

Continuity Amid Change

The 2021 Mandate Renewal of the UN Counter-Terrorism Committee Executive Directorate

BY ANNABELLE BONNEFONT, AGATHE SARFATI, AND JASON IPE

The current mandate of the UN Security Council's Counter-Terrorism Committee Executive Directorate (CTED) is due to be renewed by 31 December 2021. This takes place a few months after the UN General Assembly's consensus adoption of the seventh review of the *United Nations Global Counter-Terrorism Strategy*. The renewal of CTED's mandate coincides with a change in leadership; after four years, CTED's Executive Director, Assistant Secretary-General Michèle Coninx, will be leaving by the end of the year. It also coincides with the December renewal of the mandates of the Analytical Support and Sanctions Monitoring Team pursuant to UN Security Council Resolutions 1526 and 2253 and the Office of the Ombudsperson to the sanctions committee. The conjuncture of these processes occurs shortly after the 20th anniversary of the attacks of 11 September 2001 and the adoption of Resolution 1373, the council's seminal counterterrorism resolution that created the Counter-Terrorism Committee (CTC), which CTED was established to support.

To support Security Council members in their reconsideration of CTED's mandate this year, the Global Center on Cooperative Security (Global Center) and the International Peace Institute (IPI) undertook an extensive research and consultation process. A broad range of

stakeholders were consulted, including current CTC members and other UN member states, UN representatives, and civil society actors. Information was gathered through a widely distributed survey, bilateral interviews, three focus-group discussions, and two workshops held on 28 July and 3 November 2021. Along with providing analysis of the implementation of CTED's mandate, the intention was to provide an informal Track II setting for member states and other stakeholders to engage on priorities for the mandate renewal and to solicit input into the formal negotiation process from underrepresented parties, including civil society. This brief outlines findings and recommendations for the upcoming renewal of CTED's mandate, building on this research and consultation process.

Background

CTED was established in 2004 with the core mission of supporting the CTC in monitoring the implementation of counterterrorism obligations and facilitating technical assistance to member states to aid their implementation activities as stipulated by Resolutions 1373, 1535, and others that further expanded the mandate, such as Resolution 2395. Since CTED's creation, the number of resolutions on counterterrorism has continued to rise, imposing more obligations on member states and

2 | Continuity Amid Change

thus increasing CTED's responsibility to assess their implementation.¹ CTED's mandate has also expanded to include additional functional tasks and thematic areas of engagement.² The recent publication of the updated Global Implementation Survey (GIS), which highlighted, among other things, "the growing threat of terrorist attacks on the basis of xenophobia, racism and other forms of intolerance" testifies to the density of CTED's current mandate.³

CTED's mandate was most recently renewed in 2017 via Resolution 2395. That resolution in part refocused CTED on its "core" assessment and technical assistance facilitation functions⁴ but also provided a strong foundation for CTED to engage more flexibly with member states and civil society, recognized its counterterrorism expertise, supported its analytical work on emerging issues, and expanded its efforts in areas such as human rights and gender, among others.⁵ Most stakeholders deem CTED's current mandate to be a very robust foundation for its work and thus see the upcoming renewal as an opportunity to consolidate the implementation of Resolution 2395 rather than redirect its focus.

In the last four years, however, there have been significant changes to the context in which CTED operates. The international terrorism threat is more diverse and complex than ever. The Taliban again control Afghanistan, and al-Qaida and other Islamist terrorist organizations have been emboldened after the chaotic U.S. withdrawal. Despite battlefield successes in Iraq and Syria, ISIS affiliates

and splinter groups remain active across the Middle East, Africa, and Asia. In addition, violent right-wing extremism and ethnonationalist terrorism have risen steeply across North America, western Europe, and elsewhere.⁶

Recent years have also seen a dramatic restructuring of the UN counterterrorism architecture, most notably the establishment and expansion of the UN Office of Counter-Terrorism (UNOCT) and the Global Counter-Terrorism Coordination Compact (Global Compact).⁷ Created in 2017, just months before CTED's last mandate renewal, the UNOCT is headed by an Under-Secretary-General and has grown exponentially in terms of its staff, extra-budgetary resources, liaison offices, and partnerships with other UN entities and regional bodies. Member states have placed wide-ranging demands and priorities on the UNOCT, including in relation to its UN-wide coordination and capacity-building efforts.⁸

Finally, the global COVID-19 pandemic has presented logistical challenges to the conduct of CTED work. In response, CTED has adjusted its working methods, including by carrying out hybrid country visits and speeding up the launch of its electronic Detailed Implementation Survey (e-DIS) and analytical portal—important developments whose benefits will extend well beyond the global health crisis.

