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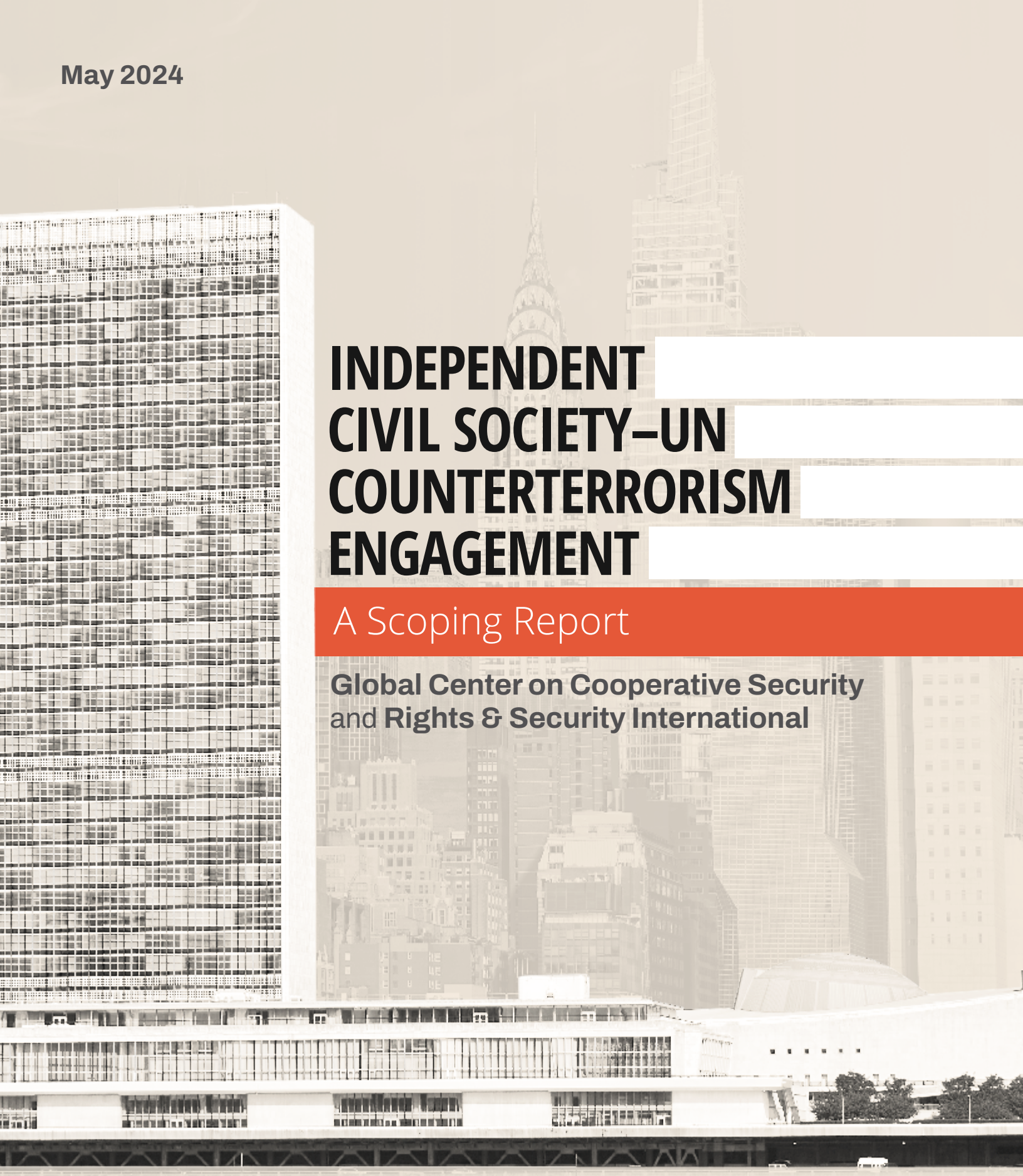

INDEPENDENT CIVIL SOCIETY–UN COUNTERTERRORISM ENGAGEMENT

A Scoping Report

Global Center on Cooperative Security
and **Rights & Security International**

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Rights & Security International

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A view of the southern part of the UN Secretariat lobby, on the river side. The 15-by-12-foot stained glass panel, symbolic of humanity's struggle for peace, is by French artist Marc Chagall. Dedicated to the memory of Secretary-General Dag Hammarskjöld and 15 others who died with him in a plane crash in 1961, the panel was financed through contributions from UN staff. Credit: UN Photo

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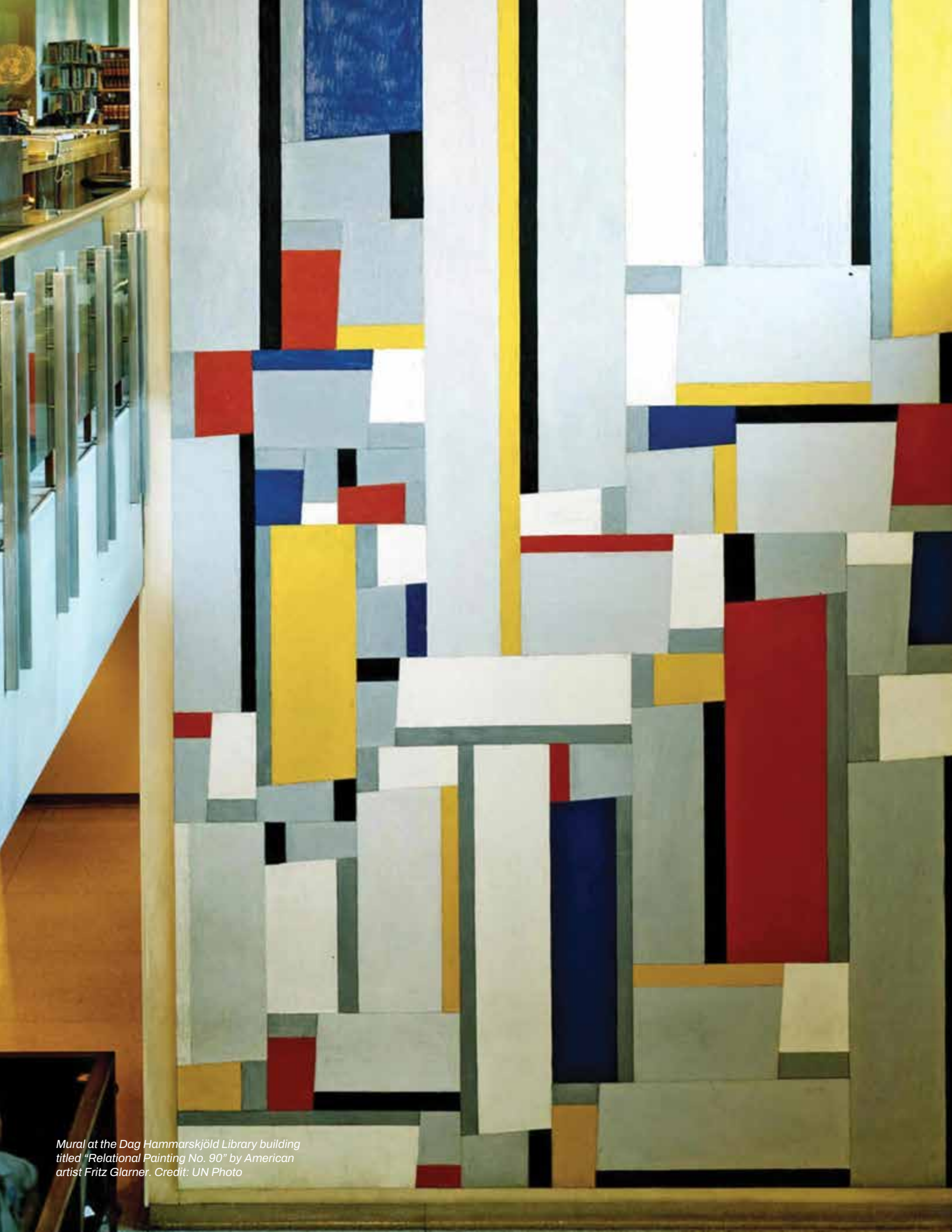


Mural at the Dag Hammarskjöld Library building titled "Relational Painting No. 90" by American artist Fritz Glarner. Credit: UN Photo

FOREWORD

This scoping study on independent civil society–UN counterterrorism engagement was designed to facilitate discussion among human rights organizations and activists globally on the needs, concerns, expectations, and recommendations for meaningful engagement with UN entities that create or address counterterrorism or counterextremism measures; to collate findings from these discussions; and to develop recommendations for UN entities accordingly. As community practitioners and advocates, we are acutely aware of the barriers civil society faces in its work on the safety and security of communities, including the significant challenges that stem from global counterterrorism architecture. From the outset, we resolved to approach this project as a genuine scoping study that did not assume any predetermined outcomes. Our starting point was exploring and understanding existing barriers and challenges that hinder civil society engagement rather than focusing on a specific mechanism or structure to enhance civil society participation in UN counterterrorism policymaking and programming.

Despite the clear consensus that civil society participation leads to more effective, rights-respecting, context-specific, and informed violence prevention policies, significant obstacles remain to achieve inclusive, equitable, and meaningful civil society participation in UN counterterrorism efforts. Civil society organizations around the world highlighted the UN's alarming inability to address state repression of their organizations and the communities they serve under the guise of counterterrorism and national security policies. As a result, civil society must choose between having a voice in UN counterterrorism efforts and keeping itself and the communities it serves safe and protected. Some organizations see the United Nations as complicit in this abuse when it supports states that routinely violate rights. Often, those most impacted by counterterrorism measures and thus whose contributions to shaping policies are most essential experience the greatest marginalization, which presents additional barriers and risks to participation.

Even when engagement with the United Nations is possible without fear of reprisal, many civil society organizations have experienced their participation as superficial and performative. Entrenched inequalities, discriminatory border practices, unduly prolonged visa processing times, and resource constraints compound repressive state practices and exacerbate barriers to civil society participation in UN counterterrorism policymaking, particularly affecting those actors from the Global South.

These challenges require reconsideration and reimagination of how the United Nations engages civil society. No shortcuts or standalone participation mechanism can solve the problems civil society faces in participating in counterterrorism fora. The United Nations must condemn, more openly and forcefully, states that abuse counterterrorism measures to silence civil society and draw greater attention to those communities that are disproportionately impacted. Credible protection against reprisals and transparency at all stages of UN policymaking processes are required for inclusive, equitable, and meaningful civil society engagement. Civil society must be recognized as an equal and expert stakeholder, its contributions sought out at every stage, and its input adequately reflected in policies and programming.

This study identifies several opportunities and practical recommendations to promote the preconditions necessary for civil society engagement. We call on the United Nations and its member states to implement these recommendations fully through concrete, dedicated measures. The United Nations must abandon extractive practices and pivot to a more symbiotic, mutually beneficial, and equitable approach. Absent committing to the preconditions laid out in this report, "civil society engagement" remain hollow words.

— Advisory Committee for the Scoping Study on Independent Civil Society–UN Counterterrorism Engagement

View of the UN fountain with an abstract sculpture by English artist Barbara Hepworth in memory of Dag Hammarskjöld. The UN Secretariat is visible in the background. Credit: UN Photo

TABLE OF CONTENTS

Acronyms ix

Executive Summary xi

Introduction 1

Methodology 5
- Advisory Committee 6
- Data Collection 7
- Risk Mitigation 8
- Limitations 9

UN Counterterrorism Architecture and Civil Society Engagement 11
- Civil Society and the UN Counterterrorism Architecture 12
- The United Nations and the Development of International Counterterrorism Frameworks, Policies, and Practices 13
- The Security Council 14
- The Counter-Terrorism Committee and Its Executive Directorate 16
- The General Assembly and the *United Nations Global Counter-Terrorism Strategy* 18
- The Office of Counter-Terrorism 19
- The Global Counter-Terrorism Coordination Compact 22
- Missing Ingredients for Meaningful Engagement 22

Potential Benefits of Civil Society Engagement With the United Nations 25
- Evidence-Based, Human Rights–Compliant Policy, Norms, and Guidance 25
- Implementation of Human Rights–Based Programming 26
- Recentering the Importance of Eliminating Bias, Discrimination, and Colonialist Attitudes 26
- Enhancing the Accountability of Counterterrorism Efforts 26
- More Effective Monitoring and Evaluation of Counterterrorism Efforts 28
- Deepening Knowledge and Research Networks 28
- Accessing Funding and Other Resources 28
- Meeting the Potential of Meaningful Engagement 29

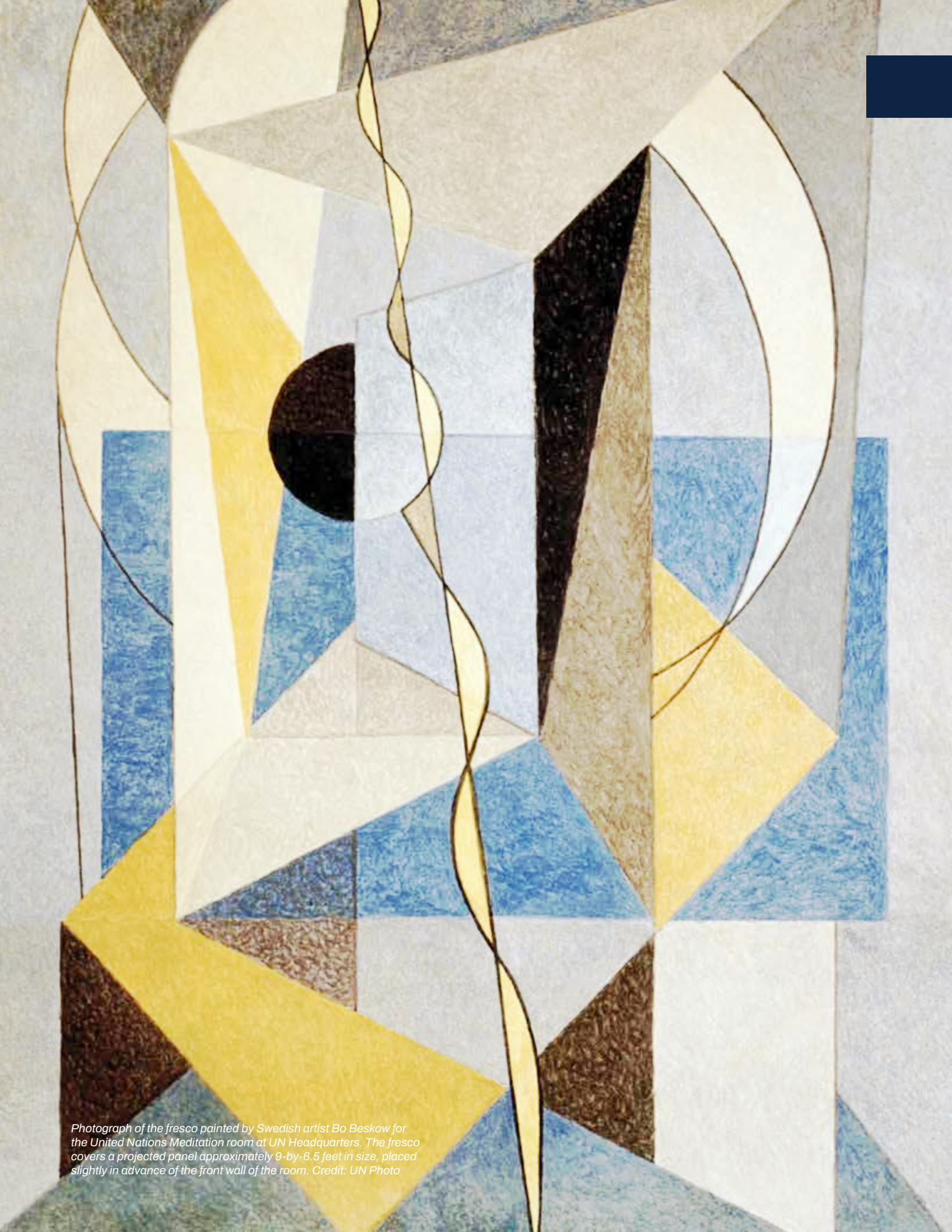
Barriers to and Risks of Civil Society Engagement With the United Nations 31
- Barriers and Risks Emerging From UN Structures, Policies, and Practices 31
- Barriers and Risks Emerging From Member State Structures, Policies, and Practices 39
- Barriers and Risks Emerging From the Civil Society Dynamics and the Impacts of Counterterrorism Measures 42
- Need for Sustained, Principled UN Action 47

Charting Pathways Toward Meaningful Engagement 49
- Preconditions for Meaningful Civil Society Engagement by the United Nations 50
- Toward a Framework for Meaningful Engagement 52

Conclusion and Recommendations 57

Box

1. Use of the Term ‘Extremism’ Without the Modifier ‘Violent’ 32



Photograph of the fresco painted by Swedish artist Bo Beskow for the United Nations Meditation room at UN Headquarters. The fresco covers a projected panel approximately 9-by-6.5 feet in size, placed slightly in advance of the front wall of the room. Credit: UN Photo

ACRONYMS

CTC	Counter-Terrorism Committee (UN Security Council)
CTED	Counter-Terrorism Committee Executive Directorate (UN Security Council)
ECOSOC	UN Economic and Social Council
FATF	Financial Action Task Force
GCTF	Global Counterterrorism Forum
GONGO	government-organized or -aligned nongovernmental organization
ISIL	Islamic State of Iraq and the Levant
LGBTQ+	lesbian, gay, bisexual, transgender, queer, and others
MENA	Middle East and North Africa
NGO	nongovernmental organization
OHCHR	Office of the UN High Commissioner for Human Rights
P/CVE	preventing and countering violent extremism
RSI	Rights & Security International
SDG	Sustainable Development Goal
UK	United Kingdom
UN	United Nations
UNDP	UN Development Programme
UNOCT	UN Office of Counter-Terrorism
U.S.	United States

Inside the public entrance of UN Headquarters.
Credit: Lanmas / Alamy

EXECUTIVE SUMMARY

Around the world, people who are not part of government and who take concerted action to promote what they see as just causes are vital to upholding human rights. These civil society actors often face extremely high risks to themselves and their loved ones as they attempt to build a better world. Often, one of the largest risks these activists face, however, is repression by their own governments. Especially since the attacks of 11 September 2001 and resulting changes in the law in many states, authorities have used counterterrorism and related measures to target and silence civil society activists while perpetuating discrimination against communities that already faced bias. In the name of preventing what they deem to be terrorism or violent extremism, states have been punishing dissent, carrying out arbitrary arrests and detentions, limiting free expression, and violating rights in a range of other ways, some of them violent. Counterterrorism laws also often allow authorities to avoid accountability for these harms.

Concurrently, the United Nations has become a vehicle for the promulgation and expansion of international counterterrorism and preventing and countering violent extremism (P/CVE) measures. As certain states waged what they described as a "Global War on Terror," they also set to work at the United Nations to embrace new policy priorities and create a vast range of new committees, working groups, offices, and staff roles that have the stated goal of countering "terrorism," a term that remains undefined in international law. In many cases, the goals of civil society are aligned with the stated mission of the United Nations, which includes ending violent conflict and insisting on equal rights for all people. Yet, many civil society groups globally are deeply discontented about how UN approaches and language have propped up human rights–violating state practices, including discriminatory ones, and barriers to the groups' ability to operate without fear of reprisals. There is also widespread dissatisfaction about a perceived UN disregard for the expertise and perspectives of people outside government.

Although the UN General Assembly, the Security Council, Secretaries-General, and the Human Rights Council and other UN bodies have often stated that civil society is critical in building peace, upholding human rights, and furthering development, much of the UN counterterrorism architecture has been failing to engage with civil society meaningfully and consistently. Some of the measures and approaches the United Nations has taken have had the opposite effect, alienating rights activists and lending support to controversial concepts, such as "extremism" and "radicalization," on which states rely when targeting minority groups, dissidents, and others.

In support of wider civil society efforts to demand more meaningful influence on and engagement with UN counterterrorism efforts, this report presents the results of a year-long scoping study undertaken by the Global Center on Cooperative Security and Rights & Security International. The findings and recommendations presented in this report explain the hesitation of many groups worldwide to engage with the United Nations on counterterrorism-related issues, the range of barriers they face, and their aspirations for the UN role in promoting and protecting civil society and civic space. This report also sets out some of the preconditions for greater civil society engagement with UN entities regarding these topics.

IF UN POLICIES, NORMS, STANDARDS, AND RELATED PROGRAMS HAD A BETTER BASIS IN LIVED REALITIES AND THE FACTUAL SITUATION ON THE GROUND, THEY WOULD BE MORE LIKELY TO ACHIEVE A POSITIVE IMPACT.

Civil society is not a monolith, which is one of its strengths. The experiences of individual groups with the United Nations and their perspectives on the ramifications of UN decisions and actions are nuanced and varied. The same holds true for their experiences of engagements in and perspectives on efforts to prevent violence. In 2023, 174 civil society representatives from more than 50 countries around the world were consulted for this research, involving an advisory committee of 15 experts drawn from civil society and academia in a wide range of regions.

Through this process, a global consensus was found among civil society actors that UN engagement with civil society on counterterrorism and related issues is inadequate and broken in several respects. Many of the identified problems can be corrected, but addressing them will require a sincere commitment of time, political will, and resources to protect groups' safety. This includes addressing the UN's response or lack thereof to repression by states, its willingness to acknowledge and alter power dynamics, and above

all, its ability to demonstrate that civil society can actually have a substantive impact on UN decision-making and action.

UN COUNTERTERRORISM ARCHITECTURE AND CIVIL SOCIETY ENGAGEMENT

In the decades since 2001 and principally influenced by a select group of member states and their domestic and foreign policy priorities, the United Nations and other intergovernmental bodies, such as the European Union, African Union, and Financial Action Task Force, have heightened their attention to counterterrorism issues. Through the adoption of more than 50 UN Security Council resolutions and eight reviews of the *United Nations Global Counter-Terrorism Strategy*, counterterrorism policies and programs have become deeply embedded in the UN system, with more than 40 UN entities now involved in counterterrorism work in some respect. The United Nations has played a key role in encouraging states to adopt particular counterterrorism laws and P/CVE strategies and has been involved in building the legal, information-sharing, and other capabilities of counterterrorism institutions and criminal justice actors in many member states.

In the face of mounting state violence and repression against civil society that authorities have sought to justify in the name of countering terrorism, civil society has been carrying out a wide range of work, sometimes at great risk, within and across borders to protect human rights and, in some cases, prevent and counter political violence. At times, these groups, while remaining independent, have worked alongside sympathetic experts in the UN system, such as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including to call for greater, more inclusive engagement with the United Nations regarding counterterrorism-related issues, policies, and programs. Nevertheless, the scope and nature of civil society's role remain subjects of intense debate among member states.

Various UN entities have recently made efforts to increase civil society engagement on counterterrorism-related issues. For example, the Security Council and its subsidiary bodies, as well as the Office of Counter-Terrorism (UNOCT), have attempted to hold incrementally greater conversations with civil society.

Despite these steps, UN counterterrorism activities and decision-making remain largely opaque to people on the outside, while UN engagement with civil society remains ad hoc and driven by member state interests and priorities. Many consulted groups perceive these activities as extractive "tick box" exercises and otherwise only accessible mainly to the most privileged organizations.

This report makes clear that the United Nations first must address serious flaws in the manner in which its entities and member states approach civil society and communities before it considers developing any new structures for civil society engagement on its counterterrorism efforts. When civil society groups and individual human rights activists or independent experts interact with UN officials or entities on these issues, they confront a system that has shown little intention of allowing them to have a meaningful impact, as well as policies and language that many believe have propped up racism, Islamophobia, sexism, anti-indigenous bias, colonialist decision-making, and other forms of repression at home.

Meaningful engagement implies a degree of reciprocity between engaged parties. To have any chance of success, engagement with the United Nations regarding counterterrorism or P/CVE issues not only must meet the needs of United Nations and its member states, but also must align with the needs and interests of civil society, while grappling with the risks civil society groups and activists face.

This report provides ample evidence that UN decision-makers should want to learn from and collaborate with civil society. Moreover, the United Nations should want to ensure that what they learn shapes their decisions and that those decisions do not simply cement governmental powers, that their collaboration promotes and protects civil society and civic space, and that civil society is involved in the subsequent actions. At the same time, this report identifies serious, worldwide concerns that UN counterterrorism-related activities, even when accessible, place civil society actors at risk without giving them any real chance to have an impact on policies, decisions, or actions. There is also a risk that the United Nations will not be able to elicit honest views unless it addresses the danger of retaliation that many groups and individual activists face when interacting with it and ceases promoting approaches to counterterrorism, P/CVE, and related measures that many groups believe provide carte blanche to states to harm them and the people they serve.

POTENTIAL BENEFITS OF CIVIL SOCIETY ENGAGEMENT WITH THE UNITED NATIONS

If civil society groups were able to engage with the United Nations regularly in a safe, candid, and productive manner, this could have many benefits for human rights and violence prevention in their individual contexts and worldwide. Currently, many civil society organizations and activists face serious risks to their lives and freedom as they document the real-world impact of counterterrorism and related measures. At the same time, because of these threats, risks, and other barriers to meaningful civil society engagement, UN entities are not receiving a full picture of threats of violence or the impacts of states' counterterrorism measures. Even if they are, they are often not responding in a way that addresses underlying drivers and grievances, restores rights, and creates accountability for abuses.

Collectively, civil society groups have vast knowledge, networks, and capacities that could contribute to human rights–respecting violence prevention activities. Yet, the level of desire of civil society groups and activists for engagement with the United Nations reflects a diverse range of views on potential benefits and opportunities.

Civil society actors, including human rights defenders, have a deeply nuanced understanding of their local contexts and the needs of the people most impacted by violence, conflict, and injustice. Greater civil society engagement with the United Nations could give the world body and its member states a fuller, more accurate picture of the facts

on the ground while enabling groups to raise the profile of the issues they are confronting and seek human rights–promoting action from the United Nations. If UN policies, norms, standards, and related programs had a better basis in lived realities and the factual situation on the ground, they would be more likely to achieve a positive impact. Civil society groups working in conflict-affected environments may also have the experience, desire, and local credibility to implement violence prevention projects, although many consulted during this research expressed discomfort with the idea of framing peace-building, rights, and development projects as P/CVE efforts. Whether they use the preferred UN discourse, however, has no bearing on their ability to contribute valuable knowledge and experience to global debates and local actions or their need for human rights–respecting assistance in confronting the risks they and their communities face.

Given the preceding decades of widespread, systematic state misuse of counterterrorism measures, some civil society groups wish to have greater meaningful engagement with the United Nations about state practices and to promote the accountability of the UN counterterrorism architecture and associated efforts. Although some groups currently engage with the Human Rights Council on these issues, often in the form of written submissions, many groups wish to see the full panoply of UN counterterrorism entities take up the issue of rights violations and problems of discrimination.

Some civil society groups, particularly those working on P/CVE implementation, are interested in engagement with the UN counterterrorism architecture to gain access to platforms to exchange research and analysis, as well as

CIVIL SOCIETY ACTORS ARE DEEPLY FRUSTRATED WITH THE UN FAILURE TO PREVENT AND RESPOND TO REPRESSION AND RETALIATION.

Credit: By Ints / Adobe

opportunities to share experience and good practice. Many also hope meaningful engagement will bring with it reciprocal access to international resources, including in the form of funding and equitable program partnerships.

