

TO: Office of Information and Regulatory Affairs  
United States Agency for International Development

**Re: Notice of Proposed Information Collection Requirements, in the Partner Information Form, Submitted to OMB for Review Vol. 76 Fed. Reg. No. 235, page 76359, OMB Number 0412-0577, Form No. AID 500-13**

January 5, 2012

To Whom It May Concern,

I am writing as an individual who has worked on peacebuilding and conflict transformation projects during the past 20 years as an employee of, or a consultant with, numerous non-governmental organizations, sometimes on projects which have been funded by USAID. I wish to contribute comments in response to USAID's kind offer to solicit feedback in order to evaluate possible revisions in the policy for the proposed information collection. I will begin by stating clearly that I share the goal of protecting USAID and any U. S. Government resources from diversion to terrorist groups, but believe that the Partner Vetting System (PVS) needs re-evaluation. My reasons are set forth below:

I concur with the sentiments of many NGO's regarding a number of questions that have already been raised by others. These include:

- Compromises to the ability of NGOs to gain the trust of many local partners in other countries, even if such partners could easily pass scrutiny. Being seen as an arm of the intelligence agency from the US (or from other countries) will raise suspicions and compromise an organizations ability to perform its mandate, whether that be related to aid and development or peacebuilding and conflict transformation.
- Increased security risks to NGOs due to the same perception that they are arms of US intelligence. Kidnappings, killings, and other security risks have increased drastically over the past ten years for NGO personnel working in conflict zones.
- Questions raised about the accuracy of the lists of terrorists which will be used to assess individuals included in any project proposal or implementation of any project activity. The very fact that Nelson Mandela used to be on such a list is but one example of the questions that need to be raised. There do not seem to be adequate definitions regarding who would be designated a terrorist, what is the description of a "key individual" (very broadly defined in the proposed text), what constitutes derogatory information, what exactly is defined as a threat to national security, or what happens to information gathered on people who are not deemed to be terrorists. Grant programs could actually be halted because names of innocent people appear on a list.
- Burdens placed on NGOs regarding the collection of required data. It is both a question of time as well as whether it is possible, in some cases, to collect all the information.
- The fact that NGOs will not be notified if a proposal submitted has been denied due to PVS and that there is no recourse, therefore, for a challenge to be made and for the data to be amended or even corrected in light of information coming from people who many times will know the individuals in question much better than USG personnel or computerized lists. The secrecy of the process, one in which the USG is the only party that can evaluate itself, raises

important questions. Also of concern is the fact that an NGO can be excluded from receiving a USG grant, without ever knowing that the reason is due to inclusion of a suspected terrorist in their project proposal. Much more transparency is necessary for effective partnership.

- The fact that such requirements will discourage small NGOs from applying for grants, and in some cases, may make them ineligible because they do not have the necessary resources to comply, or because they do not know that some individual's name is on the terrorist list.
- The fact that this data collection process carries the risk of delaying implementation of important programming. Sometimes having to wait for such scrutiny will mean that the window of opportunity has passed. There have been examples where even the purchase of fax machines have been delayed weeks or months until local sellers have been vetted.
- The assertion that there are far better ways to combat terrorism than reliance on computerized lists of terrorists. Elimination of a project, only on the basis of who is involved seems quite inadequate. What is being done, whether it be aid and development or peacebuilding and conflict transformation, ought to be the primary basis for evaluation. How successful is this project delivering on its objectives?

In addition to these concerns, however, I would like to share some input based on my own past experience. Through my experience I will also be suggesting an alternate method for addressing the problem of terrorism.

First, however, I wish to address the concern that USG funding cannot be used to train anyone with terrorist connections in negotiation, mediation, or other peacebuilding skills, since such activity is central to my work experience. As I understand it, the reasons are that such skills could: (1) lull USG officials into thinking terrorist organizations really desire peace and are not a threat, (2) assist such organizations to raise funding elsewhere, (3) provide such organizations with legitimacy, and (4) be used against the USG negotiators if it helps such organizations to negotiate more effectively. I would challenge these assumptions by (1) affirming that the USG need not be lulled into any assumption (it always has the capability to be alert to dangers); (2) that money could also be raised by terrorist organizations because they, in fact, are on such a list; (3) that many things (including being on the list) could grant such organizations legitimacy in the eyes of someone; and (4) that effective training in negotiation, etc. will assist such organizations in clarifying many misperceptions and help them to take into consideration the interests of other parties to the conflict – all of which could assist in ending violence and protracted conflict.

