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The Role of Civil Society in Preventing and Combating Terrorism¹

Introduction

Civil society and non-governmental organizations (NGOs) play a vital role in the prevention of conflict. They may also play a key role in the prevention of terrorism. Indeed, various international documents have repeatedly stressed the importance of involving civil society and NGOs in a comprehensive and multi-dimensional response to the threat of terrorism. Most recently, the UN General Assembly, in its resolution adopting the United Nations Global Counter-Terrorism Strategy on 8 September 2006, affirmed the determination of UN member states to “further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy”.² The Global Counter-Terrorism Strategy, formally launched on 19 September 2006, built on many of the elements proposed by then UN Secretary-General Kofi Annan in his April 2006 report entitled “Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy”.³ In this report, the vital role of civil society in promoting a truly global strategy against terrorism was highlighted throughout.

The importance of involving civil society and NGOs in effective efforts to prevent terrorism has not only been acknowledged by various UN documents but also features prominently in several terrorism-related declarations and documents adopted in the framework of the OSCE. The 2001 OSCE Bucharest Plan of Action for Combating Terrorism, for example, directly mandated the Office for Democratic Institution and Human Rights (ODIHR) to continue developing projects to solidify democratic institutions, civil society, and good governance.⁴ The 2001 Bishkek Programme of Action on Strengthening Comprehensive Efforts to Counter Terrorism stressed the importance

1 The opinions expressed in this contribution are those of the author alone and do not necessarily reflect the positions of the OSCE ODIHR.

2 United Nations General Assembly, *The United Nations Global Counter-Terrorism Strategy*, Doc. A/RES/60/288, 8 September 2006, operative paragraph 3 (d).

3 United Nations General Assembly, *Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy – Report of the Secretary-General*, Doc. A/60/825, 27 April 2006, at: <http://www.un.org/unitingagainstterrorism/sg-terrorism-2may06.pdf>.

4 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, MC.DOC/2/01, 4 December 2001, reproduced in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 391-417, here: The Bucharest Plan of Action for Combating Terrorism, Annex to Decision No. 1, Combating Terrorism, MC(9).DEC/1/Corr.1, 4 December 2001, pp. 393-402, here: pp. 395-402; also available online at: http://www.osce.org/documents/cio/2001/12/670_en.pdf.

of promoting active civil society engagement in the fight against terrorism.⁵ Similarly, the 2002 OSCE Charter on Preventing and Combating Terrorism recognized that it was vital to engage civil society in finding common political settlements for conflicts and to promote human rights and tolerance as an essential element in the prevention of terrorism and violent extremism.⁶

The OSCE, and ODIHR in particular, have since been active in exploring and promoting the role of civil society in preventing and combating terrorism by means of various activities. In July 2005, ODIHR organized an OSCE Supplementary Human Dimension Meeting (SHDM) on Human Rights in the Fight against Terrorism. At this meeting, one of the three substantive sessions focused specifically on the role of civil society in the fight against terrorism.⁷ Building on the outcomes of this SHDM, ODIHR, in cooperation with the Centro de Investigaciones de Relaciones Internacionales y Desarrollo (CIDOB), organized an informal working-level meeting on the role of civil society in preventing terrorism in March 2007 in Barcelona.⁸ And, in early June 2007, an OSCE political conference on public private partnerships (PPP) in countering terrorism was held in Vienna on the initiative of the Chairman-in-Office, the United States, and the Russian Federation.⁹

This contribution will draw on some of the key outcomes of the various meetings mentioned above. It will first explore whether and to what extent there is a role for civil society and NGOs in preventing terrorism, and will then address some of the obstacles and challenges faced by civil society in working on issues related to terrorism and counter-terrorism.

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- 5 Cf. OSCE/UNODC, *Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism*, 13-14 December 2001, Programme of Action, at: http://www.osce.org/documents/cio/2001/12/677_en.pdf.
 - 6 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, MC.DOC/1/02, 7 December 2002, reproduced in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, here: OSCE Charter on Preventing and Combating Terrorism, pp. 425-428, also available online at: http://www.osce.org/documents/odihr/2002/12/1488_en.pdf.
 - 7 Cf. OSCE Supplementary Human Dimension Meeting, "*Human Rights and the Fight against Terrorism*", *Final Report*, Vienna, 14-15 July 2005, pp. 15-17, at: http://www.osce.org/documents/odihr/2005/09/16203_en.pdf.
 - 8 Cf. OSCE ODIHR in co-operation with Fundació CIDOB, Centro de Investigaciones de Relaciones Internacionales y Desarrollo, *The Role of Civil Society in Preventing Terrorism*, Informal Working Level Meeting, 14-16 March 2007, Barcelona, Spain, Report, ODIHR.GAL/34/07, 16 May 2007, at: http://www.osce.org/documents/odihr/2007/05/24495_en.pdf.
 - 9 Cf. OSCE Permanent Council, *Decision No. 791, Agenda, Timetable and Organizational Modalities of the OSCE Political Conference on Public Private Partnership in Countering Terrorism*, PC.DEC/791, 2 April 2007, at: http://www.osce.org/documents/pc/2007/04/24195_en.pdf.

