KATARZYNA MANISZEWSKA PAULINA PIASECKA EDITORS



INTERNATIONAL SECURITY STUDIES GRADUATE RESEARCH PROJECTS



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INTERNATIONAL SECURITY STUDIES Graduate research projects



COLLEGIUM CIVITAS

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ISBN print: 978-83-66386-28-0 e-ISBN: 978-83-66386-29-7

DOI 10.6084/m9.figshare.18586676

Publisher: Collegium Civitas Press Palace of Culture and Science, XI floor 00-901 Warsaw, 1 Defilad Square tel. +48 22 656 71 96 e-mail: wydawnictwo@civitas.edu.pl http://www.civitas.edu.pl

Cover design, typesetting and text makeup: Ważka Łukasz Piotrowski 03-138 Warszawa, Strumykowa 6b/73

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Dear Reader,

It is our pleasure to present the first scholarly volume "International Security Studies" bringing together a unique series of research papers by international students of Collegium Civitas university, Warsaw, Poland. The contributors to this volume are representatives of various programs available for students in Collegium Civitas – from the European Erasmus+ program to the "Security and Society in the Information Age" summer school program dedicated for students from the U.S. universities.

International Security Studies at Collegium Civitas are designed to train future leaders in the field of security, who will be prepared to effectively face the ever changing security challenges in the interconnected world of today. This master's degree program is implemented under the auspices of the Terrorism Research Center – a leading think-tank and a research unit within Collegium Civitas.

In the academic year 2020/2021 the program has been awarded by the National Competition and Accreditation Program "Future-proof studies" which confirms not only the highest quality of education, but also that the program meets the needs of the labor market. The program was also awarded with the "European Laurel" for innovative and unique solutions in internationalization of studies.

Throughout the program the participants have worked on own research papers – analyzing a selected security issue of their interest – under the supervision of mentors from the Terrorism Research Center. The security

issues analyzed in this volume include terrorism, hybrid threats, environmental security, threats to human rights. The authors looked for solutions and included recommendations for law enforcement, policy makers and scholars.

Our young Authors have explored issues from infodemic – pandemic of disinformation (Michał Pawela) to the significance of women in international peacekeeping missions (Loise Wachira); from perspectives for the use of drones in security issues (Rauan Zhaksybergen) to issues of evolution of the right to privacy in times of COVID-19 crisis (Dao Thi Nguyet); from Islamist terrorism in the French context (Cédric Ménissier) to environmental security (Yuliia Harashchenko); from Chinese securitized information strategy in support of military-civil fusion (Jefferson T. Stamp) to terrorism (Mykola Blashkiv) and sexual concent (Khrystyna Pelchar).

We hope you will find this book interesting and valuable and we invite you to learn more about activities of Collegium Civitas at: www.civitas.edu.pl/en

Dr. Katarzyna Maniszewska	Dr. Paulina Piasecka
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Chapter 1 Infodemic as a global threat: disinformation and conspiracy theories of the SARS-CoV-2 era

Michał Pawela

Abstract: The SARS-CoV-2 pandemic provoked a radical rise in the number of unverified information. The rapid development of the pandemic led to permanent chaos caused both by misinformation and disinformation, coined "infodemic" by the World Health Organization. The study aims at identifying primary and secondary sources of false information, describing their impact on the modern digital environment, examining whether it is possible to stop or significantly limit the problem of infodemic through appropriate institutional measures, and proposing policy changes to limit the negative impact of the infodemic. By analyzing multiple case studies, the study proposes a number of solutions such as transnational cooperation of tech giants, governments, and NGOs, improvement of social media algorithms, and the further development of social media departments responsible for verifying harmful content. The study also stresses the importance of including information verification in the curriculum at all levels of education.

Keywords: Infodemic; SARS-CoV-2; COVID-19; Coronavirus; Disinformation; Fake news; International Security; Information Security

Introduction

The SARS-CoV-2 pandemic provoked radical changes in the functioning of many countries and has had a significant impact on societies. The rapid development of the epidemic introduced chaos and permanent information noise. Isolated communities rely more than ever on Internet resources, both by consuming and generating huge amounts of data. By combining information from official channels (media, governments, NGOs), private companies, and friends, Internet users create their coronavirus reality. Fake news, disinformation, misinformation, and conspiracy theories have become common in the era of social media. Since the beginning of the COVID-19 pandemic a significant increase in their number has been observed¹. The situation is becoming grave because it undermines citizen's confidence in public institutions, health professionals, and epidemic prevention programs, which are currently the only effective way to control the pandemic.

The increased activity of societies on the Internet has led to a significant increase in generated network traffic, exceeding previous estimates of various experts. According to OpenVault Broadband Insights Report 2020, the amount of generated data is already as high as it was prognosed to be in 2021, reaching 47% growth in relation to the same period last year². The enormous amount of generated data, the exceptional situation of pandemics, and the lack of unanimity of governments and experts in the joint approach to combat the pandemic have caused an infodemic.

The concept of infodemic, in the context of the SARS-CoV-2 pandemic, was officially used for the first time by Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization (WHO), at the meeting of foreign and security policy experts in Munich in mid-February this year³. According to the WHO, infodemic is an information overload that makes it impossible to reach the merits of the problem in the event of a coronavirus pandemic. Infodemic can hinder an effective public health response and can cause confusion and distrust among citizens in the medical services, the authorities, and official sanitary and epidemiological recommendations.

¹ PWC, "How fake news has exploited COVID-19", https://www.pwc.co.uk/issues/crisis-and-resilience/covid-19/how-fake-news-has-exploited-covid19-cyber.html, access 26.08.2020.

² Open Vault, "Broadband Insights Report (OVBI) 2020", https://openvault.com/wp-content/up-loads/2020/08/Openvault_Q220_DataUsage_OVBI.pdf, access 26.08.2020.

³ UN Department of Global Communications, 2020. "UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis", https://www.un.org/en/un-coronavirus-communications-team/un-tack-ling-%E2%80%98infodemic%E2%80%99-misinformation-and-cybercrime-covid-19, access 26.08.2020.

This is how the concept of infodemic was explained by Ph.D. Marek Łaziński from the Institute of Polish Language at the Faculty of Polish Studies, University of Warsaw:

This is an interesting word, it reflects the threat of another virus, a symbolic virus of unverified information. It is an extremely interesting combination of two elements. Just as interesting as the word "epidemic" in the current context. The combination of "epi" and "demos", currently means a situation in which germs are transmitted between people. In the case of "epidemic", "infodemia" was created, and so the Greek "demos" ceased to mean "people" and became a definition of a threat. The creation of new words is an expression of a human need to orient oneself in a new reality⁴.

The problem of infodemic has been described before, as it has been proven that if it is accompanied by a pandemic, it can have a negative impact on its course, provoking more infections and increasing mortality⁵. Social media plays a special role, serving as the first source of information for a growing number of recipients⁶. Continuous presence in an environment that provides unproven information can change the attitudes and behavior of individuals. Even if users do not belong to groups that propagate false information, they still may be exposed to such content on a regular basis⁷.

This study aims to identify main infodemic trends and analyze the course of infodemic to indicate possible directions of its development and

⁴ Dziennik Naukowy, (2020). ""Koronakryzys", "infodemia", "koronagedon" – jak pandemia wpływa na język", https://dzienniknaukowy.pl/czlowiek/koronakryzys-infodemia-koronagedon-jak-pandemia-wplywa-na-jezyk, access 26.08.2020.

⁵ Kim, L., Fast, S.M., & Markuzon, N. "Incorporating media data into a model of infectious disease transmission." Plos One, 2019, https://journals.plos.org/plosone/article?id=10.1371/journal.pone. 0197646, access 27.08.2020.

⁶ Mitchell, A., Gottfried, J., Barthel, M., & Shearer, E. "The Modern News Consumer. *Pew Research Center's Journalism Project.*", 2016, https://www.journalism.org/2016/07/07/the-modern-news-consumer/, access 27.08.2020.

⁷ Weeks, B.E., Lane, D.S., Kim, D.H., Lee, S.S., & Kwak, N. "Incidental Exposure, Selective Exposure, and Political Information Sharing: Integrating Online Exposure Patterns and Expression on Social Media." *Journal of Computer-Mediated Communication*, *22*(6), 2017, https://academic.oup.com/jcmc/article/22/6/363/4675094, access 28.08.2020.

effective methods of prevention. The study examines whether it is possible to stop or significantly limit the problem of infodemic through appropriate institutional measures and to highlight suggested fields and sectors, the strengthening of which may be crucial to achieving satisfying results.

Comprehensive completion of the analysis was possible thanks to the extensive source material. The problem of infodemic was recognized at an early stage of the SARS-CoV-2 pandemic and attracted the attention of researchers from all around the world. So far, numerous detailed research on infodemic has been carried out. This study organizes them and marks the main directions of change to efficiently combat infodemic. The author's professional involvement in fact-checking (analysis and verification of information) made it possible to gather a rich database of case studies.

The analytical part of the paper consists of two sections. The first section examines the threats posed by infodemic, indicates the causes and sources of disinformation, and presents the vectors used by disinformation and misinformation to reach network users. The second part contains an evaluation of the previous prevention initiatives, both institutional and grassroots, and recommendations. Both sections are enriched by materials obtained in the author's professional work.

Infodemic and its sources

Without a doubt, the primary cause of the infodemic is the SARS-CoV-2 pandemic itself. The completely new (on such a scale and in such form) crisis from the first days of the epidemic caused an unprecedented flood of false information. Sources of infodemic can be divided into primary, i.e., those that are the direct cause of the current situation, and secondary, i.e., those created on the ground of early information chaos. The catalog of primary sources is not extensive and seems to remain closed. It consists of a serious epidemic situation and the development of the information society in the era of the digital revolution, with coexisting imperfections of information filtering and classification. Secondary sources are an open catalog with some major issues to be emphasized; deliberate disinformation, insufficient risk communication, conspiracy theories, and ordinary rumors.

In modern history, we may easily find cases of information chaos caused by an epidemic. One of the most prominent examples is the Spanish flu pandemic of 1918–1919. An unprecedented flood of harmful rumors, resulting from misinformation and lack of access to reliable news, has been reported from the very beginning of the pandemic, especially in the province⁸. However, the digital revolution has changed the scale of misinformation's spread. In the age of the digital society, the expansion and ubiquity of data have become key factors in the shaping of the modern informational landscape. The accelerated development of media, especially social media, and digital communication technologies mark a new era⁹. Therefore, the infodemic during the SARS-CoV-2 pandemic should be treated as a precedent event, as it never occurred before in such conditions and on such scale.

Since the beginning of the pandemic, an avalanche of fake content on the Internet was forecasted by experts¹⁰. When officials called on the public to stay at home and flatten the disease curve, experts raised the alarm that their messages were competing with the enormous wave of disinformation on the web¹¹. The uncertainty related to the coronavirus, combined with the intense global demand for information, created an excellent base for speculation, gossip and conspiracy theories. In early 2020, complicating the situation, celebrities and politicians became one of the main drivers of disinformation about COVID-19¹². A prime example is the early position of governments on

⁸ Jan, Wnęk. "Pandemia grypy hiszpanki (1918–1919) w świetle polskiej prasy". Krakowska Akademia im. Andrzeja Frycza Modrzewskiego, Archiwum Historii i Filozofii Medycyny, 77, 16–23.

⁹ Hiranya, Nath. "The Information Society." Space and Culture India, 4. 19–28. 2017.

¹⁰ Brandy, Zadrozny. "These disinformation researchers saw the coronavirus infodemic coming." NBC, https://www.nbcnews.com/tech/social-media/these-disinformation-researchers-saw-coronavi-rus-infodemic-coming-n1206911, access 01.09.2020.

¹¹ Institute for Strategic Dialogue Digital Research Unit. "Covid-19 Disinformation Briefing No.1." 2020. https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/ Briefing-Covid-19.pdf, access 01.09.2020.

¹² Jim, Waterson. "Influencers among key distributors of coronavirus misinformation", *The Guardian*, 2020. https://www.theguardian.com/media/2020/apr/08/influencers-being-key-distributors-ofcoronavirus-fake-news, access 01.09.2020.

the futility of wearing disposable masks, which later radically changed¹³. In the early stages of the epidemic, when there were significant shortages of masks and disinfectants, such rhetoric was beneficial for governments, but after the change of position, the credibility of official guidelines was noticeably affected¹⁴. Reuters Institute's analysis showed that misinformation disseminated by politicians, celebrities, and other public figures accounted for 20% of the total pool of misinformation and at the same time generated as much as 69% of users' involvement in social media, which are the key sources of knowledge for the information society¹⁵.

False information about the coronavirus turns out to be so common in social media that it becomes really difficult for the average user to avoid participating in spreading false or misleading content. Facilitating the search for reliable information about COVID-19 is also complicated by dynamic changes in researchers' positions and a lack of consensus in the scientific community. SARS-COV-2 is a new virus, which raises several problems in developing a uniform strategy and forming proper risk communication. From the network user's perspective, the situation resembles absolute information chaos, in which the positions of governments are challenged by medical authorities, who also often turn out to be wrong. This leads to a lack of trust in official recommendations and provokes an increased vulnerability of content recipients to disinformation.

The information chaos associated with the SARS-CoV-2 pandemic is eagerly exploited by the parties and people who, thanks to disinformation, achieve their goals. Among them, there are two main groups – institutions, accounts, or channels that disseminate content that supports the narrative of states or political groups and those based on disinformation as a means to achieve their financial gain.

¹³ BBC News. "Wear Masks in Public, WHO Says in New Advice", https://www.bbc.com/news/ health-52945210, access 01.09.2020.

¹⁴ Zeynep, Tufekci. "Why Telling People They Don't Need Masks Backfired", *The New York Times*, 2020. https://www.nytimes.com/2020/03/17/opinion/coronavirus-face-masks.html, dostęp 01.09.2020.

¹⁵ Scott, Brennen, et al. "Types, Sources, and Claims of COVID-19 Misinformation", *Reuters Institute for the Study of Journalism at the University of Oxford*, 2020. https://reutersinstitute.politics. ox.ac.uk/types-sources-and-claims-covid-19-misinformation, access 02.09.2020.

Motivations of those resorting to disinformation can be varied. Often it is to build the image of a strong leader, as was the case with Alaksandr Lukashenka, who publicly stated that the virus is harmless and that it can be eradicated by drinking vodka and bathing in the sauna¹⁶. He also accused the World Health Organization (WHO) and the International Monetary Fund (IMF) of offering a bribe for the introduction of sanitary restrictions in Belarus, even though he applied for a loan himself¹⁷.

The false information that the country was free of SARS-CoV-2 was also spread by Tajikistan. The authorities insisted that there can be no epidemic in a country so well managed¹⁸.

Polish Prime Minister Mateusz Morawiecki also committed a similar manipulation in July, urging citizens, especially the elders, to participate in the elections, stating that the SARS-CoV-2 virus "was in retreat", despite all the data indicating that the number of coronavirus infections was rising¹⁹. Less than two weeks later, the virus's reproduction rate increased significantly, and the epidemic situation deteriorated dramatically²⁰. This manipulation aimed to convince the undecided voters to participate in elections and increase the chances of the ruling party.

In the case of Russia, Alexander Morozov, the political scientist from the Boris Nemtsov Academic Center in Prague, emphasized that the Kremlin's behavior did not deviate from expectations, and he accurately predicted further development of Moscow's rhetoric. Moscow has developed two

¹⁶ Andrei, Makhovsky. "Nobody will die from coronavirus in Belarus, says president", *Reuters*, 2020, https://www.reuters.com/article/us-health-coronavirus-belarus-idUSKCN21V1PK, access 02.09.2020.

¹⁷ Gerry, Rice. Press conference speech. 21.05.2020, https://www.imf.org/en/News/Articles/2020/ 05/21/tr052120-transcript-of-imf-press-briefing, access 03.09.2020.

¹⁸ Eurasianet. "Tajikistan says it has no COVID-19, attributes new death to swine flu", 20.04.2020, https://eurasianet.org/tajikistan-says-it-has-no-covid-19-attributes-new-death-to-swine-flu, access 03.09.2020.

¹⁹ Rzeczpospolita. "Koronawirus w odwrocie" Jest zawiadomienie do prokuratury", 28.08.2020, https://www.rp.pl/Covid-19/200829332-Koronawirus-w-odwrocie-Jest-zawiadomienie-do-prokuratury.html, access 03.09.2020.

²⁰ European Centre for Disease Prevention and Control. "COVID-19 daily epidemic forecasting", *Johns Hopkins University*, https://renkulab.shinyapps.io/COVID-19-Epidemic-Forecasting/_w_813c29 53/?tab=ecdc_pred&country=Poland, access 04.03.2020.

narratives simultaneously presented to internal audiences as a comprehensive picture of Moscow's superiority and Western helplessness. The first narrative includes headlines stating "The virus was brought to China by the American army" and pro-Kremlin commentators continue to write about the "hysteria of the Western elite" and the "collapse of the European Union". The second narrative used by the Kremlin's media is that of "global solidarity" because the Russian government is beginning to take the same precautions as European governments. The Kremlin's media now creates a mixture of these two narratives according to the following principles: The Russian authorities are calmly and effectively combating the virus, and the governments in Europe and the USA are creating hysteria, making mistakes, and provoking criticism from citizens.

For external audiences, the narrative will go in two directions: it will address the European and other governments with a proposal of partnership and Moscow's participation in global solidarity, which cannot be rejected. But on the other hand, it will reach out to European audiences who are looking for "alternative opinions" to their rulers. This is a large audience, consisting not only of some Russian-speaking people in Europe but also the electorate of the new right-wing, eurosceptics, and populists in various countries.

The Kremlin will use this real European material to quote out-of-context criticism of national antivirus programs that will appear in European discussions; criticism of Brussels actions by eurosceptics and statements by panicked European bloggers about the disastrous economic consequences of the measures taken."²¹.

Anonymity and the ability to create free websites facilitate the creation of disinformation on the Internet. The low entry threshold is very tempting for individuals and groups who want to make money by spreading unreliable information. This type of activity can be very profitable if it reaches the right target group. The measure of commercial success for online

²¹ Karol, Orzeł. "Jak wygląda propaganda dotycząca koronawirusa w Rosji?", *Fakenews.pl*, 26.03.2020, https://fakenews.pl/blog/jak-wyglada-propaganda-dotyczaca-koronawirusa-w-rosji/, access 04.03.2020.

publications is the so-called clicks, i.e. unique article views. The more people open an article, the higher the income from advertisers becomes.

Creators of false content are based on emotional, popular, and controversial topics. Statistically, false messages based on negative emotions, especially those that include titles that are shocking, pejorative content, are more popular than neutral or positive ones²². The so-called "clickbait", a headline that is supposed to provoke the recipient to click on an article thanks to false suggestions, is experiencing a particular boom in the COVID-19 era. This technique originated from tabloid publications, however, it has already been taken over by the largest portals, and its use has become widely accepted, although according to experts' opinions it is a form of manipulation that seriously intensifies information chaos²³.

An in-depth study by the Global Disinformation Index (GDI) in 2019 on a sample of about 20,000 websites that were classified as unreliable sources by Poynter/PolitiFact, Snopes, and other fact-checking portals, found that advertising technology companies spend about \$235 million a year on running ads on such sites. Google supported about 70% of the websites in the sample. It also provided 37%, or \$86 million per year of revenue to its owners²⁴. One of the reasons for this dangerous situation is the ease with which Google makes money on website ads. Anyone with a domain can apply for AdSense and, if accepted, can start placing ads on their website. According to GDI, verification is not effective, and the vast majority of unreliable websites cooperate with Google. This ease is very tempting for fake content creators who use free hosting or services such as YouTube to reach vulnerable audiences to make a profit.

²² Jeanette, Paschen. "Investigating the emotional appeal of fake news using artificial intelligence and human contributions", *Journal of Product & Brand Management*, 06.05.2019, https://www.emer-ald.com/insight/content/doi/10.1108/JPBM-12-2018-2179/full/html, access 05.09.2020.

²³ Chen, Y.; Conroy, N.J.; Rubin, V.L. "Misleading online content: Recognizing clickbait as false news", International Journal of Advance Research, Ideas and Innovations in Technology, 2018, p. 817–819.

²⁴ Global Disinformation Index. "The Quarter Billion Dollar Question: How Is Disinformation Gaming Ad Tech?", 2020, https://disinformationindex.org/wp-content/uploads/2019/09/GDI_Ad-tech_Report_Screen_AW16.pdf, access 05.09.2020.

In the context of infodemic, the biggest players of the advertising market, Google and Facebook are crucial. The most famous search engine, social network, and their direct subsidiaries, such as Whatsapp, Instagram, or YouTube, according to experts' estimates, generate about 20% of global network traffic²⁵. It should be kept in mind that at the same time these services are the main social platforms on which direct interaction between Internet users takes place. The key to the success of these brands is a strategy of increasing user engagement. Facebook's algorithm determines the level of engagement based on a huge amount of constantly collected data. The service adapts the relevant content to the recipient so that what each user sees is unique. When such a user logs in to their Facebook or YouTube account, they see many posts or videos on their newsfeed. That is the sum of all the content that is generated and processed by the community, with particular emphasis on the profile of the person who is the direct recipient of the content²⁶. It largely contributes to the creation of filter bubbles in which users are being closed. They are mainly reached by information shaped according to their interests, views, and beliefs, which further enhances the natural effect of confirmation. As it has been proved, it directly leads to polarization and radicalization of social media users²⁷. Continuous exposure to false information can further catalyze these processes.

Conspiracy theories

The COVID-19 pandemic caused an avalanche of dangerous disinformation and gossip in the form of conspiracy theories, including false explanations of the origin of the virus, how it should be treated, and who is guilty of its spread. Conspiracy theories undermine science, facts, and trust in institutions posing a direct threat to individuals and communities. Social

²⁵ Sandvine. "The Global Internet Phenomena Report", https://www.sandvine.com/hubfs/Sand-vine_Redesign_2019/Downloads/Internet%20Phenomena/Internet%20Phenomena%20Report%20 Q32019%2020190910.pdf, access 05.06.2020.

²⁶ Facebook. Reklamy na Facebooku – informacje, 2020, https://www.facebook.com/ads/about/ ?entry_product=ad_preferences, access 10.09.2020.

²⁷ Uthsav, Chitra & Christopher, Musco. "Analyzing the Impact of Filter Bubbles on Social Network Polarization", 2020, https://www.researchgate.net/publication/338758106_Analyzing_the_Impact_ of_Filter_Bubbles_on_Social_Network_Polarization, access 10.09.2020.

media are the primary channels for the spread of such content. The latest version of the Facebook algorithm promotes content with active user participation. It facilitates interaction and favors topics and groups that are highly active²⁸. The author's observations show that with the new (2020) algorithm, the model of spreading disinformation has also changed, which almost perfectly matched with the outbreak of the SARS-CoV-2 pandemic.

The specificity of infodemic has led to the creation of numerous groups and communities focused on controversial assumptions resulting from disinformation or misinformation. The largest Polish group undermining the very existence of the pandemic, at the time of writing this study, had about 115,000 users. Such groups based in the United States often reach over 500,000 members. This is a significant number and in the context of the rules that govern the new Facebook algorithm – very effective. Such a large number of supporters generates a huge number of interactions. The communities involved in conspiracy theories show extremely high responsiveness, which in the context of the 2020 algorithm gives them a huge influence on other users of social media²⁹.

Building these types of communities, which are bonded by the syndrome of a besieged fortress, inevitably leads to group polarization, i.e. a situation in which the group is willing to make more radical demands than its original individual members. Such ideas effectively proliferate beyond digital reality, leaving a mark on the world's strategies of fighting the pandemic³⁰.

According to months-long research by the author, the most popular conspiracy theories of the COVID-19 era are divided into two main groups – those that completely deny the pandemic and those that attribute the pandemic to a conspiracy of governments/secret groups. The second group

²⁸ UnboxSocial. "How does Facebook algorithm work and step-by-step guide on how to make it work for you", 2020, https://www.unboxsocial.com/blog/how-does-facebook-algorithm-work/, access 10.09.2020.

²⁹ Paul, Hitlin & Lee, Rainie. "Facebook algorithms and personal data", *Pew Research Center*, 2019, https://www.pewresearch.org/internet/2019/01/16/facebook-algorithms-and-personal-data/, access 12.09.2020.

³⁰ Bavel, J.J.V., Baicker, K., Boggio, P.S. et al. "Using social and behavioural science to support COVID-19 pandemic response", *Nat Hum Behav 4*, 2020, https://doi.org/10.1038/s41562-020-0884-z, access 12.09.2020.

often includes those who accept the pandemic, but who believe that SARS-CoV-2 is no different from the usual flu and sanitary restrictions are pointless. As time passes and the number of infections and deaths increases, we can observe a gradual transition of people from the group that denies the pandemic to the group that is skeptical about sanitary and epidemiological recommendations. At the same time, radicalization and further activation of such people are observed more and more often. Conspiracy theorists tend to move their activities beyond virtual reality, organizing marches, happenings, and provocations.

Research on social media has shown that these two groups are particularly active in sharing fake content. People over 65 and ultra-conservatives distribute more than seven times more fake messages on Facebook than any other group³¹. Similar results were obtained in a study using Twitter data, which found that people most exposed to false sources of information were conservative, elderly and politically committed³².

The study published in the American Journal of Tropical Medicine and Hygiene in August, confirms that the problem is very serious, especially when conspiracy theories lead to the spread of false information that is potentially dangerous to health. Researchers identified more than 2,300 rumors and conspiracy theories related to COVID-19 from 87 countries. Most of these (89%) were classified as rumors or unverified claims about coronavirus; about 8% were classified as conspiracy theories and 3.5% as stigmatizing or discriminatory due to healthcare occupation or illness. Some conspiracy theories suggested that COVID-19 was developed as a biological weapon, and about 15% of cases of disinformation were related to the causes or sources of the disease³³. The harmful content identified

³¹ Guess A, Nagler J, Tucker J. "Less than you think: Prevalence and Predictors of Fake News Dissemination on Facebook", *Science Advances 5*, 2019.

 $^{^{\}rm 32}\,$ Grinberg N, et al. "Fake News on Twitter during the 2016 US Presidential Election", Science Vol 363, 2019.

³³ Islam, Saiful, et al. "COVID-19–Related Infodemic and Its Impact on Public Health: A Global Social Media Analysis", *American Journal of Tropical Medicine and Hygiene*, p. 1–9, 2020, http://www.ajtmh.org/docserver/fulltext/10.4269/ajtmh.20-0812/tpmd200812.pdf?expires=1601389063&id=id &accname=guest&checksum=01C62DF017567B0A47A061A03B746AAA, dostęp 13.09.2020.

was very varied; drinking bleach, eating garlic, keeping the throat moist, avoiding spicy foods, taking vitamin C, and even drinking cow's urine were supposed to cure COVID-19. Bill Gates appeared routinely as the person standing behind the epidemic. SARS-CoV-2 was also combined with the implementation of 5G technology. Some theories became so popular that Clorox, an American manufacturer of bleach, posted a message on its website alerting customers of the dangers of drinking their product.

Combating disinformation and misinformation in the age of SARS-CoV-2

The exceptional situation did not create new problems but increased the existing ones, which in most cases result from the mechanisms of social and traditional media. The aforementioned user profiling algorithms and the transfer of media into a virtual environment, along with the wide-spread digitalization of societies, are responsible for the development of the infodemic.

Analysis of international actions taken so far by governments, NGOs, and social media giants & additional measures aimed at combating infodemic

Fact-checking portals were the first to respond to widespread misinformation. The fact-checking departments of organizations such as PolitiFact, Snopes, and Agence France Presse (AFP) intensified their work significantly. The importance of initiatives such as Health Feedback, which specializes in medical verifications, has also increased.

For several reasons, such portals do not seem to be sufficient to effectively combat the infodemic. First of all, they only reach Internet users, thus excluding the elderly, digitally excluded, and particularly vulnerable during the SARS-CoV-2 pandemic³⁴. In communities where access to technology is limited, misinformation and disinformation about COVID-19 may continue

³⁴ Centers for Disease Control and Prevention. "COVID-19 Death Data and Resources", 2020, https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm#AgeAndSex, access 13.09.2020.

to spread. Extremely comprehensive strategies are needed to provide accurate information on disease prevention and treatment.

Secondly, fact-checking portals are not able to significantly influence people already involved in conspiracy rhetoric. Such people have well-established views and automatically classify fact-checking organizations as hostile and "on the other side of the barricade". Finally, these types of portals have limited strength and resources and are unable to keep up with the development of infodemic. Creating false information is much simpler and less timeconsuming than carrying out factual verification. When large, radical social media groups were created and YouTube was overtaken by conspiracy vloggers, fact-checkers stopped keeping up with the amount of false content.

Governments also tried to fight infodemic from the very beginning. However, their messages often provoked widespread skepticism as they changed with new scientific findings and resembled incompetence. The different models of fighting the epidemic in different countries also generated criticism and raised new doubts.

The case of disposable masks caused much controversy. The World Health Organization changed its guidelines on the wearing of masks, recommending that they should be worn, while earlier it claimed that there was not enough evidence to support their effectiveness as a standard procedure in everyday life. Also, the WHO has taken the stand that the widespread wearing of protective masks could lead to a shortage of masks for medical workers and create a false sense of security in society³⁵.

Such position was quickly changed, but after a few months, there were again noticeable divergences in countries' approach to masks. The Netherlands announced that it was giving up non-medical masks in public space due to their unconfirmed effectiveness and returning to the concept of social distance³⁶. Throughout the pandemic, the Swedish model, which did

³⁵ Ralph, Ellis. "WHO Changes Stance, Says Public Should Wear Masks", *WebMD*, 08.06.2020, https://www.webmd.com/lung/news/20200608/who-changes-stance-says-public-should-wear-masks, access 14.09.2020.

³⁶ Reuters. "Dutch government will not advise public to wear masks – minister", 29.07.2020, https:// www.reuters.com/article/us-health-coronavirus-netherlands-idUSKCN24U2UJ, access 14.09.2020.

not introduce lockdown and was based on recommendations rather than orders, also aroused controversy.

It is still too early to assess which solutions proved to be particularly effective when fighting SARS-CoV-2. However, various local strategies for combating the epidemic provoked misinformation and the creation of theories that unjustifiably assumed the superiority of specific, local solutions. Due to frequent changes in the guidelines and the introduction of completely random restrictions in some countries (such as the ban on entering forests in Poland), effective risk communication was not possible.

The fight against infodemic was also undertaken by social media. Thanks to the digital revolution and progress in the field of online communication, many people tend to use social media as the only source of information. Every day, users generate gigantic amounts of data that appear on platforms such as Twitter, Facebook, and YouTube. Many people consider posting, sharing, and discussing daily news and events on the social network as a daily routine.

With the rapid increase in the amount of daily information displayed by users, they face the challenge of filtering content themselves. In such a large data flow, it is extremely difficult to choose reliable information and avoid false ones. Systematic application of appropriate filters in search results by companies such as Facebook or Google was supposed to limit the spread of false information on websites and groups by limiting their reach and reducing the likelihood that people will share false content or even fake news.

Facebook decided to limit the visibility and reach of posts including misinformation about vaccines. The drastic increase in the costs of advertising the content related to anti-vaccine movements and excluding groups and sites with such topics from search results was supposed to remove the problem. Facebook also intensified its cooperation with organizations associated with the International Fact-Checking Network within the initiative of the American Poynter Institute. Thanks to such agreement fact-checkers were given the possibility to mark false content on the portal and Facebook started to display appropriate messages with verified materials, covering posts with misinformation. Facebook has also supported the fight against disinformation with \$300 million³⁷. YouTube replicated this solution and started to mark false information in cooperation with verified fact-checkers.

The efforts of Facebook and YouTube show that these platforms prefer to limit the reach of false information rather than remove it. According to the author's analysis, Facebook usually tried to limit the spread of false messages by reducing their visibility, reach, blocking the display of such content on the newsfeed, or marking it as verified as fake news by factchecking organizations.

YouTube's strategy usually consists of presenting the full context, or facts, on the board covering the video, with limiting reach of potentially harmful content as the last resort. Both portals have only decided to remove the videos and groups when there was harmful information about COVID-19 (such as the aforementioned bleach drinking conspiracy theory). However, this usually took weeks or even months.

Updating its security policy and extending the definition of harmful content, Twitter announced that it prohibits tweets that "may increase the risk of spreading COVID-19". It meant, undermining the recommendations of experts, promoting harmful medical practices, contradicting scientific facts about coronavirus, or spreading unverified news that causes panic and the development of dangerous rumors. The platform has also implemented new procedures to verify and promote verified content on SARS-CoV-2³⁸.

