

BRIEFING | SEPTEMBER 2021

The rise of counter-terrorism at the United Nations Two decades later

Twenty years since the attacks on 11 September 2001 (9/11), this briefing explores how the United Nations (UN) has learnt to co-exist with the global ‘war on terror’, and whether the compromises it has struck in doing so ultimately enhance or undermine the contribution the UN needs to make to global peace, development and human rights.

From the ‘cornerstone’ provided by UN Security Council Resolution 1373 in 2001, via the adoption of a UN Global Counter-Terrorism Strategy in 2006, through to the deployment of UN peace operations into key war-on-terror battlegrounds, to the embrace of countering and preventing violent extremism (C/PVE), up to the establishment of the Office of Counter-Terrorism in 2017, counter-terrorism is now – for good or ill – a big part of the UN system.

This briefing provides much-needed scrutiny of these trends, asking:

- How has this shift affected the UN and the people it serves?
- What are the current impacts and future threats?
- What should be done in response?

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Building the case for a value-based UN approach to counter-terrorism**

The rise of counter-terrorism at the UN

While the UN system at first kept counter-terrorism at arm's length, initial misgivings have been set aside: its engagement in counter-terrorism has dramatically risen in prominence within the UN, becoming integrated into a wide range of entities and programmes. In less than 20 years, 'super legislative' UN Security Council resolutions, General Assembly strategies, action plans and decisions by UN leadership have taken counter-terrorism from having the smallest of footprints at the UN to being in command of a dedicated, heavily staffed office within the UN Secretariat.¹ There are a few key elements that have contributed to this rise:

UN Security Council

Prior to 2001, terrorism rarely featured on the UN Security Council agenda. This all changed with 9/11. Seventeen days after the attacks, UN Security Council Resolution (UNSCR) 1373² was adopted, becoming 'the cornerstone'³ of the UN's involvement in counter-terrorism. UNSCR 1373 was 'the first legally binding Chapter VII resolution that applied to all UN membership as opposed to previous counter-terrorism efforts'.⁴ It also had neither time limits nor any conditions attached.⁵ The adoption of UNSCR 1373 marked the beginning of an effort to extend legislative and executive counter-terror capacities in every member state. It also set the stage for dramatic growth in UN and individual states' sanctions regimes.⁶ From UNSCR 1373 emerged the UN Counter-Terrorism Committee (CTC), an instrument of the Security Council to monitor the resolution's implementation. The CTC's broad mandate – 'facilitating the provision of assistance to those States, which are having difficulties in implementing the resolution [1373]'⁷ – set the stage for counter-terrorism to spread across the UN. The Counter-Terrorism Committee Executive Directorate (CTED) was set up in 2004 'to assist the work of the CTC and coordinate the process of monitoring the implementation of resolution 1373 (2001)'.⁸ CTED, as a special political mission, is mandated by the UN Security Council to conduct expert assessments of UN member states where it identifies and addresses gaps in implementation and capacity related to counter-terrorism.

UNSCR 1373 'made no comprehensive or even specific reference to the need for states to comply with human rights standards in the suppression of terrorism'.⁹ Nor did it note the need to monitor and take into account the impacts of counter-terrorism on peace and human security.¹⁰ Subsequent resolutions were adopted to address UNSCR 1373's shortcomings, notably the CTC's incapacity to monitor human rights compliance.¹¹ While some recent UN Security Council resolutions have included more explicit language on human rights, refugee law and international humanitarian law (including UNSCR 1624 and UNSCR 2178), the majority of human rights language within counter-terrorism-related UNSC resolutions answers the formal need for human rights to be referenced while doing little to redress actual deficits in practice.¹²

Action at the UN General Assembly

From 2006, the Global Counter-Terrorism Strategy (GCTS) (see Box 1) became the vehicle for defining the UN's counter-terrorism role. Negotiated through the UN General Assembly (UNGA), the GCTS was coordinated and implemented by the Counter-Terrorism Implementation Task Force (CTITF). The CTITF was set up in 2005 to ensure that UN funds, programmes and agencies contributing to counter-terrorism would 'maximize [their] comparative advantage'¹³ across the four pillars of the GCTS. For the first years of its existence, these efforts stalled, as UN counter-terrorism activities under pillars I and IV remained underfunded,¹⁴ resulting in uneven implementation of the strategy. However, to reinvigorate implementation of the strategy, the UN Counter-Terrorism Centre (UNCCCT) was founded in 2012, aided by a voluntary contribution of US\$100 million by Saudi Arabia. These funds breathed new life into UN counter-terrorism coordination, as UNCCCT and CTITF began exerting influence across the UN system.¹⁵ Now in its seventh iteration, the Global Counter-terrorism Strategy has significantly evolved from its starting point.

