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Re-examining the Policies in the Humanitarian Aid Sector – A Call for Greater “Value Rationality”

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Abstract: Faith-based giving in the U.S. constitutes over one-third of all charity (Giving USA, 2013). The proliferation of policy initiatives that promoted faith-based giving and giving to humanitarian aid organizations post George W Bush’s establishment of the Office of Faith-based initiatives and community Partnerships has been controversial, to say the least. But despite this, the sector has been robust. One segment of philanthropy that has been unnecessarily controversial is that of Islamic charity. With the attacks of September 11, 2001, there were a slew of legislative as well as Executive reforms that put Islamic charities under the scanner. Executive Order 13224 and the subsequent initiatives under the PATRIOT Act have reduced donations to Islamic charities, in the initial year. In this short paper, I argue that some of the restrictive measures in place – that apply to NGOs working in conflict zones – should be removed, so aid can reach the beneficiaries, so that NGOs’ offering this aid to not fear being targeted by U.S. law enforcement authorities. Given the massive refugee crisis we are witnessing, the role of Muslim NGOs in conflict zones may become crucial for long-term rehabilitation and resettlement.

Keywords: NGOs, Islamic charities, philanthropy, conflict zones

Introduction

With the ongoing conflicts in Syria, Iraq, Libya and greater Middle East and North Africa, there has been a call for greater philanthropy towards the region. As trans-national NGOs such as Islamic Relief, Helping Hands, United Muslim Relief carry on their work, alongside secular NGOs such as Red Cross and

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United Nations agencies; there is growing awareness that the magnitude of the problem(s) far outstrips the funds available to address the needs of the refugees. For instance, there is a \$100 mn shortfall in the United Nations Relief and Works Agency (UNRWA) budget¹ and a similar situation faces the World Food Program (WFP) that has a \$139 mn shortfall² for helping Syrian refugees (internally displaced as well as trans-national refugees). Amidst this short-fall of both funds and manpower, there is growing awareness on the need to engage the “Muslim world” and NGOs that have a strong cultural and religious background, in the regions where there are conflicts. This is evident by the partnerships that are being formed among NGOs such as Islamic Relief and Catholic Relief, among others.³

While there is a recognition of the need for NGOs and civil society to participate in addressing the needs of refugees and those impacted by the conflicts and violence in Syria, Gaza, Libya and other parts of the MENA region. The policy framework that exists currently in the U.S. restricts the extent to which this help can reach the intended beneficiaries. For instance, in the post 9/11 frenzy to combat terrorism, several large NGOs which were run by Muslims in the U.S. were closed down – due to alleged terrorist links – of the 30 organizations that were targeted by the Bush administration, seven were shut down, according to a report by American Civil Liberties Union (ACLU). The manner in which these raids were conducted and the constitutionality of the actions taken is open to question, according to this report (ACLU 2011). The subsequent fear that resulted from the targeted raids on these charities led to a wave of fear among Muslims in the U.S. and there is reason to believe that the effects of these actions are still lingering, in the American public sphere. NGOs that are legitimate have been conflated with those supporting terrorist activities and in the efforts to curtail “terrorist financing” many projects and individuals have been wrongly targeted. As a result of this, there is a perceptible tension between the needs of millions of refugees and the lack of resources that reach them. This short policy brief examines this tension by looking at how philanthropy towards American Muslim NGOs has been impacted by some government policies and how we can move beyond these policy initiatives to ensure that they carry out their work, more effectively.

I suggest that the policy narrative about International NGOs has been one of framing them as “efficient” agents of American soft-power, while ignoring

¹ For more on this see – <http://www.un.org/apps/news/story.asp?NewsID=51562#.VeXIePIViko>

² For more see – http://www.un.org/apps/news/story.asp?NewsID=51312#.VeXI-_IViko

³ Interview with Anwar Khan, CEO, Islamic Relief USA in March 2015

the practical dimensions of their work – as a cultural bridge and agents of goodwill – the tension that Bent Flyvbjerg labels as “instrumental rationality” vs. value rationality (Flyvbjerg 2001). The “paradigm wars” between scientific rationality and social science reasoning is false, Flyvbjerg argues and calls for a greater focus on “phronesis” or practical wisdom in evaluating social phenomenon. Flyvbjerg’s conception of phronesis includes considerations of power and the “truth politics” of a society or regime.

