RAISING AWARENESS OF THE UN GLOBAL COUNTER-TERRORISM STRATEGY AMONG CIVIL SOCIETY IN SOUTHEAST ASIA

18-19 November 2009
Sultan Hotel, Jakarta, Indonesia

BACKGROUND PAPER

Introduction

Terrorism is a real threat to international peace and security and states must address it robustly and effectively. However, it is regrettable that since 2001 many governments, including several in Southeast Asia, have developed counterterrorism responses that have had a negative impact on innocent civilians and undermined regional and international human rights, due process, and rule of law standards and obligations. Non-governmental organizations (NGOs) and other civil society organizations (CSOs) have played a critical role in encouraging governments to calibrate their responses to terrorism to be effective against those who mean harm without eroding human rights and the rule of law. In 2006, with that challenge in mind, the UN General Assembly unanimously agreed to a global strategy that outlines a holistic approach to countering terrorism, which requires the collective effort of an array of stakeholders, including civil society, to implement.1

In 2008, with the support of the governments of Germany and Sweden, the Center on Global Counterterrorism Cooperation (CGCTC) undertook a project aimed at raising awareness of the UN Global Counter-Terrorism Strategy among civil society. Among the project activities was a two-day workshop in New York (July 2008) that brought together CSOs from around the world, along with representatives from the UN Counter-Terrorism Implementation Task Force, to discuss how the Strategy can help these organizations, and civil society more broadly, further their different objectives, and why they should, and how they can, contribute to Strategy implementation in their respective regions and countries. It also explored ways to deepen engagement between the UN Task Force and these and other CSOs. Following the meeting, the CGCTC produced a report, Civil Society and the UN Global Counter-Terrorism Strategy: Opportunities and Challenges,2 which explores the important and often overlooked role that civil society can play in combating terrorism and the challenges and the opportunities for expanding engagement between civil society and the UN system on counterterrorism and related issues. The report also looks at the impact that counterterrorism measures have had on civil society and the need for the United Nations to promote the role of civil society, including in the context of Strategy implementation. It concludes with a series of recommendations focused on concrete steps that the UN system, states, and CSOs should take to, among other things, deepen engagement between the United Nations and CSOs on Strategy issues and stimulate more CSO involvement on Strategy-related issues and counterterrorism more generally.

As a follow on to that project, with continuing support from Germany and Sweden, Nahdatul Ulama (NU) and CGCTC are co-hosting a workshop in Jakarta on 18-19 November 2009 to raise awareness of the UN Strategy among CSOs in Southeast Asia and explore the possibilities for greater civil society participation in efforts to implement the global framework in a manner that reflects the local contexts, needs, and priorities across the region. Participants in the workshop will include representatives from CSOs from across Southeast Asia working on an array of issues related to the implementation of the UN Strategy. The workshop aims to build on the rich contributions of civil society to furthering human security in Southeast Asia and lay the foundations for the development of a civil society network related to the issues covered in the UN Strategy.

This paper is intended to stimulate discussion at the 18-19 November workshop. It provides background information on the UN Strategy and its significance as well as the various ways in which civil society can and do contribute to its implementation. Although commonly associated primarily with NGOs and charities, civil society in Southeast Asia consists of a range of voluntary associations including political parties, trade unions and professional bodies, private foundations, educational and research institutions and think tanks, religious, faith-based, and community-based organizations, and women’s, human rights, social and environmental groups. This paper discusses how the Strategy can help the broad spectrum of civil society in Southeast Asia further their different objectives, and why they should, and how they can, engage on Strategy implementation.

I. The UN Strategy: Its significance and relevance to civil society in Southeast Asia

The General Assembly’s adoption of the UN Strategy in September 2006 was significant for a number of reasons. It marked the first time that all UN member states agreed on a common approach to dealing with the threat of terrorism. As such, it broadened political support for international counterterrorism efforts by reflecting buy-in and the consensus of the entire UN membership rather than just the Security Council, which had dominated UN counterterrorism efforts since 2001. As a unanimously agreed upon UN framework, the Strategy provides a powerful tool with which civil society in Southeast Asia can remind states of their obligations to combat terrorism, respect human rights, and address conditions conducive to the spread of terrorism.

