


Solidarity Playbook



International Civil Liberties Monitoring Group (ICLMG)

Working in coalition to push back against national security overreach in Canada



International
Civil Society Centre

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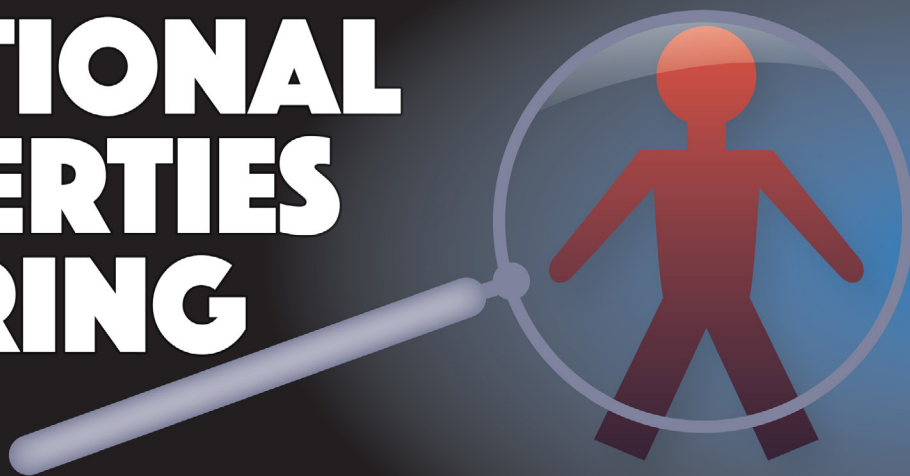
The **International Civil Liberties Monitoring Group (ICLMG)** is a coalition of Canadian civil society organisations (CSOs), established after the adoption of the Anti-Terrorism Act of 2001. The coalition's aim is to protect and promote human rights and civil liberties in the context of the so-called 'war on terror'. Since its creation, ICLMG has been a platform for exchange among organisations and communities affected by the application of national security laws.

Overview

The **misuse of national security and counterterrorism frameworks continues to threaten the space for civil society and civic actors**. Security and counterterrorism legislation has been used against human rights defenders, CSOs and political activists, and such actors have been branded as 'terrorists' or 'sympathisers'. Meanwhile, unintended consequences of counter-terrorism measures have impacted on humanitarian assistance and development work.

This case study looks at how this long-standing coalition has developed, and the strategies it has used to **advocate for greater accountability and transparency** in Canada, and to **resist the overreach** of national security.

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What launched the coalition?

Following the crisis of 9/11, the Anti-Terrorism Act was introduced in Canada in 2001 after only six weeks of debate. It was a complex law that changed multiple areas of legislation, and its rushed passage through parliament was unprecedented.

Civil society organisations understood that the Act could have **serious consequences for their work and survival**. CSOs with programmes operating in conflict areas around the world were at risk of losing their charitable status, because of potential accusations of links to terrorist organisations. Conducting **humanitarian work in high risk areas** could also result in criminalisation under the new law.

Furthermore, by harmonising security policy and practice with the US, there were concerns that the **rule of law was being eroded** in relation to immigration and asylum.

There were also fears that the law could be used for **contexts beyond countering terrorism**. Within a year of the Act being passed, raids were made on indigenous land protectors under the guise of the national security legislation, confirming fears that whilst the Act had been brought in under the premise of tackling terrorist threats, it could be applied to other situations that would **shrink the space for the freedoms** of association, assembly and expression.

The international civil society organisation (ICSO) Inter Pares approached the Canadian Council for International Cooperation (CCIC), a coalition of over 100 Canadian organisations, who convened a meeting on the issue. From this meeting, a coalition was created and funds were mobilised.

Funding for the coalition comes primarily from members, with 90% of the resources coming from CSOs, and the remainder being sourced from individual contributions or grants.

A coordinator was brought on board, and the new coalition held its first meeting in October 2002 with 20 member organisations in attendance.