Traditional media mostly underestimated the problem of infodemic, limiting themselves to providing current statistics and official sanitary and epidemiological recommendations. The only real efforts have moved the fight to the digital environment.

³⁷ Kristen, Hare. "Facebook is putting \$300 million toward stabilizing local news", *Poynter*, 15.01.2019, https://www.poynter.org/business-work/2019/facebook-is-putting-300-million-toward-stabilizing-local-news/, access 14.09.2020.

³⁸ Matt, Derella / Twitter. "An update on our continuity strategy during COVID-19", 2020, https:// blog.twitter.com/en_us/topics/company/2020/An-update-on-our-continuity-strategy-during-COV-ID-19.html, access 15.09.2020.

Recommendations

The development of infodemic is still not sufficiently managed by governments and technology giants. It is noteworthy, however, that the latter, especially social networking platforms such as Facebook, Twitter, or You-Tube, has already taken concrete steps to combat misinformation and disinformation. The successes are not spectacular, but the efforts are beginning to bear fruit and practical recommendations can be formulated based on the observations of their actions in recent months.

It should be kept in mind that these are still only preliminary assumptions, based on a limited amount of data, which only, in theory, seem to be the right way to control or significantly reduce the infodemic of the SARS-CoV-2 era. The fact that large social networks are subject to different jurisdictions also causes significant difficulties, so effective legislative solutions should be based on international law. As Ph.D. Łukasz Iwasiński from the Faculty of Journalism, Information, and Bibliology of the University of Warsaw rightly points out:

Reducing the scale of the fake news phenomenon requires the involvement of the institutions responsible for its publication and distribution – not only online news services but also, and more importantly, social networks and search engines. Research on automated identification of fake news is already underway. However, it is difficult to expect that algorithmic control will solve the problem. Traditional methods of regulation also seem to be ineffective – due to the vastness of information circulating on the Web, as well as the fact that online publications not originating from registered electronic journals, i.e. the vast majority of the content present on the Internet, are not subject to Polish press law³⁹.

³⁹ Łukasz, Iwasiński. "Fake news i post-prawda. Krótka charakterystyka", *Przegląd Edukacyjny 2 (109)*, 2019, https://depot.ceon.pl/bitstream/handle/123456789/15579/Fake%20news%20i%20postprawda. %20Kr%C3%B3tka%20charakterystyka.pdf?sequence=1&isAllowed=y, access 15.09.2020.

The situation is similar in other countries and Poland is not an exception.

It should also be noted that the effective influence of governments and corporations on the content appearing on the Internet can have a censorship effect. The examples of Israel, China, Singapore, and South Korea show that solutions that seriously infringe on citizens' privacy and freedom of speech are being implemented during the SARS-CoV-2 pandemic⁴⁰. Introducing methods that are permanently implemented in internal security systems under the guise of fighting infodemic should be avoided.

In times of crisis, such as the SARS-CoV-2 pandemic, people may be more willing to accept restrictive solutions, but these emergency measures must not go beyond a strict framework. It is important to criticize any solution that is not precisely aimed at the infodemic and not allow its permanent implementation if it can contribute to restricting freedom of speech without proving its necessity beyond any doubt.

Radical actions to limit the scope of harmful theories seem indispensable to stop their dangerous impact on communities. As the measures for the prevention of further spread of the infodemic six recommendations emerge.

1. Governments, in cooperation with scientists, should actively cooperate with transnational social media corporations to actively monitor and eliminate conspiracy theories, groups, and the most involved user accounts when an exceptional commitment to spreading disinformation is confirmed.

So far, limiting the reach of posts, tweets, and videos has failed to produce tangible results in terms of slowing down the development of the infodemic. This is, by all means, ineffective and raises reasonable doubts as to the actual involvement of social media giants in the fight against disinformation and misinformation, because their

⁴⁰ Arjun, Kharpal. "Use of surveillance to fight coronavirus raises concerns about government power after pandemic ends", https://www.cnbc.com/2020/03/27/coronavirus-surveillance-used-by-governments-to-fight-pandemic-privacy-concerns.html, 26.03.2020, access 16.09.2020.

financial results are directly related to the activity of users. Corporations such as Facebook and YouTube benefit financially from the activities of individuals and groups distributing false content, so a clear conflict of interest can be seen in this case. Governments and international organizations should therefore commit more to influence corporations to support the implementation of solutions that are partly unfavorable for them in accordance with the principles of broadly understood corporate social responsibility.

Also, it should be borne in mind that any solutions should be accepted by the international community to prevent specific countries from influencing social networks to spread their agenda under the guise of combating disinformation.

 Trade unions, medical chambers, etc. should speed up and improve disciplinary proceedings against their members so that representatives of professions of public trust have to face serious consequences for spreading unproven, harmful information about medical procedures.

The scientific and medical community should maintain consensus while conducting a substantive debate on concrete solutions. Representatives of professions of public trust should not be allowed to spread fake news, giving conspiracy theorists arguments for harmful or dangerous actions, backed by medical or scientific authority.

3. Social media giants should improve current algorithms to support information verified by independent verifiers and fact-checkers, while drastically reducing the reach of harmful misinformation. At the moment, faulty algorithms often limit the range of posts of organizations combating disinformation, basing only on keywords.

With no doubt, it is important to oblige social media platforms to disclose the principles of algorithms. Their impact on society is significant, often leading to addiction and radicalization, and should therefore be monitored by specialized institutions, just as the composition and operation of medical products or stimulants are monitored. 4. Social media should further develop departments responsible for verifying harmful content, especially those reported by users. Currently, corporations have mostly engaged algorithms to verify content, which has not proved to be effective in case of less obvious misinformation. To operate in specific areas, portals should take care of an adequately large team of verifiers, or establish cooperation with local fact-checking organizations.

This is essential for the further efficient operation of such portals. The radicalization and disinformation vulnerability of societies can have potentially very serious consequences for social and political changes. Therefore, the influence of corporations should not be underestimated and should be regulated by international law.

5. Organizations, media, and portals spreading dangerous and false content in public space should be subject to quantifiable financial penalties, imposed by appropriate entities due to the high potential social harm of this type of misinformation.

Just as social networking sites profit from the traffic generated by harmful content, traditional media often use gossip, controversy, and clickbait to attract the public. Such practices, in the case of infodemic, nullify all efforts to combat disinformation, so they must be properly controlled and made unprofitable.

In this context, the potential susceptibility of this type of solution to censorship should also be highlighted. Thorough control of the content may silence the national social debate, which is very important for people coping with the complex consequences of a pandemic. An appropriate compromise must be found between discouraging the media from publishing potentially false information and freedom of expression (and/or freedom of the media). Criticism of the government's actions and whistleblowing (disclosure of the organization's harmful activities by its employees or members) should be supported, and therefore an appropriate remedy should be provided in local and international law. 6. It is essential to include information verification in the curriculum at all levels of education.

Infodemic proves that information chaos is a threat that will appear more and more often in public space. The SARS-CoV-2 pandemic only revealed a problem that will continue to be one of the most serious challenges of the digital revolution era. Nowadays, the most basic skill of a human being is to analyze data sets, as opposed to the old model of knowledge acquiring and restoration. The basic elements of information analysis and verification, treated comprehensively, should be included in the curriculum as soon as possible.

Above all, successful actions require the goodwill of technological giants and effective cooperation on an international level. Further research should also be conducted to assess newly implemented solutions. Infodemic, just as pandemic, requires increased joint actions by states, NGOs, and transnational corporations. The bottom-up activities, although they bring visible effects, are not capable of combating the infodemic, which, like an incompletely eradicated virus, will recur.

Chapter 2

Perspectives for the use of drones in security issues: advantages and shortcomings

Rauan Zhaksybergen

Abstract: In the last ten years, unmanned aerial vehicles have gained immense popularity, especially in the most developed countries of the world. The scope of the use of drones is quite extensive, hence it opens a wide variety of possibilities for non-regulated acts. Due to rapid development of technologies and lack of legislations, drones pose a threat for private life and civilian health safety. This article analyzes the scope of the use of drones with their advantages and disadvantages, as well as the prospects for the development of drone industry. This article seeks to answer questions concerning where and how drones could be used in civilian spheres, and what are the main threats and measures to counter the illegal use of drones.

Keywords: UAV, Unmanned Aerial Vehicle, drone, detection, security, threats, measures, network, monitoring, surveillance, system, devices, control, safety, potential, technology.

Introduction

The industrial revolutions that have taken place in recent history have led to rapid scientific and technological progress in all areas of human activity, particularly in the development and use of the aircraft. Moreover, the contemporary speed of development of technologies along with the globalization process undoubtedly leads to an uncontrollable increase of security issues. The growing number of uses for drones can be both a security threat and an effective method of dealing with a range of security issues.

The first drones were primarily used for tactical purposes, as was the case for the first cell phones. The use of unmanned aerial vehicles as a weapon

goes back to the siege of Venice in 1849, when explosive balloons were launched into the city by Austrian armies. The true origins of military drones, however, are usually linked to the development of remote-controlled aircrafts used after World War I as anti-aircraft targets⁴¹.

Unmanned Aerial Vehicle (UAV) – an aircraft without a crew on board, can have varying degrees of autonomy – from remotely controlled to fully automatic, as well as have differences in design, purpose, and many other parameters. From an etymological point of view, an unmanned aerial vehicle is a collective term that encompasses all types of aircrafts that cover a distance in the air without the direct participation of a person (pilot). Moreover, takeoff and landing, determination of the flight trajectory, including its duration, and other impacts on the aircraft by means of special devices (remote controls) is also indirect use of the UAV⁴².

Each drone is developed for specific purposes, so there are several types of them: unmanned aircraft, unmanned helicopters, unmanned balloons. They are also subdivided into types depending on the size: micro, mini, medium, and heavy. And according to the features of the control, they are divided into controlled, automatic, and uncontrolled. Despite the existing structural differences and modifications, it should be noted that all of the above devices are types of UAVs, so it would be advisable to consider them in a general context⁴³.

The dominant industry in the development of unmanned aerial vehicles has been, and remains, the military. Today, almost all developed countries of the world are developing military unmanned aerial vehicles. This is due to the fact that UAVs are more mobile than a reconnaissance detachment, are slow-moving and imperceptible to the enemy, are capable of covering an area of a large radius, can stay in the air for more than 40 hours, and transmit information in real-time. One of the main motivations for the

 $^{^{\}rm 41}$ Cyprian Kozera. Military Use of Unmanned Aerial Vehicles – A Historical Study. Safety & Defense. (2018) 4. 17–21. doi: 10.37105/sd.4.

⁴² Kardasz P, Doskocz J, Hejduk M, Wiejkut P, Zarzycki H (2016) Drones and Possibilities of Their Using. J Civil Environ Eng 6: 233. doi:10.4172/2165-784X.1000233.

⁴³ Riham Altawy and Amr M. Youssef. 2016. Security, privacy, and safety aspects of civilian drones: A survey. ACM Trans. Cyber-Phys. Syst. 1, 2, Article 7 (November 2016), DOI: http://dx.doi.org/10.1145/3001836.

delivery of UAVs is that the vehicle has no crew. Even if the enemy noticed the drone and managed to hit the target, the pilot will not be hurt.

Drones show their effectiveness not only on the battlefields but also serve civilian purposes. There have been many issues with the ubiquitous usage of drones today, ranging from safe flights, legal regulations for use in public areas, privacy and family life, terrorist threats, and far more. Because of the absences of legislations and regulations, drones can be conveniently used for illicit activities, such as both surveillance and unlawful monitoring⁴⁴.

The widespread proliferation of drones has created threats to intrusions and citizens' privacy. It should be noted that international documents have recognized the right of citizens to inviolability of private life as a fundamental concept. The Universal Declaration of Human Rights states that no one may be subjected to "arbitrary or unlawful interference with an individual's privacy, family, home or correspondence, and of unlawful attacks on his honour and reputation"⁴⁵.

Drones are increasingly being used to promote public safety by offering affordable, easy-to-operate, yet analytically advanced remote sensing solutions that resolve the technological challenges of public safety, including search and rescue, response to hazardous situations, extinguishing of construction and forest fires, remote location distribution of medicines, and much more.

The global market for unmanned aerial vehicles is showing significant growth with great prospects in the near future. The main factors contributing to the growth of this market include the increase in the military budgets in a number of countries, as well as the expansion of the use of UAVs in the commercial sector. However, the lack of specific legal regulations is the main constraint on the growth of the UAV market during the forecast

⁴⁴ Riham Altawy and Amr M. Youssef. 2016. Security, privacy, and safety aspects of civilian drones: A survey. ACM Trans. Cyber-Phys. Syst. 1, 2, Article 7 (November 2016), 25 pages. DOI: http://dx.doi. org/10.1145/3001836.

⁴⁵ "Universal declaration of human rights," 217(III) International Bill of Human Rights, 1948. (International Covenants on Human Rights, art. 17) https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217(III).pdf.

period. As technology advances, drones are becoming more ubiquitous and affordable, leading to a debate in which their benefits are weighed against the new ethical and legal challenges they are creating.

Given the affordability and growing technical capabilities of drones, a wide range of illegal activities should be expected with their use. It can be banal industrial espionage using high-resolution cameras installed on drones, listening equipment, or equipment for hacking wireless networks, it can be unauthorized delivering objects inside the perimeter or transporting them outside, it can even be a targeted attack on sensitive nodes of the object using the very drone or explosives delivered on it⁴⁶.

The remotely controlled unmanned aerial vehicles considered in this article, have significantly decreased in size, equipped with modern microelectronic control devices, navigation, video surveillance, and miniature electric motors, have turned from a hobby into a device for mass use for household and other human needs.



Figure 1: Future Forecast for Drone Market Worldwide

⁴⁶ Winkler, Stephanie, Sherali Zeadally, and Katrine Evans. "Privacy and Civilian Drone Use: The Need for Further Regulation." Ieee Security & Privacy 16, no. 5 (2018): 72–80. https://doi.org/10.1109/ MSP.2018.3761721.

There are several spheres of human life where drones could be integrated:

A. Medicine

German non-profit group Definetz has proposed the use of drones for the emergency delivery of defibrillators and other medical supplies in cases where it is impossible to wait for the arrival of a medical team⁴⁷. So, for example, in the event of an attack of myocardial infarction or cardiac arrest, the count goes on for minutes, and the first aid provided on time will save the patient's life. In the medical field, drones can be used to deliver medical supplies to remote rural areas.

B. Filming

In cinematography, video filming from a bird's eye view creates new perspectives and opportunities for improvisation in creativity that were not possible before. Drones are already being used for on-the-spot reporting and sporting events. Another area of their application is the creation of documentaries about wildlife⁴⁸.

C. Agriculture

In agriculture, using drones, information is collected on the state of the cultivated areas, the degree of maturity of plants, the need for irrigation is assessed, and spot treatment of foci of diseases is carried out⁴⁹. Prompt detection of plant diseases allows you to make a more accurate decision on their treatment and monitoring the situation.

D. Oil and gas industry

Standard approaches to monitoring oil and gas pipelines are complemented by drone surveillance. Signals from sensors for monitoring

⁴⁷ Mackle, C., Bond, R., Torney, H., Mcbride, R., Mclaughlin, J., Finlay, D., Biglarbeigi, P., Brisk, R., Harvey, A., & Mceneaney, D. A Data-Driven Simulator for the Strategic Positioning of Aerial Ambulance Drones Reaching Out-of-Hospital Cardiac Arrests: A Genetic Algorithmic Approach. IEEE journal of translational engineering in health and medicine, 8, 1900410. 2020, https://doi.org/10.1109/ JTEHM.2020.2987008.

⁴⁸ K. Collins "Behind the mind-boggling shots captured by BBC drones," 2014. https://www.wired. co.uk/article/bbc-drone-journalism.

⁴⁹ Tripicchio, Paolo & Satler, Massimo & Dabisias, Giacomo & Ruffaldi, Emanuele & Avizzano, Carlo. (2015). Towards Smart Farming and Sustainable Agriculture with Drones. International Conference on Intelligent Environments, Prague, 2015, pp. 140–143, doi: 10.1109/IE.2015.29.

and detecting leaks are used to identify the current state of pipelines and assess the environmental situation⁵⁰. High-quality real-time images allow you to quickly detect oil spills and identify unauthorized activities in protected areas.

E. Emergencies

Drones are used in rescue operations by emergency services to find lost people where access without special equipment is limited, for example, in mountainous areas⁵¹. Drones can also quickly deliver life-saving appliances, food, and water to disaster sites, to fire, or earth-quake areas.

F. Environmental Monitoring and Civil Science

Drones are used to study the melting of polar ice, with their help they determine the migration routes of animals, detect unauthorized dumps, fight poachers, identify cases of violation of environmental legislation, determine the level of pollution, as well as the impact of various pollutants on the global environmental situation⁵². A very promising concept in this direction is the concept of citizen science, which is understood as conducting scientific research with the involvement of a wide range of volunteers (citizen scientists). It is proposed to use a network of drones of citizens-scientists for integrated observations in different geographical areas. An important component in the drone network is the coordination of their actions and the transmission of images to a single monitoring center, which is necessary for the effectiveness of observations and ensuring the accuracy of research in cases of single drone failures.

⁵⁰ T. Kh. Fataliyev, Sh.A. Mehdiyev, "Analysis and new approaches to the solution of problems of operation of oil and gas complex as a cyber-physical system," International Journal of Information Technology and Computer Science (IJITCS), 2018, Vol.10, No.11, pp. 67–76, doi: 10.5815/ijitcs.2018.11.07.

⁵¹ S. Waharte, N. Trigoni, "Supporting search and rescue operations with UAVs," International Conference on Emerging Security Technologies, 2010, pp. 142–147, doi: 10.1109/EST.2010.31.

⁵² Ivosevic, Bojana & Han, Yong-Gu & Cho, Youngho & Kwon, Ohseok, "The use of conservation drones in ecology and wildlife research," Ecology and Environment, 2015, Vol.38, No.1, pp. 113–188, doi: 10.5141/ecoenv.2015.012.

The use of drones is not limited to these examples. You can also note archeology, construction, journalism, geodesy, volcanology, etc. This brief overview suggests that the use of drones is a very necessary and relevant area.

The number of active drones continues to grow steadily. It can be predicted unmistakably that as their number increases, there will be more threats to information and physical security, and privacy threats and invasions of privacy. Drones can be controlled either remotely or autonomously using onboard computers. In fact, a drone is a model of a cyber-physical system⁵³. The physical elements on board of the drone use a network of sensors and actuators that communicate with the ground control system over a wireless link. Therefore, the drone system is vulnerable to attacks targeting cyber-physical elements, the interface between them, wireless communication, or even a combination of several components.

There are also publications that provide information on the technological possibilities of introducing hardware Trojans directly at the stage of microchip manufacturing⁵⁴. Environmental factors (weather conditions, birds, etc.) can lead to the termination of the operation of drones: functional failure or inability to conduct video surveillance.

An important issue in the use of drones is their integration into the national airspace while ensuring a high level of physical security. It is difficult to imagine a situation when, on a cargo delivery mission or carrying out journalistic activities, a drone, due to a malfunction, will fall on crowded places, damage power lines, or interfere with airports and other important government agencies. Unfortunately, this happens. The use of drones poses the task of controlling the airspace and separating it from manned aircraft (airplanes and helicopters).

⁵³ Riham Altawy and Amr M. Youssef. 2016. Security, privacy, and safety aspects of civilian drones: A survey. ACM Trans. Cyber-Phys. Syst. 1, 2, Article 7 (November 2016), 25 pages. DOI: http://dx.doi. org/10.1145/3001836.

⁵⁴ Villasenor, John. "The Hacker in Your Hardware." Scientific American 303, no. 2 (2010): 82–87. http://www.jstor.org/stable/26002135.

Countering threats

Measures to counter such threats today are conditionally divided into three categories:

The first category is preventive and prophylactic measures. This may include geolocation restrictions, which the designers have applied to drone applications. The device will turn in the opposite direction, against all the attempts of its pilot, approaching the boundary of the zone, which is 'firmwared' as a no-fly. The debate remains unanswered as to how drone manufacturers can incorporate all the objects they wish to defend from such a threat to the no-fly zone blacklist. Moreover, drone users are in a position to unlock flights over certain jurisdictions, with the exception of the most relevant ones from the point of view of state security. The security threat issue remains unanswered⁵⁵, however, information boards along the perimeters of secured objects can have a certain deterrence impact. In addition to the standard "Restricted zone," "Passage prohibited," "Using drones closer than... meters from the fence is prohibited" may be added to banners.

Drone security measures (remote detection of drones) at the most secure locations are **the second type**. In this field, the production of equipment operating on or incorporating various concepts is being actively carried out. Few international vendors have already launched very powerful drone detection systems to the market for both urban and open space environments.

There are several different approaches to drone detection today:

Acoustic drone detection. UAV acoustic detection systems are simple to install and run, do not need authorization for special services, and are equally successful both during the day and at night. Acoustic detection of drones can be sufficiently long-range and resistant to barriers such as plants, cables, and antennas. However, a high degree of background noise can create a problem

⁵⁵ Waddell, Kaveh. "The Invisible Fence That Keeps Drones Away From the President." https:// www.theatlantic.com/technology/archive/2017/03/drones-invisible-fence-president/518361/.
for a system operating on this concept in an urban environment. For suburban services, however, these systems are more appropriate⁵⁶.

Optical drone detection. Unmanned aerial vehicle optical detection technology is conveniently incorporated into the current surveillance scheme of the site since it is a high-resolution camera. Specific software tunes them to aerial objectives of limited size and enables one to monitor a video of the drone's approach to the object. For dense urban environments, visual drone detection is ideally suited, since it has a relatively limited range and allows for any amount of noise. Its downside is that amateur-assembled drones frequently have shapes that are too distinctive from those found in the database of the network, and so they may not be recognized⁵⁷.

Radar drone detection. The use of Doppler radars⁵⁸ for detecting drones is associated with some legislative restrictions (dual-use equipment) and the rather high cost of such systems. However, the undeniable advantage is the variety. The drone can be identified a few kilometers away from the covered object, giving enough time for countermeasures to be taken. For radar drone detection systems, special configurations make them unresponsive to birds and manned aircraft.

Radio frequency drone detection. Another principle that addresses the issue of background noise, low visibility, and short range may be the identification of drones from signature radio signals. However, modern drones are not always radio-controlled, and their flight routes can be configured via GPS, so radio-frequency drone detection systems are not always successful⁵⁹.

⁵⁶ Samuel Huber, Peter Wellig, Kurt Heutschi, "Determination of the detection threshold of human observers in acoustic drone detection," Proc. SPIE 11158, Target and Background Signatures V, 111580L (17 October 2019); doi: 10.1117/12.2533174.

⁵⁷ Seidaliyeva U, Akhmetov D, Ilipbayeva L, and Matson ET. "Real-Time and Accurate Drone Detection in a Video with a Static Background." Sensors (basel, Switzerland) 20, no. 14 (2020). https://doi. org/10.3390/s20143856.

⁵⁸ Doppler radar uses continuous rather than pulsed waves and measures the speed of a target from the change of frequency of the echo signal. Source: https://www.sciencedirect.com/topics/en-gineering/doppler-radar.

⁵⁹ "Drone Detection and Neutralization Technologies – Part I" https://www.cerbair.com/ drone-detection-and-neutralization-technologies-parti-blog/.

Drone detection with multi-sensor systems. Via multiple channels at once, multi-sensor drone detectors will process the target signal: optical, thermal, acoustic, ultrasonic, radio frequency, and radar. This increases the identification probability and largely solves the question of false alarms, making multi-sensor drone detection systems very convenient for urban environments and quick deployment at any facility in a handheld version. At the moment, in the field of low-altitude airspace defense, such equipment seems to be the most successful⁶⁰.

The third category of measures is the neutralization of drones. Complexes that identify a target using radar, control it using a video and infrared camera, during which a focused radio interference beam disables the drone or intercepts the control of it, could conduct active countermeasure against unmanned aerial vehicles.

Today, by jamming the radio or GPS signal, the neutralization of drones will lead to an uncontrolled fall, which poses a serious threat to people and property beneath. Furthermore, the operation of the nearby interaction and navigation devices can be disrupted. This counteraction approach therefore has significant drawbacks⁶¹. A less technological approach: it is possible to neutralize low-flying drones using a pneumatic network, and to neutralize high-flying drones using an interceptor drone with a deployed network⁶². Promising developments are underway for mobile air cannons that shoot capsules with a net and a parachute: a drone caught in the net does not fall, but smoothly descends to the ground. However, at the proper stage, the regulatory basis for effectively combating such threats has not

⁶⁰ Martin Laurenzis, Sebastien Hengy, Alexander Hommes, Frank Kloeppel, Alex Shoykhetbrod, Thomas Geibig, Winfried Johannes, Pierre Naz, Frank Christnacher, "Multi-sensor field trials for detection and tracking of multiple small unmanned aerial vehicles flying at low altitude," Proc. SPIE 10200, Signal Processing, Sensor/Information Fusion, and Target Recognition XXVI, 102001A (2 May 2017); https://doi.org/10.1117/12.2261930.

⁶¹ P. Tedeschi, G. Oligeri and R. Di Pietro, "Leveraging Jamming to Help Drones Complete Their Mission," in IEEE Access, vol. 8, pp. 5049–5064, 2020, doi: 10.1109/ACCESS.2019.2963105. https://ieeexplore.ieee.org/document/8945330/citations#citations.

⁶² Donovan Alexander, "Drone Hunters: 9 of the Most Effective Anti-Drone Technologies for Shooting Drones out of the Sky," Interesting Engineering, January 22, 2019, https://interestingengineering.com/ drone-hunters-9-of-the-most-effective-anti-drone-technologies-for-shooting-drones-out-of-the-sky.

yet been established. Any consequence of a drone flying along the perimeter, for example, but not crossing it, can de jure be considered to cause malicious damage to private property. The use of pneumatic or small arms against property located even directly above the protected area could be considered illegal, since the airspace is not an object of private property. Such extravagant measures as the use of specially trained birds to prey drones (the program is being tested in the Netherlands) also cannot be considered seriously yet⁶³. In the meantime, the drone operator may at any moment have a photo and video materials, the leakage of which is in every possible way the security service is trying to prevent. The problem is that the successful fulfillment of this task should mean not only "ground" and informational measures, but also "anti-aircraft" measures.

Technology is increasingly improving and complementing the field of lowaltitude defense, though with some lag behind the origins of threats themselves. At this point, it is advisable to consider at least the possibility of adding new elements in the traditional object protection systems – drone detection devices, and to warn them of their approach. In any case, only in combination with drone detection equipment will potential systems of active countermeasures for drones be successful.

The use and purposes of civilian drones by individuals and their applications are very diverse and tend to expand. The development of drones is moving towards ensuring air traffic safety. However, in the sense of combating the risks of drone hijacking and illicit use by criminal and terrorist organizations, maintaining the information security of drones is now becoming a very urgent issue. Potential issues that may lead to unregulated drone usage and misuse must be expected by policymakers and authorities.

⁶³ Anna Holligan "Dutch police fight drones with eagles." https://www.bbc.com/news/worldeurope-37342695



Since the widespread use of unmanned aerial vehicles is a relatively new phenomenon, neither national nor international legislation has managed to regulate their use. Of particular difficulty is the regulation of the right to use drones in armed conflicts and beyond, as well as the problem of responsibility for "collateral losses" among the civilian population and many other problems. Ensuring safety is a major concern when working with drones: to avoid mid-air collisions, UAVs must be capable of detecting potential collisions and maneuvering for safety, but in the event of system failures, potential impacts to the ground are another serious hazard, especially when using drones near large crowds.

Chapter 3 The significance of women in international peacekeeping missions

Loise Wachira

Dedication

I want to dedicate this research paper, first and foremost to the Lord, God Almighty for His unending source of strength, both physical, and mental from the start of this research till the end. Secondly, I want to dedicate this research paper to my family, my father, my mother, my brothers-Davis and Jackson, and my uncle Peter Mburu for the financial, spiritual and moral support that they have continuously showed throughout my studies. Thirdly, I want to dedicate this research paper to my Collegium Civitas lecturers for the knowledge that they have instilled in me. It is for sure that I have gained unmeasurable amount of knowledge and information from my well learned and well informed lecturers. Last but not the least, I want to dedicate this piece of research work to my fellow International Security students from Collegium Civitas, whom we have walked this journey of academic excellence together. I have learnt quite a lot from them through exchanging ideas, knowledge as well as pieces of information. Abstract: The purpose of this research paper is to demonstrate the important role women play in peace keeping missions, the challenges that they encounter, their numbers as well as the impact that they bring about during the peacekeeping missions across the globe. My research paper will therefore uncover the underlying issues encountered by women during their peacekeeping missions and how relevant their missions are to the society and to the entire world. As the world is pushing for greater equality in gender roles in the 21st century, a lot needs to be done and especially in the police forces and in peacekeeping missions. When it comes to peacekeeping missions, the military personnel are the ones who are most of the time deployed to war torn countries and a majority of whom are usually male. In UN peacekeeping missions in 2000 for instance, women constituted 25 percent of the total personnel, meaning the other 75 percent was dominated by their male counterparts. According to the UN News, the figures still remain the same in 2021, 5.4% of women in the military and peacekeeping missions, which is an indication of a slow growth rate. Most countries remain reluctant to send women personnel to peacekeeping missions in consideration of the tough situations experienced by their male colleagues. However, women personnel are perceived to be of as less threat during a conflict, and from the historical approach, women are less involved in sexual abuse, rape, kidnap, sex slavery and prostitution which boosts the effectiveness of the peacekeeping missions. In a conflict situation, for example, the affected victims tend to have more confidence in approaching a female military personnel to ask for help or to seek sympathy than from the male personnel. The adoption of the United Nations Security Council Resolution 1325 in October 2000, called for the increased participation of women in peacekeeping missions and also in conflict resolutions. Yet as of 2015, only 32% of the UN member states had fulfilled and implemented this action plan. As of July 2021, this percentage has significantly increased with 51% of the UN member states adopting the 1325 action plan. Nevertheless, some countries are still lagging behind to have the number of women increased in peacekeeping missions.

Keywords: Peacekeeping Missions, UN, Military, UNSCR 1325, Gender mainstreaming

Introduction

As the demand for peacekeeping missions continues to grow across the world, the number of women taking part in them is increasingly growing. The different groups of women deployed for peace operations include: the military personnel, the humanitarian staffs, and the police forces. Although the ratio of men to women taking part in these missions remains

dominated by males, the role that women play has increased. In UN peacekeeping missions, the average number of women deployed across the globe accumulates to 4.5% for the military staff and 14% for the police⁶⁴.

Increasing the number of women in peace operations has been one of the UN ultimate goals together with its member states. A "Global Effort" initiative was launched by the UN police unit in order to advocate and to push for the increase of women in military and in police force to at least 20% by the year 2014⁶⁵. Calls for greater women inclusion however has failed to bear fruit as up to date figures show women's participation still remains very low with no positive increase. As of 2011 the percentage of women was 4% and 10% in military and in police force respectively. In the recent UN 2020 database, women in military accumulated to 4.8% and in police force they accumulated to 10.9%, which is a slight but a significant increment.

With the UN agenda pushing for greater gender equality in women peacekeeping missions, the member states play an important role in ensuring that more women are recruited in police forces and military and are given adequate training in preparation for the deployment. The willingness of the member states to involve more women to the outside missions and to recognize their positive impact and contribution plays an important role in pushing this agenda further. The United States of America (U.S.) passed a bill in 2017, The Women, Peace and Security Act of 2017 (S.1141), in advocacy to support and increase the number of women serving in peace operations. The bill was set to incorporate other nations in the plan of increasing the inclusivity of women in matters pertaining to peace operations. The U.S. is working hand in hand with agencies such as USAID, Homeland Security and the Defence in order to come up with a comprehensive report of what needs to be done in terms of budget allocation,

⁶⁴ Tsujisaka et.al, Emerging Actors in the Women, Peace And Security Agenda (South Korea: Stockholm International Peace Research Institute, 2019).

⁶⁵ DCAF, The UN wants to deploy more women in peacekeeping, so why are there so few? (Geneva: Geneva Centre for Security Sector Governance, 2018) https://www.dcaf.ch/un-wants-deploy-more-women-peacekeeping-so-why-are-there-so-few.

resources needed for this plan to work effectively. This can serve as an example to the other countries willing to emulate this bill.

