

THE ROLE OF CIVIL SOCIETY IN IMPLEMENTING THE GLOBAL UN COUNTER TERRORISM STRATEGY

**Discussion paper on the occasion of the CTITF Office Side-Event during the Second Review of the Implementation of the UN Global Counter-Terrorism Strategy, Panel on the Role of the Civil Society in Implementing the Global UN Counter-Terrorism Strategy
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Introduction

On the occasion of the second review of the UN Global Counter-Terrorism Strategy, the Counter-Terrorism Implementation Task Force Office decided to organize a programme of side-events to discuss various topics related to the implementation of the UN Global Counter-Terrorism Strategy. Cordaid (based in the Netherlands, and one of the biggest international development organizations), together with the Netherlands Institute of International Relations ‘Clingendael’ (a partner organization of the International Centre for Counter-Terrorism The Hague) and UNICRI, has proposed a panel to discuss the role of civil society in the implementation of the UN Global Strategy. In this discussion paper the main questions concerning this topic are raised in order to educate the discussion on whether it can be considered effective to include civil society in a dialogue on the implementation of the Global Strategy, and if so, how this can best be effectuated.

The diversity of civil society

Civil society reflects the diversity and dynamics of the society it embraces, although, it is often suggested, civil society is not a singular sector. It stands for a vast diversity of social groups, interests, representations, inherent tensions and conflicts. Civil society is most visible by its organizations: non-governmental organisations (NGOs), community-based Organisations (CBOs), networks, movements, etcetera which can be understood as formal and legal entities that represent certain interests of society and fulfil certain functions within society. However, it is a mistake to make these civil society organisations a synonym for civil society itself.

In order to connect with civil society for the prevention of violence and to increase security, it is important to use a broad understanding of civil society itself and admit that civil society could never be captured within a single agenda. Including civil society requires a citizen-centred orientation instead of a mere state-centred orientation. In order to be inclusive towards civil society actors, we need to look beyond the usual suspects, such as NGOs, but also include professional associations, local authorities, organized labour, the private sector, faith-based and community-based groups and 'unorganized' social movements. The multiple differences and divergences lead to differences in perspectives, opinions, problem and solution definitions and strategy selection (Kaldor, 2003). Nevertheless, despite this vast disparity, civil society can be considered a significant international force with an ability to generate global public opinion and successes in transforming policy issues into international regimes (Magis, 2007). Civil society exists at the very global, international level and, at the same time, at very local levels in very different contexts. Civil societies have huge capacities to prevent violence, mediate conflicts, create peaceful co-existence and set conditions for economic development.

The diversity of civil society poses a challenge when trying to engage civil society in international agenda setting. A challenge that should not be met with unification, or homogenization, since that would not be the appropriate answer (Keane, 1998). Instead, this diverse character of civil society organizations opens the possibility to address political grievances, socio-economic injustices, and power imbalances from different angles. These aspects moreover belong to the root causes of armed conflicts and terrorism. Dealing with these root causes should not be labelled counter-terrorism, but is what is needed to counter violent extremism (Friend not Foe, 2008).

A window of opportunity

The first sentence of the Preamble to the United Nations Charter reads: 'We the peoples of the United Nations'. It does not mention the member states or the organs, but the peoples who speak up and claim their determination to promote justice and human rights, the peaceful settlement of disputes and security, and social progress and better standards of life in larger freedom. The fight against terrorism is a fight to protect these same principles, and they would thus serve the peoples mentioned in the preamble to the UN Charter. However, at this moment, the question can be posed whether 'the peoples' are truly represented when we discuss the UN Global Counter-Terrorism Strategy and its

implementation. Are we fully aware of the impact of the counter-terrorism measures on the communities in civil society, which can be considered a representation of the peoples? And do we listen to the information they can provide on developments in society that could be an indication of (de)radicalization? After all, many civil society organizations are involved in defending human rights, promoting development and resolving and mediating conflict, and can help public officials understand the internal dynamics of conflict and the repercussions of failed development and human rights policies (Friend not Foe, 2008).

