

ISTR EIGHTH INTERNATIONAL CONFERENCE 2008: PANEL PROPOSAL

PANEL TITLE: CIVIL SOCIETY, SECURITY AND AID POST-9/11

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Following George W. Bush's declaration of a global war on terror in the wake of the September 11 attacks political leaders across the world have introduced a swathe of counter-terrorist legislation and measures. Often hastily rushed in, not least to satisfy perceived public demand for a strong state response, such extraordinary laws and measures are riddled with ambiguity and trespass unashamedly on basic democratic rights. In many countries the introduction of such counter-terrorist measures has fuelled a climate of fear and suspicion of the other. The circulation of a global discourse of 'Islamist terrorism' has demonised certain sections of society, particularly Muslims, as somehow associated by default of their religion with the acts of a few individuals. Lawyers and human rights activists have expressed vehemently their concern about the effects of such rushed and extraordinary legislation and measures on civil liberties and citizen rights.

Though there has rightly been considerable concern expressed about the infringement upon civil liberties and citizen rights, the effects of extra-ordinary counter-terrorist legislation and measures on the spaces and actors of civil society have received considerably less attention. In the field of development the global war on terror has highlighted the strategic relevance of foreign aid to both national interests and global security at a time when its ideological rationale in the post-Cold War era had almost disappeared. The introduction of repressive measures coupled with the increasingly explicit subordination of foreign aid to military, foreign policy and economic interests has altered the context in which foreign aid is framed and implemented. This in turn not only affects the way certain civil society actors are perceived and included in development processes, but also unsettles the hitherto benign understanding of civil society that has permeated donor documentation and policy from the late 1980s onwards.

This panel explores the changing relationships between civil society, security and aid in the post-9/11 global political context. It includes papers on Afghanistan, Kenya, the USA and on the particular impacts on Christian Aid worldwide. The contribution on Afghanistan provides an in-depth analysis of the changing contours of civil society, security and aid in the first theatre of external action around the War on Terror. It draws attention to the problematic nature of the military's incursion into developmental activity and the challenges this poses to civil society actors. It traces the changes in the organisational landscape of civil society following the overthrow of the Taliban regime and how these relate to donor agendas that are driven by both developmental and security concerns. Furthermore, it reflects on the implications of donor-informed state-building processes for the future development of civil society. The Kenyan contribution provides a case-study of shifting donor, security and civil society relations in a newly democratising state. Under pressure to cooperate in the Global War on Terror, the Kenyan government has had to carefully balance its

response to external forces with the need to manage complex domestic political strains and tensions. The Kenyan case is particularly interesting as human rights groups and Muslim organisations have responded rapidly and effectively to amend and delay the passing of the Suppression of Terrorism Bill. Moreover the Kenyan case illustrates well the effects of the globalisation of the War on Terror on marginalised and minority groups. The third paper explores the effects of counter-terrorism legislation on civil society in the USA, focusing on the expanding ripples of counter-terrorism law and policy - the effects on the Muslim charitable sector, decisions by foundations to shift risk "downward" to their grantees, new requirements by federated organizations such as the United Way to require their local affiliates in turn to require that social service grant recipients sign terrorism certifications, and other implications of the war on terror for civil society. The slow response of mainstream civil society to the significance and potential impact of counter-terrorist legislation on civil society actors contrasts with the more politically astute reaction of groups in Kenya. The fourth paper in the panel explores the theme of civil society, security and aid through the lens of a specific organisation, namely, Christian Aid. In particular it examines the effects on the relationships between Christian Aid and donors, between central offices of Christian Aid and Southern country offices and between local offices of Christian Aid and partner organisations. It highlights the variation in impact and relates this to domestic political factors and the strategic importance of particular countries in the War on Terror.

ABSTRACT: 'CIVIL SOCIETY WITH GUNS IS NOT CIVIL SOCIETY': CIVIL SOCIETY, SECURITY AND AID POST-911 IN AFGHANISTAN

By Jude Howell and Jeremy Lind

Accused of harbouring Osama Bin Laden, the alleged mastermind behind the rabid destruction of the Twin Towers, Afghanistan under the Taliban was to become the first target of President Bush's War on Terror. Within a few months, the Taliban regime had quickly succumbed under the full weight of the US military and political war machine. By December 2001 the Bonn Agreement had been signed and agreement reached for the gradual installation of an elected government. The subsequent processes of political stabilisation, reconstruction and development have proceeded hand in hand with the relentless pursuance of the War on Terror, and in particular the dogged hunt for Osama Bin Laden and his Al Qaeda supporters and sympathisers. Afghanistan has become the first theatre in which the USA's seemingly contradictory goals of the War on Terror and the promotion of liberal democracy and free markets are being played out to their full.