Why women peacekeepers are important

The role of women in peace operations has been restricted and minimized based on the religious beliefs, cultural beliefs, ethnicity and even countries rules and regulations. Unlike women, men have been given the priority, entrusted, and put in charge of most peace operations. We will therefore evaluate and point out the outstanding roles that women have been playing in peace operations within confined and limiting opportunities.

The UN Security Council resolution 1325 20th anniversary this year occurred during the world's deadliest calamity- COVID-19 pandemic. Jean Pierre Lacroix, the Peace Operations chief, during a meeting termed this pandemic as "one of the pandemic's thorns"⁶⁶. The pandemic was seen to be disrupting the peace operations, plans and schedule which were put in place during the first outbreak of this pandemic, however this turned out to be an opportunity for the women peacekeepers to utilize their skills. During the COVID-19 pandemic, women peacekeepers have been on the frontline in emergency response, creating awareness through educating the masses on the importance of putting on masks, washing hands, sanitizing, observing social distancing and even avoiding one on one contact with strangers. They have also been seen educating people in vulnerable areas to prevent the spread of false information about COVID-19. During the pandemic, the rate of gender-based violence has tremendously increased for women and girls. With governments imposing lockdowns and curfews in their territories, there has been a spike in numbers among those sexually and physically harassed; France for instance, recorded an increase of 32% in gender based violence within a span of one week lockdown⁶⁷. In response, women

⁶⁶ News, UN, Women integral to battling coronavirus and pushing for lasting peace and security. (Geneva: UN News, 2020).

⁶⁷ European Institute for Gender, Gender-based violence https://eige.europa.eu/covid-19-and-gender-equality/gender-based-violence 2020.

peacekeepers have mobilized human rights activists to act and condemn these pernicious acts. Women in peacekeeping operations have also engaged themselves in making COVID-19 protective gear, masks, gloves and distributing them to the vulnerable countries. Women in peacekeeping are acting as logistics managers; this is a vital role as it ensures that the COVID-19 kits, materials are accounted for in terms of collection, storage and safely and evenly distributed among the vulnerable groups without any mishandling or looting. Women in peace keeping are also acting as nurses in this pandemic; they are at the frontline in emergency responses, providing medical treatment to the patients in critical conditions and conducting COVID-19 tests to people to curb the spread of the virus.



Figure 1. A peacekeeper demonstrating how to clean hands during the COVID-19 pandemic *Source:* UN Peacekeeping, Africa Renewal: Special focus on Africa and COVID-19, 22 April 2020

Additionally, women peacekeepers are increasingly involved in countering and ending the violent extremism and terrorism⁶⁸. The FBI (Federal Bureau of Investigation) defines violent extremism as "encouraging, condoning, justifying or supporting the commission of a violent act to achieve political, ideological, religious, social or economic goals."⁶⁹. One of the contributing factors for the increased violent extremism today is the defined gender

⁶⁸ FBI: FBI strategic Plan to Curb Violent Extremism, (Washington DC: FBI, 2015).

⁶⁹ Ibid.

roles in society. By "defined gender roles" I mean specific tasks for men and women; a man can only perform a specific role and doing a different role would be regarded as a taboo or unethical and same case applies to a woman. Women have always had a big influence in a society, and when it comes to violent extremism and terrorism, a number of them have been involved in planning attacks, acting as spies, persuading their children, husbands or family members to join the terrorist groups among them: the Al-Qaeda, Boko Haram, ISIS, and Al Shabaab. Women peacekeepers have acted as mediators during international peace negotiations. A record of eighty-two peace treaties were signed by women negotiators in forty-two militia conflicts from 1982 to 2011⁷⁰. These peace treaties act as a linkage between the top-notch women delegates and the local women peace activists campaigning for the counter-terrorism and end of violent extremism. When it comes to illegal arms disarmament, illegal trading of arms, which is the main cause of terrorism and violent extremism, women peacekeepers have taken a lead in the planning, implementation and execution of laws. 54 out of the 117 countries which have a legal framework in control of small arms and light weapons have incorporated gender mainstreaming in their framework⁷¹.

Women in peacekeeping act as pilots and paramedics; they are involved in MEDEVAC (Medical Evacuation) and CASEVAC (Casualty Evacuation). Medevac and Casevac are terms used in the conflict zone, which in layman's terms refers to emergency response or evacuation of disaster victims to safer grounds and the provision of health care services to prevent deaths or further injuries. In any conflict situation, the injured or affected civilians are entitled to high level medical services in a timely manner without any discrimination of colour, gender, race or religion as stated under the Geneva Convention and same applies to evacuation procedures. In every emergency response and evacuation, the goal is always to reduce the number of the casualty's deaths and to save as many lives as possible. In a conflict zone where the medical resources are limited, the victims are

⁷⁰ Women, UN, Facts and Figures: Peace and Security, (UN Women, 2019) https://www.unwomen.org/en/what-we-do/peace-and-security/facts-and-figures.

⁷¹ Women, UN, Facts and Figures: Peace and Security, 2019.

first administered first aid and where complications arise, they are airlifted to the nearest health facility in military camps or in a country's medical facility. In a peacekeeping mission, there is always a well laid out plan which is followed for the response and evacuation measures such as the UN plan as the Figure 2 demonstrates below. Figure 2 illustrates the command flow during a peace operation from the senior post down to the medical units.



Figure 2. An illustration of the UN medical support organization during a peacekeeping operation

In refugee camps, women peacekeepers serve as paramedics, administering vaccines and drugs to the victims of wars, with the majority of the victims being women and children. They also distribute vitamins and immune boosters to the starving and malnourished children. During the post

Source: UN, medical support manual for United Nations peacekeeping operations (New York, USA: 1999)

war period, most of the civilians suffer from post-traumatic stress disorder (PTSD) and the women peacekeepers serving as psychiatrists always provide guiding and counselling to the victims. Physical and mental wellbeing of civilians is really important after a conflict and for the healing process of a community.

The number of women peacekeepers serving in aviation field as pilots has also grown and this has increased the accountability measures during the peace operations in terms of response and evacuation measures during a crisis. They help in evacuating disaster victims who are stuck in remote areas where road transport is impassable, poorly maintained, or not developed.

During peace operations, women peacekeepers have also provided patrols and served as security personnel. In Africa, countries like Mali, Democratic Republic of Congo (DRC) and Central African Republic are among the most bombarded by the militia attacks like Al-Mulathameen, in Mali, M23 Rebels in DRC, whose aim has been to kill the locals, cause tension, spread fear, and kidnap the civilians for media and international recognition. Women peacekeepers have been deployed to patrol and provide security to the locals, for the assurance of their safety and harmony. The provision of door-to-door patrol by women peacekeepers create a one-on-one interaction with the local civilians and this interaction can unleash vital information affecting the locals and the possible solutions or measures which can be put in place. Civilians are likely to find solace in women peacekeepers than in men as women portray a collective, calm and sympathetic look and considering that some of the women peacekeepers are mothers, they can vividly relate with the affected victims and especially women and girls quite comprehensively. In Mali, UN has been very vigilante in peace restoration efforts, deployment of peacekeepers, military troops and also engaging other international bodies and agencies. In 2018, for instance, 25 Swedish military women were stationed in Timbuktu to provide security and patrol to the displaced persons during the militia clashes⁷². As the

⁷² News, UN, Women integral to battling coronavirus and pushing for lasting peace and security (Geneva: UN News, 2020).

peace operations continue to thrive in Mali, the number of women peacekeepers has also increased; in 2018, the number of women in MINUSMA (United Nations Multidimensional Integrated Stabilization Mission in Mali) increased to about 363 peacekeepers⁷³. This number included women peacekeepers from African countries, Asia, Europe and even America.

Women peacekeepers promote women empowerment and more so act as role models to other women and girls. In the 21st century, women empowerment has taken much of the media headlines and debates and it has called for gender parity. However, some career paths and jobs such as security guards, security patrol, military deployment and operations are still considered to be male suited. In Sudan for instance, women are forbidden to put on trousers, own a gun or even be soldiers⁷⁴; cultural differences and religious beliefs are some of the attributes to this gender impartiality. Women peacekeepers deployed in conflict regions serve to break that gender perception and to uplift other women in empowerment. In a conflict, women and girls experience sexual abuse, physical assault and mental torture, and after a conflict, the healing process is always crucial for normalcy to be achieved. Some women opt to form local groups and organizations for empowerment, with the help of local governments. Women peacekeepers deployed in these regions partner with these groups to help the conflict victims recover and heal, empower them in business ventures, and also provide them with business ideas in which they can earn some income instead of depending on government aid and grants. Women peacekeepers also serve as tutors and teachers to school children who have been displaced and who do not have the opportunity to access education or who are faced with a shortage of teachers; in return, young children look up to and emulate the positive skills portrayed by these women and learn that there are no specific jobs for a particular gender. This interaction with the local community helps to establish, to develop and to build a concrete and

⁷³ United Nations Peacekeeping, United Nations Multidimensional Integrated Stabilization Mission in Mali, (minusma.unmissions.org) https://minusma.unmissions.org/en/under-blue-helmet-mali-voicesguinean-women-peacekeepers.

⁷⁴ Heinecken, Lindy, Challenges Facing Women in Peacekeeping, (Oxford Research Group, 2016).

mutual relationship between the locals and the peace agencies. Building trust amongst the locals is the core value in every peace operation

Furthermore, women peacekeepers serve as engineers in peace operations, including: software engineers, geospatial specialists, electric engineering, mechanical engineers and civil engineers. Engineering is essential in peacekeeping operations, from the capturing of the large amount of data, data storage and dissemination to launching of physical projects e.g. construction of roads, bridges, dams, building structures and even building of war machines. After a conflict, the physical structures are usually damaged, and a rapid response is always needed for the reconstruction and restoration of these structures for normalcy to be attained. China is one of the permanent members of the UN Security Council and it has largely contributed to peace operations by sending its skilled troops, including women engineers to UN peace missions. In all of its missions, China has deployed a total of about 800 women peacekeepers, which comprises of skilled platoons⁷⁵.

Finally, women peacekeepers act as photographers and drone operators during the peace operations. Photography in peace missions is like a medium of communication, and capturing every moment and archiving it in an image or in a video form, plays a crucial role in a peace mission. The images and videos captured during a crisis help to determine the type of response measures that will be provided and most importantly during the reconstruction and restoration phase. During a crisis, the photos and videos taken play a crucial role in mobilizing for support in form of funds, aid and physical material from the public, other nations and also from the international humanitarian bodies like the UN, Red Cross, European Union, among others. The archives are used during the mitigation and preparedness planning; for example, how can a similar conflict be avoided in the future, in case of a similar occurrence what will and will not be done, which methods can be used and so forth. After a reconstruction phase in a conflict, the archives can be used as evidence of an accomplished mission, and also to show how resources donated by the donors were

⁷⁵ Zürcher, Christoph, 30 Years of Chinese Peacekeeping, (Ottawa: CIPS report, 2019).

utilized. During the UN peacekeeping mission in Cyprus, United Nations Peacekeeping Force in Cyprus (UNFICYP), Katarina Zahorska served as the first woman photographer in the military in this mission⁷⁶. When narrating her experience, Katarina stated that working as a woman photographer in a peace mission and documenting the daily activities of the troop gave the whole operation a sense of authenticity and they were able to meet their target.





The chart above is a representation of the percentage of UN military women who are categorized into three groups: military, contingent troops and military experts on missions (MEMs) who were deployed in UN peace operations from 2008 to 2017. Within this period, the total number of women personnel in military accumulated to 3.9%, in a total of 23 peace missions⁷⁷. According to the chart above, the graph lines are rising and falling inconsistently throughout the years and the percentage of numbers is still

⁷⁶ United Nations, United Nations Peacekeeping Force in Cyprus, (New York: United Nations, 2020).

⁷⁷ Tidblad-Lundholm et.al, Trends in Women's Participation in UN, EU and OSCE Peace Operations, (Stockholm: Stockholm International Peace Research Institute, 2018).

low, thus representing the low figures of women taking part in peacekeeping missions. Technically, the UN has no control on the number of women deployed in peace operations as this solemnly relies on the member states taking part in a certain peace operation and the decision on whether or not to deploy women or how many should be deployed depends on them. In convoluted and dynamic UN peace operations like the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) the participation of women was relatively lower as compared to other smaller peace operations, with both missions having a record of 2.4% and 2.8% respectively⁷⁸. And in instances where more women were deployed, a decrease of men deployed was recorded and this was a matter of covering up a loophole rather than of promoting gender parity.

Hurdles experienced by women peacekeepers

The biggest challenge women peacekeepers face is sexual harassment, sexual assault and sexual violence by their seniors and male colleagues. This is the major challenge that women in peacekeeping missions face as this is a male dominated sector; they are sexually assaulted and harassed by those above them, those who are in the position of assuring their safety and wellness and when this happens, the victims have nowhere to report the matter to. The inclusion of women in leadership positions in peace missions is still wanting as the figures are low; in UN peace operations for instance, the women heads in 2018 constituted about 35% while that of the deputy heads constituted about 48%⁷⁹. Women peacekeepers also experience sexual assault from the civilians in the host countries that they are deployed for the operations. In 2014, 26% of women in U.S military, which is equivalent to 1 in every 60 women, reported sexual assault from their seniors or team leaders and out of this number, 54% of whom did not

⁷⁸ Tidblad-Lundholm et.al, Trends in Women's Participation in UN, EU and OSCE Peace Operations, (Stockholm: Stockholm International Peace Research Institute, 2018).

⁷⁹ Women, UN, Facts and Figures: Peace and Security, 2019.

report the incidents with fear of losing their jobs afterwards⁸⁰. Those who took action and reported the situation found that often little or no action against the sex offenders was taken while in some circumstances the perpetrators were just given a mere warning and the victims were requested to drop the charges. During the peace mission in Liberia, United Nations Mission in Liberia (UNMIL), 17% of women peacekeepers highlighted sexual harassment as the biggest obstacle that hindered them from effectively accomplishing their duties⁸¹. This demonstrates to what extent sexual harassment can affect peace keeping operations.

Gender discrimination is also a major challenge that women in forces and in peacekeeping face. In U.S military, 1 in every 8 women face discrimination⁸². In the Serbian military, the protocol of women advancing from one rank to the other is a bit slower and less transparent than for the men⁸³ and this makes things a bit harder and more complicated for women to fully explore and participate in peace missions. While in missions, women are restricted to remain in the camps for their safety and security purposes whereas their male counterparts are free to move in and out of the camps without any keen supervision. However, some women in uniform claimed that they feared for their safety while in the camps than when conducting patrols outside the camps⁸⁴, this can be attributed by the high rate of sexual misconduct within the camps. Also women lack military gear and protective armaments designed for the feminine use and this hinders them from full participation thus being left behind in the camps.

Women peacekeepers who have been caught in the mix of sex harassment, sex assault or they have been involved in a compromising situation have faced the risk of work attrition. This is unlike their male counterparts

 $^{^{80}}$ Andrew R et.al, Sexual Assault and Sexual Harassment in the U.S. Military, (California: Rand Corporation, 2015).

⁸¹ Newby, Vanessa, Challenges for female peacekeepers can come from within UN militaries, 2019

⁸² Andrew R et.al, op.cit.

⁸³ Milošević, Marko, Challenges of Women's Participation in Serbian Peacekeeping Missions (Belgrade: Belgrade Centre for Security Policy, 2012).

⁸⁴ Taylor et.al, Uniformed Women in Peace Operations: Challenging Assumptions and Transforming Approaches (New York: International Peace Institute, 2020).

who in most circumstances are issued with a warning or a second chance just for them to remain in a particular position; the rate of women getting retribution is higher than that of men.

The deployment of women peacekeepers for community engagement, care givers, nurses and other less involving tasks has contributed to inadequate training prior to the deployment. Their male counterparts on the other side go through an intense and vigorous training from how to operate heavy war machineries to military technology and this makes them more prepared to handle the tasks with ease. Women peacekeepers deployed in extreme war-torn zones encounter challenges with helping the civilians who have experienced extreme torture, trauma, sexual abuse and who need a comprehensive therapy or counselling and for most peacekeepers this is usually out of their scope. The stereotype and the notion that women understand and can handle their fellow women experiences has contributed to inadequate training and unpreparedness for the deployment; handling disaster victims and survivors requires some level of specialty.

Conclusion

Both women and men play a significant role in peace missions and are equally important. The participation of women in peacekeeping missions should not only be about the fulfilment of the quota requirements but also about giving them the full participation in all sectors. By adhering to this, it will ensure that women have fully explored their potential and they have fulfilled the mandate of the mission. A record was broken in 2007 when an all-female Formed Police Unit (FPU) from India was deployed by United Nations Missions in Liberia (UNMIL) for peacekeeping operations⁸⁵. The unit was well prepared and had received adequate training needed to undertake the tasks and this helped them run their operations for a period of 10 years. The unit received global recognition and attention for the good work that they undertook during the entire operation. Likewise, other UN

⁸⁵ UN News, in first for UN peacekeeping, all-female police unit arrives in Liberia (news.un.org. January 2007).

states should emulate this example to empower women and to motivate other women in the military to participate in peace missions.

Despite the call from the UN to increase the number of women in military, police units and those being deployed in peace missions, the number is still relatively low and women are still under represented. Some countries are still bound by their culture and religious laws which hinders or rather prevents women from taking part in missions or even joining this workforce.

Sexual harassment, sexual violence and sexual assault are very common for women in the police force and military and the experiences are worse during the deployment. This is the major challenge that women in peacekeeping missions encounter and it inhibits them fully taking part in their assigned duties. This issue has led to many women stepping back from undertaking vital roles in missions for fear of being intimidated. UN should join hands together with other human rights activists and keenly focus on this issue and come up with a defined manifesto outlining this issue, the solutions and how to curb it.

Reforms should also be conducted regularly in the police and military departments in order to ensure women get an equal share as men and that the division of tasks will be equally distributed. Also in terms of offering job promotion, women should get job promotions just as men, based on their merits rather than because of their gender. Women have faced discrimination in job promotion despite having commendable work and this has affected their morale.

Chapter 4

Data collection, privacy, and security: evolution of the right to privacy in times of COVID-19 crisis

Dao Thi Nguyet

Abstract: The development of Digital and Information Technology has changed our lives forever and its impact on our privacy. In the Digital Age of the 21st century, we have witnessed the government's effort to protect citizens' data from global corporations until more recently with the outbreak of the Covid-19 pandemic. This paper analyzes how the right to privacy has evolved and more specifically in times of crisis, namely the COVID-19 pandemic.

Keywords: Covid-19, privacy right, data security, data privacy, data collection, personal information

Introduction

Privacy was born with the advent of the state. Privacy rights have since then been created and transformed, evolving alongside of human society's development and individualism. Privacy rights have increasingly become one of the most critical human rights issues of the modern age. It has been recognized in international conventions and treaties. The interest in privacy increased rapidly in the 1960s and 1970s with the advent of information technology. And in recent years, computer systems' capabilities in monitoring and archiving have substantially impacted personal privacy. Therefore, the need to promulgate specific regulations governing the collection and processing of personal information emerged. While the debate over privacy and the state's role in protecting this right are far from over, the outbreak of the Covid 19 pandemic has stirred the privacy debate in a different direction and brought it to a new level of discussion. How much privacy a person would compromise and how much control over personal data the state can take to protect a person's health and community's safety when they approach epidemic prevention depends on personal information. The Covid-19 crisis is an unexpected circumstance for us to witness the evolution of the right to privacy. And unfortunately, we see a milestone in the irreversible decline of privacy rights.

Privacy and the right to privacy

The concept of privacy was first discussed in the essay "The Right to Privacy," with recognition of "the right to let alone," or in other words, the right to control information about oneself⁸⁶. This conceptualization of privacy still holds true today, understood as an individual or group's ability to seclude themselves or information about themselves and express themselves selectively.

In 2004, the Electronic Privacy Information Center and Privacy International Organization published a report "Privacy and human rights: an International Survey of Privacy Laws and Practice⁸⁷." They report studies the content of the law on privacy protection in 50 countries since 1997, noting the following fundamental facets: Information Privacy (involves rules governing the collection and handling of personal data), Bodily Privacy (concerns the protection of oneself against invasive procedures such as drug tests), the privacy of communications (covers the security and confidentiality of mails, telephones, all kind of communication forms) and Territorial privacy (concerns the setting of limits on intrusion into the domestic and other environments such as the workplace or public space).

⁸⁶ Warren, S. and Brandeis, L., (1890), "The Right to Privacy," Harvard Law Review, 4: 193–220.

⁸⁷ David Banisar, Simon Davies; Privacy and Human Rights: An international servey of Privacy Laws and Developments, The John Marshall Hournal of computer & information law, 1999.

Why should we care about privacy? Privacy is a matter of dignity and autonomy. This right helps each individual create and control legitimate boundaries with others, thereby protecting him or herself from arbitrary interventions in life and allowing each individual to define who he or she is and how he or she wants to interact with the world around them. On behalf of social benefits, protecting each member's right to privacy also creates and protects the foundation of community life. Communities cannot survive if their members are not protected from all forms of abuse. Briefly, privacy establishes a line between public and private spaces. More importantly, this right supports and reinforces other rights, including freedom of expression and association freedom.

Once humans recognized the importance of privacy, legal terms and definitions were built to protect it. Privacy rights are most simply the right of a person to be let alone, be free from unwarranted publicity, and to live without unjustified interference by the public in matters with which the public is not necessarily concerned⁸⁸. Privacy rights are mentioned in more detail in article 12 of the Universal Declaration of Human Rights, 1948 (UDHR)⁸⁹: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks". The right to privacy is reaffirmed in Article 17 of the International Covenant on Civil and Political Rights, 1976⁹⁰: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks". It is also mentioned in the constitution of 150 countries around the world.

⁸⁸ Strutner v. Dispatch Printing Co., 2 Ohio App. 3d 377 (Ohio Ct. App., Franklin County 1982).

 $^{^{89}}$ Universal Declaration of Human Rights, 1948, https://www.un.org/en/universal-declaration-human-rights/.

⁹⁰ International Covenant on Civil and Political Rights (1967), https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

Data privacy and data security

People are often confused between privacy and data privacy that are related but not the same. While privacy describes the state of keeping oneself from another, data privacy is concerned with the proper handling of personal information, including collecting, processing, storage, sharing, consent, and regular obligations⁹¹. Data security concerns include policies, methods, and means to secure personal data or information data⁹². There are three pillars of data security: *"Confidentiality* – prevents sensitive information from reaching wrong people while making sure that the right people can use it; *Integrity* – maintains the consistency, accuracy, and trustworthiness of information over its lifecycle; and *Availability* – ensures that the information is available when it is needed⁹³."

Recently, personal data has become a new precious commodity that commercial and political entities significantly desire. Despite paperwork provisions asserting that individual information is vital, everyone must respect it, and that states must ensure its protection, the privacy right is theoretical, while data protection is practical. Entities, like states or companies, can arbitrarily collect and use personal data, they can easily access individual thoughts and observe individual activities. If this threat materializes one day, personal freedom and personal privacy will no longer exist. New forms of protection are therefore urgently required.

Privacy data protection remedy

Privacy is a value that underpins human dignity and other fundamental rights. Therefore, free and democratic societies require respect for individuals' autonomy and limits on both state and private organizations' power

⁹¹ Data Privacy Manager (2021), Date privacy and Data security: Definition and Comparison, https://dataprivacymanager.net/security-vs-privacy/.

⁹² Ibid.

⁹³ Ibid.

to intrude on that autonomy. However, technological and administrative changes progressively undermine even those privacy protection regulations that existed. We have seen the law fail to keep pace with technology's rapid development at the beginning of the 21st century. Nonetheless, the good news is that the importance of data and awareness about data protection has increased. We see 128 out of 194 governments promptly proposing and adopting new laws protecting personal data. Africa and Asia show a similar adoption level, with 55% of countries adopting such legislation, from which 23 are least developed countries⁹⁴. Europe is at the forefront of privacy protection with the enactment of the General Data Protection Regulation (GRPR) in 2018, which establishes seven principles to follow when processing data:

1) Legality, fairness, and transparency: The handling of data must be legal, fair, and transparent to the data subject; 2) Limit the purpose: The purpose of data processing must be legal and clearly shown to the data subject when collecting; 3) Minimize data: Collect and process data only when it is absolutely necessary for the intended purposes; 4) Accuracy: Personal data must be kept accurate and up to date; 5) Storage Limits: Store personally identifiable data only for as long as necessary for the intended purpose; 6) Integrity and Confidentiality: The processing of data should be performed on a basis ensuring appropriate confidentiality, integrity, and confidentiality; 7) Accountability: It is the data controller's responsibility to demonstrate compliance with the GDPR with all of these principles⁹⁵.

On the contrary, China's government not only fails to protect citizens' privacy, but actively invades it. China currently collects a larger than ever amount of data on its citizens, with 20 million surveillance cameras amassing a vast amount of biometric information daily. The Chinese government

⁹⁴ UNCTAD, Data protection and Privacy Legislation Worldwide, https://unctad.org/page/data-protection-and-privacy-legislation-worldwide.

⁹⁵ General Data Protection Regulation EU (2018), https://gdpr-info.eu/.

also does not issue enough laws to protect personal data from private extortion and fraud $^{\rm 96\ 97}.$

Data Privacy is recognized in international covenants but getting treated differently worldwide. Even in some extraordinary circumstances, when everyone's safety in society is in danger, the right to privacy is not absolute. It means the right can be temporarily interrupted. Nonetheless, countries should only collect private information if it is essential to ensure society's common good. Legal interventions in personal life must be regulated in law and in accordance with other ICCPR regulations. General comment No.16 adopted at the 31st session of the 1988 United Nations Human Rights Commission clarified some aspects of this right⁹⁸.

We have been witnessed many cases when a state has restricted the right to privacy by justifying its activities, ranging from from terrorism prevention to state security. Currently, in the face of the unexpected danger of Covid-19, we have seen measures taken by countries designed to limit the virus's spread, while at the same time intruding privacy, both authoritarian and democratic ones.

How data has been collected and processed during the COVID-19 pandemic

There are millions of confirmed cases of COVID-19 across the world. A pandemic of this magnitude and intensity has never been experienced on a global scale like this before. In response, many policies have been developed for its detection, treatment, and prevention. After coming across the

⁹⁶ Emily Feng (2020), In China, A new call to protect data privaccy, https://www.npr.org/2020/01/ 05/793014617/in-china-a-new-call-to-protect-data-privacy?t=1618142211789, NPR news.

⁹⁷ Privacy International, and the Law and Teachnology Centre of the University of Hong Kong (2013), The Right to Privacy in China, Stake Holder Report UPR 17th Session-China.

⁹⁸ Universal Declaration of Human Rights Article 29; General Comment No. 27, Adopted by The Human Rights Committee Under Article 40, Paragraph 4, Of The International Covenant On Civil And Political Rights, CCPR/C/21/Rev.1/Add.9, November 2, 1999; see also Martin Scheinin, "Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism," 2009, A/HRC/17/34.

Covid infection mechanism, various approaches have been made including, awareness hygiene improvement, social distancing practices, quarantine, isolation, and contact tracing. (Zeeshan Abedin, 2020).

However, when it comes to finding a balanced approach between helping to track and trace people in order to contain the virus and at the same time safeguarding individuals' privacy it has proven difficult to determine where to draw the line. On the one hand, digital solutions help save lives by spreading health messages, increasing access to remote physical checkups and health alerts. Simultaneously, surveillance tools that trace individuals' location and contacts present profound privacy challenges, data protection rights, and freedom of information. In many countries, we witness that privacy standards have been unlawful even though many concerns about personal privacy have been raised.

Contact tracing is a process of identifying people who have recently contacted an infected Covid -19 individual. This method aims to prevent people from getting the virus by not contacting someone who has the virus. However, there are asymptomatic carriers who are infected with the virus but show no signs. Therefore, at the beginning of the pandemic, when there were no vaccines yet, the governments used social distancing and technology to track past positive patient contacts to stamp out an outbreak. However, interviewing people infected to get information about the people they have been exposed to for two weeks is impossible because of subjective and objective factors such as not fully remembering who they were with, or not giving accurate information. That is why many countries have come up with solutions to use smartphones and apps for contact tracing. This mobile tracing works by aggregating the data inside the device to monitor the owner's mobility and tracking the mobile phones of those suffering from COVUD-19 to find out suspected patients. The government, mobile network operators, and technology companies/financial services providers collaborated in the mobile tracing strategy.

Governments around the world are adopting various strategies to track and isolate COVID-19 patients. China has developed a smartphone app named "Health code" that allows contact tracing and notification of an infected person. In the United States, the first contact tracing call center was announced by the state of Massachusetts. This call center was planned to be managed by 1000 virtual assistants. The US federal government announced a \$500 million package for the CDC to address COVID-19 surveillance. To track the level of exposure to COVID-19, the South Korean government built a map of cell phone data that was kept public. Telecommunications and credit card companies also provided data. In Israel, the government uses GMS call detail records to track patients' mobile phone data and to locate their position, contacts, and movement patterns. Few countries like Italy, Germany, and Australia collaborated with telecommunications providers and shared their location and data with the health authorities. Singapore uses a Bluetooth-based mesh network through a mobile application to detect people's proximity to those suffering from COVID-19. It gives them the warning to get tested if they come into close contact after detecting such people. Iranians collaborating with government endorsement campaigns for COVID-19 developed a mobile application where people were allowed to self-diagnose themselves and the application also discretely collects user's location data (Iniobong Ekong, 2020). India quickly joined a host of other countries that have used mobile applications to collect and disseminate COVID-related information by introducing the controversial 'Aarogya Setu' App to enable contact tracing, improve situational awareness, and publish relevant information to the public. The App's download and use were made mandatory for all public and private sector employees by the Ministry of Home Affairs in its notification on April 29, 2020 99. Vietnam, a successful case in preventing Covid-19, also has its own App for tracing people's social contacts. The app names Blue Zone using Bluetooth Low Enverzy's waves to log when two phones are within two meters of each other¹⁰⁰.

Health reporting, including COVID-19 testing, temperature testing, publicand private-sector health surveys, public authority, and internal corporate

⁹⁹ Financial Express (2020), Why data privacy must be safeguarded, even in times of COVID-19, *https://www.financialexpress.com/money/why-data-privacy-must-be-safeguarded-even-in-times-of-covid-19/1963579/.*

¹⁰⁰ Luu Quy (2020), Contact tracing app most download free app, Vnexpress News, https://e.vnex-press.net/news/life/trend/contact-tracing-app-most-downloaded-free-app-4201014.html.

reporting, collects massive personal data. The National Health Service (NHS) in the UK has submitted a document marking a change in patient data policy, giving staff more freedom to share corona-related information. Specifically, it refers to using data to understand viral trends, effects and manage patients with/or at risk of Covid-19, including positioning, exposure, screening, and tracking those patients. There is an evident trend that governments are increasingly using the collection, processing, and sharing of personal health and behavioral data on a larger scale, including the targeted monitoring of individuals to prevent the spread of COVID-19.

Data privacy and security has changed in times of the COVID-19 crisis

The importance of protecting personal data has grown steadily since the digital evolution as data collection, storage, transfer, and analysis have become simpler. Technical developments such as the Internet, Email, mobile phones, video surveillance, and electronic payment methods create new data collection possibilities. Both public agencies and private businesses are interested in personally relevant information. National security agencies want to improve their fight against crime through such means as racial profiling and telecommunications surveillance, and banking transactions from financial institutions to discover tax violations. Businesses hope to increase productivity by supervising employees and hope customer profiling will help with marketing. In their eyes, the protection of personal data has little or no practical importance. When analyzing the relationship between stakeholders and personal data, we see that entrepreneurs maintain their perspective of prioritizing their profits in whatsoever situation. However, there is an evolution in government and ordinary people's views.

Citizens' perspective

When it comes to individual privacy and data collection by businesses to follow consumer preferences, many people either may not care (thinking they have nothing to hide) or may not be informed about what is actually entailed. Consequently, it has been relatively easy for authorities to collect data on people when the COVID -19 pandemic hit, especially when the authorities justified their actions for the sake of people's protection. However, some individuals have voiced concerns about their privacy being breached and are pessimistic that the government will continue to violate individuals' privacy from this precedent.