The proliferation of policy initiatives that promoted faith-based giving post George W Bush’s establishment of the Office of Faith-based initiatives and community Partnerships has been controversial, to say the least. But despite this, the sector has been robust. One segment of faith based giving that has been unnecessarily controversial is that of Islamic charity. With the attacks of September 11, 2001, there were a slew of legislative as well as Executive reforms that put Islamic charities under the scanner. Executive Order 13224 and the subsequent initiatives under the PATRIOT Act have reduced donations to Islamic charities, in the initial years (Jamal 2011). These policy initiatives can be seen as manifestation of the “truth” that was constructed immediately post 9/11 to combat the terrorist threat. Unfortunately for most American NGOs, this understanding of who supports/provides material support for terrorism has not changed, despite proof to the contrary (ACLU 2011).

Further, as Zahra Jamal has argued, there has been a climate of fear, when it comes to philanthropy among American Muslims, who fear being investigated – for giving money to organizations, that may indirectly be seen as supporting militant or terrorist individuals (Jamal 2011). “The persistence of certain provisions in the PATRIOT Act and Executive Order 13224, which do not distinguish between active combatants and those who are perhaps indirectly in the area where the conflict is going on – and treating them equally as criminals – makes our work very difficult” pointed out Anwar Khan, CEO, Islamic Relief USA. He further added that verifying names of individuals, without any details about them – to make sure they are not on a terrorist database – also makes it very difficult for them to carry out their work and it also adds to their costs of compliance. Khan’s contention is that humanitarian law should take precedence over terrorism laws in areas where there is active conflict going on, since many innocents are caught in between the cross-fire and it becomes extremely important to build a case for humanitarian intervention. “If we don’t support the innocents – children, who are often the biggest casualty – then we are not doing our duty as a humanitarian NGO,” he added.

As the Institute for Social Policy and Understanding (ISPU) report suggests, “In the past ten years it has become easy for any organization to be denied due process of law if they are accused of terrorist ties. Jamal cites an Executive

Order signed in 2001 which prohibits individuals from associating with individuals who are labeled as ‘specially designated global terrorists’ (SDGTs). If labeled, the organization or individual has little chance of overturning the designation and is often denied due process. (Jamal 2011, 32)” This is one of the issues that Khan, from Islamic Relief mentioned, as being a particularly pernicious problem.

While these NGOs have become agents of delivering aid to those impacted by wars, their positioning – often as interlocutors between the West and the East – puts them in a very delicate situation. The “over-reaction to Muslim charities,” as Jon Alterman of Center for Strategic and International Studies (CSIS) has called it, has led to several egregious violations of civil liberties, and also a decrease in confidence in faith-based giving in addressing some of the key challenges towards global humanitarian aid provision. I suggest that the discourse of these American Muslim NGOs challenge most of our understandings of what is known about Islamic NGOs. Much of the narrative about these NGOs is framed in a post 9/11 securitization discourse that views them with suspicion. As Christopher Bail has shown in his book *Terrified: How Anti-Muslim fringe organizations became mainstream* (Bail 2015), the narrative of Islam being against American values of freedom and democracy has framed our understandings of Islamic philanthropy. A similar report by Center for American Progress titled *Fear Inc.* mapped out the exact funding sources of this anti-Muslim sentiment in the U.S. and Europe (CAP 2011). Both these sources are pioneering and path-breaking in their understanding of how we understand Islam and Muslim organizations in the West and should offer us a path for an alternate reading of Muslim discourses of philanthropy and public use of charity. In my dissertation, I have mapped the discourses of giving among American Muslim NGOs and have shown how these are moving to a more “strategic” direction, incorporating a more “secular” logic rather than purely religious motifs (Khan 2015b).

Shariq Siddiqui, among others have questioned the data in the ISPU report, arguing that the tax returns of NGOs working in the international development space does not support the claims made therein (Siddiqui 2010). My own research into the philanthropy towards Muslim NGOs in the U.S. supports Siddiqui’s assertion (Khan 2015a). However, there is no doubt that the fear of being prosecuted for donating to a “wrongful” activity that is inadvertently linked to an NGO is quite high, among American Muslims.