In line with the UN Charter, the UN Global Counter-Terrorism Strategy aims at security worldwide, shaped by states and their citizens. It would thus be advisable to merge state-centred security and human security into a strategy that takes into account the variety of societies in their capacities to create peaceful and secure environments. In this context, it also needs to be mentioned that civil society has different approaches to human security that are not always in line with state security concepts, especially in the contexts of long-lasting and deeply-rooted conflicts. The instrumentalization of civil society to enable a state-centred security agenda does not seem to be the appropriate way and might create adverse effects. Instead, an engagement strategy that takes into account the variety of agendas and roles, as well as the inherent conflicts that civil society represents, ought to be developed.¹

The review of the Global Strategy seems a perfect opportunity to question whether the global strategy has enough legitimacy and is truly effective in attaining the goals it has set out by taking into account the questions set out above.

During the preparation of the report of the High-level Panel (2004), the role of civil society and global governance was discussed, and it was recognized that there is a growing recognition, based on experience, that collaboration and partnership involving multiple actors increases the available stock of ideas, capacities and resources to deal with a given problem.² The Panel's Chairman, Fernando Henrique Cardoso, pointed out in his contextual paper that "[t]he legitimacy of civil society organizations derives from what they do and not from whom they represent or from any kind of external mandate. In the final analysis, they are what they do. The power of civil society is a soft one. It is their capacity to argue, to propose, to experiment, to denounce, to be exemplary. It is not the power to decide. Such legitimacy is, by definition, a work in progress. It is never attained once and for all. It is gained in the arena of public debate and must be continually renewed and revitalized. (...) The Panel will have to take into account and make sense of this diversity of players and plurality of levels of action. Strengthening civil society's interaction with the UN does not mean acting only at the highest levels of the system." (Cardoso, 2004) Cardoso's remarks indeed touch upon an important issue. However, it should be noted that his interpretation mainly perceives civil society as a soft power actor, whereas there is also a hard dimension to it, which will be discussed later on.

An awareness of the importance of including civil society in the debate on the implementation of counter-terrorism measures seems to be there; however, the question is whether a clear picture exists on how to proceed in this endeavour. In the few examples in which civil society has been referred to and included in the debate on the implementation of the UN Global Counter-Terrorism Strategy, or has

1 See annex 1: unfolding CS by different actors and different approaches for engagement.

2 Civicus CS-index mentions the 7 most important functions of civil society: 1)To provide space for the mobilisation, articulation and pursuits of interests by individuals or groups, 2)To give expression and direction to social, religious and cultural needs, 3)To provide the institutional means for mediation between conflicting interests and social values, 4)To provide the institutional means for checking and balancing excessive powers that have a strong influence on societies, 5)To limit the inherent tendency of Governments to expand their control or to demand that Governments fulfil their duties towards citizens if they are failing to do so, 6) To limit the inherent tendency of the business sector to expand its control or to stimulate the business sector to develop if absent, 7) To nurture the values of citizenship required for participating in a modern society based on inclusiveness and diversity.

even been invited to participate, those representatives of civil society in most cases only represented a very small portion of the otherwise very diverse civil society community. Although commendable, because it can be considered to be a first step in indeed including civil society in the debate, there are a number of less favourable aspects to only dealing with the safe choice of civil society organizations (the ones that are 'approved' by governments). In the first place, the selected civil society group is not representative of the variety of civil society actors that are active in the area. Secondly, only dealing with a select group of civil society, that enjoys 'government approval', endangers the independent status of these civil society actors and, moreover, enhances the possibility that the civil society actors become instrumental to the counter-terrorism goals of governments or other entities, instead of fulfilling their own purposes.