Preventing Terrorism – What Role for Civil Society?

The 2005 SHDM in Vienna and the 2007 informal working-level meeting in Barcelona made clear that civil society and NGOs can make a significant contribution to the prevention of terrorism. It is imperative to recognize that any such contributions must be entirely voluntary, as the responsibility for combating terrorism and protecting human rights and fundamental freedoms lies solely upon the state. It is also evident that the extent to which civil society and NGOs can contribute to preventing and combating terrorism depends upon the circumstances and political realities prevailing in the various OSCE participating States. The opportunities for civil society to enter into partnership with government are very limited in countries where civil society structures are weak or non-existent.

Both meetings also made clear that in order for civil society and NGOs to play a meaningful role in the prevention of terrorism they needed to be given a sense of ownership of the related problems and processes. In many cases, however, partnership with government continues to be unbalanced and one-sided, as civil society institutions and NGOs are not treated as equal partners competent to address security issues of common concern. Unfortunately, the OSCE PPP conference itself was a case in point in this regard. While one of the aims of the conference was to address partnership with civil society, NGOs were not invited in their own right but rather as members of national delegations. A number of participating States raised serious concern about these modalities in an interpretative statement to Permanent Council Decision No. 791 (2007),¹⁰ but the modalities were not substantially changed. The result was that most if not all major NGOs and civil society organizations did not attend the conference.¹¹

The informal working-level meeting organized by ODIHR in Barcelona in March 2007 was more successful in this regard. It brought together some thirty participants from civil society, including leading NGOs, with representatives of ODIHR, the Office of the OSCE High Commissioner on National Minorities, the OSCE Secretariat's Action against Terrorism Unit, and the Spanish Ministry of Foreign Affairs to discuss and identify possible roles for civil society and NGOs in the prevention of terrorism. These roles identified are closely interrelated and may be broadly classified as:

- advisory and educational,
- community,
- advocacy and research, and
- legal.

10 Cf. European Union, *Interpretative Statement under Paragraph IV.1(A)6 of the OSCE Rules of Procedure*, *ibid.*, Attachment 1.

11 Several major NGOs were absent, including Amnesty International, Human Rights Watch, the International Commission of Jurists, Human Rights First, and Liberty.

Civil society organizations and NGOs can play a significant advisory and educational role. They can provide policy advice and expertise on aspects of preventing terrorism that is often not available within government. Equally importantly, civil society experts and NGOs may provide alternative appropriate language and terminology to public officials in addressing issues related to terrorism and security.

In order to strengthen their co-operation with governments, civil society and NGOs may also find it appropriate to acknowledge positive steps or measures taken by law enforcement officials and government where they occur. In addition, they may have a positive advisory role in providing concrete alternatives to counter-terrorism policies and measures that they consider to be ill-conceived. It is important to recognize, however, that the non-state sector needs to be given relevant information in order to understand the real extent of the threat and to be able to provide adequate suggestions of a response.¹²

As regards the educational role, it is vital for civil society and NGOs to explain that human rights are a useful framework for developing effective counter-terrorism strategies rather than an impediment. Specific activities in this regard may include providing information to school students as well as to youth workers and police and law enforcement officials. With regard to the latter, civil society and NGOs may enter into partnerships with law enforcement bodies to develop targeted programmes of co-operation, focusing, for instance, on increasing awareness and understanding of the diversity of communities. An interesting example of a good practice in this respect is a project in the United States where the Arab-American Anti-Discrimination Committee co-operated with the Office for Civil Liberties of the US Department of Homeland Security in developing a training DVD for federal law enforcement officials.¹³ This DVD was developed to meet a need for an enhanced understanding of different cultures and communities among law enforcement officers and other personnel and outlines the basics of the culture, religious customs, and traditions of Muslim communities, as well as their historical and geographical origins.

It is almost self-evident that civil society institutions and NGOs can also perform valuable community functions. They have an important role to play as catalysts for the development of opinions and ideas that is vital for building strong and vibrant communities. By creating safe spaces for dissent and by providing a forum where experiences can be shared on a personal level, civil society institutions and NGOs may contribute to healing community rifts and tensions. They may also consider engaging in outreach activities and taking proactive steps to address the root causes of terrorism. Activities

12 See also Rachel Briggs/Catherine Fieschi/Hannah Lownbrough, *Bringing it Home – Community-based Approaches to Counter-Terrorism*, London 2006, pp. 58-90.

