

RULE OF LAW APPROACHES TO COUNTERING VIOLENT EXTREMISM

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For more than 25 years, and through our work in more than 100 countries, the American Bar Association Rule of Law Initiative (ABA ROLI) and our partners have sought to strengthen legal institutions, to support legal professionals, to foster respect for human rights and to advance public understanding of the law and of citizen rights.

In collaboration with our in-country partners—including government ministries, judges, lawyers, bar associations, law schools, court administrators, legislatures and civil society organizations—we design programs that are responsive to local needs and that prioritize sustainable solutions to pressing rule of law challenges. We employ rigorous and innovative monitoring and evaluation approaches in assessing the quality and effectiveness of our programs.

ABA ROLI has roughly 500 professional staff working in the U.S. and abroad, including a cadre of short- and long-term legal specialists, volunteers, interns and third-party contributors, who in fiscal year 2016 alone contributed \$3.2 million in pro bono legal assistance.

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Foreword

We are pleased to present in the following pages the first in a series of Rule of Law Issue Papers published by ABA ROLI. This series reflects ABA ROLI's commitment to on-going study of the rule of law and effective approaches to developing it. Through these papers, as well as our other publications, conferences, workshops, and other events, ABA ROLI seeks to share its best learning with the rule of law development community and justice sector actors committed to the rule of law the world over.

This paper, "Rule of Law Approaches to Countering Violent Extremism," reviews the current research on the drivers of violent extremism, describes the types of ABA ROLI programs that have the potential to counter extremism, and lays out recommendations and guidelines for the implementation and measurement of rule of law programs in this context. This topic is also the focus of ABA ROLI's 2017 Annual Conference on Contemporary Rule of Law Issues convened May 4, 2017 in Washington D.C. in partnership with ABA Standing Committee on Law and National Security and the Georgetown University Law Center. Podcasts of the conference will be available on the ABA ROLI website at ambar.org/rolconference.

Thank you for your interest in this work. Please contact ABA ROLI Director of Research, Evaluation and Learning Linda Bishai at linda.bishai@americanbar.org with any questions.

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Rule of Law Approaches to Countering Violent Extremism

Nicholas Robinson and Catherine Lena Kelly¹

With terrorist groups still spreading sixteen years after 9/11, it should now be clear that militarized counter-terror approaches by the United States and others are insufficient to address the threat. The countering violent extremism (CVE) framework arose partly from disappointment with this militarized approach, which critics claim often fails to address, and frequently exacerbates, the underlying causes of terrorism. CVE is viewed as an alternative or supplemental “whole of society” strategy that is rooted in soft power and “encompasses the preventative aspects of counterterrorism as well as intervention to undermine the attraction of extremist movements and ideologies that seek to promote violence.”² Bipartisan experts summarize CVE as non-coercive actions intended to “shrink public support for violent extremist movements; build the resilience of local communities; offer peaceful alternatives to potential recruits; dissuade radicalized individuals from committing criminal acts; and rehabilitate and reintegrate individuals who have either served their prison sentences or are otherwise no longer deemed a security threat.”³

The more prevention-focused CVE approach has become a policy priority for many countries. For instance, United Nations Security Council Resolution 2178 denounces violent extremism and recommends that states work within the international legal framework to curtail the mobility of foreign terrorist fighters.⁴ In December 2015, the UN released the Plan of Action to Prevent Violent Extremism, which contained over sixty specific recommendations for CVE for member states.⁵ The United States government, in particular, has prioritized CVE. The February 2015 White House Summit on CVE convened leaders at multiple levels, including foreign officials, to examine specific actions that could be taken “to counter hateful extremist ideologies that radicalize, recruit, or incite

1 The authors would like to thank all ABA ROLI staff for their support during the research and writing of this paper, including Ulan Aralbaev, Azamat Kerimbaev, David Rubino, Steven Kessell, Angel Sharma, Shea Wilcox, Sebastian Albuja, Chantal Agarwal, Niki Dasarathy, Susan Goldman, Mary Greer, Andi Grote, Hana Hausnerova, Sehar Raziuddin, Andrew Smith, Brianne Stuart, Jay Tocol, and Rebecca Vernon. Special thanks extended to Linda Bishai, Elizabeth Andersen, and Jeff Borns for constructive critique of ideas and content; Salome Tsereteli-Stephens for assistance in drafting language on monitoring and evaluation; Heidi Gerarde for communication and outreach support.

2 “Fact Sheet: The White House Summit on Countering Violent Extremism,” The White House, last modified February 18, 2015, <https://www.whitehouse.gov/the-press-office/2015/02/18/fact-sheet-white-house-summit-countering-violent-extremism>

3 Center for Strategic and International Studies Commission on Countering Violent Extremism, *Turning Point: A New Comprehensive Strategy for Countering Violent Extremism* (Lanham, MD: Rowman & Littlefield, 2016): 8.

4 United Nations Security Council, S/RES/2178, 24 September 2014.

5 United Nations General Assembly, *Plan of Action to Prevent Violent Extremism: Report of the Secretary-General*, A/70/674, December 2015.

to violence.”⁶ In 2016, the State Department and USAID framed CVE as “a targeted component of larger efforts to promote good governance and the rule of law.”⁷

Given this new and growing focus, how should rule of law programming contribute to CVE? Which rule of law problem-solving techniques are relevant to CVE and what legal and operational principles should shape such interventions? This paper addresses these questions by synthesizing current research on the drivers of violent extremism, classifying potential types of CVE-related rule of law programs, and providing recommendations for rule of law practitioners going forward. It argues that the rule of law-CVE nexus deserves greater attention and that rule of law interventions should be a fundamental component of any effort seeking to address violent extremism in ways that are effective, sustainable, and respectful of fundamental freedoms, civil liberties, and human rights.

The analysis presented here highlights three core themes that should inform how rule of law practitioners engage in CVE-related work. The first is that violent extremism usually has multiple causes, many of which are local.⁸ The drivers of violent extremism thus vary considerably by context, with a variety of ideologies, economic conditions, and political and social situations shaping individual motivations to support extremist ideas or activities. Secondly, several potential drivers of violent extremism – including government repression, the curtailment of civil liberties, and state illegitimacy or collapse – are essentially rule of law issues. As such, rule of law interventions can potentially help address these drivers. Rule of law development assistance seeks to promote human rights, curtail arbitrary state violence, build more inclusive societies, and develop state legitimacy and capacity, particularly within the justice system. It also helps build the social contract between the state and citizens and – by attempting to correct injustice – helps reduce social and political alienation that can lead to violent extremism. Finally, some CVE focused programs can have unintended negative consequences, for example by endangering the civil liberties of the people CVE programming is meant to support, and because such interventions can alienate target communities and divert resources from other needed rule of law programs.

