

Combating Incitement of Terrorism and Promoting Intercultural Dialogue

OCTOBER 2010

On April 14, 2010, the International Peace Institute (IPI) and the permanent mission of Turkey to the UN brought together nearly one hundred members of the UN community to discuss combating incitement to commit terrorism and promoting international dialogue and cooperation to that end. Discussions from the half-day meeting, "Combating Incitement of Terrorism: Strengthening International Cooperation and Dialogue," are reflected in this meeting note, which was drafted by Naureen Chowdhury Fink, *rappporteur*.

Meeting attendees were drawn from the United Nations community in New York and included diplomats, academics, experts, and UN officials. Discussions were conducted under the Chatham House Rule of nonattribution. This note summarizes the *rappporteur's* interpretation of the discussions and does not necessarily represent the views of all participants.

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Catalyzed by the horrific bombings in London on July 7, 2005, the United Nations Security Council adopted Resolution 1624, calling on states to prohibit the incitement of terrorism. The following year, the General Assembly unanimously adopted the Global Counter-Terrorism Strategy and, under its plan of action, called on member states to "continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct,"¹ thereby revitalizing international efforts to combat incitement to commit terrorism and violence. To explore in more detail the role of Resolution 1624 and international efforts to support its objectives, the International Peace Institute (IPI) and the permanent mission of Turkey to the United Nations co-hosted a half-day meeting on April 14, 2010.

The Role of the Council and Resolution 1624

Combating incitement to commit terrorism and violence, finding ways to prevent radicalization that leads to violence, and considering means of promoting "deradicalization" are the keys to long-term efforts to address the threat of terrorism. For that reason, a broad-based discussion on Resolution 1624 is particularly valuable. It has elicited less attention than other resolutions passed by the Council to address the threat of international terrorism, such as Resolution 1267, which placed sanctions on the Taliban and *Al Qaeda*; Resolution 1373, which mandated all states to make every effort to prevent and combat terrorism; and Resolution 1540, which addressed the threat of nuclear proliferation and the risk of nonstate actors acquiring weapons of mass destruction.

Resolution 1624 calls on all states to "adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to: (a) Prohibit by law incitement to commit a terrorist act or acts; (b) Prevent such conduct; (c) Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct."² Additionally, it requires states to secure their borders and enhance passenger security to prohibit the movement of individuals or groups found guilty of proscribed conduct. It also requires states to report to the Counter-Terrorism Committee (CTC) on their activities to implement its requirements and mandates the CTC to work with member states to build the necessary capacity to fulfill their

1 United Nations, "Global Counter-Terrorism Strategy," September 2006, available at www.un.org/terrorism.

2 UN Security Council Resolution 1624 (September 14, 2005), UN Doc. S/RES/1624.

obligations under the resolution.

One participant noted that the resolution provides the Security Council and its subsidiary bodies with a platform from which to engage states not only on “harder” counterterrorism measures associated with law enforcement, criminal justice, and border security, but also on the so-called “softer” counterterrorism approaches. These include, for example, social and educational policies, the promotion of community dialogue, and efforts to counter radicalization. To that end, in their reports to the CTC, numerous states have outlined the efforts they have undertaken to promote dialogue as part of efforts to counter incitement motivated by extremism and intolerance. These topics also touch on a number of areas identified by the UN Global Counter-Terrorism Strategy as “conditions conducive” to the spread of terrorism and as such, also fall within the purview of the work undertaken by entities of the UN’s Counter-Terrorism Implementation Task Force (CTITF). The Alliance of Civilizations and the UN Educational, Scientific, and Cultural Organization (UNESCO) also undertake a number of activities that serve as leading examples of valuable international initiatives in this field.

To date, 101 countries have reported to the CTC on their efforts to implement Resolution 1624. From these reports, it is evident that states have adopted a wide range of approaches to implementing the resolution. As one speaker observed, some states have directly incorporated provisions outlawing terrorist incitement into their penal codes, while others have relied on a less direct approach. In some cases, generic anti-incitement criminal provisions have been emphasized, while others have addressed incitement via ancillary approaches to criminal activity, such as aiding, abetting, facilitating, or soliciting actions that may be construed as incitement to commit terrorism.