The aim was to **unify groups that would be vulnerable under the new laws**. CSOs could see the impact of anti-terrorism laws on US society, including the targeting of CSOs and various communities, especially Muslims, Arabs and immigrant populations, and the impact on a wide-range of civil liberties and human rights. This served as a warning sign for what might come their way. The new coalition gave a **unified identity** and a **sense of protection to members**, enabling them to continue to speak out and lobby for change in Canada.

An ICSO as a founding coalition member

Inter Pares, a development ICSO based in Canada, was a founding member of the coalition, and a member of their team serves as an elected Co-Chair of the Steering Committee for ICLMG. They highlight that:

“Too often, national security legislation reduces our freedom, without evidence that it makes us any safer... [We] continue to support ICLMG to prevent Canadian society from moving further towards a climate of repression and injustice, and to promote civil liberties and our fundamental rights and freedoms”.

How does it work?

Twice a year, General Assembly meetings are held where members discuss policy and advocacy work, organisational issues, and the coalition's strategy. There is a Steering Committee composed of representatives from members and allies of the coalition, which also meets quarterly. Two elected co-chairs then work more closely with the secretariat staff on day to day matters. The strategies employed by the coalition include:

- **Research and policy work**, for example analysing legislation (e.g. the Anti-terrorism Act, 2015; the National Security Act, 2017).
- **Advocacy with MPs** to push back against restrictive laws.
- **Information sharing** amongst members and affected organisations.

- **Developing common positions and discourse** around anti-terrorism laws and their impacts among members.
- **Promoting public awareness** of the implications of overbroad anti-terrorist measures and laws.
- **Supporting links with Southern CSOs** whose work may be impacted by the application of security laws.

Members engage around the campaigns, lobbying alongside ICLMG and using harmonised positions to strengthen the advocacy work. By developing common goals and a common discourse, the coalition has been able to help frame the public narrative, especially in the media, around national security policies and their impact.

Who are the members?

In 2001, there was no watchdog organisation in Canada with a specific mandate on national security and securitisation, and also existing civil liberties groups, alongside other actors, came together under the new umbrella group.

There are 46 member organisations brought together by ICLMG, including unions, professional associations, faith groups, environmental organisations, human rights and civil liberties advocates, development groups, and groups representing immigrant and refugee communities in Canada.



Coalition in action

Commission into the Maher Arar Case

In 2002 Canadian citizen Maher Arar was the victim of rendition at the hands of the CIA. He was removed to Syria, where he was subsequently imprisoned and tortured. After a year of campaigning in Canada led by Monia Mazigh, Arar's wife and noted human rights campaigner, the National Council of Canadian Muslims (then known as CAIR-CAN), Amnesty International and ICLMG, he was released and repatriated. The group then campaigned for a commission of inquiry, in order to uncover how the rendition had taken place.

A Commission was set up by the government to inquire into the role of Canadian officials in the case, and ICLMG participated as an intervener. The Commission revealed, among other issues, a **severe lack of transparency and accountability** amongst national security actors, a worrying trend for any civic actors working to hold the government to account or to highlight the issues of vulnerable and marginalised communities.

One of the recommendations made in the final report to the government was for the **creation of an overarching review body that would examine all Canadian national security activities**, across government bodies. This was the genesis of one of ICLMG's longstanding campaigns, and spoke to the need for **greater accountability to counter the 'slippery slope'** of overreaching national security laws and policies that could impact on civil society and beyond.

ICLMG continued to lobby successive governments to follow through on the recommendation, continuously raising concerns about the activities of national security agencies and tying those concerns back to the fact that there was no adequate oversight body, and that civil society activities, especially by indigenous and Muslim communities, were at risk.

In 2014, a decade on from the Commission, ICLMG approached Amnesty International Canada and the Human Rights Research and Education Centre at the University of Ottawa to hold **an event to reconvene those who had participated in the original 2002 inquiry**, including judges, lawyers and CSOs.