Given these findings, this paper claims that a rule of law framework should be used to define the broader goals that CVE-relevant initiatives are designed to achieve. In general, rule of law interventions should not be subsumed by CVE efforts. Frequently the most successful way to address drivers of violent extremism will be to frame CVE interventions through a rule of law rubric, encompassing goals such as promoting

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6 “Fact Sheet: The White House Summit on Countering Violent Extremism.”

7 U.S. Department of State and U.S. Agency for International Development, *Joint Strategy on Countering Violent Extremism* (Washington, D.C., 2016): 4.

8 Much of the scientific research related to violent extremism focuses on terrorism, which is one type of violent extremist behavior. The remainder of this literature uses “terrorism” and “violent extremism” interchangeably.

justice, respect for rights, and inclusiveness. Thinking more holistically about CVE-relevant programming will also give rule of law practitioners opportunities to strengthen CVE-relevant interventions by learning how they interact with other types of programming and by monitoring and mitigating adverse consequences quickly and effectively.

I. The Drivers of Violent Extremism

The most striking finding from the social science research is that there is no set of factors that reliably explains the incidence of terrorism, either on an individual basis or on a country level.⁹ Nevertheless, to a limited extent, empirical research can help identify which factors may matter more than others across diverse contexts. When focusing on the drivers of violent extremism, researchers frequently divide potential causes into “pull” and “push” factors.¹⁰ “Pull” factors help to explain how violent extremist organizations are able to attract recruits. They include various aspects of personal beliefs and aspirations, extremist group messaging tactics, and content of extremist narratives. “Push” factors help to explain how structural aspects of particular political, economic, and social systems create opportunities for violent extremist groups to gain traction.

Many pull factors relate to social psychology and are outside of the scope of rule of law programming. However, certain conclusions from this branch of research should influence the logic motivating CVE-relevant rule of law programming. First, there is no typical psychological profile of a terrorist and “no single path toward radicalization.”¹¹ Second, a country’s cultural demography has little direct influence on violent extremism. For instance, a country’s predominant religion is not an accurate predictor of the amount of terrorism experienced by or produced in that country, and individuals with religious education are not generally more prone to terrorism.¹² Third, religious ideologies are not determinative of violent extremist behaviors by themselves.¹³ Studies show that “the

A country’s predominant religion is not an accurate predictor of the amount of terrorism experienced by or produced in that country.

9 Darcy M.E. Noricks, “The Root Causes of Terrorism,” in *Social Science for Counterterrorism: Putting the Pieces Together*, edited by Paul K. Davis and Kim Craigin (Santa Monica: RAND National Defense Research Institute, 2009): 42; “Countering Violent Extremism: Myths and Fact,” Brennan Center for Justice, accessed April 9, 2017, <https://www.brennancenter.org/sites/default/files/analysis/102915%20Final%20CVE%20Fact%20Sheet.pdf>

10 Georgia Holmer, “Countering Violent Extremism: A Peacebuilding Perspective,” *Special Report* 336 (Washington, D.C.: United States Institute of Peace, September 2013): 3.

11 Daniel Byman, “Five Myths about Violent Extremism,” *Washington Post*, February 13, 2015, accessed April 9, 2017, https://www.washingtonpost.com/opinions/five-myths-about-violent-extremism/2015/02/13/2dc72786-b215-11e4-827f-93f454140e2b_story.html?utm_term=.a441d738794b

12 Alan Krueger, “Five Myths about Terrorism,” *Washington Post*, September 11, 2007, accessed April 9, 2017, <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/11/AR2007091101220.html>; Lisa Blaydes and Lawrence Rubin, “Ideological Reorientation and Counterterrorism: Confronting Militant Islam in Egypt,” *Terrorism and Political Violence* 20:4 (2008): 469.

13 Arun Kundani, *A Decade Lost: Rethinking Radicalization and Violent Extremism* (London: Claystone, 2015).

ideologies of religious groups are not exogenous and fixed...but rather endogenous and flexible.”¹⁴ Thus, religious discourse can be manipulated, or can interact with political and economic conditions in ways that increase the vulnerability of individuals or communities to radical thought or action.¹⁵

Rule of law practitioners must also contextualize the influence of pull factors within a holistic framework that accounts for multiple push factors shaping the political, economic, and social context in which individuals come to support the idea of extremist violence or actually perpetrate it. For example, push factors can interact with pull factors when particular religious or ethnic groups have pre-existing political or economic grievances that the state has not addressed, or when particular groups have been subject to state repression. When this is the case, violent extremist groups may be more successful in recruiting to their cause the people most motivated by these grievances, especially if they reference such grievances in their narrative.¹⁶ In this context, it is often an individual’s mindset and her social networks that shape her propensity for recruitment, more than any ideological commitment.¹⁷

The most prominent “push” factor correlated with terrorism is state curtailment of civil liberties and political rights. When using international terrorism data from the State Department’s Global Terrorism Report, as well as several datasets on suicide terrorism, social scientists find that countries with greater curtailment of civil liberties are on average more likely to produce terrorists. In addition, research that relies on the World Market Research Center’s Global Terrorism Index, which combines data on international and domestic terrorist events, finds that terrorism and political freedom have an “inverted-U” relationship. Generally, this means that a country’s risk of terrorism initially rises as political rights increase from zero, but that notably the risk of terrorism decreases as a country’s transition to democracy extends from a partial to full range of rights for citizens.¹⁸

Poverty and literacy have more complex relationships with violent extremism. As far as correlations go, poorer countries tend to produce more terrorists. However, when we take into account a country’s level of polit-

The most prominent “push” factor correlated with terrorism is state curtailment of civil liberties and political rights.

14 Blydes and Rubin, “Ideological Reorientation and Counterterrorism,” 461.

15 Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence, 3rd Edition* (Berkeley: University of California Press, 2003); Noricks, “The Root Causes of Terrorism,” 11-70.

16 Harriet Allan, Andrew Glazzard, Sasha Jespersen, Sneha Reddy-Tumu and Emily Winterbotham, “Drivers of Violent Extremism: Hypotheses and Literature Review,” Royal United Services Institute (2015), 22; Mariya Omelicheva, “The Ethnic Dimension of Religious Extremism and Terrorism in Central Asia,” *International Political Science Review* 31:2 (2010), 167-186.