As part of its assessment missions, the Counter-Terrorism Executive Directorate (CTED) has had opportunities to explore measures taken by states not only to implement Resolution 1373 but also 1624. Among the softer counterterrorism approaches gaining increased attention from several member states are rehabilitation or “deradicalization” programs. These are designed to persuade detained individuals to disavow extremist ideology or violence, as a means of achieving

political change. CTED has had the opportunity to visit a number of such programs and has indicated that they merit further consideration by the CTC and might even be listed as “good practices” in some cases. It was also noted that the report of the now disbanded CTITF working group on addressing radicalization and extremism that lead to terrorism has provided useful guidance to CTED in analyzing the implementation of 1624.

Discussions regarding the implementation of Resolution 1624 highlighted the challenge of trying to legislate against incitement without adversely impacting human rights and civil liberties. Several speakers acknowledged the fine line between preventing incitement and circumscribing free speech. However, one speaker observed that governments do have dual obligations. On the one hand, states must take the necessary measures against incitement. On the other hand, they must also guarantee the freedom of speech, in accordance with their international obligations.

Nonetheless, it was also pointed out that some states may arguably go too far in criminalizing and punishing acts which are alleged to constitute incitement. This might not only represent a violation of human rights obligations, but may be counterproductive. Aggressive responses can sometimes result in the jailing of persons for extreme, but noncriminal, views which may then lead to radicalization or even allow detainees to be seen as heroes or martyrs to their cause. It may also result in the detention of persons for the expression of nonviolent political dissent and could create a “chilling effect” on free speech, notably in vulnerable minority communities.

Country reports submitted to the CTC regarding the implementation of Resolution 1624 collectively suggest some practices that may be considered as guidance for implementation. However, one area where there is no clear guidance from state policies is the question of criminalizing so-called “apologia,” or the glorification of terrorism, that may incite further acts. This issue is particularly complicated as the transmission of emotive images, speeches, or reports may themselves incite others to act without being accompanied by any explicit messages of incitement or provocation to respond with violence. Some UN member states have taken the position that measures to restrict such expressions may go beyond legitimate restrictions on free

expression. Others have insisted that these provisions are necessary, for example, where it can be reasonably inferred that it was the intention of the speaker or messenger that the conduct being glorified should be emulated.

Incitement, Radicalization, and Recruitment on the Internet

Political messages have long been transmitted via the latest technology, including printed pamphlets, radio, or audio tapes when they emerged as cutting-edge tools. However, the internet has been broadly recognized as a game-changer in contemporary communications. The internet has served to condense geographic space and time, and to reach an audience more diverse and expansive than any previous medium. Like the printing press before it, the internet has democratized mass media. However, other than acknowledging that effect, it is nearly impossible to make a prediction about the role of the internet as a platform for terrorist recruitment and incitement, observed one speaker.

Unlike other media that have been “top-down,” i.e., used by charismatic leaders to reach and inspire followers, the internet is a “bottom-up” tool where people are inciting each other to commit violent acts. Consequently, the role previously played by leaders is being performed by middlemen and network “hubs.” Moreover, unlike other media, the internet is interactive, making it more difficult to control and manage the interactions of users.

Two important effects of this new medium were highlighted in relation to incitement and radicalization. First, there is the “selection effect” whereby people seek out others with similar beliefs on the internet. The internet is not changing people’s views; rather, one speaker noted, people are simply using it as a tool to find other like-minded individuals and groups. This can also be thought of as a “bonding effect,” where users develop emotional ties with other “insiders” in a group of like-minded users, and discriminate against outsiders or those with different views. This phenomenon was described as both “in-group love” and “out-group hate.”

The second effect of the internet is the “bridging effect,” whereby people are exposed to other users

with diverse perspectives and backgrounds, which may have a transformative effect on their beliefs and practices, in contrast to the “bonding effect.”

One speaker argued against the internet being called a tool for terrorist “recruitment,” despite the widely held view that the internet was a vital tool in such efforts: “people use the word ‘recruitment’ for ‘joining.’ It is not the same.” The nature of internet interaction makes such a top-down approach difficult, he argued, as online activity is largely voluntary it is difficult to impose on it the necessary discipline to recruit potential terrorists. Rather, the “selection effect” brings willing candidates to fora through which they can participate. As a result, a cat-and-mouse game can develop between users and law-enforcement officials and agencies.

