American counter-terrorism measures in flux as civil society promotes reforms

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Posted by AD Brown

Demonstrators hold a portrait of jailed Kurdistan Workers Party (PKK) leader Abdullah Ocalan © 2009 (Reuters)

Nearly two years into the Obama administration, U.S. counter-terrorism policy is in a confused and contradictory state. Bush era assumptions and strategies remain unchanged in many respects, even as the "human security" framework (sometimes referred to as 3D: defense, diplomacy and development) is gradually being implemented.

So far, government practice has not caught up with the new rhetoric, bringing to mind the old saying, "The right hand doesn't know what the left hand is doing."

What are some of the problems in U.S policy toward counter-terrorism?

Causes of terrorism

Bush era policy claims that terrorists attack the U.S. because "they hate our freedoms," and that "money is the lifeblood of terror." The human security based policy has a broader view, seeing terrorism as a form of violent extremism that has root causes, such as poverty and disenfranchisement, that can be addressed. These widely contrasting views of the causes of terrorism are reflected in disparate policies in the Department of Treasury's anti-terrorist financing enforcement and the Department of State's approach to foreign assistance.

Strategies to reduce the threat

Bush era policy, as reflected in extensive use of blacklists and asset freezing, believes terrorist organizations will lose community support and wither away as their status on the blacklist makes them "radioactive." The Obama administration promoted this view in arguing the Humanitarian Law Project (HLP) case before the Supreme Court. HLP has wanted to train the Kurdistan Workers Party (PKK) in nonviolent dispute resolution for the past 14 years, but has been prevented from doing so because the PKK is on the U.S. list of foreign terrorist organizations. The day

after the Supreme Court upheld the ban on providing such training, a PKK affiliated group bombed a bus in Istanbul, killing four soldiers and a 17 year old civilian. Clearly placing them on the list has not had the desired "radioactive" effect.

Human security oriented policy takes a different approach, by emphasizing development projects that provide people with an alternative to terrorist narratives and opportunities to achieve a decent quality of life.

Unfortunately, many of the rules for U.S. NGOs working in areas where terrorist groups are active make it difficult or impossible to achieve development objectives. For example, Ellen Willmott, an attorney with Save the Children, told a May 2010 panel in Washington that, "[U]nder OFAC's [Treasury] most recently issued regulations for Somalia….you can't in fact build a well for water for a drought stricken area because someone from al-Shabab might draw a cup of water from that well. That would be material support."

The role of civil society

Bush era policy sees civil society as a threat to national security. For many years Treasury officials have made unsubstantiated and broad brush claims that charities are a "significant source of terrorist support." Despite information from U.S. charitable sector representatives that demonstrates this is not the case, Treasury officials in the new administration continued this rhetoric when testifying before a Congressional hearing in May 2010.

Human security oriented policy sees civil society as a resource and ally in addressing the root causes of violent extremism. In January the State Department's Coordinator for Counterterrorism, Ambassador Daniel Benjamin, said, "[T]here is probably no success in this area that can happen without civil society. So many of the societies we need to engage in it's the NGOS that have the ground knowledge which is vitally important… We need to confront the political, social, and economic conditions that our enemies exploit to win over the new recruits…'

In December 2009 Secretary of State Hillary Clinton expressed the same view, telling an audience at Georgetown University that "desperation caused by poverty and disease often leads to violence that further imperils the rights of people and threatens the stability of governments."

How can the U.S. resolve these contradictions?

Civil society groups in the U.S., including members of the Charity and Security Network, have called for reforms based on human rights principles. This includes expanding the humanitarian exemption to the ban on material support of terrorism to facilitate aid to noncombatants in refugee camps or at times of natural disaster, and legalizing efforts to convince terrorists to lay down their arms. Clear and fair procedures for placing charities on blacklists have also been proposed. We are cautiously optimistic about the potential for change, as Congress held its first oversight hearing on the issue in May, two courts have held Treasury listing process to be unconstitutional, and the President committed to address problems for charities in his 2009 speech in Cairo.

In the end, change will come when the administration insists that counter-terrorism policy be consistent with basic human rights principles, as reflected in the Geneva Conventions, the International Covenant on Civil and Political Rights and UN Resolutions. Then entrenched bureaucrats will have to find new ways of doing things. The right and left hands can work together, but only if the brain, through President Obama, instructs them to do so.

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