

The United States and Gender, National Security, and Counter-Terrorism Concept Note –Africa Workshop, August 26-27 2010

Introduction

Since 2001, there has been extensive attention to how U.S. counter-terrorism measures undermine human rights. However, there has been little to no consideration of how these measures impact gender. As the Obama Administration increasingly places gender and women's rights at the core of its strategies to combat extremism and radicalization, we need to ask: *what are the gendered impacts of U.S. counter-terrorism measures in the United States and abroad, and how can it be ensured that such measures promote rather than hinder gender equality?* This includes gender impacts of post-9/11 policies that have been discontinued, as well as current counter-terrorism measures. It encompasses impacts on women and men, as well as how counter-terrorism measures use and affect gender stereotypes, including those on sexual orientation and gender identity. Participants should feel free to identify clear gender impacts of domestic counter-terrorism policies; even if the connection to the United States is unclear, the impact may be part of a larger pattern or an area where U.S. foreign policy has been silent and should be changed. These impacts are largely unexplored and constantly unfolding; the examples below are starting points for broader reflection and discussion.

U.S. Counter-Terrorism and Africa: General

Since 2001, the United States has increasingly emphasized the strategic importance of Africa to its national security. This importance was reinforced recently in its 2010 National Security Strategy, which emphasized the United States' intention to **"deny safe havens"** for terrorism in **Somalia, the Maghreb, and the Sahel**, alongside measures aimed at accelerating development across Africa and specifically strengthening stability in **Nigeria and Kenya**. One of the Obama administration's five policy priorities for Africa is to "address transnational challenges," including the fight against violent extremism, through partnership, promotion of democracy and governance, and "strengthen[ing] the border control, law enforcement, and judicial capabilities of our African partners and multilateral organizations such as the African Union."

U.S. counter-terrorism strategy in Africa reflects the three "Ds" of the 2010 National Security Strategy: **diplomacy, development and defense**. In 2005, the United States established its multi-agency **Trans-Sahara Counter Terrorism Partnership** (TSCTP) as the primary instrument of U.S. counter-terrorism strategy in northwestern Africa. According to the U.S. government, under TSCTP, its Department of State (DOS), USAID and Department of Defense provide Algeria, Burkina Faso, Chad, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, and Tunisia with diplomacy (e.g. education programs intended to marginalize extremists), development (e.g. promotion of health) and military (e.g. training militaries in border control) assistance aimed at combating violent extremism. The United States provides similar assistance to Comoros, Djibouti, Ethiopia, Kenya, Mauritius, Somalia, Tanzania and Uganda through its DOS-led **East Africa Regional Strategic Initiative** (EARSII). In 2007, the United States created the **United States Africa Command** (AFRICOM) and two of its key missions—Operation Enduring Freedom Trans-Sahara (OEF-TS) (the military component of TSCTP) and Combined Joint Task Force—Horn of Africa (CJTF-HOA)—explicitly focus on advancing U.S. counter-terrorism objectives through both military-military and military-civil activities.

Alongside these measures, there are many other aspects of the U.S. counter-terrorism strategy in Africa that we hope will form the basis of discussion at the Workshop. Such measures include, for example, **U.S. and international pressure to introduce domestic counter-terrorism legislation** (e.g. as in Nigeria with the recent *Anti-Money Laundering (Amendment) Bill* and the *Bill for an Act to provide for measures to combat terrorism and for related matters*); the **designation of entities** as foreign terrorist organizations (e.g. Al-Shabaab) and listing of entities or individuals as "Specially Designated Global Terrorists"; the identification of Sudan as a "state sponsor of terrorism"; and the role of African military and intelligence officials in the **U.S. post-9/11 secret detention, extraordinary rendition and coercive interrogation practices**.

