



Overview Report on CTM Workshops Redefining development for national security: Implications for NGOs and CSOs

Role of the State and Defining National Security

Missing in the current debates on the so-called 'War on Terror' (WoT) and related security measures has been the role of the state that is intrinsic to and has a major influence on WoT strategies and their potential consequences for civil society (CS) activity. Some have argued that on the one hand the 'state' and state action has become neutralised, whilst CS activity has become highly politicised as reflected in the statement below, from the then Chancellor of the Exchequer (and now Prime Minister) that emphasises the risk placed by charities to democratic existence.

Criminalising NGOs and Muslim NGOs in the US

The tenor of the whole WoT has been to criminalise CS action throughout the world over the past decade, although there is little actual evidence of criminal activity among charities. A handful of charities have been accused of money laundering in the US, but OMB Watch has reported that despite sweeping post 9/11 investigations the authorities in the US have failed to produce any real evidence of terror financing by US charities. Increasingly the anti terrorism laws and financial policies deny charities the right to due process in law and also place a cloud on public trust and giving to charities. One of the most serious consequences of the WoT has been upon humanitarian charities where funding has often been withheld from humanitarian assistance. This has mainly affected Muslim charities (OMB Watch, August 2007).

In order to explore these extraordinary times INTRAC (International NGO Training and Research Centre) embarked on a series of workshops worldwide, with the purpose of bringing together Northern and Southern NGOs, CS groups, researchers and policy makers who are familiar with CS action.

These groups met over the past 18 months and it became clear that whilst there were regional differences in the emphasis on particular state-led strategies to combat terrorism there were many common threads that have undermined NGO and CS activity by various measures ranging from controls over registration and funding to defining the kinds of activities which might be acceptable activities for NGOs.

For example, while there are many restrictions on the freedom of association, and on the right to protest and dissent, against maldevelopment policies, the reaction towards CS protests in some countries has been more severe than in others, e.g. in Pakistan state-led repression against dissent has been much more concerted and severe than in Kyrgyzstan, owing to its central role in the WoT. Furthermore the absence of scrutiny towards state-led violence is paralleled by the visible absence of debate on the origins and rationale for individual acts of terror – in what kind of context these have been set and who has defined an activity as an act of terror or not. This has created convenient lapsed boundaries for many states undertaking repressive actions towards civil society

Whilst some random acts of violence against civilians worldwide (London 2005, Madrid 2005, Bali 2006, Bombay 2006) may clearly be labelled as acts of ‘terrorism’, there is a parallel, growing phenomenon of voices of ‘collective protest’ that has been conveniently labelled as threats to national security in many countries, and by association are defined as acts of terrorism. Civil society groups in the Middle East for example have argued that resistance to occupation and state-led violence towards innocent civilians should not be relabelled as acts of terror.

Participants from the South were universally concerned about the nature of the development process and also about the acts of terrorism committed against citizens by the state; whether they be the violence meted out by Israel against Arabs in the Occupied Territories or in the Lebanon, or by the Indian state against poor farmers in the eastern state of West Bengal or the arrests of civil rights activists in the name of national security in Russia, in Nepal or in Bangladesh. Furthermore the disappearances of hundreds of citizens in Pakistan over the past 18 months have all been committed in the name of the WoT, or in support of national security.

“Gordon Brown MP has recently spoken of the need to ‘protect good charities from abuse’...yet the essential and often life-saving work of such charities must also be protected.” (Edward Fitzgerald QC, 2006).

“We have a long way to go in having an international legal system that is fair, the law exists, it is just that governments are letting us all down.” (Christian, 2007).