Only when civil society actors are able to fulfil their own purposes, can they effectively contribute to the dialogue on the implementation of the UN Global Counter-Terrorism Strategy. It will thus improve the engagement between different stakeholders and enhance the legitimacy of the Strategy.

Analyzing the Global Counter-Terrorism Strategy from a Civil Society perspective

With the adoption of the UN Global Counter-Terrorism Strategy in 2006, and the beginning of the work of the Counter-Terrorism Implementation Task Force in 2005, the UN has made a commendable effort to consolidate and enhance the various counter-terrorism initiatives from within the organization, as well as to tailor a more balanced and comprehensive approach of counter-terrorism by not only focusing on security issues, but also including certain aspects as conditions which are conducive to the spread of terrorism and human rights. During the General Assembly (GA) session in 2010 the review of these efforts will take place, and recommendations will be made to further improve the strategy and the implementation work of the task force.

Whereas in the period directly after the events of 9/11 the main focus in counter-terrorism seems to have been on the security strand of counter-terrorism, which has shown itself to be vulnerable to abuse because of a lack of definitions and insufficient respect for human rights, the current approach tries to take a more comprehensive approach in which aspects of prevention, for example, are equally taken into account, and respect for human rights while countering terrorism also plays a vital role.

The Global Strategy aims at integrating different pillars of counter-terrorism policies in order to ensure that a comprehensive approach in combating terrorism is used, which will be more effective than merely focusing on separate elements of counter-terrorism policies. The Counter-Terrorism Implementation Task Force (CTITF) aims to coordinate the work of the different UN organs and organizations, as well as the work of some other organizations, in counter-terrorism (CT) policies. The CTITF therefore aims at a common, coherent and more focused framework by facilitating better communication, but also by setting up some working groups on specific themes.

It seems that the ultimate goal set by the General Assembly, namely to ensure a comprehensive approach in combating terrorism, is best served by including all relevant topics, as well as coordinating and cooperating with all relevant stakeholders. So far, this group has merely consisted of UN organs and organizations, some other organizations that play an important role in counter-terrorism policies, as well as some states. At the moment, civil society as such does not have a status as a fully-fledged partner in the dialogue on the implementation of the UN Global Counter-Terrorism Strategy. Analysing the Global Strategy does show, however, that the topics of some of the pillars and the focus of several working groups could benefit from the input of civil society.

Especially in the first pillar on ‘measures to address the conditions conducive to the spread of terrorism’, and in the fourth pillar on ‘measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism’, attention should be paid to the role of civil society. But also the third pillar on capacity building opens up opportunities for states and international organizations to engage in working with civil society.

Civil society could, for example, play a key role in providing information in the Working Group on preventing and resolving conflicts, which aims *inter alia* at exchanging knowledge and good practices in preventing and resolving conflicts at the national and regional level, and tries to find ways to partner governments and regional and sub-regional organizations to support these efforts. Furthermore, civil society should also be consulted on the effects of measures against the financing of terrorism, which is the topic of the Working Group on Tackling the Financing of Terrorism. So far, consultations in that working group have only taken place with banking, regulatory, national security intelligence, financial intelligence, law enforcement and criminal justice experts and stakeholders. Moreover, civil society should clearly play a role in the work of the Working Group on Protecting Human Rights while Countering Terrorism.

Three scenarios on the role of civil society

We should first create a more profound understanding of the variety of civil society (see also the text box). Civil Society, after all, is represented by *different social groups, with different representations and different agendas*. If one would agree on the question whether there is a role for civil society in the implementation of the Global Counter-Terrorism Strategy, the next question is not how to use civil society for combating terrorism (the instrumentalist approach) but how to create common strategies and agendas together with broad civil society groups to transform, for example, conflict situations which will have a positive impact on countering terror.

