raised expectations in the Philippines for future technical assistance is having a corrosive effect on the good work carried out by the Branch in this country in the past;

(b) Branch experts made themselves available to Senate staff working on the passage of the national counter-terrorism law. Although Senate staff expressed appreciation for this direct, relevant and timely technical assistance, the participation of Branch experts in Senate deliberations on the national counter-terrorism bill appears to have overstepped the line between providing technical assistance and becoming involved in national policymaking;

(c) The Chief of the Terrorism Prevention Branch appropriately identified the Second Meeting of Joint Experts Working Group of the ASEAN Convention on Counter-Terrorism, held in Bali, Indonesia, from 13 to 15 November 2006 as a forum to make senior-level interventions in support of Security Council resolution 1373 (2001) and the ratification and implementation of the universal instruments and to provide advice to the Working Group on the drafting of the ASEAN Convention on Counter-Terrorism. The Branch worked through the Government of the Philippines, which was chairing the ASEAN Standing Committee and which facilitated discussions between the Branch and the Government of Indonesia, the host of the negotiations. Such high-level engagement by the Branch proved to be effective in engaging ASEAN as it drafted an important regional counter-terrorism instrument. High-level involvement by the Branch with other regional organizations can have similar payoffs;

(d) The Branch's collaborations with the Organization of American States (OAS) in Latin America and the Organization for Security and Cooperation in Europe (OSCE) serve as models of excellence for collaboration between UNODC and regional security organizations for the purpose of furthering a global mandate. The collaboration with ASEAN should be expanded to the further benefit of the Branch and ASEAN regional counter-terrorism efforts.

## **I. Expectations and suggestions**

176. The Government of the Philippines has high expectations for continued Branch assistance, which is why it has made a formal request for such assistance and developed a draft technical assistance implementation plan that was prepared jointly by the Branch and the Department of Justice. Follow-up action is needed by the Branch.

177. In the Philippines, there is a perception that the Branch has not been adequately tailoring its assistance programme to local needs. The workshops offered had set agendas that were formulated without having carried out any formal needs assessment. Workshop agendas were not discussed with institutions other than the Department of Justice. Officials interviewed advised that greater care was needed to ensure that training programmes were more relevant for recipient countries.

178. To strengthen the sustainability of Branch efforts in the Philippines, consideration should be given to providing input to governmental and non-governmental training institutions curricula to promote understanding and implementation of the universal counter-terrorism instruments.

179. To avoid the duplication and overlapping of efforts, the Branch should establish and maintain contact with key donor countries. In the Philippines, a plethora of bilateral law enforcement training activities are being conducted.

Contacts with embassies of key donor countries in Manila would be useful in coordinating and leveraging local expertise and in avoiding the duplication of efforts. UNODC could also establish more contacts with other United Nations entities in the Philippines.

180. The Government of the Philippines expects and wants UNODC to provide more specialized training for specific professional groups in order to develop the needed capacity. For the Branch, the focus should be on providing specialized training to prosecutors and judges, particularly those in the southern provinces dealing with terrorism cases. Government officials would also consider it useful to exchange international best practices in counter-terrorism work, including information on the counter-terrorism laws of other countries.

181. The new Human Security Act, a copy of which was shared with the Branch, has not yet been assessed by the Branch for its effectiveness in implementing the universal legal instruments against terrorism. Furthermore, human rights concerns regarding the Act continue to be expressed. The Branch ought to raise any concerns it might have regarding the human rights aspects of the Act through the appropriate channels.

182. Officials interviewed saw the need for better exchange and dissemination of information not just with other countries but also between Government ministries. There was universal support for the establishment of an online network managed by the Branch to provide updates on training and regional developments. In addition, such a network could help the Philippines and other countries in the region to share relevant information on national developments, such as the enactment and implementation of new counter-terrorism laws in the Philippines.

## **J. Challenges**

183. All the officials interviewed viewed ratification and legislation to have been virtually completed in the Philippines. The biggest challenge ahead was seen to lie in the ability of the Government to use its newly adopted legislative tools against terrorists, who continue to pose an active threat to the country. At the same time, the Philippines is an active democracy where counter-terrorism approaches are vigorously debated by the public and among members of the legislature. Branch assistance to the Philippines therefore requires due sensitivity to avoid entanglement in the domestic political debate over counter-terrorism actions.

## **K. Conclusions**

184. The Global Project was effective in helping the Philippines strengthen its legal regime against terrorism until November 2006. The efforts made prior to that date need to be continued and sustained, keeping in mind the country's unique legal and political situation. Staffing gaps at UNODC headquarters in Vienna and at the UNODC Regional Centre for East Asia and the Pacific in Bangkok have contributed to lapses in the delivery of assistance to the Philippines. The Branch's efforts should be renewed urgently in view of the continuing terrorism threat and the need to train judges and prosecutors in the wake of the enactment of the counter-terrorism law

and to ratify and implement the thirteenth universal instrument. The desire of the Government of the Philippines to collaborate with the Branch remains strong.

## VI. Romania

### A. Background

185. The Government of Romania cooperated excellently with the Independent Evaluation Unit in arranging the interviews that took place from 11 to 13 July 2007. The evaluation team met with nearly 30 officials and practitioners from the Ministry of Justice, the Romanian Intelligence Service, the National Office for the Prevention and Control of Money-Laundering (NOPCML), the Ministry of the Interior and Administrative Reform, the National Institute of Magistracy, the Directorate for the Investigation of Organized Crime and Terrorism (Prosecutors' Office of the High Court of Cassation and Justice) and the Ministry of Foreign Affairs. In addition, the team interviewed officials from the Southeast European Cooperative Initiative (SECI) Center, the Stability Pact for South-Eastern Europe, the Embassy of the United States of America (the United States is a major donor to efforts for building the legal counter-terrorism capacity of the Government of Romania), UNODC as well as the United Nations Resident Coordinator in Romania.

186. Both the Ministry of Foreign Affairs and the Ministry of Justice are focal points for the Branch's counter-terrorism activities in Romania. In practice, the Branch plans workshops in conjunction with the Ministry of Justice.

187. Romania is a party to all 13 universal international instruments against terrorism. Moreover, Romania acceded to the International Convention for the Suppression of the Financing of Terrorism (Assembly resolution 54/109, annex) on 9 January 2003, to the International Convention for the Suppression of Terrorist Bombings (General Assembly resolution 52/164, annex) on 29 July 2004 and to the International Convention for the Suppression of Acts of Nuclear Terrorism on 24 January 2007. Romania also acceded to the Amendment to the Convention on the Physical Protection of Nuclear Material<sup>g</sup> on 6 February 2007. It has not acceded to the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation<sup>h</sup> or to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf<sup>i</sup>. The Ministry of Justice led the effort to draft a new penal code that contains a specific section concerning acts of terrorism. It was adopted by Law No. 301/2004 and subsequently suspended pending conformance to the Criminal Procedure Code and also some criticisms raised by practitioners. A new criminal code was drafted and was being discussed in November 2007.

188. The Government of Romania has also adopted several laws related to terrorism, including:

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<sup>g</sup> Adopted on 8 July 2005 by the Conference to Consider and Adopt Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

<sup>h</sup> Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

<sup>i</sup> United Nations, *Treaty Series*, vol. 1678, No. 29004.

(a) Law No. 508/2004 on the organization and assignment of specific duties for the Directorate for the Investigation of Organized Crime and Terrorism;

(b) Law No. 535 of 25 November 2004 on the prevention and combating of terrorism;

(c) Law No. 206 of 29 June 2005 on the implementation of certain international sanctions;

(d) Law No. 682 of 9 December 2002 on witness protection, which established the National Office for Witness Protection within the Ministry of the Interior (under the authority of the General Inspectorate of the Romanian police). Terrorism is one of the serious offences listed in this law;

(e) Law No. 656 of 7 December 2002 on the prevention and sanctioning of money-laundering established NOPCML;

(f) Emergency Ordinance No. 153 of 3 December 2001, which endorses the implementation of Security Council resolution 1373 (2001) (abrogated by Law No. 206 of 29 June 2005 on applying international sanctions);

(g) Emergency Ordinance No. 159/2001 for the prevention and combat of the use of the financial banking system for the purpose of financing terrorist acts, which became effective on 14 December 2001 (amended by Law No. 535 of 25 November 2004 on the prevention and combating of terrorism);

(h) Emergency Ordinance No. 141 of 25 October 2001 on the sanction of some acts of terrorism and acts of violation of the public order. This Ordinance defines what constitutes a terrorist act. In addition, article 7 of the Ordinance states that the post office and telecommunication operators have a duty to inform immediately the minister responsible for information technology and communications, upon the minister's written request, of the necessary date for identifying persons who have committed the offences stipulated by this emergency ordinance (abrogated by Law No. 535 of 25 November 2004 on the prevention and combating of terrorism);

189. Since 2002, Romanian stakeholders have benefited from several activities conducted by or with input from the Global Project. Some of these are:

(a) The Branch provided assistance on the legislative incorporation of the International Convention for the Suppression of the Financing of Terrorism and on the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (General Assembly resolution 55/255, annex), in Bucharest, in March 2003;

(b) Anti-terrorism workshop for Romanian prosecutors, judges, police officers and security agents (organized by the prosecutor's general office of Romania in cooperation with the Embassy of the United States and the Branch), held in Sibiu, Romania, in December 2003;

(c) The Branch provided input on the use of United Nations legal instruments at a SECI meeting in Bucharest and Romanian representatives attended two seminars with the International Monetary Fund (IMF) on combating the financing of terrorism in Vienna, in 2004;

(d) The Branch provided expertise on the relevant legal provisions of the universal legal instruments against terrorism to an international conference on bioterrorism prevention (organized by the Romanian Bioterrorism Prevention Working Group, the Ministry of Education and Research and the Consortium for Law and Strategic Security), held in Bucharest in October 2004;

(e) Subregional workshop on international cooperation on counter-terrorism, corruption and the fight against transnational organized crime (organized by the Branch in cooperation with counterparts from the Government of Croatia), held in Croatia in March 2005;

(f) National training workshop for magistrates, including judges and prosecutors, on international cooperation related to the universal legal instruments against terrorism (organized by the Branch in cooperation with the Ministry of Justice), held in Bucharest in October 2005;

(g) The Branch provided input to a SECI working group meeting on fighting organized crime and terrorism in South-Eastern Europe, held in Sinaia, Romania, in March 2006;

(h) Workshop on combating the financing of terrorism (organized by IMF in collaboration with the International Institute of Higher Studies in Criminal Sciences (ISISC) and the participation of the Eurasian Group, UNODC and the World Bank), held in Italy in May 2006;

(i) Second subregional expert workshop on international cooperation on counter-terrorism, corruption and the fight against transnational organized crime, held in Bucharest in November 2006;

(j) IMF workshop on money-laundering and the financing of terrorism (organized in collaboration with ISISC and with the participation of the Branch and the Eurasian Group), held in Italy in May 2007.