BARRIERS TO AND RISKS OF CIVIL SOCIETY ENGAGEMENT WITH THE UNITED NATIONS

The United Nations and its member states must remove a number of serious impediments before civil society and UN institutions could reap the benefits of greater civil society engagement with the United Nations. Several main barriers and risks relate directly to the structures, policies, and practices of the United Nations itself. The lack of an agreed international definition of "terrorism" and related terms, including the lack of agreed definitions in relevant UN resolutions, lies at the heart of systemic barriers and challenges to meaningful engagement with civil society. It places civil society in the uncomfortable position of attempting to engage regarding undefined phenomena with states and UN entities that have been taking extremely consequential actions in the name of countering those phenomena, often with harmful impacts on human freedoms. The widespread misapplication of counterterrorism measures to target civil society, often with impunity, has been a matter of grave concern among civil society actors for decades. Civil society actors are deeply frustrated with the UN's failure to prevent and respond to repression and retaliation that states carry out in the name of protecting security and for the purpose of discouraging civil society engagement on these issues. The United Nations is mistrusted due to negative experiences when engaging with UN counterterrorism initiatives, concerns about what is seen as superficial or counterproductive treatment of gender considerations, and an aversion to or disinterest in meaningfully engaging with grassroots and youth organizations. Groups that might like to engage with UN officials or entities frequently lack a clear sense of existing entry points, and numerous legal, bureaucratic, and resource constraints otherwise hinder the potential for engagement, particularly among grassroots organizations and those based in the Global South.

The structures, policies, and practices of member states were sources of some of the most grave, persistent barriers to meaningful civil society engagement. Civil society groups around the world are struggling to overcome intense, overlapping forms of repression that states justify under discriminatory counterterrorism, P/CVE, and other national security measures. These measures have had a deleterious effect on the safety and work of civil society groups and activists, as well as on the broader environments in which they operate. Governments have also been placing increasing restrictions on civil society, including onerous legal and administrative requirements, financial controls, and heightened monitoring, particularly for those working on issues associated with national counterterrorism agendas. States use these practices to make the work of civil society groups more difficult and less safe, which in turn impedes these groups' ability to engage with the United Nations. Many perceive the United Nations as being aware of these repressive measures but unwilling or unable to take action.

Despite rhetorical acknowledgment of their important contributions to preventing violence many civil society actors who do get a seat at the table feel tokenized and disregarded by the United Nations and member states alike. One of the largest criticisms of existing UN and member state engagement is that it is merely a tick-box exercise, often a tokenistic one. Simply put, civil society groups do not see evidence that their input makes a difference, and they believe UN officials "consult" them in name only. Many feel used, often in the interest of achieving goals with which they do not agree. Many that would otherwise have much to contribute through engagement with the UN counterterrorism architecture are reluctant unless they see a convincing value-add in impacting decisions and actions and ending abuses.

The proliferation of counterterrorism measures over the past two decades has had a substantial impact on the internal dynamics of civil society as well. These measures have transformed the civil society ecosystem, affecting peace-building, governance, and development priorities. The reorientation of civil society's core work and financing toward the aims of security, along with the shift in donor institution funding toward counterterrorism and related goals, raises concerns among civil society organizations. Many organizations believe that civil society groups that collaborate with governments in carrying out P/CVE initiatives and other groups that are aligned with governmental agendas have greater, safer access to discussions than those that are critical of such initiatives. Many organizations consulted raised concerns about the emergence of government-organized or -aligned nongovernmental organizations and their role in consultations with the United Nations and national authorities, pointing out their potential to co-opt and undermine independent civil society voices.

CHARTING PATHWAYS TOWARD MEANINGFUL ENGAGEMENT

The United Nations was established in the name of "the peoples of the United Nations." The global body must find safe, respectful, equality-promoting, and meaningful ways of hearing and responding to the experiences of those peoples in an era in which "counterterrorism" and "P/CVE" are often code words for abuse. UN entities and the member states should ask themselves what their motivations are in seeking such engagement and take account of the need to

Picasso's Guernica tapestry has been cared for by conservators and rehung outside the UN Security Council Chamber. Credit: lev radin / Alamy

- **protect civil society groups and activists against state repression and retaliation;**
- **establish and mainstream oversight and accountability practices that ensure that UN counterterrorism efforts adhere to and demand state compliance with human rights standards;**
- **provide clarity about existing avenues, conditions, and procedures for engagement of civil society organizations within the UN counterterrorism architecture and expand them;**
- **explain clearly at the outset what impact civil society participants can expect to have as a result of their engagement and ensure that civil society input consistently has a demonstrable, substantive impact;**
- **adopt more robust practices to ensure that information on their counterterrorism policies and programs is accessible;**
- **compensate and otherwise support civil society groups; and**
- **prioritize engagement with civil society at the grassroots and local levels.**

Civil society groups want decision-makers and policymakers, including at the United Nations, to treat them as equals and as agents of change, not as passive recipients of the decisions that state or intergovernmental bodies mete out. Before increasing their engagement, groups will need not only a reduction of these barriers but also a clear sense that their contributions could have an impact on UN decisions and actions, that is, that the United Nations might actually do something differently because of the expertise these groups have offered. Greater engagement between the United Nations and civil society should not be an end in itself but a means to an end. At a minimum, the framing of the quality of meaningful engagement should account for the following attributes: safe, respectful, valued, inclusive and accessible, voluntary, transparent, informative and accountable, gender and identity sensitive, youth friendly, supportive, and advocative.

In the discussions with civil society, diverse viewpoints emerged regarding the potential for meaningful involvement with the UN counterterrorism structure. Despite facing escalating risks and growing frustration with the UN system, most civil society representatives still see potential benefits in the idea of deeper engagement. Yet, there is no consensus on a specific approach for achieving more meaningful involvement. Many groups seem supportive of a variety of engagement avenues and levels, as organizations differ in expertise, interest, and experience. As such, meaningful engagement should take place across a range of overlapping and mutually reinforcing modalities of engagement including consultation, contribution, partnership, and civil society leadership. There is no one-size-fits-all method for facilitating civil society engagement.

A view of the Trusteeship Council Chamber prior to a meeting of the Sixth Committee, on organization of work and measures to eliminate international terrorism. Credit: Cia Pak / UN Photo

INTRODUCTION

Alongside and supplementary to the so-called Global War on Terror following the 11 September 2001 attacks on the United States, the United Nations has been a driving force in the promotion and proliferation of counterterrorism laws, along with strategies for countering terrorism and preventing and countering violent extremism (P/CVE), and in support for counterterrorism institutions in many of its member states. For more than two decades, through the adoption of dozens of UN Security Council resolutions and hundreds of programs, counterterrorism has become deeply embedded in the UN system. More than 40 UN entities are involved in counterterrorism work in some respect.

As member states were concluding negotiations of the eighth biennial review of the *United Nations Global Counter-Terrorism Strategy* in June 2023, a landmark report was published by Fionnuala Ní Aoláin, who was the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Based on extensive consultations with civil society organizations around the world, the report, titled *Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space*, described multiple, compounding ways in which member states are deploying counterterrorism, P/CVE, and related measures to target and attack civil society groups and civic space across the globe. In presenting her findings, the Special Rapporteur concluded that "[t]he kinds of violations revealed by the global study demonstrate that security is not the goal of abusive State practice but rather its opposite, namely, the continuance of instability, insecurity and cultures of impunity and violence."[1]

The Special Rapporteur's report added to alarms that have been ringing for years: UN human rights entities, civil society groups, and others have documented a proliferation and expansion of global counterterrorism and related agendas, along with devastating consequences for human rights and civic space. States are using the UN counterterrorism agenda and statements, policy guidance, and technical assistance to justify repressive policies at national and regional levels. These measures are being used by governments to suppress dissent,[2] violate the human rights of vulnerable and marginalized groups,[3] and target human rights defenders.[4] Additionally, there have been mounting instances of intimidation and reprisal against civil society actors seeking to cooperate or having cooperated with the United Nations.[5] Progressive calls for women's rights and LGBTQ+ rights in the international community are leveraged by national security actors in the name of countering terrorism.[6] Yet, they pay little attention to the gendered impacts of security measures.[7]

In support of wider civil society efforts to demand more accountability for global counterterrorism measures and more meaningful participation in the UN counterterrorism architecture

1 UN General Assembly, "Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Note by the Secretary-General," A/78/520, 10 October 2023, para. 66 (containing *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Fionnuala Ní Aoláin: Impact of Counter-terrorism Measures on Civil Society and Civic Space, and Counter-terrorism-Based Detention*).

2 See UN General Assembly, "Situation of Human Rights in Belarus: Note by the Secretary-General," A/78/327, 25 August 2023 (containing *Report of the Special Rapporteur on the Situation of Human Rights in Belarus, Anaïs Marin*).

3 See UN General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst; Addendum: Observations on Communications Transmitted to Governments and Replies Received*, A/HRC/34/52/Add.1, 20 February 2017; UN General Assembly, "Report of the Special Rapporteur on the Situation of Human Rights Defenders: Note by the Secretariat," A/HRC/31/55, 1 February 2016 (containing *Report of the Special Rapporteur on the Situation of Human Rights Defenders*); UN General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights Defenders; Addendum: Observations on Communications Transmitted to Governments and Replies Received*, A/HRC/31/55/Add.1, 22 February 2016; UN General Assembly, "Situation of Human Rights Defenders: Note by the Secretary-General," A/70/217, 30 July 2015 (containing *Report of the Special Rapporteur on the Situation of Human Rights Defenders*) (hereinafter 2015 Special Rapporteur report on human rights defenders); UN General Assembly, "Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association: Note by the Secretariat," A/HRC/32/36, 10 August 2016 (containing *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*); UN General Assembly, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; Addendum: Observations on Communications Transmitted to Governments and Replies Received*, A/HRC/32/36/Add.3, 17 June 2016; UN General Assembly, "Report of the Special Rapporteur on Freedom of Religion or Belief on His Mission to Uzbekistan: Note by the Secretariat," A/HRC/37/49/Add.2, 22 February 2018, paras. 50, 51 (containing *Report of the Special Rapporteur on Freedom of Religion or Belief on His Mission to Uzbekistan*); UN General Assembly, "Elimination of All Forms of Religious Intolerance: Note by the Secretary-General, A/73/362, 5 September 2018, para. 19 (containing *Interim Report of the Special Rapporteur on Freedom of Religion or Belief*); Office of the UN High Commissioner for Human Rights (OHCHR), "Preliminary Findings of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism on Her Visit to Kazakhstan," 22 May 2019, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.

4 "[N]umerous States have adopted opaque and complex sets of laws, certain provisions of which have been used to silence all forms of social and political protest and to engage in counter-terrorist activities that violate international human rights norms." 2015 Special Rapporteur report on human rights defenders, para. 37.

5 UN General Assembly, *Cooperation With the United Nations, Its Representatives and Mechanisms in the Field of Human Rights: Report of the Secretary-General*, A/HRC/51/47, 14 September 2022 (hereinafter 2022 Secretary-General's report on UN cooperation on human rights).

6 See Nadje Al-Ali and Nicola Pratt, *What Kind of Liberation? Women and the Occupation of Iraq* (Oakland: University of California Press, 2009); Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, N.C.: Duke University Press, 2007).

7 See UN General Assembly, "Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Note by the Secretary-General," A/64/211, 3 August 2009 (containing *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*).

STATES ARE USING THE UN COUNTERTERRORISM AGENDA AND STATEMENTS, POLICY GUIDANCE, AND TECHNICAL ASSISTANCE TO JUSTIFY REPRESSIVE POLICIES AT NATIONAL AND REGIONAL LEVELS.

and actions, this report presents the findings of a year-long scoping study undertaken by the Global Center on Cooperative Security and Rights & Security International (RSI). The goal of the study was understanding the need and potential avenues for, viability of, and interest in independent engagement by civil society with the UN counterterrorism architecture. With the input of civil society representatives from around the world, there emerged an overwhelming consensus that the United Nations is failing to sufficiently engage with, promote, and protect civil society in the context of the world body's counterterrorism agenda and that there is common desire to see the United Nations correct this course. Doing so will require a sincere commitment of time, political will, and resources by the United Nations and its member states to prevent reprisals and address the UN response to repression by states; a willingness to acknowledge and alter power dynamics; and above all, a demonstration that civil society can actually have a substantive impact on UN decision-making and action.

As detailed below, the experiences of individual civil society actors with the United Nations and what they believe are the ramifications of UN decisions are nuanced and varied. The next section describes the diversity of civil society representatives consulted, the overarching methodology and data collection and accountability processes, the approach to risk, and some of the limitations and challenges encountered during the research. It is followed by a description of the components of the UN counterterrorism architecture, as well as recent developments in and shortcomings of existing ways that UN entities working on counterterrorism engage with civil society. Then, some potential benefits of civil society engagement with the United Nations regarding counterterrorism-related issues, including P/CVE and countering the financing of terrorism issues, are presented. The interests and aspirations for engagement with the United Nations that individuals and groups expressed during consultations varied, but their realization will depend substantially on overcoming the many serious barriers and risks that impede meaningful engagement. An explanation of those barriers to and risks of civil society engagement with the United Nations, most of which stem from UN policies and practices themselves and UN member states, follows, leading to a synthesis of the findings. Finally, this report presents conclusions and recommendations to the United Nations and its member states.

For most civil society actors, the risks and costs of engaging with the United Nations about counterterrorism-related matters are not worth the benefits currently on offer. The issues that arose repeatedly and resoundingly in consultations with civil society generally coalesced around seven central issues that are framed below as "preconditions" for more meaningful civil society engagement with the UN counterterrorism architecture. These problems cannot be resolved overnight. Yet, if they are addressed within a holistic framework of meaningful engagement, even incremental progress could increase engagement significantly and bring the potential mutual benefits of civil society–UN engagement closer to realization.

Mural by the late Brazilian artist Candido Portinari. Credit: Lois Conner / UN Photo

ECOSOC Chamber undergoing renovation. Credit: Paulo Filgueiras / UN Photo

METHODOLOGY

This section provides a detailed description of each component of the project methodology and concludes with observations on the limitations of the study. The goal of this project was understanding whether and why civil society groups worldwide engage with UN entities on counterterrorism-related issues, whether groups would see a value in greater engagement, and what the barriers to and potential benefits of such engagement are. This project is an important foundation for any further discourse on civil society's interest in different mechanisms for and approaches to engaging with the United Nations, including the creation of any new platforms or structures for engagement.

The project team facilitated discussions among a broad spectrum of civil society organizations and activists globally on their needs, concerns, expectations, and recommendations for meaningful engagement with UN entities engaged in counterterrorism and related measures. The team also conducted several consultations with officials at relevant UN entities to better understand how they view and undertake civil society engagement. The Global Center or RSI served as lead on different components of the consultation process, but major project decisions were made and implemented collaboratively in discussion with the advisory committee.

Initially, the question was posed, "What sort of mechanism could be developed to enable civil society to meaningfully, safely, and independently engage with the UN counterterrorism architecture?" In response to consistent feedback from civil society partners in the early stages of the project, however, the research questions evolved to include the following:

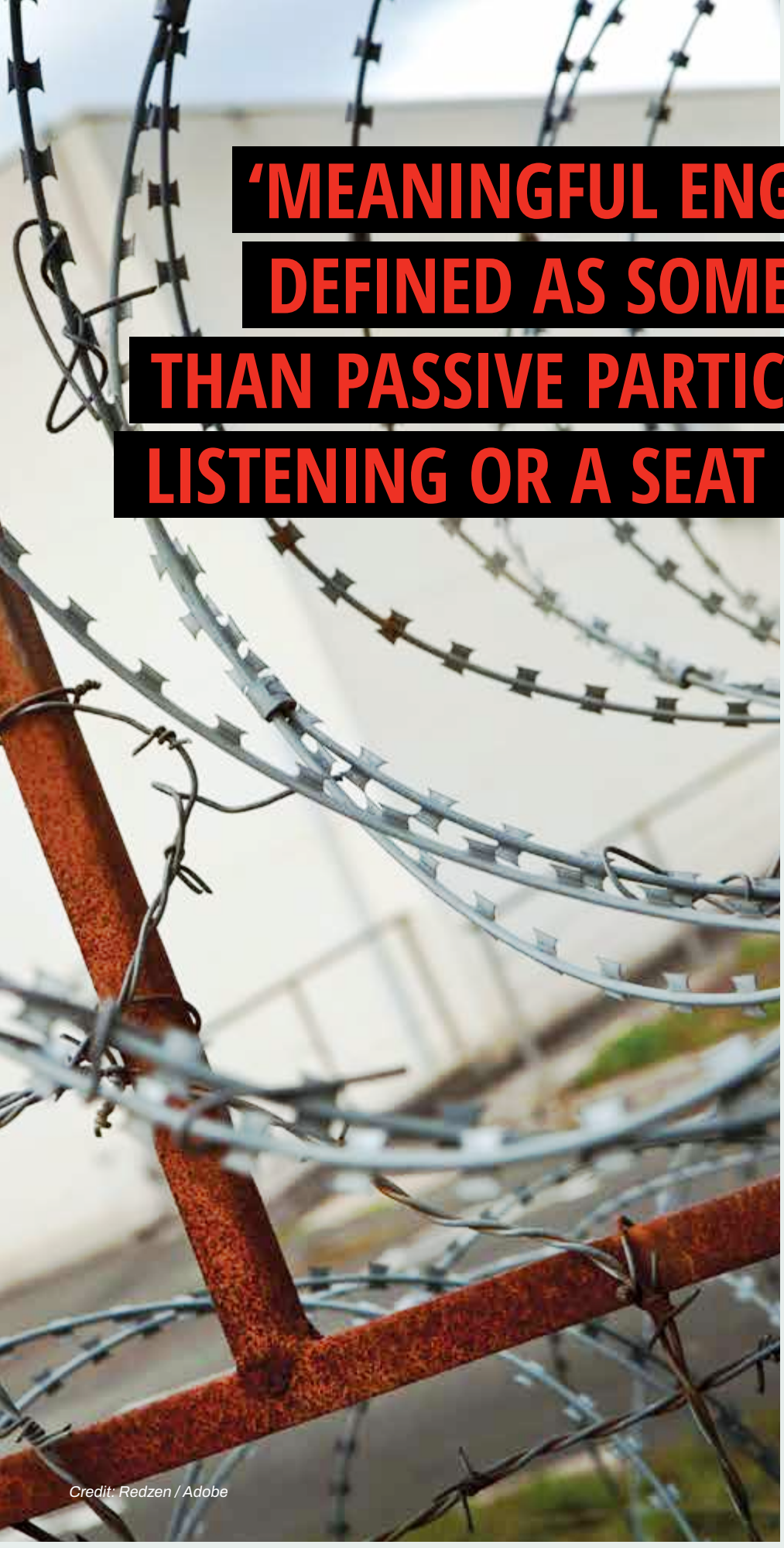
- **Do civil society actors understand which UN entities are involved in counterterrorism or P/CVE issues, and how? Do they view those UN entities as relevant to the human rights issues that civil society groups face and are addressing day to day?**
- **Do civil society groups in various regions see value in interacting with the United Nations about these issues? Why or why not? Does the answer depend on the nature of the civil society actor or the nature of the UN entity in question?**
- **What are the perceived current or potential benefits of engaging with the United Nations?**
- **If civil society groups and activists are hesitant about engaging directly with UN bodies or officials about counterterrorism or P/CVE issues, what are the sources of the hesitation? What are the perceived risks of engagement?**
- **What are the necessary preconditions for greater engagement? What outcomes would civil society expect to see, or what impact would it expect to have?**
- **Ultimately, what forms might "meaningful engagement" take? What could the United Nations, its member states, and civil society do to build toward this goal?**

The question of what constitutes meaningful engagement was at the core of the project. "Meaningful engagement" is defined as something more than passive participation and listening or a seat at the table. In its report on the Expert Group Meeting on Women's Meaningful Participation in Negotiating Peace and the Implementation of Peace Agreements in 2018, UN Women stated, "The concept of 'meaningful' participation has evolved to become a conceptual reference point to describe a multifaceted set of elements to realize the tangible and urgent demands that women not only be present, but that their concerns are heard *and* taken on board."[8] Therefore, although some of the barriers and opportunities identified concern the process of engaging the United Nations, this report concentrates equally on the outcomes that groups would like to see as a result of engagement.

The project methodology was designed to balance factors such as time and resource constraints, commitments to an inclusive process that accounts for a diverse spectrum of civil society voices, and a desire to prioritize the participation of grassroots organizations in the Global South that often are not represented in discussions with the United Nations that often are not about these issues. The approach to the research was informed by Global Center and RSI experience in engaging with a wide range of civil society actors and networks, including the CSO Coalition on Human Rights and Counter-Terrorism, as well as with the United Nations and on counterterrorism issues. The project team also regularly consulted with the team working on a study on the negative impact of counterterrorism activities on civil society and civic space under auspices of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[9]

[8] UN Women, *Women's Meaningful Participation in Negotiating Peace and the Implementation of Peace Agreements: Report of the Expert Group Meeting*, n.d., p 11, https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/EGM-Womens-meaningful-participation-in-negotiating-peace-en.pdf (emphasis in original).

[9] Fionnuala Ní Aoláin, Megan L. Manion, and Alyssa T. Yamamoto, "Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space," Human Rights Center, University of Minnesota Law School, June 2023, https://defendcivicspace.com/wp-content/uploads/2023/06/SRCT_GlobalStudy.pdf.



Credit: Redzen / Adobe

‘MEANINGFUL ENGAGEMENT’ IS DEFINED AS SOMETHING MORE THAN PASSIVE PARTICIPATION AND LISTENING OR A SEAT AT THE TABLE.

ADVISORY COMMITTEE

The power dynamics and decision-making structures of this scoping study were carefully considered, given its goal of eliciting and presenting views from a diverse range of civil society groups and actors across the globe. To promote a fair, inclusive representation of views, the advisory committee provided input on project decision-making, thus allocating power to other civil society actors and relevant experts. The committee supported the project team in identifying and expanding networks of relevant civil society actors to participate in the consultation process and review and provide input on the workplan, as well as the monitoring, and evaluation of the scoping study consultation process. The committee helped ensure accountability by providing feedback throughout the project’s execution, including input at the outset regarding project design.

In November 2022, the project team published an open call for independent experts on human rights and counterterrorism issues. The selection process considered candidates’ professional and geographic backgrounds and experiences, with a view toward assembling a committee that was diverse in terms of knowledge and experience, perspectives, gender, and levels of engagement on counterterrorism and related issues, among other factors. Representation of diverse types of civil society organizations,

such as grassroots, national, regional, and international groups and social movements, was sought.

The project team screened and reviewed candidate applications according to these criteria, ultimately selecting 15 individuals from 121 applicants. To prevent an extractive approach and avoid excluding candidates who could not afford to donate their time, compensation was offered to each committee member, which some members declined to avoid the appearance of a conflict of interest.

DATA COLLECTION

The project team deployed multiple data collection methods to inform this report, including literature reviews, in-person and virtual consultations, and online surveys.

Regional Landscape Assessments

To aid an understanding of the legal, historical, and cultural contexts in which counterterrorism and related measures are deployed and understood in the regions of focus, the team invited independent experts to draft regional landscape assessments regarding civil society actors and operating conditions and counterterrorism and related measures. Each assessment addressed existing UN efforts to counter terrorism and prevent violent extremism in the region, the landscape of civil society organizations engaged in or affected by counterterrorism and related measures, existing participatory mechanisms between civil society organizations and UN entities and other international institutions, potential risks for civil society organizations wishing to engage the United Nations on counterterrorism-related issues, and priority areas for future UN engagement.

Civil Society Consultations

The term "civil society" can refer to an enormous variety of entities, and this report employs a wide, inclusive understanding of the term. As pointed out in the East Africa landscape assessment, civil society activists and groups involved in work related to counterterrorism or P/CVE initiatives "exhibit a remarkable diversity, encompassing a wide range of groups and structures based on ethnic, cultural, political, scientific, economic, religious," or other factors. As the assessment also observes, civil society may include charities, trade unions, faith-based groups, youth movements, and grant-makers. Journalists, academics, lawyers, independent rights advocates, and other nongovernmental actors engaged in the provision of public service could also be understood as included in the term. Some of these entities may be legally registered as such; others, not. The ability of these groups to thrive and achieve their goals is a function of civic space, the legal and policy environment that enables people and groups "to participate meaningfully in the political, economic, social and cultural life of their societies."[10]

The primary method of collecting information for this project was consultations with regional and thematic groups of civil society actors, four of which were virtual and six of which were in person. The team identified participants by drawing on recommendations from advisory committee members and Global Center and RSI networks, prioritizing civil society members from groups that have often been excluded from national and international security policymaking. All consultations were co-facilitated by members of the team and the advisory committee.

One hundred and seventy-four civil society representatives (92 identifying as female and 82 identifying as male) from more than 50 countries participated in these consultations. Participants represented a wide spectrum of profiles, including individuals and groups working at local, national, and international levels. They were peace-building and P/CVE implementers, human rights defenders, activists, lawyers, journalists, researchers, community leaders, and scholar-practitioners, among others. Some had substantial experience working with the United Nations, while others had little or none. Although this approach did not produce a representative sample in the statistical sense, a wide, illuminating range of views were gathered while areas of widespread consensus, many of which spanned multiple regions across the globe, were identified.

Team members took detailed notes without attribution, to promote participant safety, during each project consultation. These notes were compiled into a detailed consultation report, and participants in each respective consultation were given an opportunity to provide feedback on these reports. Survey responses were collated into a single report.

In-Person Consultations

Each in-person consultation brought together civil society representatives working across a diverse spectrum of local, national, and regional issues. Participants included lawyers and human rights defenders, academics, journalists, and researchers, as well as practitioners engaged in human rights protection, peace-building, or P/CVE-related work.

The in-person consultations covered (1) the Middle East and North Africa (MENA) region, in February 2023; (2) Europe, in February 2023; (3) East Africa, in April 2023; (4) West Africa, in June 2023; (5) South and Southeast Asia, in July 2023; and (6) Latin America and the Caribbean, in July 2023. The virtual consultations were held between August and October 2023. The West Africa and Latin America and the Caribbean consultations were conducted with simultaneous interpretation in French and English and Spanish and English, respectively; all other consultations were held in English.

[10] "Protection and Promotion of Civic Space," *United Nations Guidance Note*, September 2020, p. 3, https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf.

Virtual Consultations

The team also held a series of online consultations with civil society groups. These included consultations with civil society actors from the CSO Coalition on Human Rights and Counter-Terrorism in August 2023; actors from Canada and the United States in September 2023;[11] actors focusing on gender and women, peace, and security issues in November 2023; and actors focusing on youth, peace, and security issues in November 2023. These meetings generally took the form of a condensed version of the in-person regional consultations.

Online Survey

As the consultations could accommodate only a limited number of participants, were focused on limited geographic regions, and were not accessible to many civil society groups that face a high risk of reprisals, the team developed a global survey to elicit the experiences of individuals and organizations that were unable or unwilling to participate in the in-person regional and virtual discussions. Following the advice of digital security experts and given the need to provide enhanced security to respondents, the team chose the platform Lime Survey. The questionnaire was disseminated in Arabic, Bahasa Indonesian, English, French, Portuguese, Russian, Spanish, and Swahili. It resulted in 16 complete and 40 partial submissions.

