



**Remarks at the Special meeting of the Counter-Terrorism Committee on
“Security Council Resolution 2396 (2017): Review of the Madrid Guiding Principles”**

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Chair, Excellencies, Ladies and Gentlemen,

Thank you to the chair of the CTC for organizing this special meeting and inviting international organizations, government representatives, and non-governmental stakeholders to provide input for the review of the Madrid Guiding Principles. In my remarks, I will focus on the role of civil society in supporting the effective implementation of these principles.

With the adoption of Resolution 2396 (2017), the Security Council identified a range of issues resulting from the anticipated return and relocation of foreign fighters and their families, and asked the CTC, with the support of the Counter-Terrorism Executive Directorate (CTED), to review the 2015 Madrid Guiding Principles in light of this evolving threat.

The many contributions made by civil society in furtherance of the UN’s efforts to prevent violent extremism and combat terrorism have been affirmed around the world. It is on this basis that the Security Council underscored the importance of UN engagement with civil society, recognizing the value of these entities and stressing the importance of CTED’s cooperation with them in Resolutions 2395 (2017) and 2396 (2017).

In our work at the Global Center on Cooperative Security, whether it is on advancing good governance, access to justice, rehabilitation and reintegration, financial inclusion, youth leadership, or gender integration and women’s participation, we have the honor of partnering with a diverse set of civil society actors from around the globe. These partners include community-based organizations, academia, think tanks, community elders, religious leaders, victims’ networks, and youth and women’s groups, who all have a wealth of expertise and are working at great risk to increase social inclusion and resilience and sustain peace in their communities.

On 19 November 2018, the Global Center had the pleasure to support CTED in hosting an interactive briefing for civil society organizations, academics, and other non-governmental actors. The purpose of that meeting was to create an opportunity for civil society to hear directly from CTED about the Madrid Guiding Principles review process and for these organizations to provide their recommendations and comments in the presence of members of the Security Council and UN entities. The issues discussed and recommendations made by the civil society participants during the meeting are reflected in a document that has been shared with CTC members and is available on our website.¹

¹ “Recommendations by Civil Society Actors for the Consideration of the Counter-Terrorism Committee in the Adoption of an Addendum to the Madrid Guiding Principles,” 28 November 2018, https://www.globalcenter.org/wp-content/uploads/2018/11/18Nov28_Recommendations-Addendum-Madrid-Principles.pdf.

However, civil society should not just be consulted in the development of strategies and policies: they can play an important role in addressing terrorist radicalization, recruitment, and narratives and supporting intervention, rehabilitation, and reintegration approaches, as recognized by Resolution 2396 (2017).

Hence, the United Nations and its member states should continue to develop constructive engagement with civil society in efforts to address the evolving threat posed by foreign fighters, particularly returnees, relocators, and their families, in line with Security Council Resolutions 2178 (2014) and 2396 (2017) and the Madrid Guiding Principles and its addendum.

Such engagement can be particularly fruitful in the following four areas:

1. **Informing evidence-based policies:** Civil society can help ensure that UN resolutions and guiding principles are translated to the national and local level to allow for responsive, tailored approaches that account for age, gender, familial ties, and experiences in conflict zones, including as victims. Civil society actors work directly with communities and are thus well-placed to inform the development and implementation of counterterrorism policies, interventions, and capacity development programs that are evidence-based, dynamic in nature, follow a do no harm approach, and account for individual risks, needs, and responsiveness. This includes the integration of nuanced gender considerations into counterterrorism efforts.
2. **Upholding the rights of children:** Given the considerable number of children among returning and relocating foreign fighters and their families, many of whom have been born in conflict zones or who accompanied their parents, civil society can play a role in ensuring their rights are upheld and their best interests are served. The rights of children are clearly defined in international law, including in the Convention on the Rights of the Child (1989), and addressed in the recent “Guidance to States on human rights-compliant responses to the threat posed by foreign fighters” by the Office of the United Nations High Commissioner for Human Rights.² Noncustodial measures are favored for children, and efforts should be made to prevent criminalizing them for association to their parents and from becoming stateless.
3. **Contributing to rehabilitation and reintegration programs that engage perpetrators, but also victims, families, and communities:** Civil society actors often come from and work within the very same communities that foreign fighters and their families are expected to return or relocate to, and are thus well-placed to deliver interventions in custodial and community settings and support their rehabilitation and reintegration. At the same time, civil society has long served the broader community that is affected by terrorism, for instance by supporting the social network around both perpetrators and victims and working on trauma healing and reconciliation.³ Civil society can also assist in striking the right balance between repressive and rehabilitative measures. They can inform and help implement legal leniency tools, which may aid in prioritizing prosecutions, addressing prison conditions such as overcrowding, and ensuring risk- and needs-based approaches.

² Office of the United Nations High Commissioner for Human Rights (OHCHR), “Guidance to States on human rights-compliant responses to the threat posed by foreign fighters,” United Nations, 2018, <https://www.un.org/sc/ctc/wp-content/uploads/2018/08/Human-Rights-Responses-to-Foreign-Fighters-web-final.pdf>.

³ Christina Nemr, Lara Nonninger, Eva Entenmann, Fulco van Deventer, and Bibi van Ginkel, “It Takes a Village: An Action Agenda on the Role of Civil Society in the Rehabilitation and Reintegration of Those Associated With and Affected by Violent Extremism,” Global Center on Cooperative Security, August 2018, <https://www.globalcenter.org/wp-content/uploads/2018/08/GC-It-Takes-a-Village-WEBSITE.pdf>.

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4. **Monitoring and accountability:** Respect for human rights and the rule of law, as enshrined in Pillar IV of the United Nations Global Counter-Terrorism Strategy, is foundational to all counterterrorism efforts, including responses to returning and relocating foreign fighters and their families. In particular, the requirements around Advance Passenger Information, Passenger Name Record, watch lists, and biometric data introduced in Resolution 2396 (2017) raise several concerns around the right to privacy, sunset clauses, and independent oversight mechanisms.⁴ Civil society can assist in ensuring that government policies and measures are human rights compliant, necessary, legitimate, proportionate, and effective. Critical to this work are legal and operational frameworks that provide and protect civic space, ensure the autonomy of civil society organizations and human rights defenders, and avoid the instrumentalization and securitization of civil society actors and actions.⁵

Finally, to ensure Resolutions 2178 (2014) and 2396 (2017) and the Madrid Guiding Principles and its addendum are translated to national and local realities, it is critical that all relevant UN agencies implement these principles in their ongoing and upcoming capacity development work and engage local civil society in these efforts. Furthermore, the United Nations could consider organizing regional and subregional gatherings to raise awareness of obligations and available guidance, identify capacity development needs, and help tailor approaches in line with existing regional, bilateral, and domestic frameworks. These workshops should involve a broad group of state representatives from national and subnational levels, civil society organizations, academia, private sector companies, and regional and international organizations.

The Global Center stands ready to assist the United Nations and its member states in their efforts to address returning and relocating foreign fighters and their families.

⁴ “Recommendations by Civil Society Actors for the Consideration of the Counter-Terrorism Committee in the Adoption of an Addendum to the Madrid Guiding Principles,” 28 November 2018, https://www.globalcenter.org/wp-content/uploads/2018/11/18Nov28_Recommendations-Addendum-Madrid-Principles.pdf.

⁵ “Recommendations for Improving UN Support of Human Rights-based and Inclusive Counterterrorism and P/CVE Efforts,” August 2018, https://www.globalcenter.org/wp-content/uploads/2018/08/GC-and-PP_GCTS_HR-Recommendations.pdf.