

# AID, SECURITY AND CIVIL SOCIETY IN THE POST-911 CONTEXT

BRIEFING REPORT  
OF AN INTERNATIONAL WORKSHOP ORGANISED BY THE CENTRE FOR CIVIL  
SOCIETY, LONDON SCHOOL OF ECONOMICS

*June 28 – 29<sup>th</sup>, 2007, Goodenough College, London*

## **Introduction**

The global war on terror declared in the aftermath of the 9-11 attacks has emboldened governments around the world to institute sweeping new counter-terrorism regimes. Academic and policy discussions have ensued over the implications of new counter-terrorism practices, measures and laws on fundamental human rights and individual liberties as well as the impacts on certain communities, predominantly Muslim, that have come under suspicion in a context of anxieties and fears over ‘Islamic fascism’. However, there has been considerably less attention given to the impacts of post-911 counter-terrorism structures, measures and practices on the spaces and actors of civil society, although they have been a specific focus of new legislating and regulatory measures undertaken by governments.

The Centre for Civil Society (CCS) at the London School of Economics organised an international workshop from June 28 – 29<sup>th</sup>, 2007 to examine the effects of new security legislation and antiterrorism measures and practices on civil societies across both northern and southern political contexts and to critically assess the responses of non-governmental actors to political pressures and legislative threats that have arisen. This briefing synthesises the main issues and themes that were explored at the workshop.<sup>1</sup>

## **Civil society and the creation of post-911 counter-terrorism structures**

Diverse and wide ranging changes in the policy, regulatory and legal context for non-governmental public action have been part of the sweeping remit of post-9-11 counter-terrorism structures. These changes relate to specific but often unsubstantiated fears rehearsed by politicians that civil society actors and spaces may be used directly or indirectly to support and perpetrate terrorism. This has led to new strictures on the non-governmental realm,

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<sup>1</sup> The workshop was organised as part of a continuing research project on ‘the “Global War on Terror”, Non-Governmental Public Action and Aid’ being undertaken by Professor Jude Howell ([j.a.howell@lse.ac.uk](mailto:j.a.howell@lse.ac.uk)) and Dr Jeremy Lind ([j.lind@lse.ac.uk](mailto:j.lind@lse.ac.uk) or +44 (0)20 7955 6896) at CCS with support from the Economic and Social Research Council Non-governmental Public Action research programme. Support for organising the workshop was received from Atlantic Philanthropies and is gratefully acknowledged.

appearing variously as ‘directives’, ‘guidelines’ and laws. Such strictures entail new reporting requirements and obligations for due diligence and mark a significant departure from the post-Cold War embrace of civil society. For example, in 2002 the US Treasury Department issued guidelines for the non-profit sector on terror financing that affected a broad swathe of organisations and groups. Previously, in the immediate aftermath of the 9-11 attacks, Muslim organisations were the focus of suspicions and government efforts to crackdown on terrorist financing. This involved freezing the assets and closing the offices of several Muslim organisations, as well as drawing up a watch list of terrorist organisations, which were predominantly Muslim. However, the blacklisting of organisations was done outside of a clear legal and policy framework and was based upon an organisation’s associations rather than its own actions.

The misuse of charities in support of terrorism has also been a focus of concern in Europe. At the EU level, significant antiterrorism measures affecting civil society include the EU Communication on the Prevention of and Fight Against Terrorist Financing Through Enhanced Level Coordination and Greater Transparency of the Non-profit Sector (2005) and the Framework for a Code of Conduct for Non-Profit Organisations to Enhance Transparency and Accountability (2005). In the UK, the Home Office and Treasury Department recently completed a review of the links between terrorism and the voluntary sector although without consulting key figures and representative bodies of civil society.<sup>2</sup> Its recommendations have already been subsumed within policy-making and discussions on a proposed new antiterrorism law that would require NGOs and charitable trusts and foundations to know the backgrounds of their trustees and volunteers.<sup>3</sup> This degree of diligence is already required in the US, where foundations have come under suspicion for supporting groups that promote extremism and violence.<sup>4</sup> As a result of these fears, the Ford and Rockefeller Foundations have altered their standard grant agreement letters to include new language requiring grant recipients to guarantee they will not misuse funds. In comparison, smaller foundations and organisations that work overseas have struggled with the bureaucratic burden created by the stricter regulatory environment.