17 Marc Sageman, *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004).

18 Alberto Abadie, “Poverty, Political Freedom, and the Roots of Terrorism,” *American Economic Review* 96:2 (2006): 50.

ical rights and civil liberties, there is no statistically significant correlation between a country's GDP or literacy level and the likelihood it will produce violent extremists.¹⁹ This means that lower levels of GDP per capita in a country are not in and of themselves reliable causal predictors of terrorism.

However, this does not mean that economic conditions have no influence on violent extremism. Studies from multiple contexts find that poverty's relationship to terrorism depends on other factors and is highly relational. In Lebanon, "poverty increases the likelihood of participation in Hezbollah only for those with at least high school education."²⁰ In this case, it is only among people who have acquired a certain level of education that high levels of relative poverty influence propensity for terrorism. In other words, unmet high expectations and poverty relative to one's peer group was a much better predictor of susceptibility to participation in violent groups. In Pakistan, survey experiments show that the urban poor "hold militant groups in much lower regard than do middle-class Pakistanis." This finding debunks the idea that the poorest groups in society are always most prone to support or to be recruited by terrorists.²¹ In colonial India, data on Bengali nationalist activists involved in violent (or nonviolent) anticolonial activities shows that "both terrorists and the nonterrorist activists...were far richer and better educated than the population in which they operated" but that violent extremists had lower-status educational and employment profiles than nonviolent activists.²² Again, it is one's relative economic status within a rather educated and well-off group of peers that affects violent behavior. Countries with higher levels of wealth and male unemployment are more likely to have citizens recruited to ISIL.²³ In these cases, social status matters more so than poverty itself.

19 *Ibid.*; Alan Krueger and David Laitin, "Kto Kogo? A Cross-Country Study of the Origins and Targets of Terrorism," January 2007, <http://harris.princeton.edu/faculty/krueger/terrorism4.pdf>; Alan Krueger and Jitka Maleckova, "Education, Poverty, Political Violence, and Terrorism: Is There a Causal Connection?" *Journal of Economic Perspectives* 17:4 (2003): 119-141.

20 Jennifer Kavanagh, "Selection, Availability, and Opportunity: The Conditional Effect of Poverty on Terrorist Group Participation," *Journal of Conflict Resolution* 55:1 (2011): 106-132.

21 Graeme Blair, C. Christine Fair, Neil Malhotra and Jacob Shapiro, "Poverty and Support for Militant Politics: Evidence from Pakistan," *American Journal of Political Science* 57:1 (2012):38.

22 Alexander Lee, "Who Becomes a Terrorist? Poverty, Education, and the Origins of Political Violence," *World Politics* 63:2 (2011): 204.

23 World Bank Group, "Economic and Social Inclusion to Prevent Violent Extremism," *Middle East and North Africa Economic Monitor* (Washington, D.C., World Bank Group, 2016), 19; Kartika Bhatia and Hafez Ghanem, "How Do Education and Unemployment Affect Support for Violent Extremism? Evidence from Eight Arab Countries" (Manuscript, World Bank, 2016); Youssouf Kiendrebeogo and Elena Ianchovichina, "Who Supports Violent Extremism in Developing Countries? Analysis of Attitudes Based on Value Surveys," Policy Research Working Paper 7691 (2016).

Another notable “push” factor is the political collapse of states. Weakly governed areas can become “safe havens” for violent extremists.²⁴ Analysis of terrorism data covering 153 countries from 1999-2008 shows that “most failing and failed states are not predisposed to terrorism. However, among the ‘most failed’ states, those at war or experiencing political collapse are significantly more likely to experience and produce terror.”²⁵ When fundamental political authority in a territory is contested and this results in violent political instability, as in contemporary Syria, violent extremist behavior is more enabled, even relative to states that are weak for other reasons (i.e., their leaders being unwilling or unable to provide infrastructure or legitimate public institutions). Violent extremists also may seek to manipulate the salience of particular identities – like ethnicity or religion – to advance their own causes. By capitalizing on resentment between social groups, they may also weaken elected officials’ ability to use the state to address the grievances expressed by citizens. These dynamics affect both weak and strong states but can have particularly devastating effects in countries in the midst of war and political collapse.

Corruption does not always lead to violent extremism and can instead lead to indifference on the part of citizens, resignation with the status quo, or peaceful engagement with politics to elect more accountable leaders. Nonetheless, corruption that affects access to justice is often cited as a possible contributor to violent extremism because it affects whether citizens have grievances against the state. Corruption within the police, courts, or prosecutor offices can lead to human rights abuses, greater criminality, or impunity, enabling violent extremists to thrive.²⁶ Leaders of some violent extremist groups, like Boko Haram in Nigeria, portray themselves as more morally pure than mainstream political leaders in order to recruit people angered by corruption in government.²⁷ Government corruption can also reduce the will and capacity of state actors to respond to violent extremist threats.

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II. CVE-Relevant Rule of Law Interventions

Rule of law development assistance utilizes several types of programs that are CVE-relevant. This section classifies and describes some of this programming and explores various reasons it can be considered CVE-relevant based on current knowledge about the drivers of violent extremism. This discussion is illustrated through examples of specific interventions by ABA ROLI, which have not been designed as CVE programs per se but that have certain components that are CVE-relevant.

24 U.S. Agency for International Development, *Guide to the Drivers of Violent Extremism* (Washington, D.C., 2009).

25 Bridget L. Coggins, “Does State Failure Cause Terrorism? An Empirical Analysis (1999-2008),” *Journal of Conflict Resolution* 59:3 (2015): 455-483.

26 U.S. Agency for International Development, *Guide to the Drivers*, 40.

27 Freedom C. Onuoha, “Why Do Youth Join Boko Haram?” *Special Report* 348 (Washington, D.C.: United States Institute of Peace, 2014).

Below, rule of law programming is classified into five categories: strengthening judicial institutions, supporting fair and effective criminal justice, protecting and promoting human rights, building the social contract, and combatting corruption. Programs in any of these categories ultimately shape popular perceptions of the justice system, the quality of services provided by justice sector actors, and levels of citizen participation in the system, which are important for bolstering state legitimacy.

A. Strengthening Judicial Institutions

Rule of law programming perhaps most typically entails strengthening the justice sector by providing assistance to investigators, prosecutors, judges, the defense bar, national governments, professional institutions, and civil society organizations involved in expressing demand for judicial transparency and accountability. Strong justice institutions, particularly an independent and well-regarded legal profession and judiciary, can be critical to building public confidence in the justice system and government, checking executive branch overreach, and addressing grievances which may otherwise lead to support for violent extremism.