Summary

The objective of these workshops was to draw together a wide spectrum of policy makers, NGOs, CSOs and donors to reflect upon the fallout from worldwide anti terrorism measures based on people’s experiences from around the world. They would also track changes in the wider aid architecture and their implications for the development sector as a whole. Key messages to emerge included:

- (i) The concept of legitimacy and the role of the state is shifting and appears to be redefined in the current security-led climate;
- (ii) The over emphasis on the threat of international terrorism is displacing priority issues of maldevelopment, a prime threat especially in the South which is currently being overlooked and undermined through the blurring of the security agenda with aid policy;
- (iii) National legislation on counter-terrorism measures is systematically undermining international human rights law;
- (iv) The current discourse on insurgency and counter-terrorism has been cast in a way that is ahistorical and illegal. Learning the lessons from history requires recognising that in a context of terrorism the primacy of upholding human rights becomes even more important, alongside the reconstitution of the role of the state in such a way to secure social development.

These are now examined in turn:

KEY MESSAGE 1:

The concept of legitimacy in relation to aid flows and the role of the state is being redefined in the current climate.

- The state as a legitimate repository of violence is not a new concept, but the present extensive counter-terrorism legislation enables the state to define what counts as legitimate activities, and to clamp down

harshly on charities deemed to be engaged in 'political', 'human rights' or other 'dissenting' activities that are remote from the domain of terrorism. This generates a more repressive climate in relation to protest. Importantly, this issue not only relates to 'repressive' governments in the South. For example it was revealed that the Military Commissions Act of 2006 in the US has led to use of torture and the prevention of due process as established in human rights law, whilst legislation in 2000 and 2001 allowed detention without trial.

- Rather than governments using social development as a means of countering terrorism, most NGOs are being pushed into a highly defensive position about carrying out social development work with marginalised groups. This is due to fears of their activities being deemed illegitimate by excessive, poorly defined concepts of terrorism and counter-terror legislation that is all-encompassing.
- NGOs and CSOs working in marginalised communities are also falling prey to the abuse of counter-terror legislation by governments in repressive and undemocratic ways that are directly infringing upon democratic participation as well as freedom of speech and association, leaving many NGOs simply unable to defend themselves. Excessive counter-terrorism legislation has been introduced beyond usual criminal law provides governments with the tools to enact state terror on civil populations under the smokescreen of counter-terrorism.
- The evidence suggests that many, such as in Afghanistan, are being paid money to "find terrorists"; leading to widespread mistrust and suspicion within local communities as well as undermining North/South global partnerships more broadly.
- States that are seen to be actively involved in the WoT and those that 'harbour' terrorists are able to receive much larger proportions of official development assistance (ODA) than those who do not, leading to extremely distorted foreign aid flows with governments such as those in Pakistan (and Nepal until recently) using the counter-terror discourse to access greater resources whilst others such as countries in Latin America (with the obvious exception of Colombia) being left out. Thus those countries whose struggles are predominantly against economic and social violence deriving often from material deprivation, poverty and social inequality (with violence taking the form of organised crime and urban delinquency for example), are receiving much less ODA.
- Indiscriminate attacks on individuals such as in the Lebanon during the war in the summer of 2006 included indiscriminate bombing of civilians. Arbitrary acts of state terror have tended to fall conveniently outside the label of 'terrorism' which continues to be ill-defined in legal and conceptual terms.
- Social development was previously seen as a counter-insurgency response by democratic society. Yet, in the aftermath of 9/11 the NGO sector has increasingly been forced to adopt a more defensive position. Small numbers of NGOs have been accused of channelling money and some, mainly in the US, have had their accounts frozen with very little legal recourse or transparency as to why their names have been entered onto particular lists. This has provoked marginalisation and discrimination against Muslims and widespread Islamophobia, with the banning of diaspora and other groups, some of whom have been forced into operating underground or being radicalised. Yet, neither are non-Muslims immune to human rights

abuses, with restrictions on the right to protest forming part of the broader landscape and changing aid architecture.

- Financial reporting requirements have also been made more complex and burdensome for charities, generating a burgeoning and lucrative private industry for private legislative bodies that is speedily moving in to occupy this space, most visibly in the US. Meanwhile, the need to comply with excessive and costly 'paperwork exercises' forming part of this blossoming private industry is diverting NGOs' attention away from pursuing social development goals.

KEY MESSAGE 2:

Debates relating to counter-terrorism in the North do not correlate with or reflect realities on the ground of those in the South which, notwithstanding the global fallout from international terrorism, centre primarily on maldevelopment.

