

Civil Liberties, National Security & International Solidarity

How the “war on terror” affects international co-operation

Executive Summary¹

by the
International Civil Liberties Monitoring Group

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There are few countries today in which citizens and their civil society organizations are not severely affected by the encroachment of the national security state, and the use of “anti-terrorism” to repress dissent and political opposition.

Canada has seen its own lurch in that direction, starting with the first *Anti-Terrorism Act* of 2001, up to its successor, Bill C-51, the *Anti-Terrorism Act, 2015*, and with a myriad other policies and laws in their orbits: no fly lists, limits on citizenship, changes to immigration policies, audits of charities, funding cuts, and attacks on freedom of association, expression, movement and privacy rights.

These laws and policy decisions don’t simply have an impact at home. They also pose severe consequences abroad, both in their effect on Canadian organizations working in solidarity with allies internationally, and in the social license these policies grant to other governments to follow suit.

For 16 years, the International Civil Liberties Monitoring Group (ICLMG) has been taking up this cause: defending rights and freedoms in Canada and internationally from the impact of the war on terror, from the ongoing creep of anti-terror laws and from the secretive dealings of national security agencies.

This has been a difficult task. However, with the current context of a Canadian government nominally more favourable to the protection of rights, and an international landscape that presents major threats to fundamental freedoms, this is an important moment for action. The ICLMG’s broad membership and international partners – ranging from human rights to environmental to labour to faith-based groups – positions the coalition well to work to address the shrinking space for civil society.

This document presents our understanding of the overlap in issues of interest to the ICLMG and the international cooperation and development sector, and presents opportunities for what we see as powerful areas for further collaboration.

¹ This is the summary of a longer policy paper, available at <http://bit.ly/2q7Mdce>.

ICLMG: A coalition born in the international development sector

The International Civil Liberties Monitoring Group was founded in early 2002, a response to the aftermath of September 11, 2001, and the introduction of Canada's own anti-terror and enhanced national security regime. It currently brings together over 40 human rights, labour, faith-based, environmental, civil liberties, and development organizations, including the Canadian Council for International Co-operation (CCIC).

CCIC was a leading, founding member of the coalition. From 2002 until 2010 ICLMG was housed at the CCIC. Several international development and cooperation organizations, including CCIC members, were among the charter members of ICLMG, and together they provided a significant source of funding of ICLMG's work.

From its inception, ICLMG has been working closely with the international sector, including CCIC and its members, to incorporate concerns from the international development sector. In the current context, we have an opportunity to address these issues even more systematically.

International context

In the geopolitical aftermath of September 2001, most countries have developed national security and anti-terrorism laws as the primary framework for the repression of dissent and political opposition.

The national security state and a militarized, national security-driven world is the terrain that we all inhabit. This new reality links Canadian civil society organizations (CSOs) with our colleagues and counterparts globally in a way different than perhaps ever before: a world of increasing social control and inhibition, of terror and repression, of untrammled militarism, of widespread erosion of civil liberties and human rights.

How does this new reality impact Canadian NGO counterparts?

The history of the Canadian international NGO movement is rooted in social justice and human rights, based on solidarity and North-South civil society partnerships.

These fundamental principles are currently under threat worldwide, severely impacting the work of our counterparts in other countries. These threats include:

- Support of anti-terrorism policies as condition for official development assistance, instead of the protection of civil liberties and political & human rights.
- States exerting control of CSOs by restricting activities and access to international funding.
- The criminalization of dissent and alternative perspectives on social and economic development.

- The erosion of social fabric, community, and community infrastructure.
- The uprooting of populations, exacerbating refugee and migration crises.
- Criminalization and marginalization of indigenous and traditional communities, as well as ethnic minorities.

How does this new reality impact Canadian NGO operations?

Since the 9/11 attacks on the United States and the initial Canadian *Anti-Terrorism Act*, national security laws have been exerting pressure on our ability to protect human rights and civil liberties in Canada and abroad. This was exacerbated after the election of 2011, which saw a majority Conservative government elected. The Conservative government introduced numerous pieces of legislation, policy revisions and funding decisions that put a priority on “national security”.