Although there seems to be strong support for preserving the core tenets of CTED's existing mandate, views vary on whether and how the new mandate should reflect the

-
- 1 UN Security Council resolutions related to counterterrorism adopted under Chapter VII since CTED's creation include UN Security Council, S/RES/1566, 8 October 2004; UN Security Council, S/RES/1617, 29 July 2005; UN Security Council, S/RES/1735, 22 December 2006; UN Security Council, S/RES/1822, 30 June 2008; UN Security Council, S/RES/1904, 17 December 2009; UN Security Council, S/RES/1988, 17 June 2011; UN Security Council, S/RES/1989, 17 June 2011; UN Security Council, S/RES/2082, 17 December 2012; UN Security Council, S/RES/2083, 17 December 2012; UN Security Council, S/RES/2160, 17 June 2014; UN Security Council, S/RES/2161, 17 June 2014; UN Security Council, S/RES/2170, 15 August 2014; UN Security Council, S/RES/2178, 24 September 2014; UN Security Council, S/RES/2199, 12 February 2015; UN Security Council, S/RES/2253, 17 December 2015; UN Security Council, S/RES/2396, 21 December 2017, and UN Security Council, S/RES/2462, 28 March 2019.
 - 2 See Alistair Millar and Naureen Chowdhury Fink, "Getting Back to Basics? Renewing the Mandate of the UN Security Council Counter Terrorism Executive Directorate for 2014-2016," Global Center on Cooperative Security (Global Center), November 2013; Alistair Millar, "Mission Critical or Mission Creep? Issues to Consider for the Future of the UN Counter-Terrorism Committee and Its Executive Directorate," Global Center, October 2017.
 - 3 UN Security Council Counter-Terrorism Committee, Global Survey of the Implementation of Security Council Resolution 1373 and Other Relevant Resolutions by Member States, November 2021.
 - 4 Millar, "Mission Critical or Mission Creep?"
 - 5 UN Security Council, S/RES/2395.
 - 6 See Soufan Center, "A Perfect Storm: Insurrection, Incitement and the Violent Far-Right Movement," 4 October 2021; Soufan Center, "Diminished, but Not Defeated: The Evolution of al-Qaeda Since September 11, 2001," 10 September 2021; UN Security Council, *Twenty-Eighth Report of the Analytical Support and Sanctions Monitoring Team Submitted Pursuant to Resolution 2368 (2017) Concerning ISIL (Da'esh), Al-Qaida and Associated Individuals and Entities*, S/2021/655, 21 July 2021.
 - 7 The UN Global Counter-Terrorism Coordination Compact is a coordination framework that brings together 40 UN entities from across the UN's pillars on peace and security, sustainable development, human rights, and humanitarian affairs.
 - 8 See Melissa Lefas, Junko Nozawa, and Eelco Kessels, "Blue Sky V: An Independent Analysis of UN Counterterrorism Efforts," Global Center, November 2020.

3 | Continuity Amid Change

evolution of the terrorism threat, the growth of the UN counterterrorism architecture, and the consequences of the COVID-19 pandemic. There are also divergent interpretations of the mandate as articulated in Resolution 2395. Some take a narrow perspective, emphasizing CTED's assessment function and dialogue with member states, while others have a more expansive view of its responsibilities and the scope for engagement with other actors, including civil society. Furthermore, the role of the CTC in providing leadership and oversight to CTED, monitoring and promoting state compliance, guiding follow-up, and better integrating its work into the Security Council and General Assembly's broader efforts cannot be disconnected from CTED's mandate renewal and may require revisiting working methods and processes between the two bodies.

Key Considerations for the Mandate Renewal

Against this backdrop, Security Council members will have to grapple with several key issues as part of the renewal, including (1) assessments, (2) facilitation of technical assistance, (3) research and analysis, (4) partnerships, (5) mandate expansion, (6) human rights, and (7) monitoring and evaluation.

Assessments: Building on a Privileged Relationship Among CTED, the CTC, and Assessed States

As recognized in Resolution 2395, assessing the implementation of relevant Security Council counterterrorism resolutions is the “core function” of CTED.⁹ The majority of stakeholders consulted throughout the process value CTED assessments from a technical standpoint.

CTED's assessment process allows for constant dialogue with member states in preparation for, during, and after country visits and informs the completion of its Detailed Implementation Survey (DIS). CTED's assessment process and outcomes are all undertaken with and subject to the consent and approval of the assessed states and then adopted by the CTC. This privileged relationship among

the CTC, CTED, and assessed states ensures buy-in and access and enhances the added value of CTED's other functions, including its analysis and facilitation of technical assistance.