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Providing technical training to judicial actors, developing or refining case management systems, and working with governments to make judicial statistics available to citizens can all improve the quality of services available through formal judicial institutions for citizens seeking to exercise their rights. These measures may also help actors in the formal justice system develop the will and the capacity to fairly resolve legal disputes related to local grievances or community marginalization. Improving citizens' access to formal justice, whether by building networks of legal aid clinics or by helping paralegals and civil society actors to raise community awareness about rights, laws, or relevant services, can further facilitate the rights, freedoms, and dispute resolution mechanisms that bolster state legitimacy and reduce the potential pull of violent extremist narratives.

Bar associations often provide a critical independent voice that promotes democracy and supports human rights and the rule of law.²⁸ Rights violations are a well-documented cause of violent extremism and the defense bar can be a bulwark against government impunity. Rule of law interventions can include trainings for criminal defenders, building a unified criminal defense bar, and working with criminal defenders and the media to improve public perceptions of defense lawyers. All are important components of building a justice system whose actors deliver high quality services to all citizens.

28 For example, in Tunisia in the wake of the Jasmine Revolution of 2011, the Tunisian Bar Association promoted pluralistic democracy and helped ensure free and fair elections. The Bar Association was awarded the Nobel Peace prize in 2015, as a member of the Tunisian National Dialogue Quartet, for these efforts. In Pakistan, the Supreme Court Bar Association played a key role in restoring Chief Justice Chaudhry to the Supreme Court after he was suspended by President Musharraf in 2007, and in creating pressure for Musharraf's resignation and new elections.

Rule of law organizations can also help foster independent legal professions by sustaining the capacity, skills, and knowledge of practicing advocates through continuing legal education programs, mentorship networks, or legal awareness campaigns. Along with clinical and internship programs for law students seeking to gain practical experience, these legal education initiatives can help to bolster an independent and well-functioning judiciary that may provide a check on abusive behavior by the state and reduce grievances that can fuel violent extremism. Extending education efforts to the general public, street law programs are known for improving popular awareness of the law and the rights to which they are entitled.

Enhancing Youth Civic Education through Street Law in Kyrgyzstan

Civic education, particularly targeting youth, may help counter violent extremism by providing citizens the information and tools necessary to pursue peaceful resolution of disputes and grievances. Through its post-conflict civic education and legal access program in Kyrgyzstan, ABA ROLI created the “We and the Law” street law-style curriculum and distributed 800 teachers’ manuals and 2,820 textbooks in Kyrgyz, Russian and Uzbek to secular schools and 25% of all madrassas in Kyrgyzstan between 2007 and 2010. Four of these madrassas incorporated the “We and the Law” into their permanent curriculum.

In 2010, with support from the U.S. Agency for International Development, ABA ROLI reinvigorated its street law-model program to rapidly respond to post-conflict tensions among youth in Kyrgyzstan. Working with five street law centers, ABA ROLI developed and piloted a civic education course in 44 secondary schools and madrassas, reaching over 1,000 students. Themes of the course included civic responsibility, peace, tolerance, government participation, and free speech.

Using law students as instructors, the pilot program channeled their energy to lead enthusiastic class sessions and engage their younger peers in participatory learning. The pilot course, titled “Towards a Future without Conflict,” proved to be so successful that ABA ROLI was able to work with the Ministry of Education to build the course into the national secondary school curriculum. With the Office of Transition Initiatives, ABA ROLI produced and distributed 4,500 copies of course manuals, supplemental materials, and CDs of the course, as well as 2,500 visual aids, to schools.

B. Supporting Fair and Effective Criminal Justice

Justice sector strengthening can also help bring violent extremists to justice while ensuring criminal procedural rights for people who have engaged in terrorist acts. The 2012 Rabat Memorandum for Effective Counterterrorism Practice, which elaborates international best practices, holds that counterterrorism efforts “must be built on a functional criminal justice system that is capable of handling ordinary criminal offenses

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while protecting the human rights of the accused.”²⁹ In many countries, following these guidelines requires enacting effective criminal justice legislation and policies and building the capability and accountability of police, investigators, and prosecutors to implement them. For example, this can be done by developing forensics capacity, asset forfeiture expertise, cross-border law enforcement coordination, and victim and witness protection programs. This may also include ensuring that police forces have the training – as well as the political and legal incentives – to engage in practices of community policing, investigation, and detention that further fair and effective criminal justice by respecting human rights. Other relevant measures might include the strengthening of an independent, impartial, and capable judiciary that is informed about how to adjudicate cases involving violent extremists. This might include issues of severity, victim and witness protection, as well as defense rights, evidentiary issues, and special considerations surrounding sentencing.

Rule of law organizations can also orient programming towards reducing the possibility of states using counterterrorism legislation and other criminal justice mechanisms against political opponents, human rights advocates, or the marginalized. While such heavy-handed tactics are concerning in their own right, they can also be counter-productive to CVE by disrupting community trust in the state and furthering narratives that the legal order enforced by the state is fundamentally unjust.³⁰ To help prevent these abuses from occurring, effective rule of law interventions can offer assistance in reforming relevant legislation, training actors in the justice system to respect rights and follow due process, and implementing capacity-building programs for the criminal defense bar, media, civil society, and other actors who should provide independent oversight of human rights issues related to the justice system.

C. Protecting and Promoting Human Rights

Another essential component of advancing the rule of law is promoting human rights and civil liberties. This policy agenda aligns with the social science research that finds that government repression – including the lack of respect for rights and liberties – is a well-established driver of terrorism.³¹ Defending human rights and protecting political freedoms and civil liberties is particularly key for reducing the appeal of violent extremists in autocracies and hybrid regimes. These interventions seek to change state behavior that could push certain citizens toward violent extremism.

Human rights protection and promotion programs to this effect have been implemented in several ways. One approach is to educate the pub-

Defending human rights and protecting political freedoms and civil liberties is particularly key for reducing the appeal of violent extremists in autocracies and hybrid regimes.

29 “The Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector,” Global Counterterrorism Forum, accessed April 9, 2017, <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/A/GCTF-Rabat-Memorandum-ENG.pdf>

30 Lauren Van Metre, “Community Resilience to Violent Extremism in Kenya,” *Peaceworks* 122 (Washington, D.C.: United States Institute of Peace, September 2016).

