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Screening by International Aid Organizations Operating in the Global South

Mitigating Risks of Generosity

Beata Paragi

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"This welcomed book sheds light on an opaque organizational practice intersecting humanitarian,international aid, risk governance, and counter-terrorism regimes. By analyzing screening as aprocedure where aid organizations check the background of individuals to comply with national andinternational sanctions laws, Beata Paragi succeeds in contributing to humanitarian and surveillancestudies, as well as to International Relations more broadly."

—Bruno Oliveira Martins, *Senior researcher, Peace Research Institute Oslo (PRIO)*

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And for the want of a word
I renew my life
For I was born to know you
To name you
Liberty.

(*Liberté* by Paul Eluard, 1942, translated from French by Carla Yasmine Atwi https://allpoetry.com/Libert-)
https://www.poetica.fr/poeme-279/liberte-paul-eluard/

where there is tyranny,
everyone is a link in the chain;
its stench emanates and spreads from you,
you too are tyranny;

(*One sentence about tyranny* by Gyula Illyes, 1950, translated from Hungarian by Andris Heks)
https://www.cambridge.org/core/books/abs/legalized-identities/epigraph/9375D5743E159222B860147120EFA0CA

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Paragi, B. (2022b). *The Ambiguous Politics of Screening*. Blog post, Oslo: Norwegian Centre for Humanitarian Studies. Retrieved August 18, 2023, from https://www.humanitarianstudies.no/the-ambiguous-politics-of-screening/

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Paragi, B. (2024). The Art of Screening: Reasonable Efforts and Measures at the Nexus of Aid Work and Counterterrorism. *Surveillance & Society, 22*(2), 138–159.

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Abbreviations

AML	Anti-Money Laundering
AWSD	Aid Workers Security Database
CDD	Customer Due Diligence
CFT	Counter-Terrorist Financing
CJEU	Court of Justice of the EU
CSO	Civil society Organization
CVA	Cash and Voucher Assistance
DG ECHO	Directorate-General for European Civil Protection and Humanitarian Aid Operations, EC, EU
DG INTPA	Directorate-General for International Partnerships, EC, EU
DPO	Data Protection Officer
EC	European Commission, EU
ECtHR	European Court of Human Rights
EDPB	European Data Protection Board
EEA	European Economic Area
EU	European Union
FATF	Financial Action Task Force
FSPs	Financial Service Providers
GDPR	EU General Data Protection Regulation (2016/679)
HO	Humanitarian Organization
ICRC	The International Red Cross and Red Crescent Movement
ICT4D	Information-Communication Technologies for Development
IFRC	The International Federation of Red Cross and Red Crescent Societies
IO	International Organization
IR	International Relations

KYC	Know Your Customer
MSF	Médecins Sans Frontières
NGDO	Non-Governmental Development Organization
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
OECD DAC	OECD Development Assistance Committee
OECD	Organisation for Economic Co-operation and Development
P/CVE	Preventing and Countering Violent Extremism
PN	Privacy Notice
UN SR HR/CT	United Nations Special Rapporteur of CT
UNHCR	The United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency
UNSC	United Nations Security Council
USAID	U.S. Agency for International Development
VOICE	Voluntary Organisations in Cooperation in Emergencies
WHO	World Health Organization

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CHAPTER 1

Introduction

Abstract Due to a diverse set of reasons, aid work has become increasingly securitized by various means and by various actors for more than two decades. Donors and aid organizations themselves play a role in this process by implementing reasonable measures to mitigate risks. The purpose of this first chapter is to introduce the core theme of this book—screening as a risk-mitigating measure by aid organizations registered in the European Union and operating in the Global South—by recalling the four research questions that guided the research, summarizing the methods applied and drawing the structure of the remaining part of the book. It also offers an introduction to key terms, such as aid organizations and risks and draws the frameworks than can be used to interpret screening from various disciplinary perspectives.

Keywords Aid organizations · Screening · Risks and risk-mitigation · Compliance · Securitization

Aid projects implemented in the Global South by international governmental and non-governmental organizations are widely seen as symbols of generosity, solidarity, altruism and humanitarianism in case of conflict and disaster situations. Activities of aid organizations are subject to public scrutiny, certain political and legal oversight due to their spending their

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donors'—in many cases taxpayers'—money, but accountability has its limits in the civil sector (Jordan & Van Tujil, 2006). While isolated anthropological studies may offer insights to the 'lifewords' of specific civil society organizations and their relationships with given communities in particular geographical locations outside the Global North (Kalfeis & Knodel, 2021) as well as into the relationship between aid organizations and their international staff (Fechter, 2014), industry-specific internal operations and organizational practices are rarely investigated in the scholarship. While the risks embedded in and benefits promised by ICT4D and humanitarian technologies have been scrutinized for about a decade (Harris, 2016; Jacobsen, 2015; Qureshi, 2019; Sandvik, 2023; Sandvik et al., 2014, 2017; Walsham, 2017), little information is available on the details of how various technologies are designed, deployed and used by aid organizations.

