

## Summary of Recommendations

### International Launch Conference

Ten Years after 9/11 : Evaluating a Decade of Intensified Counter-Terrorism

The afternoon session of the ICCT – The Hague International Launch Conference on 13 December 2010 consisted of four Panel Workshops. Each of those sessions comprised a lively debate between the chairs, panellists and guests and resulted in a number of recommendations for both policymakers and future research. This document contains a brief overview of the recommendations that were reported back to the plenary session; a more detailed summary of the proceedings of the complete conference and the outcomes of the Panel Workshops will follow in January 2011.

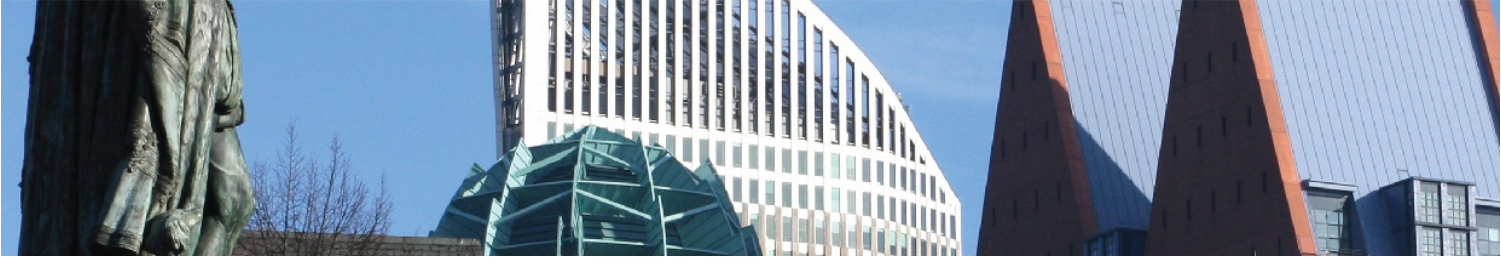
#### Balance between Repression and Prevention

The session on *Striking a Balance between Repression and Prevention* led to a call for a comparison of the effectiveness of the European approach (focused on traditional law enforcement) vis-à-vis the more militarised US approach, for instance analysing the impact of the initial American policies after 9/11 and the readjusted policies towards the end of the Bush Administration and under President Obama. Is an international approach based on law enforcement outside of traditional armed conflicts such as Afghanistan and Iraq effective in countering international terrorism? This kind of evaluation is vital.

The workshop emphasised that prevention does not necessarily exclude repression and vice versa; hard power and soft power are not mutually exclusive, but both should always be executed with full respect for the rule of law and within existing legal frameworks.

There existed broad agreement that much more has to be done on the prevent side. It is however deemed important to avoid securitisation of the prevention agenda in counter-terrorism efforts, as over-securitisation will take away much of the credibility and support within certain segments of society that is vital for the success of prevention-related policies. Thus, such counter-terrorism-relevant measures as strengthening social resilience, promoting interfaith and intercultural dialogue and empowering moderate voices, should not be openly and overtly be portrayed as pursuing mainly counter-terrorism goals, as this has proven to be counter-productive.

There still remain many questions to be answered and issues to be researched. For instance, what more could be done to prevent radicalisation and recruitment? What is the impact of the experience of social marginalisation and discrimination on counter-terrorism policies? How are human rights concerns being taken into account in counter-terrorism policies? For these kinds of



research questions, it would be valuable to identify best practices and bring together policymakers, academics and practitioners to share knowledge and experiences relating to these themes.

The workshop concluded by discussing the nexus between security and development and the importance of integrating counter-terrorism aims in assistance programs in third countries such as Yemen and the Sahel region.

## Countering Violent Extremist Narratives

The participants of the workshop on *Countering Violent Extremist Narratives* do not see a primary role for state authorities or politics in countering the narratives of violent extremism. The messenger is essential: state actors should not be too visible in formulating and executing counter-narratives. Instead there seems to be an important role for civil society, including affected community groups, former extremists, and the so-called theological-political intellectual literature.

Counter-narrative policies should focus on delegitimising the use of violence and illustrate the ineffectiveness of violence in relation to the stated social or political goals of violent extremist groups. Such narratives should also indicate the various alternative paths to changing societies, using the positive values of religion, democracy, the rule of law, tolerance and dialogue.

