**Call for submissions: Soft law and informal lawmaking in the global counter-terrorism architecture: Assessing implications on the promotion and protection of human rights and fundamental freedoms**

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The main findings, arguments, and analyses on the subject of this submission that I kindly submit for consideration of the Special Rapporteur are contained in two published pieces, namely:

* Alejandro Rodiles, ‘The Design of UN Sanctions through the Interplay with Informal Arrangements’ in Larissa van den Herik (ed), *Research Handbook on UN Sanctions and International Law* (Edward Elgar 2017), pp. 177-193. (a copy of this chapter is attached to the present email)
* Alejandro Rodiles, *Coalitions of the Willing and International Law: The Interplay between Formality and Informality* (Cambridge University Press 2018), chapters 5 and 6: <https://www.cambridge.org/core/books/coalitions-of-the-willing-and-international-law/8C0080DF96A2BD68720D16A018461382#fndtn-information>

In the following, I very briefly describe the main topics and case studies of these texts that might be of interest of the Special Rapporteur.

My research has partly focused on the intense interplay between the UN Security Council and informal global coalitions and networks, including but not limited to the Financial Action Task Force (FATF) and the Global Counterterrorism Forum (GCTF).

In particular regarding UN sanctions, I have also been active in the International Law Association (ILA) Study Group on UN Sanctions, which has focused on issues of interpretation, design, and termination. In this context, I have worked on the design and interpretation of UN sanctions through the interplays between the Security Council and informal bodies. An academic text on this issue has been published in the *Research Handbook on UN Sanctions and International Law* (Edward Elgar 2017). My chapter there, *The Design of UN Sanctions Through the Interplay with Informal Arrangements*, deals specifically with how the FATF has been instrumental in the evolution over time of sanctions imposed by the Security Council, in particular through the close cooperation of its subsidiary organs and their expert bodies with this coalition. The management of sanctions over time (monitoring, interpretation, implementation) is no longer a business of the Security Council and sanctions committees alone, but it is performed together by the Council with informal bodies, most clearly with the FATF, which, I argue, has become so much a part of the day-to-day work of these subsidiary organs that it can be described, I argue, as an “informal arm of the Security Council”. The chapter concentrates on two examples: the interpretation, implementation, and design of sanctions in the counterterrorism and counterproliferation fields, ie the inter-institutional relations of the Al-Qaida/ISIS and 1540 sanctions committees with the FATF.

Moreover, in my book, which deals with the interplay between formality and informality in international law more broadly, I dedicate one chapter (chapter 5) on the mutually enforcing dynamics between the Security Council and informal bodies, specifically in three areas: counterterrorism, counterproliferation, and nuclear security more broadly. The case studies concerning counterterrorism analyse in great detail the close inter-institutional relations between the Security Council, the FATF, and the GCTF (as well as these informal bodies regarding their nature, composition, functioning). More specific, I study there the normative interplays between SC resolutions, FATF recommendations, typologies and indicators, as well as between the memoranda of the GCTF and Security Council resolutions. Examples range from sanctions in the counterterrorism field, broader counterterrorism measures pertaining to the 1373 regime, to more recent measures on foreign terrorist fighters (FTF), and countering violent extremism (CVE). While the institutional dimensions of these interactions are studied under the lenses of regime complexity, the normative dynamics between formal law and informal standards are confronted to questions of interpretation and progressive development of the law, like the role of these informal norms in triggering and informing, *mutatis mutandis*, subsequent practice and agreements of Security Council resolutions (art. 31(3)(a&b) Vienna Convention on the Law of Treaties), and the rules and practices of the organization (art. 5 Vienna Convention on the Law of Treaties). In chapter 6, I analyse these evolutions critically in terms of the deformalized and changing role of law in global governance (beyond global security as I also engage with climate change governance).

I hope these texts are of interest and useful for the important work of the Special Rapporteur.

Best regards,

Alejandro Rodiles