This US pursuit of its geo-political interests through force and the soft touch of democracy and markets has accelerated and intensified the convergence of aid, security and foreign policy goals, operations and institutions. Such convergence has found expression in the justification of aid in terms of security objectives, in new institutional arrangements linking aid, security and foreign policy bodies and in new operational practices such as the requirement for recipients of US government aid to sign Anti-Terrorist Certificates. This intensified convergence of aid, security and foreign policies has also impinged upon donor approaches towards civil society. The 1990s was a golden era for civil society as donors strategised to strengthen and

support the development of civil society for the ends of poverty reduction and democratisation. The launch of the War on Terror cast a shadow over this euphoric embrace of civil society. The introduction of counter-terrorist legislation and practices has reshaped the political, legislative and regulatory environment within which civil society actors operate across the world.

This paper examines the intensified convergence of aid, security and foreign policy goals since 9/11 and its effects on civil society in the context of Afghanistan. As a theatre for both the pursuance of the War on Terror and processes of reconstruction, development and political stabilisation, the Afghan case is of particular interest. Afghanistan's economy is heavily dependent on foreign aid; its government in turn relies crucially on external military and political support for its survival. The complex intertwining of external (primarily American) military and foreign policy objectives with development goals are played out vividly in the case of Afghanistan, with significant ramifications for the organisational landscape and ideological and political purpose of civil society. These effects are manifested most prominently in the changing organisational landscape of civil society post-9/11, in the refashioning of state-civil society relations with the tools of foreign aid, and the increasingly complex relations between civil actors and the military as the International Security Assistance Forces (ISAF) and Coalition Forces engage in developmental and humanitarian interventions as part of the politico-military War on Terror strategy in Afghanistan.

The paper begins by sketching the trajectory of an emerging civil society during different historical phases up till 2001. It then analyses the changing contours of civil society following the overthrow of the Taliban regime and the subsequent proliferation and dominance of local and international NGOs. In the third part we examine the short-term impact of security policies and objectives on civil society in Afghanistan, looking in particular at issues of humanitarianism and independence. In the final section we explore the longer-term implications for civil society of state-building strategies in Afghanistan and their positioning of civil society within these.

The paper draws upon fieldwork carried out in Afghanistan in the summer of 2006, interviews with key informants in NGOs and government in the UK, and secondary sources. Over 58 semi-structured qualitative interviews and a roundtable were conducted in Afghanistan with key informants in local and international civil society organisations, bilateral and multi-lateral development agencies, government officials and ISAF.

ABSTRACT: SECURITY AND SUBTERFUGE: AID, CIVIL SOCIETY AND THE STATE IN KENYA

By Jeremy Lind and Jude Howell

The Kenyan government has walked a fine balance between responding to diplomatic and aid pressures to cooperate on the global war on terror and managing domestic political strains and divisions. New counterterrorism measures, laws, practices and institutions have been part of its response to the global politics around the war on terror. These responses entail enhanced intelligence gathering, policing and surveillance of suspect communities as well as cooperation with governments in the region and the US in the detention, interrogation and rendition of terror suspects.

Debate on the involvement of foreign security services in the surveillance, arrest and interrogation of suspects followed police raids on Muslim neighbourhoods in the aftermath of the Kikambala hotel bombing in 2002. Since then, human rights groups, the media and civil society activists have reported numerous instances in which the use of force and torture were used in interrogations, some involving foreign security personnel. More robust policing has been matched by closer scrutiny of individuals, and Muslims in particular, applying for identification papers and travel documents.

These counterterrorism structures have been introduced in a legal vacuum. There has been a small and robust debate on counterterrorism structures in Kenya but this has too often been at the margins of civil society among human rights organisations and groups representing Muslims that are directly affected by various anti-terrorism operations. Although this element of civil society advocated strongly and arguably effectively against a proposed draconian anti-terrorism law, it has been less effective in responding to the government's track of subtly putting in place new counterterrorism measures as well as collusion in a secret regional programme on the detention, interrogation and transfer of terror suspects. The exception to this is the remarkable efforts of a few key human rights organisations to document the arbitrary detention, expulsion and enforced disappearance of dozens of individuals in Kenya as part of the regional detention system. These groups have also detailed the impacts on Muslim communities of being the target of bureaucratic and policing fears and suspicions.

Groups that have organised on issues of counterterrorism have done so in spite of a lack of funding and administrative harassment and bureaucratic obstruction in gaining access to sensitive information on terrorism suspects and police raids. The role of aid has tended to support misconceptions and flaws in the underlying logic of the global war on terror by funding new programming around the presumed causes of radicalisation and extremism. Further, democracy and governance civil society organisations can no longer rely on donors to pressure the government on human rights issues both because donor priorities themselves have shifted as well as the fact that the government's aid dependency has decreased meaning the leverage of donors to influence the behaviours of the Kenyan government has diminished. Overall, the challenges for civil society consist of persisting international pressure on the Kenyan government for its cooperation on the war on terror, the introduction of counterterrorism measures through the backdoor, and internal divisions within civil society that preclude a more coherent advocacy strategy and plan.