Government's perspective

In the 21st century, in the face of the rapid development of technology, many governments have seen the danger of privacy infringement coming from technology companies. In response, governments have enacted new regulations along with changes in technology to protect people's data. However, when the pandemic hit, many governments have foregone privacy concerns for human security. They have advocated implementing digital technologies to collect, analyze, process, and share data to deliver effective solutions for the pandemic. Few countries have legal frameworks in place to support these preventing Covid-19 measures; for instance, the Republic of Korea with Infectious Disease Control and Prevention Act allows for the collection of personal data if "necessary to prevent infectious diseases and block the spread of infection¹⁰¹," Israel permits the use of technology for tracking infected persons by monitoring mobile phones for emergency measures. However, many countries have passed new laws specifying how data will be collected and processed. Italy for example published a Degree in 2020 for collecting and sharing personal data health by public health authorities and private companies during an emergency¹⁰². Germany proposed the Infection Protection Law allowing the Federal Ministry of Health to require risk individuals to identify themselves. Nevertheless, many experts and citizens have spoken out to some of the methods that have been controversial over the risk of violating the privacy and other fundamental rights of citizens, especially when those measures lack transparency and publicity.

¹⁰¹ Infectious Disease Control and Prevention Act, Article 76–2.

¹⁰² Veronica Pinotti, Patrizia Pedretti & Martino Sforza; COVID-19 and Data Protection Compliance in Italy; Whitecase, 2020, https://www.whitecase.com/publications/alert/covid-19-and-data-protection-compliance-italy.

Trade-offs between the right of privacy for health security

Data can be used for manipulation and control. Any form of follow-up of a person infected with the virus risks inducing surveillance and privacy violation that destroys personal freedom. Before the Covid -19 pandemic, when faced with the risk of data collection and loss of privacy, most people quickly compromised privacy for comfort and accessible products and services. But when faced with the danger of the epidemic, the trade-off has changed. The justification now is between privacy and safety, without the consideration of human rights or freedom.

The relationships of data use has also changed. Public sectors are heavily involved in collecting and using data instead of private ones. Instead of playing as the protector and implementing regulations to protect citizens, governments use common safety to justify and use laws to legalize their activities. The change also leads to different consequences. Private sectors use data to control and manipulate customers' behavior to seek maximum profit; therefore, results lie in the economic field. Public sectors use data to control and influence political and social behavior, which is much more dangerous because of the threat of losing civil rights and challenging democratic governance.

On the risk of privacy rights being violated on a large scale, the World Health Organization published a joint statement on Data Protection and Privacy in the COVID-19 Response¹⁰³. The European Data Protection Board¹⁰⁴ and the Council of Europe¹⁰⁵ have released similar statements explaining that

¹⁰³ Joint Statement on Data Protection and Privacy in the COVID-19 Response (2020), https:// www.who.int/news/item/19-11-2020-joint-statement-on-data-protection-and-privacy-in-the-covid-19-response.

¹⁰⁴ Statement on the processing of personal data in the context of the COVID-19 outbreak (2020), https://edpb.europa.eu/sites/edpb/files/files/news/edpb_statement_2020_processingpersonal dataandcovid-19_en.pdf.

¹⁰⁵ The Chair of the Committee of Convention 108 and the Data Protection Commissioner of the Council of Europe recall the principles of data protection in these times of fight against the COVID-19 pandemic (2020), https://www.coe.int/en/web/data-protection/statement-by-alessandra-pierucci-and-jean-philippe-walter.

the GDPR and Convention 108 do not hinder measures taken in the fight against the pandemic but require that emergency restrictions on freedoms will be proportionate and only valid during a limited emergency period. However, as governments continue to grapple with the devastating economic impact of the virus and prevention of its spread, it is likely that data privacy will remain undermined.

Future direction

Despite the public health challenges posed by the COVID-19 pandemic, the governments and private actors should not backtrack privacy principles that took us so long to develop.

We must thoroughly evaluate the possible trade-offs in using data during this crisis (the compromise between risks and benefits). Still, we must ensure that any outliers commensurate with the risks and are done with complete transparency, accountability, and a commitment to immediately stop or reverse the use of data outliers when the crisis ends.

Will governments restore the right to privacy when the danger is over? It remains to be seen, but based on the recent developments, paired with the public's growing readiness to compromise, we have all the more reasons to be skeptical.

Chapter 5 Islamist terrorism in the French context

Cédric Ménissier

Abstract: France is one of the Western countries most affected by Islamist terrorism. Moreover, most terrorist attacks are committed by French people. Even if these people are linked to immigration, they are radicalized on French soil. The issues raised by this phenomenon are social, economic, religious and security related. Fighting Islamist terrorism requires ambitious policies in several areas, and these policies must be coordinated, because terrorism is a global issue. Islamist terrorism is a subject that divides the French society, including the French universities concerning the analysis and explanation of the phenomenon. Islamism, in France, does not only have a religious or a social explanation. Even if its causes are sometimes difficult to define, political leaders are called upon to act to find solutions. In fact, despite numerous reforms, pressure from far-right parties tends to radicalize the other parties in their security posture at the risk of threatening the foundations of the French democracy, despite a desire to protect French citizens. This paper examines: a) the extent of the Islamism and Islamist terrorism in France as major security threats, b) the debate about security issues and c) the response of the French state to the threat posed by Islamists.

Keywords: Terrorism, Islamism, Islamist terrorism, Jihadism, Radicalization, Security, France

Introduction

This research paper emerges from the author's personal encounter with Islamist terrorism in France. While attending Sciences Po Strasbourg, the author participated in parliamentary simulations of the French National Assembly. On December 11, 2018, he was participating in one of these simulations in the administrative center of the city of Strasbourg the night a terrorist attack took place in the Strasbourg Christmas market. At the

time of the attack, the author, along with other students from Science Po Strasbourg were in a building where simulations were taking place. Following the attack, the students remained in the building all night in fear that the terrorist, still at large, would get closer to them. With limited information about the situation coming from social networks, television, students tried to reassure their families and our friends they would be ok, while remaining in fear. Apart from helicopters, police cars and other law enforcement officials, the students observed the streets were empty. As the terrorist came closer to their building, the military positioned themselves to neutralize him. Even though the students were guarded by police, they were all afraid. The next day, with the terrorist still at large, the author went to the university to follow classes to demonstrate he was not afraid, and that the terrorists would not succeed to change our - students and French citizens – way of life. While the author does not see himself as a victim of Islamist terrorism, he realizes how it could have been him who was attacked and understands better now the impact of the tragic events involving human lives that are constantly reported in the media, which causes fear in the families and friends of the victims.

The attempt to define terrorism

Bruce Hoffman's provides a clear and precise definition of terrorism stating it "is the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change."¹⁰⁶. The scale of fear instilled by a terrorist attack is larger than the direct human impact (that is victims). This is precisely the objective of the terrorists.

The concept of Islamism, like terrorism, is difficult to define. Definitions of Islamism usually include the choice of a specific interpretation of the Muslim doctrine as a guide for political action, and/or an ideology that manipulates Islam for a political project – to transform the political and social system of a state by making Sharia law, whose univocal interpretation is imposed on the whole of society, the sole source of law. Political Islam, or

¹⁰⁶ Bruce Hoffman, « Defining Terrorism », in Inside Terrorism (Columbia University Press, 2006), 1-42.

fundamentalist Islam, also appears as synonyms¹⁰⁷. For the purpose of this paper, Islamism is understood as the use of Islam for political purposes, or the political use of Islam. Islamism itself is not violent, but can be, because Islamist terrorism refers to terrorist attacks committed by members or sympathizers of Islamism movements, in the name of Islam. These acts qualify as terrorist acts because those who commit these violent acts, or threaten to do so, have a political purpose related to Islam that view Islam and the Muslim world as under attack, or at least under threat, of a global non-Muslim alliance¹⁰⁸.

The limit of these definitions is that they are theoretical. These concepts are very often difficult to define and to grasp, because these represent ideal types¹⁰⁹ rather than actual reality. Therefore, we should use these concepts with care to avoid offending Muslims, while working within the limits of academic research to better understand and fight against this phenomenon. What is certain, however, is that the answers to terrorism and Islamism are different depending on the definition given to these concepts. The definition process is thus very important, because it is the basis of the response provided by the public authorities.

A brief historical overview of islamist terrorism in France

This section is partly devoted to a non-exhaustive list of Islamist terrorist attacks committed on French territory. It is important to go back over it to better realize the extent of the phenomenon, or at least the extent of its perception. Because each attack is different and feeds fears a little more, it is necessary to mention them, to try to better understand Islamist terrorism.

¹⁰⁷ Adam Zeidan, "Islamism", *Encyclopedia Britannica*, March 4, 2020, https://www.britannica. com/topic/Islamism.

 $^{^{\}rm 108}$ Europel (2021), European Union Terrorism Situation and Trend Report, Publication Office of the European Union, Luxembourg.

¹⁰⁹ Max Weber, *Essais sur la théorie de la science* (Paris: Librairie Plon, 1965).

One of the first Islamist attacks in France took place in Paris in 1985. Hezbollah organized a series of thirteen bomb attacks between December 1985 and September 1986. These attacks, some of which were foiled, resulted in a total of thirteen victims and more than three hundred injured. Less than ten years later, between December 1994 and December 1996, France was targeted by eleven attacks committed by the Armed Islamic Group of Algeria. This is an Islamist organization created during the Algerian civil war in 1991, whose objective is to overthrow the official Algerian government and replace it with an Islamic state. France is said to be targeted by these attacks because of its foreign policy with Algeria, which does not support the Islamists but the military regime in place. The deadliest attack was the bombing of the Saint-Michel station of the RER B in Paris on 25 July 1995, with eight victims and one hundred and fifty injured. The last Islamist attack of the century in France was committed by the same group in December 1996 in the Port-Royal station of the RER B in Paris, resulting in four dead and one hundred and seventy injured¹¹⁰.

Between 1996 and 2012 Islamist terrorist attacks subsided, with only one Islamist terrorist attack by the armed French Islamist Front (*Front islamiste français armé*)¹¹¹ in front of the Indonesian embassy in 2004 with no victims.

Since 2012 France has been the target of many terrorist attacks, committed by Al-Qaeda or by the so-called Islamic State – or at least claimed by these organizations – with more than two hundred and sixty people killed. Between 2014 and 2017, France was the country most affected by Islamist terrorism in Europe and the US¹¹². Moreover, in 2018, 2019 and 2020, France had the most completed, failed, and foiled Islamist attacks in the EU,

¹¹⁰ Édouard de Mareschal, "La France a déjà été la cible de multiples attaques terroristes", *Le Figaro*, September 24, 2014, https://www.lefigaro.fr/international/2014/09/24/01003-20140924ARTFIG00347la-france-a-deja-ete-la-cible-de-multiples-attaques-terroristes.php.

¹¹¹ Patricia Tourancheau,"Étrange revendication de l'attentat de l'ambassade", *Libération*, October 9, 2004, https://www.liberation.fr/societe/2004/10/09/etrange-revendication-de-l-attentat-de-l-ambassade_495449/.

¹¹² Lorenzo Vidino, Francesco Marone, and Eva Entenmann, *Fear Thy Neighbor: Radicalization and Jihadist Attacks in the West*, (Milan: Ledizioni, 2017).

where the most Islamist terrorists were arrested, representing half of the EU total¹¹³. The following list highlights the many tragic events that have recently shaped the French collective memory about Islamist terrorism. These events have been widely covered by the media and have provoked an increasingly strong political response, requested by the French people. In March 2012 in Toulouse and Montauban, during the presidential election campaign, Mohammed Merah, a French, killed three soldiers and four people in front of a Jewish school. This attack was claimed by Al-Qaeda¹¹⁴. A year later, in May 2013 in the La Défense district in Paris, a French soldier was stabbed by a French convert to Islam¹¹⁵.

January and November 2015 particularly stand out in the history of Islamist terrorism in France. The most spectacular and symbolic attack took place on the 7th of January, an event that everyone still remembers. The satirical newspaper *Charlie Hebdo* was targeted by a shooting, killing twelve people, and injuring eleven others, among them cartoonists known in France for their satirical drawings¹¹⁶. The killers, brothers Chérif and Saïd Kouachi, were French and claimed to be from Al-Qaeda, which later officially claimed responsibility for the attack. More than five years after these attacks, they remain as a scar not completely healed for many French people. *Charlie Hebdo* is a satirical newspaper which openly mocks all religions, including Islam, not hesitating to present the prophet, Mohammed. This newspaper is a symbol of freedom of speech, associated with the French conception of secularism (*laïcité*). In France, according to the first article of the Constitution of October 4, 1958, the Republic is secular, there is a separation

¹¹³ Europol (2021), European Union Terrorism Situation and Trend Report, Publication Office of the European Union, Luxembourg.

¹¹⁴ Christophe Cornevin, "Il y a quatre ans, Mohamed Merah faisait basculer la France dans le terrorisme", *Le Figaro*, March 3, 2016, https://www.lefigaro.fr/actualite-france/2016/03/18/01016-20160318ARTFIG00021-il-y-a-quatre-ans-mohamed-merah-faisait-basculer-la-france-dans-le-terrorisme.php.

¹¹⁵ Angélique Négroni, "La Défense : à 22 ans, il voulait tuer au nom d'Allah", *Le Figaro*, May 25, 2013, https://www.lefigaro.fr/actualite-france/2013/05/29/01016-20130529ARTFIG00661-la-defense-a-22-ans-il-voulait-tuer-au-nom-d-allah.php.

¹¹⁶ "Comment s'est déroulée l'attaque contre 'Charlie Hebdo' ?", *Le Monde*, January 7, 2015, https://www.lemonde.fr/attaque-contre-charlie-hebdo/article/2015/01/07/comment-s-est-deroulee-l-attaque-contre-charlie-hebdo_4550930_4550668.html.
between the State and religions¹¹⁷. Moreover, because the State is neutral regarding religions, it ensures freedom of conscience. Being able to criticize a religion is a fundamental right guaranteed by the constitution. These drawings are however contested by many Muslims in France and around the world, because of their blasphemous and provocative nature. *Charlie Hebdo* first published such drawings in 2006, and since then, they have continued to receive death threats, even after the January 2015 attacks. Moreover, on the 9th of January, there was a killing and hostage-taking in a kosher shop in Paris by Amedy Coulibaly, a French claiming to be from the Islamic State, causing four deaths¹¹⁸. The day before, on the 8th, he killed a policewoman in Montrouge¹¹⁹. In total, the Islamist attacks of January 7, 8 and 9, 2015 caused seventeen victims¹²⁰.

The end of 2015 also saw events of this type, but on a completely different scale. On November 13, 2015, there was a series of six coordinated Islamist terrorist attacks in several places in Paris. The first attack was three suicide bombers around the Stade de France, during a friendly football match between France and Germany, with the French president François Hollande in the stands. There were also four restaurant shootings and bombing in other places. The final and the more brutal attack was in the Bataclan theater, it was a mass shooting during a concert of the American rock band Eagles of Death Metal, to which one thousand five hundred people were present. The result of these massive attacks, claimed by Islamic State, is one hundred and thirty deaths and four hundred and sixteen people injured¹²¹. These attacks were

¹¹⁷ Constitution française du 4 octobre 1958, https://www.legifrance.gouv.fr/loda/id/LEGITEXT00 0006071194/.

¹¹⁸ Jean-Marie Guénois, "La communauté juive tétanisée après le drame de la porte de Vincennes", Le Figaro, January 9, 2015, https://www.lefigaro.fr/actualite-france/2015/01/09/01016-20150109ART-FIG00335-la-communaute-juive-tetanisee-apres-le-drame-de-la-porte-de-vincennes.php.

¹¹⁹ Marion Van Renterghem, "Attentats de janvier 2015 : Clarissa Jean-Philippe, l'abandonnée de Montrouge", *Le Monde*, January 5, 2016, https://www.lemonde.fr/societe/article/2016/01/05/clarissa-jean-philippe-l-abandonnee-de-montrouge_4842188_3224.html.

¹²⁰ "Les dix-sept victimes des attentats de janvier 2015", *Le Figaro*, January 22, 2015, https://www.lefigaro.fr/actualite-france/2015/01/22/01016-20150122ARTFIG00297-les-dix-sept-victimes-des-attentatsde-charlie-hebdo.php.

¹²¹ Clémentine Maligorne, "Attentats du 13 novembre : retour sur une semaine bouleversante", *Le Figaro*, November 20, 2015, https://www.lefigaro.fr/actualite-france/2015/11/20/01016-20151120 ARTFIG00404-attentats-du-13-novembre-retour-sur-une-semaine-meurtriere.php.

the deadliest in France since the Second World War, and the deadliest in the European Union since the Madrid train bombings of March 11, 2004¹²², with almost two hundred people died and two thousand people injured.

Other attacks have taken place since then, targeting different people. In January 2016 a Jewish professor was attacked with a machete by an adolescent claiming to have acted in the name of Allah and the Islamic State¹²³. On July 14, 2016, a truck attack took place in Nice. July 14 is the French National Day, during which fireworks are launched in the evening in all French cities. In Nice, it was on the Promenade des Anglais, one of the most famous avenues in France, along the beach. A nineteen-ton cargo truck, driven by Mohamed Lahouaiej-Bouhlel, a Tunisian living in France, was deliberately driven into crowds of people celebrating, killing eightysix people, and injuring four hundred and fifty-eight others. This attack was claimed by Islamic State¹²⁴. It was during this day that François Hollande, during the traditional presidential speech on July 14, announced the end of the state of emergency, set up after the Paris November 2015 attacks. But it was extended because of this attack¹²⁵. Another attack took place in July 2016, when two terrorists attacked the participants of mass in Saint-Étienne-du-Rouvray, Normandy, holding hostages and killing the priest. These two French citizens claimed to be from Islamic State, which claimed responsibility for this attack¹²⁶. In March 2018 in Trèbes and Carcassonne, Radouane Lakdim, born in Morocco but later obtained French

¹²² "L'attentat le plus meurtrier en Europe, après Madrid en 2004", *Le Figaro*, November 14, 2015, https://www.lefigaro.fr/actualite-france/2015/11/14/01016-20151114ARTFIG00016-l-attentat-le-plus-meurtrier-en-europe-apres-madrid-en-2004.php.

¹²³ Aliette de Broqua, "Sept ans de prison pour avoir tenté de tuer un professeur juif", *Le Fi-garo*, February 28, 2017, https://www.lefigaro.fr/actualite-france/2017/02/28/01016-20170228ART-FIG00247-yusuf-un-jeune-djihadiste-de-17-ans-en-proces-a-paris.php.

¹²⁴ Anne-Laure Frémont, "Attentat de Nice : le point sur les derniers éléments de l'enquête", *Le Figaro*, July 17, 2016, https://www.lefigaro.fr/actualite-france/2016/07/17/01016-20160717ART-FIG00050-attentat-de-nice-le-point-sur-les-derniers-elements-de-l-enquete.php.

¹²⁵ Hélène Bekmezian, "L'état d'urgence prolongé pour six mois par l'Assemblée nationale", *Le Monde*, July 19, 2016, https://www.lemonde.fr/politique/article/2016/07/19/etat-d-urgence-legouvernement-se-veut-ouvert-aux-propositions-de-la-droite_4971808_823448.html.

¹²⁶ Christophe Cornevin, "Mardi, 9h25, Daech assassine un prêtre dans son église", *Le Figaro*, July 26, 2016, https://www.lefigaro.fr/actualite-france/2016/07/26/01016-20160726ARTFIG00310-daech-assassine-un-pretre-dans-son-eglise.php.

nationality, killed five people and took people hostage in a supermarket. He said he was a member of Islamic State and demanded the release of Salah Abdeslam, the only surviving terrorist of the November 2015 Paris attacks. A senior gendarmerie officer, Lieutenant Colonel Arnaud Beltrame, voluntarily swapped places with a hostage. After a three-hour stand-off, the terrorist shot and fatally stabbed Arnaud Beltrame, who received a national tribute and is celebrated as a hero in France for his sacrifice¹²⁷. He was posthumously promoted to colonel and received the Legion of Honour (Légion d'honneur), France's highest order of merit¹²⁸. On December 11, 2018, an Islamist terrorist attack took place in the Christmas market in Strasbourg¹²⁹, as mentioned earlier. In October 2019, Paris police headquarters were attacked where three police officers and one administrative officer were stabbed and died¹³⁰. Finally, the most mediatized and recent attack was in October 2020, when a teacher, Samuel Paty, was decapitated in Conflans-Sainte-Honorine by Abdoullakh Anzorov, a Russian of Chechen origin, whose parents were given asylum in France and therefore had refugee status. Ten days before, the teacher had shown the caricatures of Charlie Hebdo during a civics class about freedom of speech, which led to a heated controversy with some Muslim parents of its pupils¹³¹.

¹²⁷ "Attaques de Carcassonne et Trèbes : ce que l'on sait", *Le Monde*, March 28, 2018, https:// www.lemonde.fr/police-justice/article/2018/03/23/prise-d-otages-dans-un-supermarche-de-laude_5275306_1653578.html.

¹²⁸ Cécile Bouanchaud, "Hommage national : 'Le nom d'Arnaud Beltrame est devenu celui de l'héroïsme français'", *Le Monde*, March 28, 2018, https://www.lemonde.fr/police-justice/article/2018/03/28/attentats-dans-l-aude-la-france-rend-un-hommage-national-au-gendarme-arnaud-belt-rame_5277389_1653578.html.

¹²⁹ "Strasbourg : ce que l'on sait de l'attentat", *Le Monde*, December 12, 2018, https://www.lemonde.fr/police-justice/article/2018/12/12/strasbourg-ce-que-l-on-sait-de-la-fusillade-qui-a-fait-aumoins-deux-morts_5396056_1653578.html.

¹³⁰ "Attaque au couteau à la préfecture de police de Paris : ce que l'on sait", *Le Figaro*, October 3, 2019, https://www.lefigaro.fr/actualite-france/attaque-au-couteau-a-la-prefecture-de-police-de-paris-syndicats-20191003.

¹³¹ Cécile Chambraud, Nicolas Chapuis, and Élise Vincent, "Attentat de Conflans : ce que l'on sait de l'enquête après le meurtre brutal de Samuel Paty", *Le Monde*, October 17, 2020, https://www.lemonde.fr/societe/article/2020/10/17/attentat-de-conflans-un-hommage-national-sera-rendu-a-l-enseignant-assassine-vendredi-annonce-l-elysee_6056408_3224.html.

The international reaction to the attacks in France

The impact of the January 2015 events was considerable, both in France and abroad: demonstrations of support took place in many cities in France and around the world. Forty-four heads of state and government took part in a republican march in Paris on the 11 January, which brought together more than one and a half million people. Over the course of two days, more than four million French people marched throughout the country - the largest demonstration ever recorded in France¹³² – showing their support for freedom of speech, with the slogan "Je suis Charlie" (I am Charlie), used and posted all over social media¹³³. Other demonstrations of support and for freedom of speech took place after the murder of Samuel Paty, in the context of the COVID-19 pandemic, with the participation of the Prime Minister, Jean Castex¹³⁴. Despite this massive support for freedom of speech, there have been debates in the media on whether there needs to be some limits on this freedom. Although freedom of speech is enshrined as a constitutional value in France as written in the Declaration of the Rights of Man and of the Citizen of 1789¹³⁵, defenders of the limitation of freedom of speech argue that it should not permit the insult of others' beliefs. Whether there should be restrictions on freedom of speech and to what extent remains unresolved. However, the larger problem at hand is whether by restricting this freedom, it signals to terrorists that they win in trying to fracture French society, its democratic model, and its culture¹³⁶. Terrorists do not

¹³² "Contre le terrorisme, la plus grande manifestation jamais recensée en France", *Le Monde*, January 11, 2015, https://www.lemonde.fr/societe/article/2015/01/11/la-france-dans-la-rue-pour-defendre-la-liberte_4553845_3224.html.

¹³³ Frédéric Potet, "'Je suis Charlie', c'est lui", *Le Monde*, January 9, 2015, https://www.lemonde. fr/m-actu/article/2015/01/09/je-suis-charlie-c-est-lui_4552523_4497186.html.

¹³⁴ Morgane Rubetti, "Hommage à Samuel Paty : la foule et l'émotion partout en France", *Le Figaro*, October 8, 2020, https://www.lefigaro.fr/actualite-france/hommage-a-samuel-paty-la-foule-et-l-emotion-partout-en-france-20201018.

¹³⁵ Déclaration des Droits de l'Homme et du Citoyen, August 26, 1789, https://www.legifrance. gouv.fr/contenu/menu/droit-national-en-vigueur/constitution/declaration-des-droits-de-l-homme-etdu-citoyen-de-1789.

¹³⁶ Gilles Kepel, *La Fracture* (Paris: Gallimard / France Culture, 2016).

attack France, or other countries, just to kill people, but to create a dynamic for political change. If the Islamist attacks make France doubt its own values, the terrorist organizations only win.

The November 2015 events in Paris also had a profound effect on society. The terrorists targeted French citizens, sometimes foreigners, very often young people, in their leisure activities – concerts, dinners or drinks on a terrace. The term "Bataclan generation" is used to describe these young people who feel their way of life is under direct attack¹³⁷. We can thus observe a form of resilience from these young people and, more generally, from society, which is reflected in a desire for commitment to defend their way of life and their country. For example, applications to join the French army increased just after the attacks¹³⁸. Also, demonstrations of support for France and the French people took place all over the world, due to the large scale of these attacks. The support was also massive on social networks, with the slogan "Pray for Paris", posted by Internet users around the world¹³⁹.

The French debate: "a radicalization of Islam" or "an Islamization of radicalness"?

Because Islamism is an elusive concept, it makes it difficult to grasp and fight. Politicians, and even researchers, do not all agree on how to define Islamism. Indeed, the question of Islamist terrorism seems unsolvable. In France, the debate about Islamism and Islamist terrorism is best personified by two academic figures: Gilles Kepel and Olivier Roy.

Gilles Kepel defends the explanation of Islamism as a radicalization of Islam. He questions the nature and function of jihadist actions and the true

¹³⁷ Noémie Rousseau, "Un an après. L'insaisissable génération Bataclan", *Libération*, November 11, 2016, https://www.liberation.fr/france/2016/11/11/l-insaisissable-generation-bataclan_1527805/.

¹³⁸ Daisy Lorenzi and Laura Fernandez Rodriguez, "Après les attentats de Paris, l'engagement s'offre une nouvelle jeunesse", *Les Échos*, February 13, 2016, https://www.lesechos.fr/2016/02/apres-les-attentats-de-paris-lengagement-soffre-une-nouvelle-jeunesse-202845.

¹³⁹ "Attaques à Paris : des manifestations de soutien dans le monde", *Le Monde*, November 14, 2015, https://www.lemonde.fr/attaques-a-paris/article/2015/11/14/attaques-a-paris-le-world-trade-center-en-bleu-blanc-rouge-en-solidarite-avec-la-france_4809618_4809495.html.

intentions of their perpetrators. For him, it is essential to start from Islam and the Salafist discourse – a tradition of Islam which is a conservative revivalist and reform branch movement within Sunni Islam. Terrorists are Jihadists – Jihadism is a violent sub-current of Salafism, arguing that human legislation is at variance with God's status as the sole lawgiver¹⁴⁰. Islamists have undertaken or undergone an ideological radicalization¹⁴¹. He considers radicalized people as utopians, who project an ideal world, with a political goal. According to him, it is values, principles and Western culture in general that are targeted. In fact, to say that Islamist terrorists are lost or unbalanced is an illusion. The crimes committed by Islamist terrorists are deliberate and the victims are not chosen at random. For example, *Charlie Hebdo* was a target because it symbolizes freedom of speech.

Unlike Kepel, Olivier Roy views religion as a pretext, because radicalization has been present long before the terrorist act, committed in the name of Islam. Jihadist radicalization is not the mechanical consequence of religious radicalization, it is a nihilistic revolt¹⁴². Therefore, Islamism is not the radicalization of Islam, but the Islamization of radicalness. This terrorism is not rooted in religion, but is rather the expression of a malaise, of a generational revolt. In fact, the cause of these young people's commitment to terrorism is social, not religious¹⁴³, this is a social revolt. Moreover, radicalization is based on a "deadly dimension"¹⁴⁴, because during an attack, it is a destructive passion that is unleashed, death is at the heart of the jihadist project. This propensity for destruction is symptomatic of the generational revolt of many young people, fueled by multiple social causes.

In sum, Kepel and Roy analyze Islamist terrorism from a different point of view. While Kepel does not deny that Islamist terrorism can have social

 $^{^{\}rm 140}$ Europel (2021), European Union Terrorism Situation and Trend Report, Publication Office of the European Union, Luxembourg.

¹⁴¹ Kepel, La Fracture.

¹⁴² Olivier Roy, « Le djihadisme est une révolte générationnelle et nihiliste », *Le Monde*, November 23, 2015, https://www.lemonde.fr/idees/article/2015/11/24/le-djihadisme-une-revolte-generationnelle-et-nihiliste_4815992_3232.html.

¹⁴³ Olivier Roy, *Les illusions du 11 septembre. Le débat stratégique face au terrorisme* (Paris: La République des Idées / Seuil, 2002).

¹⁴⁴ Olivier Roy, *Le djihad et la mort* (Paris: Seuil, 2016).

roots and that economic, social, and political marginalization can lead some to seek a model of integral Islam¹⁴⁵, even if it is a social revolt, he maintains that it is always linked to religion; whereas Roy argues the basis of radicalization is social. Unlike Roy, Kepel has a more historical and micro analysis of the phenomenon, trying to elucidate the motivations of radicalized individuals and the pathways to radicalization. Whereas Roy has more of a macro, global analysis, focused on the social explanations of the phenomenon.

Although both theoretical explanations provide us with a better understanding of the phenomenon, they both fall short conceptually when confronted with the reality of terrorist actions. There are different types of radicalized people with diverse radicalization profiles. Both theoretical frameworks are too simplistic and not academically and politically satisfying to apply to reality as the phenomenon is extremely complex. However, it is possible to identify constants inherent to Islamist terrorism. In both cases, Islamist terrorists have a political aim. This aim can be religious, with the will to impose religion as a means of regulating society. Terrorists who act with these goals in mind believe that Islamic law is more important than the law of the French Republic. This poses a problem in terms of respect for the law. However, it is the objective of French secularism to allow for the free exercise of religion, while preventing religions from having an influence on the exercise of political and administrative power. It is in no way a guestion of combating religions, secularism allows for the free exercise of worship, through the neutrality of the State regarding the religious sphere. It is precisely what France and/or the West stands for that is being fought by Islamist terrorists who are driven by their beliefs. But when the terrorists are seeking social justice and act out, they are not necessarily attacking what France stands for, and its values, although sometimes this is still the case, but rather a system, in which they feel disadvantaged (poverty, unemployment, insecurity), sometimes with international claims, the Palestinian cause for example. It is evident that several policy objectives are often linked.

¹⁴⁵ Gilles Kepel and Antoine Jardin, *Terreur dans l'Hexagone. Genèse du djihad français* (Paris: Gallimard, 2016).

This French quarrel around the explanations of Islamist terrorism on the national territory shows the fractured state of French society and the extremism that can emerge in a society that is no longer able to live together¹⁴⁶. This opposition of concepts sometimes even seems to be a "false opposition"¹⁴⁷. The real problem is to grasp empirically the articulation between the two forms of radicalization, which is not an easy task. Indeed, the radicalization process can be religious and social at the same time, one may also occur before the other, and sometimes a certain resentment towards France can accentuate this process.

To address the conceptual shortcomings of either approach, Antoine Menusier have suggested applying a Third-Worldism explanation, based on the geopolitics of the Middle East, the post-colonial legacy and its consequences for racism and discrimination in European societies¹⁴⁸. Although colonization has been dismantled, the power structures remain with the North still dominating the South, which has consequently caused people to continue to suffer permanent humiliation, as in the time of colonization. The second or third generation of immigrants, born in France but whose families are coming from former French colonies, perceive as Islamophobic the evocation of Islamism by the supporters of French secularism. This would be part of an attempt to persecute Muslims by the West, always perceived as a colonist wanting to impose its law on populations that it dominates.

In an effort to find an explanation for Islamist terrorism, it is necessary to conduct sociological investigations of jihadist militants. These studies however tend to show that in France there is only one profile of jihadists: from disadvantaged neighborhoods, socially precarious and linked to immigration – the second or the third generation of immigrants¹⁴⁹. These holistic types of studies are necessary to provide guidance to policy makers to resolve the root cause of the problem with Islamist terrorism.

 $^{^{146}}$ Leyla Dakhli, "L'islamologie est un sport de combat. De Gilles Kepel à Olivier Roy, l'univers impitoyable des experts de l'islam", *Revue du Crieur* 3, n° 1 (2016): 4-17.

¹⁴⁷ Farhad Khosrokhavar, *Le nouveau jihad en Occident* (Paris: Robert Laffont, 2015).

¹⁴⁸ Antoine Menusier, *Le livre des indésirés* (Paris: Éditions du cerf, 2019).