Although the strength of CTED technical assessments relies in large part on their consensual nature, this need for consent has limited the systematic inclusion of nongovernmental actors, in particular civil society, during country visits. As a result, CTED does not adequately engage with local civil society organizations that play a crucial role in preventing violent extremism and can provide key information on the effects of counterterrorism measures on human rights, humanitarian action, and civic space.

The consensual nature of assessments limits the transparency of and extends the time frame for the adoption and publication of outcome reports. There are also several types of assessments and different lengths of visits, which may benefit from further standardization as comprehensive visits while preserving the flexibility to focus on specific national and regional threats and challenges. Furthermore, although the basis on which countries are selected for assessment is outlined in Resolution 2395,¹⁰ more transparency on the selection and planning of visits should be explored. The content of assessment reports may remain confidential per the preference of the visited state, but there should be more transparency regarding the progress of CTC engagement with visited states in line with the latest CTC framework document for its visits.¹¹

Facilitation of Technical Assistance: Improving Transparency and Cooperation Within the UN System

To better realize CTED's role in facilitating technical assistance, there was consensus among many stakeholders that more assessment reports should be made available and more easily accessible to providers of technical assistance. Resolution 2395 directed CTED to make country assessments, recommendations, surveys, and analytical products available throughout the UN system “except when requested by the assessed Member States to keep selected information confidential” and to make recommendations

9 See UN Security Council, *S/RES/2395*, para. 4. The promotion and monitoring of the implementation of Resolution 1373 and subsequent resolutions was one of the main objectives of the creation of the CTC and then of CTED in support of that committee.

10 UN Security Council, *S/RES/2395*, para. 7.

11 UN Security Council, “Framework Document for Counter Terrorism Committee Visits to Member States Aimed at Monitoring, Promoting and Facilitating the Implementation of Security Council Resolutions 1373 (2001), 1624 (2005), 2178 (2014), 2396 (2017), 2462 (2019) and 2482 (2019) and Other Relevant Council Resolutions,” *S/2020/731*, 21 July 2020.

4 | Continuity Amid Change

more widely available as appropriate.¹² Some states have agreed to share part of their assessments on the Global Compact's secure platform, but stakeholders expressed uncertainty about what exactly is available (the full report or only the recommendations), who among the Global Compact members has access to this information, and whether and how those who have access can use and share this information within and beyond their own entities. Almost no progress has been made on sharing reports beyond the UN system, let alone publicly.¹³

To increase the impact of CTED visits and assessments, opportunities should be explored for sharing assessments further with relevant partners within and outside the United Nations. The desire for greater transparency regarding CTED assessments, however, ultimately butts up against the consensual nature of the assessment process and the prerogative of assessed states to keep some or all of their reports confidential, a privilege Security Council members will not soon surrender. Given these limitations, it is critical that states continue to reinforce and realize the precedent of voluntarily sharing their assessments and make withholding them the exception.

Many stakeholders also expressed a desire to see all UN technical assistance providers, in particular the UNOCT, more clearly use CTED assessments to inform the priorities and design of their counterterrorism-related capacity development programming. CTED's contributions to the activities of other UN actors and its participation in and chairmanship or vice chairmanship of a number of relevant working groups of the Global Compact are encouraging.¹⁴ Some expressed hope that more transparency around the assessment outcomes alone would make UN programming more accountable. Yet, there is also a need to further clarify and reinforce the specificities and

sequencing of CTED's role versus those of other UN counterterrorism bodies, in particular the UNOCT, in terms of facilitating, coordinating, implementing, and evaluating technical assistance.

Research and Analysis of Trends and Developments: Adding Value for the UN System and Beyond

Resolution 2129 requested CTED to identify emerging issues, trends, and developments related to counterterrorism in consultation with relevant partners and to advise the CTC on practical ways for states to implement applicable resolutions. Stakeholders praised this area of CTED's work. The mandate to identify emerging trends in consultation with relevant partners, which was reiterated in Resolution 2395, has enabled CTED to engage with nongovernmental organizations and academia, among other actors. This interaction is unfortunately rather unique within the UN counterterrorism architecture and underpins CTED's ability to analyze and identify emerging developments and advise the CTC on ways to address these issues and implement relevant resolutions. CTED's trends analysis and research, including through its Global Research Network, were praised by many stakeholders as an effective way to engage external and independent experts in its work.¹⁵ Some suggested that this work should be further connected to the assessment process, allowing each to build on one another. This could also help to strengthen civil society's voice, which would further enhance the analyses and assessments.