UN Consultations

The project team sought input from UN representatives regarding entry points for engagement by civil society. Several interviews and group consultations were conducted, including a briefing and question-and-answer session with the UN Global Counter-Terrorism Coordination Compact, a meeting with the UN Office of Counter-Terrorism (UNOCT), and a meeting with the Office of the UN High Commissioner for Human Rights (OHCHR). Additionally, an English-language questionnaire was distributed to the 46 members of the Compact, resulting in three responses, of which two were UN entities—UNOCT and the UN Office on Drugs and Crime Terrorism Prevention Branch—and one a non-UN intergovernmental body, the Financial Action Task Force (FATF).

RISK MITIGATION

The project team identified several overarching risks at the outset of the project, including the risk of reprisal against civil society organizations and actors contributing to or taking part in UN counterterrorism processes and policymaking[12] and the risk of undue influence by UN entities and member states. Reflecting on the risk of reprisals, the team placed participant safety at the core of the project planning, execution, monitoring, and evaluation, addressing participants' concerns at each of these stages. The selection of locations for the in-person regional consultations was subject to a risk-based approach to promote the safety and security of participants and organizers. The team conducted these risk assessments with members of the advisory committee, existing local partners, and individual consultation participants to evaluate the security conditions potentially affecting the conduct of and participation in project activities. To promote the safety and anonymity of participants, all consultations were held on a nonattribution basis, except with informed consent. Participants were instructed not to take photographs without consent during the proceedings. Participants were advised against the use of social media to publicize their participation in the scoping study. The virtual survey was anonymous, although those surveyed could choose to disclose their identities if they wished to be contacted about participating in other consultations.

THE UN COUNTERTERRORISM ARCHITECTURE HAS BEEN FAILING TO MEANINGFULLY ENGAGE WITH CIVIL SOCIETY.

To mitigate the risk of excessive influence by UN entities and member states, no member state or UN representatives were invited to participate in the civil society consultations.[13] Participant lists and consultation reports were not disseminated beyond the team, advisory committee, and the participants themselves.

[11] The CSO Coalition on Human Rights and Counter-Terrorism is a global network of civil society organizations advocating for an end to the misuse of counterterrorism measures. The coalition pushes for greater protection of human rights and civic space in counterterrorism responses and focuses on multilateral norm-setting and policy processes, while connecting and supporting members' work at national, regional, and international levels. See CSO Coalition on Human Rights and Counter-Terrorism, "About Us," n.d., https://www.humanrights-in-ct.org/about-us (accessed 2 February 2024).

[12] See UN General Assembly, *Cooperation With the United Nations, Its Representatives and Mechanisms in the Field of Human Rights: Report of the Secretary-General*, A/HRC/54/61, 21 August 2023 (hereinafter 2023 Secretary-General's report on UN cooperation on human rights); OHCHR, "OHCHR and Intimidation and Reprisals for Cooperation With the United Nations in the Field of Human Rights," n.d., https://www.ohchr.org/en/reprisals (accessed 3 February 2024).

[13] The team delivered two member state briefings in New York to familiarize delegations with the project, its objectives, and its intended outcomes.

LIMITATIONS

The original objective of the project was to understand the need for, interest in, and viability of one or more new avenues for civil society engagement with the UN counterterrorism architecture. It evolved into an examination of the barriers to and preconditions for such engagement, as well as the risks and potential benefits. Therefore, the research methodology prioritized the collection of input from civil society actors, and its analysis focuses on unpacking the commonalities and variations in perspectives among civil society. The report does not assume that perspectives are shared universally across all segments of civil society or that they are shared by other key actors such as UN entities or member states.

The limited input from UN actors had an impact on the research, in that the source of most of the information and perspectives received were produced by civil society. The project team was unable organize additional regional consultations with civil society organizations, including in Central Asia—an important focus of global counterterrorism efforts—due to budget and time limitations. Additional research also is necessary to solicit wider perspectives from civil society representatives from South Asian and Caribbean states due to their limited representation in the South and Southeast Asia and Latin America and the Caribbean consultations.

The risk of reprisal against civil society organizations and actors contributing to or taking part in UN counterterrorism processes and policymaking placed substantial limitations on the research. Given the global nature of this scoping study and its potential wide-reaching audience, several civil society actors opted not to participate in the consultations for fear of reprisals or due to other security concerns. Representatives from countries with closed or extremely restricted civic space, as well as those based in conflict-affected contexts, often could not be engaged. The team could not conduct civil society consultations safely in many countries, and for many civil society representatives, traveling to participate in consultations exposes them to substantially elevated risk. Reflecting this reality, the team determined that the MENA consultation should be conducted outside the region. This consultation was the only one that took place outside the relevant region, and participants were primarily civil society representatives working and living in the diaspora.

Flak jacket marked with the word 'Press' and TV press equipment. Credit: Eddie Gerald / Alamy

General Assembly adopts resolution on UN Global Counter-Terrorism Strategy review. Credit: Loey Felipe / UN Photo

UN COUNTERTERRORISM ARCHITECTURE AND CIVIL SOCIETY ENGAGEMENT

The United Nations has long recognized that sustainable peace and security cannot be achieved through state security measures alone and requires active, meaningful civil society engagement. In 1992, Secretary-General Boutros Boutros-Ghali recognized that "peace in the largest sense cannot be accomplished by the United Nations system or by Governments alone," but required the engagement of "non-governmental organizations, academic institutions, parliamentarians, business and professional communities, the media and the public at large."[14] Three decades later, Secretary-General António Guterres recognized in 2020 that the United Nations "depends on the active engagement of civil society actors"[15] and made establishing civil society focal points within all UN entities a key proposal of his agenda to accelerate the implementation of the Sustainable Development Goals (SDGs).[16] He indicated in 2023 that, for national action to sustain peace to be effective, it must be people centered, with the full spectrum of human rights at its core, and civil society actors play a crucial role in this regard.[17]

Civil society actors often are better positioned than governments to understand and alleviate factors driving violence and insecurity, including in conflict-affected contexts. They can serve as credible messengers about community needs, trusted facilitators of dialogue between groups that are in conflict, and constructive partners in building resilience, peace, and reconciliation. Furthermore, an open civic space and active civil society provide critical avenues of dialogue, problem-solving, and deescalation through which discontent and conflict can find peaceful resolution and accountability for harms can be achieved. Civil society also frequently provides avenues of participation for and amplifies the voices of marginalized communities. It regularly "promote[s] awareness of rights, assist[s] communities in articulating concerns, shape[s] strategies, influence[s] policy and laws, and press[es] for accountability."[18] Indeed, engagement and dialogue among civil society, governments, and intergovernmental bodies such as the United Nations are often prerequisites to the successful development, design, implementation, monitoring, and evaluation of effective peace-building, security, and violence prevention efforts.

Civil society groups and the United Nations itself increasingly articulate a view that this engagement should not be one-sided or extractive, with the United Nations and individual governments reaping the benefits of civil society expertise, know-how, and credibility without giving anything in return. As stressed in a 2020 UN Guidance Note, the UN system "has an important role to play in both the protection of civil society actors and the promotion of civic space."[19]

Yet by granting states justification and cover for widespread abuse, global counterterrorism and related measures are undermining prospects for sustainable peace, security, and development. Indeed, state violence is widely understood to be a factor driving people to join nonstate armed groups and engage in political violence.[20] A 2023

[14] UN General Assembly and UN Security Council, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, A/47/277, S/24111, 17 June 1992, p. 48.

[15] António Guterres, "The Highest Aspiration: A Call to Action for Human Rights," 2020, p. 8, https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Asperation_A_Call_To_Action_For_Human_Right_English.pdf.

[16] UN General Assembly, *Our Common Agenda: Report of the Secretary-General*, A/75/982, 5 August 2021.

[17] "A New Agenda for Peace," *Our Common Agenda Policy Brief*, no. 9 (July 2023), p. 12, https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf.

[18] OHCHR, *Civil Society Space and the United Nations Human Rights System: A Practical Guide for Civil Society*, n.d., p. 3, https://www.ohchr.org/sites/default/files/CS_space_UNHRSystem_Guide_0.pdf.

[19] "Protection and Promotion of Civic Space," p. 5.

[20] Matthew Schwartz, "Shifting the PVE Paradigm: A Think Piece on Human Insecurity, Political Violence, and New Directions for Preventing Violent Extremism," *Global Center on Cooperative Security Policy Brief*, September 2018, https://www.globalcenter.org/wp-content/uploads/GCCS-Shifting-the-PVE-Paradigm-07-09-18-v2-1.pdf.

report from the UN Development Programme (UNDP) identifies human rights abuses as a core driver for pushing individuals to join violent nonstate groups, with 71 percent identifying government actions, such as unlawful arrests, torture, arbitrary killing, and disappearances, as the final trigger that motivated them to join violent organizations.[21] The Global Terrorism Index makes clear that "political crackdowns and counterterrorism actions ... can exacerbate existing grievances and the drivers of extremism and terrorism."[22]

The UN system has a significant impact on counterterrorism-related laws, policies, and practices in member states. Civil society actors are confronted with this complex, powerful system when attempting to engage regarding counterterrorism or P/CVE matters, and an overview of it aids an understanding of the barriers and other challenges that groups identified during the consultations. This section outlines the development of counterterrorism measures by the United Nations, particularly since 2001, and considers the scope, nature, and limitations of existing UN approaches to engaging with civil society.

CIVIL SOCIETY AND THE UN COUNTERTERRORISM ARCHITECTURE

Despite the wide recognition of civil society's important contributions to peace and security, neither civil society nor human rights featured prominently in early UN counterterrorism measures or activities following the attacks on 11 September 2001. It was not until the General Assembly's adoption of the Strategy in 2006 that counterterrorism measures and the promotion and protection of human rights were deemed "complimentary and mutually reinforcing" and civil society's role in the nascent UN counterterrorism agenda was more substantively acknowledged. Not until 2021 were the "potential negative impacts" of counterterrorism measures on civil society acknowledged for the first time, in the seventh Strategy review resolution.[23]

The scope and nature of civil society's roles in counterterrorism and related efforts remain a subject of intense debate among member states. Nevertheless, there have been several efforts to improve civil society's engagement with the UN counterterrorism architecture.[24] For example, the Security Council and its subsidiary bodies, as well as UNOCT, have attempted to realize incremental and more consistent engagement with civil society, including through the setup of dedicated staff people and units responsible for civil society engagement and the inclusion of civil society actors in certain processes.[25] The Secretary-General's 2015 plan of action to prevent violent extremism,[26] as well as several relevant General Assembly and Security Council resolutions, further acknowledge the importance of civil society to UN and member state counterterrorism efforts. There are also a number of recently issued UN frameworks to support deeper engagement with civil society, including the UN system-wide engagement guidelines on peace-building and sustaining peace,[27] the Secretary-General's 2021 report *Our Common Agenda*,[28] his call to action for human rights,[29] and the guidance note on the protection and promotion of civic space.[30]

There are a number of past and ongoing civil society–led efforts to influence and engage in counterterrorism policymaking spaces at the United Nations and other international fora (e.g., the work of the CSO Coalition on Human Rights and Counter-Terrorism, the Malaga civil society workshop in 2022 and its outcome document,[31] the Global Center's latest Blue Sky report[32] and related events,[33] and the work of the NGO Working Group on Women, Peace and Security and the Global NPO Coalition on

21 UNDP, *Journey to Extremism in Africa: Pathways to Recruitment and Disengagement*, 2023, p. 128, https://journey-to-extremism.undp.org/content/v2/downloads/UNDP-JourneyToExtremism-report-2023-english.pdf.

22 Institute for Economics and Peace, "Global Terrorism Index 2017," *IEP Report*, no. 55 (November 2017), p. 3, https://reliefweb.int/attachments/32769970-2dc3-323e-823b-657ff61d4416/Global%20Terrorism%20Index%202017%20%284%29.pdf.

23 UN General Assembly, *The United Nations Global Counter-Terrorism Strategy: Seventh Review*, A/RES/75/291, 2 July 2021, p. 4 (hereinafter seventh review resolution).

24 Annabelle Bonnefont, "Engagement With Civil Society: The Missing Piece in UN Counterterrorism Efforts," IPI Global Observatory, 23 June 2021, https://www.globalcenter.org/wp-content/uploads/engagement-with-civil-society-the-missing-piece-in-un-counterterrorism-efforts-1.html-charsetutf-8.

25 See Franziska Praxl-Tabuchi, Jason Ipe, and Eric Rosand, "A Blueprint for Civil Society-Led Engagement in UN Counterterrorism and P/CVE Efforts," Global Center, March 2022, https://www.globalcenter.org/wp-content/uploads/Blueprint_for_Civil_Society-Led_Engagement_Web-1.pdf.

26 UN General Assembly, *Plan of Action to Prevent Violent Extremism: Report of the Secretary-General*, A/70/674, 24 December 2015.

27 UN Peacebuilding, *United Nations Community Engagement Guidelines on Peacebuilding and Sustaining Peace*, August 2020, https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/un_community-engagement_guidelines.august_2020.pdf.

28 UN General Assembly, *Our Common Agenda*.

29 Guterres, "Highest Aspiration," p. 8.

30 "Protection and Promotion of Civic Space."

31 "2022 Civil Society Workshop Outcome Document," n.d., https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/civilsocietyworkshop-malaga/2022-08-16/Civil-Society-Workshop-Outcome-Document-Malaga-Spain.pdf.

32 Global Center, "Blue Sky VI: An Independent Analysis of UN Counterterrorism Efforts," June 2023, https://www.globalcenter.org/resource/blue-sky-vi-an-independent-analysis-of-un-counterterrorism-efforts/.

33 NGO Working Group on Women, Peace and Security, "About," n.d., https://www.womenpeacesecurity.org/about/ (accessed 4 February 2024).

View of Non-Violence Sculpture in snow at UN Headquarters. Credit: Mark Garten / UN Photo

BY GRANTING STATES JUSTIFICATION AND COVER FOR WIDESPREAD ABUSE, GLOBAL COUNTERTERRORISM AND RELATED MEASURES ARE UNDERMINING PROSPECTS FOR SUSTAINABLE PEACE, SECURITY, AND DEVELOPMENT.

FATF.[34] Despite several steps toward greater dialogue, the UN counterterrorism architecture and activities remain largely opaque and its cooperation with civil society ad hoc in nature, typically driven by member state interests and priorities. Limited, ad hoc engagement also takes place at the programmatic and country levels, with select civil society members sharing perspectives with UN Resident Coordinators and country teams and sometimes seeking out partnerships with the United Nations to deliver local projects and interventions.

Meaningful engagement implies a degree of reciprocity between engaged parties. To have any chance of success, engagement with the UN counterterrorism architecture not only must meet the needs of the United Nations, but also must align with the risks, needs, and interests of civil society. Strategies for reducing violence, including acts motivated by political grievances or a desire for power, are unsustainable in the long term if they do not respect international human rights. Many of the national laws, policies, and practices regarding counterterrorism that are impacting civil society can be traced back to the international frameworks and strategies developed through the United Nations. At the very least, poorly developed, designed, and implemented counterterrorism policies and programs misdirect scarce UN and member state resources; at their worst, they exacerbate harms to rights and conditions that are conducive to violence. Given the impact of long-standing and systematic abuses of counterterrorism measures on human rights, civic space, and the operations of humanitarian and nongovernmental actors globally, understanding the efficacy and impact of counterterrorism measures requires engagement with and knowledge of the lived experiences of affected individuals, groups, and communities, including civil society.

THE UNITED NATIONS AND THE DEVELOPMENT OF INTERNATIONAL COUNTERTERRORISM FRAMEWORKS, POLICIES, AND PRACTICES

Prior to the so-called Global War on Terror, a criminal law approach dominated international cooperation on what states deemed to be terrorism-related threats. States developed treaties proscribing specific conduct and emphasized state obligations to prosecute

[34] Global NPO Coalition on FATF, "About," n.d. https://fatfplatform.org/about-us/ (accessed 4 February 2024).

offenders under their domestic criminal laws.[35] Importantly, states developed these treaties through established international procedures, which ensured opportunities for participation by all states, UN human rights entities, and, at least theoretically, a wide range of civil society organizations.

Since 2001, through the adoption of more than 50 Security Council resolutions and eight biennial reviews of the Strategy, counterterrorism has become deeply embedded in the UN system, with 42 UN entities now involved in counterterrorism work in some respect. The notable references to counterterrorism in the policy brief "New Agenda for Peace" offers one indicator of the continued centrality of the issue in the work of the United Nations in the next decade.

Although "terrorism" and "violent extremism" remain undefined in international law, the United Nations has been pivotal to the adoption of national counterterrorism laws, as well as national counterterrorism, P/CVE, and related strategies, and has been involved in building the capabilities of counterterrorism institutions in many member states.[36] Furthermore, following the lead of developments at the United Nations, regional and subregional bodies have also adopted policies and practices that reinforce the global counterterrorism framework. The United Nations, regional organizations, and member states also have variously supported the creation of new multilateral initiatives and institutions devoted to counterterrorism-related policy and practice.[37] In other words, counterterrorism and related laws, policies, actors, and practices are proliferating and often mutually reinforcing at the global, regional, and national levels.

Civil society organizations and activists have raised concerns persistently about the development of a deep, extensive, and far-reaching UN counterterrorism framework and architecture.[38] Many have long made the criticism that the UN counterterrorism architecture has largely developed outside of the existing pillars of the United Nations, running the risk of becoming an informal "fourth pillar" alongside the body's core mandate, established in the UN Charter, of promoting peace and security, development, and human rights.[39] Noting the stark resource and institutional inequities between UN human rights bodies and UN counterterrorism entities, some civil society organizations, along with the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism, have called for the creation of an independent oversight mechanism for UN actions and activities on counterterrorism and related areas of work. They view such an oversight body as a key step in addressing growing concerns about human rights violations they believe are enabled and supported by UN counterterrorism efforts.[40]

In the absence of an independent UN counterterrorism oversight mechanism, civil society engagement and input become even more vital. Indeed, during her six-year mandate Special Rapporteur Ní Aoláin helped focus the attention of a broader group of civil society entities on UN counterterrorism activities in New York. Those organizations that had the resources and ability to do so tended to focus their efforts on UN human rights institutions in Geneva, seeking to defend or advance language in Human Rights Council resolutions. Too often, however, these efforts have had little influence on the language adopted in UN resolutions or on the actions of mostly New York–based UN counterterrorism actors: the Security Council, the Counter-Terrorism Committee (CTC) and its Counter-Terrorism Executive Directorate (CTED), UNOCT, and the Compact.

THE SECURITY COUNCIL

The Security Council is responsible for enacting the most consequential UN counterterrorism measures; it is also the space that is most inaccessible to civil society input. Under its mandate to maintain international peace and security and through the adoption

35 See Convention on Offences and Certain Other Acts Committed On Board Aircraft, 704 U.N.T.S. 219, 14 September 1963 (hereinafter Tokyo Convention); Convention for the Suppression of Unlawful Seizure of Aircraft, 860 U.N.T.S. 105, 14 October 1971; Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, 974 U.N.T.S. 14118, 23 September 1971 (hereinafter Montreal Convention); Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1678 U.N.T.S. 29004, 10 March 1988 (hereinafter Rome Convention).

36 Eric Rosand, Alistair Millar, and Noreen Chowdhury Fink, "Counterterrorism and the United Nations Security Council Since 9/11: Moving Beyond the 2001 Paradigm," Securing the Future Initiative, September 2022, p. 4, https://sfi-ct.org/wp-content/uploads/2022/09/SFI-Report_Full.pdf.

37 For example, the Global Counterterrorism Forum (GCTF) and its three Inspired Institutions, the African Union's counterterrorism framework and the African Centre for the Study and Research on Terrorism, and in East Africa, the Intergovernmental Authority on Development P/CVE Strategy and Centre of Excellence for Preventing and Countering Violent Extremism.

38 See FIDH, "The United Nations Counter-Terrorism Complex: Bureaucracy, Political Influence and Civil Liberties," September 2017, https://www.fidh.org/IMG/pdf/9.25_fidh_final_compressed.pdf; Arun Kundnani and Ben Hayes, "The Globalisation of Countering Violent Extremism Policies: Undermining Human Rights, Instrumentalising Civil Society," Transnational Institute, February 2018, https://www.tni.org/files/publication-downloads/the_globalisation_of_countering_violent_extremism_policies.pdf; Ali Altiok and Jordan Street, "A Fourth Pillar for the United Nations? The Rise of Counter-terrorism," Saferworld, June 2020, https://www.saferworld-global.org/downloads/ct-textpp-final-file.pdf; Melissa Lefas, Junko Nozawa, and Eelco Kessels, "Blue Sky V: An Independent Analysis of UN Counterterrorism Efforts," Global Center, November 2020, https://www.globalcenter.org/wp-content/uploads/GCCS-Blue-Sky-V-2020.pdf; Larry Atree and Jordan Street, "The Rise of Counter-Terrorism at the UN: Two Decades Later," Saferworld and Friedrich-Ebert-Stiftung, September 2021, https://www.saferworld-global.org/downloads/the-rise-of-counter-terrorism-at-the-un-pages-hq.pdf; Rosand, Millar, and Chowdhury Fink, "Counterterrorism and the United Nations Security Council Since 9/11"; Global Center, "Blue Sky VI."

39 See, e.g., Altiok and Street, "Fourth Pillar for the United Nations?"

40 Chris Rogers and Mutuma Ruteere, "Why UN Counterterrorism Needs Human Rights Oversight Now," Just Security, 22 June 2021, https://www.justsecurity.org/77056/why-un-counterterrorism-needs-human-rights-oversight-now/.

World Peace Statue, UN Gardens. Credit: Patti McConville / Alamy

of Chapter VII resolutions, which are binding on all states, the Security Council has been at the forefront of establishing a global counterterrorism framework that calls on states to implement far-reaching counterterrorism measures.[41]

Security Council Resolution 1373, adopted in 2001, marked the beginning of a substantial shift in the modalities of international cooperation against terrorism. It required states, for the first time, to adopt specific domestic legal measures to counter "terrorism" yet made no substantive reference to member state human rights obligations.[42]

Since 2001 and particularly following the rise of the self-proclaimed Islamic State of Iraq and the Levant (ISIL), the Security Council has dramatically broadened the scope of measures states are required or urged to take,[43] with more than 50 resolutions now forming part of the UN global counterterrorism framework. These resolutions now require states to, inter alia,

- **take such measures as may be necessary and appropriate "to prohibit by law incitement to commit a terrorist act or acts";**[44]
- **criminalize the conduct of nationals who travel abroad "for the purpose of the perpetration, planning, or preparation of, or participation in terrorist acts, or the providing or receiving of terrorist training";**[45]
- **create watch lists, develop biometric databases, and advance passenger information systems;**[46] **and**
- **take action to counter "radicalization" and "violent extremism."**[47]

Such measures have given rise to human rights concerns among civil society groups. Yet, the process of developing and adopting Security Council resolutions is particularly opaque. Member states' negotiations on counterterrorism measures in the council take place behind closed doors; involve limited input from UN bodies, especially human rights entities, or UN member states outside the council; and are closed to civil society. When civil society does have an opportunity to engage with the council, for instance, when invited to brief it in more open meetings, participation is often limited to representatives from high-profile organizations delivering prepared statements, the actual impact of which is generally unclear. This lack of engagement with civil society concerning the adoption of resolutions is exacerbated by the absence of subsequent engagement opportunities in their review. Council resolutions are often responses to the conditions and context at a particular time, yet contain no review mechanism or sunset clause to require a consideration of their impact, effectiveness, or continued necessity as circumstances change. For example, the criticism of the silence in Resolution 1373 on human rights obligations was redressed in later resolutions, showing that it can be important to revisit the council's original approach to these matters.

THE COUNTER-TERRORISM COMMITTEE AND ITS EXECUTIVE DIRECTORATE

Member states are required to report to the Security Council's CTC on their compliance with the counterterrorism obligations the council has imposed. The CTC is supported by CTED, which conducts trend analysis and undertakes country visits to assess member state implementation of council requirements, including human rights obligations. As of September 2022, CTED has conducted more than 180 visits to assess the implementation of Security Council resolutions by 112 member states.[48] CTED assessment reports, however, are not public unless the assessed state agrees to make them available, in whole or in part, which happens rarely. This situation contrasts with reports on treaty obligations, including human rights treaties, where self-reporting by states is publicly available and can be used by anyone alongside civil society submissions to scrutinize whether the state is acting in a human rights–compliant manner.

CTED's mandate renewal at the end of 2021 opened the door for some civil society groups to provide input toward country assessments, requiring CTED to publicly list the states it is currently assessing.[49] Yet, civil society engagement in country assessments continues to be curtailed unless member states themselves request such engagement. Some countries, such

41 UN Security Council, S/RES/1368, 12 September 2001; UN Security Council, S/RES/1373, 28 September 2001; UN Security Council, S/RES/1390, 28 January 2002; UN Security Council, S/RES/1624, 14 September 2005; UN Security Council, S/RES/2170, 15 August 2014; UN Security Council, S/RES/2178, 24 September 2014; UN Security Council, S/RES/2341, 13 February 2017; UN Security Council, S/RES/2354, 24 May 2017; UN Security Council, S/RES/2368, 20 July 2017; UN Security Council, S/RES/2370, 2 August 2017; UN Security Council, S/RES/2395, 21 December 2017; UN Security Council, S/RES/2396, 21 December 2017.

42 Since 2001, more than 140 states have adopted counterterrorism laws.

43 The initial resolutions addressed the financing and incitement to terrorism and were underpinned, in part, by the 1999 UN convention on suppression of terrorism financing. UN General Assembly, *International Convention for the Suppression of the Financing of Terrorism*, A/RES/54/109, 25 February 2000. They also built on existing targeted sanctions mechanisms.

44 UN Security Council, S/RES/1624.

45 UN Security Council, S/RES/2178.

46 UN Security Council, S/RES/2396.

47 Ibid.

48 CTC, "About Us," n.d., https://www.un.org/securitycouncil/ctc/content/about-us (accessed 5 February 2024).

49 UN Security Council, S/RES/2617, 30 December 2021, para. 14.

STRATEGIES FOR REDUCING VIOLENCE … ARE UNSUSTAINABLE IN THE LONG TERM IF THEY DO NOT RESPECT INTERNATIONAL HUMAN RIGHTS.

as Canada and Finland, have been open to this.[50] Even where there is engagement with civil society organizations during the country assessment, the modalities of soliciting civil society input may undermine safe, open discussion. In one example cited by civil society participants in consultations during this project, officials from police departments that partner with civil society in P/CVE programs were reportedly invited to a CTED civil society consultation meeting during a country visit. It was left to civil society organizations to navigate the risks of law enforcement participation at such a meeting and determine whether it was safe to participate, let alone speak frankly, about human rights concerns in the presence of national authorities.

CTED has taken steps to increase its civil society engagement outside the country assessment process. To support its work on trend analysis, the agency launched a Global Counter-Terrorism Research Network in 2015.[51] The network provides a platform for engagement with think tanks and research institutions to assist CTED analysis of "emerging terrorism trends, and to identify and share good practices in the implementation of the relevant Security Council resolutions by member states."[52] The network has the potential to create space for diverse views from a range of different actors, but the network's membership, the

Credit: Arthur / Adobe

[50] CTC, "Counter-Terrorism Committee Conducts Assessment Visit to Canada," n.d., https://www.un.org/securitycouncil/ctc/news/counter-terrorism-committee-conducts-assessment-visit-canada (accessed 5 February 2024); CTED, "Report of the Counter-Terrorism Committee on Its Follow-up Visit to the Republic of Finland (9–11 April 2019)," n.d., p. 4, https://intermin.fi/documents/1410869/3723676/YKn+terrorismin+vastaisen+komitean+Suomea+koskeva+arviointiraportti+1.11.2019.pdf/6f290683-3f0d-47cf-6121-965807776b43/YKn+terrorismin+vastaisen+komitean+Suomea+koskeva+arviointiraportti+1.11.2019.pdf.