Box 1: The Global Counter-Terrorism Strategy

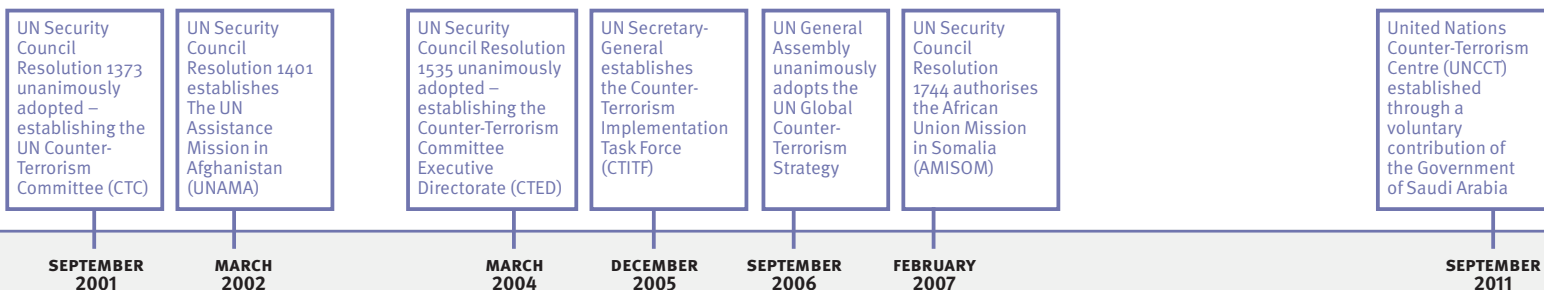
'The UN Global Counter-Terrorism Strategy (A/RES/60/288) is a unique global instrument to enhance national, regional and international efforts to counter terrorism. Through its adoption by consensus in 2006, all UN Member States agreed the first time to a common strategic and operational approach to fighting terrorism.'¹⁶

Comprising four pillars, the GCTS is designed to drive 'a wide array of measures ranging from strengthening state capacity to counter-terrorist threats to better coordinating the UN System's counter-terrorism activities'.¹⁷

The four pillars of the strategy are as follows:

- I. addressing the conditions conducive to the spread of terrorism
- II. measures to prevent and combat terrorism
- III. measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the UN system in that regard
- IV. measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism

Currently, 36 UN entities, plus Interpol and the World Customs Organization, are part of the UN Global Counter-Terrorism Compact or 'Global Compact' (established in 2018 to replace CTITF).¹⁸ The strategy is reviewed by UNGA every two years.¹⁹



UN peacekeeping mandates in ‘complex environments’

UN peace operations have been increasingly called on to operate in war-on-terror battlegrounds. This has led to more ‘robust’ UNSC mandates for peacekeepers, which have either included direct support to non-UN counter-terrorism operations and strategies or have integrated C/PVE activities into their tasks, pushing blue helmets²⁰ into the role of assisting in member states’ counter-terror wars. For example:

- The United Nations Assistance Mission in **Afghanistan** (UNAMA) was given a political mandate without uniformed capabilities, but was deployed alongside a multinational counter-terrorism force. It was mandated to support both the government’s counter-terrorism and C/PVE strategies, as well as the Afghan National Defence and Security Forces.²¹
- In **Somalia**, the United Nations Assistance Mission in Somalia (UNSAM) has long-provided support to the African Union Mission in Somalia (AMISOM) in its war against al-Shabaab. It also supports the implementation of the Somali National Strategy and Action Plan for Preventing and Countering Violent Extremism, ‘in order to strengthen Somalia’s capacity to prevent and counter terrorism’.²²
- In **Mali**, not only is the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) mandated to help the Malian state to control territory, and to defend against and deter violent groups, it is also providing ‘targeting packs’²³ for counter-terrorism missions such as the Group of Five Sahel (G5 Sahel) joint regional counter-terror operation in Burkina Faso, Chad, Mali, Mauritania and Niger, and the French-led Operation Barkhane.²⁴ It is also being mandated to extend support to state forces that are responsible for a range of grave human rights violations and abuses.²⁵ This remains the most deadly UN peace operation – 247 peacekeepers have been killed by malicious acts since the mission began.²⁶

‘Plan of Action to Prevent Violent Extremism’

In 2015, former UN Secretary-General Ban Ki-moon launched the UN ‘Plan of Action to Prevent Violent Extremism’ ahead of the tenth anniversary of the GCTS.²⁷ C/PVE was championed by many as part of an effort to move beyond the more militarised counter-terrorism approaches that had followed 9/11. The UN’s embrace of C/PVE was partly a reaction to member state priorities during the days around the rise of the Islamic State in Iraq and the Levant (ISIL) in 2014, and the continued resilience of Boko Haram, al-Shabaab and al-Qaeda.²⁸ Fears of losing financial resources and relevance were also important motivations for UN leadership. At this time, other multilateral counter-terrorism bodies were gaining significance, including the Global Counterterrorism Forum, established by 30 member states as an alternative venue

for developing both a collective counter-terrorism response and international C/PVE programmes.²⁹