The Strategy also effectively broadened the notion of “counterterrorism.” It includes four pillars focused on 1) measures to address “conditions conducive to the spread of terrorism,” 2) measures to prevent and combat terrorism, 3) capacity building, and 4) ensuring respect for human rights and the rule of law. The Strategy, therefore, expanded the global counterterrorism framework to include not only tougher law enforcement and other security measures, but measures to address what it calls “conditions conducive to the spread of terrorism,” which include, among other things, prolonged unresolved conflicts, lack of rule of law, violations of human rights, and social, economic, and political marginalization. The Strategy was drafted and adopted as a complete package of measures necessary for an effective counterterrorism strategy and must be implemented in its totality, i.e., states cannot simply choose to pursue coercive counterterrorism measures to the detriment of human rights or development objectives. Given the often unproductive emphasis that has been placed on ‘hard’ security approaches to combating terrorism to date, the Strategy offers an opportunity to recalibrate those efforts and develop more balanced and hopefully more effective responses that also seek to address these underlying conditions.

The Strategy is also unprecedented among UN documents on counterterrorism because it advances the notion that while member states have primary responsibility to protect their citizens from terrorism and other security threats, an effective long-term counterterrorism plan requires a multi-stakeholder approach. Thus, the Strategy highlights the role that the UN system, regional and subregional bodies, as well as civil society can play in working with states to implement the framework.
By reflecting the views of all UN member states, emphasizing the importance of addressing underlying conditions conducive to the spread of terrorism, and highlighting the contributions of civil society, the Strategy has helped move the counterterrorism discourse at the United Nations more in line with the perspective of many states and civil society organizations in Southeast Asia.

The Association of Southeast Asian Nations (ASEAN), in 2007, adopted its own Convention on Counter Terrorism that was later elaborated on in an ASEAN Comprehensive Plan of Action on Counter Terrorism both of which integrate many elements of the UN Strategy. Both instruments emphasize the importance of “addressing the root causes of terrorism and conditions conducive to the spread of terrorism.” The plan of action, in particular, emphasizes many of the measures to address conditions conducive to the spread of terrorism highlighted in the UN Strategy, including sharing best practices related to rehabilitative and social reintegration programs, achieving the UN Millennium Development Goals, and promoting inter-faith and intra-faith dialogue. In the plan of action, ASEAN states also agreed to promote “public awareness of terrorist threats” and “public participation on counterterrorism measures.”

Together with the recent move away from the rhetoric of the “war on terror,” the adoption of the UN Strategy (and the ASEAN counterterrorism framework) provides an opportunity for civil society in Southeast Asia to assert itself on a range of issues from which they too often have been excluded. To realize its potential and ensure that implementation of the Strategy reflects Southeast Asian perspectives, however, civil society groups across Southeast Asia will need to embrace it and work to implement it alongside governments and intergovernmental bodies.

CSOs have particularly important roles to play in implementing both the UN and ASEAN counterterrorism frameworks. Combating and preventing terrorism should be the responsibility of all sectors of society, not only of governments. A vibrant civil society can play a strategic role in protecting local communities, countering extremist ideologies, and dealing with political violence. Civil society gives a voice to different social groups and causes, which provides a channel of expression for the marginalized and can promote a culture of tolerance and pluralism. CSOs, and religious organizations in particular, can help promote dialogue, tolerance, and understanding among civilizations, cultures, peoples, and religions. CSOs have important roles to play in activism, education, research, oversight, capacity building, and in ensuring that counterterrorism measures respect human rights and the rule of law. They can also help generate awareness of a range of Strategy-related issues and help build and maintain support for efforts to counter terrorism.

CSOs in Southeast Asia and beyond are undertaking an array of activities that directly and indirectly contribute to implementation of the UN Strategy, but often with little or no acknowledgement that those efforts contribute to implementation of the Strategy or combating terrorism generally. Without labeling those efforts as counterterrorism per se, the following outlines some of those contributions as they relate to the four pillars of the UN Strategy.

II. Measures to address conditions conducive to the spread of terrorism

It is the holistic approach of the UN Strategy, including both preventive measures and long-term measures to address conditions conducive to the spread of terrorism, that distinguishes it from previous UN counterterrorism resolutions. In fact, the inclusion of these two elements in a single document was the key compromise that allowed the General Assembly to adopt the Strategy by consensus. According to the Strategy, conditions conducive to the spread of terrorism include: “poverty, prolonged unresolved

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3 ASEAN Comprehensive Plan of Action on Counter Terrorism as amended on 16 June 2008, on file with authors.
4 Ibid., Section V.
conflicts, dehumanization of victims of terrorism, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance.” In the Strategy states reiterated their “commitment to the realization of the Millennium Development Goals and their determination to pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists.”