[51] See CTED, "CTED's Global Research Network," n.d., https://express.adobe.com/page/hMGmYTiTbbEag/ (accessed 5 February 2024).

[52] Ibid.

criteria for member selection, and its practices and processes remain opaque.

CTED has also convened civil society roundtables and high-level conferences and published reports on civil society perspectives. In 2022 it solicited civil society input toward the Delhi Declaration, concluded for countering the use of new and emerging technologies for what states deem to be terrorist purposes.[53] The process included written input, expert meetings, and direct civil society participation in a CTC meeting. This practice was welcomed by the civil society participants and identified by some as a precedent that should be followed for future CTC engagement with civil society.[54]

THE GENERAL ASSEMBLY AND THE *UNITED NATIONS GLOBAL COUNTER-TERRORISM STRATEGY*

Alongside the growing number of obligations that the Security Council has placed on states, in 2006 the General Assembly adopted the Strategy by consensus.[55] This level of global endorsement, coming from the body's full membership and not just the Security Council, can be understood as lending broader member state approval to the growing UN role in counterterrorism. The Strategy is based on the notion that a sustained response to manifestations of political violence that states reference as terrorism requires a wider range of preventive measures that address factors conducive to violence and cannot rely on hard security and criminal justice responses alone.[56] Emphasizing a need to address underlying dynamics and conditions conducive to terrorism, the Strategy promotes a whole-of-society approach that cuts across core peace, development, and human rights work of the United Nations. This in turn necessitates a whole-of-UN approach that has drawn vast numbers of UN entities and staff into counterterrorism-related work.

The Strategy is organized around four pillars:

I. **Measures to address the conditions conducive to the spread of terrorism**

II. **Measures to prevent and combat terrorism**

III. **Measures to build state 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**

The inclusion of Pillar IV, on human rights and the rule of law, stands in contrast with the silence on human rights in earlier Security Council resolutions on terrorism, particularly Resolution 1373. The Strategy frames the relationship between human rights and counterterrorism as complementary and mutually reinforcing. Compared to the other pillars of the strategy, however, Pillar IV has received the fewest resources and been the subject of the fewest activities since its adoption. Worryingly, an independent review concluded that UN entities have not collected sufficient information for any evaluation to be made regarding progress on outcomes related to this pillar.[57]

The value of and need for civil society engagement with UN counterterrorism efforts has been a recurring point of discussion, especially since the adoption of the Strategy. The General Assembly encourages "non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy," but the Strategy offers very little in the way of specific roles for civil society by which to engage "as appropriate."[58] Civil society's role has been emphasized more recently in Strategy review resolutions by acknowledging the critical role of civil society, including women- and youth-led organizations, in addressing violence.[59] For example, the local knowledge and understanding of community-based groups was framed as crucial to the development of effective P/CVE measures.[60] The Strategy and subsequent review resolutions, however, do not speak to the specific roles civil society actors can play in ensuring accountable, transparent, and human rights–based counterterrorism policies and practices under Pillar IV.

The reviews of the Strategy have come to provide important formal and informal entry points for civil society engagement. Civil society played a particularly active role in shaping the debate and informing the negotiations of the seventh and eighth Strategy reviews.[61] Written submissions for the Secretary-General's report on Strategy implementation demonstrated great interest by civil society in contributing to these processes. In 2020 and 2021, for example, more submissions to the Secretary-General were made by civil society actors than by member states, UN entities, or international

[53] CTC, "Delhi Declaration on Countering the Use of New and Emerging Technologies for Terrorist Purposes," 29 October 2022, https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/outcome_document_ctc_special_mtg_final_e.pdf.

[54] Tomaso Falchetta and Anna Oosterlinck, "UN Counter-Terrorism and Technology: What Role for Human Rights in Security?" Just Security, 23 November 2022, https://www.justsecurity.org/84246/un-counterterrorism-and-technology-what-role-for-human-rights-in-security/.

[55] UN General Assembly, *United Nations Global Counter-Terrorism Strategy*, A/RES/60/288, 20 September 2006.

[56] See Tokyo, Montreal, and Rome Conventions.

[57] "Learn Better, Together: Independent Meta-Synthesis Under the Global Counter-Terrorism Strategy," United Nations, December 2021, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/meta-synthesis_united_nations_global_counter_terrorism_strategy.pdf.

[58] UN General Assembly, *United Nations Global Counter-Terrorism Strategy*, p. 3.

[59] Seventh review resolution, p. 7; UN General Assembly, *The United Nations Global Counter-Terrorism Strategy: Eighth Review*, A/RES/77/298, 3 July 2023, p. 8 (hereinafter eighth review resolution).

[60] Eighth review resolution, paras. 16, 23.

or regional organizations.[62] Likely partially due to civil society action, the seventh review saw significantly altered language on human rights and civil society, as well as introduced a reference, for the first time, to negative impacts of counterterrorism measures.

Yet, obstacles to more formal engagement of civil society in the Strategy review remain. For example, despite being based in part on input from civil society, UNOCT's briefing on the Secretary-General's report is closed to civil society. Barred from most formal components of the review, civil society has generally engaged by organizing side events independently or in partnership with individual member states or Compact entities. For example, during the eighth review of the Strategy, in 2023, the CSO Coalition on Human Rights and Counter-Terrorism held a civil society–member state town hall to enable civil society to offer suggestions to member states during the review negotiations,[63] and the Global Center held a high-level event at UN Headquarters for civil society to offer reflections on the Secretary-General's report on activities of the UN system in implementing the Strategy.[64] In the eighth review, civil society engagement was reflected in new language in early drafts, but this language was ultimately dropped due to member state resistance. One important development was the request to the Secretary-General to assess Strategy implementation based on a "results framework" to ensure the comprehensive, balanced integration of all four pillars. When operationalized appropriately and with input from diverse stakeholders, including civil society, this framework holds promise in better measuring and evaluating the impact of UN counterterrorism efforts, including their impact on human rights.[65]

CIVIL SOCIETY ORGANIZATIONS AND ACTIVISTS HAVE RAISED CONCERNS PERSISTENTLY ABOUT THE DEVELOPMENT OF A DEEP, EXTENSIVE, AND FAR-REACHING UN COUNTERTERRORISM FRAMEWORK AND ARCHITECTURE.

THE OFFICE OF COUNTER-TERRORISM

UNOCT was established in 2017 under a newly created Under-Secretary-General post following reforms intended to reposition and give greater cohesion to UN counterterrorism efforts.[66] UNOCT's mandate includes five main functions:

1. **Providing leadership on the General Assembly's counterterrorism mandate**
2. **Enhancing coordination and coherence of the related efforts of the entities in the Compact under the leadership of the UNOCT Under-Secretary-General**

[61] See Annabelle Bonnefont and Franziska Praxl-Tabuchi, "Civil Society Engagement With the United Nations on Counterterrorism—A Perilous, Uphill Challenge," IPI Global Observatory, 3 August 2023, https://theglobalobservatory.org/2023/08/civil-society-engagement-with-the-united-nations-on-counterterrorism-a-perilous-uphill-challenge/.

[62] UN General Assembly, *Activities of the United Nations System in Implementing the United Nations Global Counter-Terrorism Strategy: Report of the Secretary-General*, A/74/677, 7 February 2020, paras. 12, 13 (44 member state, five international and regional organization, 25 UN entity, and 55 civil society organization submissions); UN General Assembly, *Activities of the United Nations System in Implementing the United Nations Global Counter-Terrorism Strategy: Report of the Secretary-General*, A/75/729, 29 January 2021, para. 16, annex I para. 3 (50 member state, 15 international and regional organization, 22 UN entity, and 53 civil society organization submissions); UN General Assembly, *Activities of the United Nations System in Implementing the United Nations Global Counter-Terrorism Strategy: Report of the Secretary-General*, A/77/718, 2 February 2023, annex I (42 member state, five international and regional organization, 19 UN entity, and 23 civil society organization submissions) (hereinafter 2023 UN Strategy implementation report).

[63] "Civil Society Town Hall on the United Nations Global Counter-Terrorism Strategy," UN Web TV, 25 April 2023, https://webtv.un.org/en/asset/k1m/k1mf7jcxx0.

[64] "Civil Society Reflections on the 2023 Report of the Secretary-General on Activities of the United Nations System in Implementing the United Nations Global Counter-Terrorism Strategy," UN Web TV, 9 March 2023, https://webtv.un.org/en/asset/k18/k18h8jrcps.

[65] Eighth review resolution, para. 96.

[66] UNOCT's functions were previously held within the Department of Political and Peacebuilding Affairs and operated in an insular manner that prioritized security-centered approaches.

The flag flying at UN Headquarters. Credit: Lanmas / Alamy

3. **Strengthening the delivery of UN capacity-building assistance to member states to ensure balanced implementation of the Strategy**
4. **Improving visibility, advocacy, and resource mobilization for UN counterterrorism efforts**
5. **Ensuring due emphasis on counterterrorism and P/CVE issues across the UN system**[67]

UNOCT also serves as the secretariat of the Compact, the largest UN coordination framework. Unlike other UN peace-building and development entities, UNOCT does not contribute to or participate in UN common country assessments or implement its work through a UN country team led by a Resident Coordinator.[68] Direct links between UNOCT and the Compact, on the one hand, and other important UN coordination frameworks, including the Resident Coordinator system and the Global Focal Point for the Rule of Law, on the other, do not exist. This means UN counterterrorism efforts are often developed and implemented in silos, are headquarters driven, lack local contextualization and support, and are not integrated into or coordinated with larger UN strategies and activities.[69]

UNOCT has dramatically expanded in the six years since its founding, underpinned by more than $340 million in voluntary contributions and nearly 200 staff members in 2023.[70] The entity is primarily dependent on these extrabudgetary resources, which it receives from a small group of member states, with the largest contributions

BROADER, SUSTAINED ENGAGEMENT BETWEEN A DIVERSE RANGE OF CIVIL SOCIETY ACTORS ... AND THE UNITED NATIONS IS NOT HAPPENING.

67 UNOCT, "About Us," n.d., https://www.un.org/counterterrorism/about (accessed 19 February 2024).

68 Global Center, "Blue Sky VI," p. 7.

69 Ibid.

70 Ibid.

provided by Qatar and Saudi Arabia. This group of states has played a pivotal role in the rapid, exponential growth of UNOCT and its focus on program delivery in niche areas. In 2023 and 2024, however, UNOCT successfully saw the conversion of 49 staff posts to the UN regular budget, further cementing counterterrorism issues at the core of the United Nations and freeing up additional resources for program delivery. Many were surprised by this significant conversion of UNOCT posts, which was larger than the requests made for any other department or office in the UN Secretariat in the 2023 regular budget.[71] UNOCT established a dedicated Human Rights and Gender Section on 1 January 2022 to lead office engagement on these topics in its policies and programs. Whether and how the work of this new section, as well as other individual staff with supposed civil society outreach responsibilities, has impacted UNOCT engagement with civil society remain unclear.

Meaningful engagement with civil society has been a challenge for UNOCT, as highlighted by an independent commissioned evaluation of its Counter-Terrorism Centre, which found an overwhelming view among staff interviewed that "civil society actors are not involved in a meaningful or transparent manner."[72] Yet, UNOCT has been attempting a more structured and consistent engagement with civil society, releasing a condensed version of its long-awaited engagement strategy in 2020.[73] From the outset, the strategy clearly identifies a problem: Despite the widely recognized importance of civil society in counterterrorism and related efforts,

> there is no structured engagement of civil society across the range of activities conducted by UNOCT, either on policy development or the development or evaluation of capacity-building programming. There is also no systematic means to engage the views of a geographically balanced pool of civil society organizations in the policy development work related to counter-terrorism and the prevention of violent extremism conducted at the UN.[74]

The stated goal of the strategy is "to better mobilize civil society as part of a whole-of-society approach to preventing and countering terrorism and violent extremism, and effective rehabilitation and reintegration," with "a particular focus [to] be … draw[n] on civil society expertise in the three key areas of gender, youth and human rights."[75] It outlines three main areas of activity.

1. **Create opportunities for civil society to provide feedback on UNOCT and Compact working group policy and programmatic activities in a structured, meaningful way**
2. **Undertake outreach efforts to ensure dissemination of UNOCT work, develop new partnerships, and improve the impact of counterterrorism and P/CVE policies and programs**
3. **Create structured mechanisms to ensure mainstreaming of civil society engagement across UNOCT and Compact working groups**[76]

The strategy, however, provides few details about how UNOCT will respond to the needs of civil society, particularly regarding member state misuse of counterterrorism and P/CVE measures, and support its goals in addressing counterterrorism and P/CVE challenges. Although some civil society actors were consulted in the early development of UNOCT's engagement strategy, such avenues were very limited and primarily arose on the initiation of civil society actors.[77] UNOCT commits in the engagement strategy to establishing a network of civil society actors "active on the issues of counter-terrorism and P/CVE particularly in relation to human rights, gender, and youth,"[78] but the particular function of this network is not apparent. As of January 2024, the network had yet to be established. Ultimately, the extent to which the engagement strategy reflects the input and needs of civil society, as well as its level of operationalization and resourcing, remains unclear.

UNOCT has increasingly been incorporating civil society actors into its regional counterterrorism summits and its biennial High-Level Counter-Terrorism Week. The 2022 High-Level International Conference on Human Rights, Civil Society, and Counter-Terrorism in Malaga was one example of a UNOCT effort that engaged civil society throughout its organization and facilitation.[79] This collaboration included civil society participation in several preparatory meetings and consultations on the agenda, civil

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71 Ibid. The Global Center report states, "This raised questions among member states and UN observers about the Secretary-General's intentions, noting that counterterrorism activities are not highlighted among the commitment areas or key proposals in his 2021 report *Our Common Agenda* and remain seemingly isolated from the rest of the United Nations' efforts." Ibid., pp. 7–8. See Eugene Chen, "Expanded Regular Budget Funding and a Grant-Making Mandate for UNOCT," *Global Center on Cooperative Security Policy Brief*, August 2022, https://www.globalcenter.org/wp-content/uploads/GCCS-PB-expanded-regular-budget-funding-grant-making-mandate-for-UNOCT-2022.pdf.

72 KPMG, "Evaluation of the United Nations Counter-Terrorism Centre: Final Report," 30 September 2020, p. 37, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/20201009_evaluation_of_the_uncct_5_year_programme_final_kpmg_report.pdf.

73 UNOCT, *Civil Society Engagement Strategy*, 17 January 2020, p. 5, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/civil_society_engagement_strategy_website_mai_2020.pdf.

74 Ibid., p. 3.

75 Ibid.

76 Ibid., pp. 4–5.

77 Lefas, Nozawa, and Kessels, "Blue Sky V," p. 25.

78 UNOCT, *Civil Society Engagement Strategy*, p. 5.

79 See UNOCT, "2022 UNOCT Malaga Conference," n.d., https://www.un.org/counterterrorism/2022-UNOCT-Malaga-Conference (accessed 6 February 2024).

society moderators in all thematic sessions, and a consultative review of the outcome document. This approach has not been replicated or expanded in other regional meetings or in the 2023 UN counterterrorism week. Rather, there has been a reversion to truncated processes of consultation with a very select number of civil society organizations, with short turnarounds, little notice of meetings, and limited transparency about the potential impact of input and little or no sponsorship opportunities to participate in person at events. The result, unsurprisingly, has been a waning of civil society interest and engagement.

THE GLOBAL COUNTER-TERRORISM COORDINATION COMPACT

The Compact, a coordination framework for UN counterterrorism efforts, is the largest UN coordination framework, comprising 46 members and observers.[80] Individual Compact members have varying levels of engagement with civil society groups in their counterterrorism-related programming. For example, UNDP engages extensively with civil society on its human rights–centered peace-building alternatives to security-centric approaches to address what it regards as violent extremism.[81] Civil society engagement is also a core priority of OHCHR, which engages with thousands of civil society organizations and actors per year.[82]

Compact membership extends to international bodies outside the United Nations that contribute to the international counterterrorism architecture. Among these, of particular relevance for civil society, is FATF, an intergovernmental body that sets standards in the areas of anti–money laundering and countering the financing of terrorism. FATF joined the Compact in 2022 and participates in the Compact's interagency Working Group on Criminal Justice, Legal Responses and Countering the Financing of Terrorism. FATF has directly impacted civil society through the development of its Recommendation 8, on laws relating to nonprofit organizations. Since 2012, to better understand the impact of regulation on civil society, FATF has engaged in dialogue during standard setting and carried out mutual evaluations with civil society stakeholders, including through the Global NPO Coalition on FATF. This approach contributed to revisions to Recommendation 8 that emphasized the need for a risk-based and proportionate approach to regulation by states. The misuse of such laws has had a negative impact on legitimate civil society organizations by creating arduous compliance burdens and constricting their access to financial institutions and resources. Recommendation 8 was revised for a second time in October 2023,[83] following a stocktaking of the unintended consequences of FATF standards and a public consultation process on the proposed revision.

There is, however, no overarching set of common practices to constructively engage civil society on counterterrorism-related efforts across all Compact entities or within the structure of the Compact and its working groups. For example, there are no clear, publicly available policies that enable civil society to contribute to Compact work, consistent with the guidance note for the protection and promotion of civic space.

The work of the Compact is organized through eight thematic working groups that are aligned with the four pillars of the Strategy and priorities of member states.[84] A working group's engagement with civil society is particularly influenced by the values and practices of its co-chairs. The extent to which working groups consult and seek input from civil society thus varies between working groups. Although some working groups seem to see value in civil society engagement with the Compact, civil society briefings to the Compact Secretariat and working groups are mostly ad hoc.

MISSING INGREDIENTS FOR MEANINGFUL ENGAGEMENT

Broader, sustained engagement between a diverse range of civil society actors, including local organizations and community groups most affected by counterterrorism and related measures, and the United Nations is not happening. Thus, civil society consistently is not informing the design, implementation, monitoring, or evaluation of UN counterterrorism policies and programs, including understandings of how best to protect human rights and civic space. Greater and more meaningful engagement will require transparent policies and adequate resources, as well as the widespread adoption of an open, inclusive culture of partnership, information-sharing, and monitoring, evaluation, and learning by the United Nations.

[80] UNOCT, "UN Global Counter-Terrorism Coordination Compact," n.d., https://www.un.org/counterterrorism/global-ct-compact (accessed 5 January 2024).

[81] UNDP, 2022 *Global Annual Report on Prevention of Violent Extremism (PVE)*, 2023, https://www.undp.org/sites/g/files/zskgke326/files/2023-06/undp_pve_annual_report_2022_0.pdf.

[82] OHCHR, *United Nations Human Rights Report 2022*, HRC/NONE/2023/3/Rev.1, June 2023, https://www.ohchr.org/sites/default/files/documents/publications/ohchr-reports/ohchr-report-2022.pdf.

[83] FATF, "Protecting Non-Profits From Abuse for Terrorist Financing Through the Risk-Based Implementation of Revised FATF Recommendation 8," 16 November 2023, https://www.fatf-gafi.org/en/publications/Fatfrecommendations/protecting-non-profits-abuse-implementation-R8.html.

[84] The eight Compact working groups are (1) preventing and countering violent extremism conducive to terrorism; (2) border management and law enforcement relating to counterterrorism; (3) emerging threats and critical infrastructure protection; (4) criminal justice, legal responses, and countering the financing of terrorism; (5) resource mobilization and monitoring and evaluation; (6) national and regional counterterrorism strategies; (7) promoting and protecting human rights and the rule of law while countering terrorism and supporting victims of terrorism; and (8) adopting a gender-sensitive approach to preventing and countering terrorism. UN Global Counter-Terrorism Coordination Compact, "The Largest UN Counter-Terrorism Framework Explained," 2023, p. 21, https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/230917_global_compact_brochure_web.pdf.

Despite some recent progress, UN engagement with civil society on counterterrorism and related issues remains ad hoc, superficial, and opaque. There is little evidence that civil society is having a concrete impact on UN decisions, policies, and programs in these areas. Although UN-wide obstacles such as political disagreements, bureaucratic limitations, and resource shortages apply, the idiosyncrasies of the UN counterterrorism architecture and the nature and impact of global counterterrorism and related measures set it apart from other issue areas. The common UN approach to peace-building and development has shifted more toward decentralized decision-making grounded in the field presence of UN country teams working under Resident Coordinators, but UNOCT has been set up primarily as a top-down, top-heavy agency for more centralized decision-making siloed off from wider UN peace and development work. At present, civil society engagement by UNOCT and the Compact remains unsystematic and unstructured, with limited clarity to be found for civil society actors seeking ways to engage meaningfully in the work of these entities. The prospect of additional civil society input and engagement around CTED country assessments, although a significant development, largely remains elusive. Meaningful engagement implies a degree of reciprocity between engaged parties. For any chance of success, engagement with the UN counterterrorism architecture not only must meet the needs of the United Nations and its member states, but also must align with the risks, needs, and interests of civil society.

It is important not to lose sight of the forest by focusing on individual trees. There has been a proliferation of UN entities that address counterterrorism matters and a resulting lack of clarity for civil society about who does what. This is especially true for those groups that do not have deep experience in liaising with the United Nations, which account for the vast majority of groups worldwide. Those civil society actors who engage with the United Nations are aware that even if some officials or entities genuinely want their input, as an increasing number appear to do, civil society has been having little to no impact on UN approaches in practice. Regular, diverse, UN-initiated engagement is not yet the norm.

UNDERSTANDING THE EFFICACY AND IMPACT OF COUNTERTERRORISM MEASURES REQUIRES ENGAGEMENT WITH AND KNOWLEDGE OF THE LIVED EXPERIENCES OF AFFECTED INDIVIDUALS, GROUPS, AND COMMUNITIES, INCLUDING CIVIL SOCIETY.

Security Council Chamber. Credit: Paulo Filgueiras / UN Photo

POTENTIAL BENEFITS OF CIVIL SOCIETY ENGAGEMENT WITH THE UNITED NATIONS

What do civil society groups hope can be achieved through meaningful engagement with the United Nations on counterterrorism-related matters? Civil society has diverse objectives for UN engagement, which vary based on the needs, beliefs, and interests of each actor. There was broad consensus among those consulted that meaningful engagement between the United Nations and civil society would yield long-term benefits for the promotion and protection of human rights in counterterrorism and related efforts. In light of the extremely limited avenues of engagement currently available to civil society, as well as the risks and barriers, these benefits largely remain aspirational rather than realized. Yet, civil society participants described ways in which they said more meaningful engagement with the United Nations could improve the design, delivery, coordination, and evaluation of counterterrorism-related programming; help end rights abuses and protect civic space; and foster deeper communities of practice.

EVIDENCE-BASED, HUMAN RIGHTS–COMPLIANT POLICY, NORMS, AND GUIDANCE

Civil society engagement would help ensure that UN policies, norms, and standards are rooted in evidence and would build momentum toward inclusive, human rights–based, and ultimately effective measures to prevent violence, including at the national level.

Many consultation participants emphasized what they saw as the vital importance of civil society engaging in strategic decision-making processes at the United Nations to influence and shape discussions, challenge biased and harmful discourse, and ensure accountability for measures implemented by member states. Civil society actors often have expertise in local conflict dynamics, diverse capacities and know-how, and trust and credibility in their communities. This knowledge and positioning makes civil society well placed to contribute expertise to, collaborate on, and lead policies and programs to address conflict and the drivers of violence throughout their life cycle. They also make civil society actors astute critics of harmful practices. Civil society groups and activists have information worth knowing, and the United Nations should treat them accordingly. Relying only or primarily on claims by member states or government-organized or -aligned nongovernmental organizations (GONGOs) will necessarily result in a limited and skewed picture, and the United Nations should not be content with such incomplete evidence.

Many participants in the consultations also expressed frustration that UN officials and diplomats seem to be aware of the importance of the information that civil society holds, yet fail to genuinely engage with the full range of civil society groups. As a result, they said, counterterrorism and related policies at the state and UN levels are not sufficiently evidence based. Participants in the West Africa consultation, for example, expressed a sense that the United Nations does not have a clear understanding of local realities when it comes to counterterrorism and security issues more generally and that international nongovernmental organizations (NGOs) that tend to have a seat at the table in discussions with the United Nations often do not have a sufficiently nuanced perspective either.

Efforts to combat violence referenced as terrorism or any form of political violence require a deep understanding of the drivers of violence, something civil society can help provide. For example, in East Africa, participants pointed to what they said were clear economic and political factors pushing individuals, especially young people, to join militant organizations. They suggested that support for research by civil society could aid the building and sharing of this evidence base and the framing of more effective strategies and programming to address these factors. In supporting the value and benefits of engagement with the United Nations and other international organizations, participants in the Latin America and the Caribbean consultation cited their experiences in documenting the impact of policies and practices pursued as part of the so-called international War on Drugs, particularly on poor and marginalized populations, that contributed to their ability to challenge misaligned policies, practices, and discourses, for example, the prioritization of countering the financing of terrorism measures within anti–money laundering regimes originally intended to support counternarcotics and anticorruption efforts.

Civil society input is vital to inform the context and human rights risk assessments, theories of change, and evaluation metrics that go into framing policies, norms, and standards issued by the United Nations and associated measures adopted by member states. Consultation participants agreed that local and grassroots organizations are typically best placed to provide the UN system with information about the lived experience of political violence perpetrated by nonstate actors and member states, including violence associated with the misuse of counterterrorism and related measures. Yet, grassroots and youth organizations, particularly in communities most impacted by these forms of violence, often lack direct lines of communication with the United Nations.

IMPLEMENTATION OF HUMAN RIGHTS–BASED PROGRAMMING

Civil society engagement with the United Nations could enhance the impact of effective, human rights–based violence prevention programming.

Civil society experts often are best placed to design, lead, and evaluate programs to prevent violence; address the factors contributing to it; and identify the problems of programs that fall short. Their engagement in interventions that positively affect violence and its drivers can help ensure the programs are better contextualized, human rights based, and gender sensitive, while accounting for the diverse impacts such interventions have within affected communities.

Consultation participants identified several ways their human rights–based programming could benefit from engagement with the United Nations on counterterrorism-related issues. For some organizations, engagement with the United Nations offers visibility at the international level and opportunities to develop a positive reputation with other organizations, funders, and communities. Projects supported by or carried out in partnership with the United Nations may give credibility in some communities. Many participants, however, expressed discomfort with framing peace-building, human rights, and development projects as a means of achieving the aims of counterterrorism or P/CVE agendas.

RECENTERING THE IMPORTANCE OF ELIMINATING BIAS, DISCRIMINATION, AND COLONIALIST ATTITUDES

The United Nations and many civil society groups share the goals of ending racism and other forms of discrimination, and the United Nations' legal and diplomatic weight could help achieve these in the counterterrorism-related contexts.