Besides providing inputs into its assessment and facilitation of technical assistance, CTED's analysis is also useful to the CTC as it informs the organization of thematic discussions and provision of policy guidance. One notable example is the development of the Security Council

12 Ibid., para 13.

13 Only Finland has authorized the full publication of its report beyond the UN system. See CTED, "Report of the Counter-Terrorism Committee on Its Follow-up Visit to the Republic of Finland (9-11 April 2019)," <https://intermin.fi/documents/1410869/3723676/YKn+terrorism+in+vastaisen+komitean+Suomea+koskeva+arviointiraportti+1.11.2019.pdf/6f290683-3f0d-47cf-6121-965807776b43/YKn+terrorism+in+vastaisen+komitean+Suomea+koskeva+arviointiraportti+1.11.2019.pdf?t=1604567925974>.

14 This includes CTED's role as chair or vice chair of the following working groups: resource mobilization and monitoring and evaluation; border management and law enforcement relating to counterterrorism; criminal justice, legal responses and countering the financing of terrorism; national and regional counterterrorism strategies; and adopting a gender-sensitive approach to preventing and countering terrorism.

15 For instance, within the framework of this mandate, CTED published a report on the "growing and increasingly transnational threat of extreme right-wing terrorism" in July 2020, which raised awareness on emerging trends, and on "the gender dimensions of the responses to returning foreign terrorist fighters" in February 2019, which enabled CTED to better streamline gender considerations in its activities. See CTED Trend Alerts, "Member States Concerned by the Growing and Increasingly Transnational Threat of Extreme Right-Wing Terrorism," July 2020, https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/files/documents/2021/Jan/cted_trends_alert_extreme_right-wing_terrorism_july.pdf; CTED Trends Report, "Gender Dimensions of the Responses to Returning Foreign Terrorist Fighters: Research Perspectives," February 2019, https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/files/documents/2021/Jan/feb_2019_cted_trends_report.pdf.

5 | Continuity Amid Change

Guiding Principles on Foreign Terrorist Fighters, which was supported by CTED and informed by contributions from its Global Research Network.¹⁶

Member states, the broader UN system, and outside actors can also benefit from CTED's analysis, which complements that of the Analytical Support and Sanctions Monitoring Team pursuant to Resolutions 1526 and 2253. The sharing of more detailed analysis within the UN system, however, remains largely informal and ad hoc. Some stakeholders, including from the UN peace and security pillar, suggested that CTED's analytical products could serve as more formal inputs across the UN system, including into the Security Council's broader agenda. To play this role, CTED's analyses should prioritize not only novel themes but also the regional impact of new developments and trends and more detailed examinations of conflict dynamics in countries at serious risk of terrorism.

Partnerships: Strengthening Engagement With Civil Society, Academia, and the Private Sector

CTED was widely praised for its engagement with civil society on analysis and research, including through the Global Research Network, especially under the more inclusive approach of the two most recent CTC chairs. Yet, many stakeholders were keen to see more engagement with nongovernmental actors in the conduct of country assessments and the production of final assessment reports. Currently, CTED only engages with civil society during country visits with the consent of the visited state, which often means either that no civil society actors participate or that participation is limited to those deemed "government friendly." The scope for further engagement again butts up against the prerogatives of the assessed states. Some stakeholders expressed hope that CTED's mandate could be revised to encourage it to engage independent experts and national human rights institutions, when present, which might provide a further opening to civil society engagement in the assessment process. If that is not possible politically, CTED should be encouraged at the very least to reach out to civil society as part of its regular preparations for visits and upon returning from these missions. Because the scope for expanding the language

in the renewal resolution is so limited, it is critical that incoming CTED leadership continue to prioritize civil society engagement.

Since its inception, CTED has also been mandated to enhance cooperation and coordination among international, regional, and subregional organizations on counterterrorism-related issues. Some highlighted this aspect of CTED's mandate and suggested that the organization prioritize being a primary "information switchboard," sharing information on emerging terrorism and counterterrorism issues and priorities among UN agencies, regional organizations, academia, civil society, and the private sector.

Right-Wing Extremism and International Humanitarian Law: Is an Expansion of CTED's Thematic Focus Necessary?

