

There are serious question marks over the effectiveness and appropriateness of proscribing terrorist organisations

By The Author

*British Home Secretaries and Prime Ministers have occasionally proscribed organisations which are violent or completely intolerant in outlook, banning various apparent terrorist organisations under a 2000 act of Parliament. But is it effective? **Lee Jarvis** and **Tim Legrand** argue that it is not, and raise problems with the identification and designation of these groups, the politicisation of the process, freedom of speech and expression, and efficacy.*



US Senators observe a minutes silence for the abduction of 200 Nigerian girls by Boko Haram (Credit: Senate Democrats, CC BY 2.0)

The past three months or so have seen considerable media and political attention paid to the violent activities of three organisations. The actions of ISIS in Syria and latterly Iraq continue to raise profound questions on the feasibility of the ruling regimes therein. Allegations only yesterday of [Abu Bakr al-Baghdadi's](#) appearance and delivery of a sermon at Mosul's grand mosque represent only the most recent embarrassment for Nouri al-Maliki and the Western powers behind the 2003 invasion alike. In Nigeria, Boko Haram's abduction of hundreds of women and girls – tens of whom appear now to have [escaped](#) – presented the latest grisly reminder of this ongoing, devastating conflict: [one estimate](#), indeed, suggests that over 3,300 people have been killed in violence related to this group since January alone. Meanwhile, in Kenya, the Somali-based al-Shabaab has carried out numerous attacks on tourist and other targets, the most recent of which [led to the death of 29 people in gun attacks on a recent Saturday](#).

Although reports have [posited](#) connections and communications between some of these groups, ISIS, Boko Haram and al-Shabaab share relatively little in common. Little, that is, beyond their widespread understanding and designation as 'terrorist groups'. All three are now proscribed terrorist organisations within the United Kingdom, being listed as such under amendments to the [2000 Terrorism Act](#) in June 2014, July 2013 and March 2010 respectively. This act of proscription has significant potential consequences for those identifying as members of an outlawed organisation. It also serves an important symbolic function: confirming (and constituting) the outlawed group's distance from legitimate, democratic, political life. As the Minister for Security and Immigration [stated](#) to the House of Commons before the most recent such amendment, "Proscription sends a strong message that

terrorist activity is not tolerated wherever it happens”.

Despite the widespread use of [proscription](#) as a form of counter-terrorist strategy in the UK and beyond, there remain serious question marks over the appropriateness of this tool to this end. [In a recent article](#), we highlight four significant concerns we have with this strategy, arguing that the use thereof in the contemporary politics of security should be far more heavily safeguarded than is currently the case.

- First, are the perennial problems of identifying and designating terrorist organisations and the members therein. Terrorist ‘groups’ very rarely exist as stable, bounded organisations with a discernible membership in the way that the naming of them implies: they are porous and fluid, they splinter, they re-brand. Whilst this has been true throughout the history of the types of violence we now label ‘terrorist’, this is particularly true of contemporary groups: whatever one thinks of the ‘new terrorism’ argument.
- Second, is the tendency for proscription decisions to get dragged into wider political games that may have little to do with the group itself or its activities. International relations frequently intervene within such calculations, while the political influence and resources of groups potentially subject to proscription may also dramatically impact the likelihood of this happening.
- Third, are normative issues and the risk that proscription impedes democratic norms including around freedoms of speech and assembly. This is particularly serious given the expansiveness and ambiguity of many statutory definitions of terrorism, and the lack of parliamentary oversight in this area.
- Finally, are questions of efficacy, not least given the real dearth of evidence that proscribing a terrorist organisation actually achieves anything – let alone anything as tangible as an increase in (national) security.

These concerns are not unfamiliar to legislators in the UK. Indeed, some have been explicitly discussed within parliamentary debate around proscription decisions. Some of these may also be of less direct relevance to groups such as ISIS, Boko Haram and al-Shaabab, given their nature, longevity and apparent willingness to claim authorship of violences conducted in their name. They do, however, suggest significant questions around the turn to declaring and designating a group ‘terrorist’ that frequently follows the latest outrages and atrocities. And, as such, proscription should be seen to raise as many questions as it does answers.

This blog draws on material published in Legrand, T. and L. Jarvis (2014) ‘[Enemies of the State: Proscription Powers and Their Use in the United Kingdom](#)’ from the *British Politics journal*

Note: this post represents the views of the authors, and not those of Democratic Audit or the LSE. Please read our [comments policy](#) before posting. The shortened URL for this post is: <http://buff.ly/1nTPbhc>

Lee Jarvis is a Senior Lecturer in International Security at the University of East Anglia. He is author of *Times of Terror: Discourse, Temporality and the War on Terror*, co-author of *Terrorism: A Critical Introduction* (with Richard Jackson, Jeroen Gunning and Marie Breen Smyth) and co-editor of books including *Critical Perspectives on Counter-Terrorism* (with Michael Lister), *Cyberterrorism: Understanding, Assessment and Response* (with Tom Chen and Stuart Macdonald) and *Counter-Radicalisation: Critical Perspectives* (with Christopher Baker-Beall and Charlotte Heath-Kelly).



Dr Tim Legrand is a lecturer at the National Security College at the Australian National University and adjunct research fellow at the ARC Centre of Excellence in Policing and Security at Griffith University. He is the co-editor, with Allan McConnell, of *Emergency Policy* (Ashgate, 2013), and the author of articles published in *Policy Studies* on policy transfer and evidence-based policy. His inter-disciplinary research traverses political science, public administration and criminology and investigates policy learning, emergency policy-making, critical infrastructure protection and the application of counter-terrorism laws.



