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Blue Sky Retreat 2026: The Ninth Review of the United Nations Global Counter-Terrorism Strategy

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Session 4: Strengthening Accountability, Oversight and Transparency of the UN Counterterrorism Architecture

First let me suggest that strengthening transparency, independent oversight and accountability of States should be a high priority, given that States are the front-line counter-terrorism actors, are capable of doing the greatest harm, and too often have inadequate mechanisms in place to prevent violations and ensure accountability and remedies. The Global Counter-Terrorism Forum's Brussels Memorandum on Oversight and Accountability is a useful recent tool.

Of course, it is also vital to ensure that the United Nations does not recklessly or inadvertently enable violations by States or the private sector. Some key improvements are essential.

Firstly, there is a need for greater information transparency. The flow of public information about counter-terrorism activities should be enhanced by all actors, including the UN. Transparency enables external actors, including States, human rights mechanisms and civil society, to effectively monitor UN activities for any human rights concerns and to advocate to rectify those concerns, and ultimately strengthens public confidence that counter-terrorism actors respect and protect human rights.

For example, States should agree to mandatory publication of CTED country assessments and not hide their performance from public scrutiny; recall that in the peak counter-terrorism period immediately after 9/11, self-reporting by all States was published online up until 2006. The UN should condition assistance for developing national and regional counter-terrorism and PCVE strategies on prior public consultation and the publication of strategies. UN counter-terrorism budgeting, including conditionalities, should be fully and regularly disclosed and be comprehensible. UNOCT's recent Transparency Dashboard is a step in the right direction.

Ensuring transparency also requires timely and meaningful consultation on UN counter-terrorism measures, from international policy through to country level programmes (where consultation tends to be less well entrenched). There are many occasions where relevant stakeholders, including my mandate and civil society, have not been consulted at all, or have been consulted very late or in a limited way, on measures with obvious human rights implications, while civil society have been even more excluded or performatively engaged.

Secondly, there is need for stronger prevention of human rights violations through expanding and strengthening human rights due diligence assessments by the United

Nations. This includes during the design, implementation and monitoring of all counter-terrorism and PCVE activities, not limited to the security sector as under traditional UN policy. The UN should model best practice, not a minimal compliance approach. There are many areas of UN counter-terrorism practice that raise human rights and related risks for reputation and public confidence, including in relation to memoranda of understanding, drafting of legislation, policies and strategies, public-private partnerships, PCVE and technology projects, and in relation to financial intelligence and traveller information (e.g. the GoTravel software).

Due diligence should identify, prevent and mitigate human rights risks and remediate violations. Measurable human rights and gender indicators, benchmarks and conditionalities should be built into activities.

The UN and donors should refrain from providing technical assistance or capacity building which would equip States with new counter-terrorism powers, tools or technologies that would jeopardise human rights, including where the beneficiary lacks human rights protections, independent oversight, judicial safeguards, effective accountability and remedies and a rule of law culture, or is otherwise known to habitually abuse counter-terrorism laws.

Comprehensive and rigorous human rights assessment to prevent the risk of violations is essential because once the UN equips a State with new counter-terrorism capabilities, the UN subsequently may have little to no control over how those capabilities are deployed or abused.

Human rights assessments should not be limited to the technical or programme level, but should also extend to standard setting practices, including by UN organs. Numerous Security Council counter-terrorism measures over the past 25 years have resulted in serious human rights violations in their implementation, and the Security Council has often ignored adverse or unintended consequences. The Security Council should seek expert, independent human rights assessments of draft binding counter-terrorism resolutions.

Lately, resolutions in counter-terrorism contexts have even directly undermined human rights, as in the Gaza peace plan resolution that fails to guarantee the right of self-determination or provide for accountability for atrocities, or in one-sided condemnations of Iran's retaliatory violence without also condemning the illegal aggression that started the war. The Security Council must not be permitted to place itself above the Charter's commitments to human rights.

The Review should urge all relevant UN entities to take stronger protection action. It should also urge the Security Council to proactively combat the instrumentalisation of its counter-terrorism resolutions to violate rights, to robustly prevent and suppress State violations, and to avoid using the veto power to facilitate impunity. It would benefit the Council to be briefed by human rights bodies such as OHCHR and my mandate, not only by counter-terrorism actors.