190. Romania has maintained a good partnership with the Branch and international organizations, hosting the November 2006 subregional expert workshop mentioned above, which was organized by the Branch and OSCE. This conference also had the support and participation of the Council of Europe, the Counter-Terrorism Committee and its Executive Directorate, Interpol, the Stability Pact for South-Eastern Europe, the International Atomic Energy Agency and UNDP.

191. The meeting was a follow-up to the first meeting held in Zagreb in March 2005. It contributed to strengthening political will in support of Security Council resolution 1373 (2001) through the adoption of the Bucharest Declaration on International Cooperation on Countering Terrorism, Corruption and Transnational Organized Crime (A/61/601, annex) by 12 States in the region.

192. The evaluation team found positive results stemming from these activities. Romanian interlocutors acknowledged that Branch assistance significantly contributed to Romania's efforts to fully implement the universal instruments against terrorism, a requirement for accession to the European Union.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

193. Government officials interviewed considered the technical assistance provided by the Branch as appropriate and relevant, in particular when provided at the initial stages of the ratification and implementation process, when Romania and other countries in the region had much to do. However, with Romania now nearly fully compliant with the ratification and implementation of the universal instruments, Government officials in various ministries expressed their opinion that the focus now needed to shift to providing more specialized training, particularly for prosecutors and judges. This opinion also was strongly articulated in discussions with the National Institute of Magistracy, the principal Government training centre for judges and prosecutors in Romania.

194. The National Institute of Magistracy trains and certifies judges and prosecutors through a two-pronged approach: by providing initial training to new judges and prosecutors and by providing continuous training to veteran judges and prosecutors. Although it was only established in 1992 (with the continuous training programme beginning in 2001), the Institute appears to have a robust and specialized judicial training programme, institutionalized programme evaluation measures and a focus on training trainers. The Branch has provided important services and resources, according to Institute staff. United Nations legislative guides on CD-ROM have been integrated into the Institute's databases and uploaded to its website. The Institute, along with judicial officials, participated in Branch workshops in 2002 and 2003.

195. A similar need for specialized Branch support was identified by the evaluation team during interviews with practitioners of the Directorate for the Investigation of Organized Crime and Terrorism (Prosecutors' Office of the High Court of Cassation and Justice), who said that there was a need for more individualized and better tailored technical assistance to be provided, either by the Branch or by another entity of UNODC, to prosecutors working on specific cases. While the training offered by the Institute provided a useful base for incoming prosecutors and judges and could update veteran magistrates on the latest international requirements related to Security Council resolution 1373 (2001), it was academic and senior prosecutors expressed a strong desire for training that was more practical. Being on the front line of prosecuting people for terrorist or terrorism-related crimes, these officials asked whether legal experts working for the Branch could provide assistance that was more relevant for dealing with specific and ongoing cases involving complex terrorist activities.

## **C. Effectiveness**

196. Romania's excellent record of ratification and implementation of the 13 universal instruments is due to strong political will but Government interlocutors also acknowledged that Branch assistance provided through the regional and national workshops had supported national efforts.

## **D. Efficiency**

197. Interviews carried out by the evaluation team indicated that the Branch was coordinating and conducting its country activities with the major expert organizations operating in Romania and the region in the delivery of counter-terrorism assistance. In particular, the Branch's collaboration with SECI and OSCE was judged excellent by interviewees. The Branch has utilized the opportunities of its workshops, particularly regional workshops, in an inclusive manner to leverage the expertise and resources of such organizations. For example, the continuing concern of Romania and other Governments in the region about the need to strengthen travel document security, although an area not within the specific mandate of the Global Project, was dealt with in the 2005 subregional workshop held in Bucharest and sponsored by the Branch. In fact, the workshop agenda included discussions and briefings by Interpol representatives on their organization's database on stolen and lost travel documents and by representatives of other organizations, including SECI and OSCE, concerned with such cross-border issues. In separate interviews, programme officers of the OSCE Action against Terrorism Unit based in Vienna confirmed that the collaboration with the Branch was routine throughout the 56 States served by OSCE.

198. Efforts to accede to the European Union, in particular, had made the Government of Romania focus on meeting counter-terrorism standards and on conforming to related judicial and financial systems required by the European Union. Romanian officials acknowledged there had been a tendency to request technical and capacity-building help from the European Union, including on matters related to Security Council resolution 1373 (2001). It is noteworthy that, with regard to the latter, the European Union had advised Romanian officials to utilize the Branch's expertise, an indication of the European Union's appreciation for the Branch's technical capabilities and its sensitivity to avoiding overlapping efforts.

199. Both regional and national workshops were viewed as efficient means of sharing information and experiences within the region and in Romania. Such workshops also enabled and facilitated networking and hence broadened the understanding of officials.

## **E. Major objectives**

200. The Branch's main objectives in the field of counter-terrorism are to assist Member States in ratifying and implementing the 13 international universal legal instruments against terrorism. Further, it is to create capacity to enable Member States to meet their national and international obligations. Since the Branch's mandate is very specific and does not allow it to deal with the broader issues of terrorism, it is expected to collaborate with other players to create synergies and provide a more comprehensive and holistic response to the counter-terrorism needs of Member States.

### **Attainment of objectives**

201. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

202. In Romania, the Branch has been very successful in attaining the project's main objective, for Romania has ratified all 13 of the universal legal instruments. While the workshops have contributed significantly to Romania's success in ratifying and implementing these universal instruments, Romanian interlocutors indicated that there was a strong need for follow-up training to be provided to prosecutors and judges.

203. It should be noted that the Branch's partnership with OSCE and SECI, two important security organizations in the region, have contributed significantly, in particular in strengthening political will in the region.

## **F. Institutional arrangements**

204. The counter-terrorism activities are usually planned and delivered by the Branch from Vienna, sometimes with the participation of UNODC field offices. Technical assistance to Romania has been provided through regional and national workshops. The continuity of technical assistance to Romania and the region as a whole appears to be good judging from comments of interviewees, a review of Branch activities in the region and discussions with OSCE and SECI representatives.

## **G. Outcomes, impact and sustainability**

205. The Branch started providing technical assistance to Romania in 2002, which means that Romania is among the first recipients of such assistance. The impact and sustainability of these efforts appear to be strong due to the fact that there continues to be strong political will in Romania and that the requirements for Romania's entry in the European Union supported such efforts. Nonetheless, sustainability remains an issue since Romanian officials expressed the need for further training to be provided to practitioners, in particular to judges and prosecutors.

## **1. Outcomes**

206. The primary outcome that can be identified at the time of this evaluation is the strong record of ratification and implementation achieved by Romania. Furthermore, the realization of the Government of Romania that it still requires further specialized training to be provided to judges, prosecutors and specialized police officers is in itself a positive outcome.

## **2. Impact**

207. The Branch's work in Romania has had a positive impact. Legislation is in place and being used to counter terrorism. The assistance provided so far has resulted in the adoption of laws and also raised awareness at the policy level about the threat of terrorism. Romania has become a leader in guiding international efforts against terrorism, a prime example being its hosting in October 2004 of one of the first international conferences focused on the relevant legal provisions of the universal instruments against terrorism to prevent the use of weapons of mass destruction and, in particular, bio-terrorism.<sup>j</sup>

## **3. Sustainability**

208. Officials from the National Institute of Magistrates expressed a desire for a counter-terrorism component to be integrated in the international cooperation curriculum segment in the continuing training track of their academic training. Institute officials were unaware of possible UNODC/Branch capabilities to assist in developing the curriculum and training trainers to that end. Specific interest was indicated in developing the Institute's capacity to provide training on issues related to Security Council resolution 1373 (2001), money-laundering and sanctions topics. It was clear that the call made in the Bucharest Declaration to participating States to establish links between existing national training institutes and to further develop opportunities of multidisciplinary and targeted joint training for judges, prosecutors and law enforcement officers was relevant to Romania's ongoing judicial capacity-building needs.