13 Arab-American Anti-Discrimination Committee, *DVD to reach over 200,000 federal law enforcement officials, will significantly increase awareness of Arabs and Muslims*, Press Release, 25 January 2007, at: <http://www.adc.org/index.php?id=3040>.

of particular value in this regard are those that strengthen human rights and the rule of law. The promotion and protection of these pillars of democracy contribute to building strong societies in which citizens are free to participate in the political process and exercise their rights. Providing practical and effective support to defenders of human rights is therefore also essential.

Another issue which may warrant further examination is the question of whether civil society and NGOs should attempt to engage in dialogue with individuals and groups involved in and perpetrating acts of violence and “terrorism”. For various reasons, it is easier for civil society and NGOs to engage in such dialogue than for governments. However, a human rights-based approach is essential in this regard. This includes a clear indication that dialogue does not imply affording any form of legitimacy to the perpetrators of violence. The positive experience of the peace process in Northern Ireland is one example that may provide valuable lessons. Civil society and NGOs may play a meaningful advocacy and research role. As a matter of principle, it is important that they condemn all acts of violence against civilians regardless of the motivation behind those acts. With regard to positive measures in the area of advocacy, they may consider writing open letters and statements to armed groups condemning terrorist tactics and maintaining a principled approach to the applicability of human rights standards, i.e. that these standards apply to both perpetrators and victims of violence. There may be a role for civil society and NGOs in reducing the emotional and psychological impact of terrorism. In particular, they may engage in activities that aim to amplify the voices of the victims of terrorism and of persons affected by unlawful counter-terrorism operations.

Other aspects of an effective advocacy role include the issue of engaging with the media to shape the public discourse around “terrorism”. It is essential for civil society and NGOs to establish a constructive relationship with the media and the entertainment industry in order to provide reliable information, challenge negative or unbalanced portrayals of parts of the community, and initiate public debate on issues of public security and human rights. At the same time, it is important to encourage debate within the media profession on the image that is conveyed of minority groups in connection with the fight against terrorism and to alert them of their the responsibility to avoid perpetuating prejudices, stereotypes, or inaccurate and/or incomplete information.

Equally importantly, civil society and NGOs may contribute high quality research in the areas of terrorism, political violence, and the conditions conducive to the spread of terrorism. High quality research is vital as it informs effective and credible advocacy and prevention efforts. Valuable research may include conducting studies and surveys on the impact of counter-terrorism measures and on the complex question of the factors that make individuals subscribe to extremist ideas and ideologies and engage in acts of violence. An increase in statistical and monitoring work would also enable

civil society to engage with government in an open and facts-based dialogue about the effectiveness of counter-terrorism measures. This would include a frank and open debate on funds spent on “counter-terrorism”.

Finally, civil society and NGOs have an important legal role to play. Their work on legal issues related to terrorism and counter-terrorism continues to make a significant contribution to strengthening international and national legal frameworks for counter-terrorism activities, especially as they relate to the promotion and protection of human rights and the rule of law. There is a need to expand the work of civil society institutions and NGOs to answer technical questions relating to:

- the definition of terrorism;
- the scope of application of domestic, bilateral, and multilateral laws, treaties, and other instruments dealing with terrorism;
- the accountability of perpetrators and redress for victims of terrorist acts and of unlawful counter-terrorism practices, in respect of both domestic and international law;
- educating decision makers about the nature and extent of complementarity among different legal frameworks, including international humanitarian law, international human rights law, and domestic criminal and civil law; and
- translating complicated legal arguments for wider public mobilization.

Challenges for Civil Society and NGOs Working on Issues Related to Terrorism

The 2005 SHDM and the 2007 Barcelona meeting made clear that obstacles and challenges civil society and NGOs face in working on issues related to terrorism have direct implications on the role they can play in the area of prevention. For instance, it is particularly difficult for them to play any meaningful role in those OSCE participating States where there is little political pluralism and where civil society structures are weak or non-existent. Indeed, a lack of political pluralism in itself contributes to creating conditions conducive to terrorist recruitment. The fact that in some OSCE participating States fundamental changes to the political system are made under the pretext of tightening security and enhancing counter-terrorism is also a matter of concern.

Another major challenge for civil society institutions and NGOs relates to the fact that the discourse on terrorism has called into question principles and standards that were previously thought inviolable. Of particular concern in this regard is the absolute prohibition on torture. This presents enormous challenges for the NGO community by effectively questioning the value and relevance of previous advocacy and research efforts. In addition, counter-

terrorism policies affect democratic means of dissent – in particular as they impact on NGOs and the mass media – and this makes it very difficult for civil society institutions and NGOs to engage meaningfully with both governments and local communities.