CSOs around the world have been actively engaged in long term efforts to address conditions conducive to the spread of terrorism well before the Strategy labeled those efforts as such. For example, CSOs have been working to support sustainable development, realize the Millennium Development Goals, provide humanitarian relief, empower marginalized communities, promote dialogue, protect human rights, improve governance, expand political participation, empower women, and prevent and resolve violent conflict. They often work with marginalized and vulnerable groups to represent their interests and to peacefully resolve conflicts. In many instances, CSOs have access to and have engaged with groups that governments have little contact with or limited influence over.

As a significant element of civil society, religious leaders and religious organizations can also contribute to addressing conditions conducive to the spread of terrorism through their work within and among different communities of faith. Religious organizations and leaders at all levels representing different faiths have an essential role to play in promoting inter or intra-religious dialogue, tolerance, and understanding among religions—all of which are identified in the Strategy as important.

Civil society is also essential to promoting good governance, the lack of which is cited as a cause conducive to the spread of terrorism. In addition to the important work of CSOs specifically engaged on governance issues, civil society generally is essential to democracy promotion and demanding accountability from political leaders.

These civil society activities have significant intrinsic benefits in their own right and need not be specifically labeled as or identified with “counterterrorism.” Without asking or expecting CSOs to become “counterterrorism” actors, there needs to be a greater recognition and understanding within governments, the UN system, and CSOs themselves of the unique contribution that CSOs make with regard to long term efforts to address conditions conducive to the spread of terrorism. Governments and the United Nations need to better understand that a strong, independent, and lively civil society is in itself an essential ingredient not only for democratic governance and sustainable development, but also for countering and preventing terrorism over the long term.

III. Measures to prevent and combat terrorism

In addition to long-term efforts to address conditions conducive to the spread of terrorism, the Strategy in its second pillar reaffirms states’ existing UN mandated counterterrorism obligations to implement security-focused measures to address terrorist threats. Measures to prevent and combat terrorism are perhaps the most difficult area of the Strategy for civil society engagement as states generally consider such measures (e.g. border control, counter terrorist financing, and law enforcement efforts) to be within their exclusive purview. Nevertheless, civil society engagement can be particularly valuable in lending credibility to preventive counterterrorism efforts and preventing abuses by governments in the name of counterterrorism.

6 Ibid.
In addition to providing a check against government excesses, as discussed in section V, civil society has worked constructively in partnership with governments to address a number of counterterrorism-related security issues. For example, civil society has been instrumental in working with states and intergovernmental bodies to advance the human security agenda. Partnerships between civil society and governments and intergovernmental bodies have also been critical to efforts to address landmines, the proliferation of small arms and light weapons, and even in preventing the proliferation of weapons of mass destruction. CSOs are also making conscious and significant contributions to measures to prevent terrorism in the implementation and monitoring of security sector reform activities, which are linked to a state’s ability to carry out effective law enforcement and other security-related counterterrorism measures. Some CSOs, especially research organizations, also foster closer, cooperative initiatives involving states and other stakeholders to improve and raise awareness of threats and encourage collective action to address vulnerabilities.

The ability of civil society to engage constructively on counterterrorism issues and effectively monitor the actions of states is largely tied to basic standards of freedom of information, freedom of association, and freedom to seek funding, which states have an obligation to ensure. In some instances however, preventive counterterrorism measures have been used as a pretense to crack down on civil society and political opposition. A number of governments have adopted overly expansive counterterrorism legislation and used it to clamp down on freedom of association, speech, and assembly. More common, however, are more subtle forms of state interference including overly restrictive or arbitrarily-applied regulations and restrictions on civil society.

Even where states provide CSOs the necessary space and may be willing to engage, CSOs may be reluctant to engage on security-related counterterrorism efforts. Many are cautious about associating with governments on an issue which in many domestic contexts is politically sensitive or perceived as an externally imposed priority. In fact, there may be little incentive for civil society groups operating in some countries to engage on issues of terrorism and counterterrorism, as doing so may open up those groups to retaliation by governments and/or potentially undermine their support and credibility among local populations particularly among vulnerable and marginalized groups. As a result, some civil society actors have found it more fruitful to engage on related issues such as crime prevention, good governance, or peace and security more generally than under the rubric of terrorism and counterterrorism.