UN credibility varies in different regions and communities, owing to different experiences with, for example, peacekeeping operations. Implicit in many remarks during the consultations, however, was the idea that the United Nations has the legal and moral weight to help end racism, other bias, and behaviors that do not respect the self-determination of peoples by naming these abuses for what they are, that is, many civil society groups believe that what the United Nations says matters. Listening to civil society could help UN officials understand when and how counterterrorism, P/CVE, and related measures and programs are reinforcing racist, gendered, or other discriminatory power hierarchies and act accordingly to place diplomatic or legal pressure on states to end these practices.

This relatively simple point is one of the most important to emerge from the consultations because many groups expressed frustration with what they perceive as a UN tendency to ignore racism, Islamophobia, anti-indigenous bias, misogyny, and other forms of discrimination in how states leverage concepts such as terrorism and extremism even when those problems are widely reported.

The United Nations is home to a large apparatus of entities that engage on a wide range of issues of substantial concern to civil society and on which civil society has an interest in engaging in the policy process alongside and related to UN counterterrorism efforts. In a similar vein, some civil society participants view greater engagement as a potential means to feed into cumulative goals around high-level normative frameworks, such as gender equality in the context of the women, peace, and security agenda, and other UN initiatives.

ENHANCING THE ACCOUNTABILITY OF COUNTERTERRORISM EFFORTS

Engagement between civil society and the United Nations could contribute to work by both parties to document and end human rights abuses, strengthening respect for international law.

There was widespread consensus among the participants that global counterterrorism agendas are granting states cover for persistent abuses and are undermining prospects for sustainable security and development. Indeed, many participants concurred that state violence is a factor driving people to join nonstate armed groups and engage in political violence.[85]

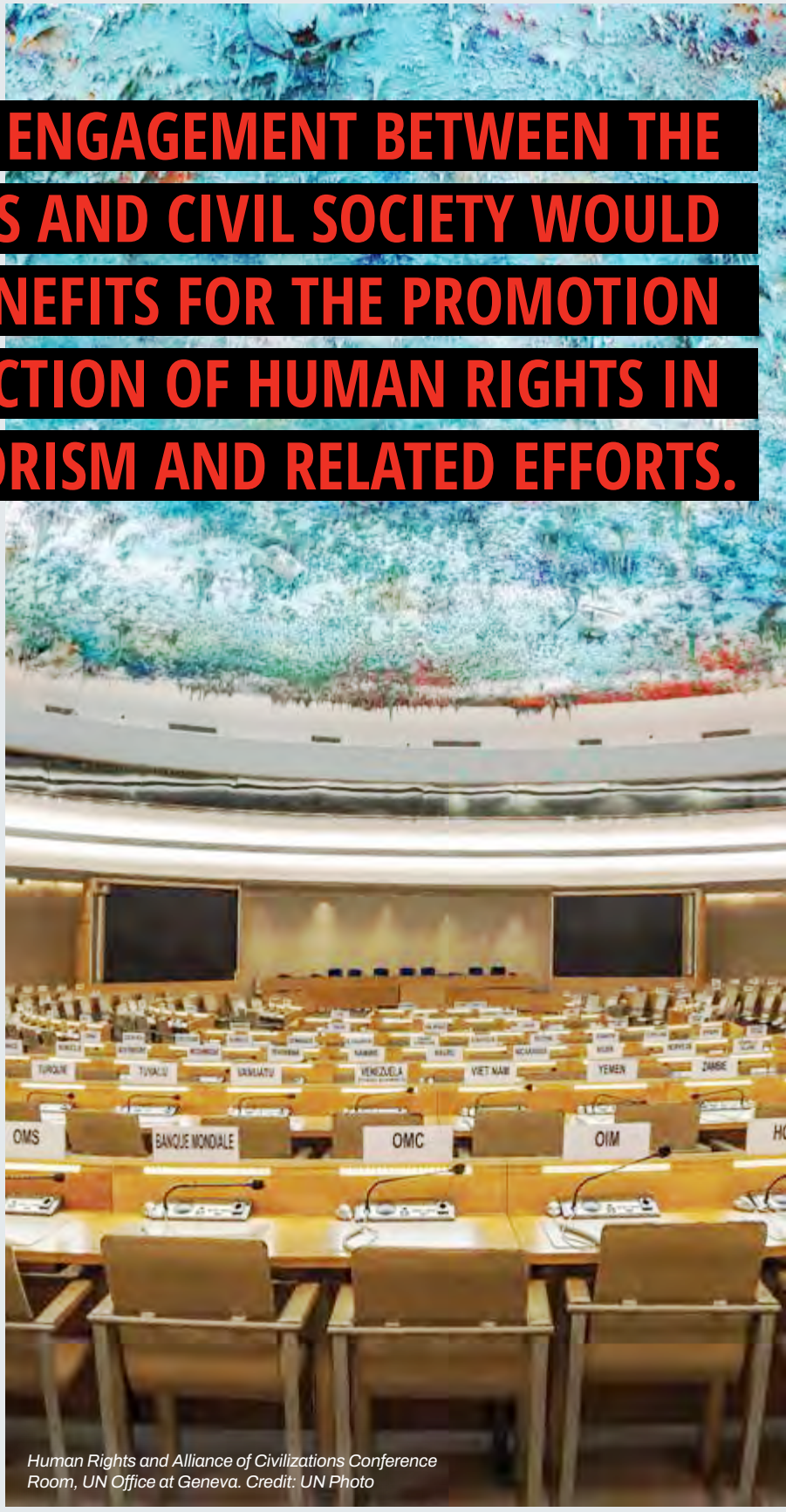
Many consulted organizations have engaged with the Human Rights Council and various other human rights bodies and experts in the UN system. There was a general view that OHCHR, human rights treaty bodies, the Human Rights Council, and Special Rapporteurs regularly provide worthwhile avenues for civil society engagement, with special emphasis on the value of the Special Rapporteur roles.[86] Often, UN

[85] UNDP research bears out this point. See UNDP, *Journey to Extremism in Africa*.

MEANINGFUL ENGAGEMENT BETWEEN THE UNITED NATIONS AND CIVIL SOCIETY WOULD YIELD LONG-TERM BENEFITS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN COUNTERTERRORISM AND RELATED EFFORTS.

mechanisms and processes are among the only potential avenues for demanding a modicum of accountability for member state misuse of counterterrorism and related measures to violate human rights, participants noted. There is a strong desire among civil society groups, particularly local, grassroots organizations embedded in communities, to offer insights directly to the United Nations about the lived experience of communities targeted by state repression and to be able to report abuses to relevant UN bodies, resulting in consequences for the perpetrators. Although participants were aware of the highly politicized manner in which power and influence operate at the United Nations, there remained a latent hope that the United Nations could offer an important platform for instigating change through peer pressure.

The South and Southeast Asia consultation indicated that Special Procedures mandate holders, such as Special Rapporteurs, are an important means of creating a public record of human rights violations and raising the global profile of issues. The West Africa consultation produced the observation that raising the visibility of issues at the national and international levels is desirable in itself for advocacy purposes and as a means of attracting resources to address those issues. Yet, as the Latin America landscape assessment emphasized, the main UN specialist role on human rights in the counterterrorism space—the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism—remains a "part-time and unpaid" role.[87]



Human Rights and Alliance of Civilizations Conference Room, UN Office at Geneva. Credit: UN Photo

[86] OHCHR, *Civil Society Space and the United Nations Human Rights System*.

[87] Global Center, "Blue Sky VI," box 4.

Some groups see the United Nations as a valuable channel through which to raise concerns to other international standard-setting bodies, such as FATF. The Latin America and the Caribbean consultation indicated that the United Nations, as a global forum, can be well suited to addressing emerging issues such as the impact of artificial intelligence and other technologies on human rights, and civil society participation can aid the United Nations in understanding and setting standards regarding these issues. Overall, there was an overwhelming consensus among civil society actors who participated in the consultations that the United Nations could and should become a stronger advocate for holding member states accountable for their implementation of UN strategies and programs on counterterrorism and a stronger ally in preventing systematic abuses and promoting and protecting civic space.

MORE EFFECTIVE MONITORING AND EVALUATION OF COUNTERTERRORISM EFFORTS

Greater engagement between civil society and the United Nations could deepen UN monitoring and evaluation of policies and programs to ensure they meet the needs of communities impacted by violence perpetrated by nonstate and state actors.

Identifying what works well, what does not, and what must be changed and by and for whom is vital to any healthy policy and program cycle. Closely related to the desire for more substantial accountability, there was also a common consensus that counterterrorism and related policies and programs should be independently evaluated based on the material impacts in local and national contexts. Civil society perspectives and expertise are vital for robust review and evaluation of national, regional, and international counterterrorism measures. Civil society organizations have been prolific advocates for a more comprehensive review and evaluation of UN counterterrorism efforts.[88] Although biennial reports of the Secretary-General take stock of activities undertaken by the UN system to implement the Strategy, there has been no objective evaluation of the overall effectiveness and impact of the global counterterrorism regime established by the United Nations and its member states. Civil society has amassed decades of experience and a trove of documentation on the impact of global counterterrorism efforts. With its vast and diverse expertise, networks, and know-how, civil society is well placed to help frame the terms of reference of such an evaluation, including the scope of inquiry and methodology, and oversee its implementation.

DEEPENING KNOWLEDGE AND RESEARCH NETWORKS

Engagement between the United Nations and civil society actors through credible knowledge and research networks could strengthen civil society access to information on and contributions to evidence- and human rights–based violence prevention efforts.

Some civil society actors, in particular those working on P/CVE implementation, desire engagement with the UN counterterrorism architecture to access platforms to exchange research and analysis and share experiences and good practices. Participants suggested that if sufficiently transparent, safe, and reciprocal, engagement with CTED, UNOCT, and the Compact could be valuable avenues of information sharing beneficial for civil society groups as they do their work and vice versa. Many civil society organizations have deep, nuanced expertise to share from their experience working with communities to prevent violence and conflict, including extensive experience developing tools for inclusive community engagement and collaborative programming.

ACCESSING FUNDING AND OTHER RESOURCES

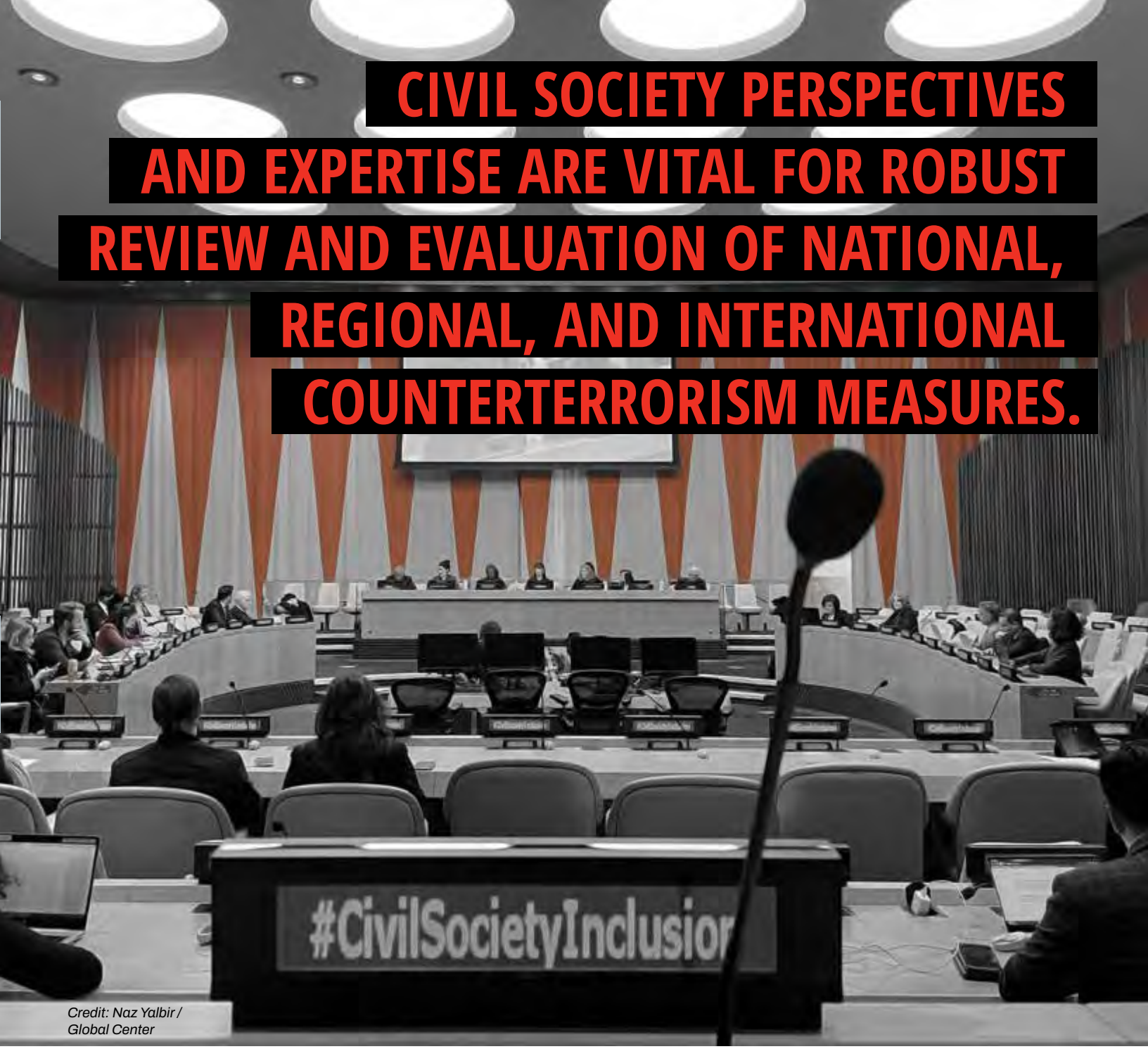
Engagement with the United Nations could provide civil society with valuable avenues for networking and partnership opportunities, funding, and other resources necessary for their advocacy and programming.

Many civil society actors associated engagement with United Nations at headquarters or more local levels with the potential for accessing grants, opportunities for project partnerships, or wider networks that expand opportunities for collaboration, funding, learning resources, and other forms of support, particularly to advance human rights in the counterterrorism context. Civil society views on UN engagement as a potential avenue for funding emerged with a range of concerns around limitations and risks. Among these, for example, is the prioritization of larger, wealthier organizations over grassroots actors in current funding practices.

Civil society representatives in eastern Africa felt that, at a minimum, engagement with the United Nations offers visibility at the international level and opportunities to develop a positive reputation with funders and other stakeholders. Similarly, the West Africa consultation produced a perspective that networking can enhance the visibility of each civil society organization, improving its capacity and opportunities to access funding. Participants in the South and Southeast Asia consultation felt that UN funding opportunities for civil society were more readily available to those engaging with UN entities at the national or regional level.

[88] See Global Center, "Blue Sky VI," pp. 34–37; Larry Attree, "Function Before Form: Optimising the UN's Counterterrorism Architecture," June 2022, pp. 15–16, https://www.saferworld-global.org/downloads/pubdocs/function-before-form.pdf.

CIVIL SOCIETY PERSPECTIVES AND EXPERTISE ARE VITAL FOR ROBUST REVIEW AND EVALUATION OF NATIONAL, REGIONAL, AND INTERNATIONAL COUNTERTERRORISM MEASURES.



Credit: Naz Yalbir / Global Center

MEETING THE POTENTIAL OF MEANINGFUL ENGAGEMENT

Civil society groups clearly see benefits that could accrue from meaningful engagement with the United Nations on counterterrorism and related efforts. Their interests and motivations for engagement, as well as their perspectives on the nature and scope of potential opportunities and benefits, vary widely based on numerous factors, not least of which are levels of risk, accessibility, and resource constraints. Most, in line with their stated missions, were focused on having a meaningful impact to promote human rights and human security. Underpinning these discussions was a keen awareness by civil society that realization of these potential benefits depends substantially on whether the United Nations and its member states are willing to make deeper investments not only in expanding and deepening opportunities for meaningful engagement, but also in overcoming the many serious impediments, barriers, and risks that stand in the way.

Police line at UN Headquarters.
Credit: John Minchillo / AP Photo

BARRIERS TO AND RISKS OF CIVIL SOCIETY ENGAGEMENT WITH THE UNITED NATIONS

Although the civil society actors identified some potential benefits of greater engagement with the United Nations, they expressed many more hesitations, with a great degree of consensus regarding some of the most serious of these. These barriers and risks were so significant that they prevent groups from supporting the creation of a new overarching engagement mechanism at this time.

Many risks are multifaceted, and barriers can be compounding, but the concerns raised during the consultations can be organized into three general categories: (1) those arising from the structures, policies, and practices of the United Nations; (2) those arising from the structures, policies, and practices of member states; and (3) those emerging from impacts of counterterrorism measures on civil society. The discussions on risks and barriers reaffirm many of the Special Rapporteur's observations in her 2023 global study on civic space regarding the complex, compounding misuse of counterterrorism and related measures.

BARRIERS AND RISKS EMERGING FROM UN STRUCTURES, POLICIES, AND PRACTICES

UN structures, institutional culture, policies, and practices are creating barriers to civil society engagement. They are often a reflection of organization at the national level, but the sprawling UN bureaucracy and politicking further compounds these obstacles. Additionally, although the United Nations did not cause some of the resource disparities or other socioeconomic or linguistic factors that create large differences in the ease with which various civil society actors can interact with UN bodies and officials, the consultations indicate that UN cultures and structural choices are cementing these inequalities rather than alleviating them.

Lack of Agreed Definitions of 'Terrorism' or 'Extremism'

The lack of agreed definitions of "terrorism" or "extremism" results in confusion among civil society actors and undermines accountability.

Despite the exponential growth of terrorism- and violent extremism–related resolutions, laws, and policies at the UN and member state levels for more than two decades, there are still no agreed international definitions of "terrorism" or "violent extremism." Regarding the latter concept, in particular, OHCHR states that "the term 'extremism' has no basis in binding international legal standards."[89] Although several General Assembly and Security Council resolutions define terrorism-related acts and have assisted in the harmonization of certain definitions within national laws, a binding definition of terrorism remains the illusive objective of the proposed Comprehensive Convention on International Terrorism.[90] Yet, the absence of definitions has not prevented the United Nations and member states from continuing to use such terminology (box 1).

A recitation of decades-long international debates about what constitutes terrorism are beyond the scope of this analysis. Some major unsettled questions, however, include whether actions by a state can qualify as terrorism under international law, what types of political or other motives will render a crime an act of terrorism, and whether the targets of terrorism must be civilians, or noncombatants. Some consultation participants also believed it is important to distinguish between terrorism and violent extremism in these conversations, particularly as states increasingly conflate the two concepts.

[89] OHCHR, "OHCHR and Terrorism and Violent Extremism," n.d., https://www.ohchr.org/en/terrorism (accessed 9 February 2024).

[90] Ben Saul, "The Legal Black Hole in United Nations Counterterrorism," IPI Global Observatory, 2 June 2021, https://theglobalobservatory.org/2021/06/the-legal-black-hole-in-united-nations-counterterrorism/.

Box 1. Use of the Term 'Extremism' Without the Modifier 'Violent'

On 14 June 2023, the Security Council unanimously adopted Resolution 2686, on tolerance and international peace and security, co-facilitated by the United Arab Emirates and the United Kingdom.[a] The resolution uses the term "extremism" without the modifier "violent," exacerbating human rights concerns.[b] The term "extremism" is inherently subjective and is not defined under international law, and its proscription may have implications for a number of nonderogable international human rights, such as the freedoms of thought, opinion, and belief. In her 2020 report to the Human Rights Council, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, referred to the use and application of the term "extremism" as a "critical and prima facie non–human rights[–] compliant practice."[c] During the ministerial-level briefing on the resolution, several council members expressed regret that the resolution was selective and "too weak" on such issues as freedom of expression, human rights, women's rights, and sexual orientation and gender identity, indicating that the absence of the modifier "violent" left room for broader interpretations that states could use arbitrarily against individuals and groups exercising their freedom of expression and opinion.[d]

[a] UN Security Council, S/RES/2686, 14 June 2023.

[b] Saskia Brechenmacher, "New UN Security Council Resolution on 'Human Fraternity' Raises Human Rights Concerns," Just Security, 23 June 2023, https://www.justsecurity.org/86993/new-un-security-council-resolution-on-human-fraternity-raises-human-rights-concerns/.

[c] UN General Assembly, *Human Rights Impact of Policies and Practices Aimed at Preventing and Countering Violent Extremism: Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, A/HRC/43/46, 21 February 2020, para 13.

[d] "The Values of Human Fraternity in Promoting and Sustaining Peace - Security Council, 9346th Meeting," UN Web TV, 14 June 2023, https://webtv.un.org/en/asset/k12/k12c9uflex.

In part because states have not agreed on definitions of "terrorism" or "extremism," in practice they have enjoyed an expansive latitude in deciding what and whom they will regulate and punish in the name of countering these undefined phenomena with little fear that those decisions will have consequences at the UN level. The result globally is state deployment of counterterrorism and related laws and measures against a wide range of identity groups, sociopolitical orientations, and acts, violent or not. This elastic nature of the terms "terrorism" and "violent extremism" and governments' practical power to determine for themselves what those terms mean appear to be a feature and not a flaw of how the international diplomatic community approaches the issues. Currently, "terrorism" and "extremism" are deployed to serve whatever purposes each individual state desires, and concerned parties are generally unable to appeal to international legal standards if they wish to object.

The lack of an agreed definition at the international level hinders civil society efforts to demand accountability and redress for human rights violations committed in the guise of counterterrorism activities because states will claim to be fighting "the terrorists" or "the extremists" and other states often will tolerate the repressive measures because of these claims. This situation places civil society in the uncomfortable position of attempting to discuss undefined phenomena with states and UN entities that have been taking extremely consequential actions in the name of countering those phenomena, often with harmful impacts on human rights and freedoms.

Failing to Respond to Retaliation

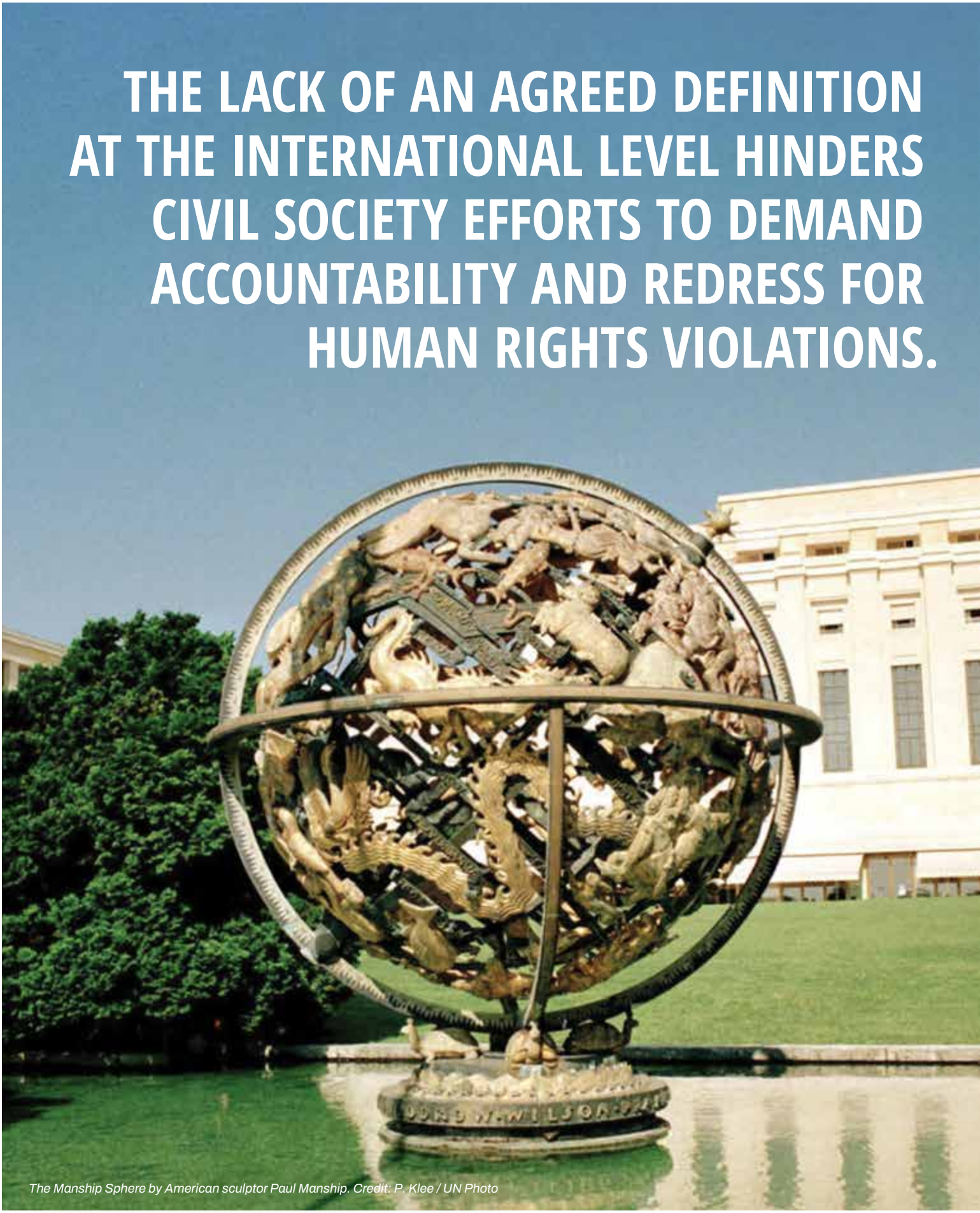
Civil society groups widely believe the United Nations is failing to respond to and otherwise lacks measures to protect civil society against retaliation.

Fears of retaliation or reputational harm featured prominently in the consultations when the question of greater engagement with UN bodies or mechanisms arose. Participants consistently stated that many people in their regions who work for civil society organizations, as well as independent activists, already face serious threats of state violence, a problem that, some said, the United Nations was not doing enough to address. Indeed, the Secretary-General's annual reports on reprisals for cooperation with the United Nations describe a concerning rise in reprisals and retaliation for ongoing and past cooperation by individuals and groups with the United Nations and intimidation designed to discourage future engagement.[91]

During the consultations for the MENA region and for Europe, some participants expressed frustration with what they see as a one-sided relationship with some UN entities. Some UN entities appear to enjoy the benefits of information, local credibility, and the legitimacy of civil society engagement, only to abandon those civil society actors when they face state reprisal. This concern is consistent with complaints about a UN approach toward civil society that is fundamentally extractive. Participants in the South and Southeast Asia consultation noted that Muslim organizations, already stigmatized under state and international counterterrorism

[91] 2023 Secretary-General's report on UN cooperation on human rights.

THE LACK OF AN AGREED DEFINITION AT THE INTERNATIONAL LEVEL HINDERS CIVIL SOCIETY EFFORTS TO DEMAND ACCOUNTABILITY AND REDRESS FOR HUMAN RIGHTS VIOLATIONS.



The Manship Sphere by American sculptor Paul Manship. Credit: P. Klee / UN Photo

and P/CVE-related agendas, LGBTQ+ organizations, and religious freedom advocates may be especially at risk of retaliation or repression in this context. Participants also noted that states construe some civil society activities concerning political, economic, social, or cultural rights as "extremism," heightening the risk of retaliation. The sense that the United Nations is unable to guarantee the safety of civil society groups and activists who interact with it is a substantial barrier to civil society engagement.