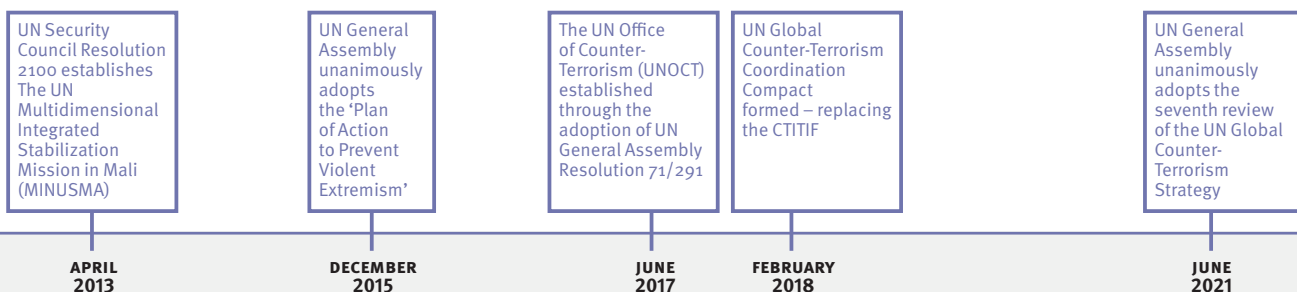
Backing for C/PVE under Ban Ki-moon also reflected the fear that if the UN failed to update its engagement on counter-terrorism, other – less principled – institutions would fill the void. This push for ‘collective preventive action against terrorism ... in the spirit of our United Nations Charter’ was framed around making the UN ‘more relevant, more credible, more legitimate and more capable in responding to terrorism’.³⁰ In theory, UN engagement could both promote responses that addressed root causes and renew momentum on pillars I and IV of the Global Counter-terrorism Strategy after a decade of slow, patchy progress and negative feedback. While the C/PVE agenda promised to compensate for the excesses of militarised counter-terror efforts, its tendency to apportion blame to a limited range of non-state conflict actors and their ideology has resulted in a lopsided agenda – palatable to member states precisely for its propensity to shy away from substantive action to tackle drivers of conflict, such as marginalisation and human rights abuses.³¹

UN Office of Counter-Terrorism

Efforts to centralise UN counter-terrorism activity led to the creation of the UN Office of Counter-Terrorism (UNOCT) in June 2017. This new office in the UN Secretariat was designed to ‘ensure that due priority’ would be given to counter-terrorism and PVE across the UN system.³² It decisively signified the entrenchment of these twin agendas. Tasked with leading UNGA’s counter-terrorism mandates, enhancing coordination, mobilising resources and strengthening the delivery of counter-terrorism capacity-building assistance to member states, UNOCT subsumed the roles of CTITF and UNCCT. The office, mandated to play a coordination role across the system, grew from six staff in 2017 to 181 staff by 2021. Just eight of 181 posts in the office are funded by assessed UN budget contributions. Extra-budgetary resources represent 97 per cent³³ of UNOCT’s US\$52.6 million for mandated activities in 2022 (the majority coming from Saudi Arabia and Qatar).³⁴

Concerns about UNOCT’s approach³⁵ centre on gaps in counter-terrorism coordination, coherence and risk management across the UN system. Despite concerns raised by states, civil society and other UN entities, UNOCT’s leadership has embraced very rapid growth.

Timeline of key related developments at the United Nations



Impacts of 20 years of war on terror

While counter-terrorism began to creep into the UN system's DNA, the global 'war on terror' has profoundly reshaped international policy and practice on security and conflict issues. Twenty years of evidence has pointed towards challenges that have consistently undermined the counter-terror and stabilisation efforts of the world's most powerful nations and coalitions since 2001. These include:

1

Belligerent responses to security threats, which have consistently undermined peace, human security and human rights

Since 9/11, states have invested extraordinary political, financial and military resources to wage a 'war on terror'. Over 929,000 people – 387,000 of them civilians – have died due to direct war violence from post 9/11 wars, and several times as many due to the reverberating effects of war.³⁶ – at least 335,000 of them civilians. Add to these figures the impact of counter-terror approaches in destabilising and fuelling devastating and protracted wars in Yemen, Somalia, Syria and Libya, violence in Nigeria and the Philippines, efforts to stabilise Mali and neighbouring countries in the Sahel, the displacement of tens of millions of civilians,³⁷ and deepening humanitarian crises. Within the context of the wider global war on terror, the use of, and support for, military force to respond to the issues of individuals joining armed groups – regardless of the conduct or respect for international standards of the forces involved – has locked numerous countries into cycles of violence, grievance and enmity, from which they are struggling to escape.³⁸

2

Neglect of prevention and peacebuilding priorities and methods

Although political solutions to conflict in war-on-terror battlegrounds may not always be possible or desirable, decades of protracted, metastasising conflict of the kind witnessed in Afghanistan, Iraq, Yemen, Nigeria, Somalia and the Sahel region are even less palatable. Time and again in such contexts, military objectives and tactics have run far ahead of the development of clear, comprehensive strategies for working towards violence reduction, conflict resolution and lasting peace. For those operating in support of, in parallel to or under security guarantees provided by national, regional or international counter-terrorism campaigns, it becomes hard to assert and clarify a distinct, impartial, trusted and influential peacemaking role.³⁹ As these battlegrounds have become more and more dangerous, the space for peaceful responses, such as dialogue, interventions to address root causes and trust-building exercises for affected communities, has often become inoperable.

3

Prioritising toxic partnerships that reinforce rather than tackle abuse, corruption and exclusion

A narrow focus on protecting and building the institutional and security capacities of host states for counter-terror and stabilisation purposes has repeatedly failed to reduce violence, improve governance and sustain peace.⁴⁰ Instead, such support has tended to reinforce state capture by abusive, corrupt and exclusive elites, whose excesses effectively guarantee the perpetuation or recurrence of conflict, crisis and development stagnation. Where the local population see governments as illegitimate due to marginalisation and abuses, external backing for their counter-terrorism or PVE efforts can be seen as complicity – weakening trust and limiting scope for multilateral institutions to support peacemaking, dialogue, relief or development.