¹⁴⁹ Hakim El Karoui and Benjamin Hodayé, *Les militants du djihad. Portrait d'une génération* (Paris: Fayard, 2021).

The plural response of the French government

To fight against Islamist terrorism a security-based answer is needed, apart from a social policy approach to deradicalize. That is why, after the 13 November attacks, the French government has declared a state of emergency, which last until November 2017¹⁵⁰. It allowed the powers of civil authorities to be strengthened and certain public or individual freedoms to be restricted for persons suspected of being a threat to public security. The initial duration of the state of emergency was twelve days and its extension had to be authorized by Parliament, which ensured its function of government control. The state of emergency authorized the Minister of the Interior to restrict or prohibit traffic in certain places; prohibit certain public meetings or temporarily close certain public places; requisition persons or private means; authorize administrative searches; prohibit the residence of certain persons; impose house arrest. From November 2015 to November 2017: 45 attacks were foiled, and 19 places of worship were closed¹⁵¹. To have more concrete means to fight against Islamist terrorism, a law was voted in 2017 to provide the State with new counter-terrorism instrument, putting an end to the derogatory regime of the state of emergency, by incorporating into ordinary law provisions previously reserved for the state of emergency¹⁵².

One of the instruments of the fight against Islamist terrorism that the state has adopted is the deployment of military operations. After the January 2015 attacks a military operation was deployed on the national territory, the *Opération Sentinelle*, to protect the deemed sensitive points of from

¹⁵⁰ "Attentats du 13 novembre : ce que veut dire la déclaration d'état d'urgence en France", *Le Monde*, November 14, 2015, https://www.lemonde.fr/societe/article/2015/11/14/attaques-a-paris-ce-que-veut-dire-la-declaration-d-etat-d-urgence-en-france_4809523_3224.html.

¹⁵¹ Ministère de l'Intérieur, "Sortie de l'État d'urgence. Un bilan et des chiffres clés", Press information, November 2017.

¹⁵² Olivier Laffargue, "État d'urgence dans le droit commun : les enjeux de la loi", *Le Monde*, Septembrer 26, 2017, https://www.lemonde.fr/les-decodeurs/article/2017/09/26/etat-d-urgence-dans-le-droit-commun-les-enjeux-de-la-loi_5191447_4355770.html.

terrorism¹⁵³. It is still going on, with military patrolling the streets to protect the population from a sudden attack.

Military operations are also conducted in the territories where terrorist networks are located. France is one of the countries most involved in this war on terror. France has been participating in the International military intervention against Islamic State in Iraq and the Levant since 2014¹⁵⁴ and is leading the *Opération Barkhane* (previously *Opération Serval*) since 2013 against Islamist groups in the Sahel¹⁵⁵, even though president Emmanuel Macron recently announced the end of this operation as an external operation, seeming to prefer a support operation towards regional countries and armed forces¹⁵⁶.

However, responses to terrorism cannot be only security-based but must also include a de-radicalization approach, otherwise referred to as de-indoctrination, de-enrollment or even de-ideologization. Whether one views Islamism as an Islamization of radicalness or as a radicalization of Islam, policies to solve the problem related to the threat of Islamist terrorism must be as broad as possible since it is impossible to understand well the true intentions of the terrorists. The counter-radicalization policy is a three-part policy, which includes prevention, de-radicalization, and disengagement policies¹⁵⁷. The prevention policy has to target a large population, but particularly populations potentially at risk. The de-radicalization

¹⁵³ Delphine Bernard-Bruls," Comment les militaires de l'opération 'Sentinelle' peuvent-ils répondre à une attaque armée ?", *Le Monde*, June 8, 2018, https://www.lemonde.fr/les-decodeurs/ article/2018/06/08/comment-les-militaires-de-l-operation-sentinelle-peuvent-ils-repondre-a-uneattaque-armee_5311965_4355770.html.

¹⁵⁴ Alexandre Pouchard, "L'intervention militaire française en Syrie décryptée en 5 points", *Le Monde*, Septembrer 27, 2015, https://www.lemonde.fr/les-decodeurs/article/2015/09/27/5-questions-sur-les-frappes-francaises-en-syrie_4773838_4355770.html.

¹⁵⁵ "Opération Serval : qui sont les militaires engagés au Mali ?", *Le Monde*, January 14, 2013, https://www.lemonde.fr/afrique/article/2013/01/14/operation-serval-qui-sont-les-militaires-engages-au-mali_1816675_3212.html.

¹⁵⁶ Christophe Châtelot, "La fin de l'opération 'Barkhane' au Sahel : sauve-qui-peut ou rebond ?", *Le Monde*, July 4, 2021, https://www.lemonde.fr/idees/article/2021/07/04/la-fin-de-l-operation-bark hane-au-sahel-sauve-qui-peut-ou-rebond_6086919_3232.html.

¹⁵⁷ Pierre Conesa, "Quelle politique de contre-radicalisation en France ?" (Fondation d'aide aux victimes du terrorisme, 2014).

policy consists of changing an already radicalized individual to make him or her abandon their views. And the disengagement policy has to convince an individual in a group to give up his or her activities and if possible, his or her world view. In France, the deradicalization policy is led by NGOs, with support from the government. There is the Center for the prevention of sectarian abuses linked to Islam (Centre de prévention des dérives sectaires liées à l'Islam), whose objective is to participate in research related to the prevention and the treatment of radical Islamic recruitment, but this association is no longer active because the association's leadership, led by researcher Donia Bouzar, disagreed with the government's policy of disgualifying French-born citizens with dual nationality, a measure designed by President François Hollande after November 2015 attacks and aimed in particular at French terrorists of immigrant background¹⁵⁸. There was also a state deradicalization center, in Pontourny, for volunteers who wish to emerge from a process of radicalization, but this center was closed, because it did not work. The project had obvious shortcomings: individuals who had served the Islamic State were not included – although they seem to be the most radicalized individuals - and the voluntary basis did not allow the structure to really find its audience¹⁵⁹. This part of the deradicalization policy was a failure, as the government implemented these policies in a panic, due to the wave of Islamist attacks in France in 2015¹⁶⁰.

If the typical profile of terrorists is from disadvantaged neighborhoods, socially precarious and linked to immigration, as various studies tend to show it, social policies are essential. Because exclusion or discrimination based on ethnic origin or religious beliefs and, in many countries, the failure to integrate minorities or immigrants, create resentments that can be conducive to terrorist recruitment, including a sense of alienation

¹⁵⁸ "Dounia Bouzar renonce à sa mission sur la déradicalisation pour protester contre la déchéance", *Le Monde*, Febriary 11, 2016. https://www.lemonde.fr/societe/article/2016/02/11/dounia-bouzar-renoncea-sa-mission-sur-la-deradicalisation_4863906_3224.html.

¹⁵⁹ Gérald Bronner, Déchéance de rationalité: Les tribulations d'un homme de progrès dans un monde devenu fou (Paris: Grasset, 2019).

¹⁶⁰ Esther Benbassa and Catherine Troendlé, on behalf of the Law Committee, "Les politiques de 'déradicalisation' en France : changer de paradigme" (Sénat, 12 juillet 2017), http://www.senat.fr/rap/ r16-633/r16-633.html.

and marginalization and a growing propensity to seek social integration with extremist groups, the government's social response must be strong. The target population is young people, so the focus should be on schools. The French Republic must be able to offer young people more than an immanent utopia (freedom, equality), given the transcendental nature of the Islamist utopia¹⁶¹. The Republic must allow young people from poor neighborhoods to concretely have the same chance to succeed as other young people and must review the policy of integration of immigrant populations. It is by stopping feeding resentment towards it that the Republic will be able to carry more weight than Islamism, while preserving the freedom of worship of Muslims in France, whether they are French or not.

An ostentatious legislation

The pace of terrorism-related legislation has been about one law per year for the past ten years¹⁶². On the one hand, this high legislative pace is a real attempt to respond to the security and social problems posed by Islamist terrorism. But on the other hand, it is to show that the government does act against Islamist terrorism. It is a direct response to public opinion and the rise of the National Rally (*Rassemblement National*), a far-right party at the gates of power in France. Indeed, the decisions taken to counter terrorism may be more political than useful from a security perspective. If "terrorism is theater"¹⁶³, so is the fight against it. The government must respond to public opinion seeking security measures to combat Islamist terrorism. This is the reason why it is not only the National Rally that makes security one of its favorite campaign themes. Presidents in power, such as François Hollande or Emmanuel Macron, or even other candidates, must take up this issue, to show that they provide a coherent response

¹⁶¹ Farhad Khosrokhavar, *Radicalisation* (Paris: Éditions de la Maison des sciences de l'homme, 2014).

¹⁶² Jean-Baptiste Jacquin, "Le projet de loi de prévention du terrorisme pérennise des mesures contestées", *Le Monde*, June 1, 2021, https://www.lemonde.fr/societe/article/2021/06/01/le-projet-de-loi-de-prevention-du-terrorisme-perennise-des-mesures-contestees_6082289_3224.html.

¹⁶³ Brian Michael Jenkins, *International Terrorism: A New Kind of Warfare* (Santa Monica: RAND Corporation, 1974).

to Islamist terrorism. But this one-upmanship, fed by the media, can only be dangerous for the respect of fundamental freedoms and democracy. Moreover, as the numbers of attacks and terrorist plots show – between 2014 and 2019 France recorded the most Islamic State-related terrorism deaths in the West¹⁶⁴ – the successive addition of laws is not necessarily an indicator of effectiveness in this area. This propensity to legislate could be dangerous because it creates an illusion of an effective fight against Islamist terrorism and is only partly a response to far-right parties.

Conclusion

France currently is the European country most impacted by Islamist terrorism, but Europe is not the region where terrorism is the most active. We always must remember that the first victims of these groups are civilian populations in the regions where they are implanted (South Asia, MENA region, Sub-Saharan Africa). Islamist terrorism is a subject that French politicians talk about frequently in times of elections, and will probably be, as always, one of the central subjects of the 2022 presidential election, in which the far-right candidate Marine Le Pen is likely to win, with a strong security discourse. Another debate is the question of French people involved with Islamic State troops. Given the difficult position of the Islamic State in the face of the international coalition, some have expressed the wish to return to France, or at least to Europe. Others are present in prison camps such as women and children who were brought there by their husband or father. This topic will be a major issue during the next presidential election and during the next few years.

¹⁶⁴ Institute for Economics & Peace. Global Terrorism Index 2020: Measuring the Impact of Terrorism, Sydney, November 2020. Available from: http://visionofhumanity.org/reports (accessed Date Month Year).

Chapter 6 Environmental security. Challenges and perspectives

Yuliia Harashchenko

Abstract: Ozone layer destruction, deforestation, nuclear weapons – these are principle environmental concerns which were stated out by different activists and governments in 80's and 90's. Back then, the issue of environmental security and awareness were not as popular and prevalent as they are today. The period of 2019–2020 has become a starting point of the so-called 'environmental awareness' due to influence of mass media, globalization, ecological activists, youth participation and variety of other factors. International society has begun to take into account unpredictable and severe effects of changes in the environment. Such factors of past experiences as climate change, migration, conflicts for such natural resources as water, and ecological/environmental terrorism, made not only society but global actors treat the danger seriously. Flaws of environmental security are to be set on the same level with 'traditional' outcomes of military conflicts. It is due to unpredictability of situation and large scale of lesion.

The relevance of the research paper is appropriate in current realities. Even if we track issues raised in the recent volumes of the Munich Security Conferences, the problem of environmental dangers is included to last 5 of them. The topic is controversial due to clashes of interests among such global leaders as the United States of America and ambiguous role of different international or state organizations. Nowadays, threats of ecological security are no longer in theory. Such type of dangers is described in 'water diplomacy' related to Israeli/Palestine and India/Pakistan conflicts; controversial attempts to embrace common action by the UN and the NATO and 2015 Paris Agreement; and last but not least, development of new terrorism branch – ecological one. The aim of this paper is to analyze threats related to environmental security and to predict possible influences or appropriate tactics to overcome future challenges.

Keywords: ozone layer destruction, deforestation, climate change, migration, conflicts for such natural resources as water, and ecological/environmental terrorism

Introduction

Modern realities and conditions challenge international security domain. The paradigm of 'being safe' changes over time, as the world adapts to new kind of threats - environmental or ecological dangers. The idea of environmental threat is not new, however, it has been given dignified doze of attention not only from society but political and international players. The Paris Agreement seemed reliable back in 2015 though shortly after strategies and agreements towards prevention of climate change demonstrated flaws. Numerous experts called for keeping global temperature rise below or 1.5 degrees, but recent prognoses are centered around 3.2 degrees by 2100¹⁶⁵. Climate change is no longer a myth. The phenomena result in unpredictable environmental catastrophes, waves of the so-called 'ecological' refugees, rising level of conflicts over such natural resources as water, and contributes to rise of environmental terrorism. The importance of environmental security cannot be overestimated. According to results of 2018 Munich Security Conference, around 7 million of people were victims of climate related damage only in 2015¹⁶⁶. Thus, the conclusion can be made that pollution results in murdering 15 times more people than variety of violent actions.

The aim of this paper is to expand nature of environmental security and how is it linked to other branches of security. Apart from it, questions of 'water diplomacy' are going to be discussed, based on Israeli/Palestine and India/Pakistan cases; as well as rise of 'ecological' terrorism with analyzing such examples as the Earth Liberation Front and others. Taking into account all mentioned data, the paper seeks to make predictions regarding future of environmental security and ways to tackle upcoming threats.

¹⁶⁵ "UN emissions report: World on course for more than 3 degree spike, even if climate commitments are met," UN News, last modified November 26,2019.

¹⁶⁶ Munich Security Conference Foundation GmbH, Munich Security Report 2018 (Munich: Prinzregentenstr, 2018), 46.

What is environmental security?

As any global issue, environmental security fosters lots of debates among global society. The term itself is often misunderstood due to lack of universal definition. Therefore, the conclusion can be made that such flaw brings in similar difficulties to the UN attitude towards terrorism. Misconceptions over nature of terrorism make it difficult to find effective multilateral approach to tackle the problem, as many countries might manipulate on these grounds. Similarly to the issue of international terrorism, nature of environment security can be willingly applied in the name of a country's interests.

According to Millennium project focused on environmental security study, the most relevant definition is as following: environmental security is the system, aim of which is to effectively overcome threats to the global peace and stability, caused by altering environmental conditions¹⁶⁷. Among its principle responsibilities are preventing environment from being damaged by military actions or helping to recover from it; dealing with issues of environmentally based conflict; and lastly, services of the environmental security are keen of preserving and promoting nature as the estimable value. Contributions of the Millennium Project highlight the importance of distinction between environmental security and safety. According to the study, environmental safety deals with level of reliability of such industrial 'devices' as nuclear plants, power stations, pesticides, level of waste and others.

The US vision and main aims of environmental security are presented by the US Department of Defense in the Environmental Security Threat Report¹⁶⁸. The United States of America appreciates restoration of environmental values, prevention of pollution, assesses human health risks, and highlights the importance of both multilateral and bilateral negotiations in this area. Even though the US response towards environmental threats has been criticized under Trump's administration, it observes the

¹⁶⁷ Elizabeth Florescu, Jerome C.Glenn, "Environmental Security Rising on the International Agenda", *Development, Environment and Foresight*, Vol.1, No. 1-6-23, (2015).

¹⁶⁸ U.S Department of State Archive, *Environmental Security Threat Report*, 2001.

co- called 'environmental diplomacy' as one of the major tools. It mainly covers bilateral relations in regional or global spheres¹⁶⁹.

As for the Russian Federation, it represented vitality of environmental security in the country's national security strategy. Russia put human wellbeing and participation, integrity of biodiversity and how does it influence both external and internal impingement of the state as core factors of the updated presidential decree of environmental security since 2017¹⁷⁰.

Nature of environmental security is linked to such necessary areas of human development as energy sources, and energy security in particular. As the globalization has more and more influence around the world, demands of population increase. Jakstas claims that energy security has become more integrated area nowadays¹⁷¹. Undoubtedly, the concept depends on economic development, geography and aims of a state but it faces such common challenges as security flaws and sustainable environmental conditions. Indeed, energy security is not solely about affordability or accessibility of energy sources. According to Collins Ayoo, energy security is based on the so- called 4 As, mainly affordability, availability, accessibility, and acceptability¹⁷². The consumption and supply of energy have been challenged not only by geopolitical tensions (for example, the EU/ Russia gas tensions) but the impact of climate change lately.

Number of most developed countries have adopted application of alternative energy distribution ways. Though such technologies as solar panels and wind energy decrease harmful contribution to the greenhouse effect and minimize utilization of coal or nuclear components, they remain expensive and unbearable to fragile states. Based on mentioned data, conclusion can be made that alleviation of climate change heavily depends on development in the sphere of energy security. The problem reveals flaws

¹⁶⁹ Kurk Dorsey, "American Environmental Diplomacy", American History, 2016.

¹⁷⁰ Vladimir Putin, The Presidential Decree #176, Moscow, 2017.

¹⁷¹ Tadas Jakstas, "Chapter 5- What does energy security mean?" in *Energy Transformation towards Sustainability*, ed. Manuela Tvaronavičiniė and Beata Ślusarczyk (London: Elsevier, 2020), 99–112.

¹⁷² Collins Ayoo, *Towards Energy Security for the Twenty- First century* (London: IntechOpen, 2020).

in governmental systems and classical dilemma about comfort of consumption versus environmental sustainability. Jakstas raises importance of such international agreements as the Kyoto Protocol and the UN Framework Convention on Climate Change due to severe aftermath of failures in systems of atomic energy supplying or nuclear weapons¹⁷³. Nowadays, it refers not only to Chernobyl nuclear disaster in 1986 but to repercussions of Fukusima Daiichi nuclear catastrophe in 2011. Indeed, the development of alternative energy sources is on the rise. On the one hand, wide implication of photovoltaic solar panels might be the key to greater energy sovereignty of a country, while on the other hand switching to the eco- friendly energy supply is time and money consuming. Therefore, the gas is expected to lead among the sources of energy supply in the nearest future, while atomic energy remains popular currently due to its relative cheapness and exalted outcome.

Apart from being interlinked with energy security, environmental one faces rising number of issues nowadays. For instance, such experts as P. Alston claim that security agencies are challenged by such aspects as resources shortage, rising demand on food consumption, migration and climate change¹⁷⁴. Another controversial problem is sovereignty of states. According to major points provided by the US Department of Defense, it covers not only a state's right to self- defense but refers to multilateral global corporations¹⁷⁵. They have a right to exploit natural resources, putting fragile or weaker countries under a threat. For example, the recent case of Brazilian controversy over the Amazonian forest¹⁷⁶ devastation clearly demonstrates how struggle for money or being supported by powerful political actor wins over environmental stability of not only the region but vast part of the world.

¹⁷³ Tadas Jakstas, "Chapter 5- What does energy security mean?" in *Energy Transformation towards Sustainability*, ed. Manuela Tvaronavičiniė and Beata Ślusarczyk (London: Elsevier, 2020), 99–112.

¹⁷⁴ Philip Alston, *The parlous state of poverty eradication, Report of the Special Rapporteur on extreme poverty and human rights.* Human Rights Council, 2020.

¹⁷⁵ U.S Department of State Archive, *Environmental Security Threat Report*, 2001.

¹⁷⁶ "Amazon wildfires: Leaders pressure Brazil to quell 'international crisis'," Deutsche Welle, n.d. https:// www.dw.com/en/amazon-wildfires-leaders-pressure-brazil-to-quell-international-crisis/a-50132482.

Water conflicts and diplomacy

Modern conflicts dictate new rules. In his article Jan Selby explains how water influences both global and local affairs, especially in the Middle East area. Selby touches upon the so- called stereotype of rich North and poor Middle East. It might look similar to the Brandt Line (the well- known division of the world to the so- called Global North and the Global South in terms of economic and social development¹⁷⁷) though the main item for competition is water. Although the Middle East being rich in oil and other energy resources, it faces water scarcity problems due to the steady growth of population, development of modern technologies and improvement of living conditions. Consequently, there has been a spike in conflicts over water shortages. Some experts even equalize the value of water to oil, calling it 'the next oil.'¹⁷⁸.

Lufkin highlights importance of climate change and water demand, which is expected to reach 55% until 2050 due to rising level of sea and population in recent years¹⁷⁹. However, the decrease of inhabitants is prognosed due to sharp water scarcity and development of such diseases as the HIV or AIDS, malaria and others. In this section the author is going to focus on Israeli/ Palestine and India/ Pakistan conflicts over water resources and access to it.

Water scarcity has become one of the major factors that escalating the geopolitical clash between Israel and Palestine. Current prognoses claim that the water issue can become a threat to the so- called 'two state system.' The main areas of dispute between Israel and Palestine are centred around the West Bank, Late Tiberias, the Mountain Aquifer and others. Since 1967 two countries have been struggling over area of West Bank.

¹⁷⁷ Nicholas Lees, "The Brandt Line after forty years: The more North- South relations change, the more the stay the same", *Review of International Studies*, no. 47(1) (Published online Novemebr 16 2020): 85–106.

¹⁷⁸ Jan Selby, "The Geopolitics of Water in the Middle East: fantasies and realities," *Third World Quarterly* 2, Vol. 26, (2005): 329–249.

¹⁷⁹ Bryan Lufkin, "Why 'hydro- politics' will shape the 21st Century," *BBC*, June 16, 2017.

In addition, specific climate conditions of desert and territorial conflict are not the only factors that exacerbate the water dispute. Palestine faces steady rise of population which, in its turn, intensifies demand for clean water. The crisis was escalated after Palestine/ Israel military clash in 2014. As a result, Palestine faced serious power outages and new challenges, while Israel still holds control over 80% pf crucial water supplies including Lake Tiberias and Mountain Aquifer¹⁸⁰.

Undoubtedly, the two sides of the dispute were accused of machinations and violation of International Law though the response of global community is criticised as well. For example, the Oslo II Accord signed in 1995 is still being both condemned and appreciated. The Accord included division of vital water resources among Palestine, Israel and Gaza. In addition, the Oslo II Accord not only acknowledged self- governing territory of Palestine but had divided the West Bank to the areas designated A, B and C. To expand, the 'A' area belonged to Palestine, the 'B' zone was delegated to both Israel and Palestine, while the 'C' one was governed exclusively by Israel¹⁸¹. Even though the Accord remains legitimate until today, it has been heavily criticised. For instance, the arrangement did not take into account problem of infrastructure, logistics, geography, politics, and environmental influence. What is more, the Accord only contributed to unjustified behaviour of Israel, as it was given unequal amount of the West Bank from the beginning. Members of international community consider that it was a precedent for the country to violate the Law in terms of the territory annexation or encroaching on it. The very recent example of Israeli actions was demonstrated through its intention to annex illegal Jewish settlements in the West Bank and to construct the 'Separation Wall' on the same territory¹⁸².

The West Bank controversy has become a ground for the establishment of 'Water Diplomacy.' Again, such type of diplomacy heavily relies on the

¹⁸⁰ Lazarou Elena, "Water in the Israeli- Palestinian conflict," *ERPS/ European Parliamentary Research Service*, PE 573.916, 2016.

¹⁸¹ Greta Baessato, "The Israeli- Palestinian Water Conflict. Water as a peace process?" *Research-Gate*, 2016.

¹⁸² "In Pictures: Israel's illegal separation wall still divides," Aljazeera, July 8, 2020.

Oslo II Accord and involvement of different international actors. For example, the European Union, the United Nations, NATO and other leading global organisations observe the Middle East as a 'turbulent' area. It is not only due to specific features and diversity of beliefs but the possibility of Israel and Palestine being supported by different countries. Unfortunately, the Oslo II has not ended the confrontation between states. Numerous terrorist attacks have been conducted by advocators of Palestine's liberty since the document was signed. The most intense period of terrorist attacks happened between 1994-2005, being perpetrated by Islamic Jihad, Hamas, Fatah al- Asga Martyrs Brigade, and other terrorist groups¹⁸³. Coming back to the problem of Israel building the 'Separation Wall' and having intentions to annex more territories on the West Bank, it had revealed flaws in the international position regarding the Israeli/ Palestine conflict. Although the US and the EU strongly condemn Israel for the International Law violations, they continue to develop trade relations with Israel. That is the reality of international relations: economic benefits prevail over justice and International Law is not legally binding.

In the end, Israel is included to the list of countries which hold nuclear weapons. The 'nuclear lobby' consists of the USA, the Russian Federation, the UK, France, the People's Republic of China, India, Pakistan, Israel, and North Korea. Thus, if a conflict breaks out, some states from the list might step in and support either Israel (nuclear power) or Palestine (strong religious centre and a base for terrorist cells)¹⁸⁴. This is one of the examples how the dispute over natural resources can evolve into multidimensional, large- scale conflict.

Apart from the Israeli/ Palestine conflict, there are more global and regional conflicts on the rise. Among the most recent water- based conflicts are Venezuela, Libya, Russia versus Ukraine, and India versus Pakistan. Venezuelan crisis has deepened in 2019. It refers not only to economic issues but the quality of citizens' living. For example, one of the most recent

¹⁸³ "Major Palestinian Terror Attacks Since Oslo", Jewish Virtual Library, n.d.

¹⁸⁴ Zain Hussain, "Why the Israeli Policy of Nuclear Ambiguity is Harmful for Prospects of a WMD Free Zone in the Middle East," British American Security Information Council, June 21, 2019.

cases happened in 2019 when a group of people protested publicly against shortage of water and electricity¹⁸⁵. It resulted in protesters being shot by police on the grounds of the local water dispute. What is more, water is often used as a tool in ongoing military conflicts. This refers to Libya and the case when local population was deprived of access to fresh water as a result of airstrikes. In the end, military action was taken to destroy water supplying tanks in Tripoli¹⁸⁶.

In July 2020, the Warsaw Institute published an article about water disputes influencing Russian/ Ukrainian relations. After the Russian Federation annexed Crimean Peninsula, the territory has been facing acute demand and shortage of water. Before the annexation, the peninsula was supplied from the Ukrainian side, but the state rejected to prolong such arrangements. The autumn and winter of 2019–2020 were dry. Therefore, Crimean Peninsula found itself on the edge of a water crisis due to lack of precipitation. Water supplies was on the agenda of peace talks, but the sides have not reached an agreement yet¹⁸⁷. Therefore, Russia showed intentions to invade Ukraine in order to 'avoid humanitarian catastrophe¹⁸⁸.

India and Pakistan, in their turn, are in conflict for the value and reserves of the Indus basin. Despite the fact that both countries approved the Indus Water Treaty signed in 1960, clashes still take place. According to the Treaty, both states had a right to use the river reserves for such aims as construction of electricity plants. The very recent dispute broke out in 2019 after India had announced the plan to build a huge power station. Unsurprisingly, the initiative was not approved from the Pakistani side. While India needs water supplies due to the rising percentage of population and poverty, Pakistan is an economy which is centred primarily around agriculture and the country is not ready to give up its rights over the Indus River.

¹⁸⁵ Arelis R. Hernandez and Mariana Zuniga, "Why are you crying, mami? In Venezuela, search for water is a daily struggle," *the Washington Post*, 2019.

¹⁸⁶ International Committee of the Red Cross, "Operational update in Libya: Fierce fighting amid fears of protracted violence," *Reliefweb*, 2019.

¹⁸⁷ Warsaw Institute, "Water Shortage in Crimea: Russia May Take a New Move Against Ukraine," Minoboron, 2020.

¹⁸⁸ Ayse Betül Bal, "Crimea: What Moscow- Kyiv dispute means for water crisis," Daily Sabah, 2021.

In addition, due to global warming the Indus River is expected to become a seasonal river until 2040¹⁸⁹.

When it comes to security issues, the following fact has to be taken into account: both India and Pakistan are nuclear states. According to the data provided by the World Water source and South China Morning Post, India has recently shown sign of provocation. The country released certain amount of water from a dam which resulted in a moderate flooding on the territory of Pakistan¹⁹⁰. India stated that it was a regularly planned procedure while Pakistan observed the accident as an act of war. But the Indus basin dispute exists not only theoretically but also diplomatically. In 2019, 10 Indian parliamentary police members were victims of suicide terrorist attack from the Pakistani side which took place in Kashmir. The attack fell under the category of environmental terrorism, the nature of which is going to be discussed in the next chapter.

Environmental terrorism

As it was mentioned in previous sections, terrorism has a variety of definitions. One of the most widely applied is provided by the United Nations. According to the international organisation, terrorism is the unlawful use of violence with an ideological or political background, the principal intention of which is to invoke fear and draw attention¹⁹¹.

Terrorism has numerous branches and evolves due to globalisation and spread of the Internet. This chapter is going to focus on a particular branch of terrorism- environmental one. We are going to take a look at the importance of its definition, its relevance today, and case studies of the Earth Liberation Front, as well as the Animal Liberation Front, and discuss its prospects for the future.

¹⁸⁹ Mervyn Piesse, "The Indus Treaty Revisited: India- Pakistan Water Spring," (Research Manager, Global Food and Water Crisis Research Programme, 2015).

¹⁹⁰ Reuters, "Pakistan accuses India of waging 'fifth- generation warfare' in Kashmir by using water as weapon", *South China Morning Post*, 2019.

¹⁹¹ Office of the United Nations High Commissioner for Human Rights, "Human Rights, Terrorism and Counter- terrorism," 5.

Environmental terrorism has been considered a threat to international security since the late nineties. This branch of terrorism was adopted on legal grounds not only by the United States of America but the United Nations because of the controversial incident in 1991. It happened during the Gulf War after Iraqi Air Forces intentionally causing oil spills into the Gulf Waters¹⁹². The event, undoubtedly, resulted in a humanitarian crisis over the area though can it appropriately be marked as an act of environmental terrorism? Can Saddam Hussein be considered as the pioneer of environmental terrorism?

In his research paper linked to environmental terrorism Daniel Schwartz warns that due to a lack of an adequate definition, the concept could be misused by media or politicians. He claims that there are at least two characteristics of such attacks: when pipelines or any other industrial objects are damaged accidently in attack or when they become a tool to attract public attention to environment- related issues. Schwartz presents the list of types of attacks related to the environment but not necessarily constituting the label of 'environmental terrorism' as will be elaborated on for the remainder of this section¹⁹³.

The first category is referred to as *Primary Symbolism on Deliberate grounds in Peace and War Times* whereby terrorists' aim to spread fear over a large scale of population by damaging the environment. It is supposed to make targeted audiences think about ecological consequence as well. The appropriate example of such a category took place in 1995. A group of armed fishermen decided to protest against imposed tariffs on the Galapagos islands. They threatened to annihilate rare tortoise species. In the end, the fishermen held hostages and killed around 80 tortoises¹⁹⁴.

¹⁹² O. Linden, A. Jerneloev, *The Environmental Impacts of the Gulf War 1991,* International Institute for Applied Systems Analysis, 2004.

¹⁹³ Daniel Schwartz, "Environmental Terrorism: Analysing the Concept," *Journal of Peace Research, 35*(4), (Retrieved July 28,2020) 483–496.

¹⁹⁴ Daniel Schwartz, "Environmental Terrorism: Analysing the Concept," *Journal of Peace Research, 35*(4), (Retrieved July 28,2020).

The second category on Schwartz's list is cantered around the "eco- terrorism" during Wartime. There have been no cases of environmental terrorism registered yet however the author highlights the importance of the war's influence. In times of military activity for example, there might be ponderable differences in terms of governing laws and approaches towards the role of the environment. Therefore, an adequate evaluation of damage can be barely provided¹⁹⁵.

Other categories of the "eco- terrorism" definitions are represented by Deliberate actions on the basis of Symbolism in Peacetime and Wartime. To begin with, when terrorists conduct such attacks in a period of peace, they intend to affect bigger amount of people than were victims of the act itself, thus aims of the "environmental" terrorism are not different from the "mainstream" one. The 'Peacetime' category also includes threats of terrorist to apply nuclear weapons but perpetrators have not used such agents yet as it is considered to be 'inefficient' in terms of the outcome. However, there is an exception. The Tokyo subway attack in 1995 conducted by Aum Shinrikyo religious cult was rather representative of chemical terrorism. Again, the phenomena of terrorism can be described with the following collocation: terrorists want lot of people watching, not dead¹⁹⁶.

The Wartime category triggers controversy over the accident happened during the Gulf War. On the one hand, the Iraqi attack had a symbolic overtone of undermining the power and wealth of the West. On the other hand, the attack was not legitimised as a part of ecological terrorism. It was considered as an act of terrorism in general but did not cause long-lasting damage to the environment according to the 1976 ENMOD Convention. In the end, the attack delegated by Hussein aimed to destroy 'wealth, not environment.'¹⁹⁷.