This book explores dilemmas of transparency around an opaque organizational practice known as screening. While transparency is a controversial and ambiguous matter in every context (Adams, 2020), screening is one among the many tools offered by the compliance industry that ensures contemporary governability "in name of the undisputable good, in the name of the elimination of all the things we all can agree are evil" (Kuldova, 2022, vi). It refers to background checks by means of which organizations (corporations, immigration or customs authorities, financial institutions and even civil society organizations, CSOs) systematically, but in a rather mysterious manner, collect certain information on individuals. The general purpose of various background check procedures, such as screening, is to distinguish individuals and organizations that may pose a risk from reliable and trustworthy ones. While the concerned individuals can be (would-be) clients, employees, other transaction partners, the information being subject to interest concerns their real or perceived 'adverse behaviour': criminal activities, adverse (social) media appearances, direct or indirect affiliation with terrorist organizations or other sanctioned entities.

Background checks in criminal contexts and for-profit settings can be analyzed within the frameworks of the 'surveillance-industrial' complex (Hayes 2012b) and 'compliance-industrial complex' which latter translates "noble ideas into practices of control and pre-emption of future risks, into new forms of hybrid policing [and] shapes the ways in which we are governed, profiled, sorted, surveilled, nudged, risk-assessed, punished, sanctioned—as workers, clients, customers, suppliers, and

humans" (Kuldova, 2022, vi). Screening, however, is also conducted by a narrow set of aid organizations implementing projects in Global South countries.

This practice deserves attention because large aid organizations—or their alliances—are increasingly perceived to have the 'same ontological status as states' and, as a result, they can be seen as key institutions 'in the provision of security and a threat to it' (Watson & Burles, 2018, 437) especially in the contemporary context of global governance. The power of aid organizations is also reflected in concepts such as the 'empire of humanity' (Barnett, 2002) or 'humanitarian governance' (Barnett, 2013). As indicated by these terms, the relationship between aid organizations and their subjects is characterized by power imbalances, resembling relations between the empire and its subject (the 'governed') in an era when "politics is dead" (Kuldova, 2022, v). Building mostly on Michel Foucault's work, governmentality scholars conceptualize governments and governance as attempts "to shape with some degree of deliberation aspects of our behaviour according to particular sets of norms and for a variety of ends" (Dean, 2010, 18). Instead of politics, behaviour, and as a result, power relations are ordered by "regulations, directives, standards, guidelines, and codes of conduct and ethics" and experts "translating policies that aim to fight corruption, money laundering, financial crimes, human rights abuses, and more, into technobureaucratic compliance systems, integrity training and algorithmic monitoring and surveillance systems" (Kuldova, 2022, v–vi). Experts knowing technologies and procedures and offering expert solutions have become more important than humans that are capable only to understand things. An expert, recalling Zygmunt Bauman (1991, 199), "spans the otherwise distant words of the objective and the subjective". However, "by separating knowing from doing and knowers from doers, the mediating expertise and the attendant technology [made] the life-world of all members of society (…) into a territory of permanent and acute ambivalence and uncertainty" (Bauman, 1991, 212). Indeed, considering the role played by large international (non-governmental and/or aid) organizations in various (humanitarian, migration, etc.) domains of international or global governmentality (Dean, 2010, 228–249), screening can be seen as a tool serving the ambivalent purpose of privatized risk governance in the post-9/11 world.

The term 'screening' has been widely used by scholars exploring how various screens (CCTV, mobiles and other smart devices, films/TV)

representing 'vigilant or watchful visuality' have been appropriated, mobilized or instrumentalized to serve the 'watchful politics of the war on terror' (Amoore, 2007; Amoore & Goede, 2008) from public places to airports (Lyon, 2007b). Yet, for the purpose of this study it is also necessary to recall the understanding of 'screening' in medical contexts for an interrelated set of reasons. First, terrorism, violent extremism[1] and crime are frequently conceptualized as a 'disease' in public discourse threatening the 'healthy' social body. Such 'medicalization of social life' covers 'conditions previously not considered to be of any medical interests' (Bauman, 1991, 213). As a result, medico-political metaphors are also instrumentalized in the counterterrorism discourse (Beyribey, 2020; Spencer, 2012). The consequences of such metaphors, however, are both ambivalent and ambiguous. Recalling criticism from medical ethics, the extent to which illnesses and diseases are not of political nature, recovery may be easily hindered by harmful and humiliating analogies (Mongoven, 2006). Such metaphors are also harmful from societal and community perspectives because they normalize certain preventive measures and political responses (strict immigration policies, counterterrorism laws, military interventions) as appropriate, while excluding others, such as negotiations (Spencer, 2012). Yet, as the practice of screening fits the general logic of risk prevention and mitigation, medical metaphors merit scrutiny.

