

COUNTER-TERRORISM LAWS AND REGULATIONS: WHAT AID AGENCIES NEED TO KNOW

Hypothetical Exercise by
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Via video-link from Cambridge to HPG/ODI in London



Disclaimer

- This fictional exercise is part of a research and policy project and reflects academic research carried out by the authors.
- This exercise does not constitute legal or professional advice or legal services, nor does it create an attorney–client relationship with anyone.
- This exercise should not be used for decision–making purposes.
- Organizations and individuals should consult their own counsel prior to making decisions regarding the topics and issues discussed in this exercise.



Background Information

- Landistan — a small, multi-confessional country in the Middle East — experienced an uprising against the brutal monarch and the uprising grew into an exceptionally vicious conflict between the government and armed insurgent groups.
- More than 30 armed groups are active in a part of Landistan not controlled by the state. In an effort to encourage increased humanitarian assistance in these areas, multiple donors have issued licenses authorizing transactions with the vast majority of these groups.
- One group, however — the Armed Opposition Army (AOA) — is by far the most powerful on the battlefield, is in control of the most territory, and is the best-resourced. The AOA is listed as a terrorist group by your major donor governments, by the government of Landistan, and by the the UN Security Council.
- The AOA has claimed that it is, and effectively acts as, the local governing authority in 1 / 3 of the territory of the state, controlling some 8 million members of the Landistani population, the country's largest oil and gas refineries, and the only state-of-the-art hospital outside of the capital.



Your Role

- Your London-based organization — Healthcaring in Crisis (HIC) — is a medical humanitarian INGO with 740 local staff in Landistan, including doctors, nurses, logisticians, and mental health professionals. HIC has a \$200M global budget in 2014 and \$30M of dedicated support earmarked for the Landistani crisis. You have a large international team based on the border to Landistan.
- You are the HIC Landistan Country Director. You have regularly been traveling into Landistan for extended multi-week field visits (you are based on the border). You speak fluent Landistani, and you spent many years pre-conflict working on improving access to medical care for all Landistanis.
- At this time, Healthcaring in Crisis is the only medical humanitarian INGO operating in the part of Landistan controlled by the AOA. The needs are far outstripping capacity, and you are witnessing the daily degradation of access to health facilities.



Recent Developments

- You recently learned that:
 - HIC has treated many wounded and sick members of the AOA, alongside civilians, members of other armed groups, and members of the Landistani forces captured by the AOA;
 - One major AOA commander — who was previously treated by an HIC international doctor — has returned to the battlefield, and the press is widely reporting this fact;
 - The AOA is increasingly requesting that aid organizations pay taxes and warehouse fees; these fees are similar in size to those requested by the government of Landistan and are commensurate with what HIC has been asked for by other states in situations of humanitarian crisis.



Dilemmas:

How would you respond?

- A field coordinator asks you:
 1. Whether HIC should continue to treat all wounded fighters, including AOA members?
 2. Whether HIC local staff should pay the AOA-requested taxes and warehouse fees?
- The Executive Director in London asks:
 3. Whether you are complying with all relevant laws and policies?
 4. Whether HIC should continue operating in Landistan?