4

Closing space for change and transformation

Counter-terror legislation that proscribes armed groups as terrorist organisations, along with poorly defined concepts such as 'extremism' and 'radicalisation', are having damaging effects.⁴¹ Proscription hinders entities that are working to reduce conflict, understand violent groups, or facilitate their engagement in conflict resolution or peace processes.⁴² The kinds of change and reform that can underpin peace are often driven by state–society bargaining processes made possible by social empowerment. Yet, with their focus on 'capacity building' of often abusive state authorities, and co-optation of communities and civil society to state-led agendas, counter-terrorism strategies and programmes are proving to be a costly failure, because they tend to ignore how change and reform processes actually work.⁴³ The result has been poor strategies and ineffective programmes that have contributed little to the cause of just and lasting peace and which have alienated many long-suffering communities in the process. While some counter-terror action may have prevented imminent attacks, and some programming has been able to demobilise individuals from armed groups,⁴⁴ overall the report card is not favourable.⁴⁵



Bomb blast targeting police
convoy in Mogadishu, Somalia.
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Getty Images

5

Restricting civil society, rather than embracing its contribution to peaceful change

The nexus between counter-terrorism, authoritarianism,⁴⁶ the most egregious violations of human rights and violent conflict is becoming increasingly clear. From Egypt⁴⁷ to Kyrgyzstan⁴⁸ and from the Philippines⁴⁹ to Tunisia,⁵⁰ counter-terrorism has underpinned the extension of security controls and authoritarianism, with disastrous implications for civic space. Professor Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, notes that '[i]t is no coincidence that the proliferation of security measures to counter terrorism and to prevent and counter violent extremism, on the one hand, and the adoption of measures that restrict civic space, on the other, are happening simultaneously.'⁵¹ Other types of invaluable work by women's rights organisations, youth peacebuilders or those working on conflict transformation have been subsumed and at times instrumentalised by counter-terrorism programmes and objectives. C/PVE approaches also too often co-opt civil society into top-down security agendas.⁵² In particular, the instrumentalisation of women's rights groups and youth peacebuilders into counter-terrorism strategies has deeply compromised the role of these groups in many contexts.⁵³

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Problems with the UN's embrace of counter-terrorism and preventing violent extremism

With an annual budget of more than US\$500 million,⁵⁴ counter-terrorism is having a number of important impacts on the UN. These include the following:

‘PVE-isation’ of peace, human rights, development and relief

Most UN entities working to implement the Global Counter-Terrorism Strategy (GCTS) present their work under the apparently more benign branding of *preventing* violent extremism (PVE), rather than counter-terrorism. While some UN funds, agencies and programmes have expressed caution about counter-terrorism and PVE, many feel their hands are forced by funding streams and – for in-country UN staff – by host government priorities. It is widely argued that if the UN was not engaged in PVE, other less principled and less human-rights-compliant entities would fill the void.⁵⁵ The result is ‘PVE-isation’ – whereby many traditional areas of UN activity become infused with PVE objectives and goals.

This specific focus on tackling ‘violent extremism’ can divert the attention of the UN system from broader peace, rights and development strategies and tasks, and position the UN to support more securitised, state-centric agendas. Thus, efforts to improve governance, education or livelihoods opportunities can be displaced by efforts to counter radical narratives, and to alter the attitudes, skills and opportunities of young people designated as potential ‘extremists’ or ‘terrorists’.

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President Rodrigo Duterte in Marawi City in the Southern Philippines, 17 October 2017.

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‘Blue-washing’ problematic approaches by certain member states

The failure to define ‘terrorism’ and ‘violent extremism’, and to distinguish counter-terrorism from PVE, and the tendency for UN officials to use counter-terrorism as an entry point for work on a range of peace- and rights-related initiatives, has left too much room for interpretation. It has also led to the UN inadvertently reinforcing abusive approaches by certain states.

Governments often use counter-terror and C/PVE as a pretext for pursuing narrow, short-term elite interests, infringing on the rights of particular groups and sowing the seeds of conflict in the process.⁵⁶ This can often guarantee states not only impunity, but even international assistance.

There are risks of damaging the UN’s reputation and credibility, and exposing it to a future backlash for aligning behind the agenda of authoritarian governments in the divided and repressive societies where terror attacks overwhelmingly occur. There have been instances when, in some cases, the UN has worked with authorities on counter-terrorism or PVE efforts that have targeted their political opponents – but member states’ perspectives on who should be designated an ‘extremist’ can be highly problematic.⁵⁷ UN peace operations’ support to the expansion of state authority in counter-terrorism and stabilisation missions also carries huge risks of aggravating public grievances, undermining public trust in the UN for generations to come, and exposing blue helmets and other UN staff to violent backlashes.⁵⁸ By ‘blue-washing’⁵⁹ abuse, corruption, exclusion and discrimination under the UN counter-terrorism or C/PVE brand, the UN risks undermining its legitimacy in the eyes of people and communities around the world.