As the U.S. and Western allies fight ISIS in the Middle East and the Muslim nations support this effort, it is imperative also that Muslim NGOs – both Western and those based in the Muslim nations – are given the freedom and legitimacy to offer aid to those who are genuinely at risk, without themselves

fearing for repercussions for supporting and providing “material support,” for terrorism – even if it means feeding a hungry child.

Why This Is Important

The trend of increased suspicion of Islamic charities is problematic (Benthall 2008). While it is a fact that several international NGOs such as Islamic Relief, Helping Hands for Relief and Development and the Zakat Foundation are entering the humanitarian aid space and are contributing to the development aid sector, it is also a reality that they are facing increasing challenges to working with International organizations and partners. The conceptualization of Muslim NGOs in academic literature and policy circles is also in question here. As Marie Juul Petersen argues in her dissertation *For Humanity or for the Ummah* (Petersen 2011), there is a need for conceptualizing Muslim NGOs through the lens of Sociology of religion, rather than purely through a policy perspective. Her call is to look for how these NGOs act as conduits for Muslims to carry out their ethical obligation – giving *zakat*, for example – and support humanitarian activity, instead of seeing them purely as agents that are working to “fix” problems in conflict zones, often working in close proximity of terrorist groups. She says that it is important to see how their (the NGOs) self-identification works and how they give meaning to concepts such as “development,” and “Islam,” so we get a clearer view of what is going on, on the ground. Petersen’s argument on a related note – that is to treat these NGOs as primarily NGOs and not Faith based organizations (FBOs’) is important to remember. She argues for not focusing too much on how religion impacts the working of an organization and suggests that in an international context, where these organizations have to deal with others, there is usually institutional isomorphism and given the global and ecumenical nature of partnerships that form in conflict zones, it makes sense to treat them as agents that are there to build their credibility, reputation, rather than spread their message or proselytize.

Conclusion and Policy Recommendations

There is a need to guarantee greater due process to charities that are under suspicion and allow for greater transparency in the process of investigation. Further, I would recommend confidence building measures from the Department of Treasury towards Muslim charities that are based in the U.S. as they have felt

victimized by these measures. Given that many of the major conflicts in the world are in Muslim majority countries, Muslim NGOs working in this space can be a key ally to the American government, in helping address some of the grievances. Criminalizing their work, through guilt by association is a bad strategy and would further alienate them.

There is a need for understanding the value frameworks that these NGOs operate by : arguably more of value-rationality, rather than purely “instrumental rationality” – this means being sensitive to the mission of these NGOs’ that often prioritize saving lives, over deciding whose lives are saved. Finally, I believe there is need for greater research on the impact of the Muslim NGOs in affected areas. As Benthall reminds us, “Steps are being taken, for instance by the Swiss Government, to try to have obstacles from bona fide Islamic charities removed.” This also means a greater focus on the pragmatic aspects of this phenomenon – looking at the value that these NGOs bring – rather than just focusing on the supposed dangers that come through their direct and indirect associations. This would be similar to Flyvbjerg’s call for focusing on the phronesis of the phenomenon, rather than the purely instrumental rational or “epistemic” nature of the issue at hand.

No research as far as I am aware has been undertaken to evaluate, let alone quantify, the damage that this campaign against Islamic charities has done to the interests of their beneficiaries – such as the many thousands of orphans that they have sponsored – and potential beneficiaries.⁴ Through this call, Benthall is suggesting that governments across the world look to what these NGOs are – third-sector actors, who can contribute significantly to saving lives and building trust. Based on his research in Aceh, Indonesia, where he studied Islamic charities, Benthall says that “My conclusion therefore, based on admittedly incomplete data, is that the ‘cultural proximity’ between Muslim aid agencies and the people of Aceh has been a factor in making access possible and, to some extent, in smoothing the way for good working relationships.” This factor should be kept in mind, when the Treasury Department formulates any policy. Further, there can be a better mechanism to clear NGOs that are “legitimate” and have them require lesser paper-work. The existing bureaucratic hurdles also cost NGOs such as Islamic Relief much money, which could go towards actual project work, rather than towards compliance.

⁴ For more see – <http://sites.tufts.edu/jha/archives/153>

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