



Constraining Peacebuilding to Counter Terrorism: Comments for the UN's Biennial Strategy Review

Almost 20 years after 9/11, the UN-coordinated global counterterrorism (CT) response needs a course correction. The UN stresses partnering with civil society to address the root causes of violent extremism. Yet an international CT listing and sanctions framework discourages this partnership. UN Member States advance broadly defined prohibitions on “support” for listed terrorist organizations that limit the effectiveness of peacebuilding programs. The prohibitions threaten to criminalize peacebuilders communicating with designated terrorist groups to prevent conflict, disrupt international cooperation, and block peacebuilding organizations from resolving the world’s thorniest conflicts.

The United Nations Office of Counter-Terrorism (UNOCT) is asking civil society to assess the [UN Global Counterterrorism Strategy](#)’s implementation via an online [survey](#). As long as the CT listing and sanctions framework remains unchanged, peacebuilders and Member States cannot uphold the strategy’s first pillar: addressing the conditions conducive to the spread of terrorism. Alliance for Peacebuilding encourages network members to highlight how CT laws and policies constrain peacebuilding in their answers to the UNOCT and to make recommendations that would end these constraints.

Recommendations for the UN and Member States

Fix prohibitions on peacebuilding: The UN should amend, and Member States should advance legislative fixes to, the CT framework by protecting speech and communications with listed organizations if they further programs to alleviate or prevent the suffering of civilian populations; reduce or eliminate the frequency and severity of violent conflict; atrocity prevention; peace processes; demobilization, disarmament, or rehabilitation programs; and removal of landmines.

Safeguard rehabilitation programs: The UN and Member States should establish safeguards for disarmament, demobilization, and reintegration (DDR) programs that assist child soldiers, ex-combatants and their dependents, and the communities where they live with putting down arms and reintegrating into society.

Legalize engagement: The UN and Member States should provide a legal process to enable neutral peacebuilding organizations to support listed groups’ participation in peace processes through training, advice, and assistance.

Constraints on Peacebuilding

Overly broad prohibitions on engaging extremists: [UN Security Council Resolution 1373](#) obliges Member States to proscribe both financial support “or other related services” that could be made “directly or indirectly, for the benefit of persons” involved in terrorism. States have [adopted](#) similarly broad prohibitions. The U.S. Supreme Court [ruled](#) that legal prohibitions on “expert advice or assistance” could apply to NGOs engaging listed groups on peaceful conflict resolution.

These laws impede peacebuilder-Member State cooperation. In 2020, the U.S. State Department [canceled](#) support for a Lebanese NGO’s prisoner rehabilitation project because it, by necessity, engaged incarcerated members of extremist groups. Previously in Somalia, a peacebuilding organization [declined](#) to help 300 youth fighters disengage from Al-Shabaab; even though they wanted to defect, the local government and donor states vetoed the project.

Extra-territorial reach: By [obliging](#) Member States to apply these catch-all CT laws to both activities within their territories and their nationals in general, the UN set the stage for the global disruption of peacebuilding activities. Though other states claim limited extra-territorial jurisdiction, the United States applies these CT laws to all offenses affecting “foreign commerce”; in an integrated global economy, U.S. CT jurisdiction is practically unbounded.

This extra-territorial reach disrupts international ties among peacebuilders, who frequently connect with groups across borders. The American Friends Service Committee (AFSC) was keen to learn from a Philippine NGO that reduced violence in their community by sparking a grassroots peace agreement between the Communist Party of the Philippines/New People's Army (CPP/NPA) and the local government. AFSC wanted to bring the negotiators to Cambodia to help others learn from this model but [abandoned](#) the idea because the CPP/NPA was on the list of U.S. terrorist organizations.

Expanding designation lists: Lists of designated groups have lengthened in [response](#) to the [rise](#) in intrastate conflicts and non-state armed groups. The UK currently proscribes [76](#) international terrorist organizations, and the U.S. Treasury's list of individual Specially Designated Global Terrorists tops [7,700](#). Because of the constraints already noted, these lists double as trackers of countries and conflicts, [from the Philippines to Peru](#), in which CT laws circumscribe peacebuilding.

This confinement of peacebuilding programs undermines initiatives to end long-running conflicts. The U.S. State Department [underscores](#) that a terrorist designation is intended to isolate and stigmatize a group. Due to the bureaucratic and political hurdles of removing a group from these lists, this isolation persists even as listed groups shift toward diplomacy and nonviolent political contestation. U.S. peacebuilding organizations [cannot](#) provide their expertise to the Revolutionary Armed Forces of Colombia (FARC) even as the group demobilizes according to the terms of a 2016 peace agreement and participates in elections.

Consequences and COVID

To date, the CT listing and sanctions framework has prevented the UN and its Member States from working with civil society to address the conditions conducive to the spread of terrorism. Looking ahead, these laws will continue to erode the first pillar of the UN Global Counter-Terrorism Strategy in three vital areas, regardless of the UN's [programmatic investments](#) in [preventing violent extremism](#) and promoting conflict resolution.

Rehabilitation and reintegration programs: The campaign to defeat ISIS yielded thousands of prisoners and refugees tied to the group by choice or from coercion. The Syrian [Al-Hol camp](#) alone holds tens of thousands of individuals who lived with ISIS, the majority of whom are women and children. Rehabilitating these refugees and reintegrating them into their home communities is vital to upholding their human rights and ending a humanitarian crisis. Unless CT laws are changed, however, peacebuilding NGOs may hesitate to design and implement needed programs for these and other similarly affected populations if their connection to extremist groups remains uncertain.

National-level prevention strategies: Passed in 2019, the U.S. [Global Fragility Act](#) (GFA) creates the first-ever comprehensive U.S. government strategy to tackle and prevent alarming levels of global conflict. However, the GFA will not be able to [support](#) promising community-focused approaches to preventing violent extremism under current CT laws. U.S. agencies implementing the GFA face a stark choice: avoid prioritizing countries home to listed groups, or support peacebuilding programs that cannot engage designated violent extremists. Other states attempting similar pivots towards preventing conflict and violent extremism will be sure to note if CT laws impair the GFA's implementation.

Arresting the consequences of COVID-19: The COVID-19 pandemic is more than just a health crisis - it is "[stabilization in reverse](#)," increasing instability and violence and exacerbating conflict dynamics in conflict-affected and fragile states. The roughly [two billion](#) people living in countries affected by fragility, conflict, and violence are particularly vulnerable to the pandemic. COVID-19 also impacts other sectors that can fuel conflict, including governance, the economy, and human and food security. If laws keep peacebuilders from engaging violent extremists, COVID-19's consequences will linger as the dialogue and reconciliation needed to address the grievances (re)opened by the pandemic go unimplemented.