



2021 Counter-Terrorism Week SIDE EVENTS

24-30 JUNE 2021

UNITED NATIONS HEADQUARTERS • NEW YORK

Safeguarding Humanitarian Action in Counterterrorism Contexts: Addressing the Challenges of the Next Decade

Introduction

The side-event “Safeguarding Humanitarian Action in Counterterrorism Contexts: Addressing the Challenges of the Next Decade”, was co-hosted by the International Peace Institute (IPI) and the Mission of Germany, with the co-sponsorship of Belgium, Canada, Ireland, Spain, and Switzerland. It took place on Thursday, June 24th. Starting with welcoming remarks from Mr. Zeid Ra’ad Al-Hussein, IPI President and CEO, the event then featured the Permanent Observer of the ICRC Mission to the UN, Ms. Laetitia Courtois; the founding Director of the Harvard Law School Program on International Law and Armed Conflict, Professor Naz K. Modirzadeh, and the Director of the UNCCT/UNOCT, Dr. Jehangir Khan. Permanent Representatives to the UN, Ambassador Christoph Heusgen of Germany and Ambassador Agustin Santos Maraver of Spain, respectively provided opening and concluding remarks. The discussion was moderated by Mr. Jake Sherman, IPI Senior Director of Programs.

The side-event raised awareness on the need for Member States to prioritize the underlying values of International Humanitarian Law and principled humanitarian action in counterterrorism contexts. Panelists highlighted the ongoing operational challenges posed by the implementation of UN counterterrorism decisions on impartial humanitarian activities. They provided policy and legal analyses of the way UN Member States could rectify the ongoing course of action to better safeguard principled humanitarian action in the long-run, also discussing the role of relevant UN entities in this regard.

Event Summary

The three panellists of the event mutually reinforced one another, underlining the need for Member States to take decisions which better safeguard principled humanitarian action in counterterrorism contexts, to match the continuously ballooning humanitarian needs worldwide and uphold International Humanitarian Law (IHL) principles.

Ms. Courtois provided an overview of the impact of counterterrorism measures on humanitarian activities, noting these measures have often restricted the ability of principled humanitarian agencies to

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interact with populations in need of assistance and affected funding mechanisms due to overcompliance and de-risking policies. She noted that over the next decade, the UN counterterrorism framework should be revisited to ensure greater respect for IHL by ensuring counterterrorism language in Security Council resolutions includes an obligation on Member States “to take measures to allow and facilitate the work of impartial humanitarian organizations in armed conflict” and guarantee that protection and assistance activities provided for in the Geneva Conventions are never constrained or punished. She added that well-crafted humanitarian carve outs should be adopted within States’ domestic laws and that exceptions could also be included in UN resolutions, like the one currently featured in the UNSC Somalia sanctions regime. She underscored the possibility of carrying out counterterrorism measures on the one hand, while at the same time facilitating humanitarian action on the other, emphasizing that these efforts are not mutually incompatible.

Professor Modirzadeh noted that the growing global counterterrorism regime is increasingly predominating in practice over principled humanitarian action. In the coming decade, she predicted that either counterterrorism will further constrain the practical scope of humanitarian action or it will ultimately redefine what constitutes legitimate humanitarian activity. She suggested measures that Member States could take to address these potential developments, including that States and international actors develop more concrete measures to uphold respect for existing IHL protection for principled humanitarian rules. She also noted that States should call on one another to respect IHL, to acknowledge and revise overly broad definitions of terrorism and exert scrutiny over counterterrorism bodies. She discussed the responsibility of States in further endowing counterterrorism bodies with mandates to safeguard humanitarian action and questions whether these could authoritatively and authentically interpret IHL. She underscored the need to re-center and ground respect for “IHL as an urgently necessary objective in itself, not one that should be refracted through the counterterrorism lens”.

Dr. Jehangir Khan observed that preserving humanitarian space amidst counterterrorism operations has continued to be of concern and a great challenge to the international community, as terrorist activity has caused increasing displacement and endless human suffering, “leaving humanitarian actors on the ground caught between terrorist actions and government counterterrorism operations”. Within this context, Dr. Khan discussed how the UN Office of Counter-Terrorism has supported humanitarian-related programs, together with the Global Counter-Terrorism Coordination Compact and through the UN Counter-Terrorism Centre’s capacity building programs.

The discussion segment of the event touched upon several thematic areas, such as what are humanitarian safeguards, how to resolve tensions between IHL and counterterrorism measures, including sanctions regimes, and which relevant bodies should be tasked with the responsibility of interpreting and assessing compliance with International Humanitarian Law when it overlaps with counterterrorism measures.

Finally, Permanent Representatives to the UN, Ambassador Christoph Heusgen of Germany and Ambassador Agustin Santos Maraver of Spain, shared opening and concluding remarks respectively, providing insights on the seventh review of the GCTS, as the UNGA was about to adopt the resolution.

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