Actors gathered to revive the need for an oversight mechanism. It was **well covered in the national media**, and this put the issue and campaign back on the table. It also came just two weeks after an individual sympathising with ISIS attacked Parliament Hill, killing a Canadian soldier. The government at the time was proposing a new, wide-ranging anti-terrorism bill in response. The conference provided an opportunity for ICLMG and others involved to **warn against overreach**. The confluence of these events resulted in anti-terror legislation being a prominent campaign issue in the 2015 national elections. The opposition party at the time (who would become the government), were more open to the coalition's aims, which created political **opportunity** for ICLMG.

In 2016 the newly elected government initiated a national consultation before introducing new legislation. This ran in parallel to a parliamentary consultation. ICLMG **coordinated civil society action** in the following ways:

- Running a **workshop for members** on the questions laid out in the consultation, **collating member responses** in order to develop consensual policy positions.
- Conducting an **analysis of the consultation questions** and key concerns.
- Coordinating with members in different regions in order to **raise awareness of the national consultation** taking place across the country, signaling the opportunity to participate, and coordinating and sharing relevant information and positions.
- **Holding in-person meetings with ministers**, and coordinating the engagement of coalition members in this direct lobbying.

Outcomes

- ✓ **Coalition members came to a consensus** on every question in the national consultation, meaning that everyone was on the same page in their advocacy efforts.
- ✓ The introduction of a **Review Agency was finally included in the National Security Act** of 2017 and the Agency was then established in 2019. Although the coalition is critical of many of the other changes brought in through the Act, for example the increasing of surveillance powers, the inclusion of the Review Agency is a success. Its introduction means there will be one body with the power to look across the collaborative work of multiple security agencies, providing **greater accountability and transparency, and therefore, protection**.
- ✓ This has an **impact beyond issues of rendition**. There are agencies that work closely together on issues pertaining to domestic security, ranging from what is typically considered to be counter-terror activity through to the **policing of protests against extraction or the policing of indigenous communities**. A lack of oversight of these agencies' collaborative work leads to a greater risk of damaging practice that could shrink civic space for progressive civic actors. The mandate of the new review agency offers the potential for **deeper investigation and broader accountability**, which should also act as a deterrent to agencies participating in collusion and corruption, including coordinating anti-terrorism activities with their US counterparts that may be unlawful.

CHALLENGES

Maintaining energy long-term

In being such a long-standing coalition, ICLMG sees a high turnover of representatives from member organisations engaging with the campaigns and activities. The secretariat has to serve as a shared institutional memory for the policy positions that organisations have taken, and there is a challenge inherent in having to remind members of past engagement and in encouraging renewed participation.

Maintaining funding long-term

Turnover in representatives, alongside financial constraints faced by members, has meant that maintaining a consistent and increasing level of funding takes ongoing work.

Technical nature of work

Coalition members generally recognise the importance of the work undertaken by ICLMG, but it can be challenging to translate this into support amongst the general public, particularly in order to build pressure to change laws and policies. However this presents opportunities for the coalition to think through how to articulate the problems clearly.

LESSONS LEARNED

Value of institutional memory

Long-standing campaigns need a consistent coordination mechanism driving and leading the work. ICLMG was the only institution with a detailed memory of the key moments between 2001 and 2017, and they were able to link this important history and background to the present day work, ensuring that the learning from years of advocacy informed the demands of civil society when the opportunity to participate arose.

Common discourse is vital

At the time of ICLMG's founding, the language and discourse around national security and civil liberties was in flux. By developing a common set of principles, policy goals and public discourse, the coalition was able to have an impact on the framing of these issues, particularly in the media.

Flexible structure

Despite existing for 20 years, the ICLMG coalition has never formally incorporated as a standalone institution. Staff has been housed and employed by several different member organisations, including Inter Pares. Likewise, the coalition's finances have been administered by a succession of member organisations. Functioning in this way has allowed the coalition to remain responsive and agile, and allowed for coalition staff to have much needed administrative support. This places a higher level of importance on institutional memory and individual involvement.

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In partnership with