209. A similar need for specialized Branch support was identified by the evaluation team during interviews with practitioners of the Directorate for the Investigation of Organized Crime and Terrorism (Prosecutors' Office of the High Court of Cassation and Justice), who said there was a need for more individualized and better tailored technical assistance to be provided, either by the Branch or by another UNODC entity, to prosecutors working on specific cases. While the training offered by the Institute provided a useful base for incoming prosecutors and judges and could update veteran magistrates on latest international requirements related to Security Council 1373 (2001), it was rather academic and senior prosecutors expressed a strong desire for training that was more practical. Being on the front line of prosecuting people for terrorist or terrorism-related crimes, these officials asked whether legal experts working for the Branch could provide assistance that was

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<sup>j</sup> On 25 and 26 October 2007, the Workshop on Building Cooperative and Regional Approaches to Bio-Preparedness and Combating the Threat of Bio-Terrorism was held in Bucharest. The event was organized to discuss, among other things, Security Council resolution 1540 (2004). The Science for Peace and Security Programme of the North Atlantic Treaty Organization supported the Workshop.

more relevant for dealing with specific and ongoing cases involving complex terrorist activities.

210. The interviews that the evaluation team held with relevant officials of the SECI Centre, the Stability Pact for South-Eastern Europe and the Embassy of the United States in Bucharest confirmed the need for specialized legal training to be provided to prosecutors and judges.

## **H. Lessons learned, expectations and suggestions**

### **1. Toolkits and databases**

211. While the toolkits and databases of the Terrorism Prevention Branch were accessible to and used by some ministries, there was a general lack of knowledge of the full range of tools provided by the Branch. Some interviewees were totally unaware of the existence of any of the instruments. Many Government interlocutors expressed great interest in getting regular updates from the Branch on available services, legal developments in counter-terrorism, country best-practices and training and capacity-building opportunities. Several interlocutors welcomed the creation of an Internet-based Global Project network that would link counter-terrorism practitioners in all participating countries. Such a network would help communicate developments related to Security Council resolution 1373 (2001) to ministries and thus help to foster communication within and among ministries on counter-terrorism matters. Support was also expressed for a “one-stop shop” approach to legal services that would make counter-terrorism help of many kinds easily available, from help to counter money-laundering to help to implement specific universal instruments.

### **2. Outreach**

212. Several Romanian interlocutors said the Branch could do a better job at advertising its services. Knowledge of Branch expertise was uneven among Romanian legal and law enforcement officials responsible for implementing or enforcing the 13 universal instruments. Even the legal expert from the Embassy of the United States, a major donor country helping Romania to build its legal capacity to counter money-laundering and other terrorism-related crimes, had no knowledge of the Branch’s expertise or of the work it was carrying out in Romania, even when that meant collaborating with some of the same Romanian agencies the Embassy was working with.

### **3. Money-laundering**

213. NOPCML officials indicated that regional and international information sharing on terrorist financing cases was not as intense as with general criminal money-laundering cases because of the prevention activities developed by NOPCML and the other institutions that are components of the national system for the prevention and combating of terrorism. NOPCML officials also saw the need for greater focus on non-banking conduits that terrorists and criminals were turning to as traditional financial institutions have become more risky to use for illicit purposes. Casinos, lawyers and accountants, non-governmental organizations and

charities were non-banking channels of particular concern. Money-laundering training for magistrates was needed, more so than for prosecutors.

214. NOPCML saw a need to include within the Branch's projects the topic of the prevention and combating of terrorism financing, especially since NOPCML also serves as the Romanian financial intelligence unit. In this regard, it was suggested that training seminars and programmes be provided in two phases: first, specialists of the financial intelligence unit should be trained as trainers; second, joint training activities conducted by specialists from both the Branch and the financial intelligence unit should be organized. NOPCML officials proposed that the following themes be addressed: preventing and combating terrorist financing; legislation and obligations of reporting entities on the detection and reporting of suspicious transactions; analysis and investigation of suspicious transactions; other activities related to combating and preventing terrorist financing such as financial sanctions, the non-proliferation of weapons of mass destruction, the control of strategic materials, experts, intelligence and counter-intelligence.

215. While some of these concerns may not fall within the mandate of the Global Project, they indicate that the approach adopted by UNODC in delivering its counter-terrorism assistance is not comprehensive, as envisioned in its strategy, leading to slow or no responses to real gaps in Governments' counter-terrorism capacity.

## **I. Challenges**

216. Officials interviewed felt that the biggest challenge was the strengthening of the Government's ability to fully undertake its responsibilities through its judges, prosecutors and specialized police officers. Human and institutional capacity development will be the key to success.

## **J. Conclusions**

217. Romania has not only succeeded on the ratification and implementation front, it is also playing an active role in the international community, especially in its region, to both strengthen political will and assist others in this effort. It was felt that some fine-tuning in the Branch's approaches was needed, such as better knowledge of legal assistance efforts being undertaken in the country by major donors and follow up on assistance, particularly the training of judges and prosecutors, and the institutionalization of such activities in existing national training forums.

## **VII. South Africa**

### **A. Background**

218. The evaluation team visited South Africa on 30 and 31 July 2007. Despite the fact that the team had communicated its schedule to the UNODC Regional Office for Southern Africa in Pretoria and to the Government of South Africa, the plan was,

essentially, not accommodated. At the time of the team's arrival in Pretoria, no meetings had been arranged. A few interviews were then hastily set up, as a result of which the number of stakeholders interviewed in South Africa was small: only three national stakeholders and two representatives of the UNODC Regional Office were interviewed (see list of stakeholders in annex III). This ought to be kept in mind when reading the present report. Although the interviews conducted allowed the evaluation team to gain some insights into the performance of the Global Project in South Africa, the findings generated on this mission are not representative and should therefore not be generalized.

219. South Africa has ratified 12 of the 13 international universal legal instruments against terrorism.<sup>k</sup> While this record stands out positively in the region, South African officials indicated the need to focus resources, including capacity-building assistance from UNODC, on the implementation of these instruments, especially by providing specialized training to police officers, prosecutors and magistrates. As with other countries in the region, the domestication of the legal instruments into local laws and their subsequent implementation remains a challenge.<sup>l</sup>

220. South African stakeholders participated in the following national and regional workshops supported by the Global Project:

(a) National training workshop for the National Prosecuting Authority of South Africa entitled "International Cooperation in the Fight against Terrorism and its Financing" (presented in partnership with the National Prosecuting Authority and the Commonwealth Secretariat), held in Pretoria in May 2006;

(b) Regional training workshop for ARMSA entitled "International Cooperation in Combating Terrorism and its Financing" (conducted in partnership with ARMSA, the Justice College of South Africa and the Commonwealth Secretariat, and supported by the UNODC Regional Office for Southern Africa), held in Johannesburg, South Africa, in November 2006;

(c) Regional workshop on "International Cooperation in the Fight against Terrorism and its Financing" (conducted in partnership with SADC), held in Windhoek in December 2006.

221. In terms of domesticating the universal legal instruments into national laws and of implementing the counter-terrorism and related laws, the evaluation team found that progress had been made since the national workshop was held in May 2006. South African interlocutors, however, indicated a strong need for more specialized assistance to assist the Government in coordinating and implementing its obligations under Security Council resolution 1373 (2001).

222. South Africa has an interdepartmental working group on terrorism chaired by the Department of Foreign Affairs that serves as the coordinating body for counter-terrorism efforts as well as related concerns such as corruption and financial and cross-border criminal activities.

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<sup>k</sup> This reflects the status of ratification at the time of the visit of the evaluation team in July 2007. South Africa ratified the remaining thirteenth universal instrument in September 2007.

<sup>l</sup> The South African counter-terrorism law was drafted about 10 years ago and finalized in 1999.

## **B. Major findings and analysis**

223. As mentioned above, almost all the findings below are based on interviews with only three national stakeholders and two representatives of the UNODC Regional Office and should therefore be understood in this context.

### **Appropriateness and relevance**

224. All the Government and UNODC Regional Office officials who were interviewed considered the technical assistance thus far provided by the Branch to be appropriate and relevant, although it only partially met the counter-terrorism needs of the country. South African interlocutors indicated satisfaction with the working relationship between the Branch and SADC, as demonstrated by the various joint activities. The workshops held both regionally and nationally were viewed as useful since they raised awareness and created a common understanding on counter-terrorism issues among key players (including judges, prosecutors, police officers and security service providers). The workshops also helped the country understand the importance of terrorist threats at the national level and the need for South Africa to meet its international obligations in this field. The participants found the information and the practical cases used both appropriate and relevant to their work situations.

225. The workshops also enabled participants and the Government to identify gaps and the need to develop capacity in the area of counter-terrorism. Government practitioners saw the need for follow-up and more specialized training to be provided, in particular to support the work of the Priority Crimes and Litigation Unit of the National Prosecuting Authority of South Africa.

226. The participants in the training who were interviewed viewed the participatory approach used by the Branch positively and appreciated the fact that the Government of South Africa had been involved in developing the training agenda for the national workshop. Nonetheless, it was noted that the Branch's coordination with some ministries should be improved. Participants felt that overall the workshops met their needs in this first phase of assistance. This approach also involved the identification and use of facilitators from South Africa and other countries in the region to complement international presenters, thus helping to foster ownership and commitment from participants and the Government.

## **C. Effectiveness**

227. The most effective approach documented with South Africa was the national workshop conducted by the Branch, as it was more focused on South Africa's needs. As in other countries, such workshops, better tailored to national needs, resulted in the identification of gaps and specialized training requirements. Through the inclusion of a wide spectrum of practitioners across ministerial lines, this process fostered and strengthened internal coordination and collaboration of counter-terrorism matters. The use of both regional and international presenters and, particularly, case studies were cited as especially positive aspects of Branch efforts.

## **D. Efficiency**

228. While participants interviewed viewed the workshops as an efficient method of bringing together key players from diverse backgrounds and of providing them with information, raising awareness and creating a common understanding on issues of counter-terrorism, more focused and practical training and assistance was cited as a continuing need. Interlocutors from the Government of South Africa saw several ways to enhance the efficiency.