IV. Measures to build states’ capacity to prevent and combat terrorism

The UN Strategy recognizes that “capacity-building in all States is a core element of the global counterterrorism effort.” Although typically the purview of governments and intergovernmental bodies such as the United Nations, CSOs increasingly have a role to play in helping build the capacity of states to prevent and combat terrorism across the full range of measures outlined in the UN Strategy, from combating conditions conducive to the spread of terrorism to ensuring respect for human rights, and increasingly even in the realm of actual security and prevention.

Professional associations, international NGOs, and local CSOs are critical sources of technical expertise and can carry out on-the-ground implementation of much counterterrorism-related capacity building. CSOs are increasingly seen by traditional assistance providers as independent and reliable partners and serve as implementing agencies for much technical and other counterterrorism-related assistance.
Some of the most visible counterterrorism-related capacity building assistance being undertaken by CSOs relates to strengthening respect for human rights and the rule of law and on promoting democratic accountability. Philanthropic foundations and professional associations provide millions of dollars a year and technical support to improving respect for human rights and the rule of law and promoting democratic governance in countries worldwide.

CSOs also perform an array of advisory functions for governments. They provide input on specific technical questions, help guide policy with independent research, and engage directly with parliamentarians regarding the impact of counterterrorism and other security measures. Local CSOs can work with authorities to increase their awareness and understanding of minority communities to assess the impact of community policing efforts and improve their effectiveness, and help to combat stereotypes and prejudices that may compromise the effectiveness of those efforts.

Ironically, one of the most significant challenges to the role of civil society in counterterrorism-related capacity building may in fact be the diminishing space afforded to them and the restrictions placed on their work, in some cases ostensibly as part of efforts by states to combat terrorism. Although frequently seen by donor states as independent and in many ways preferable partners for the provision of assistance, CSOs in some countries are perceived as unaccountable interest groups, surrogates for external actors, and/or representing foreign interests.

CSOs have also been limited in the extent to which they can contribute to counterterrorism capacity-building efforts by their own limited capacity. In most cases, CSOs are themselves reliant on donors for resources. Therefore, the degree to which they can contribute to building the capacity of states to prevent terrorism is in large part dependent on the extent to which their donors make such efforts a priority. Although the UN Strategy is a state-centric document, with its capacity-building pillar focused on building state capacity, there should be recognition of the importance of an empowered and developed civil society to sustained implementation of the Strategy and the need therefore to also build civil society capacity.

V. Measures to ensure respect for human rights and the rule of law as the fundamental basis of the fight against terrorism

One of the Strategy’s main achievements is that it prioritizes “respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.” Through the Strategy states resolved to ensure that any measures taken to counter terrorism comply with their obligations under international law, in particular human rights law, refugee law, and international humanitarian law. The challenge is finding ways to ensure that this human rights–based approach, which is reflected in the Strategy, is translated into action at the global, regional, and national levels. CSOs can contribute in a number of ways to ensuring that it is.

CSOs often have a wealth of knowledge concerning the human rights situations in different countries, some of which may be otherwise unavailable to states and international and regional organizations. They provide critical input to the work of relevant UN human rights bodies and help inform their findings. They can be instrumental in the establishment, strengthening, and effective functioning of national human rights mechanisms and frameworks as well as regional frameworks and

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mechanisms, such as the newly established ASEAN Intergovernmental Commission on Human Rights. As advocates, CSOs play an important role in condemning attacks against civilians, disappearances, unlawful detentions, and other human rights abuses that may occur under the guise of combating terrorism.

Independent and impartial nongovernmental human rights monitors play a critical role in ensuring that counterterrorism measures respect human rights and the rule of law by monitoring the actions of military, law enforcement, and other security services, laying down guidelines, conducting investigations into alleged abuses, scrutinizing counterterrorism legislation, and generating awareness of unlawful practices and other human rights and Strategy-related issues. CSOs also can and do play an important role in promoting the work of human rights defenders and in helping to protect them. Their role is even more important in weak states and areas where the credibility and impartiality of formal monitoring mechanisms may be in doubt.