The paper begins by examining the broader social and political context of state-civil society relations up to 2002, which saw the election of a motley coalition of opposition parties and groups that was strongly supported by civil society and a resulting shift in donor support to sector wide government programmes. Against this backdrop, the paper examines the linkages between aid and security since 2001, exploring both changes in the orientation of aid to support activities that are seen as part of a broader security strategy and the global and national politics shaping such changes in approach and objective. The third section of the paper assesses new counterterrorism structures and the responses of civil society to these. In the conclusion we examine the significance of the changing politics of aid since 9-11 for civil society in the context of a democratic transition and developing space for non-governmental public action.

The paper is based on qualitative interviewing with aid and donor agency officials, human rights organisations, leaders in Muslim communities, and government officials in Kenya during 2006 and 2007, as well as an extensive review of secondary sources. In all 53 interviews were carried out in Nairobi and Mombasa. The research is also informed by roundtable discussions with donors and civil society actors as well as session that was organised at the World Social Forum in Nairobi in January 2007.

ABSTRACT: RESISTANCE, COMPLIANCE, ALLIANCE, AND SELF-REGULATION:
NONPROFIT SECTOR RESPONSES TO COUNTER-TERRORISM LAW AND POLICY IN THE UNITED STATES

By Mark Sidel

This paper will analyze and compare responses by public charities, foundations, and other nonprofit sub-sectors in the United States to U.S. government counter-terrorism policies and statutes that have affected the nonprofit sector since September 2001. These responses have taken many forms, some overlapping across nonprofit sub-sectors and some specific to particular parts of the nonprofit community or even a few institutions. Responses differ at times by public charities and foundations, for example, though at other times they have been allied in response to government initiatives such as the "voluntary guidelines" on overseas giving. One particular subset of affected institutions, indicted Muslim charities, have had a different set of responses, and the paper will analyze their litigation strategies, particularly on the issues of "material support and assistance" for terrorism.

The paper will also inquire into responses by groups that have, thus far, remained largely outside the spotlight and below the radar of analysis of responses to counter-terrorism policies, but which are directly affected and have had to directly respond. These include domestic networked organizations such as the Red Cross and United Way, which have international linkages to their work; community foundations, which are increasingly requested by donors initiating donor-advised funds to make contributions to diasporic countries of origin; and commercial donor-advised funds (such as the Fidelity Charitable Gift Fund), a very rapidly-growing component of the American philanthropic arena.

ABSTRACT: THE IMPACT OF POLICIES ASSOCIATED WITH THE 'WAR ON TERROR': CONSIDERATIONS FOR THE WORK AND PARTNERS OF CHRISTIAN AID

by Katherine Nightingale

No single issue has dominated the international political arena in recent years as much as the global so-called 'War on Terror'. The UK's role in creating legitimacy for this 'war' and encouraging the belief that it would provide greater global security, has been hugely significant. But it fails to recognise the real threats to human lives being experienced by billions of people around the world on a daily basis, and it may even be making poor and marginalised people in some countries more insecure.

Since the attacks on the World Trade Centre government policies justified in response to terrorism and the global 'War on Terror' have permitted actions such as war, torture, corruption and led to the targeting of billions of dollars for security throughout the world. These national security policies have been used to legitimize persecution of groups identified as a security risk. In some cases they have justified a lack of response to widespread human rights abuses by states deemed favourable to the 'War on Terror'.

It is evident that policies associated with the 'War on Terror' have had impacts other than simply increasing state security and fighting terrorism. As human rights standards drop, community organisations are persecuted as terrorists and development aid is diverted away from poverty or increasingly securitized, achieving internationally agreed development goals may well be at risk. Following on from original research in 2004 Christian Aid has undertaken research across its international department to look at the impact being felt by partners in 10 countries across the globe and by development organisations working under the new levels of regulation. It asks what the long term impact of these policies might be for agencies like Christian Aid, for the partner organisations they work with, and for the poor and marginalised communities at the grassroots.

As part of this work Christian Aid also challenges the UK government's support for the 'War on Terror'. Whilst the US government may have led the 'War on Terror', the UK government, through its leadership and strategic support, helps to make it possible. In doing so it appears to have overwhelmingly undermined its own policies on development and poverty eradication in the process. Indeed the convergence is not simply one of aid, foreign policy and security, but liberalisation, security and foreign policy, where aid is one instrument for promoting both liberalisation and US security goals as foreign policy goals. Whilst we see attempts being made to change UK positioning, this paper asks whether these will address the legacy such policies have left behind or recognise the importance of a comprehensive approach to human security for the future.