229. First, better communication between the Branch and key South African ministries was needed. In particular, better care should be taken to inform the Department of Foreign Affairs of Branch activities in South Africa and to engage that Department in such activities. Second, the Branch should consult with the full range of potential stakeholders in the Government of South Africa when preparing its workshops. Finally, the evaluation team encourages the Branch to sustain its efforts in South Africa through train-the-trainer approaches. The evaluation team found that such potential exists, for example, by cooperating with the Prosecutorial Training Section of the Justice College of South Africa.

230. In workshops, both regional and national, much information was provided and experiences were shared with many people. The joint approach used by the Branch, ARMSA (which is linked to the Justice College) and the Commonwealth Secretariat in the conduct of the November 2006 workshop held in Johannesburg that included over 200 participants from the region is laudable. Furthermore, the collaboration between SADC and UNODC has enabled both organizations to achieve more than they would have had they pursued separate legal assistance programmes in the region. This was an efficient use of human and financial resources and allowed for synergies to be created.

231. Regional workshops are an efficient means of sharing information and experiences among practitioners in the region. Such workshops also enable and facilitate networking and hence broaden the understanding of officials. Those interviewed valued workshops at both the regional and national levels.

## **E. Major objectives**

232. Two of the Branch's main objectives in the field of counter-terrorism are to assist Member States in ratifying and implementing the 13 international universal legal instruments against terrorism and to develop capacity to enable Member States to meet their national and international obligations. Since the Branch's mandate is very specific and does not allow it to deal with the broader issues of terrorism, the Branch is expected to collaborate with other players so as to create synergies and hence provide a more comprehensive and holistic response to the needs of Member States on counter-terrorism.

### **Attainment of objectives**

233. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

234. The Terrorism Prevention Branch is making progress towards the attainment of the project's main objective of supporting the country to achieve ratification of the universal legal instruments and the four specific objectives. At the time of the visit of the evaluation team South Africa had ratified 12 of the 13 universal legal instruments. While this is impressive, South African interlocutors indicated a strong need for additional, timely assistance from the Branch to train prosecutors and judges on the implementation aspect of these universal instruments.

235. The regional and national workshops have begun to strengthen the capacity of individuals and institutions in South Africa. This objective has only partially been achieved and a lot more needs to be done, especially in providing specialized training, before South Africa can achieve full implementation of the universal legal regime against terrorism. In terms of strengthening international cooperation, the Branch has developed good working relations with SADC, ARMSA and the Commonwealth Secretariat. More joint assistance is envisioned for the future. The capacity of SADC and other subregional organizations will be strengthened by this cooperation.

## **F. Institutional arrangements**

236. The Branch plans and delivers counter-terrorism assistance from Vienna in coordination with UNODC field offices. All activities in Southern Africa form part of a joint regional workplan that was developed, in partnership with the UNODC Regional Office for Southern Africa, early in 2006. This workplan includes several subregional and national technical assistance and training activities.

237. The UNODC Regional Office participated in the Branch's technical assistance missions in Southern Africa, including in the subregional workshops, at which the regional representative gave the opening and closing statements and for which the Regional Office provided administrative and logistical support. Funds were also allotted to the Regional Office to finance the workshops. Furthermore, the Branch has appointed a counter-terrorism expert to work at the Regional Office to assist with the implementation of the workplan and of the project sub-component for Southern Africa.

238. The interviews conducted by the evaluation team with UNODC staff in Vienna and Pretoria confirmed that the Branch has had an uneasy relationship with the

UNODC Regional Office. While the Branch and the Regional Office have made progress in better informing each other of their counter-terrorism activities and while both sides acknowledge that cooperation and coordination has improved over the past year, more needs to be done to cement a more cooperative relationship that, in the end, will benefit not only UNODC but also Member States in Southern Africa.

239. Regarding cooperation with other UNODC entities, the Global Project involved the mentor of the UNODC Global Programme against Money-Laundering posted to Namibia in several of its technical assistance activities in the region. With regard to cooperation with regional organizations, the Branch has initiated efforts to deepen cooperation with SADC, an effort that has resulted in some positive substantive results and that should be enhanced. By better leveraging the resources of subregional organizations like SADC and the work of other UNODC entities like the Anti-Money-Laundering Unit and the Anti-Organized Crime and Law Enforcement Unit, the Branch can create much needed synergies to address the broader issues of terrorism.

## **G. Outcomes, impact and sustainability**

240. Assistance has only been provided to South Africa relatively recently through regional and national workshops. More needs to be done to train prosecutors and judges. Sustaining such an effort can be enhanced by training trainers, for instance through the Justice College of South Africa, with which the Branch has already collaborated in the regional workshop on “International Cooperation in Combating Terrorism and its Financing” conducted in November 2006.

### **1. Outcomes**

241. The outcomes that can be identified at this point are the realization by South African officials that greater capacity is needed for the Government to be able to deal fully with the threat of terrorism. This realization has led the Government to request further assistance in the form of specialized training. The knowledge and information acquired from the workshops is already helping key players to work together to counter terrorism.

### **2. Impact**

242. While it appears that the overall efforts made by the United Nations (including by the Counter-Terrorism Committee Executive Directorate) have had a political impact in encouraging South African progress on the ratification and implementation of the universal counter-terrorism instruments, the Government of South Africa takes pride in having independently undertaken its own national efforts. The Branch’s relatively recent activities in South Africa need to continue. While expectations continue for specialized training, such activities have yet to be delivered.

### **3. Sustainability**

243. It is difficult to measure whether the assistance provided has produced sustainable benefits for the country. However, continued training, especially through train-the-trainer approaches with, for example, the Justice College, hold potential

for institutionalizing sustainability. The development of human and institutional capacity will lead to sustainability.

## **H. Lessons learned and best practices**

244. Lessons can be learned from the following best practices:

(a) Collaboration and joint activities between the Branch, SADC, ARMSA, the Commonwealth Secretariat and other international and regional organizations have created synergies and enabled these organizations to provide a more holistic response to the needs of the country. This can be considered a best practice as the joint planning allows each organization to bring to the table its particular expertise. The lesson to be learned is that collaboration avoids duplication and enables partners to have a greater impact;

(b) The use of experts from the region and further afield has worked very well by exposing participants to regional and international experiences. Using experts from the region as presenters and working with a regional organization can contribute to developing capacity. It can be learned from this collaboration that capacity development can be achieved by both training participants and by using local expertise. The capacity of SADC is being enhanced by this cooperation.

## **I. Expectations and suggestions**

245. All South African interlocutors expected UNODC to provide more specialized training for specific professional groups, particularly judges and prosecutors, in order to develop the needed capacity.

246. In conducting future workshops and training, the area of human rights and terrorism should be included. This, according to interlocutors, was an important area that had not received much attention or support.

247. The interviewees saw the exchange and dissemination of practical information and experiences (for instance through the use of case studies) as crucial to counter-terrorism. Such an approach needs to be adopted at the national, regional and international levels. A regional online interactive network established by the Branch was seen as one of the possible activities that could more quickly disseminate legal developments and training opportunities more quickly to counter-terrorism legal and law enforcement practitioners in South Africa across ministerial or departmental lines. The Branch and UNODC could also use this as a forum for disseminating information on its menu of services.

248. South Africa's inclusion of an exception clause in its law on countering terrorism raises the question of whether exception clauses have been incorporated in the national legislations of other countries. The evaluation team is aware that the African Union, in the Declaration of the Second High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, despite concerns expressed by UNODC, adopted language supportive of the exception clause.<sup>m</sup> Even

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<sup>m</sup> Declaration of the Second High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, adopted by the African Union in Algiers on 14 October 2004

if the South African version may be sufficiently conditioned, UNODC and the Counter-Terrorism Committee should be informed by the Branch of how many countries have adopted exception clauses and whether this is (or is not) a trend that could weaken or is weakening the implementation of the universal instruments.

## **J. Challenges and conclusions**

249. The main challenge faced by South Africa and the Global Project is to train (if requested to do so) those responsible for the implementation of the universal instruments so that they may carry out their responsibilities as judges, prosecutors or specialized police officers. Human and institutional capacity development will be an important if not primary aspect for the successful implementation of the universal legal instruments against terrorism in South Africa.

250. With regard to cooperation at the regional level, formal partnerships have been established with SADC and ARMSA. These partnerships, which have already led to the joint hosting of two subregional workshops, look promising. Efforts will be required on the part of the Global Project to strengthen further the counter-terrorism capacity of the regional organizations it is working with.

251. Coordination and collaboration between the Branch and the UNODC Regional Office for Southern Africa has improved over the past year and is expected to be further strengthened through the recent placement of a regional expert at the Regional Office. Nonetheless, efforts on both sides should continue so as to keep improving the collaboration.

## **VIII. Thailand**

### **A. Background**

252. The evaluation team visited Thailand from 6 to 8 August 2007 and interviewed a total of 20 people who provided information used in this report. The Branch senior legal expert in terrorism prevention for Asia and the Pacific was very helpful in arranging meetings in Bangkok, where he is based. A wide range of people were interviewed, including Government officials, United Nations staff members and representatives in Bangkok, three representatives of a donor country who were working at the local embassy, the representative of a non-governmental organization working on human rights and staff members of the International Law Enforcement Academy, which provides technical law enforcement training to countries in the region, including Thailand. Many of the Government officials interviewed had participated in the four technical training workshops either hosted or supported by the Branch and that included Thailand. The respondents were well informed about the work of the Branch and had a good understanding of counter-terrorism issues.