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<sup>2</sup> Home Office and HM Treasury. ‘Review of Safeguards to Protect the Charitable Sector (England and Wales) from Terrorist Abuse.’ May 2007. Available at [www.homeoffice.gov.uk/documents/Charities\\_consultation.pdf](http://www.homeoffice.gov.uk/documents/Charities_consultation.pdf).

<sup>3</sup> Home Office. ‘Possible Measures For Inclusion in a Future Counter Terrorism Bill.’ July 25, 2007. Available at <http://security.homeoffice.gov.uk/news-publications/publication-search/counter-terrorism-bill-2007/ct-bill-consultation.pdf>

<sup>4</sup> Sherman, Scott. ‘Target Ford.’ *The Nation*. May 18, 2006.

However, the creation of new counter-terrorism regimes, and measures that specifically target civil society, has been uneven. A notable exception to the legislating and regulatory zeal in the post-911 context is Spain, which has relied on existing codes in its response to the March 11<sup>th</sup> Madrid bombings. In other areas of domestic policy, as well, such as migration and the socio-political position of Spain's expanding Muslim population, the response has been characterised as politics as usual with little evidence of overt victimisation. Elsewhere, however, the responses of governments to the perception of a terrorist threat have disproportionately targeted organisations and groups working on 'suspect' communities, foremost being Muslims but also including refugees, asylum-seekers and government opponents.

### **Civil society and aid in a time of counter-terrorism**

The cascading effects of the global war on terror have extended into the fields of development and humanitarian aid. One obvious effect is the new due diligence requirements that compel northern-based development and humanitarian actors to prevent the misuse of aid, which is typically through increased vetting of southern partners and other regulatory practices. These practices are often harsher than what is required or recommended by governments and suggest a degree of self-censorship that can be viewed as a tactical response to avoid punitive government measures. There are particular concerns for humanitarian organisations providing assistance to populations living in areas controlled by listed 'terrorist' groups that due diligence requirements could obstruct the provision of relief aid, which suggests the urgent need for good faith clauses to be included in existing counter-terrorism measures. Some bilateral aid agencies have increased their checks on grantees, as well. For example, USAID has a requirement that its grantees sign an 'Anti-terrorism Certificate', although there is insufficient evidence of how seriously, and with what consequences, this has been implemented in practice.

Besides these direct impacts, the encapsulation of development into national security strategies and the due regard of non-governmental development actors as 'force multipliers' creates its own set of pressures and threats for civil society. These tensions are brought into sharp relief in contexts where the military directly provides aid. In Afghanistan, for example, mixed military-civilian Provincial Reconstruction Teams (PRTs) implement quick impact projects (QIPs) such as health clinics and building classrooms and bridges. QIPs are assumed to contribute to force protection by promoting good community relations as well as to advance stabilisation through the provision of infrastructure and services. However, humanitarian workers and NGOs have been sharply critical of assistance provided by the military, which they argue blurs the lines

between civil and military actors thus putting at risk the security of non-governmental aid workers. These tensions have also come to the fore in the Horn of Africa, where after 9-11 US military personnel have become involved in school building and running veterinary clinics as part of a hearts and minds strategy in areas where humanitarian agencies and development NGOs have already had a long-term presence. Unsurprisingly, in both these contexts, many organisations, especially international NGOs, refuse to work directly with the military and limit their contact to basic coordination and the exchange of essential information to carry out their activities safely.

Further, since 2001 many bilateral aid donors have formulated ‘development and security’ strategies. These signify a general reorientation of assistance to address the causes of radicalisation and extremism as well as to support southern governments to create their own counter-terrorism structures. This reorientation has channelled resources to organisations and groups working within Muslim communities, where donors are seeking new engagement to build relations and counter radicalisation. In Pakistan and Kenya, for instance, donors have supported and complemented initiatives to reform and strengthen oversight of madrassas, which have become identified in counter-terrorist discourses as sites of radicalisation and terrorism. The War on Terror has brought Muslims within the gaze of donor agencies, a gaze, however, that constructs Muslims as problematic.