Thirdly, UN reforms should strengthen internal human rights oversight. UN counter-terrorism bodies must promote a more balanced implementation of the Global Strategy and ensure much more attention to Pillar IV. In relation to staffing, there are only a handful of dedicated human rights and gender staff in UNOCT and CTED, and even fewer in OHCHR, the mandate of the Special Rapporteur, and the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee. The UN liquidity crisis is undermining even these limited capacities. There is also a need to strengthen human rights and gender staffing and resources in other relevant UN entities under the Compact, including to support adequate due diligence.

The UN cannot recentre human rights by itself, since it is hostage in large part to donor preferences, which do not favour Pillar IV particularly. States should increase regular budget funding of UN counter-terrorism, to reduce the neglect of human rights stemming from extrabudgetary donor preferences and ensure that the UN can pursue an objectively balanced approach. Even in a world of reduced funding, it is still possible to increase the tiny level of funding for human rights.

In relation to UNOCT, it important to ensure the UNOCT follows through with its commitment, in response to the OIOS evaluation, to refocus on coordinating the Global Compact and not competing in capacity building and funds with better placed UN entities, including in human rights, gender, rule of law, victims and conditions conducive to terrorism. Downsizing can be an opportunity for reform in the positive direction.

Further, in areas central to their mandates, the specialised UN entities within the Compact must retain the lead on human rights and protection issues, whether OHCHR, UN Women, UNHCR, UNICEF, UNDP, and the Departments of Peace Operations and Political and Peacebuilding Affairs. UNOCT and the Global Coordination Compact Working Groups and Secretariat should support them.

Fourthly, UN counter-terrorism needs stronger external oversight. Whether at the national, regional or international level, a robust oversight system should always involve complementary internal and external mechanisms. States collectively do not always have a sufficient interest in themselves effectively scrutinizing human rights compliance in counter-terrorism in other States, particularly among allies. Independent, disinterested mechanisms are essential.

My mandate and civil society have long called for an independent and sufficiently empowered and funded human rights oversight office to monitor and evaluate UN counter-terrorism activities, to ensure they promote and comply with human rights and other key standards. The UN should practice what it preaches on accountability.

Existing processes, including the OIOS, and self-reporting by UN entities and through the Global Compact and the unified results framework – proposed in 2023 but still not implemented – are insufficient. OIOS scrutiny is ad hoc and occasional, not systematic and continuous. The unified results framework will be important, but it is based on self-reporting and is not sufficiently independent. Many of its indicators are quantitative rather than qualitative and do not measure real-work impacts, consequences or behavioural change, including inadequate human rights due diligence in particular programs or countries or negative human rights impacts resulting from UN activities.

An oversight mechanism could be a new body or, more realistically in a liquidity crisis, augment an existing mandate such as the Ombudsperson or Special Rapporteur, as long as sufficient independence, powers and resources were guaranteed. It could review the UN's consistency with human rights in counter-terrorism, including the conduct of due diligence, policy development and standard setting, design and implementation of programmes, and civil society engagement, as well as handling complaints.

Existing monitoring by the Human Rights Council, OHCHR and the Special Rapporteur must also be adequately supported (as recommended in Pillar IV, OPs 6–8, but not achieved in practice), as must the sanctions Ombudsperson. It is frankly extraordinary that the key human rights mechanisms include a precarious consultant as the Ombudsperson, and a part-time

voluntary expert with no regular budget and a part-time, unpaid Special Rapporteur with no regular staff budget – a very modest request rejected by States in the renewal resolution last year. With minimal staff and resources, my office is mandated to monitor 193 states, engage 46 UN entities in the Global Compact, write thematic reports, draft communications and undertake official country visits.

Mandate holders have been rightly crying poor for decades, to no avail, despite hundreds of millions of dollars being poured into UN counter-terrorism elsewhere. And the situation is only getting worse. It is not that States do not know about the problem. The only conclusion that can be drawn is that States have deliberately created the mandate to be as ineffective and cosmetic as possible, while virtue-signalling a veneer of concern for human rights.

Thank you.