The lack of substantial action within UN counterterrorism efforts to address patterns of state misuse of counterterrorism measures in a manner commensurate with the scale of the abuse similarly undermines civil society engagement. Many view the United Nations as having done more to enable these developments than counteract them. Participants in the Canada and U.S. consultation gave voice to a perception that the United Nations "blue-washes" violence that states commit in the name of counterterrorism or counterextremism efforts.

PARTICIPANTS … GAVE VOICE TO A PERCEPTION THAT THE UNITED NATIONS 'BLUE-WASHES' VIOLENCE THAT STATES COMMIT IN THE NAME OF COUNTERTERRORISM OR COUNTEREXTREMISM EFFORTS.

In addition to frustrations with the generally weak and limited UN response to reprisals against civil society expressed by participants in all regional consultations, civil society groups in Canada and the United States specifically raised concerns over limited UN actions to combat rising Islamophobia and other forms of discrimination associated with the global counterterrorism agenda. This point also was raised as a priority area for civil society–UN engagement in the Europe landscape assessment. Unless the United Nations is willing to acknowledge and address this pattern of state violence, asking civil society actors to engage with UN entities on counterterrorism or P/CVE issues is potentially asking them to legitimize policy measures that are being deployed against them.

Creating, Promoting, or Exacerbating Racism and Sexism

Civil society participants viewed UN counterterrorism efforts as a factor contributing to racism, sexism, and intersectional biases.

Many UN, regional, and state counterterrorism and related measures have been explicitly or implicitly targeted at Muslims, people perceived to be Muslim, majority-Muslim countries, and other people or practices whom government officials associate with Islam. The Europe landscape assessment states that the counterterrorism agenda in the European Union "contains more than 200 counter-terrorism–related measures that led to increasing Islamophobia and violence against Muslim communities in Europe." The assessment cites a report by the European Commission Against Racism and Intolerance, which acknowledges, "In public discourse, Islam and Muslims continue to be associated with radicalization, violence and terrorism."[92] Some academics believe governments are using counterterrorism policing and P/CVE measures in ways that transform Muslims into a perceived "race," resulting in official approaches and public attitudes that discriminate against Muslims and people believed to be Muslim in exercises of what is effectively racism.[93] These biases are often intersectional, with specific stereotypes of Muslim women and girls or Muslim men and boys coming into play.[94]

Muslims are far from the only community targeted for discrimination under counterterrorism-related measures. Counterterrorism-related discourse and policy have been employed to target a vast spectrum of marginalized identity groups in different political contexts, from indigenous people to migrants, Black people and people of color, women, and LGBTQ+ communities. The Southeast Asia landscape assessment posits that, in the wake of colonialism, the elites who took power in Southeast Asia often imposed "state-constructed identities" that favored "a single dominant ethnic majority," leaving a legacy of persistent racial and ethnic oppression, as well as ongoing struggles by nondominant groups for self-determination. The assessment states, "When minorities demand their self-determination and other rights, their actions are used [by authorities] to reinforce the necessity of a securitized state

[92] See European Commission Against Racism and Intolerance, "Annual Report on ECRI's Activities Covering the Period From 1 January to 31 December 2018," CRI(2019)29, June 2019, p. 10, https://rm.coe.int/annual-report-2018/168094d6fe.

[93] Tufyal Choudhury, "Suspicion, Discrimination and Surveillance: The Impact of Counter-terrorism Law and Policy on Radicalised Groups at Risk of Racism in Europe," European Network Against Racism, 2021, https://www.enar-eu.org/wp-content/uploads/suspicion_discrimination_surveillance_report_2021.pdf; Amal Abu-Bakare, "Counterterrorism and Race," *International Politics Reviews,* vol. 8 (2020), pp. 79–99; Louise Cainkar and Saher Selod, "Review of Race Scholarship and the War on Terror," *Sociology of Race and Ethnicity* 4, no. 2 (April 2018): 165–177; Victoria Sentas, *Traces of Terror: Counter-Terrorism Law, Policing, and Race* (Oxford: Oxford University Press, 2014).

[94] Sherene H. Razack, *Casting Out: The Eviction of Muslims From Western Law and Politics* (Toronto: University of Toronto Press, 2018).

and to justify extreme national security measures." Therefore, the question of what states deem terrorism can be deeply connected to power disparities among racial, ethnic, cultural, and social groups.

Already marginalized populations are targeted overwhelmingly and disproportionately under national counterterrorism regimes. For example, counterterrorism and related measures are being used to target indigenous communities, civil society groups associated with them, and solidarity networks in diasporas around the world. They also are widely deployed against Black, indigenous, and immigrant communities and racial and economic justice activists exercising their right to protest wealth inequality and police violence and militarization in Europe and North America. Environmental activists opposing extractive industrial policies and operations across the Global South are often labeled as "terrorists" and considered a threat to national security interests.

These are not only member state problems. Consultation participants widely perceived the United Nations as propping up Islamophobic discourses, concepts that give member states and other multilateral organizations latitude to engage in bias, and state measures that have resulted in discrimination in practice. This perception creates a fundamental barrier to civil society engagement with the United Nations about counterterrorism-related issues. One could note, for example, the historical anachronism of the five permanent members of the Security Council (China, France, Russia, the United Kingdom, and the United States), all of which are located in the Global North and several of which were and arguably remain global colonial powers, and the disproportionate power they wield via their membership and veto abilities.

Incurring Reputational Risks

Where the United Nations has a poor reputation, interacting with UN entities can create reputational or other risks for civil society actors.

Views were mixed regarding the reputational consequences of engaging with the United Nations. On the one hand, participants in the consultations for the MENA region and for Europe suggested that visible support from powerful UN bodies can provide political cover for civil society organizations and help mitigate the risk of retaliation. Some participants in the South and Southeast Asia consultation expressed a view that engaging with certain UN entities such as UNDP, UN Women, the Office for the Coordination of Humanitarian Affairs, and the World Food Programme, can bolster the perception of the legitimacy of civil society groups' work in some communities. Across the consultations, however, many expressed concerns that the United Nations has a poor reputation in some localities and that civil society organizations therefore risk reputational damage by interacting with UN entities. The East Africa landscape assessment stated that, in this region, "[t]o a great extent the UN is viewed as an extension of government, a perception that makes working with the UN a risky affair." Discussions during the South and Southeast Asia consultation suggested that some communities may equate engaging with the United Nations to supporting a pro-Western agenda, severely undermining the credibility of associated civil society groups.

Civil society groups' views on the reputational barriers to engagement are multilayered. Some participants in the consultations shared experiences of negative past engagements with the United Nations as the source of their mistrust. For example, they said UN entities have mishandled data provided by civil society, failed to follow through on commitments, harmed local organizing efforts, or hijacked projects that local groups had originally initiated. Participants in the West Africa consultation expressed a sense that although relations between UN entities and civil society organizations are generally positive in the region, civil society must compete with UN entities for resources, and groups sometimes feel compelled to enter into project partnerships with these bodies in order to have access to funds. Civil society organizations then become the junior partner in the relationship, akin to a service provider, in a manner that is transactional and not equitable.

Some participants in the South and Southeast Asia and East Africa consultations were critical of what they described as an elitist culture at UN Headquarters and local levels, with staff lacking sufficient cultural and political awareness and the necessary language skills to communicate with local civil society groups and activists. Some national and regional UN staff are former government officials whom civil society actors perceive as being too close to their past employer. Participants in the West Africa consultation described a problem of clientelism, in which UN entities and their former staff are alleged to have developed corrupt practices around recruiting and procurement.

Participants in the consultations for the MENA region and for Europe described the United Nations as disengaged from grassroots initiatives, resulting in ad hoc relationships and a tokenizing of civil society engagement. In their view, an elitist, Western-dominated UN culture operates to distance or outright exclude large swaths of civil society. During the youth-focused consultation, concerns were expressed that the United Nations is lifting frameworks developed in African contexts for the disengagement and reintegration of former combatants and

dropping them into Asian contexts in cookie-cutter fashion, which, if true, would suggest a lack of or even a disinterest in cultural competence, as if all Global South contexts were the same.

Tendency of Extractive Relationships

Civil society actors have experienced or generally perceive many UN efforts to engage with them as extractive "tick box" exercises.

Consultation participants widely viewed the UN approach toward engaging civil society as extractive—a "tick box" exercise led by entities that are ambivalent about civil society actors, the communities they serve, or the harmful impacts of counterterrorism and related measures. There was a broad sense that the United Nations does not take civil society input seriously. For example, several civil society representatives described experiences participating in counterterrorism- and P/CVE-related UN meetings framed as consultations, which they said turned out to be panel discussions rather than opportunities for engagement. The participants said they discovered that UN officials cited these meetings as examples of successful civil society engagement. In other words, some civil society actors feel that the United Nations has used them for the sake of its own public relations. Another participant shared an experience in which they were invited to a UN counterterrorism conference to present on factors driving violence and insecurity in their community, but the UN entity then requested their presentation be changed to focus on terrorism and violent extremism in a manner the UN entity deemed acceptable. In UN counterterrorism conferences and meetings, civil society perspectives are often relegated to a civil society panel, a separate civil society workshop or side event, or a limited speaking slot at the end of a panel discussion.

Tokenizing forms of engagement may be a particular problem for marginalized and otherwise underrepresented groups. Participants in the youth-focused consultation indicated that when engaging with the United Nations, young people tend to be invited to deliver prepared remarks at panel events rather than being consulted through a genuine dialogue and sometimes must share copies of their remarks with the organizers for prior review in a manner they believe is unnecessary, overly controlling, and demonstrative of a lack of trust and respect. Some participants in consultations for the MENA region and for Europe suggested that the United Nations, both generally and regarding counterterrorism efforts in particular, treats women, youth, and minority communities as seats to fill at events while doing little to amplify their voices or address their concerns. In their estimation, women, gender rights activists, and youth often must face the dual burden of trying to make their points about counterterrorism and related issues while having to challenge paternalistic or patriarchal views and explain basic concepts related to their rights.

Limited Entry Points for Engagement

Many civil society groups described a general lack of clarity on and lack of entry points for engagement with the UN counterterrorism architecture.

Many civil society actors consulted were familiar with UNOCT and at least some other UN actors responsible for various elements of UN counterterrorism efforts, but many had limited experience engaging with these actors. Furthermore, although many expressed interest in having greater opportunities to engage, most had little clarity on the entry points for meaningful engagement or if such entry points exist at all. Many viewed access to UN Headquarters in New York and the UN office in Geneva as the most obvious avenues for engagement on UN counterterrorism efforts, but the vast majority of organizations cannot afford to send representatives to these cities, let alone hire staff members to be based there to enable regular interactions. Many would also face visa issues. By concentrating opportunities for meaningful engagement in these two locations, the United Nations de facto engages in a gatekeeping function that privileges comparatively wealthy Western organizations. This disparity has racial and socioeconomic aspects.

Many of the organizations consulted have applied for consultative status with the UN Economic and Social Council (ECOSOC), which is seen as one of the premier pathways for civil society organizations to establish a more formal relationship with the United Nations. Such status provides the organization's representatives with grounds passes and the ability to participate in and contribute to formal UN meetings, among other benefits. In several cases, participants shared experiences of failing to obtain credentials after multiple attempts over the course of years.[95] Whether they obtained ECOSOC-accredited status successfully or not, many participants viewed application for ECOSOC consultative status as complicated, time-consuming, and bureaucratic. Worsening this problem, ECOSOC accreditation requires approval by all 19 member states that sit on the ECOSOC Committee on Non-Governmental Organizations, any of whom can defer applications for completely arbitrary and often political reasons. The committee also does not allow virtual participation in its daily question and answer session.[96]

As indicated above, even if they had the necessary credentials, most civil society actors would find it financially or logistically impossible

[95] In its 2023 session, for example, the ECOSOC Committee on Non-Governmental Organizations had 348 applications before it that were deferred from previous sessions. ECOSOC, *Report of the Committee on Non-Governmental Organizations on Its 2022 Resumed Session*, E/2023/32 (Part I), 16 September 2022, p. 1. Two hundred and ninety-four applications were deferred until its 2024 session. ECOSOC, *Report of the Committee on Non-Governmental Organizations on Its 2023 Resumed Session*, E/2023/32 (Part III), 5 June 2023, p. 1.

[96] ECOSOC, *Report of the Committee on Non-Governmental Organizations on Its 2023 Resumed Session*, pp. 47–51.

Credit: AmparoGV / Envato

to travel to New York or Geneva. In addition to the aforementioned risk of reprisals and authoritarian travel restrictions, arduous and discriminatory visa restrictions were also raised as a factor impeding engagement, as was the lack of full and timely financial support to facilitate their participation. In practice, it is the experience of many civil society actors that a presence, especially a sustained one, in one or both of these locations is crucial for meaningful engagement on human rights–, counterterrorism-, and P/CVE-related matters.

Manipulation of the Women, Peace, and Security Agenda

Civil society groups are frustrated with the superficial treatment and what some see as the manipulation of the Women, Peace and Security agenda in UN counterterrorism policy and practice.

During the consultation on gender, peace, and security, frustrations were expressed with an apparent lack of sincerity when UN entities ostensibly incorporate gender-related considerations into counterterrorism decision-making or programming. Some participants felt that the UN Women, Peace and Security agenda has transformed into yet another tool for implementing policies on national security, with gender equity and justice issues pushed aside. In 2021 the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism raised similar fears in 2021 about "agenda-hijacking" and "gendered approaches to counterterrorism" that do not promote gender equality.[97] Some participants took the view that the United Nations is merely trying to incorporate women into its existing counterterrorism structures without addressing issues of patriarchy and related power asymmetries at the heart of these agendas. Women and the civil society groups they lead, these participants said, struggle to find their relevance in UN counterterrorism discussions. Similar concerns were expressed about a lack of engagement of UN counterterrorism entities with LGBTQ+ groups and about a "siloing" of women's and LGBTQ+ rights groups from counterterrorism work.

Overall, there was a deep skepticism among civil society organizations globally about the idea that UN counterterrorism efforts take gender-related considerations or concerns seriously. To the contrary, civil society groups assume that many UN entities' statements about gender in the context of counterterrorism or P/CVE-related matters are merely decorative, not a signal that the entity intends to do anything differently. This

[97] UN General Assembly, *Human Rights Impact of Counter-terrorism and Countering (Violent) Extremism Policies and Practices on the Rights of Women, Girls and the Family: Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Fionnuala Ní Aoláin*, A/HRC/46/36, 22 January 2021, p. 2.

Zanetti Mural in United Nations Conference Building. Credit: UN Photo

aspect of UN culture and practice does not encourage engagement by women's rights organizations or other groups focused on gender rights or interested in more gender-sensitive approaches to violence prevention.

Language and Institutional Dialect

Language barriers and the widespread use of an institutional dialect or other technical jargon by the United Nations alienates civil society actors.

A recurrent theme across all regional consultations was the disconnect between the discourse of the UN counterterrorism architecture and the local and regional contexts in which governments or the United Nations are actually implementing counterterrorism and related efforts. This perceived disconnect is exacerbated by the absence of any agreed international legal definitions of "terrorism" or "extremism," reinforcing a perception of counterterrorism-related topics as a technical, specialized set of priorities that are not susceptible to influence from local and grassroots organizations. The deployment of technical, diplomatic, and bureaucratic language and procedures creates an exclusionary climate that deters and dissuades participation by local and grassroots organizations.

Participants also observed that what could be called the institutional dialect of the United Nations—"UN-speak," a specialist terminology that UN officials and member state representatives expect others to employ and understand—serves a further gatekeeping function, akin to an unwritten requirement for a certain level of education or type of prior professional experience. Examples of such UN-speak would be terms such as "P-5" and "Special Procedures."[98] In participants' perception, such an institutional dialect is an obstacle to civil society actors' effective engagement, especially among grassroots organizations. Although participants did not explicitly offer a solution to this problem, the implicit suggestion is that UN entities and

[98] P-5 can refer to the five permanent members of the UN Security Council or a personnel classification of the senior-most professional-tier UN staff post organized by levels of experience and responsibility on a scale from P1 to P5. Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

officials should be more inclusive and supportive of diversity where civil society actors' backgrounds, levels of prior UN experience, and communications needs are concerned. As elsewhere, these matters may be closely tied to differences in socioeconomic origin. People with greater formal education, particularly in one or more of the official UN languages, and those with professional experience at the United Nations or in diplomatic corps, for example, are more likely to have a familiarity with UN jargon or have the ability to become fluent in it quickly. Such educational and professional opportunities in turn may be tied to race or ethnicity. UN officials and entities should recognize in practice that familiarity with UN-speak and the organization's internal workings usually has no bearing on whether a civil society actor is an expert in their chosen field, and they should listen to the substance of the message rather than the specific terminology used.

In order to interact with the United Nations, civil society actors may feel compelled to use terms they regard as inappropriate for their contexts or problematic on a broader level, such as "foreign terrorist fighters." If the United Nations is only truly receptive to engagement with organizations that are willing and able to use its institutional dialect, including terms that some civil society groups may find inappropriate or offensive, then this is another manner in which the United Nations itself plays a gatekeeping role.

These challenges of institutional accessibility and practice go beyond jargon. Civil society groups operate at a range of levels from grassroots and community based to national or international and have resources ranging from virtually none to multimillion-dollar budgets. Their professional staff, if any; volunteers; and members may not speak or read any official UN language. Participants in the consultations in East Africa, West Africa, and South and Southeast Asia emphasized that genuine efforts at engagement with local civil society groups requires resources to be available in national languages, not just in the five official UN languages.

BARRIERS AND RISKS EMERGING FROM MEMBER STATE STRUCTURES, POLICIES, AND PRACTICES

State laws, policies, and practices pose substantial challenges to civil society engagement with the United Nations. The global erosion of civic space is a result of increasingly restrictive forms of regulatory measures, surveillance, intimidation, and other forms of repression, often in the name of national security, including counterterrorism, to curtail the funding and capacity of civil society groups to do their work at home and collaborate across borders.

Targeting of Civil Society and Civic Space

States are misusing the concepts of "terrorism" and "violent extremism" to target civil society organizations, dissidents, journalists, and a range of other nonviolent actors with impunity.

Ambiguity regarding the definitions of "terrorism" and "violent extremism" at the international level, as well as variations such as "violent extremism conducive to terrorism," has created room for states to misuse these concepts. That misuse create barriers to successful civil society engagement with the United Nations and to the survival of civil society in general. Some member states explicitly and in bad faith label and target civil society organizations that focus on human rights as "terrorists" or "extremists."

Participants in the consultations indicated that a lack of international accepted definitions and a proliferation of vague concepts afford states the maximum discretion to designate certain individuals and groups as exceptional threats to the public, justifying states' employment of extraordinary powers to silence them, including through violence. There was a consensus among the regional consultations that state definitions of terrorism and authorities' association of groups or actions with "terrorism" are often arbitrary and intended to allow and justify repression in violation of international law, particularly human rights law.[99] As highlighted in the MENA landscape assessment, national laws and policies often rely heavily on definitions of terrorism as an offense against vague concepts such as "public order," "national unity," "national values," "territorial integrity," "the normal functioning of institutions," or "state security." Such elastic definitions enable the state to deploy counterterrorism and related measures against a wide spectrum of political and social activity and expression, regardless of whether they can be construed as violent. These laws often come alongside human rights–derogating "emergency" legal, policing, or military measures that become permanent. Participants raised numerous examples of what they described as state terror, much of which they said the state has perpetrated in the name of countering terrorism or violent extremism. During the South and Southeast Asia consultation, participants further observed that the more vocally a group advocates against repression and injustice, the more likely it is that the regime will label that group as terrorist.

Related to perceptions of systemic state misuse of the UN counterterrorism and related frameworks, the methods by which donors use this policy discourse in channeling program funding to states were also a source of frustration. As highlighted during the consultations for the MENA region, many organizations are concerned that counterterrorism assistance, funded significantly

[99] See Ní Aoláin, Manion, and Yamamoto, "Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space"; UN General Assembly, *Impact of Measures to Address Terrorism and Violent Extremism on Civic Space and the Rights of Civil Society Actors and Human Rights Defenders: Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, A/HRC/40/52, 1 March 2019; UN General Assembly, "Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Note by the Secretary-General," A/65/258, 6 August 2010, paras. 17–80 (containing the sixth report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism).

ALREADY MARGINALIZED POPULATIONS ARE TARGETED OVERWHELMINGLY AND DISPROPORTIONATELY UNDER NATIONAL COUNTERTERRORISM REGIMES.

in their perception by Western governments, continues to be directed toward highly repressive regimes that systematically misuse counterterrorism and related measures with impunity. They voiced concerns that some member states deliberately mischaracterize foreign donors' funding of civil society organizations to fuel governmental assertions that civil society organizations are engaged in espionage, resulting in legal and other harassment. The West Africa landscape assessment describe a climate in several states in which civil society organizations' staff and their family members face violence and other direct threats from terrorist organizations and the state. Civil society groups that expose or decry abuse by defense and security forces "are often branded by state supporters as traitors to the nation and often go to prison, with consequences for their families and loved ones. A kind of spiral of silence thus forces human rights defenders and the media to take precautions that stifle the necessary denunciation of these violations."

The consultations revealed alleged instances of human rights defenders, journalists, justice advocates, and community activists being targeted by state authorities under counterterrorism and related measures for their advocacy and organization to improve lives in their communities. Participants in the South and Southeast Asia consultation stated that any new efforts to strengthen civil society engagement with the United Nations regarding counterterrorism or P/CVE measures will be viewed by civil society organizations as an endorsement of and support for narratives about terrorism and extremism that are defined by the dominant powers unless these efforts rest on shared values about ending oppression and standing in solidarity with the people who are facing it.

Targeting of Marginalized Groups

States are misusing the concepts of terrorism and violent extremism to target women, minorities, and marginalized populations.

Many consultation participants understood the deployment of counterterrorism-related measures to be deeply connected to power disparities among racial, ethnic, and cultural groups. As mentioned above, many counterterrorism and related measures at the national and international levels have been explicitly or implicitly targeted at Muslims or people perceived to be Muslim, a fact apparent to civil society everywhere. In a potentially telling example, multiple participants in the consultation on Latin America and the Caribbean characterized the region as not having a problem with terrorism despite a long-standing history of violence by groups such as the Revolutionary Armed Forces of Colombia (known by the Spanish acronym FARC), prompting questions about the extent to which civil society itself has come to understand "terrorism" as referring to phenomena that states associate with Muslims or Islam. As pointed out during the consultation focused on gender, this targeting of people who identify as Muslim can include intrafaith disputes, as when the state gives preferential treatment to some sects or portrays certain beliefs as valid or invalid in Islam. As already noted, biases against Muslims and perceived Muslims or members of certain sects are often gendered and otherwise intersectional.[100]

States have also used counterterrorism-related discourses and measures to target migrants, Black and indigenous communities, people of color, women, and LGBTQ+ communities. Participants in the South and Southeast Asia consultation said their work

[100] See UN General Assembly, *Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance*, A/HRC/41/54/Add.2, 27 May 2019.

with populations that the state does not favor, such as LGBTQ+ people, political opposition groups, and certain religious communities, can result in the civil society group, its partners, and its constituent communities being targeted for legal harassment, intimidation, violence, and other abuse with impunity under the guise of countering terrorism or violent extremism. As in Latin America, Canada, the United States, and elsewhere, indigenous groups in Southeast Asia are at particular risk of being stigmatized and targeted as "terrorists" or subjected to counterterrorism measures. There was a general consensus among civil society participants from the United States and Canada that counterterrorism measures and colonial legacies and structures are intertwined and that the suspension of normal legal rights in the counterterrorism context is analogous to past and ongoing colonial treatment of indigenous communities.

There are also discriminatory gender-related impacts of state counterterrorism practices, such as when the arrests of men leave women and other family members without income and exposed to abuse, when women are treated as passive and presumed to be subordinate to the men in their families, or when states create counterterrorism policies that explicitly or implicitly focus on certain gender and age groups, something that participants report has occurred in the context of the conflict with ISIL. One consultation revealed that, where women-led civil society organizations may face a greater risk of targeted repression by the state, women activists are subject to arrest and detention under counterterrorism measures as a means of intimidation even if they are less likely than men to be charged or convicted. It does not appear that the United Nations has explored this or other gendered experiences of state counterterrorism practices adequately. In national or local contexts in which women are systematically excluded from public life—an issue raised during the consultation on gender—it is not clear that the United Nations is making adequate efforts to solicit their views rather than simply deferring to the perspectives of men.

Civil society is struggling to overcome intense, overlapping forms of repression ostensibly justified under discriminatory counterterrorism, P/CVE, and other national security measures at the national level. Many organizations that could otherwise have much to contribute through engagement with the UN counterterrorism architecture would not do so unless they perceive a convincing value-add in gaining relief and redress from targeted repression and abuse.

Imposing Legal and Administrative Burdens

States often impose heavy legal or administrative restrictions on groups and individuals seeking to address issues deemed related to counterterrorism or P/CVE.

Special legal or administrative requirements imposed by states on civil society groups that carry out counterterrorism-related work can serve as a tool of control for governments that aim to silence or shut down groups that diverge from official positions. In many contexts, as discussed during consultations with organizations in eastern and western Africa, participants noted that grassroots community organizations and other civil society groups must be credentialed by governmental counterterrorism entities. Furthermore, their projects, particularly on counterterrorism-related matters, are subject to review and approval by national authorities. Affected organizations related that they must fulfill onerous reporting requirements to their country's national counterterrorism authority on a regular basis, jeopardizing their independence and forcing them to make difficult choices about disclosure of their collaborative work with community members and other civil society groups that could be more vulnerable to repression. Similarly, organizations feel pressure to relinquish raw data about their partners and participants to the government.

Civil society groups are incredibly diverse and have varying legal statuses. Being formally registered as a charity or other civil society organization under national law does not necessarily correlate to the credibility, quality, and impact of the organization and their work. To the contrary, some formally registered entities may not be genuinely operational or may act as GONGOs, working to spoil or undermine legitimate civil society groups. Conversely, many genuine community organizations, particularly youth-led movements, are not formally registered due to financial, administrative, or political hurdles. The Latin America landscape assessment points out that many governments only permit a narrow range of civil society organizations to operate and that some actively create a repressive environment that discourages civic activism.

Counterterrorism and related policymaking processes lack transparent, effective engagement opportunities for young human rights activists in particular because their work is often deemed threatening by political power centers. Added to this, many youth-led movements are not formally registered as nonprofit organizations, placing them at a disadvantage in their engagement with national and international organizations. Participants in the East Africa consultation emphasized the special situation of youth-led movements, many of which are not formally registered in their states. This lack of formal recognition can place them at a disadvantage. Yet, many youth-led groups are at the center of efforts to address the conditions conducive to various forms of violence and exploitation, including by armed groups or organized crime. Consultation participants stated firmly that youth engagement is unique and that special processes should be adopted to enable young people to engage effectively and have genuine input into policymaking processes.

For these reasons, it will be critical for UN entities to reach out to and be willing to engage with groups that do not have a formal legal status in their countries of origin, as well as activists who are not employed by any officially recognized group. Conversations about counterterrorism-related matters often will be incomplete if they include only groups that are formally registered entities. The United Nations also must address state misuse of legal and administrative regimes to hinder the work of groups that tackle counterterrorism-related issues.

Superficial and Tokenizing Engagement

States are superficially engaging and tokenizing civil society in counterterrorism and related policy efforts.