¹⁹⁵ Daniel Schwartz, "Environmental Terrorism: Analysing the Concept," *Journal of Peace Research,* 35(4), (Retrieved July 28,2020).

¹⁹⁶ Michael Jenkins, "Chapter 8- The New Age of Terrorism," Terrorism Beyond Al-Qaida, 118.

¹⁹⁷ International Committee of the Red Cross, "1976 Convention on the Prohibition of Military or ant Hostile Use of Environmental Modification Techniques, Advisory Service on International Humanitarian Law, 2003.

Schwartz also states that accidents such as oil spills or Chernobyl nuclear disaster do not fall under category of environmental terrorism. In addition, incidents related to war (such as the US use of Agent Orange and its experimenting with weather modification in Vietnam War) cannot be observed as acts of environmental terrorism, as it does not have aim to spread fear and draw attention to possible ecological consequences¹⁹⁸.

The Earth Liberation Front has been on the rise since early nineties. While the group was known mostly by damaging local production or logging during that period, the ELF and its successors represent a greater threat nowadays. The Earth Liberation Front aims to drag attention to actions done by huge corporations and individuals in general which harm the environment. The European Union put it under the category of 'single-issue' terrorism, meaning that even though the event predominantly happens once, it does not necessarily bring in peaceful solutions and effects¹⁹⁹.

However, the Federal Bureau of Investigation claimed that the ELF should be considered one of the greatest terrorist threats in the USA in 2004. It has been accused of causing damage of more than 100\$ million to global corporations due to their harmful impact on the environment. According to the NATO Science for Peace, the ELF's actions can be classified as ecological terrorism because they target symbolic locations and use the environment as a tool to spread fear among population or to promote their ideological goals²⁰⁰.

What is more, ideologically motivated individuals or the ones under strong influence of religious beliefs are more likely to commit environmentally oriented attacks. In the case of the Earth Liberation Front, they are sure that if huge corporations do not minimize harmful influence on the environment, the apocalypse will take place which gives them some kind

¹⁹⁸ Daniel Schwartz, "Environmental Terrorism: Analysing the Concept," *Journal of Peace Research,* 35(4), (Retrieved July 28,2020).

¹⁹⁹ EUROPOL, "European Union Terrorism Situation and Trend Report 2020," European Union Agency for Law Enforcement Cooperation, 2020.

²⁰⁰ Hami Alpas, Simon M. Berkowicz and Irina Ermakova, *Environmental Security and Ecoterrorism*, (The Netherlands: Springer, 2010).

of moral justification. The ELF has primarily been responsible for damaging property while targeting people to draw more attention²⁰¹. As for its similarity with the Animal Liberation Front, they both lack an adequate governing system. Therefore, absence of an adequate hierarchical structure makes it hard to target the group and determine whether they should be consisted a terrorist organization. Unlike the ELF, the Animal Liberation Front is more narrowly specialized. The ALF is more focused on facilities and companies which are responsible for killing animals. This category covers laboratories or farms which bred animals for murdering or fur extraction. Nowadays, the Earth Liberation Front is not that active as it was before. The FBI succeeded in capturing Joseph Mahmoud Dibee - one of the ELF leaders however more and more other groups are radicalized by the wave of 'environmental awareness' and rising number of ecological activists²⁰². For example, even after arrest of Dibee, the number of his followers still cherish similar ideas. In 2016 thousands of people were protesting against the construction of the pipeline in North Dakota, USA. They shut off a number of valves and later started to damage them in the name of securing the environment. The events were broadcasted online, and the Internet contributed in spreading the activist's ideas²⁰³.

International response

Aspects of environmental security tend to appear more frequently on the global agenda. The care about nature and, for instance, quality of air or water has been included to 17 UN sustainable development goals. The problem generates discussions over environmental vs. health security areas. In the section we are going to talk about international contribution to environmental stability, role of the UN and NATO, and evaluate efficiency of such events as the Paris Agreement and Munich Security Conferences²⁰⁴.

²⁰¹ Dean Schabner, "What Is ELF?", ABC News, 2006.

²⁰² Dean Schabner, "What Is ELF?", ABC News, 2006.

²⁰³ Alleen Brown, "The Green Scare. How a Movement That Never Killed Anyone Became the FBI's #1 Domestic Terrorism Threat," The Intercept, 2019.

²⁰⁴ Munich Security Conference Foundation GmbH, Munich Security Report 2016 (Munich: Prinzregentenstr, 2016), 44.

As the world is gradually entering the post- COVID 19 era, certain issues appear on the global surface. The concerns were presented back in 2016, in the Munich Security Report. The experts supposed that climate change could result in breakouts of severe dengue fever, caused by the rising number of mosquitos' habitats²⁰⁵. As for the COVID- 19 pandemic, it has provided both positive and negative impacts on the environment. On the one hand, the lockdown caused a decrease of Co2 emissions as global transportation was minimized, so as harmful human influence on nature. On the other hand, the pandemic distracted attention from such illegal activity as deforestation of the Amazon rainforest. The COVID-19 also weakened efforts of environmental diplomacy due to global economic breakdown. In addition, the lockdown contributed to the slowdown in the development of alternative energy sources, especially in fragile or developing states.

The United Nations and NATO are in the process of implementing a theoretical and practical strategy to address environmental security for the sake of preservation. As it was already mentioned in the introduction, the significance of environmental safety is represented among 17 UN sustainable development goals. The organization cares about Clean Water and Sanitation, Clean Energy and Climate Action. The category also includes Responsible Consumption and Production and Life Below Water or on Land²⁰⁶. The organization observes global cooperation as major tool in tackling environmental- related threats. It appreciates the role of such actors as UNESCO or UNICEF, as well as the World Bank and the Global Environmental Facility. The UN agenda consists of promoting such documents as Kyoto Protocol, 1992 UN Framework Convention on Climate Change and others. Furthermore, the United Nations promotes mechanism of 'collective action' regarding fragile states. Due to unstable economic, global, and ecological conditions they are in risk category as well as failed states.

²⁰⁵ Munich Security Conference Foundation GmbH, Munich Security Report 2016 (Munich: Prinzregentenstr, 2016), 44.

 $^{^{\}rm 206}\,$ "Sustainable Development Goals. Take action for the Sustainable Development Goals," The United Nations, n.d.

The NATO focuses on the problem of pollution, cost of military actions and humanitarian aid providing to those states which cannot deal with the environmental crisis alone. The organization not only takes care of NATO member- states bur supports international cooperation through the SPS program. Apart from prevention of conflicts based on resources or food scarcity, the North Atlantic Treaty Organization prioritizes developing an application of alternative (smart) sources of energy in its facilities²⁰⁷.

The Paris Agreement seemed to be reliable and optimistic back in 2015. The principle aim of the event was to keep the rising of global average temperature below 2 C and to overcome damage caused by climate change. Like the UN tactics, the main key of efficiency was global cooperation but vast percentage of responsibility is laid on more powerful and development states as the USA, Russia and others. The Agreement was ratified in 2019 by 187 states after a controversial event that had put the Agreement under threat. The United States of America withdrew from the Paris Agreement because of clash of interests. President Trump claimed that it contradicts US economic and leadership position²⁰⁸.

The controversial move of the USA has become an important topic on the Munich Security Conference in 2018. Not only America withdrew from the Agreement, but it excluded environmental challenges from the list of national security threats. Participants of the conference also acknowledged the fact that near 20 million of people were displaced because of sudden weather changes²⁰⁹.

Although experts did not initially see air pollution as a potential severe threat to global security, 2019–2020 marked the beginning of a climate advocacy agenda.

The Munich Security Conference 2020 revealed a UN pessimistic approach towards the 2015 Paris Agreement. Unlike past predictions, the world

²⁰⁷ "Science for Peace and Security: environmental security," Science for Peace and Security(SPS), the North Atlantic Treaty Organization, updated May 2, 2012.

²⁰⁸ Matt McGrath, "Climate change: US formally withdraws from Paris agreement", BBC, 2020.

²⁰⁹ "Forced from home: climate- fueled displacement," OXFAM International, December 2, 2019.

faces 3.2 C average temperature rise until 2100. International community expects huge waves of environmental refugees. According to the latest predictions, around 140 million people are to be replaced by 2050 in Sub-Saharan Africa, South Asia, and Latin America. Once again, fragile states are more exposed to such dangers. The conclusion of the 2020 Conference reveals the threat of interstate violence because of resource scarcity and the rising possibility of serious floods as Artic zone is in risk²¹⁰.

Suggestions and conclusions

The global security faces new forms of conflicts. Plots of movies and futuristic books have a tendency to turn into reality, as more and more military experts claim: in the nearest future aims of conflicts will not be focused around authority or sovereignty. Instead, people would compete for natural resources or territories that were not affected by climate change²¹¹. The focus of this paper was to evaluate the ecological security nuances, waterbased conflicts, environmental terrorism, and global response towards it. In order to tackle environmentally related problems, a coherent definition is needed, as well as legally accepted global strategy to deal with effects of climate change and threat of 'ecological refugees.' Philip Alston predicts that the vast majority of 'environmental refugees' will come from South Asia, Sub- Sahara Africa and Latin America, leaving approximately 140 million people displaced²¹².

The problem of energy security should be addressed not only in the framework of its affordability for populations and the so-called energy sovereignty, but from the perspective of climate change. Indeed, developed countries can invest into 'going eco- friendly' while developing states are in a need to remain heavily dependent on coal and oil. One could suggest

²¹⁰ Munich Security Conference Foundation GmbH, Munich Security Report 2020 (Munich: Prinzregentenstr, 2020), 58.

²¹¹ Regula Gattiker, Esther Marthaler, Natural Resources and Conflict, HELVETAS, 2017.

²¹² Philip Alston, *The parlous state of poverty eradication, Report of the Special Rapporteur on extreme poverty and human rights.* Human Rights Council, 2020.

that the PV(photovoltaic) solar panels and wind energy solutions are the key for energy security and independence, yet the challenges remain. For instance, according to Kenneth Rapoza, the Peoples Republic of China currently controls 80% of solar panels manufacturing. Therefore, it is appropriate to talk about shifting perspectives and dependencies than full energy sovereignty of a state.

What are the prospects of violence related to ecological issue? As the population continues to rise, so too does the demand for natural resources which will likely lead to an increase in ecological terrorism attacks. The recent pandemic of the COVID-19 for example has contrbiuted to the activity of terrorist cells similar to the Earth Liberation Front whereby many religious leaders observe the situation as a 'sign of the upcoming apocalypse.²¹³'. Apart from the importance of interpretations, the power of Internet and mass media has to be taken into account. It is hard to deny, populists, fake news and tons of unreliable information have never been as easily accessible as they are in the 21st century. We also should not forget about the prospects of terrorism shifting towards more 'distant' approach which does not necessarily require a direct physical involvement of the perpetrators. Furthemore, the cells are not likely to use nuclear weapons or other agents of mass destruction due to inefficient outcomes but instead seek to manipulate and draw attention by poisoning a city's water pump to achieve their desired goals. A variety of counter terrorism tactics also highlights the role of geography, religion, cyber warfare and globalization, as well as the importance of global cooperation. International discussions and solutions towards problems related to ecological security are on the agenda, though they might be costly and complicated due to clashes of interests, as it was demonstrated with the example of 2015 Paris Agreement and US withdrawal from it. The problem of ecological security might be complex, as exemplified in Israeli/ Palestine or India/ Pakistan water conflicts may result in the application of nuclear weapons and intervention of world's community.

²¹³ Simon Dein, "Covid- 19 and the Apocalypse: Religious and Secular Perspectives", *Journal of Religion and Health*, no. 60 (published online October 2020): 5–15.

In the end, environmental security covers not only areas of nature and struggle for clean water, but it is also interlinked with health and energy reliability. Furthermore, flaws of ecological security such as air pollution has already caused the death of millions of people. Leading international organizations such as the United Nations and the North Atlantic Treaty Organization predict that major vital rivers as Indus one are to become seasonal until 2050 and a high percentage of people (at least 140 million)²¹⁴ would have to be replaced from Latin America, South Asia and Sub-Saharan Africa. Metaphorically one could say that water is becoming the new oil.

²¹⁴ Philip Alston, *The parlous state of poverty eradication, Report of the Special Rapporteur on extreme poverty and human rights.* Human Rights Council, 2020.

Chapter 7

Exporting China's surveillance state through the BRI: a Securitized Information Strategy in support of military-civil fusion and the global re-awakening of the "enlightened" Chinese dragon

Jefferson T. Stamp

Abstract: China's surveillance state is being exported to the developing world through the Belt and Road Initiative. This geopolitical phenomenon should be understood in the context of China's cultural history which burdens China with the responsibility of establishing a harmonious international order for the benefit of the entire world. It is also according to a Gramscian vision of "counter-hegemony" that China utilizes the communist state as a neo-Marxist vehicle for transporting China to its rightful place in the global hierarchy. Through a global Securitized Information Strategy in combination with a policy of Military-Civil Fusion, the Chinese Communist Party seeks to propagate itself, displace the U.S.-led international liberal order, and ultimately re-assert a more "enlightened" Chinese global hegemony.

Keywords: surveillance, technology, securitized information, militarization, neo-Marxism, Gramsci, Belt and Road Initiative, Military-Civil Fusion, development, trade, geopolitical stability, international security, international liberal order, global hegemony, counterhegemony, enlightened despotism

Introduction

The exportation of China's surveillance state should be understood in the context of China's cultural history. Part of that history is shaped by the Sinoperception of the Middle Kingdom as being surrounded by a world of barbarians. The logic of such a world view inevitably leads to a justification of cultural superiority. In a treatise which describes China's historical view of international society, Suzuki (2009) explains how "Confucianism was central to this belief system, in particular its emphasis on paternalistic hierarchy, where the powerful behaved with benevolence and righteousness towards those beneath them in the interests of overall social harmony."²¹⁵. In today's world, cultural elitism justifies the imposition of surveillance-driven security through the enlightened despotism of the Chinese Communist Party, charged by history to bring about a more a stable and harmonious international order. Thus, Marxism represents a modern vehicle for transporting the cultural superiority of the Chinese society to its rightful place in the global hierarchy; to its rightful place of global hegemony.

It should be no surprise then that recent first-hand accounts have described the increasing amount of Chinese government surveillance as a tool for ensuring security, good citizenship and productivity for the masses²¹⁶. By invoking these community values, surveillance becomes a central underpinning to China's self-perceived role as the more enlightened and responsible global power in the march towards international development and harmony. But in order to re-establish its place in history after the "Century of Humiliation," the Chinese Communist state must first, and always first, secure its own rule. As a result, China's international exportation of its surveillance technology, in combination with its policy of Military-Civil Fusion, ultimately represents a policy through which the Chinese Communist

²¹⁵ Shogo Suzuki, *Civilization and Empire: China and Japan's Encounter with European International Society* (2009), excerpt reprinted in *The Globalization of Politics*, Eds. John Bayliss, Steve Smith and Patricia Owens (6th Ed. 2014), 47.

²¹⁶ "Inside China: Trade, Growth & Power," *Seminar*, Middlebury Institute of International Studies at Monterey (January 7, 2021).

state seeks to propagate itself, displace the U.S.-led liberal world order, and ultimately re-assert Chinese global hegemony.

The development and exportation of China's Securitized Information Strategy

Like many comforting narratives, the story of China's technology surveillance industry has a humble beginning. For example, a representative account provided by the owner of a manufacturing plant in Shenzhen described how the city has greatly improved over the years²¹⁷. Founded in 1978 as a small fishing village, Shenzhen was one of four special economic zones (SEZs) that were established under Deng Xiaoping in 1979 to attract foreign investment. Today, the SEZ has approximately 20 million inhabitants and migrant workers and is at the center of productivity supporting Guandong Province's robust \$ 1.7 GDP in 2020²¹⁸. The success story of Shenzhen is built on the globalization of the hi-tech industry. As a result, Shenzhen has come to be known as "China's Silicon Valley" and is the home of such technology surveillance companies like Huawei²¹⁹.

Accompanying the growth in China's high-tech industry, has been the growth of hi-tech surveillance capability. Another change observed by the Shenzhen manufacturer has been the growing proclivity of surveillance cameras throughout the city²²⁰. From the perspective of a Shenzhen businessman, the growth of surveillance is a "good thing" because it contributes to a much more civilized and orderly society²²¹. Other first-hand accounts noted the hyper-legality of the system – describing how it was very important not to drive your car even one kilometer above the speed

²²⁰ "Inside China: Trade, Growth & Power," (January 7, 2021).

²¹⁷ Ibid.

²¹⁸ Sidney Leng, "Two-thirds of China's Provinces beat national GDP growth figure in 2020," *South China Morning Post* (January 30, 2021). Accessed July 5, 2021. https://www.scmp.com/economy/china-economy/article/3119917/ two-thirds-chinas-provinces-beat-national-gdp-growth-figure.

²¹⁹ Gao Wencheng, "Xinhua Headlines: The rise of China's Silicon Valley," *Xinhuane*t (December 19, 2019). Accessed July 5, 2021. http://www.xinhuanet.com/english/2019-12/19/c_138643548.htm.

²²¹ Ibid.

limit for fear of certain receipt of speeding tickets²²². Another account mentioned that government security personnel have received bonuses for levying citations based on the surveillance²²³. Still, the overriding value of state surveillance was confirmed by the story of a lost dog who was located and returned to his owner within just a few hours²²⁴. In this respect, China's citizens seem to rationalize the imposition of the surveillance state by emphasizing the positive and comforting aspects of the benevolent "Big Brother" in the sky helping to return lost pets to their owners. The warmth and fuzziness of this paternalistic protectorate is grounded in the historical elitism of China's cultural identity which views the powerful leading the hand of society to a place of universal harmony.

But operating behind the curtain, *The Epoch Times* (2018) reports that China's surveillance system is built upon a "cloud data center" established by the "local security bureau" in Shenzhen²²⁵. The data platform was constructed by Huawei and "provides daily real-time storage and analysis of hundreds of millions of data and more than 4TB of images of license plates, face, and other information."²²⁶. It was also reported by *The Wash-ington Post* (2020) that: "Huawei's partnerships reflect the ongoing surveillance in China, where top officials have called for police to use big data to fight crime, under the slogan, '*One Person, One File*,' signifying the use of disparate information streams, from surveillance footage to Internet chat history, to better track individuals."²²⁷. As part of this surveillance capability, Huawei has marketed its surveillance products "as being able to identify a person's ethnicity or to help suppress potential protests."²²⁸.

²²² "Inside China: Trade, Growth & Power," (January 21, 2021).

²²³ Ibid.

²²⁴ "Inside China: Trade, Growth & Power," (January 7, 2021).

²²⁵ He Jian, "Huawei and the creation of China's Orwellian Surveillance State," *The Epoch Times* (December 24, 2018). Accessed July 5, 2021. https://www.theepochtimes.com/huawei-and-the-creation-of-chinas-orwellian-surveillance-state_2747922.html.

²²⁶ Ibid.

²²⁷ Eva Dou and Drew Harwell, "Huawei worked on several surveillance systems promoted to identify ethnicity, documents show," *The Washington Post* (December 12, 2020). Accessed July 5, 2021. https://www.washingtonpost.com/technology/2020/12/12/huawei-uighurs-identify.
Thus, despite the warmth and fuzziness of returning lost pets to their owners, the growing omnipresence of surveillance cameras also provides a means for controlling the general population. A report from *The Atlantic* (2018) explained how China was "[h]arnessing advances in artificial intelligence and data mining and storage to construct detailed profiles on all citizens... A vast accompanying network of surveillance cameras will constantly monitor citizens' movements, purportedly to reduce crime and terrorism."229. According to former U.S. National Security Adviser H.R. McMaster (2020), the Chinese government is using surveillance to maintain a database of "social credit scores... to determine their friendliness to Chinese government priorities."²³⁰. For example, a citizen's social credit score can be improved by downloading the app for "Xi Jinping Thought" and other demonstrations of allegiance to the Chinese Communist Party²³¹. If a citizen's social score does not demonstrate sufficient loyalty or other community values as determined by the Communist Party, the government can impose restrictions on an individual citizen's employment, housing, transportation and other basic human needs²³². When a Chinese media figure was asked about the social scoring system, the journalist posited that it was similar to how FICO scores are used in the United States in order to obtain a loan²³³. However, in contrast to FICO scores which are maintained by private companies to assess credit-worthiness, China's surveillance-based social scores have a security component and are mandated by the government.

In a broader context, Andersen (2020) has noted the importance of surveillance and information technology to government power has played a role in Chinese history for more than 5,000 years²³⁴. Dating back to China's in-

²²⁹ Anna Mitchell and Larry Diamond, "China's Surveillance State Should Scare Everyone," *The Atlantic* (February 2, 2018). Accessed July 5, 2021. https://www.theatlantic.com/international/ar-chive/2018/02/china-surveillance/552203.

²³⁰ H.R. McMaster, "How China Sees the World," *The Atlantic* (May 2020). Accessed July 5, 2021. https://www.theatlantic.com/magazine/archive/2020/05/mcmaster-china-strategy/609088.

²³¹ Ibid.

²³² Ibid.

²³³ "Inside China: Trade, Growth & Power," (January 11, 2021).

²³⁴ Ross Andersen, "The Panopticon is Already Here," *The Atlantic* (September 2020). Accessed July 5, 2021. https://www.theatlantic.com/magazine/archive/2020/09/china-ai-surveillance/614197.

dependent information-recording inventions of writing, paper and woodblock printing, "ancient Chinese emperors well understood the relationship between information flows and power, and the value of surveillance."²³⁵. Historical examples of government-imposed surveillance systems include the deputization of local police during the 11th century to monitor "China's elegant walled cities," the use of self-policing citizens by Chiang Kai-shek during a brief "democratic" period in the early 20th century, and also Mao's use of local spies as "sharp eyes" to look out for "counterrevolutionary behavior" after the Communist takeover in 1949²³⁶. Mao actually divided Chinese cities into "grids" to facilitate surveillance by the sharp eyes²³⁷.

Expanding upon this government surveillance tradition, *The Atlantic* (2020) reports that "Xi has appropriated the phrase *sharp eyes*, with all its historical resonances, as his chosen name for the Al-powered surveillance cameras that will soon span China."²³⁸. Assisting in this endeavor are "China's most prominent start-ups—SenseTime, CloudWalk, Megvii, Hikvision, iFlytek, Meiya Pico—... [all] willing commercial partners."²³⁹. As this list demonstrates, there are many Chinese companies that "have rushed to stake claim to this vast, lucrative new market."²⁴⁰. Another firm at the heart of China's surveillance state is a company called BeiDou, which is "China's answer to America's GPS."²⁴¹. BeiDou is expected to "increase China's surveillance and its military command-and-control capabilities."²⁴². However, "Beidou requires a network of ground stations around the world, for which China needs friendly states."²⁴³. As a result, some analysts believe that China has been attempting to leverage its burgeoning Belt and Road Initiative

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Dou and Harwell.

²⁴¹ "The digital side of the Belt and Road Initiative is growing," *The Economist* (February 6, 2020). Accessed July 5, 2021. https://www.economist.com/special-report/2020/02/06/the-digital-side-of-the-belt-and-road-initiative-is-growing.

²⁴² Ibid.

²⁴³ Ibid.

("BRI") as a fulcrum to export its surveillance state paradigm. For example, Riikonen (2019) has noted that China's "[i]nformation infrastructure projects increasingly feature in foreign policy projects as well, especially development related projects like the Belt and Road Initiative (BRI)."²⁴⁴.

So while Huawei and other China tech firms are not necessarily engaged in spying in foreign jurisdictions, there is certainly a risk that China may be building "a global surveillance architecture" that is subject to its control^{245.} For example, under China's 2017 National Intelligence Law, state institutions "may demand that relevant organs, organizations and citizens provide necessary support, assistance and cooperation."²⁴⁶. Similarly, China's 2015 National Security Law "mandates companies to allow third-party access to their networks and turn over source code or encryption keys upon request."²⁴⁷. Based on the foregoing, China may require cooperation from companies like Huawei and BeiDou in developing its Securitized Information Strategy worldwide. Part of this global surveillance architecture at China's disposal includes both telecommunications infrastructure, massive networks of cameras equipped with facial recognition technology and ground stations for GPS. As concluded by Riinoken (2019): "With increased worldwide connectivity and the deployment of myriad sensors, states are acquiring access to exponentially more data. AI can leverage that data to generate decision advantage in great power competition and conflict."²⁴⁸.

Such a global surveillance system could be exploited for scaled information advantages by China when positioned abroad through the BRI program. A comprehensive report on the growth of AI surveillance found that

²⁴⁴ Ainikki Riikonen, "Decide, Disrupt Destroy," *Strategic Studies Quarterly*, 13, 4 (Winter 2019), 125. Accessed July 5, 2021. https://www.airuniversity.af.edu/Portals/10/SSQ/documents/Volume-13_ Issue-4/Riikonen.pdf.

²⁴⁵ Riikonen, 126.

²⁴⁶ Yi-Zheng Lian, "Where Spying is the Law," *The New York Times* (March 13, 2019). Accessed on July 5, 2021. https://www.nytimes.com/2019/03/13/opinion/china-canada-huawei-spying-espionage-5g.html.

²⁴⁷ Steven Feldstein, "The Global Expansion of Al Surveillance," *Carnegie Endowment for International Peace* (September 2019), 15. Accessed July 5, 2021. https://carnegieendowment.org/2019/09/17/ global-expansion-of-ai-surveillance-pub-79847.

²⁴⁸ Riikonen, 130.

"[t]here is considerable overlap between China's Belt and Road Initiative and AI surveillance—thirty-six out of eighty-six BRI countries also contain significant AI surveillance technology."²⁴⁹. In this respect, Jardine (2019) maintains that: "China's advanced surveillance regime is taking root along the length of the Belt and Road."²⁵⁰. Moreover, "the initiative aims to boost the country's tech giants worldwide, construct China-centric digital infrastructure, and gain a monopoly over the global data supply chain."²⁵¹. It is also known that "Huawei is the leading vendor of advanced surveillance systems worldwide by a huge factor."²⁵².

Thus, it is more and more apparent that China's technology companies are playing a central role in exporting surveillance technology throughout the BRI map. As Polyakova and Meserole (2020) confirm: "The Xi regime has aggressively pushed Chinese information technology as part of its Belt and Road Initiative (BRI)....²⁵³. Projects include the installation of facial recognition cameras, telecommunications equipment and security services in several Central Asian countries, financed in part by China's National Electronics Import and Export Corporation²⁵⁴. There have also been numerous reports which explain how Chinese technology companies are part of the BRI surveillance roll-out in individual countries. Two recent examples include development projects in Africa and Eastern Europe:

 The *Economist* (2020) reported that: "Without its citizens' consent, Zimbabwe supplies data to China's facial recognition programmes. That is one reason to predict that rivalry over BRI will in the future play

²⁴⁹ Feldstein, 8.

²⁵⁰ Bradley Jardine, "China's Surveillance State has Eyes on Central Asia," *Foreign Policy* (November 15, 2019). Accessed July 5, 2021. https://foreignpolicy.com/2019/11/15/huawei-xinjiang-kazakh-stan-uzbekistan-china-surveillance-state-eyes-central-asia.

²⁵¹ Ibid.

²⁵² Feldstein., 14.

²⁵³ Alina Polyakova and Chris Meserole, "Exporting digital authoritarianism: The Russian and Chinese models," *The Brookings Institution* (August 27, 2019), 6. Accessed July 5, 2021. https://www. brookings.edu/research/exporting-digital-authoritarianism.

²⁵⁴ Jardine.

out more in the digital realm than in the world of the concrete."²⁵⁵. Another report recounts how: "In Southern Africa, both Zimbabwe and Angola have signed partnerships with Chinese companies to provide AI for their ruling regimes, all under the auspices of the BRI."²⁵⁶.

2) In Belgrade, it has been reported that: "Huawei's surveillance system includes installing 1,000 high-definition cameras, which use facial and license plate recognition software, in 800 locations across the Serbian capital."²⁵⁷. Due to recent to resistance in Europe to Huawei-based projects based on security concerns, China has focused its efforts on the Balkans where it has "a major presence in the region through its Belt and Road Initiative."²⁵⁸.

The foregoing examples demonstrate that the BRI represents a major avenue for China to export its surveillance technology to developing regions susceptible to control. Once established in the IT infrastructure of these foreign jurisdictions, the Chinese government has been able to obtain ownership of certain projects by what has been called "debt-trap diplomacy." Riikonen maintains: "The PRC has used the debt-trap approach not only for physical infrastructure projects but also for digital infrastructure, as in the case of Nigeria's telecommunications satellites."²⁵⁹. It has been argued that the risks of debt-trap diplomacy have been exaggerated and require greater responsibilities by the host country to assess viability²⁶⁰. Nevertheless, the fact remains that a Chinese state-owned enterprise was able to obtain a stake in the company that manages Nigeria's satellite communications for the Nigerian government. Thus, Riikonen concludes that the "PRC information-based development projects pose risks to host

²⁵⁵ "The digital side of the Belt and Road Initiative is growing," *The Economist*.

²⁵⁶ Polyakova and Meserole, 6.

²⁵⁷ Bojan Stojkovski, "Big Brother Comes to Belgrade," *Foreign Policy* (June 18, 2019). Accessed July 5, 2021. https://foreignpolicy.com/2019/06/18/big-brother-comes-to-belgrade-huawei-china-facial-recognition-vucic.

²⁵⁸ Ibid.

²⁵⁹ Riikonen, 126.

²⁶⁰ "Inside China: Trade, Growth & Power," (January 20, 2021).

nation governments' control of telecommunications assets."²⁶¹. The control of such telecommunications stations represent a new power center in an age of globalization where the world is more and more dependent on technological connectivity.

In this new global environment, there is a tendency for surveillance technology to be acquired by authoritarian regimes who seek to maintain their power by controlling these new connections upon which modern communications depend. "According to a recent report, 71 percent of Huawei's 'Safe City' agreements are with countries that have a dubious track record on freedom and human rights."²⁶². This surveillance technology, which includes facial recognition capability, is extremely useful for repressive regimes who want to anticipate any protest movement by identifying the organizing individuals at the outset of the movement and eliminate the threat. Moreover, when the surveillance technology companies reside in China, there is little to no recourse via public pressure or otherwise to restrict the technology from misuse. As a result, surveillance technology developed and exported by China effectively assists authoritarian regimes in the maintenance of their power.

Another consideration relating to the exporting of surveillance technology is the amount of control that China has obtained over the data connections that link the world. With growing amounts of data at its fingerprints, China will inevitably obtain more advanced intelligence capabilities. As Riinoken warns: "The invasiveness of this type of surveillance technology would also mean that China's national intelligence network could become an international one."²⁶³.

In addition to controlling information through its surveillance technology, the Chinese government has also used "information infrastructure development projects to disseminate information."²⁶⁴. As explained by a Chinese

²⁶¹ Riikonen, 126.

²⁶² Jardine.

²⁶³ Stojkovski.

²⁶⁴ Riikonen, 133.

media figure, one of Beijing's "strategic initiatives" is to expand its global media footprint through Chinese media outlets abroad²⁶⁵. In the "10,000 Villages project," for example, China provided funding to a private company in Africa called StarTimes as part of an upgrade from analog television sets to digital in 30 African states with 10 million subscribers. Riinoken established that the "PRC state media gained advantage through this initiative because StarTimes offers cheaper pricing for television packages, including PRC state-run channels...."²⁶⁶. Thus, not only does China receive the benefit of promoting its world view through its media outlets, there is also the added benefit of access to the digital information streaming to 10 million subscribers throughout the African continent.

China's assertion of control over transborder data flows through surveillance technology represents a strategic determination that information superiority provides a competitive national advantage in maintaining security. This approach by China's leaders is reflective of their cultural history which values the importance of information in the anticipation of any threats to the beneficent ruling order. While the application of this political doctrine based on information superiority was first developed within China itself, it is now being exported to the broader global power structure through the BRI. Other researchers maintain that China's foreign policy has been consistent in this regard, "including an emphasis on strategic information support, information operations, and shaping adversaries' actions below the threshold of open conflict."²⁶⁷. The foreign policy objective is to render the international community amenable to China's authoritarian model for economic development and government stability²⁶⁸. This objective folds into China's goals for the developing world in general, which is to maintain access to resources and markets, expand its geopolitical influ-

²⁶⁵ "Inside China: Trade, Growth & Power," (January 11, 2021).

²⁶⁶ Riikonon, 133.