Gender and Human Rights Impacts of U.S. Counter-Terrorism Policy

- **Development and combating violent extremism (CVE):** U.S. counter-terrorism strategy is geared toward combating the conditions that lead to terrorism, including through activities such as promotion of health and girls' education as a means of combating extremist ideology. For example, CJTF-HOA was originally established in 2002 to deal with the threat of the Afghan Taliban and Al-Qaeda moving into the region after the U.S. invasion of Afghanistan, but now adopts an "indirect approach to counter violent extremism." Accordingly, approximately 60 percent of its activities constitute civil affairs projects (often referred to as "hearts and minds" activities), such as those undertaken with communities in the northeast and coastal areas of Kenya. Some questions that might be considered here include:
 - *What are some examples of development-based CVE programs that explicitly tackle gender inequality? How successful have they been?*
 - *What have been the gendered impacts of CVE programs e.g. construction of water wells not explicitly premised on promoting gender equality? Do such programs include women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals in their design and implementation?*
 - *Does the fusion of counter-terrorism and development objectives help or hinder gender equality? What are the opportunities and costs for gender equality that flow from this linking?*
 - *How can development programming that is meant to counter the conditions that lead to the spread of terrorism adopt a gender and rights-based approach?*
- **Defense and counter-terrorism:** The "cornerstone" of AFRICOM's activities is training local militaries. For example, OEF-TS provides "**training, equipment, assistance and advice** to partner nation armed forces" to enhance "their capacity and capability to deny safe haven to terrorists and ultimately defeat extremist and terrorist activities in the region," as well as military support for development and humanitarian assistance initiatives. The United States has **supported military campaigns** as part of its counter-terrorism strategy in Africa (e.g. against the Lord's Resistance Army (LRA) in the Congo in December 2008 and in support of the Ethiopian invasion of Somalia in late 2006), with the latter regressing women's rights enjoyment and squeezing women leaders between Al-Shabaab and the Transitional Federal Government. The United States has **failed to condemn gendered human rights abuses in counter-insurgency operations** by forces it has trained (e.g. widespread sexual violence by Ethiopian forces in the Ogaden region in eastern Ethiopia), prioritizing co-operation in counter-terrorism over human rights, including in the areas of gender equality (e.g. the United States has recently increased its support to Uganda's efforts against the LRA at the same time that Uganda has proposed a bill that would impose the death penalty for "aggravated homosexuality", a move supported by some U.S. lobby groups). It has been argued that AFRICOM's training of local militaries for counter-terrorism exercises **undermines efforts of gender activists to promote demilitarization** and its involvement in development activities **hampers the provision of effective aid** in the region. Some questions that might be considered here include:
 - *How have U.S.-supported military strikes in the name of countering terrorism impacted the enjoyment of human rights by women and LGBTI individuals in affected countries?*
 - *What are the gender impacts of U.S. military-military training in counter-terrorism, including on the level of militarization in countries in Africa emerging from conflict?*
 - *What are the gender impacts of the U.S. military involvement in development and diplomacy?*
 - *What role does/should the United States play in ensuring that its partners respect gender equality when countering terrorism, including efforts to hold local terrorist groups accountable for gender-based abuses?*
- **Anti-terrorism financing laws:** U.S. financing laws that prohibit the funding of any activity that might be associated with terrorism or a terrorist group have **delayed humanitarian aid** to Somalia (because of fear it could be diverted to Al-Shabaab), contributed to the **closure of Islamic NGOs** in the Sahel, and **created barriers to remittance flows** because of a crackdown on informal networks for transferring money. Aid agencies and donor organizations impose increased checks on where their money goes, such as the USAID requirement that its recipients sign "**Anti-Terrorist Certificates.**" Some questions that might be considered here include:
 - *Have these limits on humanitarian aid disproportionately affected women and girls?*

- *How have restrictions on funding of NGOs or charities impacted the receipt of funding by organizations working on gender equality?*
- *Have increased requirements for receipt of funding (including, for example, the provision of information about key employees) forced women and LGBTI rights organizations to be more public in their activities?*
- *Are U.S. financing laws sufficiently gender-sensitive to the nature and conditions of work of gender equality activists?*

➤ **Rendition, secret detention and torture:** There have been numerous cases of U.S. involvement in the **apprehension, detention and forced inter-State transfers of individuals to, and between, African states** (e.g. the mass apprehension, detention and then transfer of individuals from Kenya to Somalia and Ethiopia in early 2007). This has included the detention of female relatives of alleged terrorism suspects as a means of putting pressure on their male relatives, and has exposed female detainees to sexual abuse and other gender-specific forms of torture and cruel, inhuman or degrading treatment. The United States has also run **secret-detention facilities on African territory**, including in Djibouti. In addition, since 2001, the United States has **detained a number of African nationals and residents** in both known (e.g. Guantanamo Bay and Bagram) and unknown locations, where the use of **gender-specific interrogation techniques** has been well documented. Some questions that might be considered here include:

- *How have U.S.-led practices of rendition, detention and interrogation affected women and girls and gender stereotypes?*
- *To what extent do other governments replicate U.S. detention, rendition, and interrogation practices from 2001 onwards, including via new counter-terrorism legislation? What are the gendered effects of these policies, including on human rights defenders?*
- *What are the gendered impacts of the return of detainees from U.S. detention, including on family members and other women and LGBTI individuals in the community?*
- *How can the United States monitor and redress the ongoing gendered impacts of post-9/11 U.S. enforced disappearances, rendition, and prolonged detention, including on the economic, social and, cultural rights of female family members of detainees?*

➤ **Cross-border movement:** U.S. counter-terrorism strategy reflects a concern that Africa's "weak border controls" make it and other regions vulnerable to terrorist attack. As such, its focus in the region includes **strengthening border security** with Somalia and Sudan, which has reportedly included U.S. involvement in border captures of those fleeing Somalia into Kenya. U.S. or U.S.-supported military operations (e.g. in Somalia and Uganda) have also resulted in **increased insecurity** for female internally displaced persons and refugees, with local governments (e.g. Somalia) failing to address **increases in human trafficking**. In addition, overbroad terrorism-related bars in U.S. law have been used to deny asylum to women forced into sexual slavery by West African rebel groups on the grounds that they provided material support to terrorism. Some questions that might be considered here include:

- *How have U.S.-led initiatives to increase border security affected women and girls, including in relation to trafficking?*
- *How has U.S. support to counter-terrorism operations in Africa affected internal displacement, refugee flows, smuggling and trafficking? What have been the gendered dimensions of these effects?*
- *Is the U.S. asylum regime sufficiently gender-sensitive to the experiences of women and LGBTI individuals with terrorism or extremism in their home countries?*

About CHRGI

The Center for Human Rights and Global Justice (CHRGI) at New York University (NYU) School of Law brings together and expands the rich array of teaching, research, clinical, internship, and publishing activities undertaken within NYU School of Law on international human rights issues. Philip Alston and Ryan Goodman are the Center's Faculty Directors and Co-Chairs; Smita Narula and Margaret Satterthwaite are Faculty Directors; Jayne Huckerby is Research Director; and Veerle Opgenhaffen is Senior Program Director. The Center's United States and Gender, National Security and Counter-Terrorism Project is directed by Jayne Huckerby and managed by Lama Fakih, Gender, Human Rights, and Counter-Terrorism Fellow, with substantive consultation by Margaret Satterthwaite.

About CHRGI's United States and Gender, National Security and Counter-Terrorism Project

Since 2001, attention has increasingly been paid to ways that U.S. counter-terrorism measures undermine human rights. However, there has been little to no consideration of how these measures impact gender. In 2009, as the Obama Administration started to increasingly place gender and women's rights at the core of its strategies to combat extremism and radicalization, CHRGI launched this 18-month Project to examine the gendered impacts of U.S. counter-terrorism measures in the United States and abroad, and how it can be ensured that such measures promote, rather than hinder, gender equality. The Project considers both the gendered impacts of post-9/11 policies that have been discontinued and the gender effects of current counter-terrorism measures, particularly in the areas of U.S. immigration and asylum, terrorist financing laws, development, and foreign policy. This encompasses impacts on women and men, as well as the ways in which counter-terrorism measures use and affect gender stereotypes, including those relating to sexual orientation and gender identity. The Center's work in this area builds upon its 2008/09 partnership with the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to produce the first ever report at the inter-governmental level devoted solely to the topic of gender and counter-terrorism (see <http://daccess-ods.un.org/TMP/7099743.html>).

Regional Workshops

The core of the Center's work is a series of regional workshops to be held in 2010 in New York (April 27, 2010), Nairobi (August 26-27, 2010 in partnership with the [Open Society Initiative for East Africa](#)), Bangkok (September 13-14, 2010 in collaboration with the [International Commission of Jurists Asia-Pacific Programme](#)), and Istanbul (October 15-16, 2010 in partnership with the [Bilgi University Human Rights Research Center](#)). These workshops bring together regional stakeholders from the United Nations, academia, human rights and gender rights organizations, and counter-terrorism experts to:

- gather information on the gender impacts of U.S. counter-terrorism policy in the region;
- engage in policy dialogue and formulate recommendations to U.S. and domestic governments on gender and national security; and
- form new and ongoing networks among gender, national security and human rights experts.

The Center will release a report of its main findings and policy recommendations in mid-2011. More information about the Project and the workshops (including the concept notes for each workshop) can be found here: <http://www.chrgi.org/projects/gct.html>.