Civil society engagement on counterterrorism efforts at the national, regional, and international levels tends to be highly curated by host governments and the United Nations.[101] Civil society organizations operating in countries with more authoritarian and repressive governments are particularly limited in the type of activities in which they can engage without facing a heightened risk of repression and reprisals. Civil society organizations working in countries where counterterrorism policy is led by the military or otherwise highly securitized stated that counterterrorism policy discussions tend to be rigged against meaningful engagement with independent civil society actors. In contexts where civil society groups have enough latitude to offer constructive input and engagement, many perceived that their contributions are ignored or tokenized, merely serving to tick the box of "civil society consultation" in the policy formulation process while leaving the substance of their concerns unaddressed. The United Nations should be aware that this tokenization is happening at the state level, in addition to addressing the problem of tick-box or extractive exercises by the United Nations itself.

Where civil society groups do have opportunities to engage, discussions in several consultations raised concerns that governments strictly limit who has a seat at the table in conversations between the United Nations and civil society. National governments and the United Nations and other multilateral fora on counterterrorism and related policies tend to privilege and uplift organizations whose work aligns with their own counterterrorism agendas, while limiting or restricting space for other civil society groups, including those whose work focuses on human rights in the counterterrorism context. This dynamic reinforces civil society actors' perceptions that the United Nations and other international policymaking bodies associated with the counterterrorism agenda are not committed to addressing widespread and systemic abuses committed under the guise of these measures and in some cases are contributing to those abuses. Many civil society actors may be capable of playing constructive roles in counterterrorism and related policy implementation to mitigate some of the more harmful effects on communities, but there are costs to such engagement. During the consultations, groups working on counterterrorism-related issues shared concerns that these efforts need to be carefully framed to reduce the risks of undermining the trust of their constituents, damaging relationships with their counterparts in civil society, and subjecting staff to potential reprisals by governments and nonstate actors.

This perceived tendency toward tokenized, superficial engagement reinforces a belief among many civil society actors that policymakers view community members and civil society at best merely as beneficiaries and passive recipients of decisions made and policies and programs developed by national authorities rather than as equal partners and agents of change. For example, despite being widely acknowledged as critical for successful peace and security initiatives, young people and youth-led civil society organizations are frequently excluded from consultation and decision-making processes related to counterterrorism measures. Additionally, there may be racial, gendered, or other biases involved in states' and international bodies' treatment of civil society actors as not being experts or equal partners.

BARRIERS AND RISKS EMERGING FROM THE CIVIL SOCIETY DYNAMICS AND THE IMPACTS OF COUNTERTERRORISM MEASURES

Consultation participants expressed many concerns regarding the compounding impacts that counterterrorism measures have had on the civil society landscape. They described multiple ways that counterterrorism and related measures have transformed the relational, programmatic, and funding dynamics of civil society. Consultation participants highlighted various understandings of the roles and priorities of civil society groups and associated prospects of greater engagement with UN entities.

Securitization of Civic Space

The counterterrorism agenda has rendered the core work and financing of broad cross-sections of civil society subject to state security interests, complicating efforts to address peace-building, governance, and development priorities.

States' embrace of counterterrorism and related agendas as priorities has radically altered the landscape of civic space, exerting financial and political pressure that imposes "security" frameworks on traditional peace-building, governance, and development priorities while isolating human rights defenders, journalists, and political dissidents. These dynamics have played a role in fracturing lines of solidarity in civil society movements around the world. During the consultations, participants described how counterterrorism priorities have saturated the donor funding landscape in numerous countries, particularly in eastern, southern, and western Africa and western, central, southern, and southeastern Asia, with counterterrorism efforts increasingly encroaching on governance, peace-building, and development spaces. The Southeast Asia landscape assessment describes civil society involvement in P/CVE and counterterrorism programming in Southeast Asia as having "drastically mushroomed" since 2015, "given the entry of P/CVE[-] and [counterterrorism]-oriented

[101] Bonnefont and Praxl-Tabuchi, "Civil Society Engagement With the United Nations on Counterterrorism."

Credit: Lukasz Janyst / Unsplash

funding and agenda-building." The West Africa landscape assessment describes a "diversification" in the range of civil society organizations that have become involved in counterterrorism and related programs, including an involvement of women's organizations in P/CVE-related matters.

The whole-of-society approach that the Security Council, UNOCT, and others promote under international P/CVE agendas, alongside substantial investments of donor funding for global P/CVE initiatives, has brought a security-focused approach to a wide range of agendas, such as peace-building, gender equality, and youth empowerment.[102] The result is a tension or gap between the broader social aims of these human rights–promoting agendas in and of themselves and the aims of those agendas as repurposed under P/CVE initiatives, which are solely concerned with the prevention of "radicalization" among predesignated populations or, critics might say, with shutting down ideas and movements that governments do not favor. More and more, civil society groups are seeing government attention and donor funding allocated toward "community resilience," "counternarrative," and other counterradicalization goals that would appear to address the symptoms rather than the underlying causes of deprivation, inequity, conflict, and violence while potentially infringing on human rights such as the freedom of belief and promoting bias. Some of the civil society actors consulted expressed concern that funders from the Global North are prioritizing P/CVE-related goals at the expense of more pressing community needs, including socioeconomic and governance initiatives that could address some of the drivers of violence and underdevelopment as envisioned under the SDGs.[103]

In the face of the political and funding dynamics, some civil society groups and activists say they have found ways to achieve their peace-building, governance, rights, and development objectives through counterterrorism-related funding without compromising their independence and values or potentially undermining the trust of their partners and constituents. Importantly, for some groups, implementing P/CVE programs represents a survival strategy in a repressive environment rather than a belief that the P/CVE agenda is genuinely aligned with the group's mission and values or the needs of local communities. Civil society groups in such a position may feel compelled to support governmental positions during

[102] CTED, "Countering Violent Extremism and Terrorist Narratives," n.d., https://www.un.org/securitycouncil/ctc/content/countering-violent-extremism-and-terrorist-narratives (accessed 10 February 2024); UNOCT, *Civil Society Engagement Strategy*, p. 3; GCTF, "Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism," n.d., https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/2016%20and%20before/GCTF-Ankara-Memorandum-ENG.pdf; Altiok and Street, "Fourth Pillar for the United Nations?"

[103] The East Africa landscape assessment suggested that "90% of the [P/CVE] work in the region is driven by … [civil society organizations] who draw 80% of their resources from development partners domiciled in the [G]lobal [N]orth."

interactions with international organizations or at times of financial need rather than offering candid human rights–based evaluations.

States and other major donors may offer funding to civil society groups under a counterterrorism or P/CVE framework, but measures by states and intergovernmental bodies can also take funding away. Many of the consulted civil society organizations expressed concerns about the complicated, restrictive financial regulations that they believe are designed to counter the financing of terrorism or money laundering. States have promulgated these measures through FATF, ostensibly to prevent the misuse of the nonprofit sector to channel money to designated terrorist groups. Organizations allege, however, that states have instead employed these measures in ways that threaten the groups' financial security as a means of discouraging critical voices in civil society and curtailing legitimate charitable and humanitarian work.[104]

Civil society's contributions are critical to achieving global peace, security, and development, including under the SDGs. Against the backdrop of the violence and destruction of ongoing "wars on terror" and the litany of abuses committed under a proliferating global counterterrorism regime, the co-optation of peace-building, governance, and economic development work for counterterrorism purposes is alienating many civil society actors.

Divergent Risks of Civil Society Groups

The proliferation of counterterrorism initiatives has created divergent risk levels among civil society groups, reinforcing power hierarchies.

An important dynamic that frequently emerged across the consultations was a perception that civil society groups that collaborate with governments on certain types of counterterrorism initiatives are often in a fundamentally different risk position from those that scrutinize and criticize these efforts on human rights grounds. Some civil society organizations voiced concern that the growing market in P/CVE- or counterterrorism-related funds, instead of fostering movement- and coalition-building dynamics among civil society actors, has undermined solidarity and collective approaches. This fundamental split impacts the potential for collaborative work on UN engagement. The Southeast Asia landscape assessment describes a divide between civil society organizations that work on two distinct but not mutually exclusive categories of P/CVE-related programming.

- ***Designed to prevent and counter the spread of ideas and narratives that states associate with violent extremism at the individual or community level.*** **Civil society actors working at this level tend to have closer relationships with governments and more access to formal policy discussions concerning counterterrorism and related issues.**
- ***Focused on addressing wider structural issues that can drive people toward violence, such as societal inequalities, conflict, human rights abuses, corruption, or problems of governance and social cohesion.*** **Civil society actors working at this level are frequently at higher risk of becoming targets of repression under counterterrorism or P/CVE laws and programs.**[105]

This difference in experiences and risk levels between P/CVE implementers and critics was a common theme among several of the consultations, as was P/CVE critics' frequent distrust of P/CVE implementers. In regions where P/CVE programs are common, there was a consensus that human rights defenders and critics of counterterrorism and related policy and practice face a substantially higher risk of state repression than P/CVE implementers do. Although P/CVE implementers do not fit a single mold and may share much in common with other civil society organizations that are solely focused on human rights advocacy, participants in the consultations for the MENA region and for Europe expressed concerns about the practices of certain civil society organizations that are heavily engaged in the P/CVE agenda, saying that these practices are often at odds with human rights concerns and can reinforce discrimination.

Civil society groups that criticize governmental counterterrorism practices appear to be at a higher risk of governmental repression and reprisals under counterterrorism or P/CVE measures, but those that implement or support P/CVE efforts may still face violence or repression. For example, as noted in the East Africa consultation, civil society organizations in Somalia that work to counteract the violent group al-Shabaab through engagement with local communities face threats of violence from al-Shabaab while enduring an environment of widespread abuse by governmental military forces.

The divergent levels of risk faced by different civil society actors appear to correlate directly to the extent their work exposes the harms and impunity of state misuse of counterterrorism and related measures. The silencing of groups that are critical of

[104] The impact of FATF has been addressed extensively elsewhere. See Fionnuala Ní Aoláin, "The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures," Human Rights Center, University of Minnesota Law School, June 2022, https://www.ohchr.org/sites/default/files/2022-06/2022-06-13-SRCT-HR-CFT-Position-Paper.pdf; Ben Hayes, "Counter-terrorism, 'Policy Laundering' and the FATF: Legalising Surveillance, Regulating Civil Society," Transnational Institute and Statewatch, February 2012, https://fatfplatform.org/assets/Uploads/Legalising-Surveillance-Regulating-Civil-Society_Ben-Hayes.pdf.

[105] See The Asia Foundation, "Prevention From Below: Civil Society Efforts to Prevent Violent Extremism in Southeast Asia," October 2020, p. 15, https://asiafoundation.org/wp-content/uploads/2020/10/Prevention-from-Below-Civil-Society-Efforts-to-Prevent-Violent-Extremism-in-Southeast-Asia_full-report.pdf.

counterterrorism practices compounds the apparent tendency of the United Nations, donor governments, and other important players in this space to deprioritize engagement with such actors. Civil society wants critical voices at the table, but achieving a balance requires more meaningful UN and member state efforts to mitigate threats of repression and reprisal.

Regional Prioritization and Marginalization

Civil society groups in countries that the international community perceives as not having active terrorism threats feel excluded from UN counterterrorism policy discussions despite being directly impacted.

A related frustration stems from perceptions that powerful member states shape the counterterrorism agenda of the United Nations and others without regard for local contexts in different parts of the world. For example, many participants in the Latin America and the Caribbean consultation expressed frustration that they are subject to laws on counterterrorism financing and other national security priorities that they believe the United Nations or other authorities did not develop with an awareness of their regional context. Some participants felt that UN counterterrorism efforts and associated norms and standards have been designed to tackle a problem that does not exist in Latin America. The Latin America landscape assessment describes a UN counterterrorism regime designed to address nonstate violence with transnational elements, whereas local civil society actors perceive nonstate violence in the region as typically lacking a significant transnational component. At the same time, some participants said that UN and regional bodies dismiss Latin American groups as having nothing worthwhile to say about counterterrorism-related issues because terrorism supposedly does not occur in their national contexts. Participants in the Latin America and the Caribbean consultation also reported that many UN counterterrorism-related resources are not even available in Spanish, reflecting the broader marginalization of Latin America in global counterterrorism and related policy engagement and discourse.

Action in Washington DC. Credit: Gayatri Malhotra / Unsplash

Government-Aligned Organizations as Potential Spoilers

Government-organized or -aligned nongovernmental organizations may co-opt and undermine independent civil society voices.

The proliferation of counterterrorism agendas has led to the emergence of a range of organizations, such as think tanks and academic centers, that have been set up by governments, receive governmental funding, or otherwise are closely aligned with governments, including through former or seconded government employees. Independent civil society groups must compete with these organizations for resources, attention, and credibility. In many countries, particularly but not exclusively those with more restricted civic space, organizations have emerged that have implicit or explicit ties to their governments. Consultations identified these GONGOs as gatekeepers to national counterterrorism and related initiatives, as spoilers that can work to undermine the demands of communities and independent civil society organizations, and as infiltrators to surveil and intimidate independent civil society actors. GONGOs can appear as well established and often larger organizations that work to promote the policy prerogatives of national elites. GONGO leaders often travel in the same social circles as government or business leaders, and in some cases, they are former government officials who have become "civil society actors" to maintain influence or await their return to politics.

The East Africa landscape assessment characterized "the particular space dealing with countering violent extremism" as "heavily patronised, securitised and regulated by the state." Participants in the South and Southeast Asia consultation similarly pointed to governmental patronage and local politics as controlling which civil society actors can participate in counterterrorism and related policy conversations. Discussions with MENA and European civil society organizations framed GONGOs as spoilers that exploit and co-opt civil society efforts to engage meaningfully with the United Nations on counterterrorism-related issues—a problem that, in some participants' views, has been escalating as GONGOs and co-opted civil society groups become increasingly dependent on an expanding P/CVE funding industry that wealthy states have created.

In contexts where much of civil society is otherwise excluded from meaningful participation in national policy discourse, the engagement of GONGOs may create an illusion of civil society participation. GONGOs also can serve as proxies to carry out governmental repression of independent civil society. Consultation participants in the United States described alleged cases of GONGOs weaponizing counterterrorism laws to target independent civil society organizations for their legitimate human rights work.[106] In the Canada and U.S. consultation, participants also shared concerns that some groups that promote P/CVE policy and programming are aligned with far-right, Islamophobic, or white supremacist agendas but are nevertheless given a platform of legitimacy. In the UN context, GONGOs may be offered civil society speaking slots by national authorities and may have an easier time acquiring certain accreditation and access because of this patronage.

Power Assymetries Within Civil Society

Groups based in European countries, the United States, and other Anglo-European–majority states have privileged access to the United Nations and undue influence over the agendas that impact coalitions.

Civil society organizations had mixed views and experiences working with larger, primarily European- or U.S.-based international NGOs. On the one hand, some enjoyed strong partnerships and mutual support with counterparts in larger organizations. Others were critical of what they described as a tendency toward extractive relationships and a failure to promote Global South leadership. These views are not mutually exclusive. Participants in the East Africa consultation in particular viewed UN engagement as beyond the reach of many grassroots groups, such that members of local civil society usually must depend on the intervention of international NGOs for invitations to engagement opportunities—a problem the United Nations should address because it places international civil society actors in a gatekeeping role. At the same time, these international NGOs often fail to engage in meaningful partnerships, influencing the direction of policies and even hijacking the agendas of local groups. Civil society organizations that can afford offices and staff near to UN Headquarters in New York can build closer relationships with UN counterterrorism officials, which they sometimes leverage to access important, confidential information.

The Southeast Asia landscape assessment points to a pattern of global civil society networks "that do not proactively support and develop national and regional [civil society] capacity, input, and leadership" but are instead "dominated by international Euro-American-centric NGOs." Civil society representatives in western Africa pointed to the greater ability of international NGOs to secure funding due to their capacity to conform to donor funding requirements, leaving local groups in a position of subordination and dependence.

The bar to participating in UN activities abroad or even closer to home is often insurmountable for grassroots and other civil society groups that are subject to authoritarian or discriminatory travel and visa restrictions, based in territories under occupation, subject to internet restrictions, facing serious resource constraints, or operating in conflict-affected contexts. For these civil society actors,

[106] See, e.g., Center for Constitutional Rights, "U.S. Palestinian Rights Group Prevails as D.C. Circuit Court Tosses Out Lawsuit That Targeted Advocacy," 3 May 2023, https://ccrjustice.org/home/press-center/press-releases/us-palestinian-rights-group-prevails-dc-circuit-court-tosses-out.

platforms such as the United Nations can be critical avenues for engagement, advocacy, and solidarity. Knowledge is power, and the United Nations should ensure it is disseminating information and opportunities to civil society equitably. It will be crucial for the United Nations to ensure that it is hearing directly from local and grassroots groups and activists and not placing international NGOs in the role of gatekeepers or intermediaries.

NEED FOR SUSTAINED, PRINCIPLED UN ACTION

Although greater substantive engagement between civil society and UN entities regarding counterterrorism-related issues could bring major benefits to both parties, such engagement is presently unsafe for many civil society actors worldwide and appears to have little or no impact on UN policies and practices. Activists and groups around the world have serious, experience-based concerns about retaliation from governments and nonstate armed groups, as well as reputational risks within communities, if they are seen to increase their engagement with UN entities. In addition, there are obvious problems of privilege and power disparities in a variety of ways, from the ability to travel to New York to the knowledge of particular languages and UN terminology and processes. Groups and activists currently face immense hurdles in achieving their missions while engaging on counterterrorism-related issues, often exacerbated on the basis of socioeconomic background, gender, race/ethnicity, education levels, and other statuses. States also play a role in maintaining these hurdles, such as through targeted repression and impunity, financial restrictions ostensibly designed to counter terrorism financing, onerous administrative and legal requirements that serve as tools for controlling and shuttering groups the state does not favor, and repressive maneuvering by GONGOs.

Perhaps most fundamentally, UN entities have demonstrated little or no intention of making or promoting any concrete changes to counterterrorism and related measures based on input from civil society, particularly groups with human rights–based missions or lived experience of counterterrorism-related repression, and through sustained engagement with diverse nongovernmental actors. For many, even most groups, the risks and costs of engagement are not worth the benefits. Many fear inadvertently propping up a UN apparatus they perceive as ineffective at defending rights in this area or, worse, giving a stamp of approval to discrimination and repression by states—behaviors that are deeply at odds with stated UN values. These concerns about perceived support for discrimination are especially relevant for Muslims, indigenous peoples, and marginalized communities.

Manifestly, no UN entity will be able to dismantle these barriers overnight. Yet, even incremental progress could increase engagement significantly and bring the benefits closer to realization.

Action in the Philippines. Credit: Lisa Marie David / NurPhoto

UN Office at Geneva. Credit: Meizhi Lang / Unsplash

CHARTING PATHWAYS TOWARD MEANINGFUL ENGAGEMENT

The original objective of this project was to understand the need for, interest in, and viability of a new mechanism to engage with the UN counterterrorism architecture. Instead, there exists an overwhelming consensus regarding a need to explore multiple entry points and pathways for civil society engagement with the United Nations—provided that the barriers described above are adequately reduced—along with significant variation regarding civil society's appetite for engaging with the United Nations on counterterrorism and related issues. Perspectives differed depending on the work of individual civil society actors and the form and nature of each avenue of engagement in question, but civil society dispositions regarding engagement generally fell into three non–mutually exclusive categories.

1. ***The viability and validity of engagement are questionable without a serious, significant recalibration of UN counterterrorism norms, policies, and practices.*** The sense that there are serious barriers to civil society engagement with the United Nations was nearly universal among consultation participants, and some perspectives reflected a position that most avenues of engagement with the United Nations are not worth pursuing. Some who fell into this category took the view that the United Nations, as an organization beholden to member states, is driven by interests that often are too far removed from communities and at odds with the promotion and protection of human rights, rendering its ability to impose consequences on member states for failing to live up to their obligations severely limited. These participants felt that they have too little to gain and much to lose from additional or more diverse avenues of engagement. Others did not feel that the UN counterterrorism architecture is a sufficiently productive avenue to address their priorities to be worth the time to engage.
2. ***If certain preconditions are met, engagement could be beneficial in some contexts or with a subset of UN actors.*** Most opinions generally fell into this category. This perspective reflects a view that the status quo of widespread counterterrorism-related human rights abuses, member states' seeming tolerance for impunity, authoritarianism, and reprisals have undermined trust in the United Nations but that improvement may be possible with a sincere effort on the part of the United Nations. These participants indicated that they would be willing to engage or engage more extensively with parts of the UN system or in certain contexts if a set of preconditions were met. Without that, participants indicated that the risks of engagement outweigh its potential benefits.
3. ***Certain existing avenues of engagement with the United Nations on counterterrorism-related matters are worth pursuing.*** Although few participants endorsed wholesale, unconditional engagement with the United Nations presently, some felt that certain types of engagement with certain UN entities on certain topics and in certain contexts are potentially beneficial. In most instances, this related to existing means of engagement that participants felt warranted continuing. For example, P/CVE implementers, including those working to mitigate the harms of global counterterrorism policy and practice and advocate for stronger human rights protections in related UN activities, felt that continuing engagement with UN counterterrorism actors such as CTED and UNOCT remains important. A range of human rights defenders also expressed an intent to continue, where possible, engaging with UN Special Procedures mandate holders such as Special Rapporteurs and making submissions to the Human Rights Council and treaty bodies on abuses perpetrated under counterterrorism and related measures.

The lines between these categories were not necessarily stark nor were perspectives fixed. It can be exceptionally dangerous for civil society actors to address counterterrorism and related issues in their work, making constant cost/benefit analyses crucial to many groups' and activists' thinking about how to set their priorities and whether to engage with any particular set of decision-makers.

As counterterrorism and related measures proliferate, along with related allegations of human rights violations, civil society actors also must make difficult strategic choices about how to spend their limited time and resources.

PRECONDITIONS FOR MEANINGFUL CIVIL SOCIETY ENGAGEMENT BY THE UNITED NATIONS

The barriers to meaningful engagement with the United Nations are plentiful, overlapping, and experienced differently by different civil society actors across different contexts. The issues that arose repeatedly and resoundingly in the consultations generally coalesced around seven central issues framed below as preconditions for more meaningful civil society engagement with the UN counterterrorism architecture. Progress in meeting these preconditions will represent an important step toward creating an enabling environment for greater civil society–UN engagement.

The United Nations and its member states must put in place more robust and effective measures to protect civil society from repression ostensibly justified under counterterrorism and related measures, as well as reprisals and intimidation before, during, and after engagement on counterterrorism-related issues.

One of the most widely demanded preconditions for engagement voiced throughout the consultation process was the need for meaningful protection measures and stronger responses to state repression and reprisal against civil society in the counterterrorism context. A starting point would be addressing the risk and reality of reprisals and intimidation stemming from civil society engagement with the United Nations. The Secretary-General reported nearly 350 individual cases of intimidation and reprisals against those seeking to cooperate or having cooperated with the United Nations in 2022, of which 60 percent involved women.[107] There was widespread agreement among the participants in this project that the United Nations should develop protective, inclusive frameworks that facilitate safe environments for engaging on counterterrorism-related issues and human rights challenges. Furthermore, many civil society actors are deeply concerned about what they perceive as weakness in the UN response to abuses in this area by member states, noting that in many cases the United Nations fails to respond with even a condemnation.

A set of recommendations put forward by more than 90 civil society organizations from 43 countries convened by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism is clear: "The United Nations must hold itself to greater levels of accountability to civil society, many of whom assume great risk, including threats of reprisal, to share their expertise and recommendations."[108] In many contexts, the United Nations likely would need to take account of digital security risks for civil society actors, as well as more traditional physical, legal, and reputational risks.

The United Nations must establish and mainstream oversight and accountability practices that ensure its counterterrorism norms, guidance, and programs adhere to and demand member state compliance with human rights standards.

Organizations throughout the consultations expressed a range of concerns regarding the internal and external oversight and accountability of the UN counterterrorism regime, particularly regarding the human rights implications and impacts of related policies and programming. Many civil society actors perceive the United Nations as part of the problem when it comes to discrimination and other human rights harms that member states inflict as part of counterterrorism and related measures. The United Nations should ensure that its resolutions and other measures are adhering to human rights standards and that all of its counterterrorism, P/CVE, and related activities are promoting evidence- and human rights–based violence prevention efforts and building accountable institutions rather than facilitating bias or repression, including through silence. Oversight and accountability structures, processes, and practices, as well as appropriate transparency, will be necessary to achieve these goals.

The United Nations must provide clarity about existing avenues, conditions, and procedures for engagement of civil society organizations within its counterterrorism architecture and expand them.

There was a general consensus across all consultations that civil society actors want greater transparency and clarity by all Compact entities, particularly regarding the mechanisms and opportunities already in place to facilitate civil society engagement, as well as involvement in processes to monitor, review, and assess UN and member state implementation of counterterrorism and related policies and programs. Civil society should have a meaningful role in identifying ways to improve and expand these avenues of engagement.

[107] 2022 Secretary-General's report on UN cooperation on human rights, para. 123.

[108] "2022 Civil Society Workshop Outcome Document."

The United Nations must explain clearly at the outset what impact civil society participants can expect to have as a result of their engagement and refrain from taking an extractive or tokenizing approach. It must ensure that civil society input consistently has a demonstrable, substantive impact.

A great deal of fatigue among the civil society participants in this project was perceptible regarding UN engagement that appears to lead to no impact and invitations that were misleading regarding the nature of civil society engagement. There was a significant amount of frustration with what participants believed was a tokenizing approach toward engagement, particularly among youth, women's, and gender rights groups. The United Nations must treat civil society actors as fellow professionals whose time and expertise are valuable; strictly avoid tokenization, which often reflects and can exacerbate bias; and ensure that civil society is having a demonstrable impact on UN positions, policies, and practices.

The United Nations must adopt more robust practices to ensure that information on its counterterrorism policies and programs is accessible.

Civil society organizations desire, indeed require access to information on UN counterterrorism policies and programs. The United Nations and member states seem to have a double standard when it comes to civil society engagement that entails a lack of transparency about what each relevant UN agency does or is planning regarding counterterrorism or P/CVE activities. Addressing practical issues concerning language and terminology or readability and providing the resources necessary for diverse civil society engagement will be essential steps. Outreach and clearer online information will be necessary to help civil society groups across the world understand the missions of the various relevant UN entities and the contact point to initiate dialogues. Also, civil society groups should be acknowledged for their contributions when it is safe to do so.

The United Nations must compensate and otherwise support civil society groups.

The United Nations and other intergovernmental bodies must acknowledge the key role of civil society in informing human rights–based, gender-

Mural by the late Brazilian artist Candido Portinari. Credit: Lois Conner / UN Photo

"Mankind's Struggle for Lasting Peace," created by José Vela-Zanetti of the Dominican Republic. Credit: Lois Conner / UN Photo

sensitive violence prevention approaches and in protecting against member state abuses of counterterrorism policies, including by making state violations of human rights and the rule of law more visible. The United Nations should fairly compensate civil society actors for the costs of being part of any engagement process and reciprocate their engagement through meaningful partnership. The United Nations should focus its support on local and grassroots civil society groups in contexts where UN-supported counterterrorism and related programs are being implemented.

The UN counterterrorism architecture must prioritize engagement with civil society at grassroots and local levels.