²⁶⁷ Ibid, 123.

²⁶⁸ Liza Tobin, "Xi's Vision for Transforming Global Governance: A Strategic Challenge for Washington and Its Allies," Texas National Security Review 2, 1 (November 2018). Accessed July 5, 2021. https://tnsr.org/2018/11/xis-vision-for-transforming-global-governance-a-strategic-challenge-forwashington-and-its-allies.

ence and reduce the influence of the United States and western democratic and liberal values which may threaten China's ruling elite.

China's combined Securitized Information Strategy and military-civil fusion policy poses a threat to international trade, development and global stability

As stated by President Xi, China's goal is to create a "world class military" by 2049²⁶⁹. This date is symbolically important because it represents the centennial of Chinese Communist Party ("CCP") rule. If China can create a world class military within 100 years of CCP authority, it would validate China's model of governance as the ascendant system for the world to emulate.

To help achieve this goal, China has adopted a policy of Military-Civil Fusion ("MCF"). In June 2017, President Xi defined MCF as a development process designed to harness every element and domain of society towards the advancement of military-civil systems and performance. In Xi's own words: "We must accelerate the formation of a full-element, multidomain, and high return military-civil fusion, deep development pattern, and gradually build up China's unified military-civil system of strategies and strategic capability."²⁷⁰. President Xi has further explained that MCF is "conducive to the transformation and structural change of China's model for economic growth and development, and is conducive to enhancing the national warfighting capacity and defense capability."²⁷¹. When asked to describe the import of China's vision, an American thinktank specializing

²⁶⁹ M. Taylor Fravel, "China's 'World Class Military' Ambitions: Origins and Implications," *The Washington Quarterly*, 43, 1 (2020), 85–99. Accessed July 5, 2021. https://taylorfravel.com/documents/ research/fravel.2020.TWQ.china.world.class.military.pdf.

²⁷⁰ Amrita Jash, "China's Military-Civil Fusion Strategy," CLAWS Journal (Winter 2020), 45. Accessed July 5, 2021. https://www.neliti.com/publications/330719/chinas-military-civil-fusion-strategy-building-a-strong-nation-with-a-strong-mil.

²⁷¹ Alex Stone & Peter Wood, "China's Military-Civil Fusion Strategy: A View from Chinese Strategists," *BluePath Labs* (2020). Accessed July 5, 2021. https://www.bluepathlabs.com/uploads/1/1/9/0/ 119002711/2021-03-15_mcf_lexicon.pdf.

in Chinese strategy has described MCF as an outline of "China's path to victory in a global confrontation of systems."²⁷².

A more benign description of MCF characterizes the policy as a call for "comprehensive planning of the two major systems of military and civilian resources."²⁷³. According to this view, the intent is to expound "limited social resources into bidirectional and interactive combat power and production power...."²⁷⁴ Conceptually, the policy seeks to leverage a synergy from dual use technologies, industrialization and infrastructure, to create greater innovation and deployment. Politically and socially, the policy mobilizes the general population, whether it be government agencies, businesses, universities or students, to assist in the greater cause of enhancing the state's military power. "The recruitment of civilians into scientific research by China's military is part of [this] broader effort to boost civil-military innovation."²⁷⁵. And as President Xi exclaims, the "great rejuvenation of the Chinese nation" is based on "prosperity, collective effort, socialism and national glory—the 'China dream'." ²⁷⁶.

To help realize the China dream, Chinese businesses and citizens are required to participate in Military-Civil Fusion under China's National Intelligence Law²⁷⁷. As explained by former U.S. National Security Adviser H.R. McMaster, "Military-Civil Fusion encourages state-owned and private enterprises to acquire companies with advanced technologies... so that technologies can be applied for not only economic but also military and

²⁷² Ibid.

²⁷³ Greg Levesque, "Military-Civil Fusion: Bejing's 'Guns AND Butter' Strategy to become a technological Superpower, *China Brief*, 19, 18 (October 8, 2019). Accessed July 5, 2021. https://jamestown.org/program/military-civil-fusion-beijings-guns-and-butter-strategy-to-become-a-technologicalsuperpower.

²⁷⁴ Ibid.

²⁷⁵ Kai Lin Tay, "China's military looks to civilians to boost innovation," *The International Institute for Strategic Studies* (May 7, 2020). Accessed July 5, 2021. https://www.iiss.org/blogs/analysis/2020/05/china-civil-military-innovation.

²⁷⁶ McMaster; Article 7 of China's National Intelligence Law provides that: "Any organization or citizen shall support, assist with, and collaborate with the state intelligence work in accordance with the law, and keep the secrets of the national intelligence work known to the public." Ibid.

²⁷⁷ Ibid.

intelligence advantage. It fast-tracks stolen technologies to the army in such areas as space, cyberspace, biology, artificial intelligence, and energy. In addition to espionage and cybertheft by the Ministry of State Security, the party tasks some Chinese students and scholars in the U.S. and at other foreign universities and research labs with extracting technology."²⁷⁸. In fact, several researchers from China have been charged with visa fraud in connection with secret research on behalf of the People's Liberation Army ("PLA")²⁷⁹.

Thus, in practice, China's policy of Military-Civil Fusion poses a threat to international order because it **unlawfully** interjects military competition and national security issues into the global trading paradigm. Jenny Bavisotto at the U.S. Bureau of International Security and Nonproliferation explained how such unlawful actions in support of MCF undermine international trading relationships:

[W]hile all nations contract certain defense projects to civilian institutions, the United States and [its] partners around the world have made assurances, through international and bilateral agreements and norms, that dual use technology will not be diverted to military end uses without permission from the country of origin. Military-civil fusion strategy does the exact opposite, deliberately targeting international cooperation to acquire and develop advanced technologies to support military research and development and advanced weapons production²⁸⁰.

For example, in February 2020, the Chinese telecom company Huawei was indicted by the U.S. government on charges of "federal racketeering and conspiracy to steal trade secrets from American companies" relating to

²⁷⁸ Ibid.

²⁷⁹ Nidhi Subbaraman, "U.S. investigations of Chinese scientists expand focus to military ties," *Nature* (September 4, 2020). Accessed July 5, 2021. https://www.nature.com/articles/d41586-020-02515-x.

²⁸⁰ Jenny Bavisotto, "China's Military-Civil Fusion Strategy Poses a Risk to National Security, *Bureau of International Security and Nonproliferation* (January 30, 2020). Accessed July 5, 2021. https://2017-2021.state.gov/chinas-military-civil-fusion-strategy-poses-a-risk-to-national-security/ index.html.

wireless technology and cybersecurity²⁸¹. As one policy researcher concluded: "Huawei, as a 'national champion' involved in developing dual-use technologies, and with longstanding ties to the PLA, is deeply involved in civil-military fusion."²⁸².

Since every Chinese company and citizen are now lawfully required to aid the Chinese military, and are thus *de jure* agents of the PLA, international trade will soon become completely bifurcated due to overriding security concerns. This process is known as "decoupling" in which the international community will face "a binary choice between U.S.-centred and Chinesecentred alternatives for a growing number of high-tech ecosystems, for the end-use products themselves, as well as the education, research and development (R&D) processes, and supply chains that lie behind them."²⁸³. This will inevitably increase costs for the entire world due to lost efficiencies and supply chain disruptions²⁸⁴. It is therefore indisputable that the Chinese policy of Military-Civil Fusion is a threat to international trade and development, because it divides the world into two separate spheres of trading partners and bifurcated development.

Moreover, China's own economic development could only have come about under the global institutions like the WTO and the international system of free trade that have been guaranteed under U.S. hegemony. Consequently, by adopting the Military-Civil Fusion policy, China has undermined the very international trading relationships which have supported its own growth. In so doing, China is killing the goose that laid the golden eggs of its own development over the past four decades. While the conversion of civil resources into a dual-use military footing might seem to superficially enhance efficiencies in the productivity of the state, such a policy

²⁸¹ David McCabe, "U.S. Charges Huawei with Racketeering, Adding Pressure on China, *The New York Times* (February 13, 2020). Accessed July 5, 2021. https://www.nytimes.com/2020/02/13/technology/huawei-racketeering-wire-fraud.html.

²⁸² Rick Umback, "Huawei and Telefunken: Communications enterprises and rising power strategies," *Australian Policy Institute* (2019), 9. Accessed July 5, 2021. https://www.aspi.org.au/report/ huawei-and-telefunken-communications-enterprises-and-rising-power-strategies.

²⁸³ Darren J. Lim and Victor Ferguson, "Conscious Decoupling: The Technology Security Dilemma, In *China Dreams*, Ch. 4 (2019). Accessed July 5, 2021. https://www.thechinastory.org/yearbooks/yearbook-2019-china-dreams/chapter-4-conscious-decoupling-the-technology-security-dilemma.

²⁸⁴ Ibid.

imposes real opportunity costs that threaten to undermine international trade and development in the long run. This is true for two reasons.

First, Western governments and companies will be less likely to trust Chinese companies and citizens who have a duty to siphon technology to the PLA. Market intelligence sources have already documented how this lack of trust over security is affecting Huawei in Europe²⁸⁵. Export control laws targeting Huawei and other Chinese companies will also likely preclude such arrangements going forward²⁸⁶. New legal restrictions are exemplified in the U.S. by the adoption of additional requirements for CFIUS review under the recent FIRRMA legislation (2018)²⁸⁷.

Second, as observed by Anja Manuel and Kathleen Hicks (2020), "China's bureaucratic and authoritarian approach to civil-military fusion is likely to waste considerable time and money. By trying to control innovation, Beijing is more likely to delay and even stifle it."²⁸⁸. This is because potentially innovative companies now have to contend with "corporate militias" and MCF alliances that may interfere with and direct the path of innovation towards military ends and away from more viable market objectives. This will no doubt further hamper China's "Economic Freedom" which ranks 107th in the world in the "Mostly Unfree" category between Uganda and Uzbekistan²⁸⁹. The lack of such freedom is inconsistent with long-term innovation and sustainable growth.

²⁸⁵ Saqib Shah, Liz Thomas and Cat Weeks, "Europe lacks a unified approach to Huawei despite yearlong assessments," *S&P Global Market Intelligence* (July 27, 2020). Accessed July 5, 2021. https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/europe-lacks-unified-approach-to-huawei-despite-yearlong-assessments-59602291.

²⁸⁶ Emily Feng, "The Latest U.S. Blow to China's Huawei Could knock out its Global 5G Plans, NPR (May 28, 2020). Accessed July 5, 2021. https://www.npr.org/2020/05/28/862658646/the-latest-u-s-blow-to-chinas-huawei-could-knock-out-its-global-5g-plans.

²⁸⁷ Joseph V. Moreno, Jodi L. Avergun, Joshua Apfelroth, Keith M. Gerver, "CFIUS Unbound: Foreign Investor Deals Continue to Draw Intense National Security Scrutiny," *The National Law Review* (August 1, 2019). Accessed July 5, 2021. https://www.natlawreview.com/article/cfius-unbound-foreign-investor-deals-continue-to-draw-intense-national-security.

²⁸⁸ Anja Manuel & Kathleen Hicks, "Can China's Military Win the Tech War?," *Foreign Affairs* (July 29, 2020). Accessed July 5, 2021. https://www.foreignaffairs.com/articles/united-states/2020-07-29/ can-chinas-military-win-tech-war.

²⁸⁹ Index of Economic Freedom (2021). Accessed July 5, 2021. https://www.heritage.org/index/ranking.

These self-inflicted harms which undermine international trade and development are even more confounding because China faces no real security threat. With more than 1.6 million troops in the PLA and its nuclear arsenal intact, China's borders are more than secure despite the recent border spats with India and the disputes over the South China Sea. Upon reflection, the Chinese miscalculation in adopting its Securitized Information Strategy and MCF results from long-standing historical grievances, a national psychology of insecurity and a neo-Marxist interpretation of history.

After the so-called "Century of Humiliation," the modern Chinese communist state was born in 1949, arising from the international liberal order that was created by the United States. It was the United States that defeated Japan in World War II, not China. Nevertheless, on September 3, 2015, China held a great military parade to celebrate the Communist party's claimed victory in "the global anti-fascist and anti-imperialist struggle" against Japan and Germany²⁹⁰. According to President Xi, China upended the "strategic coordination between Japan's fascism and German fascism" and, as a result, "significantly raised China's international position."²⁹¹. Clearly, the deliberate spread of misinformation by China emanates from the top. The reality was that "in 1945, China was a failed state."²⁹². Moreover, it was the United States that ensured China's place in the new international liberal order by insisting that China be made a member of the newly formed U.N. Security Council²⁹³.

In addition to the obvious historical inaccuracies, what is remarkable about China's celebration of victory over Japan and Germany is how the CCP views the international world order that emerged after World War II – not as a liberal world order in which free trade and economic development are guaranteed by the hegemony of the United States – but rather as a stepping stone for the neo-Marxist revolution that is being guided by

²⁹⁰ Sergey Radchenko, "China Lost World War II," *Foreign Policy* (September 3, 2015). Radchenko, Sergey. "China Lost World War II." *Foreign Policy* (September 3, 2015). Accessed July 5, 2021. https://foreignpolicy.com/2015/09/03/china-lost-world-war-2-china-world-war-ii-victory-parade.

²⁹¹ Ibid.

²⁹² Ibid.

the surveillance and MCF of the modern CCP. When viewed in this context, China's Securitized Information Strategy and policy of Military-Civil Fusion pose a dual threat to geopolitical stability because they represent a critical step towards the goal of a world-wide authoritarian state policed by the CCP through the PLA.

Ultimately, the CCP intends to utilize its Securitized Information Strategy and Military-Civil Fusion policy to consolidate China's global military power in support of a broader strategy to supplant the current international liberal order guaranteed by U.S. hegemony. President Xi has proclaimed that China's rise over the past 40 years offers the international community "a new model of modernization that other countries should look to and adopt. In effect, this model is one of state-controlled economics and authoritarian dictatorship, and thus one in direct competition with the liberal institutions of the current international system."²⁹⁴.

The importance of engaging in "counter-hegemony"²⁹⁵ against the Western fascists and imperialists was first recognized by the neo-Marxist philosopher Antonio Gramsci. Just like the CCP's confrontation with Germany and Japan, Gramsci similarly fought against the fascists in Italy. After being imprisoned by Mussolini in the mid-1920's, Gramsci explained why the communist revolution failed in the West. Gramsci's premise was that power was deprived from a combination of "coercion and consent."²⁹⁶. As a result, Western imperialists maintained power due in part to the consent of the masses that was grounded in the hegemony of the ruling class over the ideas and values of the society, such as free markets and consumerism. Under Gramsci's formulation: "It is hegemony that allows the moral, political and cultural values of the dominant group to become widely dispersed

²⁹⁴ Christopher Ashley Ford, "Technology and Power in China's Geopolitical Ambitions," (June 20, 2019). Accessed July 5, 2021. https://2017-2021.state.gov/technology-and-power-in-chinas-geopolit-ical-ambitions/index.html.

²⁹⁵ Arthur Smith-Windsor, "The People's Republic of China as a Counter-Hegemonic Actor," *Politicus Journal*, 6 (August 7, 2020). Accessed July 5, 2021. https://ojs.library.queensu.ca/index.php/politicus/article/view/14318.

²⁹⁶ Stephen Hobden and Richard Wyn Jones, "Marxist theories of international relations," in *The Globalization of World Politics*, Eds. John Bayliss, Steve Smith and Patricia Owens (6th Ed. 2014), 147.

throughout society and to be accepted by subordinate groups and classes as their own."²⁹⁷. This hegemony allowed the working class to be manipulated for the benefit of maintaining the power of the ruling elite.

Applying neo-Marxist thinking to today's geopolitical constellation, China has concluded that the hegemony of the Western imperialists led by the United States "is a key element in the perpetuation of its dominance."²⁹⁸. Thus, the international liberal order guaranteed by U.S. hegemony "can only be transformed if that hegemonic position is successfully challenged."²⁹⁹. A central component of any challenge to U.S. hegemony necessarily requires a challenge to U.S. military supremacy and the acceptance of the Chinese military as a viable alternative in the eyes of the international community. According to Dr. Christopher Ashley Ford, Assistant Secretary of the U.S. Bureau of International Security and Nonproliferation, China is exporting "its model of authoritarianism through its 'Community of Common Destiny' to reshape global governance...."³⁰⁰. The exportation of China's model of authoritarianism is also being accomplished through policies like the "Belt and Road Initiative" and "Military-Civil Fusion." All of these "overlapping policies" are part and parcel of China's attempt to bring the "China Dream" to the entire world³⁰¹. Unfortunately, given the CCP's penchant for mass surveillance, social control and "maintaining totalitarian rule,"³⁰² this prospect is really a global nightmare for anyone who values libertv³⁰³

299 Ibid.

³⁰² Cai Xia, "The Party that Failed, *Foreign Affairs* (Jan. / Feb. 2021). Accessed July 5, 2021. https://www.foreignaffairs.com/articles/china/2020-12-04/chinese-communist-party-failed.

³⁰³ Mitchell and Diamond.

²⁹⁷ Ibid.

²⁹⁸ Ibid., 148.

³⁰⁰ Ford.

³⁰¹ McMaster.

Conclusion

The arguments against viewing China's Securitized Information Strategy and policy of Military-Civil Fusion as a threat to international trade, development and/or geopolitical stability, mainly consist of four general points. First, it is contended that there really does not exist any international liberal order guaranteed by American hegemony. This view maintains that most people are unhappy with the inequities of democracy anyway - as a result there is actually a sustained intellectual debate about whether liberal democracy can even survive the current century; second, China contextualizes its Securitized Information Strategy and its MCF policy as merely an adoption of the U.S. model of innovation and the military-industrial complex. This view denies the militarization of China's society by comparing it with the U.S. model of development which has been the standard for advanced countries post-World War II; third, China's diplomats maintain that its military power and spending lags too far behind the U.S. to constitute any threat; and fourth, any characterization of China's Securitized Information Strategy and MCF policy as a threat to geopolitical stability is simply an overreaction by insecure western powers who want to keep China mired in its past "Century of Humiliation."

At the heart of the foregoing arguments is the notion that the "international liberal order" is merely an "American-centric way of thinking" which excludes 90% of the world's population. Such a system must surely be fragile to begin with since it is dependent upon a single country in which most of the citizens are unsatisfied with how their democracy functions. Finally, the argument quips that this must surely be the case in the wake of Trump when Americans have undermined international institutions upon which such order is supposedly based, including the World Trade Organization and the World Health Organization, and even laid siege to the American capitol building itself.

The foregoing critique is certainly not new. The argument has previously been expressed by such scholars as Harvard's Graham Allison in his 2018

article, "The Myth of Liberal Order."³⁰⁴. But even Allison acknowledges that China's model poses a threat to international trade and development because President Xi "heads the most protectionist, mercantilist, and predatory major economy in the world."³⁰⁵. Moreover, as recently confirmed by another scholar, Milan Babic, "most mainstream and critical theoretical perspectives agree on the existence and relevance of some sort of liberal, American-led international order."³⁰⁶.

But there is also no doubt that since the global financial crisis in 2008 the international liberal order has been through a turbulent period, highlighted by such illiberal events as Trump's unilateral imposition of tariffs and the rise of neo-populist nationalism and anti-immigrant sentiment. Despite this recent antagonism, the global population still chooses to migrate legally and illegally to American democracy over China by the millions. Every year, the poorest citizens from every country in the world try desperately to migrate to the United States by seeking permanent residency, H-1B worker visas, student visas and regular caravans from Central America. In contrast, "China has almost no migrants coming to the country."307. Even when including residents of Hong Kong and Macao, migrants make up just 0.07% of China's population, "meaning China has the fewest migrants of any country in the world. By comparison, migrants make up 15.6% of the US population."³⁰⁸. Based on the foregoing, it is clear that when the global population has the chance to vote with its feet, it chooses the American system over China.

At the same time, global turbulence does not automatically preclude the rise of additional threats posed by China's authoritarianism through

³⁰⁴ Graham Allison, "The Myth of Liberal Order," *Foreign Affairs* (July / Aug. 2018). Accessed July 5, 2021. https://www.foreignaffairs.com/articles/2018-06-14/myth-liberal-order.

³⁰⁵ Ibid.

³⁰⁶ Milan Babic, "Let's talk about the interregnum: Gramsci and the crisis of the liberal world order," *International Affairs*, 96, 3 (2020), 769. Accessed July 5, 2021. https://academic.oup.com/ia/article/96/3/767/5712430.

³⁰⁷ Dan Kopf, "In one metric of diversity, China comes in dead last," *Quartz* (December 27, 2017). Accessed July 5, 2021. https://qz.com/1163632/china-still-has-the-smallest-share-of-incoming-mi-grants-in-the-world.

its Securitized Information Strategy and policy of Military-Civil Fusion. The view of China's descent is also not restricted to so-called "China hawks." Cai Xia was an esteemed professor at the prestigious Central Party School of the Chinese Communist Party for 15 years. And even Cai Xia admits the growing threat of Chinese authoritarianism: "Once a fervent Marxist,... I had begun to make the case for liberalization. Once a loyal member of the CCP,... the regime has degenerated further into a political oligarchy bent on holding power through brutality and ruthlessness. It has grown even more repressive and dictatorial."³⁰⁹.

The opposing argument still maintains that China's Securitized Information Strategy and MCF policy is not a threat because it is geared towards producing consumer products like GPS. Apparently, the irony of relying on such American examples as the global standard of innovation is lost on China's proponents. What is also overlooked is that, unlike China, the United States and other western powers do not mandate their citizens or companies to work with, or on behalf of, their militaries and intelligence agencies³¹⁰. Thus, the innovation flow sought in China is not from the military to the consumer space. Rather, the China's Securitized Information Strategy in combination with its MCF policy imposes the innovation flow from the individual citizen and corporate class to the PLA. This represents a militarization of the general population and industrial base that the world has not seen since the rise of the Nazi's. Just like the Nazi's claim to a Greater. Germany after the humiliation of Versailles constituted a threat to global stability in the mid-1930s, so too does the claim to a Greater China after the Century of Humiliation³¹¹.

³⁰⁹ Xia.

³¹⁰ Scott Shane and Daisuke Wakabayashi, "'The Business of War': Google Employees protest Work for the Pentagon," *The New York Times* (April 4, 2018). Accessed July 5, 2021. https://www. nytimes.com/2018/04/04/technology/google-letter-ceo-pentagon-project.html.

³¹¹ Salvatore Babones, "What World War II teaches us when it comes to Standing up to China," *The National Interest* (August 10, 2020). Accessed July 5, 2021, https://nationalinterest.org/feature/ what-world-war-ii-teaches-us-when-it-comes-standing-china-166575.

Chapter 8 The what/where/how of terrorism been in the 21st century

Mykola Blashkiv

Abstract: What do we define as terrorism, how does the want to commit acts of terrorism manifest. Power paradigms shifting, the want for political recognition, whilst subjugated to intolerable conditions, the desire for the voice of a population that wishes to be heard. MalcomX, the leader of the Black Panthers once said "Violence is the screams of the silenced and unheard." The majority of terrorism occurs in the Global Terrorism Index (GTI) top five, Iraq, Afghanistan, Nigeria, Pakistan, and Syria. Terrorism has continued to fall in terms of attacks perpetrated and casualties even in the most affected regions. Terrorism still remains the biggest threat to global peace in the 21st century and should not be taken lightly. As terrorism is in itself an act that is unpredictable, vigilance and caution should be considered highly. As the future is uncertain we cannot be certain of where and when the next "9/11" will take place or in what form it will present itself, we do see patterns emerging in regions of Southeast Asia and Sub-Saharan Africa. The numbers are alarming and monitoring of the regions geo-political climate should be a priority or nation states.

Key Words: Terrorism, Power Paradigms, Mass Media Coverage, Political Targets, Technology, Religious, Extremist, Sahel, South East Asia, Nigeria.

Introduction

This paper focuses on terrorism in the twenty first century, examining how we define it, how it comes to fruition and what makes a terrorist attack successful. We can identify one of the main factors for the emergence of terrorism as the shifting of power paradigms, the lack of understanding amongst human beings and the realisation that terrorism is a natural phenomenon of the human species, there will always be the establishment and those who oppose. More than ninety percent of terrorism currently occurs in the Southwest region of Asia as well as sub-Saharan Africa, these are the leading countries of the Global Terrorism Index GTI). As researched through the GTI and Terrorism Situation and Trend Report (TESAT) the records show that terrorism is on the decline since it peaked in 2014. However, for the past twenty years, Southwest Asia and Sahel region has seen a steady rise in terrorism, identified as the most affected regions of the world. Terrorism is a phenomenon that relies on the shock of people as well as the mass media coverage of terrorist attacks and their political targets. The potential emergence of terrorist hotspots in Southeast Asia and the Sahel region in Africa is a topic of growing interest that analysts of the topic of terrorism should keep tabs on.

What is terrorism?

The act of terrorism is a phenomenon that is an intrinsic part of the human species, spurring from the frustrations of groups and individuals. This frustration is caused by shifts in power paradigms, usually occurring after the collapse or fall of an empire, colony, or state³¹². An example of this would be the collapse of the Soviet Union in the 1990's or the withdrawal of the United Kingdom's control of India, the latter case being especially problematic³¹³. The region that was once a colony of the British Empire was divided by the religious boundary of the Indian subcontinent² rather than by cultural or physical boundaries. To this day India remains in disarray, riddled with conflicts and violence as cultural groups are separated and divided by national borders².

Following the collapse or fall of an empire, colony, or state, governments of these nations are often unwilling to budge or compromise as they are led by rival groups and cultures. This causes tensions to rise in these nations as terrorist (separatist) organisations operate in the areas defying

³¹² Cronin, A.K., 2003. Behind the curve: Globalization and international terrorism. *International security*, 27(3), pp. 30–58.

³¹³ RealLifeLore (2020) "Why Pakistan's Geography Sucks", accessed: https://www.youtube.com/ watch?v=yTPf13OneUQ&t=592s [08/10/2020].

government laws². The lack of integration of minority groups in societies that are governed by the majority, often leaves people feeling oppressed, and helpless, all of which can push them to resort to the radical use of violence¹.

The paradigm between the haves and the have nots, those with power and those without power, causes the conflicts that we see today in the region of South Asia. Bruce Hoffman's defines terrorism as the act of violence to instil fear, deliberate, politically motivated use of force or violence with intention to influence the public opinion "violence perceived as directed against society-whether it involves the activities of antigovernmental dissedents or governments themselves, organized-crime syndicates, common criminals, rioting mobs, people engaged in military protest, individual pschotics, or lone extortionists".

Since the beginning of the 21st century mass media has made communication and worldwide communication more accessible, through the publics access to the internet people can instantly access information that they desire. Accordingly, terrorist organisations also have access to the widespread knowledge available on the internet – whether an organised terrorist organisation or a lone terrorist wishing to inflict terror upon the civilian population, they can now do so with ease³¹⁴.

Video recordings have been used by terrorist actors and by bystanders in recent years, making the mass exposure of acts of terrorism more wide-spread than ever before³¹⁵. The globalisation of the world has given western societies a wider perspective on the world, however western society and its citizens lack the knowledge and objectiveness to differentiate the society that they live in from the society that they are observing³¹⁶.

³¹⁴ Cronin, A.K., op.cit., pp. 30–58.

³¹⁵ Kydd, A.H. and Walter, B.F., 2006. The strategies of terrorism. *International security*, *31*(1), pp. 49–80.

Where is terrorism occurring?

Terrorism is a global phenomenon. In the 1970s, terrorism was commonplace on the continent of Europe mainly due to the activities of the IRA and RAF in Northern Ireland that arose from the religious and ethnic tensions in the region. As of the 21st century the area most affected by terrorism has been the Southwest region of Asia. Over the past twenty years the region has accounted for 93 percent of all deaths from terrorism. Four of the top five countries affected by terrorism are located in the Southwest region of Asia: Iraq, Afghanistan, Pakistan, and Syria. Since 2002, these countries, along with Nigeria, have had the highest number of terrorist activity in the world. As of 2020, these five countries are still the most affected countries by terrorism³¹⁷. This region experienced a large power vacuum when the United Kingdom joined the European Union in 1973. As was previously mentioned the region was separated upon religious lines, leading to the current problems that riddle the region to this day.

This does not mean that these acts of terrorism are successful as a key element of terrorism is to spread terror amongst the civilian population, the shock factor that we see so often in western society when an act of terrorism is due to the lack of said terrorist attacks occurring. Unlike in Southeast Asia, the Western world was shocked by the Paris attacks of 2015, the Charlie Hebdo shooting and the Manchester arena bombing in 2015 since they are not commonplace. For this reason there was extensive media coverage at the time³¹⁸. Giving the terrorist organisations that perpetrated the attacks exactly what they need for the terrorist attack to be successful, the spread of terror through the civilian population through mass media. As is stated by Abrahms in *Why terrorism does not work* terrorist organisations and individual terrorist actors target citizens of states to show that the state is weak and cannot protect its citizens from the terrorists, when the

³¹⁷ Index, G.T., 2018. Measuring the impact of terrorism. *Institute for Economics & Peace. November.* URL: http://visionofhumanity. org/app/uploads/2018/12/Global-Terrorism-Index-2018-1. pdf (accessed: 04.02. 2019).

governments of states give concessions to the terrorist organisations after events where there are citizen casualties this reenforces the idea to terrorist organisations to target more citizens in the future.

The United States (US) is seen as the leader and defender of the free world. Since the second world war the US has continued to increase its presence internationally³¹⁹. This has been a double edged sword for the US since it is now more than ever in the lime light as the leading global power, while at the same time giving terrorist organisations an incentive to diminish and obstruct the US' agenda through different tactics – attrition, intimidation, provocation, serving as spoilers and outbidding³²⁰. Attrition tactics try to persuade the enemy that the terrorists can inflict considerable costs if a policy continues³. Intimidation tactics try to scare the population and present the appearance that the government cannot stop the terrorists, the government is too weak and not fit to stop the terrorists nor lead the people³. Provocation tactics attempt to make an enemy overreach in response/ retaliation to terrorists' attacks, the indiscriminate violence radicalises populations to join the terrorists in the future³. Spoiler tactics are used by making the moderates that wish to achieve peace look untrustworthy to the civilian population and the goal they wish to achieve as out of reach³. Finally, outbidding tactics focus on showing that the resolve of the terrorists is stronger than that of the enemies, therefore you should support them rather than anyone else³²¹.

The policy of high international presence was initiated by President Franklin D. Roosevelt, due to the conflict between the US and USSR after the second world war and throughout the Cold War. Roosevelt believed in the domino theory, this theory claims that if a domino falls the dominos around it will follow. In this scenario the fall of a nation state to communism would lead to the nation states surrounding to follow suit.

³¹⁹ Cronin, A.K., op.cit., pp. 30–58.

³²⁰ Kydd, A.H. and Walter, B.F., op. cit., pp. 49–80.

³²¹ Ibid.

This prompted future presidents of the United States to follow the same international policy. To this day, George W. Bush, Barack Obama, and also the former president of the United States Donald Trump have all advocated for a greater American influence over international affairs, this idea was initiated at the start of the new millennium and received impetus after the events of $9/11^{322}$. The existing boarders established in the region after colonialism have collapsed to the pre-existing cultural boarders causing the current eruption of terrorism in the region and fuelling greater American involvement in the Middle East/ South Asia³²³. The conflict between religious traditions, globalisation, westernisation have elevated the scale of the conflict to splatter onto the global stage with terrorist organisations being active in Europe and North America³²⁴.

Similar to the 1972 Olympics, 9/11 was a black swan event that shook the fabric of the world. In hindsight, it should have been predicted and prevented. 9/11 was the first shock wave of the newest wave of terrorism, "sacred" terrorism, or religious terrorism, identified Christopher C. Harmon in *How Terrorist Groups End* as one of the four main branches of terrorism. Harmon claims that terrorism is the leading threat to long-term stability in the 21st century. Global Terrorism Index statistics confirm these ideas as terrorism has been on the rise for the first two decades of the 21st century³²⁵.

The effectiveness of terrorism remains a highly debated and contested subject since the act of terror is subject to a multitude of factors³²⁶. If a terrorist organisation is looking to destroy an ideology, it is unlikely that the national governments of international states will give any concessions to the terrorist organisation. This point is further elaborated on in Abrahms article on *Why Terrorism Does Not Work*, arguing that states would rather

³²² Cronin, A.K., op.cit., pp. 30–58.

³²³ Ibid..

³²⁴ Ilijevski, I., Babanoski, K. and Dimovski, Z., 2019. Situation and trends of terrorist acts within the European Union.