Four major trends which may shape the role played by the internet in incitement, radicalization, and recruitment, were identified. First, there is the digital divide. The internet, though a great social “equalizer,” is not accessible by everyone at all times.

Second, there is the increased anonymity that the internet offers; this element is conducive to more extreme expressions and a “selection effect” among more radicalized individuals, as the cost of interaction is lower. This also has the effect of allowing greater participation by women who are not often given a voice in communities vulnerable to radicalization. However, this same anonymity may also serve as an impediment to radicalization, recruitment, or mobilization because there is a greater trust deficit than there might be in face-to-face interaction.

The third trend identified is that of increased “self-selection,” which has the disturbing potential to increase the probability of extremist outliers congregating online and hardening their views in isolation from mainstream users.

Fourth, the internet could have the opposite effect, where users spend much of their time online playing games or engaging in superficial social relationships that absorb most of their time without leading to more in-depth engagement with extremist groups.

What these trends highlight is that the internet is ambivalent. It can be used for both good and evil. In exacerbating the “bonding effect,” the internet can lead to more extremism or radicalism in communi-

ties, hardening views to the point that some are not open to moderation from external actors—either governments or other users. Yet, it can also have a “bridging effect” in exposing peripheral extremists to diverse perspectives that might encourage them to moderate their views.

Several participants observed that, whichever the outcome, it is difficult for governments and states to control the medium and its users.

One speaker observed that the appropriate means of dissuading individuals from violence or countering extremist messages on the internet is difficult to indentify, given the absence of scholarship that offers a definitive link between those who browse extremist websites or chat rooms and those perpetrating terrorist acts.

The role of international institutions and organizations in efforts to control content and counter extremism on the internet was vigorously debated at the meeting. In the past, states or governments monitored potentially subversive individuals or groups through intelligence agencies. However, one participant noted that it is less clear which institution or government agency would have both the mandate and capacity to play a monitoring role on the internet, given its expansive reach.

The technical difficulties faced by several countries in policing the internet by restricting access to sites and content were also discussed at length. There are public fora, but there are also multiple layers of private, invitation-only subfora (chat rooms or interactive spaces), which make the enforcement of norms and regulations even more difficult. In response, a participant asked, should the UN play a more active role in helping states and new actors, such as the Internet Corporation for Assigned Names and Numbers (ICANN), develop a set of norms or “rules for the road” in relation to the questions raised above?

Others observed that such a function is still the domain of states though there are efforts underway to develop cooperative initiatives to address international criminal issues, such as child pornography. Another expert noted that while organizations like the UN can serve as a platform for states to share practices, there is little technical possibility of exerting any real control over internet content. However, one important function of organizations like the UN mentioned by several participants, is its

potential to help reduce barriers to cooperative efforts and dialogue among governments, civil society, and the private sector. It was broadly agreed that each of these has an important role to play in stimulating a bottom-up effort to resisting messages of incitement and violence online.

Promoting Dialogue among Civilizations

There was broad agreement by attendees that a robust dialogue among civilizations and diverse communities is a vital ingredient in international efforts to combat incitement of terrorism and violent radicalization. Moreover, it was observed that associating violence and terrorism with particular communities often has the effect of promoting social division and fostering intolerance, a critical element of violent extremism. The media was singled out as having a particularly important role and responsibility in reporting and conveying messages that might contribute to, or mitigate, the problem.

Consequently, the Alliance of Civilizations, launched by Turkey and Spain in 2005 as a coalition of states and institutions to promote increased engagement among different cultural and religious communities, was seen by participants as an important vehicle for countering radicalization and violent extremism, even if that was not its explicit function. As a UN initiative to promote the “Culture of Peace,” the Alliance’s primary focus is on building trust and promoting dialogue among different communities, and in combating stereotypes and prejudice. Its work is therefore not unrelated to international efforts to address the underlying conditions conducive to terrorism, especially in the early 2000s.