It is now impossible for Canadian development organizations to carry out their work in some zones of conflict where their work is most needed because it implies working with all sides of a conflict. This could lead to accusations of collaboration with terrorists being leveled against a Canadian NGO if one of its interlocutors is even associated with an organization listed by Canada as a “terrorist entity.”

Domestically, Bill C-51, the *Anti-Terrorism Act* of 2015 brought in by the Conservative government, expanded the definition of what constitutes a terrorist act to cover a wide range of activities. Protests against infrastructure like roadways or pipelines could now fall into this category. As a result, some NGOs have disengaged from political or material support for such actions and programs, which are often in support of those most marginalized and in need of assistance.

What developments most profoundly affect us today?

- Constraints from Canadian Government, including at Global Affairs Canada whose funding programs and bureaucracy are out of step with the reality of NGOs.
- Government policies that threaten sanctions on any NGO that interacts with organizations linked to a listed terrorist entity, even in the course of humanitarian or peace-building work.
- The severe tightening of border & visa restrictions, threatening North-South solidarity and rendering it impossible to develop genuine partnerships with southern counterparts.
- Financial controls and tracking that involve vague rules and can lead to international NGO financial transactions being reported and stored by the national security apparatus, both of Canada and of other governments.
- Domestic and international information sharing — including the vaguely worded Security of Canada Information Sharing Act (established in 2015 by C-51) which allows information to be shared with 17 agencies on the basis of national security concerns — creates a chill that any form of dissent can be used against an NGO and humanitarian activists.

Lack of clarity and public information

While governments collect information on the work of NGOs, their partners and individual activists, they do little to publicize the impacts of their policy decisions. Laws like Bill C-51 use vague language to define a terrorist action or what is related to national security, information-sharing systems are byzantine mazes, and rules are applied differently in different cases, depending on who is suspected of committing a crime, particularly targeting Muslim, Arab, and Indigenous NGOs/CSOs, and racialized communities.

The result is few people know these laws, and even fewer understand how they can be applied. Only once an organization is charged under one of them does it become apparent how the laws are being used.

New risks require new strategies and new relationships

The level of risk on the ground for NGOs and humanitarian and development workers has increased.

Being a coalition, though, has allowed us to use our collective strength to protect our work and to continue to champion our belief in fundamental human rights. Coalitions are holding the ground during changing government policies, and pushing for improvements when the opportunity arises.

We must build more of such alliances to protect rights during a stormy period, and come out even stronger.

Going forward

While these issues are daunting, we believe that there are clear paths forward. There are several steps that we believe organizations can take, and which the ICLMG would be happy to assist in:

- Further educate NGO staff, members and boards about the impacts of national security and anti-terror laws on the development sector.
- Engage in discussion with global counterparts to clarify the impact of national security laws on relationships and work being done.
- Examine how to adapt policies to help address the concerns that arise.

We believe that this would be best accomplished through coalition work and taking advantage of our shared knowledge and skills. Specific examples of collaboration with the ICLMG could include:

- A discussion on how Canada's national security laws criminalize dissent, and its impact on solidarity work. This would build on *In the National Interest?*, a report co-written by ICLMG

and MiningWatch Canada about attacks on anti-extraction activists in Canada and Latin America.

- A workshop on the growing concerns regarding travelling across borders with sensitive work or personal information, including tips and tools for secure travelling.
- Providing information about the impact of national security laws on the ability to travel internationally, both for Canadian and international activists.
- Providing information on the impact of current national security laws on the operations and finances of charities.
- Discussing the effect of currently national security laws on domestic rights and freedoms, and its relation to solidarity work at home and international.

If you believe your organization could benefit from this knowledge and collaboration, or if you would like to contribute to our ongoing work of protecting and promoting human rights and civil liberties in the context of the war on terror, please contact Tim McSorley, ICLMG National Coordinator, at national.coordination@iclmg.ca.