

The UN Security Council: Assessing Twenty Years of Counterterrorism Workshop Summary Greentree Estate | Manhasset, New York November 30 - December 2, 2021

Overview

The [Securing the Future Initiative \(SFI\)](#) convened its first workshop in late 2021, focused on assessing 20 years of counterterrorism in the UN Security Council (UNSC). The two and a half-day retreat brought together more than 30 key stakeholders, including representatives from Member States and non-governmental organizations, as well as UN officials, independent experts, and other members of civil society for a timely discussion on the UNSC's contributions to addressing terrorism and violent extremism over the past twenty years. This workshop is part of a broader effort to ensure that the SFI's findings, which it will deliver in Fall 2022, benefit from a diversity of views.

Below is a summary of the key discussion points

The discussion explored the evolution of the terrorism and multilateral counterterrorism landscape since 2001; the ways in which the UNSC has “exceptionalized” both the threat and its response during this period; the Council's counterterrorism comparative advantages; the impact of UNSC counterterrorism action on both the terrorist threat and the body's ability to maintain international peace and security and uphold UN values; when, why, where, and how the Council should take action against terrorism in the future; and the implications and impact of Council action in this sphere in the absence of a universal definition of terrorism. During the event, participants offered recommendations for enhancing the effectiveness and sustainability of the Council's approach to addressing the terrorist threat into the future. These recommendations will be considered during SFI activities in 2022 and inform the project's findings and conclusions, which will be presented in September.

Participants noted the ever-changing nature of the terrorist threat over the past 20 years. They highlighted the Security Council's ability to respond rapidly and decisively, and quickly mobilize the international community as comparative advantages over other UN bodies. However, the repercussions of acting with such speed were also found to raise challenges. Participants highlighted that the Council should consider using its unique authority more judiciously than it has over the last two decades when considering how best to address terrorist threats, particularly in light of the proliferation of resolutions subsequent to [Resolution 1373 \(2001\)](#).



Some participants noted how this expanding set of UNSC counterterrorism obligations has contributed to incoherence or fragmentation when Member States attempt to navigate how to best implement additional, often intricate, legal requirements. Some participants posited that additional “counterterrorism” resolutions do not necessarily lead to less terrorism (indeed there is evidence that terrorism has increased in certain regions over the past two decades). It was suggested that the Council consider wider implications of any future counterterrorism action before taking on additional counterterrorism activities.

Participants discussed the implications of the UNSC treating terrorism as an “exceptional” threat for the past two decades. For example, they noted the number of counterterrorism resolutions – many of which are highly technical and complex by nature – and the use of Chapter VII authority to impose legal obligations of a general nature and without time limits or “sunset clauses” on all Member States. The creation of multiple subsidiary bodies to oversee implementation of its counterterrorism regime, and the pros and cons of continuous dialogue with Member States on their implementation of UNSC counterterrorism resolutions, were also discussed. Among the explanations offered for this steady growth of the Council’s counterterrorism architecture were that “counterterrorism” was one of the few issues where there has historically been consensus among the P5 and elected members in search of a “legacy” UNSC resolution and/or meeting during their two-year term have often gravitated towards this issue.

Participants considered whether both the quantity and quality of Council counterterrorism resolutions are appropriate, particularly when compared to the Council’s treatment of other threats to international peace and security. They agreed that there remains a need for the Council to continue to address terrorism going forward – although perhaps with a more strategic and less technical focus – but that it should avoid “over-addressing” it as some argued the Council has done since 2001, and with closer attention to repercussions.

Participants debated the successes and shortcomings of the Council’s counterterrorism work. The successes identified included: 1) taking swift and decisive action in the aftermath of the September 2001 attacks; 2) solidifying the consensus that terrorism is a heinous crime without justification and which cannot be addressed by any single country or organization; 3) strengthening international legal cooperation and thus making it harder for terrorist groups to seek safe haven; 4) identifying national legal and operational gaps to filled and helping to build the necessary capacities and political will to close these gaps; 5) catalyzing a dramatic increase in the number of countries parties to the now 19 international conventions related to terrorism; 6) promoting a “whole of government,” multi-disciplinary response to the threat; 7) the use of sanctions and other measures to counter the financing of terrorism; 8) maintaining global momentum against terrorism; and 9) stimulating an increase in regional and subregional counterterrorism frameworks and programs.