In the context of medical and life sciences the general purpose of screening is the detection of illness or disease for sake of public health. Considering the fine balance between individual (human, health-related) rights and public health concerns, screening in medical contexts is regulated in line with the guidelines issued in 1968 by the World Health Organization (WHO). Following a US CCI Conference on Preventive Aspects of Chronic Disease (1951) the *Principles and Practice of Screening for Disease* (WHO, 1968, 11) defined screening as

> the presumptive identification of unrecognized disease or defect by the application of tests, examinations, or other procedures (...). Screening tests

[1] The book uses the only the term (counter)terrorism, noting that "the globalisation of Countering Violent Extremism (CVE) policies is the most significant development in counterterrorism policy in the last decade … CVE policies have significantly widened the range of methods used by governments for countering terrorism and shifted their target from terrorist organisation to religious ideology and identity" as a result of which "the war on terror has given itself a new vocabulary and a wider set of partnering agencies, from educators to artists" (Kundnani & Hayes, 2018, 3).

> sort out apparently well persons who probably have a disease from those who probably do not.

It is important to note that medical screening tests, by definition and on purpose, can only be applied to populations, not individuals (Rayner, 2017; Steele, 2018), even though it is the individual whose body is screened by various technologies. Screening is not intended to be diagnostic and "persons with positive or suspicious findings must be referred to their physicians for diagnosis and necessary treatment" (WHO, 1968, 11). Although the distinction between screening and surveillance is a grey area even in medical science, the main difference concerns their overall aim or function. Screening usually involves feedback of results to the individuals concerned and includes intention to treat; surveillance, in contrast, only "aims to quantify prevalence and does not generally include feedback to individuals, nor is it linked to treatment" (Rayner et al., 2017). In any case, medical ethics of screening prompt that clear information must be provided to participating individuals "so that they can weigh up the balance of benefit and harm before deciding on whether or not to engage in the process" (Steele, 2018).

Considering screening as a sort of background check in business settings by for-profit and non-profit organizations, the 'fault' may be transferring donor money for illicit purposes, hiring a convicted criminal or sexual offender, offering a glass of water to someone deemed terrorist by a donor country or renting an office space from a sanctioned individual. While it has been scrutinized how aid organizations attempt to reduce or avert various risks for ensuring organizational operability and survival (Duffield, 2001, 2010; Fejerskov et al., 2023, 1–5), little attention has been paid to the expert practices of NGOs, the purpose of which is to mitigate real or perceived risks emerging not so much in insecure political contexts but stemming from their interactions with individuals. Indeed, as noted by Bauman long ago, the life-world of individuals is "saturated by expertise", whereby the "expert-produced and managed technique […] constitutes the true environment of individual life" (Bauman, 1991, 214). It is those who "possesses the skills and administer the technology" that increasingly determine and command life-activities (Bauman, 1991, 214) in humanitarian and development settings too.

Acknowledging that aid organizations may also be subject to screening and surveillance by governments and financial actors (Anwar et al., 2022;

Hayes, 2017, 28; També, 2021) and understanding that screening may carry different connotations in the aid industry,[2] *screening for the sake of this book* refers to a procedure whereby certain aid organizations check the background of individuals to comply with international and domestic (sanctions) law, with conditional clauses enshrined in funding agreements or to pursue other organizational interests. Common is the objective to comply with 'global' norms and 'universal' standards: to prevent the use of donor money for illicit purposes, for example, money-laundering, terrorism finance and corruption or avert reputational hazards. The general purpose of screening is to enable aid organizations to distinguish persons (and legal entities) with 'normal' background from those having 'risky' profiles. In other words, screening is about verifying the identity, more precisely, the 'clearness' of a particular individual (or an entity) before an NGO signs contract with them as an individual donor, supplier, consultant or employee or includes them as beneficiary into an aid project and further monitoring the risks until the contractual or non-contractual relation lasts.

Screening in general and the use of tech solutions for screening in particular raise questions not only with regard to the law and politics of listing (De Goede & Sullivan, 2016; Sullivan, 2020), privatised legal-regulatory compliance (Kuldova, 2022) and related financial surveillance in the context of security and counterterrorism studies (De Goede, 2012; Hayes, 2012b; Rébé, 2020) or international humanitarian law (Eckert, 2022; Gillard, 2021a, 2021b), but also regarding the broader human rights issues, personal data protection included. The principle of transparency and the right to information deserves particular attention not simply because screening can be conceptualized as a data processing operation mostly unknown to the wider public, but also because aid organizations themselves are vocal advocates of transparency when it comes to governmental conduct targeting them, their operations and their beneficiaries both in donor and aid recipient countries.

