



WOMEN, PEACE AND SECURITY: BUSINESS AS USUAL?

This article is part of the WPP Publication bundle “Women, Peace & Security: Business as Usual?”, providing a critical exploration of the link between the private sector and the implementation of the Women, Peace & Security agenda.

Sixteen articles will be in launched during November & December 2015, coinciding with the 16 Days Campaign Against Gender-Based Violence.

About Isabelle Geuskens

Isabelle’s journey into peace work started during 1998-1999 during her studies, when she lived in Belfast and conducted research about local communities’ experience of the Troubles, the Good Friday Agreement, and the impact of peace projects run by local community leaders. Upon obtaining her Master of Arts Degree from the University of Maastricht in 2000, she started working on a project-base in the field of women’s studies (University of Utrecht) and peacebuilding. This took her to Srebrenica during 2001, where she worked for the Working Group Netherlands-Srebrenica, during which she was involved in cross-community initiatives. In 2002, she became the Program Manager of WPP at the International Fellowship of Reconciliation (IFOR). Under her leadership, WPP started pioneering a program on engaging men for gender-sensitive peacebuilding. Since WPP’s establishment as independent foundation during October 2012, Isabelle serves as the WPP Executive Director.



Shrinking Space: The Impact of Counterterrorism Measures on the Women, Peace and Security Agenda

By Isabelle Geuskens



This article is based on “Shrinking Space: The Impact of Counterterrorism Measures on the Women, Peace and Security Agenda,” a teaser article published by the Women Peacemakers Program (WPP) in the week leading up to International Women’s Day for Peace and Disarmament on May 24, 2015. This version offers additional analysis of the private sector’s role in counterterrorism measures.

In October 2015, the United Nations Security Council (UNSC) conducted a high-level review of the Women, Peace and Security (WPS) agenda. Marking the 15th anniversary of UNSC resolution 1325 (2000), the review included a Security Council debate on October 13, and, a day later, the launch of an independent Global Study. Called for by UNSCR 2122 (2013), the study was conducted by Radhika Coomaraswamy, the UN’s former Special Representative for Children and Armed Conflict and Special Rapporteur on Violence against Women.¹

The Global Study² provides examples of WPS good practices, implementation gaps challenges, and action priorities. It focuses, in particular, on emerging issues, such as the impact of violent extremism on women’s rights and women’s role in countering it. At the same time, the study warns about the effects of counterterrorism measures (CTM) on the organizing space of women-led civil society. As an activist from Libya quoted in the study put it:

Women’s groups are trapped between terrorism and countering terrorism...working in very dangerous contexts where terrorists [exist] and on the other hand their chances to deliver their voice...[are] shrinking in the name of countering terrorism.³

Informed by policy input provided by Women Peacemakers Program (WPP), Human Security Collective (HSC), Women in Governance - India (WinG India), and the Ecumenical Women’s Initiative (EWI), the Global Study points out how women’s rights organizations are facing new hurdles, notably in their access to resources. As described by the Libyan activist, CTM are part of the problem.

In early 2015, WPP and HSC contacted partners across the world to gain insight into how work for peace and women’s rights is being affected by CTM. Input was received from a selection of civil society organizations and networks that are working on a broad range of issues - from nonviolent mobilization for peace, to promoting women’s rights and leadership in governance and peacebuilding, to providing funds to women’s initiatives for peace and gender equality, etc.⁴ The responses made it clear that CTM has a gendered impact.

Concerned Voices from the Field: Shrinking Space

Before delving into CTM's gendered impact, it is important to understand where the aforementioned new hurdles are coming from. In 1989, the G7 established the Financial Action Task Force (FATF). This highly influential global consortium has developed an anti-terrorism financing recommendation for Non-Profit Organizations (NPO) - Recommendation 8 - in their Anti Money Laundering/Countering Financing of Terrorism standard. This standard assumes that non-profits are vulnerable to abuse for terrorism financing. To date, over 180 countries have endorsed the standard and as such, are subject to a peer evaluation by the FATF every six to seven years. Receiving a low FATF rating immediately influences a country's international financial standing.

In recent years, a number of countries have started to use the FATF standard - specifically Recommendation 8 - as a pretext to clamp down on civil society space. Although countries often deny it, evidence is growing that imminent FATF evaluations can have a preemptive chilling effect on civil society space. This is a direct result of governments' desire to show the FATF that they are capable of preventing terrorism financing abuse through their non-profit sectors. Some states, moreover, are starting to pass more restrictive non-profit laws after an FATF evaluation - it is as though the evaluation itself legitimizes the drafting of such legislation.

These developments are affecting women's rights and peace organizations in different parts of the world, for a number of reasons. First of all, women activists engage in civil society work that is critical and that is political. They operate in high-risk settings, facing repercussions because of the very nature of their activism, which challenges established notions and bastions of (patriarchal) power. Several survey respondents reported that their governments were trying to control, limit, or stop critical civil society work through the development and passing of new NGO legislation. This new legislation has impinged on their space to operate, notably by placing restrictions on receiving funding support, especially when it is foreign. As one activist from the Middle East and North Africa (MENA) region shared:

The Rights and Liberties Committee at the Constitution Drafting Assembly has released their suggestion for the Constitution... namely that local civil society should be banned from receiving any foreign government funds.