Participants also cited a number of limitations and other shortcomings. These included: 1) promoting an over-securitized response that fails to prioritize addressing the underlying conditions that can give rise to terrorism; 2) providing governments a “blank check” to use counterterrorism (in part because of the lack of a universal definition of terrorism) to justify crack-downs on civil society, political opponents, journalists, and human rights defenders; 3) the inability to hold states accountable for when they abuse or other misuse measures implemented pursuant to Council resolutions; 4) creating regulatory burdens on Member States with far-reaching (negative) consequences for human rights, peacebuilding, and humanitarian work; 5) the undermining of humanitarian and peacebuilding work; 6) the lack of data to assess progress in addressing the Council’s objectives; 7) the tendency to treat counterterrorism in isolation from other UN priorities such as development, human rights, and wider peace and security issues, which contributes to a siloed approach, with an over-emphasis on reactive, security measures and insufficient attention to prevention; 8) a largely opaque and exclusive approach that provides too few opportunities for non-Council members, UN experts, and civil society to provide meaningful input; 9) limited coordination with (and within) other UN entities, including UN field offices; and 10) an overly politicized assessment process that leaves the UNSC (through the Counter-Terrorism Committee and its Executive Directorate) unable to effectively address implementation shortfalls.

Participants debated the extent to which the Council’s heightened focus on counterterrorism has had an impact on its ability to maintain international peace and security and uphold UN values. Some highlighted the negative impact, in particular, especially given the Council’s reactive, siloed, and state-centric approach. The lack of attention to human rights in the immediate aftermath of 9/11 and the lasting consequences of this deficit was also highlighted. The discussion also focused on the challenge in translating the Council’s counterterrorism framework into effective action by front-line practitioners and other local stakeholders on the ground. It was suggested that a more transparent and inclusive approach to the development of relevant Council resolutions could help overcome this challenge, as has been done in other areas of the Council’s work. In general, participants felt that with an expansive counterterrorism framework in place, the Council should focus its attention on member state implementation of the existing resolutions rather than on the adoption of new ones. Participants also discussed the implications of the lack of a universal definition of terrorism, with many expressing concerns that states are taking advantage of this lacuna and adopting far-reaching counterterrorism legislation that targets political opponents and/or leads to a reduction of civic space. Others argued that states that are misusing the Council’s counterterrorism framework in this way would do so regardless of whether there was a universal definition.

Participants also noted the ever-changing nature of the terrorist threat and highlighted the Security Council’s ability to respond rapidly and mobilize the international community as a unique advantage over other UN bodies. Conversely, participants also highlighted how



expanding UN obligations run the risk of incoherence or fragmentation within law as Member States attempt to navigate additional rules. Some participants posited that additional resolutions or laws do not necessarily equate with effectiveness in counterterrorism and suggested considering other implications before expanding the Security Council's scope.

During the discussion, participants put forward a range of recommendations to aimed enhancing the effectiveness and positive impact of the Council's efforts to address terrorism now more than 20 years after the adoption of UNSCR 1373 – the full set of recommendations are available here. These included: 1) "right-sizing" the Council's approach to counterterrorism in the future; 2) adopting more of a regional (vs country) focus to its work; 2) breaking down the counterterrorism silo and integrate counterterrorism within the Council's, and the rest of the UN's, wider work; 3) adopting a more transparent and inclusive approach, which, for example, allows more opportunities for local civil society voices to be heard prior to the adoption of new resolutions and when considering country implementation efforts; 4) seeing more consistent follow-up by the CTC, including by having its Chair meet with individual member states to discuss implementation challenges; 5) developing a monitoring and evaluation framework to measure the impact of the Council's counterterrorism framework, including in individual countries and on the UN system; 6) realizing more integration of the Council's counterterrorism work with the UN's conflict prevention and peacebuilding efforts in the field; and 7) including sunset clauses in any future Council counterterrorism resolutions, which should be limited in scope to a particular geographic context or terrorist group.

About the Securing the Future Initiative:

The Soufan Center and The Fourth Freedom Forum are developing the first-ever independent review and assessment of the UNSC's counterterrorism activities. The project will assess the Council's efforts since the terrorist attacks of September 11, 2001, as well as lessons learned in addressing the evolving terrorist threat. Drawing on wide ranging research, analysis, and consultations, the project will offer policy-relevant recommendations for ensuring that the UNSC's approach to addressing terrorist threats is both effective and sustainable. These recommendations will be included in the report that the SFI team will release in September 2022. The SFI project is being co-led by TSC Senior Visiting Fellow Eric Rosand, President of the Fourth Freedom Forum Alistair Millar, and TSC Executive Director Naureen Chowdhury Fink. The project is being funded by the European Union and the Governments of Switzerland and The Netherlands.

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