Embracing a contested concept of radicalisation

UN C/PVE programmes make widespread references to preventing and stopping ‘radicalisation’, but there is little to suggest that such approaches work. The overwhelming majority of people who hold ‘radical’ beliefs do not engage in violence, whereas ‘people who engage in violent terror attacks don’t necessarily hold “radical” beliefs’.⁶⁰ Radicalisation programmes tend to stigmatise certain social groups (typically, young Muslim men) as potential terrorists – while dismissing their victimhood – so skewing the focus of responses.⁶¹ Labelling those who recognise structural problems and demand systemic social change as ‘radical’ risks stifling constructive calls for change, and creating biases in favour of the political status quo. Young people are at particular risk of being demonised under such approaches.⁶² Special Rapporteur Ní Aoláin notes that the UN should recognise ‘the lack of certainty’ in the theories underpinning radicalisation and PVE, and therefore deliberate much more carefully on the widespread use of C/PVE programming: ‘large-scale violations of the rights of religious and ethnic minorities are being enabled by “deradicalisation” policies and practice’.⁶³ At the same time, the narrow framing of much C/PVE and radicalisation analysis risks undermining the quality of UN conflict analyses and strategies for responding to conflict.

Fuelling threat inflation

The risk of terror attacks is real, and states have a duty and obligation to take measures to prevent such violence. However, this risk has at times been sensationalised to give

it a disproportionate and detrimental salience compared to other threats to human wellbeing. The premium set on counter-terrorism by some member states has created incentives for the UN to prioritise, magnify and overestimate terror-related risks over other prominent risks of equal or greater importance to international and domestic security.⁶⁴ As the UN system prioritises C/PVE,⁶⁵ money and capacity are diverted away from other peace and conflict issues. In 2019, the UN’s budget for peacebuilding was significantly less than its counter-terrorism resources.⁶⁶ Despite global reductions every year since 2014 in the impact of terror threats, investments within the UN system continue to be increased.⁶⁷ Claims and statements about ‘new threats’, which are not always backed up by clear evidence, are replicated and regurgitated during UN Security Council meetings, GCTS negotiations and from official UN social media accounts. Proponents of counter-terrorism use these claims to justify tougher measures and, importantly, an increase of resources to tackle the ‘threat’. This has led to continued ‘threat inflation’ – where incentives are being created for those inside and outside the UN to exaggerate and prioritise ‘terrorism’ over other important issues.⁶⁸

Instrumentalising and commodifying civil society

Given civil society’s vital role in fostering more inclusive, responsive, fair and accountable governance for the world’s people, the UN should not approach it as merely a partner in advancing states’ political and security agendas. Counter-terrorism responses have led to significant negative impacts on civic space and civil society organisations (CSOs) more broadly. Around the world, authoritarian states have used counter-terrorism justifications to surveil,⁶⁹ arbitrarily imprison,⁷⁰ criminalise,⁷¹ torture and kill civil society advocates⁷² and human rights defenders.⁷³ The UN has not been able to develop a consistent system-wide response to ensure that parts of the wider UN family are not supporting the counter-terrorism or C/PVE programming of governments responsible for these abuses. Some efforts have been made to bring civil society groups into UN C/PVE programming efforts. But if connected to abusive authorities, this can make civil society partners a target for the communities they are ‘assisting’, particularly where funding is linked to the monitoring of potentially violent individuals, who could be perceived as supporting states’ intelligence and/or security programmes.⁷⁴ Instrumentalising CSOs for intelligence gathering can radically undermine their credibility, damaging trust between the public, the UN and civil society.⁷⁵ With the UN supporting governments in dozens of countries to develop and implement national action plans on PVE, which are being used to surveil⁷⁶ and pacify ‘suspect’ groups,⁷⁷ there are likely to be serious and negative long-term implications for the UN’s standing among the communities involved – who are often marginalised and extremely vulnerable.

Betraying commitments to women’s rights

For much of the past 15 years, approaches to counter-terrorism have either excluded women, ignored gender dimensions, or instrumentalised groups working to secure and protect women’s rights. The 2015 *Global Study on the Implementation of Security Council Resolution 1325* cautioned about merging the Women, Peace and Security and Counter-Terrorism agendas, noting that ‘empowering’ women under the ambit of counter-terrorism ‘would



Peacekeepers from United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in eastern Mali in May 2021.
© UN

deeply compromise the role of women’s organizations and women leaders’.⁷⁸ The Secretary-General himself has expressed concerns about instrumentalising women for counter-terrorism purposes.⁷⁹ Despite this, in recent years, the UN has been integrating women’s rights and Women, Peace and Security work into P/CVE efforts, in a way that often undercuts women’s rights, activism and political participation.⁸⁰ References to women, girls and/or gender sensitivity have been integrated into PVE/CVE narratives, based on little or no gender analysis or focus on promoting gender equality or women’s rights. Gender has often been raised tokenistically, with a view to advancing security, while key issues such as how violent groups exploit gender norms to exclude women and silence their political voice, and the way in which hard security agendas impact on women and girls’ inclusion and wellbeing, have not been given sufficient attention.

Limited oversight and the failure to manage risk

Despite its size and financial resources, UNOCT is not providing effective system-wide coordination, support and risk management on counter-terrorism or C/PVE projects. Thus, there is no way to ensure decisions by one agency cohere with and do not negatively affect the operations of others. Some agencies and offices, therefore, have the freedom to do what others believe is harmful – exposing the whole UN family to adverse effects.