Another closely related challenge concerns the perception that civil society institutions and NGOs are obstacles to governments in the fight against terrorism. Efforts to promote respect for human rights and the rule of law as key elements of an effective strategy to prevent terrorism continue to be portrayed as “pro-terrorist”. This includes accusations levelled at NGOs in some OSCE participating States that they represent foreign interests rather than local communities. In some cases, civil society institutions and NGOs are having their funding cut by governments for perceived connections to “terrorists”. When community fundraising is shut down, it may have a significant consequence for individuals within a community who may feel that they are not being treated as full citizens. Ultimately, such actions may have chilling results.

A further matter of concern is the harassment or persecution in some OSCE participating States of human rights defenders in the name of counter-terrorism. In some cases, this harassment goes as far as to include threats to the physical welfare of human rights advocates. Preoccupied with dealing with physical danger, supporters of human rights have difficulty in devoting adequate efforts to articulating ways in which the international community could offer assistance and support.

Equally problematic are some governments’ portrayals of attempts by civil society institutions and NGOs to investigate and discuss the root causes of terrorism as “justification” of terrorism. This undermines the possibility of serious debate on prevention and root causes. Moreover, in many cases, it is difficult for civil society groups and NGOs to engage in research due to criminalization of contact with “terrorist groups”. Furthermore, the secrecy around security issues makes it very difficult to engage effectively and practically in the debate.

Another challenge arises from newly enacted legislation in several OSCE participating States containing very broad definitions of “terrorism” and “extremism”. This had a devastating effect on civil society and NGO activities, especially those focused on the prevention of terrorism. The fact that anti-terrorism legislation contains overly broad definitions has harmful effects and makes it very difficult for civil society and NGO actors to engage in legitimate activity. One also notes with concern that several OSCE participating States have also adopted restrictive NGO legislation. Such legislation is not only unhelpful by limiting the role of civil society and NGOs in the prevention of terrorism, but may also be a potential catalyst for conflict – or even terrorist acts – by outlawing legitimate forms of political expression and association.

Finally, civil society institutions and NGOs face significant challenges in engaging and mobilizing public opinion. These include a massive information gap in the area of terrorism and counter-terrorism, with large parts of the community lacking both an understanding of and access to relevant information. It is thus essential that civil society institutions and NGOs underline the quality of their information and improve their means of disseminating it. It is also important for them to build broad common political fronts and to support coalitions that promote democratic values and human rights. This is particularly vital in order to address the challenges associated with young people's disaffection with politics.

Conclusion

Involving civil society and NGOs in efforts aimed at preventing and combating terrorism is essential, as they have several valuable roles to play. However, OSCE participating States need to engage with NGOs through genuine partnerships and avoid instrumentalizing civil society for political or intelligence-gathering purposes. The potential for partnerships between governments and civil society organizations depends on the varying circumstances and political realities in each OSCE participating State. A lack of political pluralism, a lack of channels for conveying messages, and a lack of independent media are among the factors that need to be taken into account when discussing and exploring the role of civil society and NGOs in preventing terrorism in the OSCE region. Indeed, it is difficult for civil society and NGOs to play a positive and meaningful role in preventing and combating terrorism when circumstances require them to put major resources into defending and protecting their own rights and existence, including at times their own physical integrity.

The OSCE, and ODIHR in particular, should engage more closely and regularly with civil society and NGOs on issues related to terrorism, counter-terrorism, violent extremism, and prevention. Forms of engagement include providing a forum for civil society and NGOs to raise issues with OSCE participating States in the field of human rights and terrorism or counter-terrorism. ODIHR should also consider organizing regular working-level meetings to bring together civil society representatives from across the OSCE region to discuss specific topics and challenges related to terrorism, counter-terrorism, and prevention. Meetings could be held to discuss the human rights issues around the definition of "terrorism" and "extremism" at national and international levels. Finally, ODIHR should continue facilitating and supporting civil society and NGO participation in OSCE political meetings and other platforms that allow them to address OSCE participating States. It is essential to create "safe spaces" for open discussion between governments

and civil society on issues relating to human rights and terrorism/counter-terrorism.

The informal working-level meeting held in Barcelona in March 2007 was a step in the right direction. It is to be hoped that OSCE participating States, the OSCE, ODIHR, as well as civil society itself will carefully examine the recommendations adopted at this meeting. As reiterated by the UN Global Counter-Terrorism Strategy, any successful campaign against terrorism needs the support of civil society and must be based on the full respect for fundamental rights and freedoms.