CTED's mandate has been regularly expanded to address new thematic areas and tasks conferred on it by various Security Council resolutions. As Assistant Secretary-General Coninx observed on the CTC's 20th anniversary, CTED's mandate has "continued to expand and evolve to address the ever-changing terrorism threat landscape in a growing number of areas, including the development of comprehensive and integrated counter-terrorism strategies, the return and relocation of foreign terrorist fighters and their family members ... [through to] the misuse of information and communications technologies for terrorist purposes, and restrictions on humanitarian assistance operations, among others."¹⁷ For the upcoming mandate renewal, two thematic areas are being debated in particular: countering violent right-wing extremism and respecting international humanitarian law when countering terrorism.

The rising visibility and recognition of the globalized nature of violent right-wing extremism have led some stakeholders to suggest that CTED be mandated to further invest in the topic. Others, however, argue that the current mandate encompasses all forms of violent extremism and thus does not need to be further specified to include violent right-wing extremism, although the topic may require more attention.

¹⁶ These consist of the 2015 Madrid Guiding Principles and their 2018 Addendum.

¹⁷ UN Security Council Counter-Terrorism Committee, "CTC 20th Anniversary: A Conversation With ASG Michèle Coninx, Executive Director of CTED," November 2021, <https://www.un.org/securitycouncil/ctc/content/ctc-20th-anniversary-conversation-asg-mich%C3%A8le-coninx-executive-director-cted>.

6 | Continuity Amid Change

International humanitarian law has been referenced in Security Council counterterrorism resolutions since 2003. More recently, however, the Security Council explicitly requested CTED to examine humanitarian activities and international humanitarian law in counterterrorism contexts when adopting Resolutions 2462 and 2482. These resolutions urged states to take into account the potential effects of certain measures related to counterterrorism and countering the financing of terrorism (CFT) on exclusively humanitarian activities.¹⁸ CTED has since included specific questions on the implementation of counterterrorism measures vis-à-vis international humanitarian law in its DIS, e-DIS, and GIS.¹⁹ CTED has also updated its Technical Assistance Guide with basic guidance around international humanitarian law and respect for impartial humanitarian activities.²⁰

Stakeholders have diverging views on the extent to which CTED should take international humanitarian law into account. Some highlight the added value of mandatory communication with states on the issue during country visits. Others are concerned that any role for a counterterrorism body with regard to international humanitarian law could undermine and subordinate international humanitarian law to counterterrorism concerns.²¹ If the mandate renewal addresses CTED's engagement on international humanitarian law and humanitarian action, this should be supported by appropriate resources and expertise to ensure CTED assessments in that area are delivered with integrity and the support of relevant partners and for the benefit of international humanitarian law and humanitarian action.

A number of stakeholders observed that CTED's current mandate is broad enough to accommodate new thematic

issues and queried whether it is necessary to direct its attention to emerging issues in the mandate renewal itself and whether CTED can meaningfully include new issues in its assessments and dialogue with states without additional resources, including for its regional sections. Tasking CTED with an ever-growing list of focus areas without the necessary resources will undermine the quality and proper conduct of its work. Some stakeholders suggested that voluntary, extrabudgetary funds from individual states could help boost CTED capacity, but most were keen to see it continue relying on funding from the regular budget, which, although limited, ensures a greater degree of independence.

Human Rights: Further Monitoring and Reinforcing Compliance

Resolution 1373 made no reference to respecting human rights in the design and implementation of counterterrorism measures, except in the context of granting refugee status.²² Subsequent resolutions, however, along with the Strategy, have consistently underlined the centrality of human rights to effectively countering terrorism.²³ CTED has since integrated human rights considerations into its activities, including in the preparation of Preliminary Implementation Assessments, the GIS, DIS, e-DIS, country visits, and other interactions with member states. Yet, CTED has not always been able to support member states' follow-up actions to implement recommendations on compliance with human rights obligations. This is despite the steady shrinking of civic space over the past decade, often accompanied by the deterioration of other rights,²⁴ as well as ongoing abuses under the guise of countering terrorism and its financing, including the application of

18 UN Security Council, S/RES/2462, paras. 35 and 37; UN Security Council, *Joint Report of the Counter-Terrorism Committee Executive Directorate and the Analytical Support and Sanction Monitoring Team Pursuant to Resolution 1526 (2004) and 2253 (2015)*, UN Doc. S/2020/493, 3 June 2020.

19 For the latest version of the GIS results, see https://www.un.org/securitycouncil/ctc/sites/www.un.org/securitycouncil.ctc/files/2021105_1373_gis.pdf.

20 See UN Security Council, *Technical Guide to the Implementation of Security Council Resolution 1373 (2001) and Other Relevant Resolutions*, S/2019/998, 21 December 2019.