31 Abadie, “Poverty, Political Freedom, and the Roots of Terrorism.”

lic, security forces, and members of the legal profession about international human rights and national rights protections. This can involve training, public awareness campaigns (using venues such as community theater performances, television and radio programming, and education caravans), and education initiatives at high schools, universities, and law schools.

A second approach focuses on facilitating the documentation of human rights abuses to support advocacy and accountability that can change policy and curb abuse. Rule of law interventions may involve training or other support for local partners or governments in international best practices of documentation of torture, extrajudicial killings, or other rights violations. Other programs emphasize litigation, mediation, and advocacy. Rule of law organizations may support advocacy for laws that comply with international human rights standards. They may also build the capacity of lawyers and human rights advocates to bring litigation either challenging legislation violating rights standards or supporting the claims of those whose rights have been violated. Focusing on national security laws, religious freedom, the freedom of expression, and minority rights may be especially pertinent. Finally, lawyers and paralegals may help individuals and communities mediate disputes with the state or other actors outside the formal justice system.

Human Rights Education in Morocco

After Moroccan protesters called for political reform during the 2011 Arab Spring, a new constitution was adopted. By 2013, a high-level government panel had developed a charter for justice sector reform that included a focus on strengthening the judiciary's protection of rights and freedoms.

Informed by a baseline assessment, ABA ROLI conducted a public awareness campaign in the Marrakech region to educate citizens about due process, other rights, and obligations in the criminal justice system. Partners included the Ministry of Justice, the national anti-corruption commission, the bar and judges' associations, civil society organizations, and a university law faculty. The campaign utilized educational caravans, open days in courts and at the university, free legal orientation sessions, radio programs, theater, and events at secondary schools and literacy centers.

Educating the public about their rights in this way has the potential to foster more proactive citizenship, galvanizing citizens to demand government accountability and address grievances through the legal system. Research suggests that such constructive engagement with the constitution may reduce support for violent extremism. By the end of 2015, approximately 100,000 citizens had been reached through educational caravans, another 85,000 through other face-to-face events, and up to 2 million others through radio.

Rule of law interventions can help to bolster state legitimacy in certain countries by strengthening the social contract between the government and citizens.

D. Building the Social Contract

State legitimacy also influences violent extremist organizations' ability to recruit. When the popular legitimacy of a state is threatened, whether due to repression, poor governance, social and economic marginalization, or political collapse, opportunities exist for violent extremist groups to take the state's place in providing security, public services, and unifying narratives to citizens.³² Rule of law interventions can help to bolster state legitimacy in certain countries by strengthening the social contract between the government and citizens. Building the social contract can take the form of facilitating participatory constitution drafting, supporting domestic efforts to address mass human rights violations of the past, legally empowering marginalized groups, or ensuring the robust prosecution of hate crimes. The creation of a constitution with widespread public legitimacy increases a country's potential to democratize and thereby more sustainably guarantee all citizens' fundamental rights and freedoms.³³ Rule of law interventions can help foster national dialogue about the content of the constitution, ensure that local inputs are provided to national actors, and increase the participation of civil society and marginalized groups in the constitutional drafting process. Supporting ongoing local dialogue processes can also improve community cohesion and problem-solving in the face of the governance difficulties that arise in periods of state collapse, reconstruction, and transition. Public outreach efforts that creatively use community members and local media outlets can help educate the public on how to claim their rights and exercise their privileges as citizens vis-à-vis the state.³⁴

Promoting Local Dialogue in Libya

Since its 2011 revolution, Libya's political and security environment has been tenuous. Rival governments have politically competed and armed groups continue to fight for control over territory and influence. In this context, the state's capacity to ensure the safety and well-being of its citizens is weak. Violent extremist groups like ISIL have sought to take root in numerous Libyan cities.

While encouraging a more inclusive process for Libya's national constitution-making, ABA ROLI has promoted a culture of local dialogue in Libya. It has supported capacity building events for independent members of Libya's formal political dialogue. ABA ROLI has also trained a total of 40 community liaisons in reconciliation and dialogue to engage Libyan citizens on key issues. With more than 70 events conducted to date in 27 Libyan cities, ABA ROLI-supported community liaisons have provided Libyan citizens with structured opportunities to convene and discuss key

32 U.S. Agency for International Development, *Guide to the Drivers*, 21.

33 Todd Eisenstadt, Carl LeVan and Tofiq Maboudi, "When Talk Trumps Text: The Democratizing Effects of Deliberation During Constitution-Making, 1974-2011," *American Political Science Review* 109:3, (2015): 592-612.

34 Rafia Bhulai and Naureen Chowdhury Fink, "Strengthening Regional Cooperation to Prevent and Counter Violent Extremism in South Asia: What Role for Civil Society?" (Washington, D.C.: Global Center on Cooperative Security, 2016) touches on many of these methods.

issues affecting them during Libya's transition, including women's rights, decentralization, disability rights, disarmament, separation of powers, and the role of a new constitution. Local dialogues in which citizens discuss solutions to their common problems may increase social cohesion within communities, which in turn will build community resilience to violent extremism.

Rule of law interventions may also focus on reducing the social and economic exclusion of marginalized individuals and communities, seeking to increase their trust and engagement with the state and reduce related grievances. Programming with this goal can include promoting dialogue between youth and between adults in politically, ideologically, or ethnically and racially diverse communities, as well as providing legal services or "know your rights" education to members of marginalized groups. Refugees and migrants, particularly those fleeing violent extremism in their former homes, are also susceptible to social and economic exclusion. Rule of law interventions can help identify and prosecute abuse or exploitation of these populations, as well as help to pass and enforce laws that ensure members of these communities have access to critical services, such as healthcare and education, and are able to work and access housing.

Supporting Legal Inclusion of Syrian Refugees in Turkey

Some 2.8 million Syrians have fled to Turkey to escape their country's brutal and ongoing civil war since 2011. Most of these refugees live in urban areas, where they must find homes, livelihoods, education, and healthcare services. Without legal help these refugees can frequently face exclusion from these necessities, fueling poverty and breeding resentment.

ABA ROLI works to help Syrian refugees in Turkey's urban areas to use the local legal system to assert their rights. The Turkish government introduced the Temporary Protection Regime (TPR) in the spring of 2014 to clarify Syrians' legal status, but associated regulations are constantly evolving and have many gaps that make the TPR's implementation challenging. Further, language and cultural barriers keep many Syrians from taking advantage of important rights and protections that the law affords.