The agenda of civil society is not the same as the agenda of states. Especially in conflict-prone areas, civil societies are constituted by opposing groups and interests and the relation with the state is mostly highly conflictual. In such contexts, it is essential to first deal with the difficult process of engaging with civil society actors in order to create joint agendas and strategy, before building the capacities of civil society actors in order to combat terrorism. Peaceful civil society actors have an interest in combating terrorism and transforming armed conflicts when this is based on the conditions of true prevention and citizen’s inclusion. This brings issues of conflict prevention, state-building, protection of women and human rights defenders, education, primary health care, economic development and employment, etc., to the table.

Although the state always has a leading role in setting the agenda in international fora, it is possible to distinguish three different situations:

- The vision and agenda of citizens on security, which is channelled through civil society, is more or less in line with the state’s agenda on security. But civil society lacks the means to contribute to capacity building. In that case, support for the capacity-building activities of civil society is needed. This can be organized at CTITF level.
- Important groups in civil society do not agree with the state’s agenda. The state might even place these civil society groups in the political opponents’ corner, thus hindering the work of civil society. Civil society groups may see the state as the main aggressor and the source of insecurity. In that case it is necessary and important to engage broad civil society groups in the agenda setting. However, this is a politically sensitive area, and is probably not a very attractive option for any state, let alone for two or more states that ought to collaborate politically and strategically as

civil society may be active across borders in e.g. claims for self-determination. On the other hand, if the UN wants to deal with states abusing the counter-terrorism policies to deal with political opponents, engaging with civil society on a regional or an international level will make it possible to put more pressure on these abusive states. Civil society itself might however have second thoughts, because it does not want to become an instrument in counter-terrorism policies, but prefers to concentrate on engagement policies. In dealing with this situation, it is important for CTITF to develop an engagement strategy, in which civil society can be included in the agenda setting. This engagement strategy could take place on an inter-state or intra-state level. However, in those situations in which intra-state engagement is not possible, the peer pressure through the activities of CTITF that takes place on a inter-state level is of vital importance.

- Grey zones: The state only acknowledges the input of a selected group of civil society organizations. Those organizations that operate in the grey zone are excluded from the agenda-setting activities, and are not supported in their capacity-building activities.

Challenges and pitfalls

From a survey among different civil society actors (see Van Lierde, 2010), it has been demonstrated that many of these actors are negatively influenced by the counter-terrorism measures that follow from the implementation of the UN Global Strategy. Especially the lack of a universal definition opens the possibility for repressive governments to engage in abuse in order to oppress political opponents or to control the activities of civil society actors. In many countries, legislative and regulatory measures have made it more difficult for civil society actors to operate freely and effectively. These negative impacts have especially been noticeable in conflict zones and among groups that challenge government policies through their work on peace building, democratization and human rights.

Also the different measures against the financing of terrorism pressure (Western) civil society actors to be very reluctant to deal with local civil society actors, out of fear that these local actors could possibly be connected to any organizations on the so-called 'black lists'. This has clearly influenced the non-profit charities, and created a chilling effect in the donor community (Friend not Foe, 2008). It has thus become more difficult to finance independent humanitarian assistance, development and conflict mediation activities; the kinds of activities that are needed to counter terrorism.

These negative side-effects of the implementation of the UN Global Counter-Terrorism Strategy in itself could already be counter-productive to the GA's goal of comprehensively and effectively combating terrorism. Moreover, by not including civil society in the dialogue on the implementation of the UN Global Counter-Terrorism Strategy, one misses out on the positive input of civil society engagement and the possibility of providing on-the-ground information on the effects of counter-terrorism policies.

Although there seems to be a general recognition within the UN community of the importance of including civil society in the dialogue on any given problem, there is also the concern that civil society's direct participation in the decision-making process could undermine the intergovernmental process. It is therefore essential that also in the context of the Global Counter-Terrorism Strategy, distrust is reduced, the effectiveness of collaboration is demonstrated and a consensus is built around a positive agenda for the future. This is not the same as regulating any detail of the collaboration relationship. In the words of the High-Level Panel's Chairman on the topic: "Flexible arrangements that enable the UN system to value civil society's ideas, proposals and resources, along patterns of 'variable geometry', may be a more effective and workable strategy for substantive civil society participation than straightforward political confrontation" (Cardoso, 2004).