The UN has so far failed to ensure a joined-up conversation regarding risks and ‘redlines’ for its counter-terror engagement, whether at the headquarters, regional or country levels. No central UN document sets out guidance on risks associated with counter-terrorism and C/PVE programming and how to manage them,

including when to engage and when to avoid engagement. The UN Human Rights Due Diligence Policy (HRDDP)⁸¹ offers a limited check and balance – when it is applied – but this policy is not used by all UN entities or in all counter-terrorism-related projects.

Failing to learn

Eliminating bad practices requires dedication to learning, coupled with conflict sensitivity at both the strategic and programme levels. However, within UN counter-terror functions, there is very little space or incentive to recognise and learn from failure. Likewise, there is no appetite or process for ensuring substantive, evaluatory reviews of the GCTS: the current strategy review process remains largely closed to external evidence, analysis and debate. This mimics the ‘behind closed doors’ approach to counter-terror and other security matters taken by most member states. Civil society – and in particular those who express concerns about the impacts of counter-terrorism efforts – remains at arm’s length from strategy reviews and other UN counter-terrorism decision-making fora. The Secretary-General’s report on the implementation of the GCTS is drafted by the institutional lead – UNOCT – making it akin to a ‘show and tell’, rounded off with a future wish list, rather than an analytical review of current international counter-terror practice and the role the UN should play in relation to it.

It is unclear why counter-terrorism fora and reviews cannot adopt the same openness and multi-track approach of other UN review processes – like the peacebuilding architecture review. As a result, the GCTS grows ‘exponentially every two years, offering heavily negotiated language that is at times contradictory, open to interpretation from a variety of different and often opposing viewpoints, and close to impossible to comprehend let alone operationalize by frontline practitioners’.⁸²

The politics of counter-terrorism at the UN

In June 2021, the UN General Assembly adopted by consensus the seventh review of the GCTS (A/RES/75/291).⁸³ Fifteen years on from the first GCTS, the new resolution now features 119 operational paragraphs. Highlights include:

Civil society and civic space

Important language was introduced noting the need for the inclusion and involvement of civil society, as well as calling out the negative impact of some counter-terrorism measures and legislation on civil society peacebuilding, development and humanitarian work.⁸⁴ To join up UN system efforts, reference was also made to UN guidance on the Protection and Promotion of Civic Space.⁸⁵

“**Proposals to ‘establish an independent oversight mechanism’, develop ‘a comprehensive results framework’, and set up a ‘progressive standardization and alignment of monitoring and evaluation frameworks’ were left out of the GCTS.**

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Gender

In his 2021 annual report,⁸⁶ the Secretary-General noted that in the context of increased violence against women, gender equality needs to be integral to all organisational counter-terrorism efforts. In response, the GCTS highlights the need to consider the ‘full, equal and meaningful participation and leadership of women, the need to avoid instrumentalisation while doing so, and the differential impact of counter-terrorism measures on women and girls’. It also calls for an assessment on ‘the need to further enhance the integration of the rule of law, human rights and gender’, noting their importance as cross-cutting elements.⁸⁷

‘New’ and ‘emerging’ threats

Certain UN member states wanted to include a range of worryingly over-broad references and concepts into the new GCTS, framed as ‘new threats’. Suggested terms included ‘violent nationalism’, ‘anti-authority’, and politicised labels such as ‘far right’ and ‘far left’. Civil society groups and legal analysts warned against the insertion of these terms without further definition, noting they could pose a serious risk of justifying or enabling some states’ violations of human rights, and could undermine the objectives of the entire GCTS. In the end, the most problematic terms were avoided, with the final strategy including a call to take appropriate measures to address ‘attacks on the basis of xenophobia, racism and other forms of intolerance, or in the name of religion or belief’.⁸⁹

Oversight, monitoring and evaluation

Proposals to ‘establish an independent oversight mechanism’, develop ‘a comprehensive results framework’, and set up a ‘progressive standardization and alignment of monitoring and evaluation frameworks’ were left out of the GCTS. Despite pushback from many member states, the new strategy asks the Secretary-General merely to assess the need ‘for internal advisory or monitoring and evaluation capacity’ within the UN system.⁸⁸

Assessed budget contributions

Much has been written about the extraordinary funding status of the UNOCT.⁹⁰ This has been considered unsustainable by many, leading some member states to advocate for greater core resources to be made available for UNOCT. Many stakeholders are understandably reluctant about the precedent that would be established if a particular policy agenda heavily funded by two states had to be heavily subsidised from UN core resources, in order to prevent lead donors from wielding undue influence over the agenda.⁹¹ The 2021 GCTS review ‘invites the Secretary-General to carefully assess the finances of the Office and to provide budgetary recommendations’.⁹² It is unclear how the UN Fifth Committee, which is responsible for agreeing the final UN operating budget, will interpret the Secretary-General’s advice.

Grant-making authority for UN Office of Counter-Terrorism?