Since 2015, ABA ROLI has worked with local bar associations and individual legal professionals to train over 100 Turkish lawyers on the TPR. These lawyers, in turn, have conducted multiple legal awareness sessions each month to urban Syrian populations—primarily in Southeast Turkey and Istanbul. Additionally, ABA ROLI distributes informational brochures written in Arabic to complement the awareness sessions. As a result, Syrian refugees are better able to secure their rights and access needed government services, reducing economic and social exclusion.

Grievances from unaddressed mass rights violations can also reduce state legitimacy. Transitional justice work can help address past wrongs and build a sense of belonging for all members of a society. These interventions may include support for truth and reconciliation efforts in various forms on the national and local levels. Furthermore, transitional justice education programs can contribute to these goals by teaching nonviolent dispute resolution, commemorating the victims of past abuses, or discussing how to prevent future crimes.

Transitional Justice and Reconciliation in Mali

In 2012 Mali experienced a coup d'état and the seizure of large areas of the under-governed north by separatists and Islamic groups. The subsequent political violence exacerbated conflict between communities in Northern Mali, opened new rifts in society, and undermined the confidence of Northern Malians in the government. Observers point to at least three key obstacles to sustainable peace: a persistent impunity of perpetrators for human rights abuses, the failure of the government-led transitional justice process to adequately engage with communities affected by the crisis, and an increase in the destabilizing force of youth radicalization. ABA ROLI programs in Mali aim to address these challenges.

Since 2013, ABA ROLI has supported civil society organizations to advocate for a national reconciliation process that respects community-level priorities. Partly as a result of these efforts, a peace agreement was signed in 2015 calling for transitional justice mechanisms, judicial reform, and no amnesty for perpetrators of international crimes. After the agreement, ABA ROLI facilitated dialogue between civil society and state representatives about national policy. Mali's Truth Justice and Reconciliation Commission used input from those civil society partners when developing its institutional action plan.

ABA ROLI now also works with local leaders to develop better dispute resolution mechanisms in communities. Built on the theory that empowerment is essential to combating radicalization, the Mali program also helps youth civil society organizations identify the factors that they believe create the greatest risks for violent extremism in their communities and conduct dispute resolution, reconciliation, and anti-marginalization initiatives to counter it.

E. Combating Corruption

Government corruption can facilitate human rights abuses by justice sector personnel (for example, if police elicit bribes by unlawfully detaining people), which can heighten citizens' grievances with the state and, in certain cases, foster violent extremism. Corruption can also allow for criminality to flourish through illicit channels, providing funding for vi-

olent extremists through trafficking or resource extraction.³⁵ In some cases, this also reduces the state's capacity to counter violent extremism.

Some rule of law interventions in the anti-corruption sphere spread international best practices on fighting corruption and promoting transparency, support lobbying efforts to encourage governments to adopt anti-corruption legislation, and work with governments and civil society to enforce anti-corruption laws or implement anti-corruption initiatives. Programs may aim to increase the awareness of legal professionals, businesses, journalists, and civil society about anti-corruption laws and the benefits of enforcing them. Others may work to foster regional and international cooperation to track illicit money and prosecute corrupt officials. In some parts of the world where violent extremists make money from the drug trade, rule of law organizations can assist in making the investigation and prosecution of these crimes more effective, including enhancing international cooperation. Similarly, rule of law interventions may also provide technical assistance to prosecutors and investigators for anti-money laundering and asset forfeiture cases, such as how to use technology and enhanced financial accounting techniques to trace stolen assets and illicit funds.

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Fighting Organized Crime in Southeast Asia

As part of its Regional Anti-Corruption Program in Asia, ABA ROLI has helped to forge partnerships between law enforcement officials and civil society that have contributed to reducing trafficking and other criminal activities that are sometimes correlated with violent extremism. For example, by partnering with a local CSO, Freeland, ABA ROLI facilitated collaboration in the investigation of low-level crimes with law enforcement, the provision of training for police on victim-centered approaches to anti-trafficking work, and the support of the Liberty Alliance, a network of organizations combating trafficking in Southeast Asia. Freeland reported that this support helped to disrupt a major sex trafficking network in Southern Thailand, which resulted in dozens of arrests. While this specific result did not contribute directly to countering violent extremism, the program's methods for combating organized crime are useful for CVE, given the various types of links that can exist between organized crime and terrorist networks.

III. The Path Ahead: Challenges and Recommendations

Countering violent extremism will require a multi-faceted approach that addresses local, national, and international dynamics as well as legal, political, economic, social, and institutional drivers of violent extremist behavior. Rule of law interventions have great potential to contribute to CVE goals like prosecuting people who have engaged in terrorist acts,

³⁵ Sarah Chayes, *Thieves of State: Why Corruption Threatens Global Security* (New York: W.W. Norton, 2015); Louise Shelley, *Dirty Entanglements: Corruption, Crime, and Terrorism* (New York: Cambridge University Press, 2014).

preventing or reducing individual grievances with the state, and building community resilience to the pull of violent extremist narratives. These interventions need to be context-specific, adapt to changing political and economic circumstances, carefully consider the potential negative consequences of CVE-relevant programming for targeted individuals and groups, and incorporate best practices based on other contexts when those lessons are locally relevant. When determining relevance, practitioners and funders should be responsible for keeping abreast of the interdisciplinary literature on CVE. They should also remain humble about what is known, given the limited amount of research and evaluation on the causes, consequences, and appropriate responses to violent extremism.

To navigate this often complex environment, the following recommendations are designed to help guide rule of law practitioners in their CVE work:

1. Frame rule of law interventions that relate to countering violent extremism as the means to achieving a set of broader, socially beneficial goals.

These interventions need to be context-specific, adapt to changing political and economic circumstances, carefully consider the potential negative consequences of CVE-relevant programming for targeted individuals and groups, and incorporate best practices based on other contexts when those lessons are locally relevant.