³²⁵ Jones, S.G. and Libicki, M.C., 2008. *How terrorist groups end: Lessons for countering al Qa'ida* (Vol. 741). Rand Corporation.

³²⁶ Abrahms, M., 2006. Why terrorism does not work. *International Security*, *31*(2), pp. 42–78.

give territorial concessions to terrorist organisations⁷. This occurs in the case of most terrorist attacks through the removal of troops from occupied territories and changes to policies³²⁷.

Is terrorism a growing problem?

Through a thorough analysis or the Global Terrorism Index and the European Union Terrorism Situation and Trend Report, there has been as steady decline of terrorism since 2014 when rates peaked. Currently, the rate of terrorist attacks are 52 percent lower⁴. The greatest decline in deaths because of terrorism is in Iraq, Syria, and Nigeria, all countries that made the top five of the GTI⁴. This trend shows that countries not in conflict are not the primary targets of terrorist attacks, as is seen in the TESAT report which indicates that the majority of terrorist activities occur in regions that are in conflict. These numbers are also confirmed by the GTI which states that between 2002 and 2018, 93 percent of all deaths from terrorism occurred in South Asia, MENA and in sub-Saharan Africa regions³²⁸.

Through the analysis of the Global Terrorism Index and the TESAT reports it is clear to see that terrorism is not on the rise, we can also deduce that terrorism in Europe, the United States of America and Oceania are the peripheral regions affected by terrorism as it splashes out from the predominantly affected regions³²⁹.

The fall in cases of terrorism in the region can also be attributed to the fall and containment of ISIL in the Iraq and Syria regions, this is predominantly due to the expansive US foreign policy and the resent attack on an ISIL base which resulted in the assassination of the leader Abu Bakr al-Baghdadi. Although we do not know the long-term effects of Baghdadi's death on the ISIL organisation, we can see that the short-term outcome has led

³²⁷ Abrahms, M., 2006. Why terrorism does not work. *International Security*, 31(2), pp. 42–78.

³²⁸ Index, G.T., op. cit.

³²⁹ Ibid.

to many of the members leaving the terrorist organisation ISIL trying to return to the nation states that they were originally from³³⁰.

The fall of ISIL has led to a conversation developing around how these "reformed terrorists" should be handled and whether they should be allowed back into their own countries. Other questions posed include how should these people that were indoctrinated be allowed back, could they still be a national threat when they return home. The TESAT report of 2018 claims that there was a total of 653 individuals apprehended and concluded through court that they were guilty of terrorist offences. This rate is a higher than in 2017 (565) and 2016 (580). The report also shows that the number of perpetrated attacks on the continent of Europe has declined, with the number of terrorist attacks in 2017 at 205, while in 2018 the rates decreased to 129^{331} .

Future of terrorism/terrorist organisations

The final point that will be covered in this paper is the recent shifts in the landscape of terrorism, with a focus on the Sahel, South East Asia and the middle belt of Nigeria³³². All of these regions have seen a rise in in terrorist activity from Fulani extremists, separatist organisations and Islamist groups such as Al-Qa'ida and Jamaat Nusrat al-Islam wal Muslimin (JNIM) who are in collaboration with each other³³³.

In 2017, ISIL lost more than 80% or its revenue from oil and natural gas fields that they had seized, tax and confiscated goods⁴. This brings the era of the Middle East to an end, as we see that governments are able to stop terrorists and terrorist operations before the acts can be carried out³³⁴.

334 Ibid.

³³⁰ Marcolini, B., T. Miller, J., Triebert, C. and Hill, E., 2019. How U.S. Forces Bombed ISIS Leader's Compound. *The New York Times*, [online] Available at: https://www.nytimes.com/video/world/mid-dleeast/10000006791542/trump-announcement-isis-leader-caught.html [Accessed 7 October 2020].

³³¹ Index, G.T., op. cit.

³³² Ibid.

³³³ Ibid.

Terrorism is a constantly moving phenomenon, the statistics of the Global Terrorism Index shows that this phenomenon is moving to the sub-Saharan regions of Africa as well as Maghreb region in North Africa, current data shows that there are over nine thousand active terrorists in the North African region, specifically Libya and Algeria³³⁵. Mali and Niger have also seen rises in terrorist activities, the Jamaat Nusrat al-Islam wal Muslimin (JNIM) being responsible for the majority of these attacks³³⁶. There is also evidence that Al-Qa'ida has influence and sway over the terrorist activities that are ongoing in the Maghreb region and the Sahel region³³⁷. Al-Qa'ida and ISIL have also aligned themselves with the grievances of the locals in these regions to solidify their stronghold and undermine the governments in these regions as they lose control of their territories in the Middle East³³⁸.

The rise of Islamist terrorism in Southeast Asia can be attributed to the globalisation of the world, as well as the convenient access of technology³³⁹. In 2016 ISIL-affiliated groups seized control of Marawi City in the Philippines, the siege lasted for five months but ultimately failed³⁴⁰. Although the siege failed, it showed the faults in the Philippine government with its slow response to the new threat⁴. The lack of action as well as the corruption within the Philippine government lead to the majority of the terrorists escaping the law enforcement, regrouping, and continuing their training³⁴¹. This undermining of the state urged ISIL propaganda to push fighters to the Southeast Asian outposts for potential future attacks in the region³⁴².

Myanmar is another country in Southeast Asia that has seen a rise in terrorist activity in recent years (2010 - 2018), unlike the previously mentioned terrorist insurgencies that have been mentioned in this paper. The

335 Ibid.

³³⁶ Ibid.

337 Ibid.

- 338 Ibid.
- ³³⁹ Cronin, A.K., op.cit., pp. 30–58.
- ³⁴⁰ Index, G.T., op. cit.
- 341 Ibid.
- 342 Ibid.

terrorist activities that occur in the Rakhine region of Myanmar are due to ethno-separatist grievances, not ideological ones⁴. It is important to identify that the population under prosecution is a Muslim minority, for this reason there may be a spike in Muslim orientated terrorist groups aligning with the cause that the Rohingya people³⁴³. A similar trend can be seen with the Malay-Muslim Insurgency, although the group is distant from the ISIL- jihadist groups and movements, only seeking to gain independence from the Buddhist government in control of the state³⁴⁴. Since 2011 the separatists have conducted 189 successful terrorist attacks in Thailand, the leaders of the Patani-Malay believe that affiliating with more radical organisations such as ISIL would be "detrimental to the long-term plans of the organisation"³⁴⁵.

The final trend that this paper will cover is the conflict in Nigeria between the Fulani cattle-herders and sedentary farmers³⁴⁶. To give context to the conflict, Nigeria is suffering from desertification as well as harsh side effects of global warming leading to a scarcity of fertile land⁴. This coupled with lack of infrastructure in the agriculture sector of the country, rising tensions between Boko Haram and the government of Nigeria has led to a drastic rise of terrorist activity in the country³⁴⁷. Boko Haram violence has declined drastically³⁴⁸. However, the conflict between the Fulani extremists has steadily continued to climb as nearly two thousand deaths have been attributed to the Fulani extremists in 2018 alone, most of which have been civilian deaths³⁴⁹. Fulani herders are also predominantly Muslim whereas the stationary farmers in Nigeria are predominantly Christian, this adds another dimension to the conflict³⁵⁰. As the conflict continues to grow, there is no plan of a response from the Nigerian government to

³⁴³ Ibid.

³⁴⁴ Ibid.

³⁴⁵ Ibid.
³⁴⁶ Ibid.

- ³⁴⁷ Ibid.
- ³⁴⁸ Ibid.
- ³⁴⁹ Ibid.

³⁵⁰ Muro, D. ed., 2018. When Does Terrorism Work?. Routledge.

combat or peacefully resolve the issue. The Nigerian government has had great difficulty enforcing its laws in the more rural parts of the country where the majority of the Fulani herders reside³⁵¹.

Conclusion

In conclusion terrorism is an act of violence or use of force to instil fear that is deliberate and politically motivated with the intention of influencing the public opinion through means of mass communication. Terrorism typically occurs in regions where there is a portion of the population that is subjugated to aggravating conditions. This then leads to outbursts of politically motivated violence like that of what we have seen in the Middle East. Terrorism is a phenomenon that occurs wherever there are shifts in political power, as rulers change, those under the ruled feel subjugated and persecuted. The majority of casualties that occur from terrorism are in the Middle East or South Asia. However, statistically the numbers of both attacks and casualties have continuously dropped since they peaked in 2014. Studying the trends that have been emerging over the years we can see a rise in terrorism activity in the Sahel region of Africa as well as in the Southeast region of Asia, these regions are riddled with fundamental faults in the foundations of government as well as with geopolitical issues that the governments of the states seem no closer to solving.

Chapter 9

Rape or love? The importance of sexual consent

Khrystyna Pelchar

Abstract: There has been a long discussion in Ukraine and elsewhere whether affirmative consent should precede intercourse. Many would agree that there is no need to make a statement of sexual consent unless the person wants to reject the offer. However, the presence or absence of voluntary consent could define if the rape took place for practical purposes. It is generally excepted both people engaged in intercourse have to consent to the sexual experience. Permission is usually given by words or by conduct. The speech by conduct expresses consent without saying words. However, some states would require affirmative consent. That raises the issue of when the absence of affirmative consent does not necessarily mean coercion. If the law says that it does, then the civil liberties and constitutional rights subjecting the person to the criminal wrong that one did not commit. Should it be affirmative consent, or could it be just interpreted from conduct? Another controversy of this topic is the balance of the rights of the accused versus the accuser. In these cases, when one takes the laid-back pattern of responses, what ends up happening is that people do not take the accusations seriously. The burden to prove is not simple because it happened in private places, without witnesses or evidence. Even more challenging to prove these cases in the long run. The significance of the consent should not be underestimated. A clear understanding of it is not merely a precondition for better legal protection and prevention of the crime but evidence for the victims of sexual misconduct. The article articulates the conventional definition of rape as a nonconsensual sexual behavior. It stresses the validity of the consent and the factors surrounding it, such as deception and misunderstanding. It provides examples of such conduct and further discusses the Lenient Thesis, Volenti Maxim concepts, and other ideas used to interpret the consent. It attempts to demonstrate the complexity of the topic by providing various perspectives. The article reveals that consent can have multiple manifestations. The form of permissible consent is pretty much dependent on the situation. Thus, there is no universal rule on how one should consent to an intimate experience.

Keywords: Prima facie wrong; sexual consent; effective consent; affirmative consent; morally valid consent; sexual deception.

Consent and "no consent"

Even though lawyers have not reached a consensus on the meaning and nature of sexual consent, the disposition of rape in criminal codes across jurisdictions shares the same core characteristics. Following Jonathan Herring, Vice Dean and Professor of Law at the University of Oxford, it is common to define rape as sexual penetration by the defendant without the victim's consent³⁵². However, in some jurisdictions, physical resistance can be regarded as the absence of consent. What the courts usually consider is an absence or presence of a victim's genuine choice³⁵³. Under Washington statute: "consent means that at the time of the act of sexual intercourse or sexual contact, actual words or conduct are indicating freely given agreement to have sexual intercourse or sexual contact."³⁵⁴.

The consent would only be relevant if an act were prima facie wrong, such as sexual penetration. Consent provides a reason for performing such an act. If the victim gives effective consent, this provides the defendant with a justifying excuse³⁵⁵. The defendant is entitled to say that the intercourse was a victim's decision *where effective consent occurs.* "To be effective consent, it must provide him or her with sufficient grounds to conclude that the victim has made an appropriate assessment of whether the penetration is in his or her best interest."³⁵⁶.

Herring proposed that consent and consideration of the person's best interests who gives the permission together can justify sexual penetration. When the doctor performs the surgery that assumingly is in the patient's best interests, he should also ask the patient for consent. Where there is the presumption of surgery's benefit to the patient, there is no reason to

- ³⁵⁵ Ibid, 64.
- 356 Ibid.

 $^{^{352}}$ Jonathan Herring, "Rape and the definition of consent," National Law School of India Review 26 no. 1 (2014): p. 62.

³⁵³ Ibid.

³⁵⁴ RCW 9A.44.010(7).

think sex will benefit the person³⁵⁷. Both cases require consent, but the initiator of the sexual experience should find even better reasoning for defining the person's best interests in moral work. As mentioned earlier in Herring's concept of prima facie wrong act, the justification and sound reasoning should precede the intercourse. Hence, the person who initiates sex is liable to ensure that another human being has not been wronged.

There is a clear border between consent and "no consent." By Schulhofer, "sexual intimacy must always be preceded by the affirmative permission that both parties freely gave."³⁵⁸. One does not consent if the person does nothing in response to the proposal; hence, it cannot exonerate prima facie wrong. Thus, Herring welcomes the English courts' requirement of consent as a positive act³⁵⁹. Let's suppose the victim is asleep at the time of the intercourse; then, the defendant has no good reason for committing the wrong. Therefore, it will be considered rape. Analogously, strong intoxication of the victim when they do not resist cannot amount to consent.

One employs the language of autonomy to understand the consent's role. Joseph Raz defined the principle of autonomy as: "the vision of people controlling, to some degree, their destiny; the ruling idea behind the idea of personal autonomy is that people should make their own lives."³⁶⁰.

It claims that individuals make decisions for themselves, and others should respect those decisions, including the law, unless the decision involves harming another³⁶¹. However, "guaranteeing everyone's right to sexual self-determination is quite impossible."³⁶². In the context of sexual con-

³⁵⁷ Jonathan Herring, "Rape and the definition of consent," *National Law School of India Review* 26 no. 1 (2014): 63.

³⁵⁸ Joseph J. Fischel, *Sex and Harm in the Age of Consent* (Minneapolis: University of Minnesota Press, 2016), 117.

³⁵⁹ 8 R.(F) v. Director of Public Prosecutor, 2013; in Jonathan Herring, "Rape and the definition of consent," National Law School of India Review 26 no. 1 (2014): p. 65.

³⁶⁰ Joseph Raz, *The Morality Of Freedom* (Oxford: Clarendon Press, 1986), 369.

³⁶¹ Jonathan Herring, "Rape and the definition of consent," *National Law School of India Review* 26 no. 1 (2014): 66.

³⁶² Jed Rubenfeld, "The Riddle of Rape-by-Deception and the Myth of Sexual Autonomy," *The Yale Law Journal* 122 no. 6 (2013): 1418.

sent, the individual has a right to refuse. Such a negative response to other's desires does not need any justification. This refusal is not prima facie wrong; thus, this decision does not require sound reasoning. Therefore, the principle of autonomy is limited; a person's freedom ends where another man's freedom begins.

Coercion, deception, and consent

One has characterized consent as "moral magic."³⁶³. It shapes the border between rape and lovemaking, a theft and a gift, battery, a boxing match, or autocracy and democracy³⁶⁴. In his article "Coercion and Consent," Konow defined coercion as the intentional act that threatens one's entitlement, compelling to a choice that otherwise the person would not have taken 365 . In the light of Locke's and David Hume's moral obligation theories to obey the government, he concluded that coercion could generate personal benefits and the public good when it constrains oneself and a larger population³⁶⁶. State intervention is also a form of coercion. The use of coercion can be justified in cases such as taxation or military service. Similarly, the restrictive measures imposed by the State due to the Covid-19 may be considered undesirable or even threatening to some entitlements. However, the State has a right to do so for the public good and security. The legitimacy of the State is the basis for the moral authority and justifiable criteria for its coercion. Even though private coercion can apply analogous reasoning, the two are independent. The private one is more circumscribed due to the contestable cases in moral justifications.

Other than coercion, deception can violate human rights by misleading the individual about some fundamental aspects of an offer. One should agree freely without coercion or deception. It means that the individual has

³⁶⁶ Ibid, 51.

³⁶³ James Konow, "Coercion and Consent," *Journal of Institutional and Theoretical Economics* (*JITE*) / *Zeitschrift für die gesamte Staatswissenschaft*, Vol. 170, no. 1 (2014): 49.

³⁶⁴ Ibid, 49.

³⁶⁵ Ibid, 50.

a complete picture of the risks and benefits and knows the other person involved. Free choice indeed comprises the conscientiousness of a person. Therefore, agreeing when highly intoxicated does not count as morally valid consent. However, there are minor "white lies" that are often far more compelling than the truth. It is hard to disagree that modern moral norms are "quite permissive" concerning sexual deception³⁶⁷. As Jeffrie Murphy affirms, it is only "a minor kind of fraudulent misrepresentation" to misrepresent oneself as "unusually sensitive and caring."³⁶⁸.

Some argue against the Lenient Thesis as it involves minor deception. However, some little things that might seem of minor importance could be far more crucial for another individual. The relativity of the thought should not be underestimated. Dougherty based the argument on morally valid consent, defined as the consent that someone must have to not wrong the consenter. The consent makes permissible some actions that would not otherwise be so. Moreover, morally valid consent requires more than mere agreement³⁶⁹. He holds that another person would be seriously wronged if the deception concerns the feature of the sexual encounter to which the other person's will is opposed³⁷⁰. If coercion can vitiate consent, deception can do so too. Since it is seriously wrong to have sex with someone without permissible consent, deceiving someone into sex is seriously wrong.

The Lenient Thesis could not constitute an acceptable account of morally valid consent. Therefore, Dougherty's second premise is that the deceived party does not give morally right consent to sex³⁷¹. David Archard approached a notion of voluntariness. There are aspects of a sexual act what, why, and with whom— crucial for consent. The more completely a person is misled, the less willingly she can be said to engage in that act,

³⁶⁷ Alan Wertheimer, *Consent to Sexual Relations*, (Cambridge: Cambridge University Press, 2003), 193.

³⁶⁸ Jeffrie Murphy, "Women, Violence and the Criminal Law," in In Harm's Way: *Essays in Honor of Joel Feinberg*, ed. Jules Coleman and Allen Buchanan (Cambridge: Cambridge University Press, 1994), 219.

³⁶⁹ Tom Dougherty, "Sex, Lies, and Consent," *Ethics: An International Journal of Social, Political, and Legal Philosophy* 123, no. 4 (July 2013): 718.

³⁷⁰ Ibid, 719.

³⁷¹ Ibid, 720.

and the more wronged she is if she does engage in that act³⁷². On this view, someone does not validly consent to a sexual encounter when deceived about its "core" features³⁷³.

Every human being has rights over her persons and property; these rights include negative rights against interference. Speaking about it, more specifically, the person has rights against particular actions by particular individuals³⁷⁴. Indeed, the person can waive her rights by giving morally valid consent. However, these waivers are not absolute; one can take back her consent and reimpose her rights. Hence, Dougherty claims that waivers are revocable. The infringement of these rights is morally impermissible. The stringency of a specific right defines how wrong it would be to violate this right. It depends on the importance to us of a particular sphere of relations. Assuredly, controlling sexual contact is centrally significant. It does not necessarily mean that sex has to be an active, emotionally meaningful part of someone's lifestyle, but sexual choices determine sex life. In light of the value of individual sexual rights and control, it is seriously wrong to violate someone's rights³⁷⁵.

Morally valid consent

Michelle Madden Dempsey offers an original account of the normative force of consent, according to which consent creates exclusionary permission, and thus, is morally transformative³⁷⁶. The common concern is that one can consider the conduct victimless only because the harmed person has consented to it. In such a case, the definition of consent should be consistent with legal norms and moral values in society. Undoubtedly, consent is legally transformative as it stresses a critical consideration in many legal

³⁷² David Archard, Sexual Consent (Oxford: Westview, 1998), 50.

³⁷³ Tom Dougherty, "Sex, Lies, and Consent," *Ethics: An International Journal of Social, Political, and Legal Philosophy* 123, no. 4 (July 2013): 736.

³⁷⁴ Ibid, 723.

³⁷⁵ Ibid, 724.

³⁷⁶ Michelle Madden Dempsey, "Victimless Conduct and the Volenti Maxim: How Consent Works," *Crim Law and Philos* 7 (2013): 11.

doctrines concerning the assumption of risk, as informed consent to medical procedures³⁷⁷. Joel Feinberg offered one of the most influential modern accounts of the normative force of consent. According to Feinberg, the *volenti maxim: volenti non-fit injuria* ("to one who consents, no wrong is done") captures the sense in which one's consent transforms the moral quality of another's conduct (Feinberg 1984, p. 115).

Tom Dougherty asserted that consenting, like promising, requires both an appropriate mental attitude and communication of such an attitude³⁷⁸. The State of California defined "affirmative consent" as "affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the other or others' affirmative consent to engage in sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent."³⁷⁹. These standards raised the question of whether morally valid consent requires communication.

Tom Dougherty argued that "the consent is morally valid if it generates moral permission."³⁸⁰. Thus, the distinction between affirmative and morally valid consent is critical for understanding if affirmative consent is always needed. "Yes, Means Yes: Consent as Communication" investigated the necessity of communication in morally valid sexual consent. This issue has a significant value for the normative foundations of rape law. Meanwhile, there has been a debate on whether non-communicated intention can be sufficient for morally valid sexual consent. In "Sex and Harm in the Age of Consent," Fischel assessed the affirmative standard of consent: it does not need to be verbal; one can express it through body language, particular conduct, and mutual initiation³⁸¹.

³⁷⁷ Ibid, 12.

³⁷⁸ Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy and Public Affairs* 43 no.3 (2015): 228.

³⁷⁹ California Senate Bill 967 (2014), https://leginfo.legislature.ca.gov/faces/billNav Client. xhtml?bill_id=201320140SB967.

³⁸⁰ Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy and Public Affairs* 43 no.3 (2015): 226.

³⁸¹ Joseph J. Fischel, *Sex and Harm in the Age of Consent* (Minneapolis: University of Minnesota Press, 2016), 117.
Morally valid consent does not always take the form of communication. One can also communicate through nonverbal behavior. Admittedly, a person can even agree with an omission, so long as the context ensures that the omission speaks a message³⁸². The attitudinal view suggests that if the person intends to consent to intercourse, she is engaged in it voluntarily and cannot complain; she is not wronged by sex. In contrast, the performative theorists argue that even if there is the intent to consent to sex, the person can still complain about it. They separate the actions that are wanted and the ones guided by requests. Thus, a victim's complaint can be that the interaction is not consensual because she did not communicate consent³⁸³.

Some regard that communication is the must for high-stakes consent. When people undertake crucial decisions that would result in a grave moral wrong without their will, such as sex, consent is of high-stakes. Hence, it should be affirmative in those situations. Since consent must be intentional, every-one should agree that an intention is essential for morally valid consent³⁸⁴. The "performative view" denies that a mere intention can be sufficient, countering that valid consent requires communication³⁸⁵. Although people can analyze each other behavior, they cannot read other's minds. Thus, guessing if a person agreed to sex is not a worth risk to take. Dougherty claimed that the violence and the absence of the intention to consent in nonconsensual sex are very much alike. Therefore, following the performative theorists, morally permissible sex requires expressed consent.

Indeed, one could agree that sex is not one of those topics that can easily be communicated. Many people find it superfluous to discuss the intention that has been explicitly demonstrated. "Consent does not require communication: A reply to Dougherty" refutes Dougherty's primary argument on the affirmative consent in sex as a must. Promises and consent are two distinct ideas. Even though promises require communication, the

³⁸⁵ Ibid, 230.

³⁸² Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy and Public Affairs* 43 no.3 (2015): 230.

³⁸³ Ibid, 232.

³⁸⁴ Ibid, 229.

attitude and need alone constitute consent. While promises create obligations, expectations and give rise to reliance, "consent is merely to remove a moral barrier."³⁸⁶. Larry Alexander, Heidi Hurd, and Peter Westen gave the "Wanted Sex" example to demonstrate those barriers were down even without the communication or miscommunication – such as in *Pool Party scenarios*.³⁸⁷. Dougherty's position might create dilemmas for criminal law. For example, suppose sexual consent is both an attitude and communication. In that case, the law will not account for the distinctive harm a person suffers when she is a sexual intercourse victim against her wishes.

Juxtaposing promise and consent

Besides sex, consent plays other indispensable roles in life. There are various examples from the daily human routine, such as inviting guests to the residence, using someone's property, and agreeing to medical treatment. In addition, consent is the permission to actions that will otherwise be morally impermissible. Therefore, knowing when consent requires communication, if it does at all, is crucial.

One should also distinguish consent from other ideas, such as promises. The first does not produce any responsibility on behalf of the consenter, whereas the second entails undertaking an obligation to do something³⁸⁸. While both involve the combination of dyadic duties and rights, their application creates different results and causes on these duties and rights. For example, when consenting to a guest entering home, one releases the guest from duty not to trespass. On the contrary, when one promises to visit someone's house, they generate an obligation to do so. Tom Dougherty called them the counterpoints since consent frees people from duties. At the same time, the promise puts a duty on the promiser to do, or forbear from, a particular act, giving the right promise to require the

³⁸⁶ Larry Alexander, Heidi Hurd, and Peter Westen, "Consent does not require communication: A reply to Dougherty," *Law and Philosophy* 35 no.6 (2016): 657.

³⁸⁷ Ibid, 658.

³⁸⁸ Ibid, 18.

declaration's commitment. "While consent eliminates these duties and waives these rights, promise creates these duties and these rights."³⁸⁹.

Dougherty described consent's role in a theory of rights – "consent releases people from duties that one person owes to another."³⁹⁰. The combination of different promise and consent views creates an anomaly within a theory of rights – "in some contexts, a mere act of the will can change the parties' rights and duties; elsewhere, the will is impotent without the aid of communication."³⁹¹. Communication creates a common belief in the promise that ensures the relationships of accountability. Although, in theory, this communication could be performed implicitly and through non-verbal behavior, how could one communicate the promise without words? According to Dougherty, one should communicate the promise if it is a high-stakes one. In those circumstances, the promisor is accountable to the promisee in a significant way. Therefore, communication would need to be correspondingly clear.

In some cases, one can withdraw the consent after giving it. By revoking the consent, one reasserts the right previously waived, thus reimposing the other person's duty. Similarly, one can reverse the promise. Dougherty described the two possible ways to do that. First, the promisee may refuse the promise at the time when the promisor makes an offer. Second, after making a promise, the promise can release the promisor. In both situations, communication is required to release the promisor from duty. But, from the attitudinal view of consent, a mere intention can waive a right and free another person from liability for consent³⁹². This perspective of consent creates tension with a performative concept of reversing promises. Thus, it leads to a further discussion on the connection between promise and consent.

³⁸⁹ Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy and Public Affairs* 43 no.3 (2015): 233.

³⁹⁰ Ibid, 232.

³⁹¹ Ibid, 236.

³⁹² Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy and Public Affairs* 43 no.3 (2015): 236.

Dougherty concluded that consent, like to promise, must act publicly to produce the common belief that guarantees that rights have a practical outcome by framing mutually recognized accountability relations³⁹³. At the same time, he attributed sexual consent to a high-stakes one, where a correspondingly high degree of shared belief in each other's consent is needed. Thus, creating and maintaining accountability in sexual encounters is essential. Moreover, it has instrumental value in protecting people from unwanted sex and constitutive value in defining sexual encounters for partners³⁹⁴.

It is also critical that consent communication is unambiguous. Ambiguity is more likely to happen when alcohol, drugs are involved. Intoxication can diminish people's abilities to send and receive signals through nonverbal behavior. Similarly, ambiguity is more likely in communication between relatively inexperienced individuals; limited communicative ability in a speaker and limited interpretive ability in a listener is likely to preclude the clear communication needed for sexual consent³⁹⁵. With these factors, nonverbal behavior fails to communicate consent adequately. In such a context, unambiguous consent would require explicit communication.

Capacity to consent

Presently, there are international, regional, and national legal frameworks protecting individual sexual rights. The Rome Statute provides the broadest statutory recognition of gender-based violence as a crime under international criminal law to date³⁹⁶. In article 7(1)(g), the Rome Statute classifies "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable

³⁹³ Ibid, 251.

³⁹⁴ Ibid, 251.

³⁹⁵ Ibid.

³⁹⁶ United Nations, Department of Economic and Social Affairs, Division for the Advancement of Women, *Handbook for Legislation on Violence against Women*, New York: United Nations publication, no. E.10.IV.2, 2010.

gravity" committed "as part of a widespread or systematic attack directed against any civilian population" as crimes against humanity³⁹⁷.

In addition to developing legal and policy instruments at the regional level, there is also an increasing body of jurisprudence on sexual violence under the regional human rights treaties. Cases heard by the European Court of Human Rights and the Inter-American Commission on Human Rights have directed States to: create appropriate criminal legislation, review and revise existing laws and policies, and monitor legislation enforcement. In X and Y v. the Netherlands³⁹⁸, The European Court of Human Rights found that the Netherlands had breached its human rights responsibilities under the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 8) by failing to create appropriate criminal legislation applicable to the rape of a mentally disabled young woman.

Across jurisdictions, the law denies the capacity to consent to sex in particular circumstances. Unavoidably a law that restricts the ability to agree to a distinct sexual act also affects individual liberty. Laws that designate that a person cannot consent in advance to unconscious sexual activity or that a person under a certain age or with a particular intellectual capacity cannot consent impact sexual freedom. Regardless of the substantive definition of consent operative in a specific jurisdiction, these legal regulations remove actors' ability to engage in consensual sexual activity without some risk of criminal liability.

In Canada, the capacity to consent to sex is determined based on age, level of consciousness, cognitive ability, the social utility of the sex act, and degree of consanguinity³⁹⁹. Most jurisdictions formulate the capacity to consent to sexual contact by some or all of these same variables. The growing

³⁹⁷ Rome Statute of the International Criminal Court.

³⁹⁸ X and Y v. the Netherlands, European Court of Human Rights 8978/80, 1985.

³⁹⁹ Criminal Code, RSC 1985, c. C-46, § 150.1 (age of consent), R v. J.A., 2011 SCC 28, [2011] 2 SCR 440 (consciousness); Criminal Code, RSC 1985, c. C-46, § 153.1(1) (mental capacity); R v. Jobidon, [1991] 2 SCR 714, 128 NR 231; R v. Welch, [1995] 25 OR (3d) 665; 101 CCC (3d) 216 (social utility). Elaine Craig, "Capacity to Consent to Sexual Risk," *New Criminal Law Review: An International and Interdisciplinary Journal*, 17, no. 1 (Winter 2014): 104.

competition between political and religious interests, transforming social order, affects the changing legal capacity parameters to consent to sexual contact in all world. The aftermath of revelations about the sexual conduct of Jimmy Savile arose the debate in Britain on the age of consent⁴⁰⁰. Rape cases in England proved the difficulties for sexual violence victims to prove rape in a court. In 2018 Crown Prosecution Service's annual report showed a 23% drop in prosecutions for rape; however, a new analysis of the latest crime statistics revealed that just 1.5% of all rape cases lead to a suspect being charged or summoned⁴⁰¹. According to the E.U. broad survey has found over 1 in 10 people in the U.K. think being drunk or on drugs may be an excuse for sexual violence⁴⁰².

Most theorists recognize there are particular facts, the presence of which nullifies the consent⁴⁰³. Hurd points out that "prima facie consent is the possession of the subjective mental State (which she calls *mens rea of the consent*) along with an external manifestation of the consent (the *actus reus of the consent*)."⁴⁰⁴. The lack of the capacity or the opportunity for meaningful choice in consenting fails to generate valid consent. Mark Dsouza names the conditions that "defeat a person's status as a responsible agent; a person with infancy, insanity, and automatism cannot exercise the moral autonomy necessary to give genuine consent."⁴⁰⁵. Besides, according to Dougherty's argument, the deception falls under the factors that vitiate consent. Therefore, it impairs a proper choice of an individual and hinders seeing the actual situation. Hence, such a mistake makes a person incapable of making a choice.

⁴⁰⁴ Ibid, 499.

⁴⁰⁵ Ibid, 502.

⁴⁰⁰ Ellie Crumbo, Reacting to Child Abuse by Lowering the Age of Consent Would Be Cruel, THE GUARDIAN, May 10, 2013, http://www.guardian.co.uk/commentisfree/2013/may/10/child-abuseage-of-consent.

⁴⁰¹ Chiara Capraro, "The Law is clear – sex without consent is rape. So why is Justice increasingly out of reach?" *HUFFPOST U.K. edition*, July 8, 2019.

⁴⁰² Ibid.

⁴⁰³ Mark Dsouza, "Undermining prima facie consent in the criminal law," *Law and Philosophy* 33, no. 4 (July 2014), p. 498.

To sum up, consent is no absolute right of each individual. The government interferes with forbidding wrongful behavior and protecting others. The State's failure to provide an appropriate criminal legislature affects individual freedoms. Scholars agree that capability is a key to morally permissible consent. Hence, consent can only be valid if the person has the right to give one.

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