Drawing now from my own experience, I will share work that I have done training Iraqis during the period of 2005-2008. During the first two years I led the team that provided conflict management training under the auspices of Mercy Corps, a project which was funded by USAID. We trained numerous Iraqis from south central Iraq. I know that two of these trainees, who were members of the political wing of Muqtada al-Sadr's movement, subsequently negotiated ceasefires between the Iraqi Army and al-Sadr's Mahdi Militia. During 2007-2008, I worked for the US Institute of Peace, first as a consultant, then as senior reconciliation facilitator, based in Iraq. In this capacity, I also trained numerous Iraqis, including some who successfully mediated a ceasefire agreement in Mahmudiyah (in the Triangle of Death) and many anti-American sheiks in Salah ad-Din Province in an effort to begin a dialogue process designed to deal with corruption and failure to provide basic services. I do not know of any participants who were part of terrorist organizations, but I am sure that some participants had been formerly participated in

the insurgency. In fact, the work I was doing would have been impossible if the US military had not reached out to many of these sheiks, while they were insurgents, and negotiated an agreement with them bringing them into cooperation with coalition forces through the creation of Awakening Councils in many dominantly Sunni areas.

I also worked in the former Yugoslavia for over a decade, from 1993-2006, - first for the Center for Strategic & International Studies in Washington and then for Conflict Management Group in Cambridge, MA. During this time, I worked with nationalist extremists associated with each of the different ethnic/religious communities in that region. For example, my contacts with, and training of, Serb nationalists led to very close relationships of trust I developed with close advisors to Milosevic as well as leaders of the opposition in Serbia; also to close relationships with both Albanian and Serbian leadership in Kosovo. I do not know if any of these persons were on a terrorist list, though I know in one case that an individual with whom I worked was on a list preventing him from travel. As a result of these contacts, I was in a position during the Kosovo war to be a back channel of communication between the USG, the Milosevic Government and the shadow Kosovo Albanian Government. Even though my funding did not come from the US Government, I kept in constant contact with the Department of State, providing information as I saw necessary to assist in communication and development of potential solutions (including some proposals that contributed toward a final peace agreement and clarification of some misperceptions that helped take some items off the table). At the end of the war, the State Dept. informed my colleague and I that we had significantly helped to shorten the war since we had contact with, and the trust of, parties which State Dept. personnel did not. Also, following the war, I was able to introduce the State Dept. to the Kosovo Serb leadership with whom they had no prior experience. In addition to this activity, mostly with Serbs, I also had many contacts with Muslim leadership, especially in Bosnia-Herzegovina and Kosovo at a time when extremist movements were beginning to infiltrate both regions. I trained many religious leaders, including Muslims, in conflict resolution skills. Again, I do not know if any of the trainees were on a terrorist list, but I do know that they had contact with such people. Furthermore, I am convinced that the Muslim leadership (though quite moderate) would not have been willing to work with me if they had suspected that terrorism checks were being conducted regarding their organizations and those with whom they worked. These Muslim leaders saw themselves as valuable links between those of us from the West and Muslim extremists, a role which demanded that they be engaged in contact with such groups that would likely, today, be put on a terrorist list. The successes from my work with the Muslim population were many, including one early participant who used the conflict resolution skills he learned, at a workshop held during the siege of Sarajevo, to convince Bosnian Muslim political leadership to accept the ceasefire that led to the Dayton Accords.

In addition to the work listed above, I have worked in numerous other conflict zones where I have had contact with, and trained, people who may well have been on terrorist lists: for example Tamils in Sri Lanka, Indonesians from Ache, or Kenyan Muslims. What I wish to emphasize is the positive value that I believe my efforts have contributed to peaceful outcomes in many regions where extremist, if not terrorist, elements have been engaged. I believe that the success I have experienced is due to an emphasis on building relationships of trust, helping to dispel misperceptions, and brainstorming potential solutions among a very wide spectrum of parties to the conflict. This has included maintaining relationships with US Government officials, though

without having to be overly identified with US Government policy. Such a relationship is what I would describe as a true partnership that is designed to bring about the best outcome possible, including the reduction of terrorist activities. In an effective partnership, I believe there must be an element of trust both ways. I.e. the US Government must be able to trust its NGO partner enough to allow it to develop relationships, and maintain confidences, which the US Government itself cannot pursue. I believe that this kind of trusting relationship, built not on computerized data bases (often inadequate even if augmented by unspecified follow-up investigation), but on true partnership, will be the best defense against terrorism.

Finally, I want to make the point that most local organizations with whom I have worked, or with whom I have explored the possibility of developing a joint project proposal, would probably fail to meet the criteria required by the proposed PVS. In many cases they are too small to provide all the data collection that is necessary. In all cases I can think of (especially in countries where there is ongoing sectarian/ethnic conflict) they are very likely to have contact with individuals or organizations which could be on a terrorist list. For example, just this past year, I have (unsuccessfully) developed proposals for work in Yemen and Kyrgyzstan. Despite care taken in evaluating our partner organizations, it would not surprise me if they had contact with persons deemed to be terrorists. I would also expect that they would insist that they need to have such contacts in order to be successful agents of change.

I understand that there are many considerations that you must evaluate as you review the proposed Partner Vetting System. I thank you for your consideration of my comments.

Sincerely yours,



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