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(<http://www.africa-union.org/Terrorism/DECLARATION%20Algiers%20REV.pdf>). In paragraph 3 of the Declaration, opposed by the UNODC representative present at the meeting, States members of the African Union underscored “the need to differentiate between terrorism and the legitimate struggles of peoples for liberation, self-determination, freedom and independence, as recognized under international law”.

253. The Ministry of Foreign Affairs in Thailand is the focal point for the Branch's counter-terrorism activities and hence works very closely with the Branch, ASEAN and other relevant entities. Branch workshops are planned in conjunction with the Office of the Attorney General of Thailand. The Branch has a good relationship with these Government entities, which has facilitated its work.

254. Thailand has ratified only 8 of the 13 international universal legal instruments against terrorism.<sup>n</sup> The Government of Thailand is very much aware of its need to ratify and implement the remaining instruments but indicated its desire for the Branch to provide assistance in clarifying the legal and practical consequence of implementation. The officials noted that, in addition to the challenge of ratifying the remaining instruments, much work remained to amend or enact national law to implement the instruments.

255. Thailand's most serious security challenge is posed by the ongoing separatist movement in its far southern provinces where, for decades, there has been violence among the predominantly ethnic-Malay Muslim population. Since January 2004, terrorist violence has increased, presenting a challenge for Thai military and law enforcement entities. To address local grievances, the interim Government<sup>o</sup> made conciliatory gestures towards southern ethnic-Malay Muslims, including a pledge to seek talks with separatist leaders. The militants did not respond positively to those conciliatory gestures and the violence continued. Some Government officials have expressed concern that militants involved in the violence may be receiving funding or training from outside Thailand. A new security act is currently being debated and the Thai penal code has been amended to incorporate the eight counter-terrorism conventions that have been ratified.

256. The following Branch activities have been conducted with Thailand:

(a) Initial meetings between Branch and Thai officials took place from 8 to 11 September 2003. Those meetings were followed by a Branch technical assistance mission to Thailand in July 2004;

(b) From 16 to 19 January 2005, a Branch staff member made a presentation and acted as a resource person at an international legal cooperation workshop co-chaired by Thailand and Australia. Workshop participants exchanged information and views on their respective laws, regulations and practices, as well as on their needs to receive and provide assistance in terms of capacity-building. Working sessions were held with Thai officials from the Attorney General's Office and the Ministry of Foreign Affairs, as well as with officials from other national agencies dealing with terrorism, regarding the preparations for a national workshop on the legal implementation of universal counter-terrorism instruments;

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<sup>n</sup> Still to be ratified are the International Convention for the Suppression of Acts of Nuclear Terrorism, the International Convention against the Taking of Hostages, the Convention on the Physical Protection of Nuclear Material, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

<sup>o</sup> On 19 September 2006 the elected civilian Government of Prime Minister Thaksin Shinawatra was removed from power through a bloodless coup d'état.

(c) On 3 and 4 March 2005, the Branch organized, together with the Attorney General's Office, a national drafting workshop focusing on the ratification of the outstanding counter-terrorism instruments;

(d) From 8 to 18 May 2005, the Branch participated in a subregional workshop organized by the World Bank focused on countering the financing of terrorism. The Government of Thailand also participated in the workshop. A Branch legal expert was among the workshop presenters;

(e) From 25 June to 2 July 2005, the Branch participated in a country mission organized by the Counter-Terrorism Committee and its Executive Directorate;

(f) From 27 to 29 June 2005, a workshop on international legal cooperation against terrorism was organized by the Governments of Thailand and Australia, and held in Phuket, Thailand. The Branch provided input to this workshop;

(g) A national workshop on international judicial cooperation held on 20 and 21 July 2006 was organized by the Attorney General's Office in collaboration with the Branch.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

257. Virtually all the Government officials who were interviewed considered the technical assistance provided by the Branch to be generally appropriate in providing general information on the universal instruments. However, most interlocutors also indicated a need to better fine-tune the Branch's approach to Thailand's particular legal system and linguistic requirements. Specifically, interviewees called for a more country-specific approach in which international experts were joined by Thai legal experts familiar with the Thai legal system. It was acknowledged, however, that the national workshop conducted in July 2006 was considerably better tailored to Thailand's needs than the previous ones had been. The Branch's inability to accommodate a request for documents to be translated into Thai was seen as an encumbrance.

## **C. Effectiveness**

258. Most participants agreed that the regional and national workshops have been effective in creating greater understanding and awareness of the need for ratifying and implementing the universal legal instruments against terrorism. Effectiveness can be better demonstrated by the national workshops, although Government interlocutors expressed dissatisfaction with the generic nature of presentations by international experts and the lack of understanding of Thailand's legal system and resultant challenges to the implementation of the universal instruments. Moreover, participants did not consider the model legislative guidelines useful, as they were too general and did not address the specific situation in Thailand.

259. Thai officials clearly indicated the need for specialized training that would enable the Government to provide adequate national security and meet its

international obligations. Thai officials had a basic understanding of the fundamentals regarding Security Council resolution 1373 (2001) and the 13 universal instruments and felt the national workshop could have more fully utilized the delivery approach of using case studies as this was in their view a particularly powerful and effective method in disseminating information, sharing experiences and knowledge. Nonetheless, the information and knowledge gained from both the regional and national workshops have helped Thailand in its efforts.

#### **D. Efficiency**

260. The substance and technical aspects of Branch workshops, although not always sufficiently tailored to meet the specific needs of Thailand, were rated positively by participants. Software tools provided during the January 2005 workshop on extradition and mutual legal assistance, for example, were cited as useful (although, again, they were not always relevant to Thailand's needs). The use of PowerPoint by Branch presenters was judged excellent.

261. Regional workshops allowed participants the chance to network and compare experiences with practitioners from other countries. In both regional and national workshops, the use of case studies was cited as the most efficient means of imparting knowledge. The use of an actual terrorist attack case in Indonesia during a legal cooperation workshop was cited as exemplary.

#### **E. Major objectives**

262. The Branch's two main objectives in the field of counter-terrorism are to assist Member States in ratifying and implementing the 13 international universal legal instruments on counter-terrorism and to build capacity so that Member States can meet their national and international obligations. Since the Branch's mandate is very specific and does not allow it to deal with the broader issues of terrorism, it is expected to collaborate with other players so as to create synergies and hence provide a more comprehensive and holistic response to the counter-terrorism needs of Member States. The United Nations Global Counter-Terrorism Strategy calls upon all United Nations agencies to strengthen efforts on this front.

##### **Attainment of objectives**

263. The Global Project's overall objective is to support Member States in achieving a functional universal legal regime against terrorism in accordance with the principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting Governments to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

264. In Thailand, the Branch has had only partial success towards the attainment of the project's main objective of supporting the country to achieve ratification and implementation of the 13 universal instruments, for Thailand has ratified only 8 of the 13 universal legal instruments. While the workshops have created a common understanding on the need to ratify the remaining instruments, Thai interlocutors repeatedly indicated that they would like to continue working with the Branch on the remaining instruments and that they expected the Branch to re-engage Thailand in this process.

265. While Thai officials acknowledged the usefulness of the assistance provided by the Branch in relation to the country's ratification of the 13 universal legal instruments against terrorism, they also took the view that there was no direct link between the Branch's activities and Thailand's process in considering and becoming party to the instruments. As one official stated, Thailand's achievement of becoming a party to three more United Nations conventions against terrorism in 2007 could not be considered as a success or failure of the Branch but was, rather, due mainly to the following: one, the fact that the instruments to which the Government of Thailand had become or would become party, namely the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII), annex), the International Convention for the Suppression of Terrorist Bombings and the International Convention against the Taking of Hostages (General Assembly resolution 34/146, annex) all dealt with traditional forms of terrorism and therefore could easily be justified; two, those three conventions had already been translated into Thai by a working group set up by the Ministry of Foreign Affairs in 2006; and three, the three conventions had similar content, which had made it easier for Thai authorities to make a decision once they had become familiar with the jargon and the legal issues they contained.

266. While the regional and national workshops that Thai officials attended have helped to strengthen political will and deepen the capacity of practitioners and institutions, this process is far from complete. It also appears that a better job could be done to include all of the key ministries in this process, especially the Ministry of Foreign Affairs and the Ministry of Justice. Prosecutors and judges should be provided with specialized training.

267. The evaluation team heard strong concerns expressed by a panel of judges from the Office of the President of the Supreme Court about the exclusion of judiciary branch officials from Branch-assisted drafting sessions and other national workshops. They suggested that in the future UNODC could ensure that a more diverse range of stakeholders (including members of the judiciary, universities, research institutions etc.) is represented at workshops. The judges also viewed Thailand's draft law on organized crime, drafted in part with input and assistance from UNODC, to be damaging to both the human rights of Thai citizens and the constitutional powers of the judiciary.

268. In terms of strengthening international cooperation, the Branch worked with key donor States, such as Australia, and international organizations, such as the

World Bank, in regional and national workshops attended by Thai participants. The lack of ASEAN co-sponsorship and substantive participation in those workshops points to the need to develop a stronger relationship between the Branch and ASEAN. Furthermore, the Branch could strengthen contacts with other major donor countries in Thailand so as to avoid duplication and overlap.<sup>p</sup>

## **F. Institutional arrangements**

269. The fact that interlocutors from the Ministry of Foreign Affairs indicated no knowledge of the July 2006 national workshop points to a need by the Branch to coordinate with all key ministries in the conduct of such workshops. Moreover, the Ministry was also unaware of whether any other ministry had requested assistance from the Branch.