On the other side of the coin, looking at the problem from a civil society perspective, there is also the risk of undue influence by funding parties, and reputational risks of associating with inappropriate partners.

As stated before, the best way to profit from the special role that civil society could fulfil in contributing to an effective counter-terrorism strategy is by allowing civil society to do what it does best, and not to transform civil society actors into instrumental actors of the counter-terrorism strategy, by incorporating the counter-terrorism grammar. Instead, allowing civil society to, for example, fulfil its role in conflict resolution, and yet engaging with the actors in order to seek common goals, will enhance the chances of successful cooperation.

Towards legitimacy and effectiveness: some recommendations

It is submitted that including a role for civil society in the implementation of the UN Global Counter-Terrorism Strategy will improve the legitimacy and hence the effectiveness of the policy. The question is thus how civil society can become engaged in the work of the CTITF?

It could in this respect be interesting to study the Coalition for the International Criminal Court (CICC), which is a network of over 2000 organisations that strive to improve international cooperation with the ICC. Some form of screening should be used to guarantee that the civil society organizations that seek to participate in a dialogue with – in this case - the CTITF are indeed legitimate civil society organizations that respect certain basic principles that can be laid out in a kind of Rules of Engagement. It would be recommendable to set up relevant processes of engagement with civil society actors by the creation of political space, safeguards and long-term commitments on development and inclusiveness.

This ties in with the question of how to define the kind of partnership that is needed. Depending on the situation, that could be operational or policy-oriented partnerships. Preferably, these partnerships are not so much formulated as UN partnerships, but rather as partnerships for achieving global goals, thus results-oriented.

Clearly, for analyzing purposes, the reports of NGOs in the field could provide relevant information regarding (de)radicalization processes and extremism. A kind of partnership in which an exchange of information is possible, is therefore one of the possible forms of cooperation between the CTITF participating organs and civil society organizations.

A more intense form of partnership would provide for different forms of support for the work of NGOs in the field which contribute to the capacity-building activities of the CTITF.

It is also important to realize that civil society can best contribute to the common goals of the Global CT Strategy if some core principles, which can be derived from international legal documents, are guaranteed. These principles are: the right of entry or the freedom to associate and form organizations, the right to operate without unwanted state interference, the right to free expression, the right to communicate and cooperate freely both internally and externally, the right to seek and secure resources, and the right to have these freedoms protected by the state. But also the kinds of guiding principles, like the ones that follow from Security Council Resolution 1325 on women in conflict situations, is an example of a UN framework in which engagement with a civil society organization on a common agenda has taken shape.

Points for discussion

- What role should be played by civil society in the implementation of the UN Global Counter-Terrorism Strategy, according to the Member States?
- How should this role of civil society in the implementation of the UN Global Counter-Terrorism Strategy take form?
- Which civil society actors are of importance in the effective implementation of the UN Global Counter-Terrorism Strategy?
- How can we identify shared goals on issues related to the UN Global Counter-Terrorism Strategy?
- How can state-centred and citizen-centred security agendas become engaged in those national settings when, by their very nature, they conflict?
- How can we select the legitimate actors from the illegitimate ones (civil versus uncivil society)?
- On what level should the anchoring of partnerships take place (local, regional, or on an international level)?
- How can we prevent a negative impact of the implementation of the UN Global Counter-Terrorism Strategy on the work of relevant civil society actors?
- How can we guarantee the independent and impartial role played by civil society actors, while engaging with them in a dialogue on the implementation of the UN Global Counter-Terrorism Strategy? In other words, how can we prevent them from being used in an instrumentalist approach?
- In short, the questions are: when to engage, with whom, for what purpose and on the basis of which principles?

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Annex 1: unfolding civil society by actos and engagement strategied