Some states and UNOCT itself have requested grant-making authority for UNOCT, to sponsor counter-terrorism activity in-country. This could save on the costs of implementing via other UN agencies but, in the absence of guidance on risk management or responsibility for the coherence of counter-terror programmes with overall UN strategy, direct UNOCT grant-making would pose significant risks. Further thinking on next steps has again been assigned to the Secretary-General.⁹³

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Michèle Coninx, Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED), briefs the Security Council meeting on threats to international peace and security caused by terrorist acts.
© UN Photo/Evan Schneider

Future threats to the UN system

What could the consequences of the continued rise of counter-terrorism at the UN be? Here we chart six:

1 Impairing peacebuilding and conflict mediation

Militarised counter-terrorism engagements and proscription practices from major Western states and the UNSC narrow the potential for UN entities, CSOs and others to understand, influence or facilitate the engagement of proscribed armed groups in conflict resolution or peace processes. Proscription has contributed to ‘a climate of fear’, whereby international non-governmental organisations (INGOs) and CSOs choose not to engage in mediation or peacebuilding work with listed groups for fear of prosecution.⁹⁴ Proscription regimes are preventing the smaller, informal communication efforts that are needed to help demobilise, support defection or rehabilitate individuals that want to leave violent groups. Many UN entities are unable to engage in certain programming for fear of breaking material support legislation. This could continue to foreclose the exploration of conflict-resolution opportunities and weaken the political and diplomatic role of the UN in preventing and ending conflicts, where violent groups using terror tactics are involved.

“ Amid a global crisis in civic space and fundamental freedoms, the UN’s failure to challenge a counter-terror agenda, which repressive governments are using to attack human rights and civil liberties, could continue to prove highly damaging.

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... any UN agency that abandons impartiality increases the risks faced by the rest of the UN system. This threatens the UN’s ability to assist the world’s most marginalised people and to adhere to humanitarian principles.

”

2 Undermining peacekeeping principles

Backing counter-terrorism forces or strategies makes the UN a party to conflict. This can make the UN complicit in conduct that fuels violence, and responsible for reinforcing state abuses, while lessening reform incentives. UN use of force to combat ‘terrorist’ groups could thus perpetuate and exacerbate conflict. Even supporting non-UN counter-terrorism and military missions with logistics and intelligence, risks making the UN a conflict party and complicit in conduct that causes immense human suffering and fuels conflict. UNSC permanent members have proved unable to separate their own troubled investments in war-on-terror battlegrounds from their role as mandate creators for UN peace operations. This has put peacekeeping principles under strain. Unless there is a stronger reassertion of peacekeeping principles and political strategy from the UN leadership, UN peace operations will struggle under this pressure to maintain their impartiality in future years, exposing them more directly to significant dangers of the kind encountered in Mali.

3 Enabling authoritarian attacks on civic space

Amid a global crisis in civic space and fundamental freedoms, the UN's failure to challenge a counter-terror agenda, which repressive governments are using to attack human rights and civil liberties, could continue to prove highly damaging. UN buy-in risks legitimising and enabling the abusive counter-terror measures adopted by many governments. Recent developments, including the 'UN Guidance Note on the Protection and Promotion of Civic Space',⁹⁵ are welcome; however, it is unclear what difference the guidance will make in practice to counter-terrorism norm setting, strategy development, accountability mechanisms and programming at the UN.

4 Hindering effective development

Development-based C/PVE efforts have thus far not been rigorously evaluated, nor delivered verified results. Despite the embrace of PVE programmes across a range of UN entities, the agenda remains closely aligned with militarised counter-terrorism and is often inconsistent with the kind of impartial, conflict-sensitive approach required of the UN when supporting peace and development in conflict settings. In the Philippines, Mali, Nigeria, Libya, Somalia, Tunisia, Yemen and other countries, Saferworld's civil society partners and research participants have described communities reacting to C/PVE efforts with alienation, suspicion and even hostility, questioning the wisdom and safety of embracing an approach that is discredited in the eyes of people who live in these communities.

5 Compromising humanitarian principles

Leading humanitarians are deeply concerned by the contradictions between counter-terror approaches and humanitarian principles of neutrality, independence, impartiality and humanity.⁹⁶ The UN Office for the Coordination of Humanitarian Affairs (OCHA)

has taken steps to manage risks associated with counter-terror activity by distancing itself from all parties and frameworks involved. There are increasing concerns over the 'criminalisation' of humanitarian action through counter-terrorism laws and frameworks.⁹⁷ Recent steps by the OCHA cluster in Mali to disassociate UN humanitarian and aid agencies from any terminology or language related to terrorism or 'violent extremism' are a clear sign of the inherent dangers it detects in even rhetorical buy-in to these agendas.⁹⁸ Ultimately, any UN agency that abandons impartiality increases the risks faced by the rest of the UN system. This threatens the UN's ability to assist the world's most marginalised people and to adhere to humanitarian principles. Counter-terror laws established under UN auspices have also criminalised assistance in many contexts – intensifying deprivation and conflict and putting lives at risk.