As a part of its effort to build cross-cultural relationships, to have a “bridging effect” outside the internet framework, the Alliance has worked very closely with media outlets. One initiative involved pairing journalists from different countries to exchange and write about their varied experiences and perspectives. For example, as a result of a meeting facilitated by the Alliance, a journalist from the *Jerusalem Post* and one from the *Jordan Times* launched columns in their respective papers on the state of the relationship between their two countries and societies, nearly fifteen years after a

process of “normalization” was launched. Another collaborative venture involved an Egyptian journalist and a Serbian journalist writing about biases in fashion and culture in the “West” and the Muslim world.

Other initiatives fostered by the Alliance include a grassroots network of young people in Serbia to address burgeoning ethno-religious tensions in their communities. Another involved Muslim communities in the Netherlands who invited mainstream Dutch citizens into their homes during the fasting season of Ramadan, to share *iftar*, the meal which breaks the day-long fast. A third effort focuses on the media, maintaining lists of, and providing access to, experts who can discuss issues from alternative perspectives on short notice.

These examples provided insights into the kinds of activities that international organizations, states, and their partners might encourage to build a collective “bottom-up” effort to combat incitement and violent radicalization. As a speaker noted, two lessons about the role of such organizations could be gleaned from the above examples.

First, practicality is an important element of the Alliance’s function in helping states develop national action plans to manage the challenge of diversity in their countries. Second, partnerships are an important vehicle through which the Alliance continues to engage a broad range of relevant communities in its efforts. Consequently, just as Resolution 1624 provided a platform for states to share national experiences about combating incitement to commit terrorism, the Alliance too served as a platform for states and their partners to support innovative efforts to counter discrimination, intolerance, and prejudice, important contributors to violent extremism.

Protecting Human Rights while Countering Terrorism

There is often a very fine and sometimes unclear line between measures to combat incitement and to counter terrorism and infractions of civil liberties and human rights. However, in the Global Counter-Terrorism Strategy, member states unanimously reaffirmed the notion “that the promotion and

protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing.”³ To help ensure the continued protection of human rights while countering terrorism, the Office of the High Commissioner of Human Rights (OHCHR) is an active member of the Counter-Terrorism Implementation Task Force (CTITF), established to coordinate UN efforts to support member states efforts to implement the Strategy.

Leading the CTITF working group on this topic, OHCHR is engaged in two main areas of activity: developing a series of reference guides for member states and providing training for relevant stakeholders. Five guides are being developed, providing guidance to member states wishing to adopt counterterrorism approaches that are in compliance with their obligations under international human rights law.

As part of the second set of activities, OHCHR is convening a series of workshops that bring relevant officials and practitioners together at the national and regional levels in order to share experiences and exchange good practices. In 2008, for example, they organized an expert seminar that focused on the impact of terrorism and counterterrorism measures on the enjoyment of social, economic, and cultural rights. In 2009, OHCHR participated in an innovative regional workshop facilitated by CTED in Dhaka, Bangladesh. This workshop brought together law-enforcement officials—mostly police officers and prosecutors—to discuss key counterterrorism challenges in South Asia and the means of furthering collective regional efforts to address them. At the workshop, the protection of human rights figured prominently in the discussions. In addition to the CTITF, the Counter-Terrorism Committee, CTED, and the latter’s human rights officer, the OHCHR also works closely with the UN Office on Drugs and Crime (UNODC).

In October 2009, the High Commissioner for Human Rights briefed the CTC on key human rights issues which fall within the Committee’s

3 United Nations, “Global Counter-Terrorism Strategy.”

mandate and encouraged a human-rights-based approach to the technical work undertaken by CTED. The inclusion of assessments regarding Resolution 1624 in CTED's country visits is an example of the convergence between human rights issues and multilateral efforts to counter terrorism. As one speaker noted, the High Commissioner for Human Rights suggested to the CTC that further consideration might be given to include a human rights expert on all Committee visits to member states and to devote additional resources to this area of the CTC's work. Despite these efforts, another speaker added, human rights are still often seen as limiting effective counterterrorism measures.