21 See Dustin A. Lewis, Naz K. Modirzadeh, and Jessica Burniske, "The Counter-Terrorism Committee Executive Directorate and International Humanitarian Law: Preliminary Considerations for States," legal briefing, Harvard Law School Program on International Law and Armed Conflict, March 2020.

22 UN Security Council, S/RES/1373, para. f.

23 Resolution 1456 stated that all measures taken to counter terrorism must comply with international law, including international human rights, refugee, and humanitarian law. This was supplemented by Resolution 1624, which, distinctively among the counterterrorism resolutions, addressed compliance with human rights obligations in an operative paragraph rather than the preamble, demonstrating the relevance of human rights concerns for the Security Council.

24 The year 2019 was the 14th consecutive year of decline in global freedom, according to Freedom House. Ethnic, religious, and other minority groups have borne the brunt of governmental abuses in democratic and authoritarian states. Freedom House, "Freedom in the World 2020: A Leaderless Struggle for Democracy," March 2021. See also António Guterres, "Highest Aspiration," p. 8.

7 | Continuity Amid Change

broadly defined terrorism laws targeting political opponents and marginalized groups.²⁵

CTED should enhance its support for member states' implementation of human rights–compliant counterterrorism measures. Toward this end, CTED could more closely monitor compliance with human rights obligations when implementing Security Council resolutions, provide technical guidance and set priorities at the country level on the basis of its assessments, and strengthen collective follow-up efforts in partnership with relevant UN entities such as the Office of the UN High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. CTED could also use its capacity for research and trend analysis to monitor the impact of counterterrorism measures on human rights at the country and regional levels to inform its guidance and raise the visibility of this issue.

Monitoring and Evaluation: Assessing the Impact of CTED's Work

Monitoring and evaluation are essential to demonstrate the impact of CTED's work, make informed decisions about the future directions of that work, and ultimately justify the continuation of its mandate. Stakeholders stressed the need to better monitor and evaluate the extent to which states act on assessments and recommendations and the degree to which assessments inform the technical assistance efforts of the UNOCT and other members of the Global Compact.

Efforts have been made to improve the caliber of the United Nations' assessment, monitoring, and evaluation at the programmatic and institutional levels. For example, the Global Compact Working Group on Resource Mobilization and Monitoring and Evaluation has examined CTED's role in facilitating technical assistance and the extent to which its assessments inform capacity development priorities. Such data need to be regularly collected and reported back to the CTC. CTED should also assess

the extent to which its recommendations inform the work of non-UN technical assistance providers, in particular the Global Counterterrorism Forum (GCTF) and its members.

Stakeholders also expressed a desire to better understand the impact of CTED assessments and recommendations on the counterterrorism policies and practices of member states. Member state representatives cited the role of CTED country visits, its comprehensive assessment missions, and related follow-up in bringing together national counterterrorism actors and engaging them in an ongoing dialogue. Although states are encouraged to report on steps they have taken to implement CTED recommendations, a more systematic monitoring and evaluation of the uptake of the recommendations are needed. A number of stakeholders suggested that the CTC and CTED could do more to follow up with states and to track their actions in response to these recommendations. Toward this end, the new e-DIS could become a useful tool for providing quantitative and qualitative analysis. This tool could be further enhanced by incorporating a rating system or “whitelist” to boost state compliance.

For many stakeholders, CTED's work and the work of the Security Council more broadly are assumed to have had a positive cumulative impact by boosting counterterrorism compliance and capacity. Yet, there is no objective evaluative data on which to base that assessment, and critics cite significant negative consequences from the council's counterterrorism efforts, including threat inflation and deterioration of human rights and civic space.²⁶ More robust monitoring and evaluation of the impact of CTED's work would allow for more informed decision-making and course correction regarding CTED's mandate in the future.

Conclusions and Recommendations

For the Security Council and the broader UN membership, 2021 is a particularly important year in terms of counterterrorism. The 20th anniversary of the attacks of 11 September 2001 and the establishment of the CTC

25 The Special Rapporteur noted in her 2019 report to the General Assembly (A/73/361) that the growth of counterterrorism practice has come at express, definable, and widespread cost to the rule of law and human rights. Her 2019 report to the Human Rights Council (A/HRC/40/52) established and benchmarked the negative effects of human rights–deficient measures on counterterrorism and preventing and countering violent extremism on civil society. In her 2021 report to the Human Rights Council (A/HRC/46/36), she established and benchmarked the negative consequences of measures on counterterrorism and preventing and countering violent extremism on the human rights of women and girls. The potential negative impacts of counterterrorism legislation and measures were also recognized in the seventh review of the Strategy.