6 Undermining international humanitarian and human rights law

Legal scholars and advocates have expressed concern at the positioning of UN CTED as a preeminent source of international legal interpretation.⁹⁹ The production of various forms of guidance on state international law obligations has consistently given primacy to UNSC resolutions in their interpretation of international law, at the expense of other sources of international law, including treaties, custom and the courts. This has the potential to weaken the UN's future positioning on human rights and fundamental freedoms.¹⁰⁰ Given its status as a special political mission, many would argue that CTED is not the appropriate body to offer definitive and doctrinal interpretations of international law. For some permanent members of the UN Security Council, this sleight of hand is welcome – as it gives them the potential to have more control and influence over a reinterpretation of the content of international law. Similar concerns have also been raised about the role of other transnational security bodies, such as the Global Counterterrorism Forum, in creating practical and operational counter-terrorism guidance that has weak or absent language on international law and human rights obligations, which is then used to inform UN approaches or UN Security Council resolutions.¹⁰¹ Unless the super-legislative role of these bodies is limited, many of the hard-fought international legal obligations around human rights, fundamental freedoms, humanitarian principles and refugees could be significantly watered down in the years to come.



Peacekeepers from United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in eastern Mali in May 2021.

Building the case for a value-based UN approach to counter-terrorism

In order for UN leaders to respond to growing concerns about the counter-terrorism architecture and approach, 12 steps are recommended across five priority areas:

Strategies and structures

1

Revitalise the UN's prevention role: The UN urgently needs a more coherent peace and security framework, which steers all entities to develop and work towards a more effective, coordinated and conflict-sensitive prevention role in all conflict settings. This should remain stringently impartial towards conflict actors, focusing on protection, rights monitoring, addressing conflict drivers and achieving political conflict resolution. Within this framework, an updated UN peace operations doctrine should be developed that distances UN peace operations from counter-terrorism, C/PVE and regime-protection roles.

2

Create an independent oversight mechanism: Respond to the clear, loud constituency across member states, civil society and UN entities that recognise the need for increased oversight over UN counter-terrorism engagement. This can be done by setting up an independent oversight mechanism to ensure UN counter-terrorism programming is not harming human rights, gender equality, civic space or peacebuilding.

3

Centralise in-country risk management: Task UN resident coordinators with authorising and overseeing all in-country counter-terrorism- and P/CVE-related projects to ensure conflict-sensitive and 'do no harm' programming is compatible with other UN in-country and regional support. Mandate regular and transparent reporting to an independent oversight mechanism, to ensure a joined-up process of accountability throughout the UN system.

Policies and language

4

Standardise conflict-sensitive terminology: Undertake a full system-wide review of all terminology related to counter-terrorism and C/PVE – following the lead of entities such as UN OCHA¹⁰² and UN Women.¹⁰³ Provide recommendations for all UN entities, to ensure that terminology used in communications and reports (internal or public), programme design and implementation, respects the UN's position of impartiality and does not replicate discriminatory and conflict-insensitive language.

5

Strengthen safeguarding policies: Invest in a system-wide review of the adequacy and effectiveness of all policies and procedures used to safeguard UN peace, development and human rights work from the risks of counter-terrorism. Policies and processes – such as the HRDDP and conflict or peacebuilding assessments – need to be used to inform all counter-terrorism programming decisions, as well as monitoring, oversight and any evaluations.

Operational guidance

6

Develop operational guidelines: Through the Global Compact coordinating entities, develop internal operational guidelines for all UN funds, agencies and programmes for any related counter-terrorism and C/PVE programming, to ensure each part of the UN system has clear boundaries on programming approaches, design and implementation.

7

Reaffirm central role of human rights: Through Global Compact coordination, centralise all human rights obligations in UN-supported counter-terrorism and C/PVE programming, by mandating the Office of the High Commissioner for Human Rights (OHCHR) to ensure minimum standards. Additionally, provide adequate political support and resources to the mandate of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to be able to better document, analyse and provide recommendations on the human rights aspects of UN counter-terrorism engagement.

8

Dedicate autonomous Women, Peace and Security (WPS) resources: Reinforce the autonomy and appropriate resourcing – for WPS, women's rights and gender equality work – which is independent from security agendas and funding pools.



The 'Peace Monument' sculpture by Croatian sculptor Antun Augustinčić at United Nations Headquarters.
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Monitoring and evaluation

9

Standardise monitoring and evaluation: Strengthen and standardise monitoring and evaluation frameworks, methodologies and tools used by UN entities to assess the impact of their counter-terrorism and P/CVE programming.

10

Monitor instrumentalisation: Through Global Compact coordination, enable UN Women, independent women-led entities and youth organisations to scrutinise the way gender and youth are integrated into counter-terrorism and PVE agendas within the UN. Here, there should be particular focus on monitoring and preventing the instrumentalisation of women, women's rights organisations and young people.

Learning and review

11

Mandate inclusive review processes: Develop stronger mandated review processes for strategies (GCTS) and mandate renewals (CTED) to allow for more thorough, inclusive and strategic reflections on the role of the UN in counter-terrorism.

12

Learn from two decades of practice: right-size counter-terrorism, by initiating a broader dialogue on the lessons of the past 20 years of counter-terrorism. Using the 2015 High-Level Panel on Peace Operations (HIPPO) and the Panel of Experts report on the peacebuilding architecture review¹⁰⁴ as guidance, invest in a substantive reflection exercise on the UN's strengths, weaknesses and future role in relation to UN counter-terrorism, which embraces voices and opinions from across the spectrum of stakeholders.

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About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East.

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Cover photo: Four, blue United Nations (UN) helmets on the ground.

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