[2] For example, while "screening" beneficiaries or refugees might also refer to verifying if beneficiaries are part of a community receiving aid or individuals are real asylum-seekers (e.g. camp residents, *see* Jubany, 2011), "wealth screening" is conducted by aid INGOs for fundraising purposes. As their practices, modalities and technologies are different, none of them is discussed in this book.

Transparency is seen both as a norm guiding aid policies, practices and effectiveness[3] and a legal principle carrying relevance in the context of data protection. As for the former, transparency—as one of the core principles guiding aid work—aims to ensure the effectiveness of development assistance by mitigating corruption risks, among others, by providing access to information on reliable data (on aid finances) in a manner that is transparent to all stakeholders. As for the latter, privacy and data protection studies interpret transparency as a legal principle which is enacted, applied, implemented by lawmakers and courts. Its primary function is to protect individual human rights vis-à-vis the state that may abuse their power by preventing access to information (Klareen, 2013), but states are also obliged to protect human rights when interactions take place between private actors.

NGOs registered in the European Union (EU) and in European Economic Area (EEA) processing the personal data of individuals are bound by the EU General Data Protection Regulation 2016/679 (EU GDPR, 2016; hereinafter GDPR). This fact is relevant from legal perspectives not only because the EU's data protection framework ambitions to reinforce the data controllers' liability and the data subjects' rights at the same time by promoting norms in global terms (Bennett, 2018), but also because states tend to criminalize foreigners for being foreigners in migration contexts (Franko, 2020) and view them being less entitled to privacy rights than their own citizens (Milanovic, 2013). Considering the importance it attributes to the protection of fundamental rights, the GDPR, however, not only applies to its single market, but is also extended to the EU's external trade—and aid—relationships for its territorial scope (Schmidt, 2022, 246). Therefore, EU/EEA-registered NGOs are bound by the GDPR even when they implement projects in the Global South

[3] The principle of transparency was enshrined in the *Paris Declaration on Aid Effectiveness* (2005), the *Accra Agenda for Action* and the *4th High Level Forum on Aid Effectiveness* held in Busan (2011) which projected the following actions: aid recipient countries "will facilitate parliamentary oversight by implementing greater transparency in public financial management, including public disclosure of revenues, budgets, expenditures, procurement and audits. Donors will publicly disclose regular, detailed and timely information on volume, allocation and, when available, results of development expenditure to enable more accurate budget, accounting and audit by developing countries" (OECD, 2008, 20). For the EU's commitment to aid transparency, *see* https://ec.europa.eu/neighbourhood-enlargement/about-us/aid-transparency_en.

(Frantz et al., 2020; Gazi, 2020; Paragi, 2021) as long as their data processing operations fall under the scope defined in the GDPR.

Transparency, as a legal principle "takes the form of a duty to inform data subjects"—among others—which is enshrined in various articles of the GDPR (Article 12–14; Recitals 11, 58, 59, 60, 63, 166). This obligation coupled with the right to information "require that the data subject be informed of the existence of the processing operation and its purpose … taking into account the specific circumstances and context in which the personal data are processed" (EU GDPR, Recital 60) in line with the overarching principle of transparent, lawful and fair processing (Article 5(1)). It may apply to screening too, but transparency around this practice is not a straightforward matter as the right to data protection is not an absolute human right.

Contextualization: Aid Organizations, Risks and Disciplinary Frameworks

Aid organizations. Thousands of aid organizations operate in the Global South with the aim of providing development assistance, humanitarian aid or doing advocacy work for the benefit of less privileged populations. To understand the differences in terms of their rights and obligations, intergovernmental organizations, such as The United Nations High Commissioner of Refugees (UNHCR), the World Food Program (WFP) and international organizations enjoying specific privileges and immunities under international and domestic law, such as the ICRC (The International Red Cross and Red Crescent Movement) and IFRC (The International Federation of Red Cross and Red Crescent Societies) are to be distinguished from charities, non-governmental and civil society organizations (NGOs, CSOs) even though they are usually and commonly labelled as 'humanitarian organizations' (HOs) or 'aid organizations'.

Both academic scholarship (development and humanitarian studies) and law (in certain jurisdictions) make a conceptual distinction between NGOs operating in the field of international development (NGDOs) from those organizations (charities, relief organizations) that are mostly active in the humanitarian field (humanitarian NGOs charities, relief organizations). While various donors motives are integral part of development assistance from policies through the implementation of projects and programmes to evaluation, humanitarian assistance is usually not characterized by overtly formulated donor interests. Charities and humanitarian