26 See Ali Altiok and Jordan Street, “A Fourth Pillar for the United Nations? The Rise of Counter-terrorism,” Saferworld, June 2020.

8 | Continuity Amid Change

coincides with the seventh review of the Strategy and the renewal of the mandates of CTED, the Analytical Support and Sanctions Monitoring Team pursuant to UN Security Council Resolutions 1526 and 2253 and the Office of the Ombudsperson to the sanctions committee. These events also coincide with a change of leadership at CTED. Moreover, the four years since CTED's last mandate renewal have seen significant changes in the evolution of the threat of terrorism, the growth of the UN counterterrorism architecture, and the consequences of the COVID-19 pandemic.

Despite these developments, there is widespread support for preserving CTED's mandate largely unchanged. Even as this renewal seems likely to pass without significant changes to CTED's mandate, it provides a critical opportunity to consolidate key gains on civil society engagement, human rights, and other issues and to begin a more fundamental reexamination of the CTC's and CTED's mission under significantly changed circumstances. To contribute to this process, the Security Council could consider the following recommendations.

- 1. Preserve and reinforce all aspects of CTED's current mandate.** Resolution 2395 in part refocused CTED on its "core" assessment and technical assistance facilitation functions but also provided a strong foundation for CTED to engage more flexibly with member states and civil society, recognized its counterterrorism expertise, supported its analytical work on emerging issues, and expanded its efforts in areas such as human rights and gender, among others. The renewed mandate should preserve these additional pillars of CTED's work, and the new Executive Director should prioritize them alongside its assessment and technical assistance facilitation functions.
- 2. Optimize and standardize country visits, comprehensive assessments, and related follow-up.** There are currently several types of assessments and different lengths of visits, which could be consolidated and standardized while maintaining a degree of flexibility. Furthermore, the basis on which countries are selected and prioritized for assessments is not entirely transparent and may benefit from a more explicit, risk-based approach. To address these issues, a more comprehensive and standardized approach to assessments should be considered, alongside clearer and more explicit procedures around the elaboration of assessment reports and the time frame for their adoption. The CTC should also do more to promote follow-up with states and to track state actions in response to its assessments and recommendations.
- 3. Reinforce the precedent of states voluntarily sharing their assessment reports.** To ensure that assessments, the identification of technical assistance needs, and recommendations inform capacity development programming, states should voluntarily share their assessment reports. More transparency in assessment reports will help CTED monitor the extent to which states act on assessments and recommendations and the degree to which their assessments inform the technical assistance efforts of other UN bodies. The modalities for accessing and sharing assessment reports by UN entities on the Global Compact platform should also be clarified.
- 4. Reinforce CTED's role in facilitating technical assistance vis-à-vis that of the UNOCT and other Global Compact members.** There is a recognition that CTED's expertise has contributed to identifying countries' technical assistance priority needs, informing the design of capacity development programs in partnership with providers, and informing "all of UN" counterterrorism activities. Yet, the Secretary-General and the CTC should clarify the specificities and sequencing of CTED's role in facilitating, coordinating, implementing, and evaluating technical assistance vis-à-vis other UN counterterrorism bodies, in particular the UNOCT. They should also optimize the delivery and resourcing of related programming by these entities. In doing so, they should engage with UN stakeholders and partners on the ground rather than solely within UN headquarters.
- 5. Strengthen coordination with human rights entities and build CTED's capacity to track states' compliance with human rights obligations when implementing Security Council resolutions.** CTED must coordinate closely with human rights entities such as OHCHR and the Special Rapporteur to monitor member states' compliance with their human rights obligations when implementing Security Council resolutions and to develop recommendations in countries' assessments to ensure more impactful

9 | Continuity Amid Change

follow-up actions. The CTC should encourage CTED to use its trend analysis capacity to monitor and highlight the negative impact of measures on counterterrorism and CFT on human rights and civic space. CTED's monitoring role should be further enhanced to better assess member states' respect for human rights when implementing Security Council resolutions. This will enable CTED to orient and guide member states' efforts to implement those resolutions in line with human rights considerations, including by developing practical guidance on human rights-compliant approaches to emerging issues such as the use of biometrics and artificial intelligence in preventing and countering terrorism.