270. The hiring of a senior legal expert and his integration into the UNODC Regional Centre for East Asia and the Pacific is working well. The Regional Centre remains an important resource for the Branch's work in the field and should be consulted as Global Project efforts are carried out in the region. The expertise of the Regional Centre can be better leveraged in the recruitment of Branch experts, especially local experts, and in assisting in linking the Global Project with other UNODC activities (such as legal services and activities against money-laundering, drug trafficking etc.).

271. Although in Thailand the Branch has had a legal expert on the ground, staffing gaps both in Vienna and in Bangkok have caused lags in technical assistance in both Thailand and the Philippines. This is a serious shortcoming in view of the ongoing terrorism threat in both countries and Thailand's need for continued assistance to ratify and implement the remaining instruments.

## **G. Outcomes, impact and sustainability**

272. The Branch started providing assistance to Thailand in 2003. Although several regional and national workshops have been conducted, the impact and sustainability of those efforts appear to be weak. Thailand has not ratified or implemented additional instruments and, according to Thai officials, the Branch had not re-engaged the Government of Thailand on next steps since the national workshop was held, over a year before the evaluation team visited Thailand. At the same time, the evaluation team notes that the Government of Thailand has made no formal request for further assistance.

### **1. Outcomes**

273. The primary outcome that can be identified at the time of this evaluation is the realization by Thai officials that they require more specialized technical assistance to guide their Government's ratification and implementation efforts. This realization

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<sup>p</sup> A workshop held in July 2006 and hosted by the Attorney General's Office on criminal justice against transnational organized crime was conducted with funding from the United States and the participation of observers from Cambodia, the Lao People's Democratic Republic and Myanmar.

has led the country to consider requesting further assistance in the form of more specialized expertise. The assistance provided has helped Thailand to sensitize senior officials on the need to continue this effort. However, more concrete approaches will be required if progress is to be achieved on the ratification and implementation of the remaining instruments.

## **2. Impact**

274. The assistance provided by the Terrorism Prevention Branch has not had an impact so far. It will only be possible to measure such impact once the legislation is in place and being used to counter terrorism. However, it appears that the Branch's efforts with Thailand may substantively lie at the policy level to encourage greater political will to proceed with continued ratification and implementation.

## **3. Sustainability**

275. It is difficult to measure whether the assistance given has produced sustainable benefits for the country. However, since the technical assistance provided is supportive of drafting pieces of legislation, the potential exists for producing sustainable benefits. The development of human and institutional capacity will lead to sustainability.

276. The evaluation team found that Government legal training facilities exist in Thailand for prosecutors, judges and police officers, notably the Thai Criminal Law Institute of the Attorney General's Office and the Judicial Training Institute. Several other academic institutions provide legal training in Thailand. The International Law Enforcement Academy in Bangkok, co-funded by the Governments of Thailand and the United States, provides law enforcement training to operational and senior officials in Thailand and the following countries in the region: Brunei, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Philippines and Singapore. Officials of the Academy expressed interest in cooperating with UNODC in further developing its counter-terrorism curricula in support of the Branch's mandate.

## **H. Lessons learned and best practices**

277. Lessons can be learned from the following best practices:

(a) The Chief of the Terrorism Prevention Branch used the opportunity of meetings with the Pacific Islands Forum Secretariat in Fiji and counter-terrorism officials in New Zealand to include consultations with Thai officials in Bangkok during his visit to the Asian and Pacific region in August and September 2006. Such regional high-level consultations with senior officials by the Branch Chief are important both for identifying needs and strengthening political will. They should be held regularly, especially with States like Thailand, which have both a terrorist threat and a need to ratify and implement a good number of universal instruments;

(b) The use of regional and international experts worked well to expose participants to both regional and international experiences. The use of case studies, particularly in the more specialized national workshops, should be enhanced as a training tool. Furthermore, integrating national legal experts in national legal

workshops can go far in helping to tailor such workshops to the unique circumstances of the country.

(c) The Branch's collaboration with OAS in Latin America and OSCE in Europe serve as models of excellence for UNODC collaboration with regional security organizations to further a global mandate. A similar collaboration with ASEAN and the ASEAN Regional Forum could further strengthen both the Branch's efforts in the region and the counter-terrorism efforts of ASEAN.

## **I. Expectations and suggestions**

278. There are high expectations among Thai Government officials for continued Branch assistance. While the Government of Thailand has not made a formal request for such assistance, evaluators got the impression that Thai officials would be very receptive to a renewed relationship with the Branch, particularly regarding assistance in the ratification and implementation of the remaining instruments. Such an endeavour should be more inclusive; key ministries and branches, such as the Ministry of Foreign Affairs and the judicial branch, should be included as workshop planners and participants whenever possible.

279. There is strong support for continuing the ratification and implementation process among practitioners. However, on the universal instruments to be ratified, it appears that greater political will at the policy level is needed rather than more technical assistance. The Branch should consider, if necessary with the Counter-Terrorism Committee Executive Directorate, undertaking more senior-level meetings to encourage progress on the ratification of the remaining instruments.

280. To strengthen the sustainability of Branch efforts in Thailand, consideration should be given to providing input to governmental and non-governmental training institutions curricula to promote understanding and implementation of the universal legal instruments against terrorism.

281. To avoid duplicating and overlapping efforts, the Branch should establish and maintain contacts with key donor countries. As in other countries, embassies of the key donor countries in Thailand hold regular donor group meetings. The evaluation team met with the Embassy of Germany, the current chair of the coordination committee of donor countries, a group that also coordinates counter-terrorism assistance, and found willingness of the chair to consider UNODC participation in donor group meetings. This might be pursued by the UNODC Regional Office in Bangkok.

282. The Ministry of Justice, the judiciary, the police and the security services expect UNODC to provide more specialized training for specific professional groups in order to develop the needed capacity.

283. The judicial branch expressed strong concerns that human rights considerations were not being adequately addressed in Branch assistance, in particular in legislative drafting assistance, to Thailand. Furthermore, concerns were expressed that national security legislation such as the draft law for organized crime and the National Security Act were eroding the prerogatives of the judiciary. The Branch should endeavour to include judicial branch representatives and a more

diverse range of other stakeholder representatives, such as universities or research institutions, in future national workshops.

284. The interviewees saw the exchange and dissemination of information and experiences as crucial to the fight against terrorism. Such exchange and dissemination needs to happen not only at the national, regional and international levels but also between ministerial lines in Thailand. An online network managed by the Branch to provide updates on training, legal and regional developments would be welcomed. In addition, such a network could help Thailand and other countries in the region to share information on relevant national developments, including on new legislation.

285. Translation services to assist the Government of Thailand in ratifying and implementing efforts should be considered. Such services might be contracted through the UNODC Regional Office in Bangkok.

## **J. Challenges**

286. Thailand continues to require a great deal of assistance in ratifying and implementing the 13 universal instruments. The challenge for the Branch is to sustain the technical assistance required for the implementation of the eight ratified instruments and, at the same time, to strengthen political will in Thailand to take action on the outstanding instruments. Considerable effort will be required of the Branch to achieve further progress in Thailand. However, since Thai officials are receptive to further collaborating with the Branch, prospects for progress are good.

## **K. Conclusions**

287. Until July 2006, the Global Project was making progress in assisting Thailand to continue its ratification and implementation efforts. Those efforts need to be continued and sustained while keeping in mind the country's unique legal and political situation. Staffing and assignment gaps both in Vienna and at the UNODC Regional Office in Bangkok have contributed to lapses in the delivery of assistance to Thailand. The Branch's efforts in Thailand should be given a higher priority in view of the fact that only 8 of the 13 instruments have been ratified. Furthermore, Thailand faces a continuing terrorism threat.

## **IX. Yemen**

### **A. Background**

288. The evaluation team interviewed 20 people in Yemen between 23 and 26 July 2007. Of the people interviewed, 13 were Government officials, 4 were UNDP staff and 3 were staff from the embassies of the United Kingdom and of the United States. Among the Government officials interviewed were members of the ad hoc committee established by the Government to implement the action plan on preventing and combating terrorism (see below), members of the task force against

money-laundering and judges and prosecutors who had participated in activities supported by the Branch.

289. The Government officials interviewed informed the evaluation team that Yemen had so far ratified 11 universal legal instruments against terrorism and was in the process of ratifying the 2 remaining instruments. It was also explained that while the universal instruments against terrorism had not been fully implemented yet, the Government of Yemen was committed to doing so.

290. The General Director of Interpol in Sana'a, located within the Ministry of the Interior, is the Branch's focal point for the Global Project in Yemen. The General Director also chairs the ad hoc committee established in cooperation with the Branch to jointly implement activities under the Global Project, as agreed in an action plan on preventing and combating terrorism. The action plan is the basis on which the relationship between the Government of Yemen and the Branch is built. Agreement on the action plan was reached in November/December 2006. The plan lays out the commitments and obligations of both parties, thereby also forming the basis of all future cooperation.

291. The ad hoc committee brings together representatives of Government agencies involved in counter-terrorism activities. This reflects the Government's commitment to preventing and combating terrorism. The committee is composed of representatives from the ministries of the interior, foreign affairs, legal affairs and justice, as well as of representatives from the office of the Prosecutor General. A number of reports were made available to the evaluation team showing the progress made on the implementation of activities.

292. The following activities were conducted in and for Yemen under the Global Project.

293. Two national workshops:

(a) National workshop on the ratification and implementation of the universal instruments against terrorism, held in December 2006;

(b) National training workshop against money-laundering and the financing of terrorism (organized in cooperation with the Anti-Money-Laundering Unit and the Ministry of the Interior of Yemen), held in March 2006;

294. Yemeni officials also participated in a regional workshop on the promotion of international cooperation mechanisms prescribed in the universal legal instruments pertaining to combating terrorism, held in Cairo in December 2005.