For UN engagement to be effective and in line with the world body's broader drive to decentralize, there will need to be an active ecosystem of civil society networks that make greater participation by local and grassroots groups possible, and these often will require time and resources to build. The United Nations should treat groups and activists working at the grassroots and local levels as essential. Many of the civil society participants consulted felt that, without sufficient prioritization of local actors, engagement under the status quo risks reinforcing existing top-down approaches that privilege larger, often European- and U.S.-based organizations, and is not likely to offer meaningful gains for civil society or for human rights more broadly.

TOWARD A FRAMEWORK FOR MEANINGFUL ENGAGEMENT

As it looks toward recalibrating its approach to working with civil society, the United Nations must ask itself, What makes engagement meaningful? Drawing on a framework offered in a training by the UN Educational, Scientific and Cultural Organization for UN staff,[109] a series of 11 attributes should be centered in its engagement practices.

AS COUNTERTERRORISM AND RELATED MEASURES PROLIFERATE ... CIVIL SOCIETY ACTORS ALSO MUST MAKE DIFFICULT STRATEGIC CHOICES ABOUT HOW TO SPEND THEIR LIMITED TIME AND RESOURCES.

[109] UN Educational, Scientific and Cultural Organization, *Meaningfully Engaging With Youth: Guidance and Training for UN Staff*, 2019, p. 12, https://www.un.org/development/desa/youth/wp-content/uploads/sites/21/2021/05/Meaningfully-engaging-youth-Guidance-training-UN-staff.pdf.

Attributes of Meaningful Engagement

SAFE

The United Nations should enable civil society actors to interact with its entities, officials, and associated actions and efforts without fear of reprisal. The UN counterterrorism architecture should devote more resources to addressing the widespread, systematic, and discriminatory misuse of counterterrorism and related measures to target civil society, restrict civic space, and violate human rights—all of which make it unsafe for civil society groups and activists to operate even when not interacting with the United Nations. Prior to any engagement, the United Nations should carry out a risk analysis and take necessary mitigation measures to protect civil society actors.

RESPECTFUL

The United Nations and its member states, collectively and at an individual level, should respect civil society actors as experts, innovators, potential partners, and leaders in their field, regardless of whether they are familiar with UN institutions and terminology. They should defer to the experience and perspectives of civil society actors when they are formulating policies, programs, and agendas at the regional, national, or local level.

VALUED

Civil society actors have only limited time and resources and often face threats to their lives or safety because of the work they do. The United Nations should ensure that its entities and officials do not subject civil society actors to extractive or tick-box exercises that waste time and give civil society little or no opportunity to impact decisions. Civil society actors should have substantive roles in decision-making throughout the policy and program cycle and be compensated for their labor. UN entities should not place them in a position of being ostensibly consulted at the end of processes or regarding forgone conclusions.

INCLUSIVE AND ACCESSIBLE

The United Nations should ensure that civil society actors have equitable opportunities to engage with UN counterterrorism entities and associated efforts at UN Headquarters, in Geneva, and in the field. Engagement should not be restricted to those that agree with the UN or a state's counterterrorism agenda or to actors involved in work associated with goals related to P/CVE. The United Nations should seek engagement beyond the larger, more privileged organizations that have preexisting relationships with UNOCT or other UN entities. Equity includes ensuring, among other aspects, that groups have the financial and practical support they require to participate, that discussions are conducted in appropriate languages and with necessary support for people with disabilities, and that UN actors arrive with an understanding of key concepts related to equality and movements for rights. The United Nations should assume that civil society actors may have valuable input to offer regardless of whether their countries or regions experience what officials might characterize as terrorism, particularly because counterterrorism measures and concepts affect civil society worldwide. Although a more transparent and manageable means of obtaining ECOSOC status would be beneficial, meaningful engagement with civil society should not be predicated on ECOSOC credentials, proximity to New York or Geneva, or preexisting relationships with UN entities or NGOs based in national capitals or the Global North.

VOLUNTARY

There should be multiple avenues for civil society to engage with the United Nations about counterterrorism and related issues. The United Nations should not compel civil society to pursue a single pathway or mechanism of engagement. Engagement should be voluntary in nature and should respect civil society's independence.

TRANSPARENT

The United Nations should provide civil society actors with a clear explanation of civil society roles and set expectations on how the United Nations intends to engage them in specific activities. These expectations should include reciprocation and follow-up and, importantly, how civil society contributions will be reflected in resulting outputs and outcomes and what they can expect in terms of their further engagement.

INFORMATIVE AND ACCOUNTABLE

The United Nations should provide civil society with clear, accessible information about the avenues through which they can engage with entities that are involved in counterterrorism and related efforts. The UN counterterrorism architecture should be accountable for its engagement with civil society, prioritizing participants' safety, maintaining clear roles and expectations, ensuring follow-up, and responding to any harms state authorities or armed groups inflict on participants as a consequence of their work. The United Nations needs to acknowledge, respond to, and ultimately work to end human rights–violating practices by member states justified under counterterrorism and related efforts, including by evaluating its own role and actions.

GENDER AND IDENTITY SENSITIVE

The United Nations should deepen its commitment to gender equality beyond the mere representation of women and toward addressing inherent power asymmetries that undermine gender equality, including during UN consultations. These asymmetries may arise regarding a range of gender identities, as well as intersectional factors such as socioeconomic status, age, disability, and racial/ethnic and cultural identities.

YOUTH FRIENDLY

The United Nations should invest in inclusive processes to engage with young people in constructive dialogues that foster creative, co-generated, and locally owned and co-delivered approaches. These efforts should recognize that youth activists, like many other civil society actors, are not necessarily associated with formally registered NGOs and that association with a formal NGO should not be a prerequisite for engagement.

SUPPORTIVE

Engagement with the UN counterterrorism architecture should empower and engage civil society from the local, national, and regional levels and not focus solely or mainly on international NGOs. It should include opportunities and structures to build local and national groups' capacities, including capacities to protect civil society from reprisal and repression, and foster partnerships between civil society and other parts of the UN system.

ADVOCATIVE

The United Nations should actively promote the embrace of these principles in relation to civil society engagement, including the UN guidance on the protection and promotion of civic space, and take every opportunity to reinforce them.

Modalities of Meaningful Engagement

To holistically adopt these attributes in its civil society engagement practices, the United Nations must practically expand avenues through which civil society can engage. There was no consensus regarding a particular combination of modalities to achieve deeper, more impactful engagement between civil society and the United Nations. Overall, participants seemed to support the idea of a diversity of avenues and levels of engagement, especially because different organizations have different expertise to offer and varying interest and experience in different types and levels of engagement. Each type of engagement on a given policy, project, or process should be overlapping and reinforcing in accordance with the limits of possibility in any given context. There is no one-size-fits-all means of facilitating civil society engagement, and different levels of engagement are not mutually exclusive. So long as modalities of these interactions conform to the attributes of meaningful engagement, multiple pathways can be pursued simultaneously, even by the same civil society actor or UN entity. Existing guidance from the UN system refers to several general modalities of engagement: consultation, contribution, partnership, and leadership.[110]

CONSULTATION

Whether solicited via survey, focus groups, informant interviews, or otherwise, civil society perspectives should be collected systematically and safely to inform and influence UN counterterrorism efforts and related strategic, policy, and programmatic decision-making at all stages. Consultation results should be acknowledged in a safe manner in associated outputs and outcomes, and those consulted should be invited to contribute feedback.

CONTRIBUTION

UN entities should solicit written submissions and reviews, analytical products, spoken interventions and testimonies, and briefings from civil society at all stages of policy and program cycles to directly inform UN counterterrorism efforts at all stages. Contributions should be reflected in final decisions, outputs, and outcomes or appropriately acknowledged as alternatives. Contributors should learn what has happened with their input and have the opportunity to provide feedback and participate in resulting processes.

[110] Ibid.; UN Department of Peacekeeping Operations and UN Department of Field Support, *Understanding and Improving Engagement With Civil Society in UN Peacekeeping: From Policy to Practice*, May 2016, p. 124, https://peacekeeping.un.org/sites/default/files/engagement_with_civil_society_in_un_peacekeeping-web.pdf.

Civil society consultations and contributions should be collected systematically to inform and influence policy and programming decisions, gauge civil society expectations, obtain feedback on proposed and ongoing policies and programs, assess progress, measure results, inform changes, and inform accountability processes. The input of consultation participants and contributors should be acknowledged in associated outputs and outcomes, and those consulted should be invited to provide feedback throughout.

As with all modalities of engagement, the purpose and expected impact of the consultation or contributions should be clearly stated at the outset. Extractive approaches must be avoided and civil society's efforts fairly compensated. Consultation and contribution opportunities must be accessible to small, marginalized, and grassroots organizations, including informal and nonregistered groups, particularly those based in the communities that often are impacted most by the misuse of counterterrorism and related measures. Solicitations, outputs, and related communications should be in the language of the communities most impacted, and all communications should be culturally appropriate and inclusive.

Clear, consistent standards and practices should be put in place to protect the anonymity and confidentiality of participating civil society actors, including additional accommodations and advanced data security and engagement practices to protect civil society actors who face particular risks. The mutual expectations of potential participants and the presiding UN entity, including information on how their input will be used and acknowledged, appropriate compensation commensurate with associated labor if applicable, and the approximate timeline and nature of follow-up communications, should be shared in advance to ensure civil society actors are participating on the basis of informed consent and with assurances of reciprocity.

PARTNERSHIP

UN violence prevention policies, structures, processes, and activities, including those labeled as having counterterrorism-related aspects, should adhere strictly to international human rights standards. Civil society actors should be invited to partner with UN entities regarding human rights–respecting strategic, procedural, and programmatic decision-making and engagement.

The advice, outputs, recommendations, and decisions of associated UN counterterrorism policies, structures, processes, and activities should be co-developed and co-implemented with civil society partners to the greatest extent possible. Civil society partners should have opportunities to collaborate and lead on resulting outcomes and to offer critiques or seek accountability in the event of harm.

LEADERSHIP

UN entities should actively create space for and support the leadership of independent civil society actors in UN counterterrorism structures, processes, and activities or their components. These opportunities should be offered on an inclusive, nontokenizing basis and avoid privileging organizations whose resources and geographic proximity already grant them considerable advantages.

Civil society partners and leaders that engage on UN counterterrorism-related efforts should be those that demonstrate a commitment to human rights, the rule of law, and the attributes of meaningful engagement. The United Nations should screen for and carefully avoid placing GONGOs in such roles.

To ensure the accountability of civil society partnership and leadership in UN violence prevention efforts, transparent, co-developed, mutually agreed expectations should be established at the outset. Civil society actors partnering on or leading associated efforts should be financially compensated commensurate with their labor and otherwise appropriately supported by relevant UN entities. Engagement with civil society partners or civil society–led efforts does not relieve UN entities and civil society partners and leaders of their mutual responsibility to engage in wider civil society consultation and contributions.

Police barricades during the yellow vest protests in Lyon, France. Credit: ev / Unsplash

CONCLUSION AND RECOMMENDATIONS

Civil society representatives played an integral part in the founding of the United Nations and have come to be indispensable partners in the human rights, development, and peace-building aspects of the UN mission, as well as in upholding the rule of law at the international level. The importance of civil society in UN peace and security efforts has been repeatedly reaffirmed in the strategic agendas of Secretaries-General, General Assembly and Security Council resolutions, statements and reports of the Human Rights Council and Special Procedures mandate holders, and the reports and conferences of the many departments and entities within the UN Secretariat. These, along with other developments, also demonstrate that member states, at least in principle, recognize the tremendous contributions of civil society groups and actors, many of which have gone on the record in various UN committees to promote and encourage the meaningful participation of civil society in the UN system.

For the past two decades, however, civil society groups and civic space have been under a sustained assault in the name of state security. UN member states are deploying counterterrorism and related measures to target and attack civil society, silence dissent, limit free expression, avoid accountability, and in many cases reinforce existing power hierarchies between racial and ethnic, religious, and other groups. Human rights defenders, journalists, advocates for gender equity, LGBTQ+ communities, indigenous peoples, and other marginalized or minority groups face increasing repression and human rights violations from governments that claim to be acting in the name of preventing "violent extremism" or "terrorism." Even in the face of incredibly high levels of risk, civil society actors have remained steadfast in their commitment to building what they see as a better world and to defending the universal principles set out in the human rights treaties.

The United Nations has been a vehicle and platform for the promulgation and expansion of international counterterrorism and related measures. The so-called wars on terror perpetrated by powerful member states have given rise to a host of new UN policy priorities, committees, working groups, offices, staff, programs, and resources dedicated to tackling certain manifestations of violence not on the basis of clear definitions enshrined in international law, but on the basis of the political prerogatives of each member state. Yet despite the deep expertise and lived experiences of people outside government regarding violence prevention and how to uphold human rights in complex situations, the UN counterterrorism architecture has been failing to meaningfully engage with civil society.

Civil society is diverse, and so are its members' perspectives, roles, and expertise in the fields of peace and security, human rights, peace-building, and violence prevention. Civil society actors are often more knowledgeable about and have more experience working within their communities than governmental and intergovernmental actors do. They also have access to communities and local environments that governments and the United Nations often do not, especially in conflict-affected contexts. Consequently, civil society involvement is fundamental to addressing violence perpetrated by nonstate groups and governments. To effectively defend human rights while addressing conflict and violence, the UN counterterrorism architecture should ensure the participation, promotion, and protection of civil society; recognize it as an indispensable contributor to and valuable critic of the formulation, implementation, and evaluation of UN counterterrorism efforts; and be able to show that it has an impact, such that engagement is not merely pro forma.

UN MEMBER STATES ARE DEPLOYING COUNTERTERRORISM AND RELATED MEASURES TO TARGET AND ATTACK CIVIL SOCIETY, SILENCE DISSENT, LIMIT FREE EXPRESSION, AVOID ACCOUNTABILITY, AND … REINFORCE EXISTING POWER HIERARCHIES.

For engagement to be meaningful, the UN counterterrorism architecture must do more to address the "complex and compounding" negative impacts of counterterrorism efforts on human rights and civic space described in the Special Rapporteur's 2023 global study report and in the reporting of civil society around the world for more than two decades. Although civil society actors are interested in exploring opportunities to engage the United Nations on counterterrorism and related issues, the risk of engagement for many is greater than the reward. The view, particularly from human rights defenders, is that the United Nations has failed to respond to member state repression and retaliation and has not found ways to protect civil society partners. Even for those more inclined to pursue engagement, civil society actors have very limited access to, knowledge of, and resources to support the few existing avenues for meaningful engagement with the UN counterterrorism architecture.

Throughout the consultations, participants expressed a common desire to collaborate through local, national, regional, and global networks and coalitions working for a more just, safe, and equitable world. Individuals and groups in civil society consulted agreed they have much to gain from self-organized, collaborative, and cross-sectoral and -geographic partnerships to advocate for better human rights–based policies and strengthen practices for preventing violence, protecting human rights, and building peace. Civil society is by no means immune to the power asymmetries built into the global system, and all must endeavor to address these inequities and build power from the bottom up. In addition to adopting the recommendations above, including the reflections on the attributes and modalities of meaningful engagement, the following recommendations should be adopted by the United Nations and its member states as incremental steps to addressing the preconditions of engagement with civil society.

1. Fully implement the recommendations of the *Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space*.
Without prejudice to the priorities as represented in the Special Rapporteur's 2023 global study report and ongoing engagement and advocacy to advance their adoption, the United Nations and its member states should implement the recommendations laid out in the report and

> [d]eliver concrete commitments to civil society to foster their meaningful participation in the design, development, and implementation of all measures to address peace and security, including terrorism and violent extremism challenges, and in all peace and security efforts. This requires immediately scaled[-]up investments of timely and flexible funding, including core funding, to civil society to support their efforts to curb attacks on human rights, civil society, and civic space.[111]

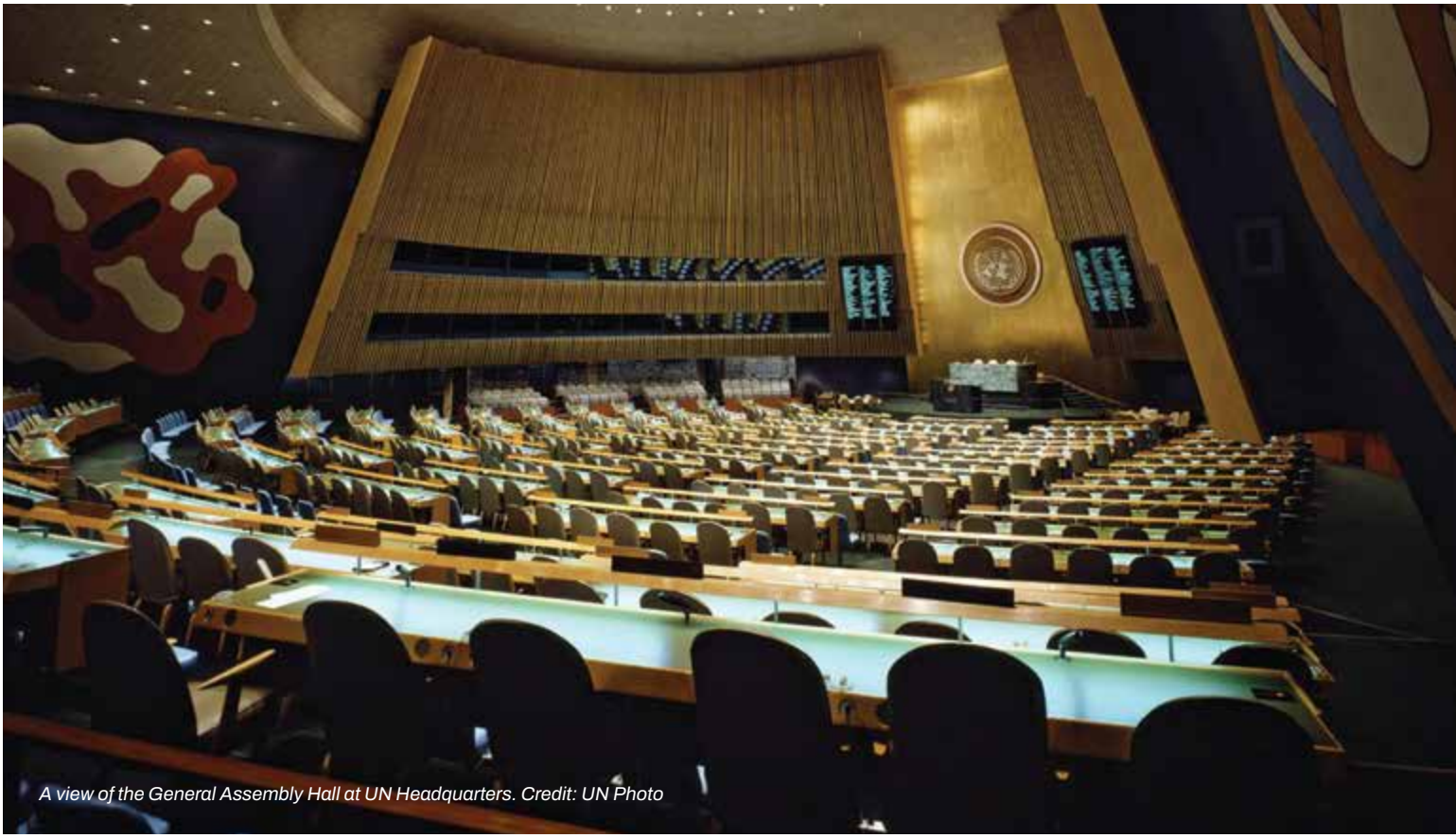
2. Put in place more robust and effective measures to protect civil society from repression ostensibly justified under counterterrorism measures and from reprisals and intimidation before, during, and after engagement regarding counterterrorism and related issues.
UN entities should be able to explain, explicitly and in writing, what concrete actions they are taking to actively ensure that member states are not misusing counterterrorism or P/CVE measures, concepts, or rhetoric in ways that perpetuate Islamophobia, racism, anti-indigenous prejudices, or other forms of bias and discrimination that are not consistent with the letter or spirit of the UN Charter or the major human rights instruments. Such concrete actions might include investigations of alleged human rights breaches or public statements identifying and criticizing measures that risk perpetuating racism or Islamophobia.

The United Nations should require a human rights risk assessment for all UN-organized and -affiliated policy conferences and related events and refrain from organizing or participating in such events taking place in host countries that systematically violate human rights and restrict civic space. The United Nations and its member states should deepen their commitment to gender equality beyond the mere representation of women and diverse genders toward addressing inherent power asymmetries that undermine gender equality, including during UN activities.

Furthermore, UN entities should demonstrate how the work of OHCHR and various Special Procedures mandate holders, including the Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism; on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance; on the situation of human rights defenders; and on torture and other cruel, inhuman, or degrading treatment or punishment, informs counterterrorism-related programming and policy.

3. Establish and mainstream oversight and accountability measures that ensure that UN counterterrorism efforts adhere to human rights standards and that the United Nations demands member state compliance with those standards.
The United Nations should ensure that its resolutions and other measures are adhering to human rights standards and that all of its counterterrorism, P/CVE, and related activities are promoting evidence- and human rights–based violence prevention efforts and building accountable institutions rather than facilitating bias or repression, including through silence. The United Nations should establish an independent, internal oversight mechanism in line with the Secretary-General's 2020 call to action for human rights, as recommended by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[112] Such an oversight body should be mandated to receive anonymous complaints against

[111] Ní Aoláin, Manion, and Yamamoto, "Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space," p. 100.



A view of the General Assembly Hall at UN Headquarters. Credit: UN Photo

UN counterterrorism-related policies and programs, conduct an independent review, and recommend and enforce processes for redress. Member states should invest the political and financial resources necessary to stand up such a body.

4. Be transparent about the avenues, conditions, and procedures for engagement of civil society actors within the UN counterterrorism architecture.

All UN entities should implement existing civil society requirements and guidance, most importantly the UN Guidance Note on the Protection and Promotion of Civic Space, and expand its translation and implementation on national and regional levels, ensuring contextualization across regions. The United Nations and its member states should follow the leadership of civil society as part of an inclusive process to establish transparent, equitable standards for meaningful civil society engagement with all Compact entities, prioritizing grassroots, national and regional civil society voices that champion human rights, peace, and security. UN engagement with civil society should take place across a range of mutually reinforcing modalities of engagement, including consultation, contribution, partnership, and civil society leadership, embodying the following attributes: safe, respectful, valued, inclusive and accessible, voluntary, transparent, informative and accountable, gender and identity sensitive, youth friendly, supportive, and advocative.

UNOCT should update its civil society engagement strategy in partnership with diverse civil society actors and publish it in full. Compact entities should regularly collate and publish clear, detailed explanations of their counterterrorism and related activities and how civil society actors can arrange conversations with each entity. The United Nations should keep this information, including contact details, up to date and publish it in local languages as needed. CTED should implement its mandate to publish planned country visits.

Member states should put in place measures to enable civil society to safely participate in the CTED country assessment process and be granted access to the outcomes of this engagement. Compact entities should regularly engage with civil society to assess the effectiveness of existing mechanisms for civil society participation, engagement, and access to information and enable feedback loops for civil society.

5. Explain clearly at the outset what impact civil society participants can expect to have as a result of their engagement, refrain from taking an extractive or tokenizing approach, and ensure that civil society input consistently has a demonstrable, substantive impact.

All UN entities involved in counterterrorism-related activities should ensure that civil society input, including from human rights defenders, has a demonstrable impact and should publish

[112] 2023 UN Strategy implementation report, annex II, para. 38.

clear examples of this impact, noting what changes the relevant UN entity has made to its policies or activities and why. Planned opportunities for civil society engagement should explain clearly and, where relevant, publicly, long prior to the event, what the potential impact of civil society participation will be and how groups will be able to assess whether they have had this impact. UN entities should reflect ahead of time on why they want to hear from civil society and what they intend to do with the information gained.

6. Adopt more robust practices to ensure that information on its counterterrorism policies and programs is accessible.

UN entities should ensure that all discussions and consultations with civil society are advertised in relevant local languages and feature live interpretation to the greatest extent possible. Key documents on UN counterterrorism efforts should be made available in all official UN languages and otherwise be made accessible (e.g., through audio formats and formats designed to be accessible to people with disabilities).

The UN-designated personnel involved in these discussions and consultations should have appropriate linguistic and cultural knowledge. Key materials should avoid jargon. UN entities should develop "plain language" alternatives to legal, diplomatic, and other institutional terms of art. Member states should invest the financial resources necessary to ensure that such materials are appropriately translated and accessible to individuals and groups living and working in contexts where UN counterterrorism activities are being implemented.

7. Materially compensate and otherwise support civil society groups.

The United Nations should make travel funds and virtual participation available and more easily accessible to organizations that lack the resources to participate in person at the headquarters level. Relevant UN entities should make substantive, in-depth engagement opportunities available in a wide range of localities that will be realistically accessible to small or grassroots organizations with little or no funding, i.e., not only New York and Geneva, including virtual options that are treated in a manner equal to in-person participation. If representatives have no choice but to travel, then the United Nations should cover all necessary costs and provide requisite, timely support for visas and other administrative and planning needs. Member states should ensure the financial resources necessary are made available to the United Nations and ensure that national travel requirements do not hinder participation in UN activities.

8. Prioritize engagement with civil society at the grassroots and local levels.

The United Nations should prioritize engagement with regional, national, and local coalitions of civil society groups, especially smaller or grassroots ones, that operate explicitly within a human rights framework. UNOCT and Compact entities should work through Resident Coordinators and other local UN presences to engage with grassroots groups more directly. UN entities should take an analogous approach to selecting recipients of funding or contracts for counterterrorism-related program grants.

Member states on the ECOSOC Committee on Non-Governmental Organizations should adopt a more transparent and accessible means for civil society groups to obtain ECOSOC status. At the same time, meaningful engagement with civil society should not be predicated on ECOSOC credentials, proximity to New York, or preexisting relationships with UN entities or civil society groups based in national capitals or the Global North.

The United Nations should assume that civil society actors may have valuable input to offer regardless of whether their countries or regions experience what officials might characterize as terrorism, particularly because counterterrorism and related measures or concepts can affect civil society worldwide. UN consultations on counterterrorism and related topics should include representatives from relevant informal and nonregistered groups and movements, particularly youth-led and grassroots groups or human rights–protecting groups that governments have declined to register for political reasons, on the basis of informed consent and with the employment of appropriate measures for anonymity and confidentiality.

FOR ENGAGEMENT TO BE MEANINGFUL, THE UN COUNTERTERRORISM ARCHITECTURE MUST DO MORE TO ADDRESS THE 'COMPLEX AND COMPOUNDING' NEGATIVE IMPACTS OF COUNTERTERRORISM EFFORTS ON HUMAN RIGHTS AND CIVIC SPACE.

Global Center on Cooperative Security
The Global Center is an international nongovernmental organization that advances human rights–centered responses to political violence and violent extremism and the injustices that drive them. We believe cooperation among community groups, governments, and international organizations such as the United Nations is critical to achieving a just and secure world.

Rights & Security International
RSI works to halt human rights abuses committed in the name of national security. The organization documents inequalities—including religious, racial, and gender biases—in national security policies and programs, promotes justice and transparency, and ensures that the voices of communities facing discrimination are heard.

Credit: Scott Webb / Unsplash

RIGHTS & SECURITY INTERNATIONAL

GLOBAL CENTER ON COOPERATIVE SECURITY