Conclusions

The discussions at IPI highlighted the complexity of the issues regarding incitement of terrorism. Both the presentations and subsequent discussions reflected widely shared concerns among the participants regarding the potential negative impact on human rights and civil liberties that might arise out of governments' efforts to address this challenge. The fine line between circumscribing hate speech or acts and the encouragement to commit violence, and the freedoms of expression and association, was acknowledged by several speakers as a key difficulty in pursuing anti-incitement legislation and measures.

At the same time, there was broad recognition that governments bear a responsibility to protect their citizens from individuals and groups who glorify acts of violence and urge fellow citizens to commit violent crimes and acts of terrorism.

UN Security Council Resolution 1624 is one attempt to set global norms and urge UN member states to make serious efforts to address this challenge. However, as was pointed out during the day's discussions, 1624 is often considered the "poorer cousin" of Resolution 1373 and approximately ninety countries still owe the Council a report on their efforts to implement it. On the other hand, having over one hundred reports provides a sound basis for the UN to collate some good practices on combating incitement, and to offer them to states that may wish to develop legislation and measures based on some of the lessons learned

by other states.

Participants and speakers acknowledged importance of the internet as a vehicle for incitement as well as for countering the terrorists' narrative. However, it was pointed out that technical and political complexities require member states, the private sector, and civil society to give further thought to how efforts to counter terrorism, violent radicalization, and financial and other transactions supporting terrorist activities might be managed on the internet.

The valuable work of the Alliance of Civilizations and the Office of the High Commissioner of Human Rights was highlighted as part of the efforts undertaken by UN entities to counter global terrorism. Although their work is not strictly counterterrorism, it can have a significant impact on addressing what the UN Global Counter-Terrorism Strategy terms the "conditions conducive" to the spread of terrorism. These include "prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance."⁴ In adopting the Strategy unanimously in 2006, UN member states acknowledged the close relationship between "harder" and "softer" measures and the importance of addressing development and security together as part of a holistic effort to counter terrorism and violent extremism.

The recent review of the UN Global Counter-Terrorism Strategy highlighted the importance placed by member states on upholding human rights while countering terrorism, and it demonstrated the important role organizations like the AOC and OHCHR can play in complementing the efforts of CTED and the CTITF, even though their work is not explicitly focused on countering terrorism. As the Security Council reviews CTED's mandate in December 2010, it provides another opportunity for states and key stakeholders to consider how the issue of incitement might be further addressed as part of the multilateral system's initiatives to counter global terrorism and promote intercultural dialogue as a vital ingredient in efforts to advance international peace and security.

4 Ibid.

Agenda

Combating Incitement of Terrorism: Strengthening International Cooperation and Dialogue

The International Peace Institute (IPI)
and the Permanent Mission of Turkey to the UN
April 14, 2010

08:45 – 09:30 **Welcoming Remarks and Introduction**

Mr. Warren Hoge, *IPI Vice President for External Relations*
H.E. Mr. Ertuğrul Apakan, *Permanent Representative of Turkey to the United Nations*

09:30 – 11:00 **Session One: Combating Incitement**

Five years after the adoption of UNSCR 1624, what is the status quo of measures to counter incitement to commit terrorism and extremism? What efforts have the Counter-Terrorism Committee and the Counter-Terrorism Implementation Task Force undertaken? What else could be done?

Chair

Mr. Warren Hoge

Speakers

Mr. Mike Smith, *Executive Director, Counter-Terrorism Executive Directorate*
Mr. Marc Sageman, *Senior Fellow, Foreign Policy Research Institute, Center on Terrorism, Counter-Terrorism and Homeland Security*

11:00 – 11:15 Refreshment Break

11:15 – 1:00 **Session Two: Efforts to Promote Dialogue and Protect Human Rights**

What kind of dialogue is conceivable to countering terrorism and extremism? What are the existing regional and international dialogue mechanisms? How could such dialogue best be promoted? How can we ensure the protection of human rights while countering terrorism?

Chair

H.E. Mr. Juan Antonio Yáñez-Barnuevo, *Permanent Representative of Spain to the United Nations*

Speakers

Mr. Marc Scheuer, *Director, Alliance of Civilizations*
Mr. Ekkehard Strauss, *Human Rights Officer, Office of the High Commissioner for Human Rights*

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