It is generally best to design rule of law interventions with more general, inclusive, and equality-oriented goals in mind. Communities from which violent extremists originate usually have broader rule of law needs that are unmet, which themselves can serve as sources of grievance and strain the state's social contract with citizens. The prevention of radicalization may be possible by addressing these and other drivers of violent extremist behavior that also matter for achieving broader rule of law goals. This method often will be more effective than implementing CVE-specific programs, since programming that exclusively targets particular communities in efforts to counter violent extremism can stigmatize members of those communities, or even alienate leaders in those communities who might otherwise have been willing local partners with a more holistic approach. Another reason is that the exclusive emphasis of a rule of law program on countering violent extremism can divert resources away from the pursuit of multi-faceted rule of law interventions. Within this broader development framework, however, rule of law programs often contain components that can be analyzed in CVE-relevant ways if donors, implementers, or beneficiaries so desire. In order to use particular components of larger programs to generate CVE-specific indicators and CVE-relevant learning, those components need to be designed, monitored, and evaluated in reference to the existing research and theories on the drivers of CVE.³⁶

36 National Consortium for the Study of Terrorism and Responses to Terrorism (START), "Surveying CVE Metrics in Prevention, Disengagement, and Deradicalization Programs," (College Park: University of Maryland, 2016), https://www.start.umd.edu/pubs/START_SurveyingCVEMetrics_March2016.pdf

2. Critically analyze the consequences of engaging in CVE and of labeling certain rule of law interventions as such.

Branding an entire program as CVE-themed may not be desirable or necessary in most of the contexts in which rule of law implementers work. There is a need for keen attention to the concerns about CVE that researchers, activists, and practitioners have raised, namely its negative and unintended consequences. For example, critics of CVE programs addressing Islamic extremism argue that such programs are “stigmatizing Muslims and reinforcing Islamophobic stereotypes, facilitating covert intelligence-gathering, suppressing dissent against government policies, and sowing discord in target communities.”³⁷ Similarly, some foreign aid beneficiaries see CVE as another guise of the West’s global war on terrorism, which critics have attacked for abusing rights, marginalizing Muslims, and using excessive force. They may perceive programs overtly aimed at CVE as foreign interference in domestic politics. Government officials with such views might then find ways to punish local partners helping to implement CVE programs.³⁸

Furthermore, rule of law interventions in the CVE context are often oriented at building state capacity to deter violent extremists, but governments may use such capacity to target political adversaries, human rights advocates, the media, or marginalized populations. The term “violent extremism” is so broad that CVE may be used to justify attacks on political opponents. Some states have targeted ‘extremist’ speech, while others have adopted a legal duty for public-sector bodies to assist in identifying individuals at risk of radicalization, which can then lead to the politicization of schools, health facilities, and other government service providers.³⁹

Rule of law programming should be sensitive to these dynamics and take steps to minimize governments’ use of CVE to repress or punish citizens who are not extremists. When warranted, implementers should pursue discussions with their donors about the utility of publicly branding particular components of rule of law interventions as CVE given the donors’ overall goals in a particular country. Implementers could also opt to work with governments to tailor their CVE approaches to protect rights and avoid marginalizing groups. They may get involved in supporting an active civil society and a well-informed media to push the government to

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37 Muslim Justice League, Council on American-Islamic Relations, Muslim Anti-Racism Collaborative and Islamic Shura Council of Southern California, “Community Concerns with the Human Rights Implications of CVE Programs in the U.S.,” Submission to the Office of the High Commissioner for Human Rights (April 2016), 2.

38 James Khalil and Martine Zeuthen, “A Case Study of Countering Violent Extremism (CVE) Programming: Lessons from OTI’s Kenya Transition Initiative,” *Stability: International Journal of Security and Development* 3:1(2014), <http://doi.org/10.5334/sta.ee>

39 United Nations Human Rights Council, “Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism” (February 2016).

ensure national security laws and other policies comply with international best practices.

Regardless of rule of law programming's form and content, understanding the unintended consequences of past programs and attempting to anticipate the "backfire mechanisms" that might generate them in future CVE endeavors will also facilitate transparency about "safeguards" built into programs to protect fundamental rights and freedoms.⁴⁰ In extreme cases, rule of law organizations may need to refrain from transferring certain skills or resources in order to follow "do no harm" principles.

3. Design CVE-relevant rule of law programming based on research that identifies the context-specific drivers of violent extremism.

Given the multiple drivers of violent extremism that vary by context, there is no one-size-fits-all prescription to combat it. Interventions should always be based on an understanding of the local institutional, cultural, and political components of the underlying problem, which requires robust research.⁴¹ Rule of law actors should work with local partners and experts to empirically analyze the context-specific drivers of violent extremism, engaging relevant studies and analyses during program design and implementation. Practitioners can also use this research to consider the merits of measuring certain program outcomes in CVE-specific terms, perhaps alongside indicators packaging other program achievements through a broader rule of law lens.

If measuring CVE-specific results is part of the program goal, data-gathering on such results might be facilitated by tools created to assess the vulnerability of particular communities to violent extremism.⁴² Depending on the content of the program theory of change, these tools may be helpful guides when combined with relevant program evaluations, research papers, and rule of law indices (like those from Freedom House or the World Justice Project).⁴³

40 Peter Romaniuk, "Does CVE Work? Lessons Learned from the Global Effort to Counter Violent Extremism," (Goshen, IN: Global Center on Cooperative Security, September 2015); Lasse Lindekilde, "A Typology of Backfire Mechanisms," in *Dynamics of Political Violence: A Process Oriented Perspective on Radicalization and the Escalation of Political Conflict*, edited by Lorenzo Bosi, Charles Demetriou and Stefan Malthaner (Surrey: Ashgate, 2014): 51-69; Muslim Justice League, "Community Concerns."

41 Rachel Kleinfeld, *Advancing the Rule of Law: Next Generation Reform* (Washington, D.C.: Carnegie Endowment for International Peace, 2012) describes the process: creating an ends-based goal; determining institutional, cultural, and political components of the rule of law problem; locating opposition and support; defining evaluation targets and measurement goals; and designing programs using best fit and sequencing.

42 See, for example, the work of Creative Associates International, "Preventing and Countering Violent Extremism" accessed April 9, 2017, <http://www.creativeassociates-international.com/cve-and-pve/>

43 Freedom House, "Freedom in the World 2016" (New York, 2017), accessed April 9, 2017, https://freedomhouse.org/sites/default/files/FH_FITW_Report_2016.pdf; World Justice Project, "Rule of Law Index 2016" (Washington, D.C, 2016).

4. Evaluate the contribution of CVE-relevant rule of law interventions during implementation and adapt programs accordingly.

