

## Guidelines for UN Mediators – Terrorism

1. While terrorism has been on the agenda of the United Nations for decades, since the mid-90s it has come to be seen as one of the most serious threats to international peace and security, and a determinant factor in shaping foreign policies, regional balances, and strategic alliances. Terrorism and counter-terrorism have thus taken on new relevance for the work of UN envoys and representatives involved in conflict resolution.
2. While pursuing your respective mandates, as UN envoys and representatives you should be guided by relevant legal bases which, in addition to the sixteen universal instruments (13 instruments and 3 amendments) on counter-terrorism, includes a body of General Assembly and Security Council resolutions developed over the past fifteen years, with direct implications for peace negotiations. These decisions constitute a normative framework for various aspects of the UN counter-terrorism effort, including: (i) monitoring and sanctions mechanisms against groups and individuals engaged in terrorist activities;<sup>1</sup> (ii) a reporting and assistance mechanism to promote States' compliance with international counter-terrorism instruments;<sup>2</sup> (iii) a mechanism to monitor States' compliance with obligations to prevent non-State actors (including terrorist groups) from accessing weapons of mass destruction;<sup>3</sup> and (iv) protection of human rights and fundamental freedoms while countering terrorism.<sup>4</sup> Furthermore, in 2006, the Member States adopted a global counter-terrorism strategy to enhance and consolidate counter-terrorism activities at the national, regional and international level. The strategy includes a plan of action to address the conditions conducive to the spread of terrorism; to prevent and combat terrorism; to take measures to build state capacity to fight terrorism; to strengthen the role of the United Nations in combating terrorism; and to ensure the respect of human rights while countering terrorism.<sup>5</sup>
3. It is important for you as UN envoys and representatives to be fully aware of the ramifications which a given conflict situation may have for the UN's broader counter-terrorism strategy, and what concrete implications this may entail for peace negotiations on the ground, particularly given the existence of a monitoring and sanctions regime against groups or individuals engaged in terrorist acts. While pursuing your good offices and peace-making activities as UN envoys and representatives you need to take into account a number of objective factors: (i) Is there a terrorism dimension to the situation at hand? (ii) If so, who are the actors engaged in terrorist acts and what are their motivations? (iii) Should these elements be included in the negotiation process and, if so, how should they be engaged? (iv) What are the legal implications of doing so in light of the existing UN framework, both for the groups or individuals concerned and in terms of any State obligations that may apply?
4. The above considerations are all the more important since you as UN envoys and representatives in the field are perceived as soft and highly visible targets for terrorist attacks against you and your missions for political gain and publicity. Staff security on the ground therefore directly correlates with the degree of political credibility enjoyed by the UN through the actions of the UN representative on the ground. In considering whether to engage with state and non-state actors who may be implicated in committing terrorist acts, you, in consultation with Headquarters, need to carefully weigh the political risks involved as an integral part of the necessary security risk assessment of your operations. As a matter of course, you should pay priority attention to ensuring MoSS compliance of respective mission assets (both headquarters and temporary accommodations) and preparing and adjusting security management plans to reflect evolving threats of potential terrorist attacks.

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<sup>1</sup> SCR 1267 (2001) establishing the 1267 Committee concerning the Taliban and Al-Qaeda; SCR 1566 (2004) establishing the 1566 Working Group concerning groups or individuals not covered by SCR 1267.

<sup>2</sup> SCR 1373 (2001) establishing the Counter-Terrorism Committee (CTC); SCR 1535 (2004) establishing the CTC Executive Directorate (CTED).

<sup>3</sup> SCR 1540 (2004) establishing the 1540 Committee.

<sup>4</sup> A/RES/60/158 (2006).

<sup>5</sup> A/RES/60/288 (2006).