A women's organization based in South Asia also called attention to the different difficulties experienced by various organizations:

There is enough funding for service delivery organizations and those who follow right wing politicians. However, there is no funding for the rights-based organizations, or for those that work towards alternatives. And women's peace activism in particular faces great challenges.

Some respondents reported that their governments were engaging in nationwide campaigns of invasive NGO inspections. This had reached the point of using intimidation and harassment tactics, such as threatening activists with the closing down of their organizations. A women's organization from South Asia shared:

When I received a grant from one (domestic) Foundation, I was getting calls from the intelligence bureau and had to supply them with three-years of audited statements, a list of Governing Board Members and staff members... They visited my home three times, to ask me questions.

Several mentioned how they struggled with demanding reporting requirements because of the strict government regulations. "In some locations, all civil society organizations have to submit a copy of their annual report to the police, armed forces, and intelligence offices of the state," stated a respondent.

The FATF standard has also hugely impacted the financial service industry. Mounting evidence shows that banks' risk-averse behavior - not abiding by the FATF standard can mean sanctions, such as withdrawal of banking licenses, freezing of assets, and hefty fines - has resulted in the rescinding of their services to civil society active in conflict areas. As a result of the "better safe than sorry" attitude of the banks, a growing number of civil society organizations are experiencing great difficulties in making or receiving money transfers.

Women's rights and peace organizations are even more vulnerable to such restrictions, in part because they often operate on small budgets. Because of this, they often do not have the leverage to negotiate a solution with their banks, which big donor organizations and charities are often still able to do. Several respondents cited challenges ranging from transfer delays to the withholding of funds until the organization submitted additional project information to the bank. Some activists reported that certain banks would no longer release foreign funds to their organizations, or had refused to provide their organization with a bank account. One activist made mention of a bank closing a women's organization's bank account.

In the words of a respondent from the MENA region:

Sometimes we are facing difficulties during the money transfer process, it takes a long time for us to receive the funds, and some correspondent banks reject the amount. Recently a new system has been introduced: there is a limit on the amount we can withdraw on a weekly basis from the bank. This means we cannot pay all our organizational expenses on time, such as staff salary, rent, activity expenses... Everyone is calling us for their money, and we have to promise them that we will pay them next week... Sometimes we are taking loans from other people just to cover our expenses.

A women's human rights defender from South Asia shared:

All the banks have been instructed to notify the government of certain donors before remitting the amount to the organization's bank account. Failure of doing so on behalf of the bank will attract legal action from the government. Members of our network, who work individually as researchers, were put under heavy surveillance, which actually is not applicable to individuals earning income through consultancy... Banks refused to deposit the consultancy fees into the bank account of the consultant working with certain foreign donors.

A women's organization based in Europe mentioned:

Upon receiving a grant from our government to implement a multi-year program to support women peace builders in the MENA region, we decided to open a second bank account, as we were spending too much of our staff time (we are a small team) to track delayed funds with our current bank, as well as explain the delays to our partners in the field. We hoped that transfers would be faster with this new bank. However, this bank refused to provide us with a bank account. When our treasurer explained to them what our work is about - that we are organizing trainings and meetings with women rights and peace activists from the MENA region - they concluded that this was too risky for them. Basically, they were concerned about money ending up with a Syrian organization. This is particularly striking, since our government is releasing funds to us so we can address the difficult and deteriorating situation of women human rights defenders and peace activists in the MENA region, yet our national banks are apparently able to 'block' this support.

The financial sector's risk-averse behavior thus has considerable consequences for the existence of an enabling environment for women human rights defenders and peacebuilders, worldwide. This is in sharp contrast with the recommendations of the UN appointed Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, who last year underlined that the ability to seek, receive, and use resources is inherent to the right to freedom of association, and is essential to the existence and effective operations of any association.

In addition, several respondents to the WPP and HSC survey reported that direct access to donor funding is becoming more difficult. This is partly due to donors' growing preference to channel funds via large organizations. These larger institutions can produce grant proposals according to donors' demanding guidelines, absorb large amounts of funding, and comply with their rigorous reporting and auditing requirements. Yet increasingly, these complex requirements are clashing with the reality of women's activism on the ground. Many women's organizations and movements work on very modest budgets, compounded by limited paid staff capacity and/or volunteer efforts. On top of that, they are operating in a demanding external environment that is, at best, challenging and, at worst, highly insecure and hostile. As such, they often cannot meet these requirements, which undermines their direct access to funds. And with this, the feminist principle of 'access and control' is threatened.

Subtly or bluntly, CTM thus impinge on the space women activists so desperately need to do their challenging work for peace, human rights, and gender equality. As summarized by one respondent whose organization had been severely impacted:

We face an increase in expenditure (because we want to avoid targeting, we now travel in groups, which is more costly); increased surveillance of our movement and programs (officials are asking for reports and bank advices, including that of our personal bank accounts); postponing or cancelling of some of our programs or keeping low profile for some time; mental unrest of our members; impact on the reputation of our organization as our work was projected as 'anti-national,' which has affected the outreach of our member organizations. Also, a few partner organizations have left the network fearing repercussions by the government.