Program design, measurement, evaluation, and adaptive learning that reflects the complexity of CVE is foundational to successful programming.⁴⁴ Results achieved are likely to be the product of multiple contributing factors, only some of which may include the rule of law. Certain effects may not be seen for many years after the program. For example, one can immediately quantify how much legal practitioners learned in a training course, but it may take years to determine whether the training yielded any macro-level changes in public attitudes or practitioner behaviors, not to mention the impact such changes have on the level of violence in society. For these reasons, it can be difficult to articulate the influence of rule of law programming alone on violent extremism. Nonetheless, practitioners continue to advance pragmatic measurement and evaluation approaches for CVE.⁴⁵

First, within rule of law implementing organizations, program teams can be transparent and rigorous with each other during the design of CVE-related interventions, grounding their design in testable theories about the likely drivers of violent extremism in the program's local context. Actors should be able to document the goals they are attempting to achieve (including any drivers of violent extremism that they seek to affect), why they chose the intervention they did, and why it was preferable to other available options. Any program components that are going to be theorized and measured according to donors' CVE metrics should be presented to local partners from the outset. This is because local partners can guide decisions about how CVE interventions will be perceived by local communities. Implementers should also recognize that even if they deem a CVE label appropriate, political sensitivities may still complicate the evaluation of such a program. Accurate evaluation, after all, requires asking questions to beneficiaries about violent extremism that are reasonably likely to elicit truthful responses.

Second, the program's outcomes and outputs should be well documented during implementation. Collecting data on long-term results is essential for further research and learning about the rule of law and CVE nexus, but measures can also frequently be gathered to assess the immediate effect of an intervention. This could include testing participants in a course

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44 For relevant work on complexity theory, see U.S. Agency for International Development, "Discussion Note: Complexity Aware Monitoring" (2016), accessed April 9, 2017, <https://usaidlearninglab.org/library/complexity-aware-monitoring-discussion-note-brief>; Michael Quinn Patton *Developmental Evaluation: Applying Complexity Concepts to Enhance Innovation and Use* (New York: The Guilford Press, 2011).

45 Peter Romaniuk and Naureen Chowdhury Fink, "From Input to Impact: Evaluating Terrorism Prevention Programs," (Center on Global Counterterrorism Cooperation, 2012) discusses the challenges with causality attribution and suggests a pragmatic approach to evaluating counterterrorism programs, especially those related to prevention. Currently, there are just four output-level indicators for measuring CVE on the Standard Foreign Assistance Master "F" Indicator List.

before and after they take it or surveying the knowledge or attitudes of a population about a legal topic before and after an awareness-raising campaign. Similarly, if an organization assists in litigation to defend the rights of an individual in a high-risk community, the organization can use process tracing to systematically describe whether (and if so, through what causal mechanisms) their assistance shaped the litigation.

Third, rule of law organizations can attempt to assess a program's contribution to addressing a particular driver of violent extremism that it sought to affect. For instance, if an intervention is designed to reduce the social and economic marginalization of a particular group in society by increasing their access to justice, it may be possible to measure whether marginalization did, in fact, decrease over the following years and then assess whether the intervention was likely a proximate cause. This information could also be paired with ABA ROLI Access to Justice Assessment findings or population-based survey data to assess and explain reasons for changes in perceptions of the justice sector before and after interventions.⁴⁶

The wrong type of assessment can lead organizations to waste limited resources or prioritize less effective interventions.

While there are a number of ways to rigorously assess programs, a veneer of metrics can also give false confidence that a program is successful even when it may not be addressing the drivers of the problem at hand. The wrong type of assessment can lead organizations to waste limited resources or prioritize less effective interventions. Evaluation approaches that take into consideration the complexity of such programming – such as developmental evaluation and outcome harvesting – can guard against these pitfalls. They are particularly good at fostering understanding of locally specific, contextual factors relevant to solving development problems and at pushing stakeholders to anticipate potential unintended consequences.⁴⁷ Local practitioners often claim that many of the most successful interventions capitalize on opportunities that arise due to changing realities on the ground. This supports an approach that prioritizes having talented and adaptable in-country personnel who build strong relationships with local actors.

IV. Conclusion

CVE is a relatively new concept, which means that research and evaluation related to the drivers of violent extremism and appropriate policy responses is young as well. Many important research questions about the rule of law-CVE nexus remain unanswered: For example, given what is known about rule of law gaps and their relationship to violent extremism, to what extent should implementers design and measure certain components of their programs to directly address CVE-related goals? How can

46 American Bar Association Rule of Law Initiative, "Access to Justice Assessment Tool," accessed April 9, 2017, http://www.americanbar.org/advocacy/rule_of_law/publications/assessments/access_to_justice_assessment_tool.html

47 National Consortium for the Study of Terrorism (START), "Surveying CVE Metrics," 7.

criminal justice approaches effectively deter violent extremism without providing fodder for radicalization? How do encounters with the state affect individual propensities for violent extremism? How do economic factors – particularly those stemming from corruption and inequality – relate to radicalization, and what kinds of rule of law interventions can help respond? What strategies work to strengthen communities, foster peaceful resolution of disputes, and build community resilience to violent extremism? When are governments most likely to abuse CVE to target political opponents and human rights advocates? How can programs take these and other potential pitfalls into account?

As the community of practice starts to answer these questions, rule of law organizations implementing CVE-relevant programs must be prepared to intervene in various stages of the program cycle in order to adapt their rule of law work. Not all rule of law programs are relevant to CVE, but many rule of law interventions, or components of them, address issues of political repression, human rights abuses, government accountability to citizens, and state legitimacy, which are all correlated in notable ways with violent extremism. In order to maximize the effectiveness of their programming, rule of law practitioners should actively keep up with the state of knowledge about CVE and the rule of law and update their programs based on the latest lessons learned.

Rule of law donors, implementers, and local partners will all have to make strategic choices about whether to conceive of their work as CVE-relevant programming, whether to publicly brand it as such, and how much to focus research, measurement, and evaluation on specific CVE-related goals. Implementers should seriously consider framing CVE-related goals as one subset of a broader rule of law strategy that motivates their work. In other words, CVE-relevant rule of law programming should situate attempts to counter violent extremism within broader efforts to further justice in society, rather than attempting to frame efforts to improve the rule of law through a narrower CVE prism. Organizations that follow this approach should acknowledge CVE needs, and tailor aspects of particular projects appropriately in order to address those needs. However, CVE will rarely be the central component of a broader rule of law intervention. Even if strengthening justice systems, protecting human rights, fostering inclusion, building the social contract, and combatting corruption are potentially effective ways to counter violent extremism, these efforts should be judged on their own terms. Understanding CVE-relevant programming more holistically allows rule of law advocates to focus not just on what a society wishes to avoid (i.e. violent extremists), but on building what citizens desire: access to justice, inclusive governance, and respect for political freedoms, civil liberties, and human rights.

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