Civil society has also been subsumed within more recent development approaches to assist southern governments in establishing counter-terrorism regimes. In the aftermath of 9-11, ‘hard security’ predominated counter-terrorism assistance such as financing the procurement of intelligence hardware and airport baggage screening equipment as well as aiding the creation of anti-terror police units. Governance has featured more prominently in recent aid approaches on counter-terrorism through, for instance, supporting civil society in public outreach and dialogue on police searches and passing new counter-terrorism laws.

Underlying these shifts in approach and patterns of assistance are the familiar patrimonial intents of aid. On the one hand, aid recipient governments seek to maximise the material benefits derived from bilateral cooperation on counter-terrorism. Thus, government posturing on counter-terrorism, such as passing anti-terror measures and laws and facilitating western military operations, is rewarded as has been observed in countries such as Colombia, Ethiopia and Pakistan. These politics of security and aid are also apparent in the demotion of human

rights and democracy concerns in bilateral relations with allied regimes in the war on terror, as seen for example in Pakistan, Albania and Saudi Arabia.

### **Civil society responses and strategies**

Until recently, mainstream civil society has been silent about and reticent in its response to policy, regulatory and legal changes affecting the spaces for non-governmental public action. In the US, it has been organisations most effected by antiterrorism measures, namely Muslim organisations, which have been the most resistant in their reaction and response. Most organisations have decided either to adapt through efforts at tightening internal regulation and improving their accountability and transparency mechanisms, or to disengage from the process altogether. Importantly, broader civil society in the US did not contest the crackdown on the Muslim charitable network in the aftermath of 9-11 even while the organisations that were being targeted challenged the legal basis of the government's response. It was only later when it became apparent that a range of organisations were under surveillance, and not only Muslim organisations, that more groups have begun resisting counter-terrorism regulation of civil society.

UK civil society in general was also slow in responding to new counter-terrorism practices, measures and laws. It was mainly human rights organisations and lawyers, groups representing refugees and asylum-seekers as well as Muslim organisations that led the challenge against counter-terrorism laws. However, there are some responses now emerging from within civil society more broadly to government counter-terrorism efforts. The UK National Council of Voluntary Organisations, for example, formed an advisory group in 2006 to prepare a shadow report to the government's review of linkages between terrorism and the voluntary sector.<sup>5</sup>

Similarly, across political contexts in the south where governments have established new counter-terrorism regimes, there have been few responses by mainstream civil society. In Tanzania, a new counter-terrorism law was passed with no public input or debate and civil society has subsequently been ineffective at challenging the legitimacy, need and motives underlying the new law. In neighbouring Kenya, a network of human rights organisations and Muslim leaders and groups has been part of successful efforts thus far to stymie a proposed

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<sup>5</sup> National Council of Voluntary Organisations. 'Security and Civil Society: The Impact of Counter-terrorism Measures on Civil Society Organisations.' February 2007. Available at [www.ncvo-vol.org.uk/policy/civilsociety/?id=3906](http://www.ncvo-vol.org.uk/policy/civilsociety/?id=3906)

anti-terrorism bill. Similarly in India it has been human rights organisations and lawyers that have critiqued various counter-terrorism laws and practices.

Counter-terrorism measures have had a chilling effect on civil society, which is apparent in various internal efforts to increase transparency and accountability, more conservative tendencies in programming and relating to partners overseas, and the failure to assertively contest new counter-terrorism structures. However, there are indications that civil society is awakening to the need for a more assertive and organised response. There has been a proliferation of interest in addressing the challenges of counter-terrorism regulation. These range from grassroots citizen's initiatives to oppose counter-terrorism measures and laws to cyber networks to share information on government proposals and actions and exchange experiences on efforts to resist new regulations and laws. Development NGOs are examining how antiterrorism regimes affect their partners overseas while humanitarian organisations have sought to initiate fresh discussions on humanitarian principles in view of counterinsurgency operations in Iraq and Afghanistan and changing military competencies. The Montreux Initiative supported by the Swiss Foreign Office seeks to strengthen the capacity of Islamic charities to meet governmental compliance requirements. The Humanitarian Initiative, as well, seeks to support processes of self-regulation in Islamic NGOs as well as to strengthen the capacities of charity regulators in Islamic countries. These initiatives have merit but are circumscribed in comparison to the magnitude of the challenges facing civil society. Thus, it remains the burden of civil societies in different political contexts to better define their positions and develop more coherent strategies for organising and articulating their views in public debates and policy-making processes.