The Role of the Private Sector

An important yet often overlooked actor within the due diligence framework is the private sector. In a post-9/11 world, banks are required to know their customers because they can be held accountable if their clients are found to be involved in crimes listed in the FATF mandate. The report "The Role of Financial Regulation in the Provision of Security" by the Social Security Network⁵ describes how the FATF allows banks to rely on third-party service providers for due diligence processes. Because of the multitude of sanction lists and complexity involved, the financial sector has started to outsource a considerable part of its due diligence processes to the private sector. This has resulted in a boom in private companies that sell lists of organizations and individuals that are either on a government terrorist list or have been featured in news stories, blogs, or other online sources as having suspected ties to terrorists.⁶

A world leader in this global industry is World-Check, which is worth billions of dollars annually. Established in 2000 and bought by Thomson Reuters in 2011, World-Check sells its services to the banking sector as well as to governments, companies, and the civil society sector - charitable organizations included. According to the Social Security Network's report:

World-Check provides services to more than 4,500 institutions, including 49 of the world's top 50 banks and 200 law enforcement and regulatory agencies. Depending on the size of the client, the intensity of use and the number of access points, annual fees may be as high as 1 million EUR. World-Check started out consolidating the names from the multitude of national and international sanctions lists so that their clients wouldn't break the law by inadvertently providing financial services to blacklisted entities. Since there are now said to be more than 350 national and international sanctions lists worldwide, which together include tens of thousands of named individuals and organisations, it is all but impossible for banks processing international transactions to comply with their multilateral vetting obligations without engaging a company like World-Check.⁷

By making use of data from public sources, such as news sites and blogs, the risk increases that allegations, suspicions, and hearsay become the basis for including a name in a database that is used by thousands of customers worldwide.⁸ To date, the number of individuals cited in World-Check's database has surpassed 2.5 million, which greatly exceeds the number of those actually convicted for offences under the FATF mandate.

As the Social Security Network report puts it, World-Check “sells its databases to financial institutions all over the world which interpret, augment and re-use the data in different ways. This business model is thus much less concerned with the security of circulation for society than the circulation of risk profiles for profit.”⁹

Although companies such as World-Check do not tell users how to interpret the data, their sway is significant. This is related to the fact that banks are required to keep records of their customer vetting activities. Consistent with their ‘better safe than sorry’ philosophy, most banks will opt for the simplest and safest solution, which is to exclude anyone pre-identified by the databases they use.¹⁰

Concerns have been growing over the lack of accountability and redress for innocent people ending up on such lists. In an online article, the Charity and Security Network draws attention to the lack of clarity on how an individual can be removed from the database, and the severe consequences involved.¹¹

Cumulative Effect

The cumulative effect of the broad spectrum of counterterrorism measures is that an enabling space for civil society work is being impacted, with progressive and pioneering work for inclusive development, peace and women’s rights becoming increasingly challenged. The implications for broader security concerns need to be taken into account. When constructive seeds of change are not provided with fertile soil to take root, threats to the daily security of people and communities are given free reign. As such, opportunities for actors that are looking to exploit these vulnerabilities, also increase.

Women’s civil society therefore has an important role to play in critically examining and monitoring the strategies used to address terrorism and violent extremism. Moreover, we must ensure that alternative civil society voices and activism do not end up in the line of fire. The silencing of independent, critical, human rights and peace-minded civil society actors should never be looked upon as part of inevitable ‘collateral damage’ - they are the world’s most important resources for building sustainable peace and justice for all.

Notes

¹ The Global Study was supported by a high-level advisory group and managed by a Secretariat hosted by UN Women. Civil society and research institutes participated in the study by responding to a civil society survey, attending consultation meetings, and submitting recommendations via policy briefs and reports.

² See also “Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325,” UN Women 2015, <http://wps.unwomen.org/-/media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf>

³ Ibid.

⁴ See also “Counterterrorism Measures and Their Effects on the Implementation of the Women, Peace and Security Agenda”, Women Peacemakers Program, HSC, WinG India, EWI, 2015

See also <https://www.womenpeacemakersprogram.org/assets/CMS/Resources/Reports/Policy-brief-CTM.pdf>

⁵ “Report on the Role of Financial Regulation in the Provision of Security,” Societal Security Network 2015, <http://www.societalsecurity.net/sites/default/files/D5.2%20Report%20on%20Financial%20Regulation.pdf>

⁶ “World-Check: The Dangers of Privatizing Terrorist Lists,” Charity and Security Network, October 17, 2011, http://www.charityandsecurity.org/background/WorldCheck_Private_Databases_Raise_Concerns

⁷ Social Security Network (2015: 46)

⁸ Ibid.

⁹ Social Security Network (2015: 47)

¹⁰ Ibid.

¹¹ Charity and Security Network (2011)