Furthermore, it was also remarked that a successful counter-narrative strategy should not solely focus on the radicalising or already radicalised other, but also force the counter-terrorism community to review itself; violent radicalisation (in terms of justifying and engaging in repressive, military-centred actions) exists on both sides. Only when governments actually practice what they preach, will their narratives become fully credible.

The workshop concluded that there is a need to conduct further research on the role of the media –including the Internet– and educational policies in promoting counter-narratives to violent extremism. Additionally, much expertise and experience exists in the fields of social psychology, criminology, other sciences and general health practices that can be applied to the understanding of radicalisation processes and inform effective de-radicalisation programmes and counter-narratives.

## International Legal Framework for Countering Terrorism

The workshop on the *International Legal Framework for Countering Terrorism* reported back a number of suggestions for further reflection pertaining both to the international legal framework in situations of armed conflict and during times of peace.

A starting point of the discussion was that law enforcement should be the conventional paradigm for addressing terrorism; only in exceptional circumstances, the use of force is justified. There is a threshold issue here, which could benefit from further study. How should the international community deal with terrorism that takes place in distant boundary areas where the nominal state that has sovereignty over that particular land does not have the ability to exercise such control and contain the terrorist problem? Another issue relating to that threshold is the temporal nature of self-defence: if a state conducts military counter-terrorism operations under the notion of self-defence, how long can a state rely on self-defence? These questions require further exploration.



Furthermore, there also exists concern that the field of law governing law enforcement and the one regulating the use of force are not properly connected. Some are concerned that traditional frameworks do not completely cover the responses to the contemporary threat of terrorism and do not fully organise the connection between the two abovementioned fields. Is there a need to investigate further the creation of a unique counter-insurgency legal framework, or does operational law already fill the gap? In this regard, the concept of asymmetric warfare raised further questions as to whether this is only a political, doctrinal notion or a legal concept.

When turning to the domestic law of peace framework, one of the issues raised pertained to the question how to deal with intelligence in a transnational context. How does one use intelligence in court cases that have a distinct international setting? What are the consequences of this for legal assistance and cooperation between states? International legal cooperation, exchange of intelligence and related issues concerning e.g. differing standards in privacy protection and the overall patchwork nature of domestic legal procedures are issues that deserve more research.

Lastly, whilst there is amongst many states a desire to (legally) combat terrorism within the framework of human rights, the focus is almost solely on the terrorists and their supportive environment. There is also a need to take into account the interests, needs and human rights of victims.

## Role of Civil Society in Countering Violent Extremism

The workshop on the *Role of Civil Society in Countering Violent Extremism* argued that governments should recognise that a vibrant and diverse civil society can play a crucially important role in countering violent extremism, by ameliorating conditions conducive to the spread of terrorism, countering extremist ideologies, preventing outbreaks of political violence and resolving disputes peacefully. Civil society organisation can help to give a voice to marginalised and vulnerable groups such as victims of terrorism and provide a constructive outlet for the redress of grievances. They can play a critically important role in ensuring that counter-terrorism measures respect human rights and the rule of law.

In its dealings with civil society groups, governments should scrupulously respect their members' rights of association, speech and assembly. In particular, governments should not use terrorism as a pretext for restricting legitimate civil society activities. Furthermore, the workgroup called on governments to engage constructively with civil society in formulating legal and policy responses to terrorism. For a broad counter-terrorism strategy to be effective in the long term, civil society needs to have a voice both in its development and its implementation.

Finally, the workshop concluded that multilateral agencies and institutions that address terrorism should enhance their contacts with civil society organisations, both in order to benefit from these organisations' concrete understanding of the local context and problems, and in order to underscore to governments that civil society has a legitimate role to play in this area. To cite a specific example, the United Nations (UN) Counter-Terrorism Executive Directorate (CTED) should meet regularly with civil society organisations, for instance during country visits and should invite civil society organisations to contribute information relevant to CTED's assessments of national counter-terrorism efforts. The same more intensive engagement dialogue should be built between the UN Counter-Terrorism Implementation Task Force (CTITF) and civil society.



A comprehensive summary of the proceedings of the ICCT – The Hague International Launch Conference and the outcomes of the Panel Workshops will be published online in January 2011.



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