Finally, CSOs can and in many cases do provide a voice for victims of terrorism and highlight the fact that terrorism is itself one of the most fundamental violations of human rights. Many human rights organizations have adopted an approach that highlights both the human rights impact of terrorism, including on its victims, as well as the human rights implications of the counterterrorism policies of governments.

V. The UN Strategy: Opportunities for contributions by and engagement with CSOs in Southeast Asia

For decades CSOs have been recognized by the United Nations for having an indispensable role to play in furthering the objectives of the UN Charter. As the Chair of the UN Secretary General’s Panel of Eminent Persons on United Nations–Civil Society Relations noted, CSOs are “the prime movers of some of the most innovative initiatives to deal with emerging global threats.”

The UN Strategy specifically encourages “non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy.” A September 2008 General Assembly resolution on the occasion of the first formal review of Strategy implementation efforts goes slightly further, specifically encouraging them to “engage, as appropriate, on how to enhance efforts to implement the Strategy, including through interaction with member states and the UN System.” The inclusion of the clause “as appropriate,” however, leaves it to states to determine the role (if any) to be given to civil society, thus reflecting the range of views on civil society among the UN membership. Despite this ambiguity in the Strategy itself, as this paper has pointed out, civil society can play important roles in promoting implementation of a number of its discrete elements.

Increasing the involvement of civil society in efforts to promote UN Strategy implementation will, however, require more concerted efforts by the United Nations, its member states, and other stakeholders, including regional organizations such as ASEAN, to raise awareness of it among CSOs, particularly by more clearly identifying how the UN Strategy is relevant to their concerns and interests. It will also require providing reassurance that supporting implementation will not just further narrow government interests.

The Strategy’s explicit reference to the role of civil society, the first such reference in a UN counterterrorism instrument, may lend added legitimacy to CSOs, which have previously been treated by some governments as subversive for working on terrorism and counterterrorism issues. Further, the Strategy, by enabling CSOs to link their existing work with counterterrorism and the larger pools of funds often connected with it, may open up new resource flows from donors, including governments. Moreover, the adoption of the Strategy may make it easier for CSOs to have access to and a dialogue with the “harder edges” of the national security apparatus. The UN Strategy may offer CSOs new networking opportunities with other CSOs, intergovernmental bodies and states on the range of issues that are now linked in the framework of the Strategy, which connects the MDGs, human rights, good governance, rule of law, social, economic, and political marginalization, organized crime, and SALW proliferation. Finally, and perhaps most significantly, the UN Strategy, with its holistic, human rights-based approach, offers a counter-narrative to “western-led” and less inclusive approaches to counterterrorism, which could help bring coherence and balance to national and UN counterterrorism efforts and create more space for civil society to operate.

The United Nations should draw on the rich tradition of engagement by CSOs on a range of peace and security issues affecting the region as it seeks to find ways to engage with these groups. Southeast Asian CSOs, however, should not wait for the United Nations or governments to take the initiative. They could approach the United Nations to express their interest in the UN Strategy, ask their governments about progress being made in its implementation and implementation of the 2007 ASEAN Counter Terrorism Convention and the ASEAN Comprehensive Plan of Action on Counter Terrorism, and begin to monitor those national implementation efforts. In addition, CSOs could push for the establishment of a mechanism that allows the perspectives and contributions of civil society to be reflected in the UN General Assembly’s next formal review of the implementation of the UN Strategy in September 2010.

As has been done in other sectors, CSOs at the regional level may wish to consider developing networks (or including UN Strategy implementation issues in the mandate of existing networks) to facilitate the intra-country and cross-border sharing of information and experiences and to encourage joint strategizing in this field, with a view to maximizing their impact on efforts to implement the UN Strategy in Southeast Asia and their voice on the debates on terrorism and counterterrorism.

Questions to consider:

1) What civil society networks exist at the regional level, e.g. the ASEAN People’s Assembly or the Council for Security Cooperation in the Asia Pacific, in which Strategy-related issue could be incorporated?

2) Which would be the most appropriate forum for discussing UN Strategy- and counterterrorism-related issues?

3) Would a dedicated civil society network on Strategy implementation be useful?

4) How could a new network or existing networks of civil society organizations be better linked up with ASEAN and the United Nations, in particular its Counter-Terrorism Implementation Task Force?