- The corrosive effects of maldevelopment were more of a concern to those participating in workshops in the South than 'terrorism' per se. Aggressive and lopsided growth was a key concern; for example, land grabbing in India, with as many as 750,000 unskilled subsistence farmers currently being evicted from their land and property to make way for factories as India's economy booms. Though international terrorism remains a threat for countries in the North and in the South, for low-income urban populations it is the acts of 'everyday violence' including exposure to hunger, poor sanitation, illness and disease, crime and delinquency, indebtedness, civil conflict as well as the risks of landslides, floods and earthquakes which explain the persistence of poverty. This is not to say that issues of poverty are divorced from international terrorism. Rather the issue is that the persistent hazards faced by deprived populations in the South are perceived as more of a risk to people's livelihoods and wellbeing than that of international terrorism.
- An excessive focus on security-led development (often laid out on the basis of economic liberalism such as in the decision to go into Iraq) comes at the cost of broad-based development that aims to alleviate poverty. Thus the 'security agenda' (aimed at security for the people of the North) exacerbates and reinforces increased levels of social inequality. This is visible in two-tier systems in health, education and the rise of gated communities that are cloistered from mass poverty and degradation, markers of the gross inequality experienced by those in the South suffering the negative effects of liberalisation and globalisation.

KEY MESSAGE 3:

National legislation on counter-terror measures is systematically undermining the upholding of human rights law.

- Not only has the term 'terrorism' been ill-defined but the WoT has led to muddling and failure to uphold international human rights law and to protest against human rights abuses. The WoT has allowed individuals to be detained without the protection of the rights stipulated by the Geneva Convention or under human rights law. Military tribunals of Guantanamo Bay detainees, for example, have allowed the US government to conduct trials

without having lawyers present, thus evading the sphere of judicial independence. This has set up a situation whereby no definition of terrorism has been agreed and it is deemed legitimate to abrogate human rights in times of war. This opens the way for every conflict being redefined and disguised as terrorism, giving states the power to override human rights law with ill-treatment being apparently legitimated.

KEY MESSAGE 4:

The current discourse on insurgency and counter-terrorism has been cast in a way that is largely ahistorical and illegal. Learning the lessons from history and in particular the need to defend human rights and to reorientate the role of the state to secure social development is fundamental.

- In the past those suspected of terrorism have been deprived of safeguards and procedural norms, for example in Gandhi's India individuals were held without trial and ill treated. The discourse on counter-terror has not been situated in a historical framework and important parallels with the past such as this are being missed. For example, those held in Guantanamo Bay are said to be outside human rights law or the law of war; the WoT sending a message that it is acceptable to abrogate human rights in times of war. Redefining conflict as terrorism thus gives power to abrogate human rights law and this forms part of a historical precedence for the suspension of human rights.
- Extremely vague definitions of terrorism and the term 'terrorist' are being used in the rhetoric of the WoT – loose and poor definitions that lead to dangerously black and white reasoning and a simplistic casting of the world into the good and the evil. History shows that understanding terror and insurgency requires going beyond 'labelling' and requires unravelling the discourse to generate understanding about perceptions of 'the other' and how these have been used throughout time as well as about how people experience terror from the other side.
- History tells us that it is dangerous to extend the powers of the state to the degree that the state is able to become a source of violence against citizens. Extension of counter-terrorism legislation laws that give greater power to the state risks abuse of this power and oppression of civil liberties as has been seen in Nepal and Pakistan. In a context of terrorism it becomes even more important to uphold human rights. History shows us that in the long run not to do so breeds greater insurgency.
- The WoT was cast at these workshops as a "project of Empire" with state agencies being used as supplicants of this. In this context there was a call amongst participants for INGOs to resist adopting an anti-statist discourse and rather to encourage citizens to negotiate and to reorientate the role of the state to secure social development. It was argued that redirection of the state in this way, together with broader political negotiation, has been proven throughout history to be more effective and more historically rational.