6. **Expand the scope for engagement with a broad range of civil society actors.** Language in the mandate renewal should expand the scope for CTED to engage with civil society actors consistently and meaningfully in all its activities. These include assessments and country visits, the development of recommendations for technical assistance, advice on the development of national and regional counterterrorism strategies, follow-up on visits, and analysis of trends. CTED should strengthen its interaction with civil society to ensure more inclusive and more meaningful engagement, including through open, continuous, and transparent dialogue with relevant actors. In particular, CTED should systematically consult with independent experts and national human rights institutions before, during, and after its country visits. The CTC chair can encourage and reinforce this approach by actively including such actors in meetings and deliberations.
7. **Adopt more efficient and more flexible working methods.** To meet the many challenges arising from the COVID-19 pandemic, CTED had to adopt new, more flexible working methods. For example, last year CTED began incorporating a virtual component to its country visits to allow it to conduct certain elements online and made improvements to its assessment and analysis tools, including with the launch the cloud-based e-DIS portal. The mandate renewal should

build on these achievements and urge CTED to adopt such flexible working methods to further improve its efficiency and make its work more inclusive and comprehensive.

8. **Provide adequate resources to respond to expanded obligations, developments, and themes while maintaining independence.** Stakeholders have diverging views on the extent to which CTED's mandate renewal should explicitly focus on "new" themes such as violent right-wing extremism and compliance with international humanitarian law, but they agree that CTED requires sufficient, predictable resources that allow it to respond agilely to new trends and developments while maintaining its independence. Similarly, CTED needs sufficient resources to undertake its ever-growing number of visits and assessments; follow up with states; cooperate with other UN entities, including as chair or vice chair of a range of Global Compact working groups; and facilitate technical assistance.
9. **Monitor and evaluate the extent to which assessments and recommendations are acted on by states and inform UN and other technical assistance efforts.** The CTC must support a more systematic effort to monitor and evaluate the impact of CTED assessments and recommendations on the counterterrorism policies and practices of member states. CTED should regularly collect data on the extent to which its assessments inform the technical assistance efforts of the UNOCT and other Global Compact members and report on this to the CTC. CTED should also seek to assess the extent to which its recommendations inform the work of non-UN technical assistance providers, in particular the GCTF and its members.
10. **Undertake a more fundamental reassessment of CTED's mandate.** The confluence of events in 2021 presents an opportune moment for a more fundamental reevaluation of UN counterterrorism efforts, their impact, and the constellation of actors, actions, and resources involved. Although such a reassessment could be led by the CTC or the Secretary-General, it would be most valuable if it is led by an independent external reviewer and includes a process for external input.

About the Authors

Annabelle Bonnefont is a Legal Analyst for the Global Center. She provides research and programming support on criminal justice and rule of law issues. She has legal experience in France, China, and the United States in the fields of public and private international law, rule of law, counterterrorism, human rights law, and peace-building operations. After practicing as a trainee lawyer in international litigation and arbitration within international law firms, she was a consultant for the United Nations and conducted legal analysis in the area of counterterrorism, investigation and human rights law. She is a member of the Paris Bar, she holds a Master degree from Paris 2 Université Panthéon-Assas in international law, a Master degree from Institut National des Langues et Civilisations Orientales in Chinese language and modern Politics, and a LLM degree from Columbia Law School.

Agathe Sarfati is a Policy Analyst at IPI's Brian Urquhart Center for Peace Operations, where she focuses on peace operations, counterterrorism, and humanitarian action. Agathe previously worked on counterterrorism policies at INTERPOL and with the UN Counter-Terrorism Committee Executive Directorate. She also worked on humanitarian affairs at the ICRC Delegation to the United Nations. Agathe holds a dual Master degree in international security from Columbia University's School of International and Public Affairs and Sciences Po Paris.

Jason Ipe is Chief of Operations for the Global Center. He has over a decade of experience developing and managing research, international programming, and technical assistance on countering terrorism and violent extremism. Before joining the Global Center, he worked previously analyzing terrorist and illicit financial flows with the Global Financial Integrity program of the Center for International Policy. He holds a BA in international relations from Connecticut College in New London, Connecticut and a Master degree in international security policy from the Elliott School of International Affairs at The George Washington University in Washington DC.

Acknowledgments

The Global Center and IPI gratefully acknowledge the support for this policy brief provided by the governments of Norway, the Netherlands, and Switzerland.

The authors are grateful to those who participated in the consultations process through interviews, surveys, focus-group discussions, and workshops. The authors would also like to thank Eelco Kessels and external reviewers for their feedback and inputs.

The views expressed are those of the authors and do not necessarily reflect those of the Global Center, IPI, or their sponsors.