295. Moreover, the Branch organized several technical assistance missions to Yemen, including:

(a) A UNODC/Branch technical assistance mission to support the drafting of new legislation against money-laundering and the financing of terrorism (initiated jointly with the World Bank, the International Monetary Fund and the Global Programme against Money-Laundering of UNODC), held in May 2007;

(b) A mission to analyse the legal framework of Yemen relative to the provisions contained in the universal instruments against terrorism and to provide preliminary training to prosecutorial and judicial authorities on the universal instruments against terrorism, held in November 2005.

296. The Branch also participated in an IMO subregional seminar on piracy and armed robbery in maritime security (hosted by the Government of Yemen), held in April 2005.

297. It was brought to the attention of the evaluators that the Government of Yemen also benefited from a joint UNODC/IMF technical assistance mission organized by the Global Programme against Money-Laundering to help with the legislative drafting of the national law against money-laundering and the financing of terrorism. The mission took place in November 2006. Furthermore, the UNODC Executive Director visited Yemen in January 2007 to discuss issues related to drugs and crime in Yemen. On that occasion, members of the UNODC delegation offered technical assistance to the Government of Yemen, subject to the availability of funds. That visit was followed by a needs assessment mission a couple of months later.

## **B. Major findings and analysis**

### **Appropriateness and relevance**

298. Government officials consulted by the evaluation team expressed appreciation for the assistance provided in the framework of the Global Project. Most importantly, Government officials reported that cooperating with the Branch had helped expedite the ratification of the universal instruments against terrorism. It was also pointed out that the Branch (in cooperation with the Anti-Money-Laundering Unit) had significantly contributed to the new draft law against money-laundering and the financing of terrorism.

299. Interviewees furthermore stated that the Branch's support had been useful, since the workshops and technical assistance missions had created awareness and increased participants' understanding of issues related to counter-terrorism. The workshops and missions had opened new horizons and been relevant to the Government, since they had created a valuable knowledge base on issues related to legislation and prosecution. Workshops organized in the framework of the Global Project had also allowed participants to exchange ideas and network with stakeholders from Yemen and, in the case of the international workshop in Cairo, other countries. It is worth mentioning that the Government of Yemen funded the participation of two additional stakeholders from Yemen in the regional workshop in Cairo. This further demonstrates that the Government considered the workshop to be relevant.

300. Workshop participants, however, said that in some instances Branch experts lacked knowledge about Yemeni laws, in particular about the counter-terrorism provisions already in place in Yemen. They were of the view that having such knowledge was crucial and that it was not sufficient to have an international perspective. They also pointed out that Yemen was not starting from scratch. Government officials felt that steps already taken to prevent and combat terrorism, including through legislative provisions to that effect, ought to be acknowledged and taken into account when providing technical assistance to counter terrorism.

301. When confronted with the above assessment, Branch experts stressed that the preparation of experts was sometimes compromised by a number of constraints, for

example, by the fact that the team responsible for collaborating with counterparts in the Middle East and North Africa was responsible for 19 countries (and actively engaged in 17 of them).<sup>9</sup> It was also pointed out that material needed for preparation, for example, information on national legislation or the country reports prepared by the three counter-terrorism committees of the Security Council: the Al-Qaida/Taliban Sanctions Committee established pursuant to Council resolution 1267 (1999), the Counter-Terrorism Committee established pursuant to Council resolution 1373 (2001) and the Committee on the Proliferation of Weapons of Mass Destruction established pursuant to resolution 1540 (2004), was not always at the team's disposal before going on mission. This further complicated the preparation of the workshops.

### **C. Effectiveness**

302. The overall objective of the Global Project is to support Member States in achieving a functional universal legal regime against terrorism in accordance with principles of the rule of law. The four immediate objectives are:

(a) To provide ongoing and sustainable support to requesting countries to achieve full and expeditious ratification of the international legal instruments against terrorism;

(b) To strengthen national expertise and the capacity of requesting States to develop and apply the domestic legislation required for the effective implementation of the universal legal instruments against terrorism;

(c) To strengthen international cooperation in criminal matters pertaining to terrorism;

(d) To strengthen collaboration on legal aspects of counter-terrorism between UNODC/the Terrorism Prevention Branch and subregional, regional and international organizations.

303. Given the above, it can be said that the Branch is in the process of achieving its objective of supporting Member States to ratify the 13 universal legal instruments against terrorism. To date, the Government of Yemen has ratified 11 universal legal instruments. In July 2007, while the evaluation was under way, an additional universal instrument was before parliament awaiting approval and the remaining universal instrument was being discussed by the authorities. Persons interviewed said that the Branch's assistance had contributed to the ratification of the universal legal instruments.

304. The two national workshops that were held in March and December 2006 and the international workshop that was held in Cairo in December 2005, can be said to have been effective. They strengthened national expertise and capacity, as demonstrated by the fact that the knowledge gained by Yemeni officials resulted in the expedited ratification of international legal instruments and also contributed to the drafting of a law for combating money-laundering and the financing of terrorism. A few of the participants, however, also remarked that they would only be

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<sup>9</sup> For more on the Branch's capacity constraints, see the main part of this report.

able to apply all the knowledge gained in the workshops once the remaining universal instruments had been ratified by the Government.

305. As in other countries visited by the evaluation team, in Yemen the ratification of the universal legal instruments needs to be followed by the domestication of the instruments. The Government of Yemen is already reviewing relevant national counter-terrorism legislative provisions to align them with the international legal requirements. The Branch has promised assistance to support this process. For instance, it has agreed with the Government of Yemen to organize a session in Vienna to finalize the draft amendments to Yemeni legislative provisions (in the penal code, the criminal procedure code, as well as in texts on extradition and international cooperation on counter-terrorism issues). Government officials consulted were of the view that the provision of such technical assistance was important and should be arranged as agreed.

306. The workshops conducted in 2005 and 2006 furthermore resulted in cooperation and the exchange of ideas among key Government officials from various institutions engaged in countering terrorism. This result was highly valued by the participants, as demonstrated by the formation of the ministerial-level ad hoc committee for the implementation of the action plan on preventing and combating terrorism, which facilitates communication and cooperation on counter-terrorism issues across sectors.

307. The mandate of the ad hoc committee is to implement the jointly agreed action plan on preventing and combating terrorism. This action plan encompasses the Branch's objectives set out above. The establishment of such a ministerial-level committee and the development of a jointly agreed action plan is worth emulating by other countries as it facilitates communication and interaction between various Government institutions involved in countering terrorism and also strengthens the commitments made by the Branch and the Government.

308. According to the Government officials interviewed, the process of ratifying the remaining international legal instruments against terrorism had almost finished. The enactment of the laws was not considered a problem either. The main challenge would be their implementation.

309. It was the feeling of the officials interviewed that the Government of Yemen had fulfilled its obligations under the action plan but that the Branch had not. Specific requests had been made for more training, including more specialized training for judges and prosecutors, that had not been answered.<sup>r</sup> Interviewees pointed out that Yemeni officials did not have adequate capacity to implement the laws and that Yemeni institutions engaged in counter-terrorism work needed to be strengthened in order to effectively implement the laws once enacted. This is an issue that the Branch should attend to urgently in order to avoid losing the momentum that was generated by the agreement of the joint action plan and the establishment of the ad hoc committee.

310. The Government of Yemen also requested for a Branch expert to be posted to Sana'a but no action had been taken on the matter. An expert stationed in Sana'a

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<sup>r</sup> In January 2008, the Branch reported that the next specialized assistance training for Yemeni officials was scheduled for early in the year and that further workshops were planned for and incorporated in the team's yearly mission plan.

would be in constant contact with the authorities, organize training activities efficiently and continuously and participate actively in the drafting of amendments to the legislative provisions and laws. At the time of writing up the evaluation, the Branch was in the process of recruiting an expert to be posted to Yemen.<sup>5</sup>

311. The Global Project's third and fourth objectives, of strengthening international cooperation in criminal matters pertaining to terrorism and of strengthening collaboration on legal aspects of counter-terrorism between the Terrorism Prevention Branch and subregional, regional and international organizations, have been partly achieved. In Yemen, the Branch collaborated with IMF and the World Bank when initiating a mission to provide technical assistance for drafting new legislation against money-laundering and the financing of terrorism in May 2007. The regional workshop held in Cairo in December 2005 was also conducted in collaboration with IMF. Furthermore, the Branch participated in an IMO subregional seminar on piracy and armed robbery in maritime security, which was hosted by the Government of Yemen in April 2005.

312. Yemeni officials who attended the regional workshop in Cairo reported that interaction with colleagues from other countries had been extremely useful and that the workshop had also fostered regional cooperation. However, it was felt that for all the workshops to be more effective in the future, more attention should be paid to making them practical and relevant to the region and that, for example, more case studies from Yemen and other countries in the region should be used.

313. Several of the officials interviewed expressed concerns about the effectiveness of the Global Project in Yemen and of the performance of UNODC in general. The concerns that were raised focused not so much on the quality of the technical assistance activities conducted, which was generally judged to be high, but rather on the actual fulfilment of the commitments made.

314. It is important to highlight that Yemen's expectations for increased UNODC assistance had not only been created by the Global Project, but also through the visits and missions of representatives of other UNODC entities. The high expectations, therefore, are not just connected to the field of counter-terrorism but also with that of drug control and other areas related to the UNODC mandate,

315. With regards to the Global Project, the action plan agreed upon by the Branch and the ad hoc committee had raised expectations about future assistance that, according to Government officials, UNODC had not always delivered in a timely manner and as agreed. It was the view of Government representatives interviewed that the Government of Yemen had largely fulfilled its part of the agreement while the contribution of UNODC was to some extent still pending. Members of the task force against money-laundering expressed similar concerns. Yemeni officials felt that UNODC was slow in responding to its requests. This needs to be addressed to avoid losing the momentum gained so far.

316. Another concern that was repeatedly expressed by stakeholders interviewed was the need for UNODC assistance to adopt a more integrated approach. The

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<sup>5</sup> A full-time consultant has been in place since the beginning of December 2007. The Branch has asked the regional representative of the UNODC Regional Office for the Middle East and North Africa to consult with Yemeni authorities during the recruitment process and to involve them in choosing candidates.

technical assistance activities carried out by UNODC to counter terrorism, money-laundering and the financing of terrorism were often not linked with efforts made in the field of drug control and drug prevention. Officials were of the view that the creation of stronger links between the various areas of intervention would be beneficial and bring UNODC assistance further in line with efforts being made by the Government of Yemen to that end.

#### **D. Efficiency**

317. Officials interviewed expressed the view that workshops were an efficient means of training a large number of people and of bringing stakeholders together to exchange ideas. However, they also said that future workshops should be more specialized, addressing specific groups such as prosecutors, judges and investigators, and more practical and participatory. The discussion of more case studies from the region would also be considered useful.

#### **E. Institutional arrangements**

318. The Government of Yemen has been supported by Branch staff in Vienna and by Branch experts posted to the UNODC Regional Office in Cairo. Government officials interviewed appreciated the commitment demonstrated by the Branch through the placement of a counter-terrorism expert in Yemen, which in their view would facilitate work in the country as well as ease direct communication with the Branch in Vienna. The officials were not sure about when this newly recruited expert would be expected to take up duty in Yemen.

319. The evaluation team got the impression that not all Government counterparts understood the role of the UNODC Regional Office in Cairo. It seemed that some stakeholders thought that it was preferable to communicate directly with the Branch in Vienna than to contact the Regional Office. Why that was the case could not be verified but it would be worth the effort to find out.

#### **F. Collaborations**

320. With respect to collaboration among various UNODC entities, the Branch has cooperated with the Anti-Money-Laundering Unit, in particular on issues related to the Government's efforts to develop legislation against money-laundering and the financing of terrorism.

321. Externally, the Branch has collaborated with several international organizations to conduct technical assistance activities in and for Yemen. These include the World Bank, IMF and IMO. Contacts have also been established with the ambassadors of countries that support the Global Project financially, such as Germany and the United Kingdom. Branch experts have usually visited these ambassadors when on mission in Yemen to update them on the status of implementation of the Global Project.

322. The evaluation team noticed that some of donor Governments active in the field of counter-terrorism in Yemen, for example the United States, had supported

the Government of Yemen in areas similar or very close to and/or complementary to the areas of technical assistance of the Branch. Officials of the Embassy of the United States were not aware of the Branch's engagement but expressed interest in learning more about it and exploring potential synergies.

323. The United Nations Resident Coordinator stressed that the increased involvement of UNODC as part of the United Nations team in Yemen would be much appreciated. It was also mentioned that UNODC (including its Terrorism Prevention Branch) had conducted several missions to Yemen over the past couple of months. Those missions needed to be followed up with the respective Government counterparts.

324. It was pointed out that the resident coordinator and UNDP were not always informed beforehand about missions to Yemen carried out by the Branch and other UNODC entities. It was also noted that an increase in communication and information exchange between the two United Nations entities would be beneficial to both.<sup>t</sup>

325. Branch experts stressed the fact that the number of meetings to be organized during each workshop, the number of other missions waiting to be undertaken by the responsible team and the financial constraints to keep the missions as short as possible sometimes limited the possibilities of meeting with all relevant parties during every mission.

## **G. Outcomes, impact and sustainability**

326. The Branch started cooperating with the Government of Yemen in 2005. Since then, two national workshops have been held, several technical assistance missions have been conducted and Yemeni officials were invited to participate in a regional Branch event in Egypt (see above for more details). Furthermore, the UNODC Executive Director visited Yemen early in 2007. In 2006, the Branch agreed with the Government of Yemen on an action plan on preventing and combating terrorism, which is still being implemented. It is therefore too early to assess the full extent of the outcomes and impact that the Global Project achieved in the country. The following observations were made by the evaluation team in terms of outcomes, impact and sustainability of the Global Project.

### **1. Outcomes**

327. It can be said that the following outcomes have been achieved:

(a) An ad hoc committee to implement a jointly agreed action plan on preventing and combating terrorism has been established. This arrangement has facilitated inter-ministerial cooperation and communication on counter-terrorism issues;

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<sup>t</sup> Exchange of information between UNODC, UNDP and other players is likely to be strengthened in the future since a full-time consultant hired by the Branch in December 2007 has been posted to Yemen. Furthermore, it has been agreed that, in the future, all Branch mission reports will be forwarded to the resident coordinator.

(b) A law to combat money-laundering and the financing of terrorism has been drafted;

(c) The ratification process of some of the universal legal instruments against terrorism has been expedited;

(d) Government officials have realized that the country needs to strengthen its institutions and build capacity if it is to effectively implement the laws.

## **2. Impact**

328. It is premature to measure the impact of the technical assistance provided in the framework of the Global Project in Yemen. It will only be possible to measure the final impact once Yemen's legislation against terrorism, money-laundering and the financing of terrorism is in place and being implemented.

329. Nevertheless, it has already become clear that the Branch, in cooperation with the UNODC Anti-Money-Laundering Unit and with other organizations, has contributed to the ratification of the universal legal instruments against terrorism, as well as to the development of legislation against money-laundering and the financing of terrorism. Furthermore, the Branch has committed itself to provide assistance to review existing relevant counter-terrorism legislative provisions so that they are fully aligned with international legal requirements and to train criminal justice officials, judges and prosecutors so that they can apply the amended laws.

330. All these efforts are likely to contribute to the positive impact of the Global Project.

## **3. Sustainability**

331. The national workshops, the regional workshop conducted in Cairo and the Branch's technical assistance missions to Yemen have contributed to strengthening Government capacity and expertise to counter terrorism and money-laundering. Participants interviewed considered the workshops and missions to be useful. This, together with the fact that the State is committed to ratifying all the universal legal instruments and that draft counter-terrorism legislation is in place, indicates that the Branch's activities have the potential to produce sustainable benefits.

332. The challenge now for the Branch is to fulfil its commitments under the jointly agreed action plan and to provide the technical assistance required and requested by the Government of Yemen. This will include assistance to the ongoing review of relevant Yemeni counter-terrorism legislative provisions (like those in the penal code, the criminal procedure code and texts on extradition and international cooperation) and the drafting of proposals for amending these instruments where necessary in order to bring them in line with the international legal requirements, the finalization of the draft law against money-laundering and the financing of terrorism, the provision of training for criminal justice officials and specialized training for judges and prosecutors, capacity development against money-laundering and the financing of terrorism, and the posting of a Branch technical expert in Yemen. Sustainability of the benefits gained from the Branch's assistance under the Global Project in Yemen will largely depend on the results of these interventions.

333. Methodologically, the challenge for the Branch will be to design approaches for capacity development that are not only effective but also efficient in terms of

reaching as many of relevant stakeholders as possible. Training trainers and integrating counter-terrorism training in the curricula of relevant national training institutions, for instance for judges and prosecutors, might constitute viable approaches for future capacity development interventions. The possibility of collaborating with regional organizations to conduct training and to build the institutional counter-terrorism capacity of these institutions could also be explored.

## **H. Lessons learned and best practices**

334. The establishment of an inter-ministerial committee to implement a joint action plan between the Government and the Branch on preventing and combating terrorism provides not only an opportunity for Government counterparts and UNODC to agree on the way forward, but also facilitates communication and collaboration between the various ministries involved in counter-terrorism activities. This is a model worth emulating in other countries. Inter-ministerial communication remains a challenge in several countries that benefit from the Global Project.

335. Agreements, action plans, visits, needs assessments and other kinds of missions, always need to be followed up by concrete and timely action as agreed with Government counterparts. To do so, the Branch requires adequate resources and capacity. This is a lesson not only for the Global Project but also for all other UNODC entities. Failure to do so not only delays project or programme intervention but also harms the reputation of UNODC.

## **I. Challenges**

336. It is expected that the remaining universal legal instruments will soon be ratified. National laws are already being amended to bring them in line with international legal requirements. The Government of Yemen seems to be committed to this process. The challenge will be to ensure that the laws are applied once they have been enacted. The development of human and institutional capacity to do so will be crucial.

## **J. Conclusion**

337. The Branch has been active in Yemen since 2005. The assistance provided so far has been very much appreciated. It has contributed to strengthening individual and institutional capacities, to the ratification of universal legal instruments and to the drafting of legislation against money-laundering and the financing of terrorism.

338. Much still needs to be done in terms of providing training for criminal justice officials and more specialized training for prosecutors and judges and answering the other requests made by the Government of Yemen, including the request that the Branch provide assistance to a review of relevant counter-terrorism legislative provisions (in the penal code, the criminal procedure code, texts on extradition and international cooperation) in order to bring them in line with the international legal requirements, as well as to subsequently conduct a legislative drafting workshop to finalize the draft amendments to the instruments.

## **Annex III**

### **List of people interviewed**

#### **Ethiopia**

##### **Government**

Mr. Hashim Tewfik  
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